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ROBERT M. PRINCE
OF COUNSEL

May 24, 1976

Mr. Martin L. Cassell
Route 2, Box 331
Sutton Road
Barrington, Illinois 60010

Re: Bradford K. Kroha
Penny Road

Dear Mr. Cassell:

It is my understanding that Mr. Kroha appeared again at the last meeting of the Plan Commission and is continuing in his effort to obtain approval of his proposal to divide his 10.57 acre parcel on Penny Road into two five acre parcels. Mr. Kroha has contacted me by telephone in this regard and I advised him of my intention to prepare an opinion letter to you, probably outlining one or more alternatives for consideration by the Plan Commission.

From a strictly legal standpoint, the Barrington Hills Zoning Ordinance (as amended by Ordinance 1965-4) specifically authorizes the owner of a corner lot to select which of the intersecting roads, whether public streets or private platted roads, is to be the front lot line of the property. If a corner lot is properly created by Mr. Kroha, he could select a north-south private platted road as the frontage for the two lots and thereby apparently satisfy the 300 foot average width requirement.

Mr. Martin L. Cassell

May 24, 1976

Page 2

The Zoning Ordinance defines "Lot, Corner" as a lot situated at the intersection of two streets or roads, and defines "Street or Road" to be a "public or private right-of-way which affords a primary means of access". "Lot Line, Front" is referred to definitionally as a "boundary of a lot" along the public or platted road.

In order for a platted road on Mr. Kroha's property to serve as the lot boundary of a corner lot, a platted road would have to run along the west property line from Penny Road south through the northerly lot.

The platted road would have a minimum required width under the Subdivision Ordinance of 50 feet and would have to be approved by the Plan Commission as a part of the two-lot subdivision. Such a 50 foot right-of-way would not include the existing asphalt road pavement.

Two general alternatives are apparently presented: (1) require construction of a new private road pavement on a 50 foot right-of-way at the west line; construction would have to meet standards satisfactory to the Plan Commission, presumably those recommended by the Village Engineer under date of April 14, 1976 subject to any variations recommended by the Plan Commission and approved by the Village Board; (2) require a wider than usual right-of-way, wide enough to encompass the existing asphalt road (thus being roughly 110 feet wide on the north portion, 60 - 80 feet wide in the middle section and 60 feet wide on the south portion); engineering inspection of the existing roadway would be needed, and probably variations from the April 14, 1976 requirements.

In any event a subdivision would be required under the Subdivision Ordinance since new streets or easements are needed. Thus the owner cannot legally divide the

Mr. Martin L. Cassell
May 24, 1976
Page 3

existing property without Plan Commission approval and
Village Board action under the Subdivision Ordinance.

Very truly yours,



Sydney G. Craig
Village Attorney

SGC:ja.