

PLAN COMMISSION REPORT

Proposal: Minor Land Division/Lot Line Adjustment
Description: Review of a Minor Land Division/Lot Line Adjustment request to adjust the lot line between properties located at 8801 S. Charmaine Circle and 3381 E. Carol Court.
Applicant(s): Greg & Gail Holtz and James & Sarah Nickols
Address(es): 8801 S. Charmaine Circle & 3381 E. Carol Court (4th Aldermanic District)
Suggested Motion: That the Plan Commission recommends to the Common Council that the Certified Survey Map submitted by Greg & Gail Holtz and James & Sarah Nickols for the properties at 8801 S. Charmaine Circle and 3381 E. Carol Court be approved with the following condition:

That all technical corrections, including, but not limited to spelling errors, minor coordinate geometry corrections, and corrections required for compliance with the Municipal Code and Wisconsin Statutes, are made prior to recording.

Owner(s): Greg & Gail Holtz and James & Sarah Nickols
Tax Key(s): 864-0081-000 and 864-0082-000
Lot Size(s): 0.4265 acres and 0.3422 acres (after lot line adjustment)
Current Zoning District(s): Rs-3, Single Family Residential
Overlay District(s): N/A

Wetlands: Yes No **Floodplain:** Yes No

Comprehensive Plan: Single Family Detached

Background:

The Applicants are requesting recommendation of approval of a Minor Land Division/Lot Line Adjustment to adjust the lot line between the properties at 8801 S. Charmaine Circle and 3381 E. Carol Court. Both lots are currently located in the Rs-3, Single Family Residential zoning district. The purpose of the Minor Land

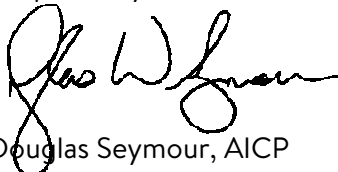
Division/Lot Line Adjustment is to correct a situation in which the lot line runs through an existing garage located on 8801 S. Charmaine Circle. To correct the situation, the property owners at 3381 E. Carol Court have agreed to sell a 6-foot strip of land running along the southern lot line of their property to the property owners at 8801 S. Charmaine Circle.

With this change, both parcels continue to meet the minimum lot size for the Rs-3 zoning district. This change does not bring the existing garage at 8801 S. Charmaine Circle into compliance with the rear setback requirement, but it reduces the degree of nonconformity.

Staff have no objections to the proposal with the conditions of approval recommended above.

Options/Alternatives: The Plan Commission may recommend Common Council approval of the proposed Certified Survey Map with specified conditions, or that the Common Council not approve of the proposed CSM. Should the proposal not be recommended for Council approval, Plan Commissioners must provide criteria per Code/PUD upon which the denial is based, and the Applicant may choose to request Council approval without recommendation. Disapproval would result in the existing configurations of the parcels to remain, and may affect future reuse/redevelopment proposals.

Respectfully submitted:



Douglas Seymour, AICP
Director of Community Development

Prepared:



Sylvia Brueckert
Zoning Administrator/Planner

Attachments:

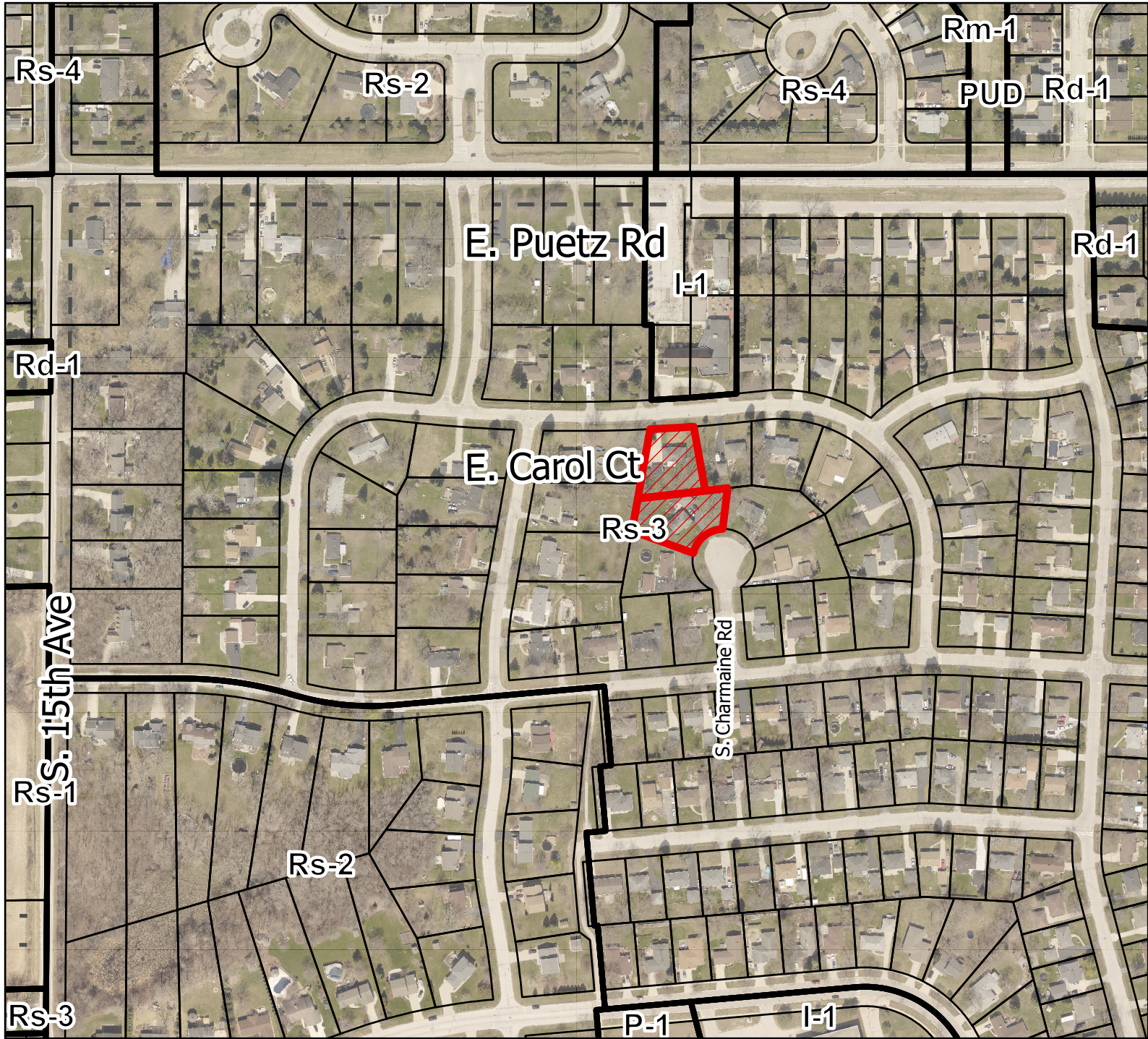
Location Map

Narrative Describing Lot Line Adjustment (1 page)

Proposed CSM (4 pages)

Notification Map

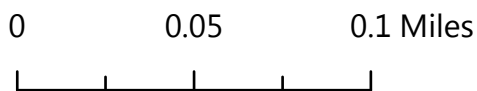
8801 S. Charmaine Circle and 3381 E. Carol Court



This map is not a survey of the actual boundary of the property this map depicts

Legend

- Zoning
- Official Street Map
- Floodway
- Flood Fringe
- Parcels
- 8801 S Charmaine Circle and 3381 E Carol Court



PLAN COMMISSION APPLICATION
NARRATIVE DESCRIBING LOT LINE ADJUSTMENT

The owners of 8801 S. Charmaine Circle (Holtz) and 3381 E. Carol Court (Nickols) have been in negotiations since last fall regarding their shared lot line due to the fact that the Nickols recently purchased the house and what was previously understood as the Holtzs property is being asserted by the Nickols to be their property.

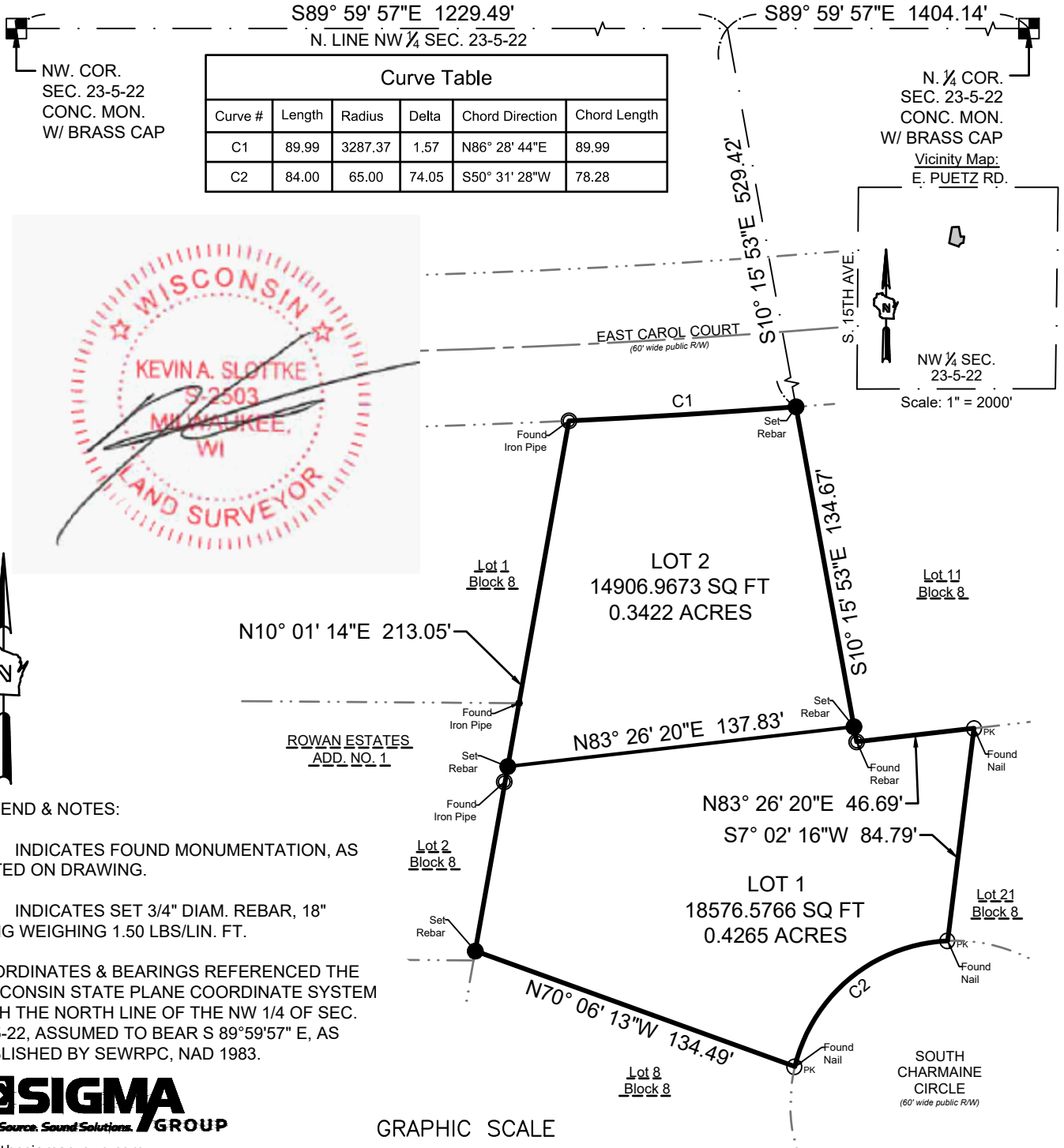
Following surveys by both owners, it was revealed that the current lot line reflected in the legal descriptions runs through the Holtzs' garage that was built back in the 1960s. In an effort to settle all adverse possession claims and clearly delineate a lot line that does not result in encroachments, the owners executed the attached Purchase and Sale Agreement.

The Holtzs now seek the City's approval of this lot line adjustment.

CERTIFIED SURVEY MAP NO. _____

LOTS 9 AND 10 IN BLOCK 8 OF ROWAN ESTATES ADDITION NO. 1, IN THE NORTHWEST AND NORTHEAST 1/4 OF THE NORTHWEST 1/4 OF SECTION 23, TOWNSHIP 5 NORTH, RANGE 22 EAST, CITY OF OAK CREEK, MILWAUKEE COUNTY, WISCONSIN.

ADDRESSES: 8801 S. CHARMAIN CIR. OAK CREEK, WI & 3381 E CAROL CT. OAK CREEK, WI
 TAXKEYS: 864-0081-000 & 864-0082-000



LEGEND & NOTES:

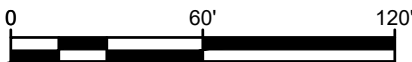
- INDICATES FOUND MONUMENTATION, AS NOTED ON DRAWING.
- INDICATES SET 3/4" DIAM. REBAR, 18" LONG WEIGHING 1.50 LBS/LIN. FT.

COORDINATES & BEARINGS REFERENCED THE WISCONSIN STATE PLANE COORDINATE SYSTEM WITH THE NORTH LINE OF THE NW 1/4 OF SEC. 23-5-22, ASSUMED TO BEAR S 89°59'57" E, AS PUBLISHED BY SEWRPC, NAD 1983.



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 1300 West Canal Street
 Milwaukee, WI 53233
 Phone: 414-643-4200
 Fax: 414-643-4210

GRAPHIC SCALE

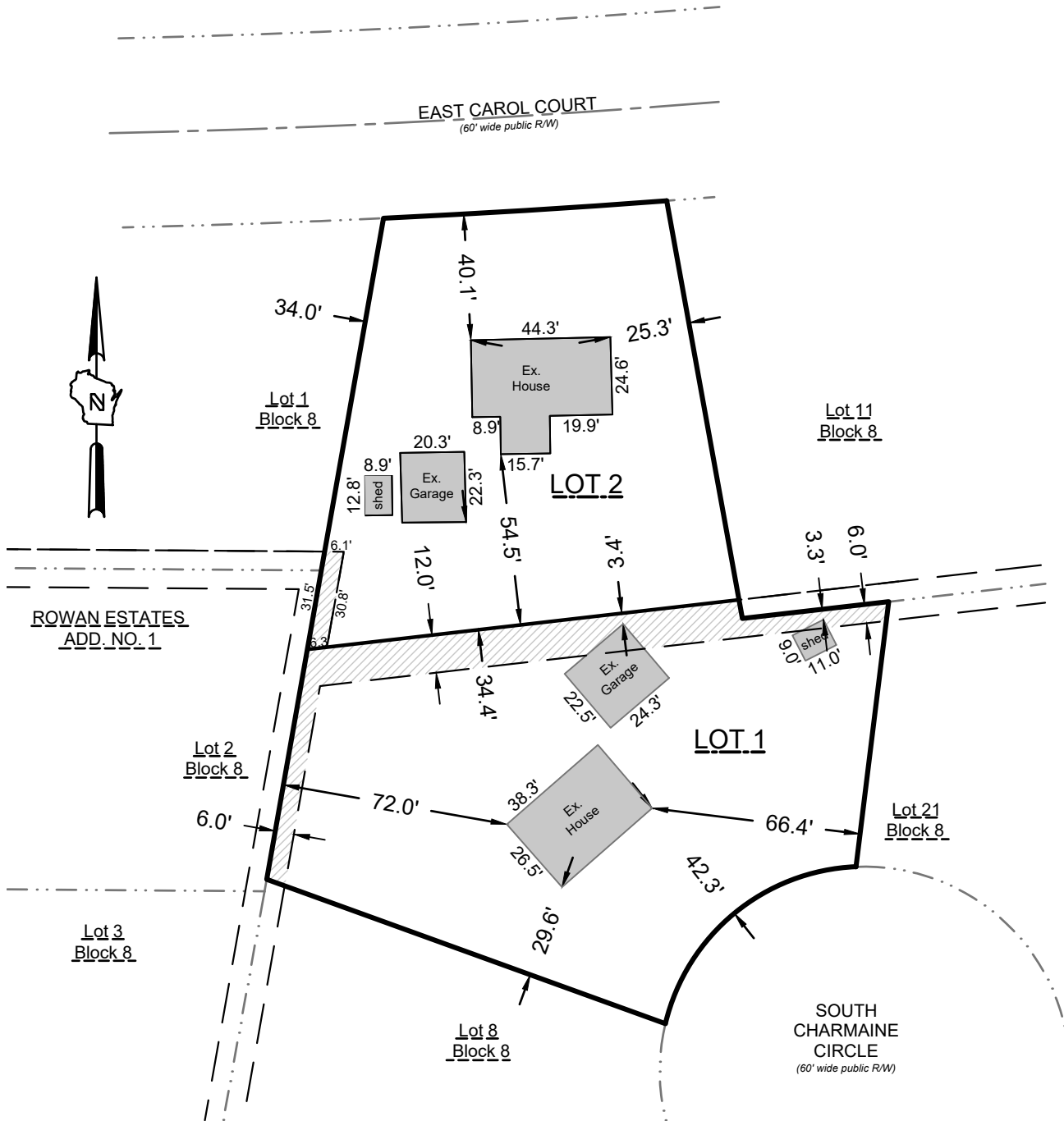


PROJECT NUMBER 21534 DRAFTED BY NGC

Sheet 1 of 4





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EXISTING EASEMENTS AND STRUCTURES

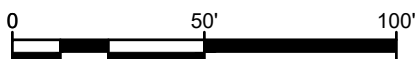
LEGEND & NOTES:

-  INDICATES 6' OR 12' PUBLIC UTILITY EASEMENT
-  PROPERTY LINE
-  EASEMENT
-  ADJOINER PROPERTY



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SURVEYOR'S CERTIFICATE

STATE OF WISCONSIN)
SS
MILWAUKEE COUNTY)

I, Kevin A. Slottke, Professional Land Surveyor, hereby certify that I have surveyed, divided and mapped a division of Lots 9 and 10 in Block 8 of Rowan Estates Addition No. 1, in the Northwest and Northeast 1/4 of the Northwest 1/4 of Section 23, Township 5 North, Range 22 East, City of Oak Creek, Milwaukee County, Wisconsin.

Commencing at the Northwest corner of said Section 23; thence South 89°59'57" East, 1229.49 feet along the North line of the Northwest 1/4 of said Section; thence South 10°15'53" East, 529.42 feet to the point of beginning of this description; thence continuing South 10°15'53" East, 134.67 feet; thence North 83°26'20" East, 46.69 feet; thence South 07°02'16" West, 84.79 feet; thence Southwesterly 84.00 feet along the curve of an arc whose radius lies 65.00 feet to the Southeast and whose chord bears South 50°31'28" West, 78.28 feet; thence North 70°06'13" West, 134.49 feet; thence North 10°01'14" East, 213.05 feet; thence Easterly 89.99 feet along the curve of an arc whose radius lies 3287.37 feet to the North and whose chord bears North 86°28'44" East, 89.99 feet to the point of beginning of this description.

Said parcel contains 33,483.5219 square feet or 0.7687 acre of land, more or less.

That I have made the survey, land division, and map by the direction of the Greg and Gail Holtz, owners of said land.

That the map is a correct representation of all the exterior boundaries of the land surveyed and the land division thereof made.

That I have fully complied with Chapter 236 of the Wisconsin Statutes and Chapter 119 of the Milwaukee Code of Ordinances in surveying, dividing and mapping the same. Per Wis. Stat. 236.21 (1), this certificate has the same force and effect as an affidavit.



KEVIN A. SLOTTKE S-2503

DATE: MARCH 23, 2023



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1300 West Canal Street
Milwaukee, WI 53233
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OWNER'S CERTIFICATE

As owner, I, Greg and Gail Holtz, Certify that we caused the land described on this Certified Survey Map to be surveyed, divided, mapped and is represented on this map in accordance with the requirements of Chapter 236 of the Wisconsin Statutes and the City of Oak Creek Code of Ordinances.

This agreement is binding on the undersigned and successors and assigns.

Date: _____

Greg and Gail Holtz

Signature: _____

Print Name: _____

Title: _____

OWNER'S CERTIFICATE

As owner, I, James and Sarah Nickols, Certify that we caused the land described on this Certified Survey Map to be surveyed, divided, mapped and is represented on this map in accordance with the requirements of Chapter 236 of the Wisconsin Statutes and the City of Oak Creek Code of Ordinances.

This agreement is binding on the undersigned and successors and assigns.

Date: _____

James and Sarah Nickols

Signature: _____

Print Name: _____

Title: _____

PLAN COMMISSION APPROVAL

Approved by the Plan Commission of the City of Oak Creek on this _____ day of _____, 20____.

Name, Chairman

Kari Papelbon, Secretary

COMMON COUNCIL APPROVAL

Approved by the Common Council of the City of Oak Creek in accordance with the Resolution approved on this

_____ day of _____, 20____.

Daniel Bukiewicz, Mayor

Catherine A. Roeske, City Clerk



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