

RESOLUTION NO. 2023-40
(4/25/2023)

**A RESOLUTION OF THE VILLAGE OF CALEDONIA APPROVING A WAIVER OF
TITLE 15-1-6 (f) (4) OF THE VILLAGE CODE OF ORDINANCES TO ISSUE PERMITS
FOR THE CONSTRUCTION OF A HOME AT 3738 BUCKLEY ROAD.**

The Village Board of the Village of Caledonia, Racine County, Wisconsin do resolve as follows:

WHEREAS, the owner of the property at 3738 Buckley desired to build at home in the Fall of 2022 and was required to extend the Village Road the length of the property to meet Title 15-1-6 (f) (4); and

WHEREAS, the Property Owner was required to place a deposit down and supply construction plans to extend the road as part of a Developers Agreement. The Property Owner chose to use the Village's Paving Contractor as part of this work which was not guaranteed to be completed by the end of 2022; and

WHEREAS, the Paving Contractor could not complete the work by the end of 2022 and is unable to complete the paving work until the summer of 2023. A large portion of the work has been completed but the ordinance requires the road to be completed for permits to be issued; and

WHEREAS, the Property Owner has requested a waiver to the ordinance to have the permits reviewed and issued prior to the asphalt work being completed; and

WHEREAS, on April 10, 2023, the Village's Board of Public Works reviewed and discussed the waiver. At this meeting, a motion to recommend approval of the waiver to Title 15-1-6 (f) (4) without a fully improved and constructed Right-of-Way was passed subject to the following:

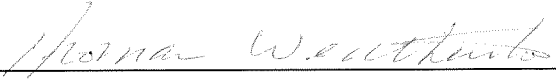
- The Property Owner obtains all State and Local Building Permits prior to construction of the home.
- The Property Owner and his/her Contractor complete the road extension project and all punch list items to Title 18 of the Village Code of Ordinances and to the satisfaction of the Village Engineer and Director of Public Services.

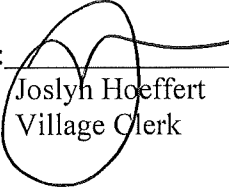
NOW THEREFORE BE IT RESOLVED THAT, that the Village Board is willing to APPROVE the waiver of Title 15-1-6 (f) (4) subject to the following conditions as listed in the Village Engineers Memo attached hereto as **Exhibit A** dated April 5, 2023 and presented to the Board of Public Works on April 10, 2023:

- The Property Owner obtains all State and Local Building Permits prior to construction of the home.
- The Property Owner and his/her Contractor complete the road extension project and all punch list items to Title 18 of the Village Code of Ordinances and to the satisfaction of the Village Engineer and Director of Public Services.

Adopted by the Board of Trustees of the Village of Caledonia, Racine County, Wisconsin, this 25 day of April, 2023.

VILLAGE OF CALEDONIA


By: 
Thomas Weatherston
Village President

Attest: 
Joslyn Hoeffert
Village Clerk

MEMORANDUM

Date: April 5, 2023

To: Board of Public Works
Village Board

From: Ryan Schmidt, P.E. 
Village Engineer

Re: Waiver of Title 15-1-6-(f)(4) for Issuance of Building Permit-3738 Buckley Road.

Background Information

In Fall of 2022, Property Owner Don Christensen came to the Village with a proposal to build a single-family home on the property at 3738 Buckley Road (Parcel ID 104-04-23-31-073-000). At the time, this parcel did not abut an improved portion of Buckley Road and therefore, Buckley Road was required to be constructed and improved for the remaining portion of Right-of-Way with Turnaround Tees per Title 15-1-6 (f)(4). This message was conveyed to the Owner of the parcel before the plans were acquired and during all meetings leading up to the project. Title 15-1-6 (f) (4) of the Village Code is more specifically written as:

*(4) **Highway Access.** If the land does not abut upon a public highway which has been laid out, constructed and improved as required by the ordinances of the Village of Caledonia, the Building Inspector shall deny such permit. If the land abuts upon more than one (1) public highway, all such highways shall have been laid out, constructed and improved as required by the ordinances of the Village as a condition to the issuance of a building permit. If the land abuts upon a public highway which is less than four (4) rods in width, the Building Inspector shall deny such permit unless any such highway of lesser width has theretofore been laid out, constructed, improved, accepted and used by the governmental unit having jurisdiction over such public highway. Any such application denied by the Building Inspector shall be referred by him to the Village Board, and the Building Inspector shall deny such permit unless and until the applicant shall comply with the requirements of the Town Board as to the dedication of additional right-of-way reasonably required to create a four (4) rod public highway.*

As a result, the owner provided construction plans and a developer's deposit for the work to be completed. The owner decided to coordinate the asphalt paving of the road as part of the Village's resurfacing project, which was near its completion in 2022. The road would need to be paved in 2023 if the work was not completed by early November. Plans for the extension of the road were initially provided by Nielsen, Madsen, and Barber on September 7, 2022 and approved with revisions on October 6, 2022. A preconstruction meeting was held on November 4, 2022. The grading, culvert installation, and sewer/water installation was completed during November and December which was too late to have asphalt pavement installed under the Village's Contract. Therefore, paving would need to wait until 2023 under the new Village Paving Contract or the Property Owner has the option to utilize his own contractor for paving the road.

The Property Owner has since requested permission to start construction of the single-family home on the property utilizing the compacted gravel base rather than waiting until summer to get the road paved or hiring his own contractor to pave the road. In order to do this, Staff would still need

to review the Building Permit application for compliance with all other Building Codes and Village Ordinances as is typical with all Building Permit applications. In addition, the Board of Public Works and the Village Board would need to approve a waiver to Ordinance 15-1-6(f)(4). If this waiver is approved, Staff recommends that the Village Board direct staff to review and modify the policy regarding the development of property on constructed and improved public Right of Ways.

If the Public Works Committee and Village Board supports waiving Village Ordinance 15-1-6 (f) (4) for 3738 Buckley Road, the following motion is recommended:

Move to recommend approval of a waiver to Title 15-1-6 (f) (4) at 3738 Buckley Road to issue a Building Permit for a Single-Family Home without a fully improved and constructed Right-of-Way subject to the following:

- **The Property Owner obtains all State and Local Building Permits prior to construction of the single-family home.**
- **The Property Owner and his/her Contractor complete the road extension project and all punch list items to Title 18 of the Village Code of Ordinances and to the satisfaction of the Village Engineer and Public Services Director prior to the issuance of the Occupancy Permit or November 15, 2023.**

If the Public Works Committee and Village Board does not support waiving Village Ordinance 15-1-6 (f) (4) for 3738 Buckley Road, the following motion is recommended:

Move to deny a waiver to Title 15-1-6 (f) (4) at 3738 Buckley Road to issue Building Permits for a Single-Family Home without a fully improved and constructed Right-of-Way.