

## TOLEDO - LUCAS COUNTY PLAN COMMISSIONS

One Government Center, Suite 1620, Toledo, OH 43604 P: 419 245-1200 F: 419 936-3730

DATE: May 16, 2022

REF: V-150-22

TO: President Matt Cherry and Members of Council, City of Toledo

FROM: Toledo City Plan Commission, Thomas C. Gibbons, Secretary

SUBJECT: Vacation of the 16 ft alley lying south of Western Avenue and along the easterly lot line of Lot 17 for a distance of 110 ft together with a portion of a 14 ft alley running east and west along the northerly lot lines of Lots 40 and 41 for a distance of 160 ft.

The Toledo City Plan Commission considered the above-referenced request at its meeting on Thursday, May 12, 2022 at 2:00 P.M.

### GENERAL INFORMATION

#### Subject

|           |   |   |
|-----------|---|---|
| Request   | - | Vacation of the 16 ft alley lying south of Western Avenue and along the easterly lot line of Lot 17 for a distance of 110 ft together with a portion of a 14 ft alley running east and west along the northerly lot lines of Lots 40 and 41 for a distance of 160 ft. |
| Applicant | - | Jennifer Hartley<br>1449 Western Avenue<br>Toledo, OH 43609   |

#### Site Description

|              |   |                            |
|--------------|---|----------------------------|
| Zoning       | - | RD6 – Duplex Residential   |
| Area         | - | ± 0.09 acres               |
| Frontage     | - | ± 16' along Western Avenue |
| Dimensions   | - | 16' x 110' and 14' x 160'  |
| Existing Use | - | Alley                      |
| Proposed Use | - | Alley                      |

#### Area Description

|       |   |  |
|-------|---|--|
| North | - | Single Family and Multifamily Residential / RD6          |
| South | - | Undeveloped land and Swan Creek / RD6                    |
| East  | - | Single Family Homes and Swan Creek / RD6 & CN            |
| West  | - | Single Family, Duplex, and Multifamily Residential / RD6 |

## **GENERAL INFORMATION (cont'd)**

### Parcel History

None on file.

### Applicable Regulations

- Toledo Municipal Code, Part Eleven: Planning and Zoning
- Toledo 20/20 Comprehensive Plan

## **STAFF ANALYSIS**

The applicant is requesting a Vacation of the 16 feet alley lying south of Western Avenue and along the easterly lot line of Lot 17 for a distance of 110 feet together with a portion of a 14 feet alley running east and west along the northerly lot lines of Lots 40 and 41 for a distance of 160 feet. The applicant owns 1445 and 1449 Western Avenue, and 327 Edna Street R (property across the alley to the south). Surrounding land uses include single family homes and multifamily housing to the north; undeveloped land and Swan Creek to the south; single family homes and Swan Creek to the east; and single family, duplex, and multifamily residential to the west. On 03/29/2022, City Council approved a declaration of intent (*Res. 150-22*) to Vacate the requested alley.

The applicant is requesting the Vacation in order to be able to combine the properties she owns and maintain them as her yard. The applicant reported that the properties abutting Swan Creek have had repeated issues of dumping, and she wishes to clean up the land. She is also currently in the process of purchasing 327 Edna Street R, the property west of her rear lot.

From a site visit on April 8, 2022, the alley appeared unimproved and the terrain sloped significantly downward towards Swan Creek. The applicant has reached out to neighbors and reported that none have an issue with the Vacation. The only garage that has access to the alley is at 1451 Western Avenue, which the applicant's father owns. The Division of Engineering Services identified a sewer access structure at the corner of the alley that would need to be regularly accessed. They are willing to approve of the vacation if an easement is written into the ordinance and the property owner keeps the sewer structure unimpeded. Division of Engineering Services also raised concerns about the garage at 1451 Western Avenue and the rear properties having right-of-way access. An easement for access is required as a condition of approval and the applicant shall combine all lots. The Division of Transportation is also requiring a turnaround at the end of the remaining alley.

## **STAFF ANALYSIS (cont'd)**

### Toledo 20/20 Comprehensive Plan

The Toledo 20/20 Comprehensive Plan future land use designation targets the proposed adjacent land as Single Family Residential and Parks and Open Space. The Single Family Residential land use is intended to accommodate the development of single dwelling units on individual lots. This land use is intended to create, maintain and promote housing opportunities for individual households, although it may include nonresidential uses, duplexes, and planned unit developments that are typically compatible with residential neighborhoods. The Parks and Open Space land use is intended to preserve and enhance major open space and recreational areas. It may also be applied to privately-owned open space areas within residential developments. The Vacation would not hinder these future intended land uses.

Staff recommends approval of the proposed Vacation as it will not alter the intended land use of the site.

## **PLAN COMMISSION RECOMMENDATION**

The Toledo City Plan Commission recommends approval of V-150-22, the request for the Vacation of the 16 ft alley lying south of Western Avenue and along the easterly lot line of Lot 17 for a distance of 110 ft together with a portion of a 14 ft alley running east and west along the northerly lot lines of Lots 40 and 41 for a distance of 160 ft. to Toledo City Council for the following reason:

1. The proposed Vacation conforms to the Toledo 20/20 Comprehensive Plan (TMC§1111.0606(A) – *Review & Decision-Making Criteria*).

The Toledo City Plan Commission further recommends approval of V-150-22, the request for the Vacation of the 16 ft alley lying south of Western Avenue and along the easterly lot line of Lot 17 for a distance of 110 ft together with a portion of a 14 ft alley running east and west along the northerly lot lines of Lots 40 and 41 for a distance of 160 ft, to Toledo City Council subject to the following **five (5)** conditions:

The conditions of approval are as follows and listed by agency of origin. Applicants are encouraged to contact each of the agencies to address compliance with their conditions.

### Division of Engineering Services

1. 12" sewer in alley. Easement shall be provided in Ordinance.



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**PLAN COMMISSION RECOMMENDATION (cont'd)**

Division of Transportation

2. This vacation will create a dead-end alley coming from Edna Street. For this vacation to happen, a turnaround must be created at the end of the alley.

Plan Commission

3. Parcels 07-18617, 14-37864, 14-37857, and 14-37717 shall be combined.
4. An access easement shall be included in the final Ordinance giving 1451 Western Avenue unimpeded access to the existing garage.
5. An access easement shall be included in the final Ordinance giving the City of Toledo access to the sewer line and access structure.

Respectfully Submitted,



Thomas C. Gibbons  
Secretary

DR

Two (2) sketches follow

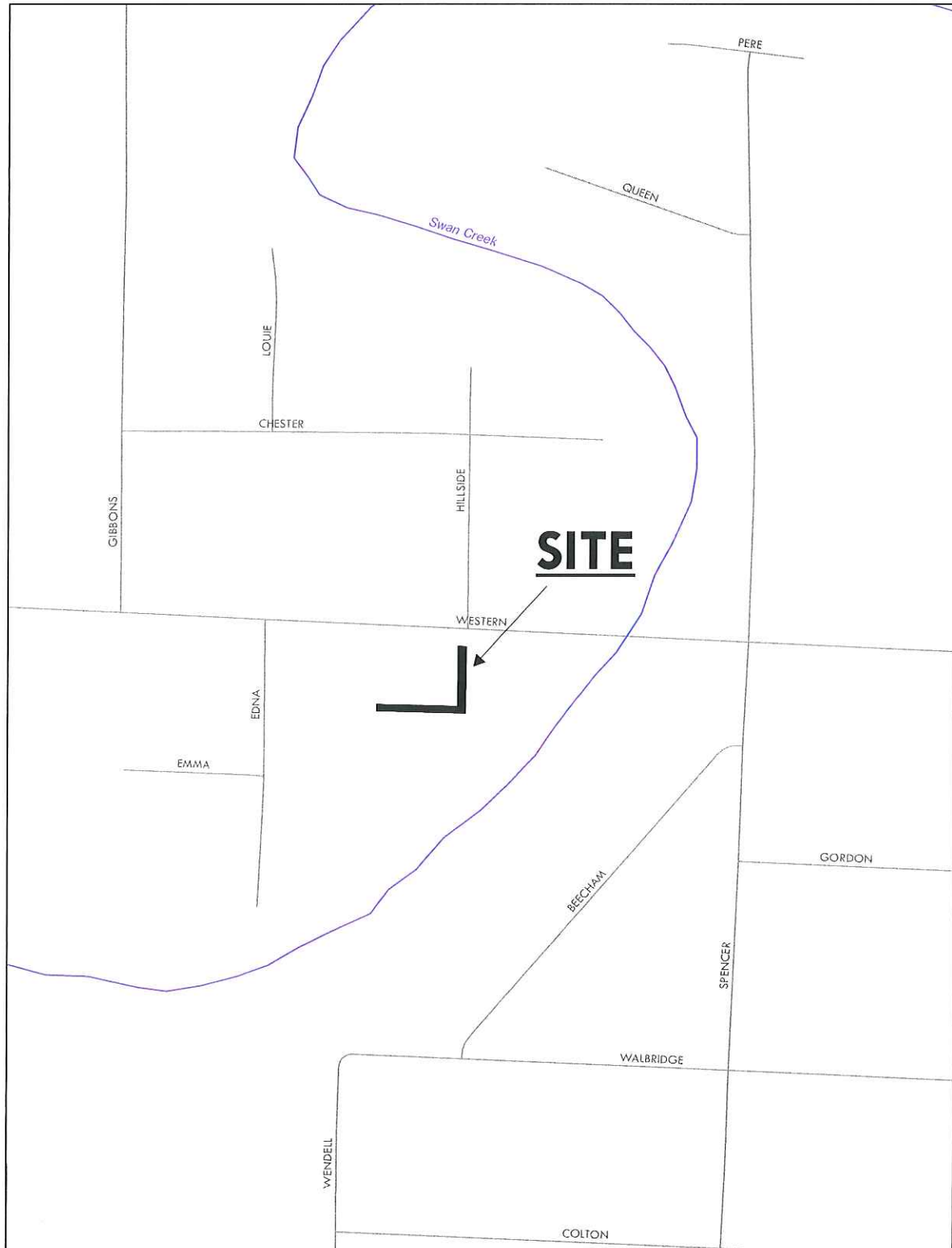
Cc: Jennifer Hartley, 1449 Western Avenue, Toledo OH 43609

Lisa Cottrell, Administrator

Dana Reising, Planner

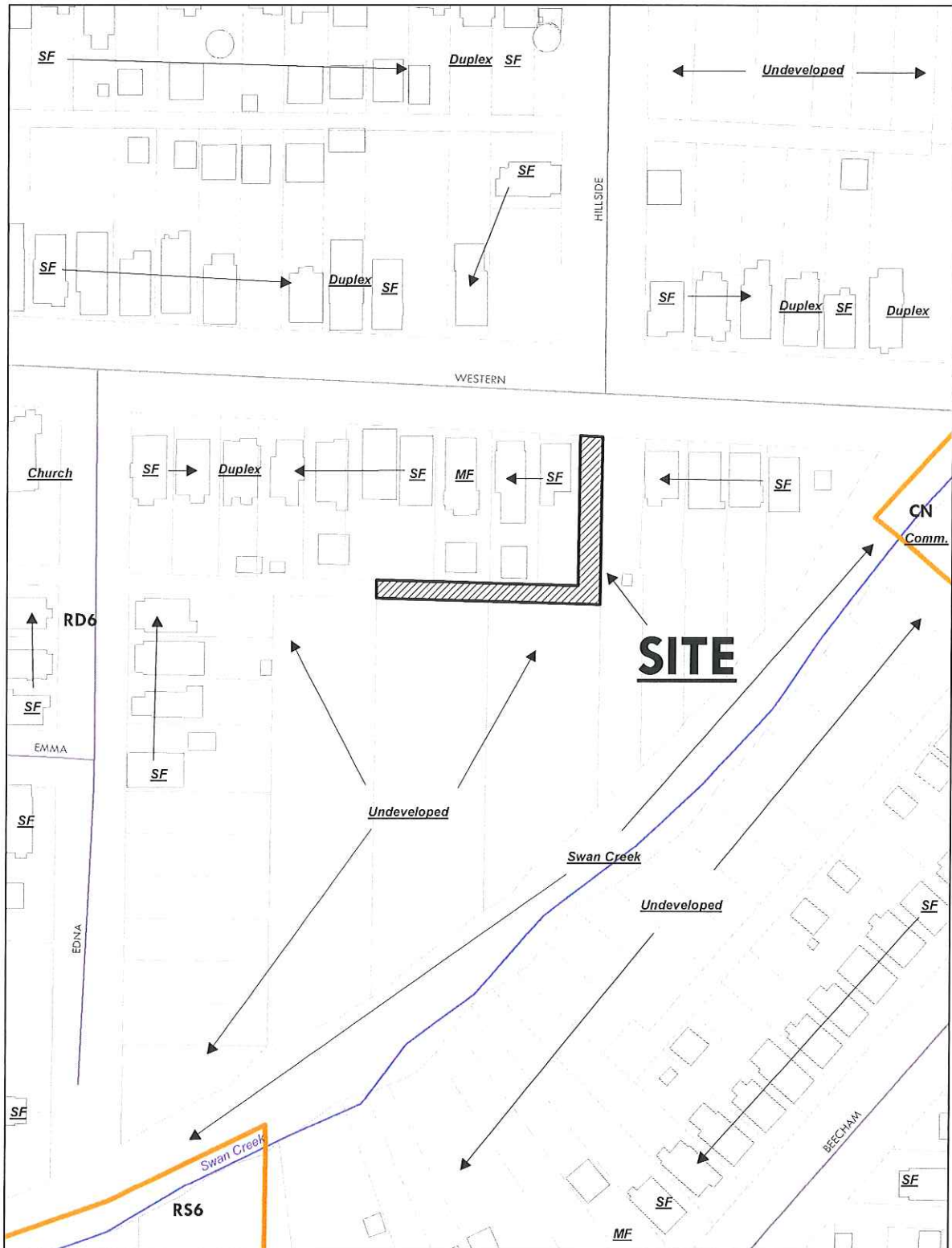
# GENERAL LOCATION

V-150-22  
ID 20



# ZONING & LAND USE

V-150-22  
ID 20



## MEMORANDUM OF CASE CONTACT

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