

RESOLUTION NO. 2019-89

**RESOLUTION OF THE VILLAGE BOARD OF THE VILLAGE OF CALEDONIA
DENYING AN APPEAL TO ALLOW A CONCRETE DRIVEWAY AND SIDEWALK TO
REMAIN IN A STORM WATER EASEMENT AT 3927 WILD GINGER WAY – PARCEL
ID 51-104-04-22-33-313-125 OWNERS MARTIN & BONNIE ZABKOWICZ**

WHEREAS, the Village of Caledonia received an appeal of the decision of the Village's Utility Director to have the concrete driveway and sidewalk removed from the 9' storm water easement at 3927 Wild Ginger Way, from the property owners Martin & Bonnie Zabkowicz

WHEREAS, the Village's Utility Director prepared a Memorandum dated September 25, 2019 detailing the request, the circumstances surrounding the driveway and sidewalk, and provided a recommendation. This memo is attached hereto as **Exhibit A**.

WHEREAS, on October 2, 2019, the Village Utility District reviewed and discussed the appeal. The Utility District recommended to deny the appeal request for the following reason:

- The driveway and sidewalk shall be removed from the 9' storm sewer easement to conform to the instructions on the Building Permit.

NOW, THEREFORE, BE IT RESOLVED, that the Village Board adopt the findings of the Village's Utility Director as set forth in the Village's Utility Director's Memo dated September 25, 2019 attached hereto and incorporated herein as **Exhibit A**.

BE IT FURTHER RESOLVED, by the Village Board that the request for an appeal of the Village's Utility Director decision to have the concrete driveway and sidewalk removed from the 9' storm water easement at 3927 Wild Ginger Way be **DENIED** for the following reasons:

- The Building Permit Instructions specifically noted that driveways and sidewalks are not to be installed in the Easement areas on the property;
- There is a 24" RCP storm sewer located in the 9' Storm Sewer Easement which the Caledonia Utility District will need to maintain;
- The Village's need for consistency in regulating easements with utilities to serve properties in the Village;
- Granting an appeal of this nature would be precedent setting for future requests for encroachments in easements.

7th Adopted by the Village Board of the Village of Caledonia, Racine County, Wisconsin, this day of October, 2019.

VILLAGE OF CALEDONIA


By: James R. Dobbs
James R Dobbs, Village President

Attest: Karie Pope
Karie Pope, Village Clerk

MEMORANDUM

DATE: Wednesday, September 25, 2019

TO: Caledonia Utility District

FROM: Anthony A. Bunkelman P.E.
Utility Director 

RE: 3927 Wild Ginger Way – Driveway Appeal

BACKGROUND INFORMATION

Martin & Bonnie Zabkowicz own the home at 3927 Wind Ginger Way. They built their home with Kaerek Homes in the last 1/3 of 2017 and into 2018. On the Building Permit for the home, there were specific instructions stating that they were not to have any driveways or sidewalks in any of the easement areas on the lot. The Building Permit instructions and survey are attached. There is a 12' Drainage & Utility Easement along the East lot line and a 9' Storm Sewer Easement along the South lot line. The Zabkowicz's built their home within 0.25' of the 9' Storm Sewer Easement. The 9' Storm Sewer Easement encompasses a 24" RCP Storm Sewer that drains a significant amount of the Right of Way and lots along Wild Ginger Way from the South.

The Zabkowicz's did not follow the instructions on their Building Permit and installed a portion of their driveway and a sidewalk to the rear yard within the 9' Storm Sewer Easement. After the Zabkowicz's had multiple conversations with the Engineering Technicians about removal of the driveway and sidewalk from the easement, along with various other issues on the lot in which the owners did not follow instructions on the Building Permit, the driveway and sidewalk encroachment has been forwarded to the Utility District for resolution.

Based on the instructions that were on the Building Permit and the narrow easement for access and maintenance of the 24" RCP storm sewer, as the Utility Director, I informed the Zabkowicz's that the portion of the concrete driveway and sidewalk that encroaches in the 9' Storm Sewer Easement would need to be removed. That directive was given to the Mr. Zabkowicz verbally over the phone and in person when he had come to the Village Hall. Mr. Zabkowicz was given some leeway on the physical removal of the concrete because he has hosting a wedding at his home in August.

Mr. & Mrs. Zabkowicz have now decided to appeal the decision of the Utility Director and have submitted a letter to the Utility Director for the appeal. The appeal letter is attached. The appeal procedure is that the appeal will be heard by the Utility District, where a recommendation should be made to the Village Board, and then the Village Board will hear the appeal and make a final decision.

RECOMMENDATION

Move to recommend to the Village Board that the driveway and sidewalk encroachment into the 9' Storm Sewer Easement at 3927 Wild Ginger Way be removed to conform with the instructions on the Building Permit.

GRAVEL DRIVEWAY WITH NEW ROAD ACCESS PERMIT (17-ROW-38)

3927 WILD GINGER WAY
LOT 125, PRAIRIE PATHWAYS SUBDIVISION
PARCEL # 104-04-22-33-313-125

Name of Applicant: Kaerek Homes Inc. Phone: H: 414-321-5300 Dan C: 414-581-6977

Address of Applicant: 11600 W. Lincoln Avenue, West Allis, WI, 53227

Name of Owner: Martin & Bonnie Zabkowicz Phone: H: 414-617-2440

Address of Owner: 503 E. Elm Road, Oak Creek, WI, 53154

Gravel Driveway With New Road Access Permit Fee----- \$100.00 (17-ROW-38).

Payment Received: _____ Date: 8/23/17 By: mg

Culvert Required Yes No Driveway width (minimum) 18 FT.

Culvert Diameter and Type: No cmp needed. Curb and gutter.

Culvert Elevation (Flow Line) . FT. North, West

Culvert Elevation (Flow Line) . FT. South, East

Note: CONTACT THE VILLAGE PRIOR TO PAVING THE DRIVEWAY FOR PERMIT, INSTALLATION AND INSPECTION INSTRUCTIONS. DO NOT CRUSH OR DAMAGE THE SHALLOW STORM WATER DRAINAGE SYSTEM LOCATED IN THE DRIVE.

Note: Flared end Sections will be required on all driveway culverts unless waived in writing by the Village Engineer. Culvert must be installed and driveway built before construction begins, unless temporarily waived in writing by the Village Engineer.

Remarks: Curb & gutter. Reshape and revegetate the road Right of Way to ensure proper drainage to the back of curb. Builder will be responsible to install the driveway and reshape and revegetate Right of Way per the attached Village approved revised survey/grading plans dated 8-17-17. The garage, driveway, and any future sidewalks must be located a minimum of 12' North of the South lot line and lot line extended and 5' South of the North lot line and lot line extended (outside of all easements, and to ensure side yard swales can be installed and maintained). No portion of the driveway shall exceed a centerline slope of 6%. The driveway is close to the 6% maximum allowed and will require that the finished driveway be installed at an even grade from the garage slab to the back of curb. The driveway shall be a minimum of 30' deep opposite the over head doors. Side slopes on the driveway are not to exceed 4:1. The driveway must be installed so as to ensure water drains away from the home, that runoff does not flow out into the road, onto abutting properties or create an icing problem in the road. Note: The drive will be located over a shallow sump pump collection system. The garage is built right up to a 9' wide Drainage Easement. This easement contains a shallow storm sewer system with a sump pump lateral for this lot. The sanitary and water laterals are also located near the drive. Care must be taken not to crush or damage these systems. If crushed, damaged, or in need of repair/adjustment, contact the Caledonia Engineering Department and the Caledonia Utility District for repair/modification and inspection instructions. See the Village approved revised survey/grading plan dated 8-17-17 for site grading and erosion control instructions.

Signature of Applicant: [Signature] Date: 8/23/17

Permit Granted: [Signature] Date: 8-18-17

SITE GRADING INSTRUCTION SHEET (17-FP-47)

3927 WILD GINGER WAY
LOT 125, PRAIRIE PATHWAYS SUBDIVISION
PARCEL # 104-04-22-33-313-125

Name of Applicant: Kaerek Homes Inc. Phone: H: 414-321-5300 Walter C: 414-429-7605

Address of Applicant: 11600 W. Lincoln Avenue, West Allis, WI, 53227

Name of Owner: Martin & Bonnie Zabkowicz Phone: H: 414-617-2440

Address of Owner: 503 E. Elm Road, Oak Creek, WI, 53154

Site Grading Plan Review Fee----- \$ 225.00.

Payment Received: _____ Date: 8/23/17 By: [Signature]

*Recent OK
10.4.17*

SITE GRADING AND FINISHED YARD GRADE INSTRUCTIONS

Proposed Finished Yard Elevation: 725.46 FYG on home. The garage slab elevation is to be no higher than 725.79.

Note: Shallow Sanitary Sewer. Per plans, the basement may not be able to be served by a gravity flow sanitary sewer system. A hung sanitary sewer system may be required. Recommend exposing the sanitary sewer lateral prior to digging the basement to verify its elevation.

NOTE: There is a storm water drainage system with lateral that runs along the South side of the lot in the 18' Drainage Easement. There is also a shallow sump collection system that runs parallel to the back of curb across the front of the lot to serve the homes to the North. Care must be taken not to crush or damage these systems. The garage is proposed to be built right up to the Drainage Easement. Do not install the structure in any easement areas. The sump collection lateral for this lot and the storm sewer system trench may be located near/under the footings/garage. If the system or its trenches are encountered, contact the Village Engineer and Building Inspector immediately for repair/replacement and inspection instructions. Follow a Soil/Design Engineer's conditions for foundation and storm water drainage system foundation support, and for a water proof barrier installation between the storm water drainage system and the house foundation if near/under the foundation. An Engineer stamped report of the installation and inspections shall be submitted to the Village Engineer and Village Building Inspector.

NOTE: LOTS MAY HAVE IN EXCESS OF 3' OF FILL. CONSULT GEO-TECHNICAL REPORT FOR SOIL COMPACTION RESULTS OF THIS SITE. THIS INFORMATION IS ATTAINABLE FROM THE DEVELOPER. THE VILLAGE WILL NOT BE HELD LIABLE FOR ANY FOUNDATION/STRUCTURAL PROBLEMS THAT MAY RESULT FROM PLACEMENT OF BUILDING / STRUCTURES ON FILL SOILS.

Note: The Finished Yard Elevation shall be the finished elevation around the immediate perimeter of the building and is 8" below the top of foundation. The contractor shall be responsible to calculate the depth of footing excavation, which will provide for the above assigned Finished Yard Elevation.

Signature of Applicant: [Signature] Date: 8/23/17

Approval: [Signature] Date: 8-18-17
Village Engineer

Remarks: Grade and revegetate the lot per the attached Village approved revised survey/grading plans dated 8-17-17. Lot to drain front to back of curb, back to the outlot/storm water drainage basin located East of the lot per the approved master grading plans. Centerline slopes on the swales shall be at no less

than .8%. Slope on the lot grading shall be at no less than .8%. A minimum of 8" of positive pitch away from the buildings shall be maintained at all times. Side slopes on swales and all other grading are not to exceed 4:1. Retaining walls may be needed to achieve (out of all easements). The East side/rear of the lot shall be regraded /daylighted to ensure proper drainage to the storm water drainage basin located East of the lot per the approved grading plans. Grading past the lot lines will be required. Cutting/filling approximately .3' along the lot lines may be required to conform to the approved grading plans. Must work with abutting property owners to achieve. The swales are to be "V" shaped with side slopes not to exceed 4:1 and centerline slopes no less than .8%. Due to existing slopes excelsior mat or sod may need to be installed in the swales to prevent erosion and help stabilize the slopes. The sump pump shall be tiled to the sump pump collection lateral provided for this lot located in the Drainage Easement along the South side of the lot (next to the garage). The sump pump will be relocated to the Southeast corner of the home to avoid a long lateral that would need to cross the driveway. The sump pump could be connected to the existing lateral. If the existing lateral is not used, a new lateral shall be core drilled into the storm water drainage system. An Inserta T shall be used for the connection to the storm sewer main. All connections shall be wrapped with filter fabric and inspected by the Village prior to backfilling. Contact the Plumbing Inspector for installation and inspection instructions. Erosion control will need to be installed and maintained at the outlet of the sump pump until the system has been connected to the storm sewer. The downspouts shall be outletted so as to ensure that runoff does not create a drainage problem with abutting properties or icing of the road Right of Ways. Recommend downspouts discharge a minimum of 8' from the lot lines. Downspouts are not to be connected to the sump pump collection system. Note: There is a 12' wide Drainage and Utility Easement located along the East side of the lot and a 9' drainage and utility Easement along the South side of the lot. There is a storm water drainage system with lateral located in the Easement along the South side of the lot. There is also a sump collection system across the front of the lot located in the road Right of Way (approximately 3' East of the back of curb) that serves the homes to the North. Care must be taken not to crush or damage these systems. If crushed or damaged contact the Village Engineer and Village Plumbing Inspector immediately. NOTE: The home is proposed to be built up to the Drainage Easement along the South side of the lot. Do not install driveways, retaining walls, fences, berms, air conditioners, decks, patios, sidewalks, trees/plantings or any other permanent structures in any easement areas. NOTE: The lot may have been filled in excess of 3.0'. May need to install extra courses in foundation to reach suitable soils. More than 150 cubic feet of fill (foundation excavation) may need to be exported from the site. Follow all conditions set forth in fill permit # 17-FP-47. Beware of possible farm drain tiles and the shallow storm sewer system with laterals. If hit, damaged, or in need of modifications, contact the Village Engineer immediately for repair and inspection instructions. A recertification of the finished grading is to be supplied by Metropolitan Survey Service Inc. providing as built elevations at all the proposed elevation locations as shown on the Village revised survey/grading plans dated 8-17-17. Metropolitan Survey Service Inc. shall make the Village revised grading plans changes to their files and will be expected to utilize these revised grades for the recertification and building permit process. The recertification is to be reviewed, approved, and accepted prior to the release of the Site Restoration Bond. The Site Restoration Bond will not be released unless the site is graded pursuant to the Village approved survey/grading plans dated 8-17-17 & Street Trees have been installed pursuant to Village Ordinances & Subdivision requirements. The recertification of the lot will be at the cost of the builder/homeowner and will need to be completed as many times as necessary to confirm that the lot has been graded pursuant to these approved grading plans. It is recommended that the surveyor/engineer install final grade stakes in the field at the locations shown on the Village revised proposed grading plans prior to the final grading of the site. This will indicate if the lot has been rough graded correctly and will also give the finished grader elevations to grade to. See attached survey/grading plans dated 8-17-17 for site grading and erosion control locations.

210°
7-25-17
13302

Kaerek Homes
Job No. 8267 Zabkovicz

PLAT OF SURVEY

LOCATION: 3927 Wild Ginger Way, Caledonia, Wisconsin

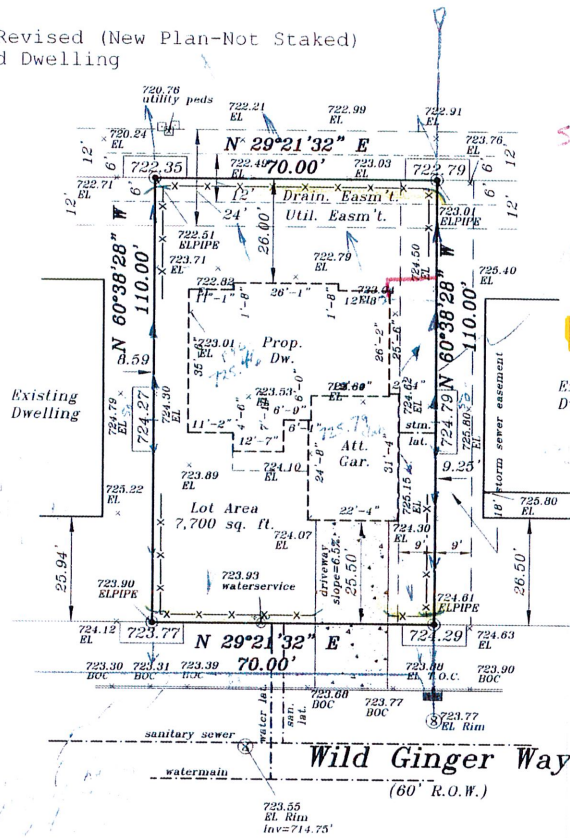
7-25-17 Amendment

LEGAL DESCRIPTION:

Lot 125 in PRAIRIE PATHWAYS, being a replat of Prairie Crossing, being all of Outlot 1 of Certified Survey Map No. 2609, being a part of the Northeast 1/4 and Southwest 1/4 of the Northwest 1/4, lands in the Northwest 1/4 of the Northwest 1/4 and part of the Northeast 1/4 and Northwest 1/4 of the Northeast 1/4 all in Section 33, Township 4 North, Range 22 East, Village of Caledonia, Racine County, Wisconsin, excepting therefrom all lands previously dedicated.

April 20, 2017
July 20, 2017 Drawing Revised (New Plan-Not Staked)
July 21, 2017 Re-staked Dwelling

Survey No. 107908



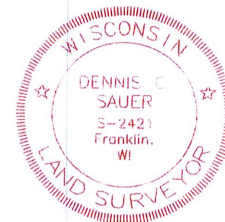
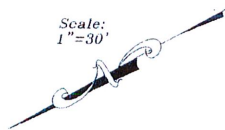
Village of Caledonia Notes

- Centerline slope on drive is not to exceed 6% anywhere along it's length. This may require that the driveway be installed at an even percent of grade from the garage slab to the back of curb.
- Beware of shallow storm sewer located in right of way and easements. If crushed or damaged, contact Village Engineer for repair and inspection instructions.
- Reshape and revegetate side and rear yard swales per the approved grading plans. Centerline sloped to be at no less than 0.08%. Swales to be a minimum of 8" below the FYG's. Side slopes on swales and lots are not to exceed 4:1. May need to grade onto abutting lots to conform to approved grading plans. Work with abutting property owners to achieve.
- Lots may have in excess of 3' of fill. Consult geotechnical report for results attainable from the developer. The Village will not be held liable for any foundation structural problems that may result from placement of building on fill soils.

Shallow Storm Sewer Main
Horizontal Sewer

Prop. Fin. Yd. Gr.	Prop. Fin. Gar. FL
725.46	725.79
(Per Gr. Plan)	

Proposed finished yard, 1st floor or top of foundation grade shown on this drawing is a suggested grade and should be verified by the owner and/or the builder and the municipality.



METROPOLITAN SURVEY SERVICE, INC.

PROFESSIONAL LAND SURVEYORS AND CIVIL ENGINEERS
9415 West Forest Home Avenue, Suite 202
Hales Corners, Wisconsin 53130

PH. (414) 529-5380 FAX (414) 529-9787
email address: survey@metropolitansurvey.com

- — Denotes Iron Pipe Found
- — Denotes Iron Pipe Set

000.0 — Denotes Proposed Grade

— x — x — x — Denotes Proposed Silt Screen

I HEREBY CERTIFY THAT I HAVE SURVEYED THE ABOVE DESCRIBED PROPERTY AND THAT THE ABOVE MAP IS A TRUE REPRESENTATION THEREOF AND SHOWS THE SIZE AND LOCATION OF THE PROPERTY. ITS EXTERIOR BOUNDARIES, THE LOCATION OF ALL VISIBLE STRUCTURES AND DIMENSIONS OF ALL PRINCIPAL BUILDINGS THEREON, BOUNDARY FENCES, APPARENT EASEMENTS AND ROADWAYS AND VISIBLE ENCROACHMENT, IF ANY.

THIS SURVEY IS MADE FOR THE EXCLUSIVE USE OF THE PRESENT OWNERS OF THE PROPERTY, AND ALSO THOSE WHO PURCHASE, MORTGAGE, OR GUARANTEE THE TITLE THERETO WITHIN ONE (1) YEAR FROM THE DATE HEREOF.

SIGNED

Dennis C. Sauer

Dennis C. Sauer
Professional Land Surveyor S-2421