

**NOTICE OF MEETING
VILLAGE OF FOX POINT
SPECIAL BOARD OF APPEALS MEETING**

SCHWEMER HALL - MUNICIPAL BLDG.
7200 N. SANTA MONICA BLVD.
FOX POINT, WISCONSIN

WEDNESDAY
OCTOBER 9, 2024
4:00 P.M.

AGENDA

- 1. Roll Call**
- 2. Case 2024-07 (As Adjourned from September 25, 2024) 8339 Lake Drive - Appeal of Administrative Decision.** The applicant is requesting an appeal of the decision of Fox Point Village Manager Scott Botcher regarding the requirement for a grading and drainage permit pursuant to section 756-7E(1) of the Fox Point Municipal Code.
- 3. *Closed Session.** Upon motion made, seconded, and adopted upon roll call vote, the Board of Appeals may adjourn into closed session pursuant to Wisconsin Statutes Section 19.85(1)(a), for deliberating concerning a case which was the subject of any judicial or quasi-judicial trial or hearing before the Board of Appeals; and 19.85(1)(g), for conferring with legal counsel for the governmental body who is rendering oral or written advice concerning strategy to be adopted by the body with respect to litigation in which it is or is likely to become involved, more specifically concerning Case 2024-07, 8339 N. Lake Drive.
- 4. *Resumption of Open Session.** Following the closed session, the Board of Appeals will reconvene into open session and may take such action as it deems appropriate concerning the matter discussed in closed session.
- 5. Adjourn**

PLEASE NOTE: Upon reasonable notice, efforts will be made to accommodate the needs of disabled individuals through sign language interpreters or other auxiliary aids. For additional information or to request these services, contact the Village Clerk at (414) 351-8900. It is possible that members of, and possibly a quorum of members of, other governmental bodies of the municipality may be in attendance at the above-stated meeting to gather information; no action will be taken by any governmental body at the above-stated meeting other than the governmental body specifically referred to above in this notice.



VILLAGE OF FOX POINT

MILWAUKEE COUNTY
WISCONSIN

VILLAGE HALL
7200 N. SANTA MONICA
BLVD.
FOX POINT WI 53217-3505
414-351-8900
FAX 414-351-8909

To: Village Board of Appeals

From: Scott Brandmeier, Director of Public Works

Through: Scott Botcher, Village Manager

Date: September 27, 2024

Re: Supplemental Information - Board of Appeals Request for Consideration of Administrative Decision Related to 8339 North Lake Drive

Mr. Ralph Bencriscutto (Applicant) is the owner of the parcel at 8339 North Lake Drive and is appealing an administrative decision made by Mr. Scott Botcher, Village Manager, on or about December 23, 2023. Mr. Bencriscutto has submitted his paperwork related to the appeal and both parties (the Village and Mr. Bencriscutto) have waived the requirement that any appeal of an administrative decision must be made within 30-days of the decision.

The history associated with the site was provided in a September 19, 2024 memo to the Board of Appeals. Additionally, the Board of Appeals considered the matter at its meeting on September 25, 2024 and noted that both the Applicant and the Village can submit supplemental/briefing information to the Board of Appeals by October 2, 2024, for their consideration at the next meeting scheduled for October 9, 2024. The purpose of this memorandum is to supplement the information that was provided and provide a summary of the facts and legal issues.

Board of Appeals Discussion and Request

Based on the testimony received at the Board of Appeals meeting on September 25, 2024, the Applicant acknowledged that he disturbed 4,000 to 5,000 square feet and further acknowledged that he disturbed enough area to trigger the erosion control ordinance (8,000 square feet). At the end of the testimony, it was determined that the Applicant obtained an erosion control permit per Chapter 285 and the Board of Appeals is now considering the applicability of Chapter 272 (the fill ordinance) and Section 756-7(E) (grading and drainage requirements).

- During the testimony at the Board of Appeals hearing, Applicant attempted to cast doubt on the applicability of the ordinances (Chapter 272 and 756-7(E)) to his activities going so far as to suggest that he would qualify for an agricultural exemption. Applicant further contended that the exemptions in one part of the code (Chapter 272) apply to other sections of the code (Section 756-7(E)). The Village maintained that each section of the code is separate and distinct and that, by virtue of his actions on the property at 8339 North Lake Drive, the Applicant triggered the need for a grading and drainage permit and, quite possibly, the need for a fill permit. The title (and subtitles) of each section of code are as follows: Chapter 272 – Solid Fill and Grades
- Chapter 285, Article IV – Construction Site Erosion Control
- Section 756-7 – Permits
- Section 756-7(E) - Drainage

Supplemental Information and Briefing

During the hearing, members of the Board of Appeals aptly noted that there are questions of law and fact related to this matter. Namely, these can be summarized as described below:

- Which of the three sections of Village Code apply to the Applicant's activities (question of law) and
- Does the Applicant's activities trigger the applicability of one or more of the three sections of code in question (question of fact).

Question of Fact – Chapter 285, Article IV and Section 756-7(E):

This supplemental brief first addresses the questions of fact that arose during the testimony and as described in the submitted documentation: namely, how much area did the applicant disturb on this property that would give rise to the applicability of the Village Code. Clearly, Applicant disputes whether he is obligated to prepare a grading and drainage analysis pursuant to Section 756-7(E)(1). This section notes that a drainage plan is required for a number of situations including, but not limited to:

- Applications for land disturbing activity requiring a permit that affects the surface area of 4,000 square feet or more.
- For all circumstances where a fill permit is required pursuant to Chapter 272 of this Code.
- When required by the Village in particular cases due to particular concerns arising in the application.

As noted during the testimony and upon further examination by the Village Attorney of the Director of Public Works, the grading and drainage analysis would be required even if the Applicant had not disturbed 4,000 square feet or did not need a fill permit given the activities that were performed at the site (last bullet point above).

Notwithstanding, as noted during the testimony, the Village maintains a geographic information systems (GIS) database which allows staff the ability to evaluate aerial images dating as far back as 1937. I had noted during testimony that we could compare the 2022 aerial (pre-construction) against the 2024 aerial (with driveway, addition, etc. in place). While this did not

occur during the meeting, the information provided below documents the disturbed area at 8339 North Lake Drive.

1. Figures 1 and 2 are provided to provide the Board with a visual representation of the magnitude of the project. These are pictometry images of the new development and the original structure looking to the south. While the Applicant noted it was a 600 square foot addition during his testimony, one can readily observe that the footprint of the house and garage addition comprises a significantly larger footprint than that which existed previously. Additionally, the Applicant's May 2022 application to the Building Board noted the following square footage to be under construction (refer to Attachment 1) (https://www.villageoffoxpoint.com/AgendaCenter/ViewFile/Agenda/_05252022-924):
 - a. 1st Floor – 1,973
 - b. 2nd Floor – 1,080
 - c. Addition – 2,670
 - d. Garage - 895
2. Figures 3 and 4 provide a pictometry view of the east side of the property looking to the west of both the new development and the original structure . Similar to Figures 1 and 2, these figures are provided to depict how much of the property was affected by the Applicant's development.
3. Figure 5 is the 2022 aerial image of the property. For purposes of subsequent figures, the rooftop area of the detached garage and house as well as the driveway and walk between the house and garage/driveway has been outlined with a blue dashed line. It is important to note that the area within the blue dashed line was not included in the calculation of additional impervious area nor in the determination of disturbed area. However, it is also noteworthy that one could reasonably conclude that the pre-development driveway, walk and garage should be included in the computation of disturbed area given that it was excavated/razed and removed in order to construct the new development.
4. Figure 6 reflects the 2024 aerial image of the property and depicts the additional impervious areas. As noted below Figure 6, the additional impervious areas include the expanded driveway, the sidewalk, stoop and patio as well as the addition to the house (including the garage). The additional impervious area totals approximately 3,500 square feet. This area clearly had to be disturbed during construction in order to construct the various components.
5. Figure 7 also reflects the 2024 aerial of the property and depicts the additional disturbed areas per the Applicant's testimony on September 25, 2024. Namely, this includes what the Applicant refers to as the planters to the west of the driveway and house (about 310 square feet), the interior cove where the sidewalk exists the house and connects to the driveway (a pervious area about 60 square feet) and the area to the east of the driveway and north of the house that allowed the Applicant to grade down from the elevated driveway to the surrounding grades (approximately 1,115 square feet).
 - a. Please note that the additional impervious areas (as described in paragraph 4 and Figure 6) are outlined in a red dashed line.
 - b. Figure 8 is provided to depict the disturbed area to the east of the driveway and north of the house. This estimated area was determined based on the testimony

of the Applicant and the information submitted in his appeal (refer to the pictures he submitted which depict the area to the north of the house and east of the driveway as having been disturbed). Please note that this does not include the total disturbed area as documented in the Erosion Control Inspection Reports and other supporting information submitted in the Village's September 19, 2024 memorandum but only includes what the Applicant has acknowledged as being disturbed.

- c. The total pervious disturbed area is approximately 1,485 square feet.
6. Without even considering the other disturbed areas on and around the property (including within the Village right of way), the evidence supports a factual finding that the Applicant disturbed a minimum of approximately 5,000 square feet which coincides with the Applicant's testimony.
 - a. It is important to note that the Applicant added approximately 3,500 square feet of impervious area and that the lot is 13,950 square feet which equates to an area comprising over twenty five percent (25%) of the lot on top of the impervious area that existed before.
 - b. For reference, please refer to Applicant's Attachment 7 which shows the lot as being 155 feet by 90 feet.
7. Both Applicant and the Village have submitted photographic documentation to the Board of Appeals depicting the additional disturbed areas (beyond the Applicant's self-described planters, patio, driveway and other disturbed areas (shown in a green dashed line on Figure 9). Figure 9 depicts these additional disturbed areas beyond the approximate 5,000 square feet documented above. These areas, as noted below Figure 9, include those areas where soil was stockpiled and disturbed during construction and totals an additional approximate 4,000 square feet.
8. Combining the Applicant's acknowledged disturbed area along with that depicted in Figure 9 and the Applicant's own pictures, the Applicant has disturbed approximately 9,000 square feet.

The only reasonable conclusion, based on the testimony provided on September 25, 2024, the memorandum dated September 19, 2024, and this supplemental information is that the Applicant disturbed more than 4,000 square feet during his development to trigger the applicability of Section 756-7(E) and more than 8,000 square feet to trigger the erosion control provisions of Chapter 285, Article IV.

Question of Fact – Chapter 272:

The Board of Appeals also received testimony regarding the applicability of Chapter 272 – the fill ordinance. As I noted during my testimony, I could not definitively say whether the Applicant met the thresholds because he has not provided the Village with a drawing that would permit us to do so. Applicant noted that he submitted an as-built drawing to the Village and I noted during testimony that I had not reviewed the drawing because the Applicant had not complied with the other code provisions.

Nonetheless, I have now had an opportunity to review the as-built drawing the Applicant submitted to the Village on May 21, 2024 (with the drawing dated May 15, 2024) and find discrepancies between the as-built drawing and the drawings submitted by the Applicant dated

May 31, 2023 and June 9, 2023. The May 31, 2023 and June 9, 2023 drawings and are included in Attachments 2 and 3, respectively. In both sets of drawings, the Applicant's surveyor and/or engineer provided elevations around the proposed development (e.g. EX. 681.48) to depict the existing grades around the site. When comparing the two drawings from 2023, the existing grades on the property match.

Unfortunately, the existing grades depicted on the May 15, 2024 drawing bear little resemblance to those shown on the 2023 drawings. The May 2024 drawing notes that the single box elevations were the existing grade prior to construction and the double box elevations denote the as-built grades. As I reviewed the drawing and compared it against the 2023 drawings, the grades submitted as existing grades did not match. In order to confirm this, the as-submitted existing elevations from the 2023 drawings (shown in red) were added to the 2024 drawing immediately adjacent to the elevations in the locations as shown on the 2023 drawings. Very few of the elevations match the 2023 drawings and many are off anywhere between approximately 3 inches and 24 inches. These are depicted on the drawing included in Attachment 4. This provides me with little confidence that the grades as depicted on the May 15, 2024 drawing are accurate and does not provide the Village with an opportunity to determine whether the requirements of Chapter 272 have been met which would trigger the need for a fill permit.

Question of Law – Applicability of Village Code to Applicant's Activities:

As detailed during the hearing on September 25, 2024 and described in the memorandum to the Board of Appeals from Village staff dated September 19, 2024, each code section must be treated separate and distinct from the other. In fact, Sections 1-15 and 1-16 of the Village Code provide as such:

- Section 1-15 – “Each section of the Code and every part of each section is an independent section or part of a section. . . .”
- Section 1-16 – “Each section of this ordinance is an independent section. . . .”

As further noted during the testimony on September 25, 2024, each individual ordinance and section of the Code must be read separately and the exceptions in one section of the Code cannot apply to a separate section of the Code unless (a) those exceptions are specifically included in the different Code section or (b) those exceptions are incorporated by reference. Black's Law Dictionary defines incorporation by reference as “the method of making one document of any kind become a part of another separate document by referring to the former in the latter, and declaring that the former shall be taken and considered as a part of the latter the same as if it were fully set out therein. If the one document is copied at length in the other, it is called ‘actual incorporation.’” (Black's Law Dictionary, 5th Edition).

Given the foregoing, the Board of Appeals is tasked in determining whether the aforementioned code sections apply to the findings of fact (the question of law). Each section of the code is further evaluated to determine the applicability of exceptions, if any at all, as follows:

1. *Section 756-7(E)*. Section 756-7(E) (Drainage) is a subsection contained within Section 756-7 of the Building Code titled Permits. Section 756-7(A) describes the permits

required under this section of the code and includes, among other things, building, heating, wrecking or razing, and other permits as required. Section 756-7 does not contain any exceptions nor are any exceptions incorporated by reference. As such, one must reasonably conclude that if an applicant meets any of the thresholds contained within Section 756-7(E)(1)(a), then the applicant must comply with the Village Code and submit the analysis of grading and drainage on the property.

- a. The Applicant, however, requests that the Board of Appeals finds that the exceptions in Chapter 272 apply to Section 756-7. This is a non sequitur. Section 272-10 provides a number of exceptions to that Chapter of the Code including, but not limited to top dressing, patios and driveways, or razing activities. If according to the Applicant's argument, the exceptions in Section 272-10 apply to Section 756-7, then the requirement to obtain a razing permit under Section 756-7 would be negated by the exception in Section 272-10. This clearly does not follow and is not the case. Nor should it be the case with the requirement to obtain a grading and drainage permit.
 - b. Rather, the Village Board recognized at the time of adoption of Section 756-7(E) the need for a drainage analysis in a community that is nearly completely built out. Residential infill on properties in the Village tend to either incorporate large additions to existing structures (as is the case in this matter) or see homes razed and larger ones constructed. The increase of impervious area, larger disturbed areas and other factors requires those developing/improving the parcels to undergo the drainage analysis to ensure that their development does not adversely affect neighboring property owners (e.g. push more stormwater downstream or onto adjacent properties).
2. *Chapter 285, Article IV – Construction Site Erosion Control.* Testimony received from the Applicant at the September 25, 2024 hearing acknowledged that the activities on the property fell within the requirements to obtain an erosion control permit. It was also noted that the Applicant filed for and obtained the erosion control permit. While this section of the Code may appear to be moot, it is important that the Board of Appeals find that there are no exceptions to obtaining a permit under this section of the Code and that none of the exceptions in Chapter 272 are incorporated by reference.
 3. *Chapter 272 – Solid Fill and Grades.* Chapter 272 requires individuals to obtain a fill permit for filling activities on their property but provides exceptions contained within Section 272-10 including top dressing, patios and driveways and minor grading, among others. Applicant is arguing that each of these exemptions apply to his activities and that he is not required to obtain a fill permit. These are further addressed below:
 - a. Section 272-10(A) exempts top dressing from needing a fill permit: "this chapter shall not apply to customary top dressing or fertilizing of lawns and gardens." Top dressing a lawn is the process of adding a thin layer of nutrient-rich compost, sand or soil to a lawn in order to improve its health and appearance. Customarily, this has meant a thin layer of soil of 4-inches.
 - b. Section 272-10(B) exempts patios and driveway and notes that the "chapter shall not apply to construction of block or concrete patios or driveways permitted under the Village Code or the filling of such areas with soil after they have been removed from the property." This exemption has been uniformly applied to include the stone needed for the base of the driveway or patio as well as the concrete or asphalt needed to construct the driveway or patio itself. However,

this exemption is not intended to include fill needed beneath the stone to raise a driveway or patio up to a desired grade. Questions from members of the Board of Appeals appeared to agree with this line of thinking; namely, if a resident built a garage 6 feet higher than the surrounding ground, they did not think that all of the fill needed to obtain that grade would be exempt from the fill permit requirements.

- c. The Applicant also kept referring to the area adjacent to the addition and the driveway and referred to these areas as planters. No such exception exists in Section 272-10 for “planters.”
- d. Based on the foregoing and as a matter of law, the Board of Appeals should find:
 - i. That only 4-inches of soil can be considered top dressing and everything above that amount would be considered fill;
 - ii. That any fill placed beneath a patio or driveway above and beyond the customary 4-inches of stone base and 4-inches of asphalt or concrete be considered fill; and
 - iii. That no exception exists for planters (as described by the Applicant) and any of these areas on the property be included in the determination of the fill placed on the property.

Conclusion

Applicant’s activities clearly require him to obtain a grading and drainage permit pursuant to Section 756-7(E) and the Board of Appeals must rule that he must obtain the permit and associated fees, perform the requisite analysis, and undertake any corrective action that may be necessary to avoid adverse impacts to adjacent property owners or downstream receptors.

Further, the Board of Appeals should find that fill beneath driveways and patios beyond 4-inches of stone and 4-inches of concrete or asphalt requires a fill permit, that planters are not exempted from the fill permit and that top dressing is limited to 4-inches of soil placed on the property. The Board of Appeals should also require the resubmittal of an accurate drawing reflecting the pre-development grades and a professional survey (per the Village Code) which will allow staff the ability to determine how much fill has been placed on the property. Upon determining the total fill, staff will be able to determine whether a fill permit is needed.

Figure 1: North View (Facing South) – 2024 Pictometry Imagery of 8339 North Lake Drive



Figure 2: North View (Facing South) – 2022 Pictometry Imagery of 8339 North Lake Drive



Figure 3: East View (Facing West) – 2024 Pictometry Imagery of 8339 North Lake Drive



Figure 4: East View (Facing West) – 2022 Pictometry Imagery of 8339 North Lake Drive



Figure 5: 2022 Aerial – Impervious Area (Driveway, Walk, Garage and House):



Figure 6: 2024 Aerial – Additional Impervious Area (additional rooftop, patio, walk and driveway):



- West side of 2022 driveway – approximately 2,800 square feet
- East side of 2022 driveway – approximately 677 square feet (713 sf minus the cove in the 2024 sidewalk area of about 61 sf plus the cove shown above between the walk by the garage in the 2022 aerial of approximately 25 sf).
- East of the new house – approximately 46 square feet
- Total additional impervious area – approximately 3,523 square feet

Figure 7: Additional Disturbed Areas (Grading off driveway and house to the east and north and planter to the west of the driveway):



- Area west of driveway (focusing on area where boulders were placed) – approximately 310 square feet
- Interior cove (by walk and garage – graded, but not impervious) – approximately 61 square feet
- East of driveway and north of house (focusing on area needed to grade off the driveway due to the 12-18 inch elevation difference) – approximately 1,115 square feet
- Total additional disturbed area (not including areas that were disturbed during construction) – approximately 1,485 square feet
- Please note that the blue dashed lines in Figure 7 represent the impervious areas from the 2022 aerial (before construction) and the red dashed lines represent the additional impervious areas (driveway, sidewalk, patio and house) from the 2024 aerial.
- Please also note the following – the 2024 pictometry imagery was used to determine the disturbed area east of the driveway and is shown in Figure 8 below. The area in red is a reasonable estimate of the disturbed area where grading occurred in order to slope the increased height of the driveway to the ground further to the east.

Figure 8: Estimate of Disturbed area east of driveway and north of house



Figure 9: Disturbed area beyond the boulders and east side of driveway (as documented in the Applicant's pictures submitted to the Board of Appeals and shown on the 2024 Aerial):



- West side of property – approximately 3,110 square feet
- East side of property – approximately 894 square feet
- Total additional disturbed area – approximately 4,000 square feet
- Please note the following in this regard:
 - This does not include the landscaped beds around the front of the house as depicted in the Applicant's pictures
 - This does include the areas that the Applicant acknowledges was disturbed during construction with the placement of clay but which the Applicant notes is at grade. It does not, however, include the triangular wedge to the northeast of the green dashed line nor the areas to the east of the house in order to provide a conservative estimate of the amount of disturbed area related to the development.

Attachment 1

May 2022 Building Board Application



VILLAGE OF FOX POINT
7200 N Santa Monica Blvd
Fox Point, WI 53217
(414) 247-6622
www.villageoffoxpoint.com

Permit Number:

B- _____

OFFICE USE ONLY	
Issued Date	
Zoning	B, 75 LAK, 70 DENV

BUILDING PERMIT

Job Address 8339 N Lake Drive	Building Type: Residential <input checked="" type="checkbox"/> Commercial <input type="checkbox"/>
Description of Work Renovation & addition to an existing one story residence. Add second floor, first floor living room and an attached garage to the existing home.	
Estimated Cost of Project \$ 328,000.00	

Owner/Occupant Ralph Benciscutto	
Business Name Tower Circle Investments, LLC	Contact Name
Address 2425 S. Memorial Drive	City/State/Zip Racine, WI 53403
Phone 262-664-3166	Email ralph@towerenergypartners.com

****Cautionary Statement required when homeowner is applying for permit****

Contractor	
Company Name to be determined	Contact Name
Address	City/State/Zip
Phone	Email
Dwelling Contractor #	Dwelling Contractor Qualifier #

Square Footage Under Construction				
1 st Floor 1,973	2 nd Floor 1,080	Basement 635	Addition 2,670	Garage 895

Description	Rate	Amount
Project - Per \$1,000 of estimated cost	\$10.00	328.00 3,280.00
Building Board	\$75.00	75.00
Footing early start - \$230.00 one and two family; \$305.00 commercial		
Plan Review - \$275.00 one and two family; New Single Family Construction \$330.00 plus \$30.00/unit commercial		275.00
State Seal	\$75.00	
Razing, Interior Demolition \$925.00 max/bld \$95.00 minimum plus	\$0.13/sqft	198.77
Moving buildings \$250.00 plus	\$0.13/sqft	
Fuel tanks - Per 1,000 gallons	\$25.00	
Re-inspection	\$100.00	
Work started without permit	Double	
	Minimum Fee	\$70.00
Payable to: Village of Fox Point	Total Permit Fee	\$

Applicant Signature _____
Rev 01/22

Date 4.29.22

ISSUED PERMITS are available on the Village website under PERMITS & LICENSES

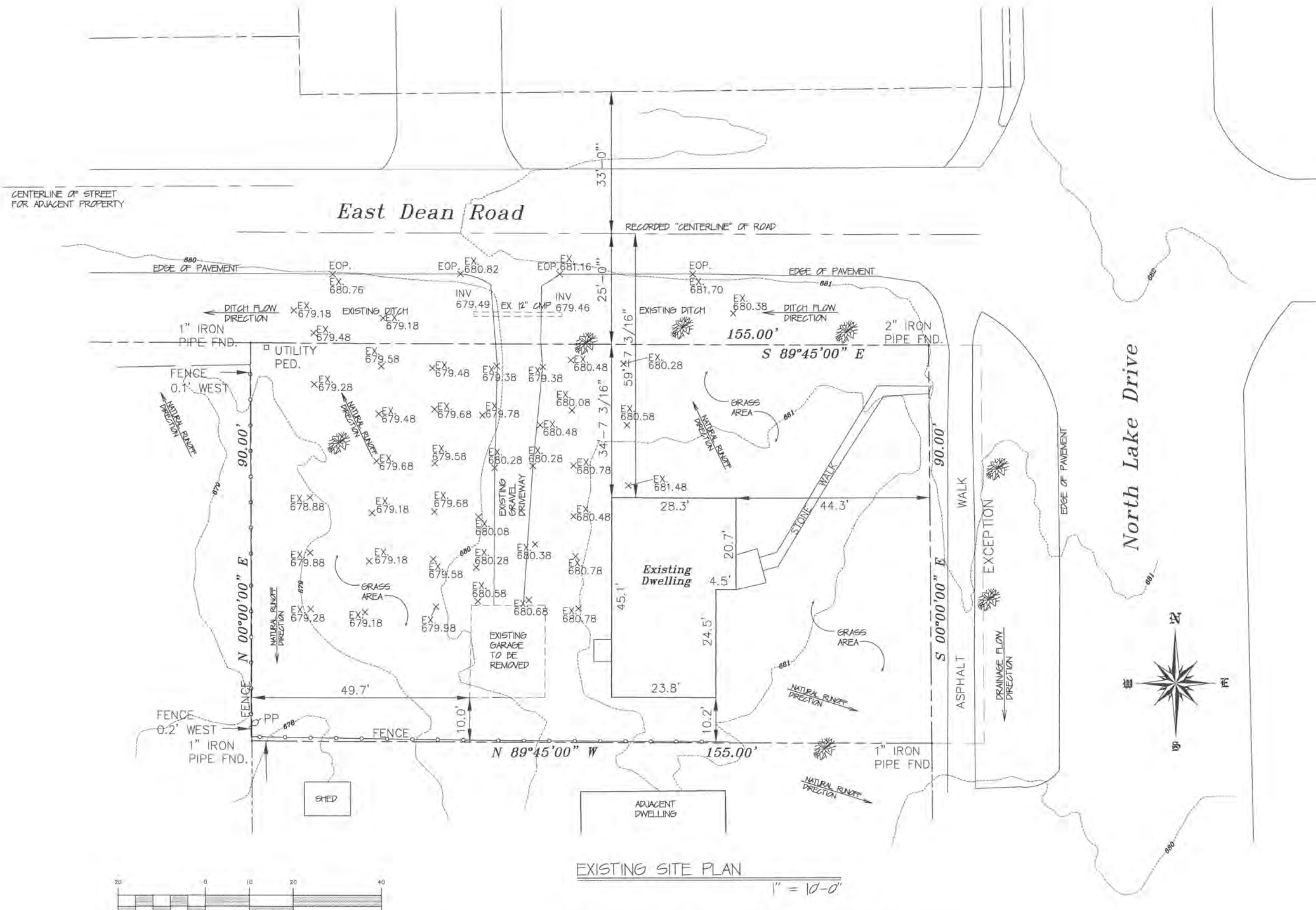
Attachment 2

May 31, 2023 Drawings



ARCHITECTURE

413 NORTH SECOND STREET
MILWAUKEE, WI 53203-3111
414-807-8033 FAX: 414-224-8034

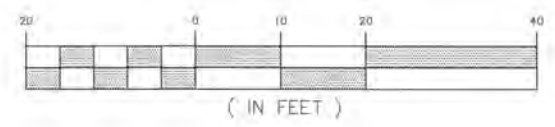


Renovation & Expansion of
Single Family Home
8339 N. Lake Drive
Fox Point, WI 53217

05-31-23

GRADING PLAN

G-1



EXISTING SITE PLAN
1" = 10'-0"

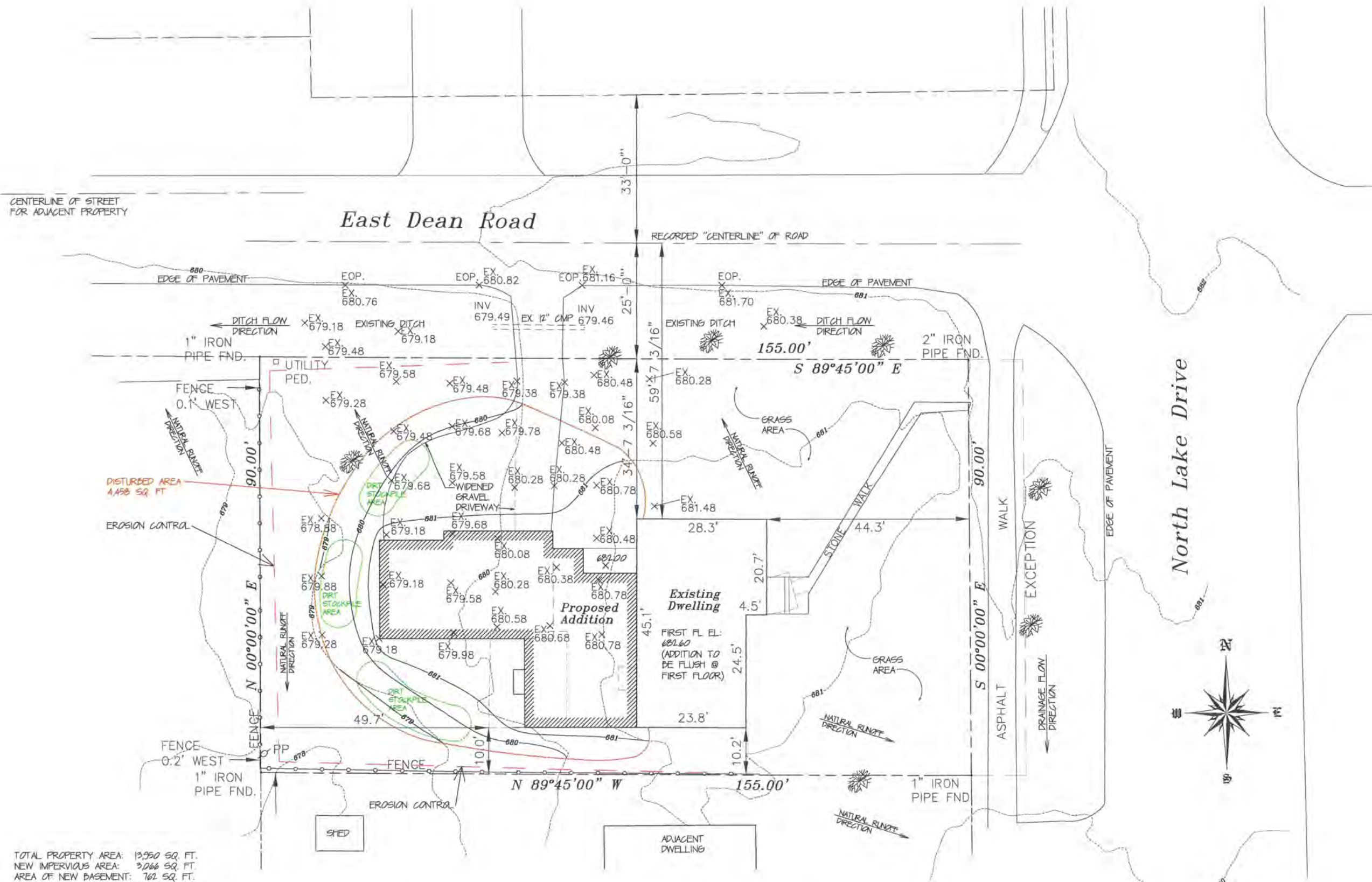
PER 285-43 (1) (b) THERE ARE NO IDENTIFIED LAKES, STREAMS, WETLANDS, CHANNELS, ENVIRONMENTAL CORRIDORS OR OTHER WATER COURSES ON OR WITHIN 500 FEET OF THIS SITE
PER 285-43-(1) (c) THERE IS NOT A 100 YEAR FLOODPLAIN, FLOOD FRINGE OR FLOODWAY WITHIN 500 FEET OF THIS SITE



ARCHITECTURE

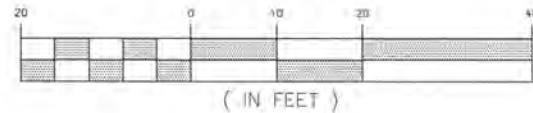
413 NORTH SECOND STREET
MILWAUKEE, WI 53203-3111
414-807-8033 FAX: 414-224-8034

Renovation & Expansion of
Single Family Home
8339 N. Lake Drive
Fox Point, WI 53217



TOTAL PROPERTY AREA: 13,950 SQ. FT.
NEW IMPERVIOUS AREA: 3,066 SQ. FT.
AREA OF NEW BASEMENT: 762 SQ. FT.
762 x 9' DEEP / 9' = 254 CU. YDS.
FROSTWALL EXCAVATION: 35 CU. YDS.

FILL REMOVED FROM SITE: 134 CU. YDS.
NO FILL TO BE BROUGHT TO SITE



PROPOSED GRADING PLAN

1" = 10'-0"

SCHEDULE OF LAND DISTURBANCE ACTIVITY:
START DATE: UPON PERMIT ISSUANCE
COMPLETION: BACKFILL WITHIN 4 WEEKS
FINAL GRADING WITHIN 12 WEEKS

SHEET INDEX:

- G-1 EXISTING SITE PLAN
- G-2 PROPOSED GRADING PLAN
- EG-1 EROSION CONTROL PLAN





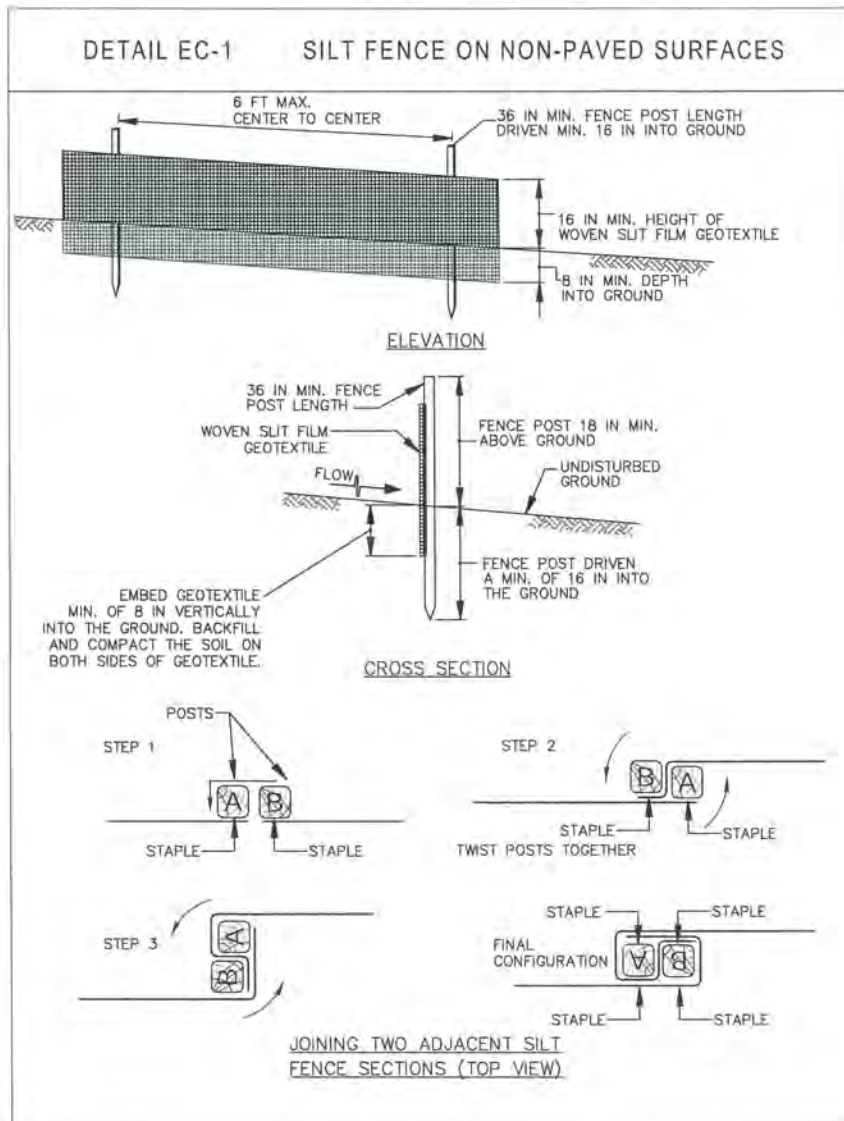
ARCHITECTURE

413 NORTH SECOND STREET
MILWAUKEE, WI 53203-3111
414-807-8033 Fax 414-224-8034

Renovation & Expansion of
Single Family Home
8339 N. Lake Drive
Fox Point, WI 53217

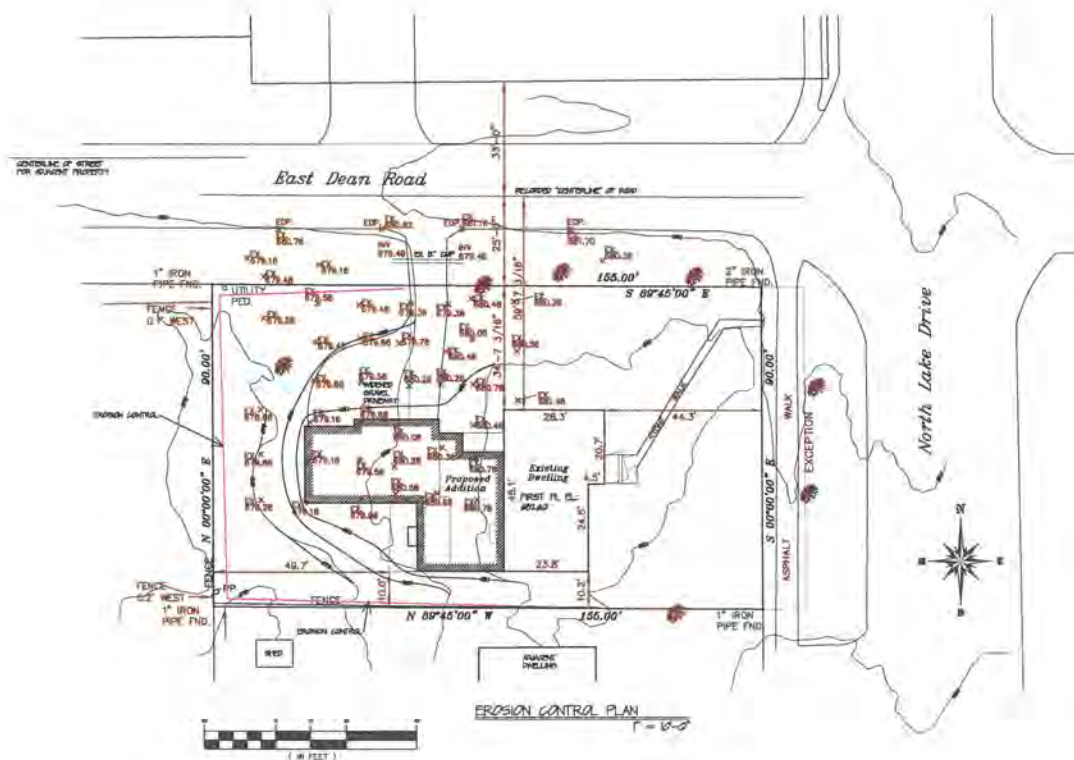
CONSTRUCTION SPECIFICATIONS

1. USE WOOD POSTS 1 3/4 x 1 3/4 ± 1/8 INCH (MINIMUM) SQUARE CUT OF SOUND QUALITY HARDWOOD. AS AN ALTERNATIVE TO WOODEN POST USE STANDARD "I" OR "U" SECTION STEEL POSTS WEIGHING NOT LESS THAN 1 POUND PER LINEAR FOOT.
2. USE 3/8 INCH MINIMUM POSTS DRIVEN 16 INCH MINIMUM INTO GROUND NO MORE THAN 6 FEET APART.
3. USE WOVEN SLIT FILM GEOTEXTILE MATERIALS AND FASTEN GEOTEXTILE SECURELY TO UPSLOPE SIDE OF FENCE POSTS WITH WIRE TIES OR STAPLES AT TOP AND MID-SECTION.
4. EMBED GEOTEXTILE A MINIMUM OF 8 INCHES VERTICALLY INTO THE GROUND. BACKFILL AND COMPACT THE SOIL ON BOTH SIDES OF FABRIC.
5. WHERE TWO SECTIONS OF GEOTEXTILE ADJOIN: OVERLAP, TWIST, AND STAPLE TO POST IN ACCORDANCE WITH THIS DETAIL.
6. EXTEND BOTH ENDS OF THE SILT FENCE A MINIMUM OF FIVE HORIZONTAL FEET UPSLOPE AT 45 DEGREES TO THE MAIN FENCE ALIGNMENT TO PREVENT RUNOFF FROM GOING AROUND THE ENDS OF THE SILT FENCE.
7. REMOVE ACCUMULATED SEDIMENT AND DEBRIS WHEN BULGES DEVELOP IN SILT FENCE OR WHEN SEDIMENT REACHES 25% OF FENCE HEIGHT. REPLACE GEOTEXTILE IF TORN, IF UNDERMINING OCCURS, REINSTALL FENCE.
8. HAY BALES MAY BE USED ON HARD SURFACES SUCH AS CONCRETE OR ASPHALT PAVING.



STANDARD NOTES FOR EROSION CONTROL PLAN

1. THE CONTRACTOR SHALL INSTALL AND MAINTAIN EROSION CONTROL AS SHOWN AND PERFORM ALL ACTIONS NECESSARY TO PREVENT EROSION, AND CONTROL SEDIMENT FROM LEAVING THE CONSTRUCTION SITE.
2. ALL EROSION CONTROL MEASURES SHALL BE IN-PLACE AND IN WORKING CONDITION PRIOR TO DISTURBING AND EXPOSING ANY SOIL SURFACES (I.E. SILT FENCE, CONSTRUCTION ENTRANCE, SEDIMENTATION BARRIERS, SEDIMENTATION TRAPS).
3. ALL EROSION PREVENTION MEASURES SHALL BE MAINTAINED AND REPAIRED AS NEEDED TO INSURE CONTINUED PERFORMANCE OF THEIR INTENDED FUNCTION. NEEDED REPAIRS SHALL BE MADE AS SOON AS PRACTICABLE. THEY ARE TO REMAIN IN PLACE AND OPERATIONAL DURING ALL PHASES OF CONSTRUCTION. CONSTRUCTION ACTIVITIES SHALL NOT CONTINUE OR RESUME UNTIL REPAIRS TO EROSION CONTROL FACILITIES ARE MADE AND THE FACILITIES ARE FUNCTIONAL. ANY SEDIMENT LEAVING THE SITE OR DISCHARGING TO A SENSITIVE AREA SHALL BE STOPPED AND CONTROLLED IMMEDIATELY. CONTAMINATED AREAS SHALL BE CLEANED AND RESTORED.
4. CLEARING LIMITS AND WORK AREA LIMITS SHALL BE DELINEATED AND MARKED. DON'T DISTURB MORE AREA THAN NEEDED FOR CONSTRUCTION REQUIREMENTS.
5. ALL SENSITIVE OR CRITICAL AREAS (WETLANDS, STEEP SLOPES, NATURAL WATERWAYS), AND BUFFERS SHALL ALL BE CLEARLY DELINEATED AND CLEARLY MARKED, AND PROTECTED FROM SEDIMENT DEPOSITION.
6. SEDIMENT LADEN RUNOFF SHALL BE PREVENTED FROM ENTERING ALL EXISTING STORM WATER CATCH BASINS & INLETS AFFECTED BY CONSTRUCTION.
7. ALL DISTURBED SOIL SURFACES SHALL BE STABILIZED BY A SUITABLE APPLICATION OF "BEST MANAGEMENT PRACTICES".
8. WHERE FEASIBLE, NO MORE THAN 500 FEET OF TRENCH SHALL BE OPEN AT ONE TIME. EXCAVATED MATERIAL SHALL BE PLACED ON THE UP-HILL SIDE OF TRENCHES PROVIDED IT DOES NOT CONFLICT WITH SAFETY REQUIREMENTS.
9. DEWATERING DEVICES SHALL DISCHARGE INTO A SEDIMENT TRAP OR SEDIMENT POND. NO DISCHARGE SHALL BE MADE TO A PAVED STREET OR STORMWATER COLLECTION SYSTEM WITHOUT FIRST REMOVING SEDIMENT.
10. CUT AND FILL SLOPES SHALL BE CONSTRUCTED IN A MANNER THAT WILL MINIMIZE EROSION. EROSION SHALL BE CONTROLLED AND PREVENTED BY SUCH MEASURES AS ROUGHENING THE SURFACE, INSTALLATION OF INTERCEPTOR DITCHES, TERRACING, COVERING WITH MATTING, MULCH OR PLASTIC SHEETING. RUNOFF SHALL BE PREVENTED FROM ENTERING A SLOPE AND FROM UNDERCUTTING THE BASE OF SLOPES.
11. ANY SOIL OR DEBRIS TRANSPORTED ONTO ROADWAYS AND SIDEWALKS SHALL BE REMOVED. DEPOSITS SHALL BE COMPLETELY REMOVED BY SHOVEL AND/OR SWEEPING.
12. ALL PERMANENT INFILTRATION SYSTEMS SHALL BE ISOLATED AND PROTECTED FROM SEDIMENT LADEN RUNOFF ENTERING TO AVOID RISK OF REDUCING THE ABILITY OF THE SYSTEMS TO INFILTRATE. ISOLATION AND PROTECTION SHALL NOT BE REMOVED UNTIL THE DRAINAGE AREA TRIBUTARY TO THE SYSTEM IS COMPLETELY STABILIZED.
13. ALL CONVEYANCE CHANNELS, BOTH TEMPORARY AND PERMANENT SHALL BE STABILIZED TO PREVENT EROSION OF THE CHANNEL. STABILIZATION SHALL EXTEND TO AREAS AT OUTLETS AND DOWNSTREAM REACHES VULNERABLE TO EROSION RESULTING FROM FLOW DISCHARGING FROM THE CHANNEL.
14. STABILIZED AREAS SHALL BE PROVIDED FOR EMPLOYEE PARKING AND STORAGE OF CONSTRUCTION MATERIALS, ERODIBLE STOCKPILES OF EARTHEN MATERIALS, SUCH AS TOPSOIL, SILTY AND CLAYEY SOILS; AND LANDSCAPE MATERIALS, SHALL BE COVERED WHEN NOT BEING INCORPORATED IN THE WORK. EROSION CONTROL MEASURES SHALL BE UTILIZED AS NECESSARY TO PREVENT SEDIMENT LADEN RUNOFF FROM LEAVING OR SEDIMENT BEING TRANSPORTED FROM THESE AREAS FROM VEHICLE ACTIVITY.
15. ALL POLLUTANTS OTHER THAN SEDIMENT THAT OCCUR DURING CONSTRUCTION SHALL BE HANDLED AND DISPOSED OF IN A MANNER THAT DOES NOT CAUSE CONTAMINATION OF STORM WATER.
16. CONSTRUCTION SHALL NOT BE CONSIDERED COMPLETE AND ACCEPTABLE UNTIL ALL DISTURBED SOIL SURFACE HAVE BEEN PROTECTED FROM EROSION WITH PERMANENT LANDSCAPING, COVERING WITH IMPERVIOUS SURFACES, RESTORED TO ORIGINAL UNDISTURBED CONDITION OR PERMANENTLY STABILIZED.
17. VEGETATED STABILIZATION AND LANDSCAPING SHALL BE FERTILIZED, WATERED AND MAINTAINED TO INSURE THAT GROWTH OF VEGETATION IS ESTABLISHED AND SUSTAINED.
18. DURING DRY WEATHER CONSTRUCTION PERIODS THE CONTRACTOR SHALL PROVIDE PROJECT-SPECIFIC DUST CONTROL MEASURES THAT MAY INCLUDE: SEEDING, MULCHING, MATTING, WATER, TACKIFIER, OR CHEMICAL SOIL STABILIZERS. THE CONTRACTOR SHALL MAINTAIN THE DUST CONTROL MEASURES THROUGH DRY WEATHER PERIODS UNTIL ALL DISTURBED AREAS HAVE BEEN STABILIZED. IMMEDIATELY RE-STABILIZE AREAS DISTURBED BY CONTRACTOR'S OPERATIONS OR OTHER ACTIVITIES (WIND, WATER, VANDALISM, ETC.).
19. ENTRY ONTO THE CONSTRUCTION SITE SHALL BE RESTRICTED TO THE APPROVED ENTRANCE AS SHOWN ON PLAN OR DIRECTED BY THE CONSTRUCTION MGR.



05-31-23

EROSION CONTROL

EC-1

Attachment 3

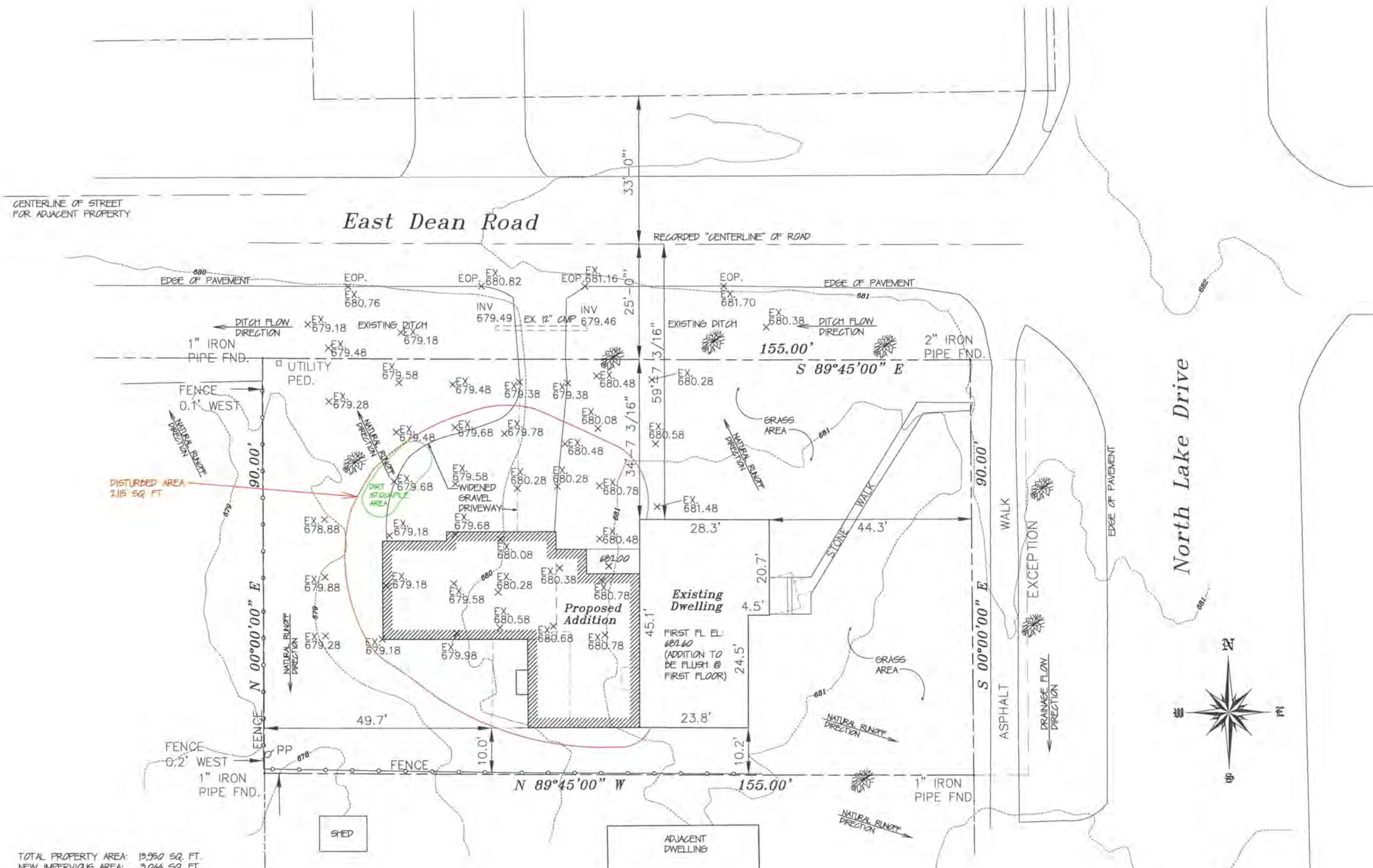
June 9, 2023 Drawings



ARCHITECTURE

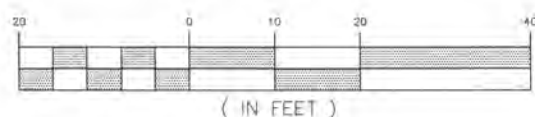
413 NORTH SECOND STREET
MILWAUKEE, WI 53203-3111
414-807-8033 Fax: 414-224-8034

Renovation & Expansion of
Single Family Home
8339 N Lake Drive
Fox Point, WI 53217



TOTAL PROPERTY AREA: 19,950 SQ. FT.
NEW IMPERVIOUS AREA: 3,066 SQ. FT.
AREA OF NEW BASEMENT: 762 SQ. FT.
762 x 9 DEEP / 9 = 154 CU. YDS.
FROSTWALL EXCAVATION: 35 CU. YDS.

ALL FILL TO BE REMOVED FROM SITE EXCEPT
+/- 25 CU. YDS. FOR PERIMETER BACKFILL
TO CREATE POSITIVE DRAINAGE FROM HOME
NO FILL TO BE BROUGHT TO SITE



PROPOSED GRADING PLAN

1" = 10'-0"

SCHEDULE OF LAND DISTURBANCE ACTIVITY:
START DATE: UPON PERMIT ISSUANCE
COMPLETION: BACKFILL WITHIN 4 WEEKS
FINAL GRADING WITHIN 12 WEEKS

SHEET INDEX

- G-1 PROPOSED GRADING PLAN
- G-2 EXISTING SITE PLAN

06-09-23

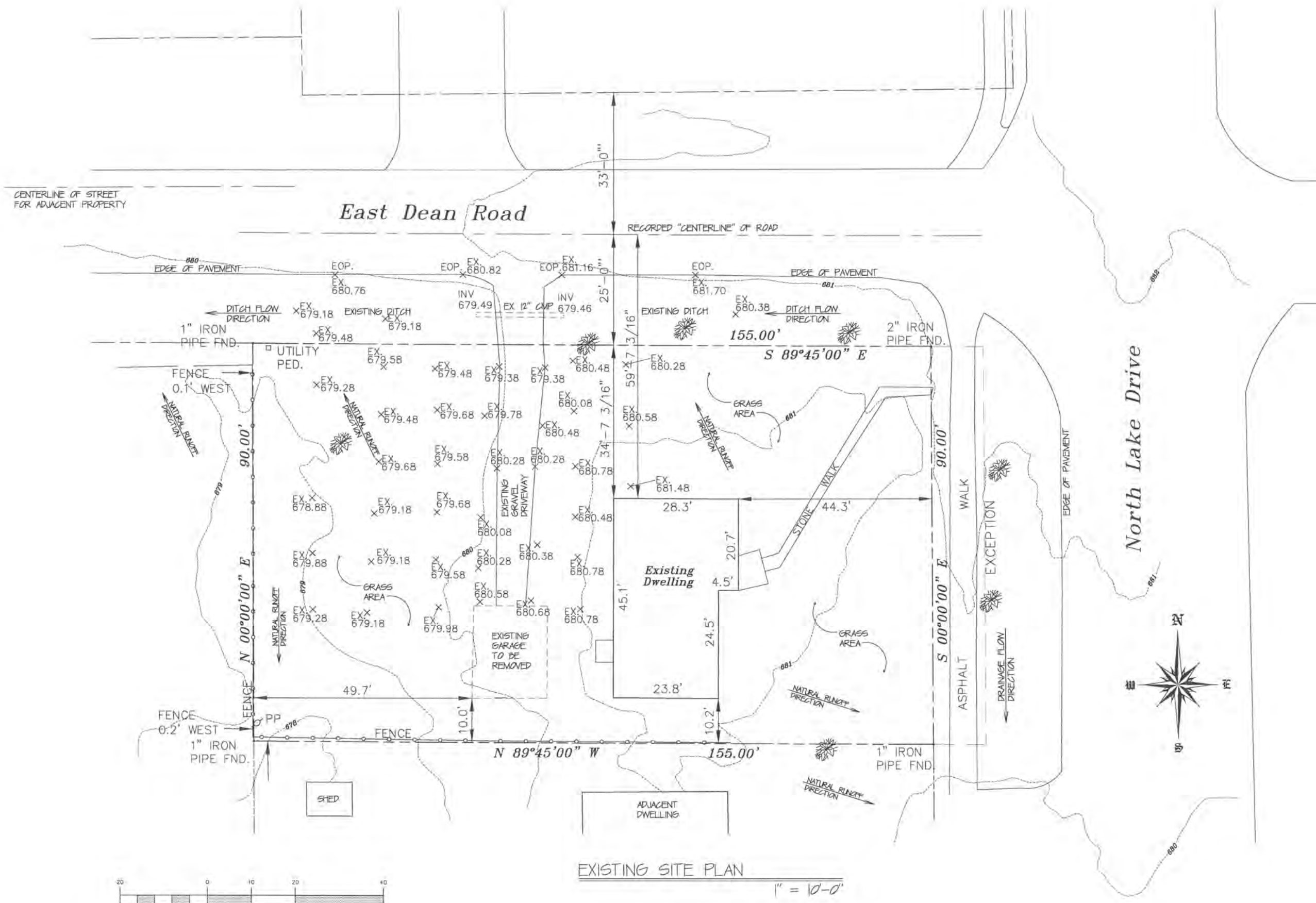
GRADING PLAN

G-1



ARCHITECTURE

413 NORTH SECOND STREET
MILWAUKEE, WI 53203-3111
414-807-8033 Fax: 414-224-8034



Renovation & Expansion of
Single Family Home
8339 N. Lake Drive
Fox Point, WI 53217

06-09-23

EXISTING SITE
PLAN

G-2

PER 285-43 (1) (b) THERE ARE NO IDENTIFIED LAKES, STREAMS, WETLANDS, CHANNELS, ENVIRONMENTAL CORRIDORS OR OTHER WATER COURSES ON OR WITHIN 500 FEET OF THIS SITE.
PER 285-43 (1) (c) THERE IS NOT A 100 YEAR FLOODPLAIN, FLOOD FRINGE OR FLOODWAY WITHIN 500 FEET OF THIS SITE.

Attachment 4

Comparison of Existing Grades

LEGAL DESCRIPTION:
LOT 1, BLOCK 1, FOX POINT TERRACE, EXCEPT THE EASTERLY 12 FEET FOR STREET PURPOSES, BEING A SUBDIVISION OF A PART OF THE SW 1/4 OF SECTION 9, TOWN 8 NORTH, RANGE 22 EAST, IN THE VILLAGE OF FOX POINT, MILWAUKEE COUNTY, WISCONSIN.



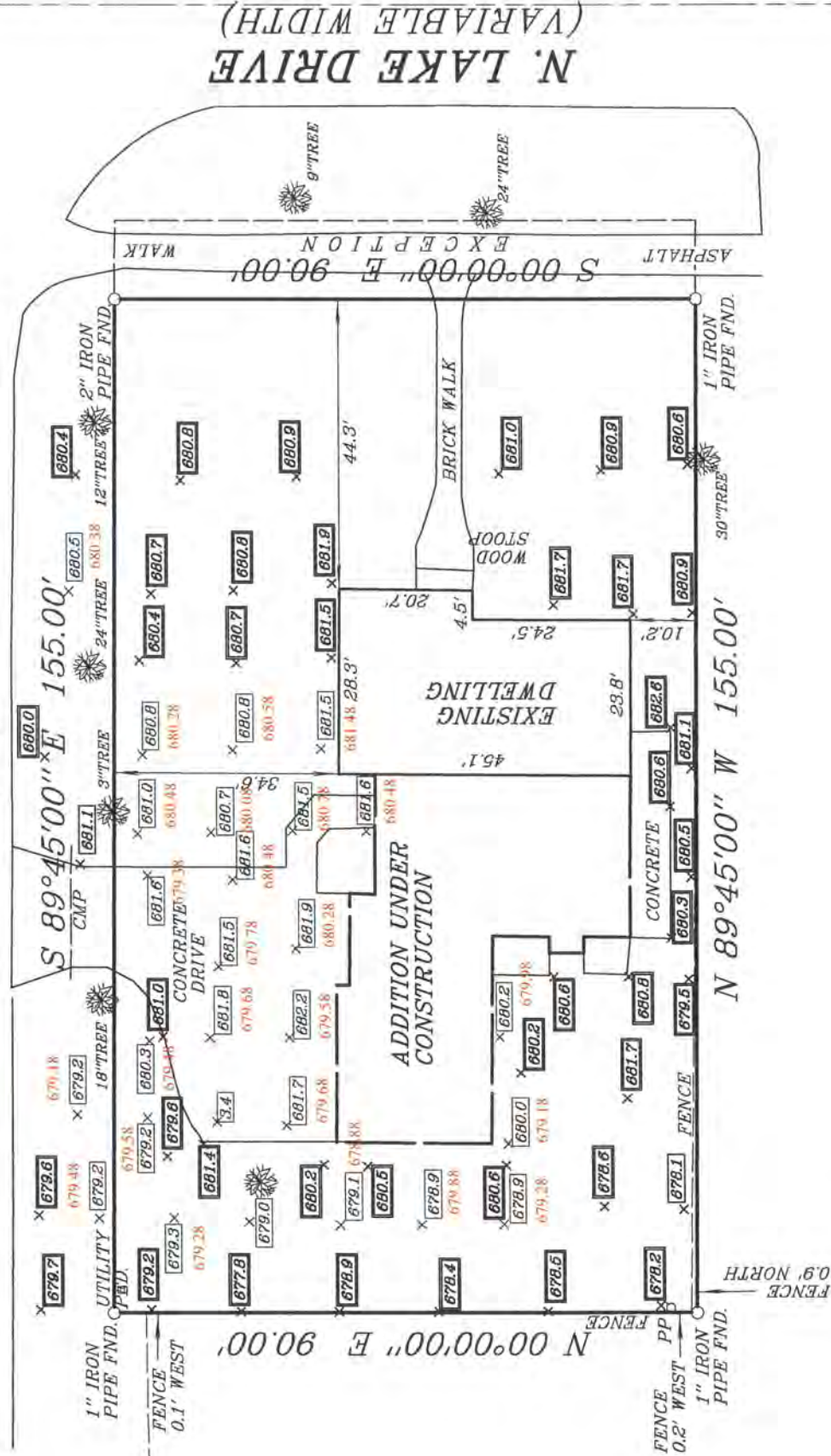
SCALE: 1"=30'



LOT SIZE=13,950 S.F.

BEARINGS REFER TO THE PLAT OF FOX POINT TERRACE.

E. DEAN ROAD
(58')



680.0 - DENOTES EXISTING GRADE (PRIOR TO CONSTRUCTION)

681.0 - DENOTES AS-BUILT GRADE (POST CONSTRUCTION)
COLLECTED MAY 13, 2024

I hereby certify that I have surveyed the above described property and 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, roadway and visible encroachments, if any. This survey is made for the present owners of the property, and also those who purchase, mortgage, or guarantee, the title thereto within one (1) year from date hereof.

Signed CHRISTOPHER J. KUNKEL REGISTERED LAND SURVEYOR S-1755

PLAT OF SURVEY

PREPARED FOR: STACK DESIGN GROUP

LOCATION: 8339 N. LAKE DRIVE, VILLAGE OF FOX POINT

DRAWN BY: CJK	DATE: 2/10/22
CHECKED BY:	
APPROVED BY:	
PROJECT NO. 751-026-001	
SHEET NO. 01	

Endpoint Solutions

8871 S. LOVERS LANE
FRANKLIN, WI 53132
PHONE: (414) 427-1200

REV	DATE
1	2/10/22
2	2/14/22
3	5/15/24
4	
5	
6	
7	
8	
9	
10	

GRADE AS-BUILT
FINAL DRAFT
FIELD SURVEY

Ralph Bencriscutto

Tower Circle Investments

8339 N Lake Dr

Fox Point WI

09/26/24

RE: Explanation of Appeal for filling and grading permit required by Scott Botcher

Scope: Is a filling and grading permit required solely based on land disturbing activity exceeding 4000 sq.ft. and do the fill exemptions for code 272 apply.

Irrefutable statements of fact:

With this logic every permit under 285 with a lower limit of 8000 sq.ft. would always need to also get a grading and fill permit since they always will be over 4000 sq.ft. of disturbed area.

Section 756 is just the plan review application for the same permits- You cannot exclude exemptions of the code for the permit application.

Lets simplify this discussion

	Yes	No
1.) Is the grading permit municipal code 272	<u> x </u>	<u> </u>
2.) Is the application for plan review under section 272 and 285 covered under section 756 under section 1,2 and 3	<u> x </u>	<u> </u>
3.) Does this code have exemptions for landscaping, patios, Planters, top dressing, berms as listed under 272-10	<u> x </u>	<u> </u>
4.) Do any of the exemptions require a permit	<u> </u>	<u> x </u>
5.) Do any of the exempted items outside of “ minor grading” have a cu ft or size limit.	<u> </u>	<u> x </u>
6.) If any Fox Point Residence does landscaping that affects Over 4000sq.ft does it require a filling and grading permit	<u> </u>	<u> x </u>
7.) Is there a minimum scope of grading and filling required In this application over 4000 sq.ft listed under section	<u> x </u>	<u> </u>

1. **Grading and Drainage Plans** – A grading and drainage plan must be submitted pursuant to Section 756-7E(1) if, among other things, a new principal building is to be constructed or a grading activity affects more than 4,000 square feet. A complete list of the activities is included in Section 756-7E(1), a copy of which is attached hereto.

8. Does 756-7 (E) 1, b require a change in grades from existing - _____

(b) The plans shall show the present and proposed grades of the lot on which it is proposed to erect the building for which a building permit is sought and of the immediately adjoining property in sufficient detail to indicate the surface water drainage before and after the completion of grading. No permit shall be issued if the

9. Are the exemptions under section 272-10 land disturbing activities. _____

10. Does section 285 cover erosion control for areas over 8000 Sq.ft. _____

11. Does section 285- 39 definitions describe land disturbing Activities with exemptions for this permit also- see below _____

LAND-DISTURBING CONSTRUCTION ACTIVITY — Any man-made change of the land surface including removing vegetation cover, excavating, filling and grading, but not including agricultural land uses such as planting, cultivating and harvesting of crops; growing and tending of gardens; harvesting of trees; and landscaping modifications.

12. Under Section 285 are landscaping activities exempt _____

13. Is repairing your grass a land disturbing activity _____

14. Does land disturbing activity have different definitions for each application- from Bayside application below _____

DATE: _____	DATE: _____	MONTHS OF CONSTRUCTION: _____
DESCRIPTION OF LAND DISTURBING ACTIVITY:		
Excavating: _____ (Cubic Yards)	Filling: _____ (Cubic Yards)	Trenching: _____ (Lineal Feet)
Grading: _____ (Sq. Ft.)	Ground Cover Removal: _____ (Sq. Ft.)	Total Area Disturbed: _____ (Sq. Ft.)
ADMINISTRATIVE NOTES		
Sec. 107-99 (d)		

15. Do all applications under section 285 require a filling and

- grading permit if they are over 4000 sq.ft. even if they aren't filling or grading- Scott said no in the meeting _____ x
16. Does Fox Point ever issue permits in section 285 that do not require fill and grading permit _____ x
17. Are plans, plan review and permit applications required to do nothing in any part of the municipal codes. _____ x
18. Have we provided a drainage plan prior to starting the project that was reviewed and approved- see attachment _____ x
19. Have we provided a final as built survey per request that shows no change in grade and thus no grading or filling _____ x
20. Should this final plan have been required per requirements of section 285 under that application _____ x
21. If a property owner decides to landscape his yard and replace his driveway and disturbs over 4000 sq.ft on his yard by driving construction vehicles on the yard are you going to stop his project and require a filling and grading permit _____ ?
22. Would he then have to provide plan review, post a \$5000.00 Cash bond, notify the neighbors and hire an engineering firm _____ ?

Other notes:

1. Under the exemptions of 285 section IV erosion control for landscaping activities, our scope of work for erosion control at this site is only the excavated area and siting of the fill during removal. With that definition we are under the 2100 sq.ft. of the original permit.
2. We got the permit for the neighbors as requested (not required) and satisfied our side of the contract by removing the fill and providing final elevations per agreement. Now the village needs to hold to their obligation and close the permit.
3. The argument that you cannot use the exemptions of one code for the other make no sense since the exemptions for 272 are the permit we are being asked to submit. Section 765-7E is the plan review for 272 and 285. Is he saying that you cannot use the exemptions under the code you are applying for in the application? This statement has no explanation of fact.
4. Scott Branmeier explained that the erosion permit is commonly issued when land disturbing activities do not need grading. Why is our project different? This is a contradictory statement.

5. With no change in grade affected or proposed and the project completed, the erosion and drainage plan submitted is accurate and complete.

There is no logic or legal president to regulating and requiring a costly and time consuming plan to do nothing based on just disturbing the yard during construction. The only risk here is to the village in delaying and discouraging development that always will raise the tax base. This property alone will triple tax revenues, and it is now over a year delayed by this assumed requirement.

If your goal is to discourage development then engineering is doing a good job. All the adjoining villages and Milwaukee are doing the opposite with little or no bond, quick plan view, low or no cost for residential. Grading, erosion and drainage in one permit etc. See attachments.

Regards- Ralph Bencriscutto

www.towerenergypartners.com

Code Excerpts

272 exemptions:

§ 272-10 Exceptions.

The following activities are excluded from the requirements of this chapter:

- A.** Top dressing. This chapter shall not apply to customary top dressing or fertilizing of lawns and gardens.
- B.** Patios and driveways. This chapter shall not apply to construction of block or concrete patios, or driveways permitted under the Village Code, or the filling of such areas with soil after they have been removed from the property.
- C.** Berms. This chapter shall not apply to the construction of a berm of 2.5 feet or less in height, provided the berm shall not change the capacity or rate of flow of water so as to adversely effect the drainage of surface water in the vicinity of the berm.
- D.** Existing barrier repair. This chapter shall not apply to the repair of an existing lake or stream barrier.
- E.** Minor grading. This chapter shall not apply to filling activities of 25 cubic yards of fill or less, provided that the direction of the flow of water is not altered or the grading work changes the flow from a back pitch into a residential structure to a pitch away from the residential structure, provided that such change does not direct flow toward another residential structure. The intent of this exception is to allow for minor grading and construction of planting beds, flower gardens, rain gardens, and similar activities.
- F.** Razing activities. This chapter shall not apply to fill that is placed following razing activities that are regulated by § 756-10B of this Code.
- G.** Trench filling. This chapter shall not apply to fill that is placed into a trench that is excavated for utility or drainage purposes, provide the trench is filled to the level of the preexisting grade.

Erosion Control Plan originally submitted and approved – This plan is accurate as the completed project with no revisions needed.

Relative Village Regulations: Permit applications are attached. You will notice a much clearer description of land disturbing activities in the applications. None of them consider unspecified land disturbing activities as a basis for grading or anything else and they all have the same exemptions.

Whitefish Bay

Drainage plan covers any grading activities

Bayside

Drainage plan covers any grading activities

Shorewood

Drainage plan covers any grading activities

Milwaukee

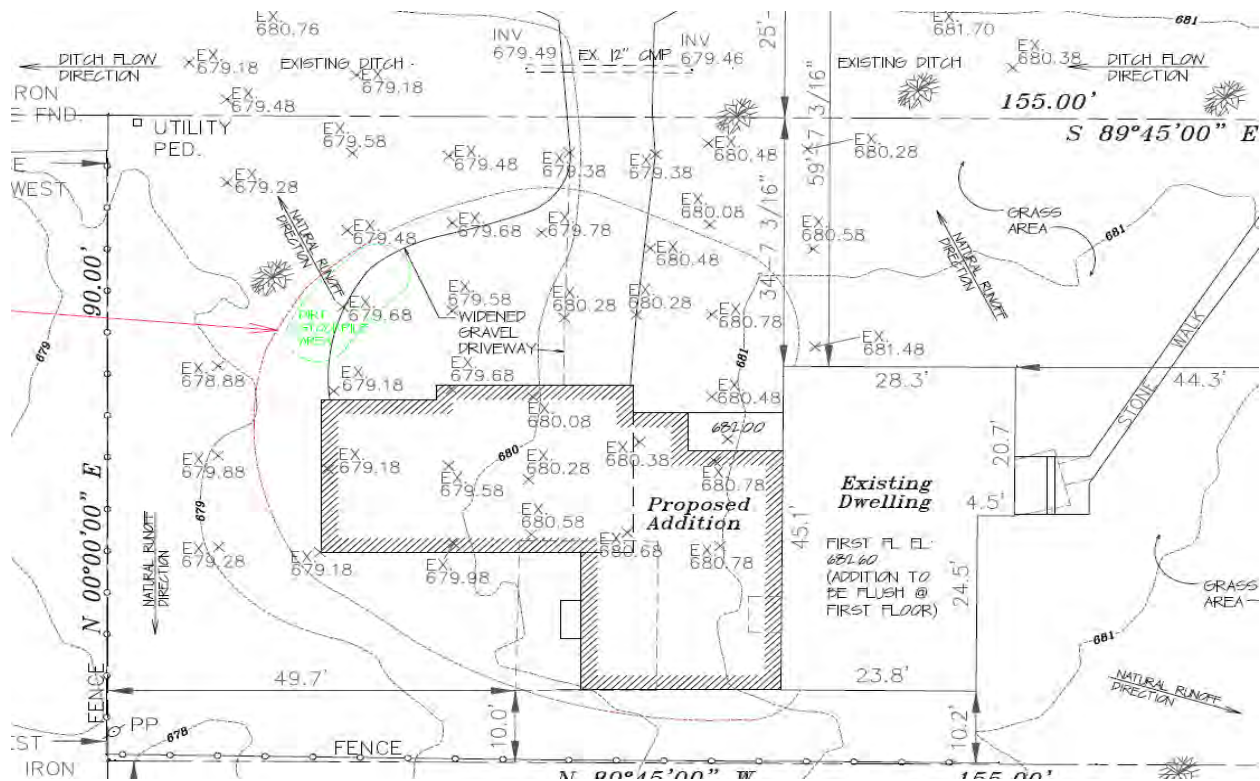
Drainage plan covers any grading activities

Fox Point

Grading is a separate, time consuming and costly process, \$ 5000.00 cash bond, 45 day plan review, 21 day notice to residents etc. Other villages have a 0-\$500.00 bond, 10-30 day review and a single application with simple drawings that do not require a surveyor before or after the project. You just have to follow the codes. This would greatly increase local development.

Bayside Description of land disturbing activities- this clarifies the scope of the permit. All the other villages have a similar specific description of land disturbing activities. +

DATE:	DATE:	MONTHS OF CONSTRUCTION:
DESCRIPTION OF LAND DISTURBING ACTIVITY:		
Excavating: _____ (Cubic Yards)	Filling: _____ (Cubic Yards)	Trenching: _____ (Lineal Feet)
Grading: _____ (Sq. Ft.)	Ground Cover Removal: _____ (Sq. Ft.)	Total Area Disturbed: _____ (Sq. Ft.)
ADMINISTRATIVE NOTES		
Sec. 107-99 (d)		



Summary:

- 1. Land disturbing activities are a broad description and are only relative to the specifics of the permit.**
- 2. Our drainage and erosion control plan was the appropriate permit**
- 3. The plan was started and completed per agreement**

Mr Botcher was incorrect in their requirement for a grading and fill permit based solely on land disturbing activity exceeding 4000 sq.ft. when no grading or filling was done or proposed. The exemptions apply to both the code and application for a permit for the same.

Mr Branmeier state that “ his hands were tied “ after Mr Botchers decision since Mr Botcher is the village manager.

Giving engineering clarification will allow them to avoid un-needed costs and delays for development in Fox Point and make the village competitive with the adjoining villages. Scott Branmeier made that statement several times.

We are respectfully requesting the board approve our argument that this project does not need another permit for grading and filling.

Regards

Ralph Bencriscutto

8339 N Lake

Fox Point WI

262-664-3166

Erosion Control Certification

Permit & Development Center

809 N. Broadway, Milwaukee, WI 53202 | (414) 286-8210 | milwaukee.gov/permits | DevelopmentCenterInfo@milwaukee.gov

City ordinances require control of on-site erosion for all construction and filling activities. Erosion must be controlled by:

- Preserving, to the extent possible, existing vegetation.
- Properly installing and maintaining erosion control measures.
- Immediately cleaning adjacent streets and sidewalks of tracked sediment.

Required erosion control measures

For sites less than one acre, applicants must submit a simple map and statement to briefly describe the site and erosion controls, including the site development schedule, that will be used to meet the requirements of City ordinance.

For sites greater than one acre, applicants must submit four sets of plans, a statement of operation, and project schedule, all in accordance with Ch. 290-9-1 of the Milwaukee Code of Ordinances.

Tracking

Each site shall have graveled roads, access drives and parking areas of sufficient width and length to prevent sediment from being tracked onto public or private roadways. Any sediment reaching a public or private road shall be removed by street cleaning, other than flushing, immediately.

Certification

The erosion control certification (below), signed by the individual responsible for maintaining erosion control at the site, must be submitted before the permit is issued.

Performance deposit

A performance deposit equal to \$0.50/SF of disturbed area shall be provided as a condition of permit issuance. The deposit may be in the form of an irrevocable letter of credit, bond, or certified check. The minimum deposit is \$500.

It will be returned upon successful completion of the project. Deposits are **not** required for projects involving one- and two-family homes.

Enforcement

Enforcement provisions are included in section 290-15, Milwaukee Code of Ordinances.

Erosion control certification

Address of parcel(s) _____

Disturbed land area _____ SF LMS ID# _____

Owner/agent _____

Address _____

Phone _____ Fax _____ Email _____

As owner or agent I certify that I understand the conditions of this statement and that I will comply with the provisions of Ch. 290 Milwaukee Building and Zoning Code as required to mitigate construction site erosion. I acknowledge all enforcement correspondence will be sent to me.

Signature _____ Date _____



Village of Whitefish Bay

155 W Fairmount Ave • Whitefish Bay, Wisconsin 53217 • (414) 962-6690 • Fax (414)962-5651

Drainage Review Application

Permit # _____

Property Owner _____ Date _____
 Address _____ Phone _____
 Contractor/Design Firm _____ Phone _____
 Address _____
 City _____ State _____ Zip _____

Project Description

1. Briefly describe project scope and extents.

Existing Building Square Footage _____ Proposed Building Square Footage _____
 Net Building Impervious Area Square Footage Change _____
 Existing Property Impervious Square Footage(hardscapes) _____
 Proposed Property Impervious Square Footage(hardscapes) _____
 Net Lot Impervious Square Footage Change(Include Hardscapes) _____
 Existing Basement Depth _____ Proposed Basement Depth _____

Documents required

- _ Site plan with scale provided in pdf document or paper form not to exceed 11”X17” in size
 - _ Existing and proposed structures
 - _ Existing and proposed contours with 1’ intervals
 - _ All downspout and sump locations labelled with direction of discharge displayed
 - _ Legal Description
 - _ Properly orientated with North arrow
 - _ Display any utility easements
 - _ Include adjacent street names with ROW widths
 - _ If benchmark exists at property provide location and elevation of benchmark using NAD83 as datum
 - _ Adequate legend for plans
 - _ If applicable, signed and stamped structural calculations for retaining wall

- _ Erosion control plan filed with Building Inspection
- _ Shoring plan
- _ Traffic control plan
- _ Include scale on all sheets
- _ Include grading notes
- _ Provide quantities of cut or fill(fill requires additional permit)
- _ When connecting to storm provide invert and rim elevations of structures
- _ Provide floor to area ratio (FAR) for property
- _ Trees greater than 18” identified

Additional details

- o Village code requires downspouts and sumps to discharge at least 6 foot from structure
- o When storm sewer is available the Village may direct contractor to tie sumps directly to it
- o All pipes below grade shall be SDR-35 PVC or better
- o Follow state and local plumbing codes
- o Obtain proper plumbing and ROW permits
- o Do not regrade or fill in a manner that will direct additional sheet flows to neighboring properties
- o Be aware of Village ordinance 10-19 that states “Whenever storm or drainage water flows from the property of one owner or owners onto the property of another owner or owners to the damage of the latter property, the owner or owners of the property first mentioned shall connect his or their property with the storm sewer or with the street gutter in such manner as the Village Manager shall require. In the event that the owner or owners of such property first mentioned shall fail to comply with the orders of the Village Manager after ten days notice by registered mail to the last known address of such owner or owners so to do, the Village Manager shall cause said work to be done and certify the cost thereof to the Village Clerk-Treasurer who shall extend such cost against the property first above mentioned upon the next tax roll of said Village.”
- o This review application is in place to protect contractors and property owners from future issues that could arise due to drainage changes. **This review is not meant to hinder projects but to protect developer, neighboring properties, and the Village of Whitefish Bay.**
- o **Minimal** slope on grass areas shall be 1%, on asphalt 0.50%, on concrete 0.40%.
- o Provide detailed erosion plan to occur during construction.
- o Contact Staff Engineer for Final Inspection at (414) 962-6690 ext. 123.

Official Use Only:	
_____ Signature approving Engineer	_____ date
Previous ERU _____	
New ERU(Impervious divided by 3045 sf) _____	
SWU Bill _____	

Special Conditions of Drainage Review Approval



EROSION CONTROL APPLICATION

Special BOA Pckt 10/09/2024

Page 36 of 41
PERMIT NO: _____

NSInspectionServices@gmail.com

**To Schedule Inspection, Call:
 262-901-8771**

PEC _____

**4800 W. Green Brook Dr.
 Brown Deer, WI 53223**

One & Two Family Commercial

Project Address:		Estimated Cost of Job:	
Location of Structure:		\$	
Description of Work:			
Description of Land Disturbing Activity:	Excavating or Filling: (Cubic Yards)	Trenching: (Lineal Feet)	
Grading <input type="checkbox"/> Yes <input type="checkbox"/> No	Ground Cover Removal (Sq. Ft.) <input type="checkbox"/> Yes <input type="checkbox"/> No	Total Area Disturbed: (Sq. Ft.)	
Owner:		Owner Telephone:	
Mailing Address:		City, State, Zip:	
CONTRACTOR & Telephone:		Qualifier Name: (Print Name)	
Address		City	State Zip Code
Dwelling Contractor No:	Expires:	Dwelling Contractor Qualifier No:	Expires:

CONDITIONS OF APPROVAL

1. Property Owner/Applicant is responsible for compliance with the Erosion Control Ordinance of COMM 21-125 and Conditionally Approved Plan. Owner/Applicant is responsibilities of any subcontractors which may affect non-compliance situations.
2. Install Erosion Control devices as identified in the Approved Erosion Control Plan.
3. Use of #3 aggregate stone or other approved stone with a minimum of 3" diameter required for access drives, 6" depth, 30'-50' length 14'-20' width.
4. Protect all storm sewers inlets with approved Erosion Control devices.
5. Remove tracking (i.e. sediment) from street at the end of each work day. Maintain all road drainage systems and tracking provisions, Storm water drainage systems, control measures and other facilities identified in the Erosion Control Plan.
6. Repair any siltation or erosion damage to adjoining surfaces and drainage ways resulting from land development or disturbing activities.
7. All soil storage piles shall be located at least 25 feet from any downslope road, lake, stream, wetland, ditch, channel or other watercourse.
8. Stock piles that are left for more than seven (7) days should be seeded, covered with a tarp or have erosion control – silt fence/straw bales installed on the downslope side (s) of the stock pile.
9. Inspect all Erosion Control devices after each rain of 0.5 inches or more and at least once a week and make needed repairs.
10. Maintain all Erosion Control devices until disturbed areas are stabilized (seed/sod/mulch disturbed areas as soon as possible.)
11. Keep a copy of the Conditionally Approved Erosion Control Plan on site.

One & Two Family Dwellings	\$180.00 (per lot)	\$
Multi-Family Units, Commercial & Industrial	\$180.00 (per building) "PLUS" \$5.00 per 1,000 sq. ft. of disturbed lot area with a \$2,000 MAX	\$
DOUBLE FEES ARE DUE IF WORK IS STARTED BEFORE PERMIT IS ISSUED		TOTAL PERMIT FEE \$

FINAL INSPECTIONS ARE MANDATORY. Please have permit number and address when requesting inspections. Please give at least 24 hours notice. No occupancy will be granted until the site is stabilized or protected.

I hereby certify that I fully understand the provisions of the Village of Brown Deer Erosion Control Ordinance and that I accept full responsibility for carrying out the control plan for the referenced project, as approved by the village. In addition to the Conditions of Approval, this permit must be transferred to the new home owner and the site must be stabilized or protected at the time of occupancy. Acceptance of conditions by applicant. (In case of applicant not being the owner of the parcel, the applicant shall act as the agent for the owner and the owner's permission and acceptance of all conditions shall be in force as soon as the applicant is permitted by the owner to proceed with the work outlined herein.)

Signature Of Applicant: _____ **Date:** _____



EROSION CONTROL APPLICATION

permits@baysidewi.gov
(414)-206-3915

9075 N Regent Rd
Bayside, WI 53217

Residential Commercial

Project Address:

Owner:

Owner Telephone: _____ Owner Email: _____

Mailing Address: _____ City, State, Zip: _____

Contractor: _____ Contractor Name: _____

Contractor Telephone: _____ Contractor Email: _____

Address: _____ City, State, Zip: _____

DESCRIPTION OF WORK:

START DATE:	END DATE:	ESTIMATED NUMBER OF MONTHS OF CONSTRUCTION:
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DESCRIPTION OF LAND DISTURBING ACTIVITY:

Excavating: _____ (Cubic Yards)	Filling: _____ (Cubic Yards)	Trenching: _____ (Lineal Feet)
Grading: _____ (Sq. Ft.)	Ground Cover Removal: _____ (Sq. Ft.)	Total Area Disturbed: _____ (Sq. Ft.)

ADMINISTRATIVE NOTES

- Sec. 107-99 (d)
- Every ground disturbing project must have a site-specific erosion control and stormwater management plan which utilizes best management practices to avoid or minimize soil, sediment, and pollutants from being carried off-site during and after construction activity in accordance to State of Wisconsin Statutes, Section NR 216 and NR 151 Wis. Adm. Code.
 - Applicant must inspect BMP's at least once every seven (7) days and within 24 hours after a precipitation event of 0.5 inches or more.
 - Remove tracking (i.e. sediment) from the street at the end of each workday. Maintain all road drainage systems and stormwater drainage systems.
 - A minimum of 70% vegetative coverage or permanent methods in place prior to removal of BMP's.
 - Permit is valid for 24 months, after which the applicant must reapply for coverage.
 - Permit must be posted and visible on the site of work. A copy of the Erosion Control Plan must also be on site.
 - Village Engineer or designee will inspect the project monthly. Any noted violations must be corrected within 1 day time from notice. Failure to correct will result in an additional monthly fee invoiced to the property.

FEES (OFFICE USE):	Flat Fee	Monthly Fee	TOTAL	Date Paid
Residential Plan Review	\$300	\$50 (if applicant does not report monthly)	\$	
Commercial Plan Review	\$300	\$200 x _____ months	\$	

By signing this application, applicant certifies that they fully understand the provisions of the Village of Bayside Erosion Control Ordinance and that they accept full responsibility for carrying out the control plan for the referenced project, as approved by the Village. As a condition of approval and issuance of the permit, the Village shall require the applicant to specify the project duration in months and prepay for monthly inspections. All costs incurred by the Village in processing an erosion control application including, but not limited to, engineering, legal, and other expert and professional fees, shall be paid to the Village by the applicant. Any additional fees that arise due to inspection failures must also be paid to the Village by the applicant. No work may commence until permit and plan are approved by the Village.

APPLICANT SIGNATURE: _____ **HOMEOWNER SIGNATURE:** _____



EROSION CONTROL CHECKLIST

Required Upon Submittal:

Sec. 107-100 (b)1-5

EXISTING SITE MAP

- Site boundaries of adjacent lands which accurately identify site location.
- Lakes, streams, wetlands, channels, ditches, and other water courses on and immediately adjacent to the site.
- 100- year floodplains, flood fringes, and floodways.
- Location of predominate soil types.
- Vegetative cover.
- Location and dimensions of stormwater drainage systems and natural drainage patterns on and immediately adjacent to the site.
- Locations and dimensions of utilities, structures, roads, highways, and paving.

FINAL SITE MAP

- A plan of final site conditions.

SITE CONSTRUCTION PLAN

- Locations and dimensions of all proposed land disturbing activities.
- Locations and dimensions of all temporary soil or dirt stockpiles.
- Locations and dimensions of all construction site management control measures necessary.
- Proposed site grades.
- Schedule of anticipated starting and completion date of each land disturbing or land developing activity including installation of construction site control measures.
- Provisions of maintenance of the construction site control measures during construction.

MAINTENANCE PLAN

- Best Management Plan types and descriptions. Including temporary and permanent.
- Proposed site grades.
- Final vegetation cover.



APPLICATION FOR EROSION CONTROL PERMIT

Village of Shorewood

Planning & Development Department
3930 N. Murray Avenue, Shorewood, WI 53211
Phone (414) 847-2640 Facsimile (414) 847-2606
www.villageofshorewood.org

This permit is valid for 180 days.
Please call when job is complete for final inspection

OFFICE USE ONLY	
PERMIT #	
PERMIT FEE	\$250.00
APPROVAL DATE	

Job Address	Dwelling		
Owner's Information	Contractor's Information		
Name	Name		
Address	Address		
City/State/Zip	City/State/Zip		
Phone	Phone		
Email	Email		
Property Tax Key #	Business Credential #		
SITE INFORMATION			
The undersigned hereby applies for approval of a site erosion control plan and a permit to implement the approved plan.			
Site Size:	Square Feet	The site is:	Larger Smaller than one acre?
Description of land disturbing activity:			
Is an erosion control plan attached?	YES	NO	
Is a survey attached?	YES	NO	
Have you applied for a building permit?	YES	NO	
Have you applied for an Alter the Public Way Permit?	YES	NO	
The undersigned agrees to obey all regulations pertaining to erosion control, follow best management practices and obey all ordinances of the Village of Shorewood Code section 250 and all the State of Wisconsin.			
Notes:			

11/2013

Signature

Date

CONSTRUCTION SITE EROSION CONTROL PERMIT REQUIREMENTS

Greater than One Acre

Village of Shorewood Planning & Development Department

The following information and materials are required per Code Section 250-4 for land development and land disturbing activities covering one or more acres.

- ___ Existing site map.
A map of existing site conditions shall be submitted on a scale of at least one inch equals 100 feet showing the site and immediately adjacent areas extending at least 200 feet in each direction, including:
 - ___ Site boundaries and adjacent lands which accurately identify site location;
 - ___ Lakes, streams, wetlands, channels, ditches, and other watercourses on and immediately adjacent to the site;
 - ___ One-hundred-year floodplains, flood fringes and floodways;
 - ___ Location of the predominant soil types;
 - ___ Vegetative cover;
 - ___ Location and dimensions of stormwater draining systems and natural drainage patterns on and immediately adjacent to the site and the size, slope and land cover of upslope drainage areas, peak discharge, velocities, direction, and destination of flows;
 - ___ Locations and dimensions of utilities, structures, roads, highways, and paving;
 - ___ Site topography at a contour interval not to exceed five feet; and
 - ___ Name, address and daytime telephone number of the applicant and the person responsible for maintenance of best management practices.

- ___ Plan of final site conditions. A plan of final site conditions shall be submitted on the same scale as the existing site map showing the site changes.

- ___ Site construction plan. A site construction plan shall be submitted, including:
 - ___ Locations and dimensions of all proposed land development and land disturbing activities;
 - ___ Locations and dimensions of all temporary soil and dirt stockpiles;
 - ___ Locations and dimensions of all best management practices necessary to meet the requirements of this article;
 - ___ Section of anticipated starting and completion dates of each land development or land disturbing activity, including the installation of best management practices needed to meet the requirements of this article;
 - ___ Provisions for maintenance of best management practices during construction; and
 - ___ Description of vegetation and other materials to be used to stabilize the site, including a schedule for installation and maintenance.

Review of erosion control plans.

- Within 30 working days of receipt of the application, control plan, and fee, the Planning and Development Department shall review the application and control plan to determine if the requirements of this article are met. No building permit or footing and foundation permit shall be issued for a site subject to this article without an erosion control permit.

Permit conditions. All erosion control permits shall require the permittee to:

- Notify the Village within two working days of commencing any land development and land disturbing activity;
- Notify the Village of completion of any best management practices within next working day after their installation;
- Obtain permission in writing from the Building Inspector prior to modifying the erosion control plan;
- Install all best management practices as identified in the approved erosion control plan;
- Maintain all road drainage systems, stormwater drainage systems, BMP and other facilities in the erosion control plan;
- Repair any siltation or erosion damage to adjoining surfaces and drainageways resulting from land development or land disturbing activities;
- Inspect the best management practices after each rain of 0.5 inch or more and at least once each week and make needed repairs;
- Allow Village personnel or other Village agents to enter the site for the purpose of inspecting compliance with the erosion control plan or for performing any work necessary to bring the site into compliance with the erosion control plan;
- Keep a copy of the erosion control plan on the site.

CONSTRUCTION SITE EROSION CONTROL PERMIT REQUIREMENTS

Less than One Acre

Village of Shorewood Planning & Development Department

The following information and materials are required per Code Section 250-4 for land development and land disturbing activities covering less than one acre. An erosion control plan statement (with simple map) shall be submitted to briefly describe:

- ___ (1) Property boundaries and area to be disturbed;
- ___ (2) Direction of slopes before and after development;
- ___ (3) Existing and proposed buildings and other improvements;
- ___ (4) Size of upslope drainage areas;
- ___ (5) Development schedule;
- ___ (6) Best management practices necessary to meet the requirements of this article;
- ___ (7) Description of vegetation and other materials to be used to stabilize the site, including a schedule for installation and maintenance; and
- ___ (8) Name, address and daytime telephone number of the applicant and the person responsible for maintenance of best management practices.

Review of erosion control plans.

- Erosion control plans for sites of less than one acre of land development or land disturbing activity. Within 10 working days of receipt of the application, control plan statement, and fee, the Planning and Development Department shall review the application and control plan statement to determine if the requirements of this article are met. The Planning and Development Department may request comments from other staff or agencies. If the requirements of this article are met, the Planning and Development Department shall approve the plan, inform the applicant and issue a permit. If the conditions are not met, the Planning and Development Department shall inform the applicant in writing and may either require needed information or disapprove the plan. Within 10 working days of receipt of needed information, the Planning and Development Department shall again determine if the plan meets the requirements of this article. If the plan is disapproved, the Planning and Development Department shall inform the applicant in writing of the reasons for disapproval.

Permit conditions. All erosion control permits shall require the permittee to:

- Notify the Village within two working days of commencing any land development and land disturbing activity;
- Notify the Village of completion of any best management practices within next working day after their installation;
- Obtain permission in writing from the Building Inspector prior to modifying the erosion control plan;
- Install all best management practices as identified in the approved erosion control plan;
- Maintain all road drainage systems, stormwater drainage systems, BMP and other facilities in the erosion control plan;
- Repair any siltation or erosion damage to adjoining surfaces and drainageways resulting from land development or land disturbing activities;
- Inspect the best management practices after each rain of 0.5 inch or more and at least once each week and make needed repairs;
- Allow Village personnel or other Village agents to enter the site for the purpose of inspecting compliance with the erosion control plan or for performing any work necessary to bring the site into compliance with the erosion control plan;
- Keep a copy of the erosion control plan on the site.