



**CITY OF WAUKESHA**

**Administration**

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<b>Committee:</b> Plan Commission	<b>Date:</b> 2/24/2021
<b>Item Number:</b> PC21-0007	<b>Date:</b> 2/24/2021
<b>Submitted By:</b> Maria Pandazi, City Planner	<b>City Administrator Approval:</b> Kevin Lahner, City Administrator
<b>Finance Department Review:</b> Bridget Souffrant, Finance Director	<b>City Attorney's Office Review:</b> Brian Running, City Attorney
<b>Subject:</b> 709 N. Hartwell Avenue, Certified Survey Map – A two-lot certified survey map to divide the former 709 Hartwell property between properties at 705 and 713 Hartwell Avenue	

**Details:** The applicants are seeking approval of a CSM to combine their property, 713 N. Hartwell Ave., with the parcel immediately to the south, 709 N. Hartwell. The house at 709 N. Hartwell was destroyed by a fire in January of 2020 and it has since been demolished. The combined lot will have an area of roughly 14,000 square feet.

709 N. Hartwell includes a shared driveway with 705 N. Hartwell, the next lot to the south. 705 N. Hartwell currently has an access easement to allow use of the driveway, but they are the only users since the house at 709 N. Hartwell was demolished. The CSM as shown moves the property boundary so the driveway is fully contained within the 705 N. Hartwell boundary, increasing the width of 705 N. Hartwell Ave. to 60 feet. This will increase 705 N. Hartwell's area to approximately 9,000 square feet.

However, the minimum lot width in the RM-3 zoning district is 70 feet. The existing property boundaries predate the zoning ordinance, so all of the properties affected by this CSM are considered to be legal non-conforming, as are most of the properties in the surrounding neighborhood. The Plan Commission and Council can't create a new non-conforming lot, so either the lot line will need to be adjusted or a variance will need to be approved before the CSM is recorded.

The applicants plan to apply for a variance at the Board of Zoning Appeals meeting on April 5<sup>th</sup>. If the variance is approved the CSM will proceed to Council approval as it is shown. If a variance is not approved, they plan to alter the CSM prior to recording so the lot lines between at the south end of their property will remain as they are currently. In that case the CSM will create one new lot with a width of approximately 100 feet, and 705 N. Hartwell's width will remain unaltered.

**Options & Alternatives:**

**Financial Remarks:**



**Staff Recommendation:**

Staff recommends approval of a Certified Survey Map for 709 N. Hartwell Ave. with the following conditions:

- Either a variance must be approved prior to Council approval to allow 705 N. Hartwell to have a width of 60 feet or the CSM must be altered so 705 N. Hartwell can maintain its current legal non-conforming status.
- All Engineering Department and Water Utility comments will be addressed.