

TOWN OF DELAVAN

APPLICATION/PERMIT: DRIVEWAY/PUBLIC RIGHT-OF-WAY

(Please fill out this form completely and submit to the Town of Delavan per attached instructions.)

Date Submitted: _____ Completion Date: _____ Permit Number: _____

Name: _____ Phone #: _____

Address: _____ Cell #: _____

Permit Location: _____

Type of Driveway: ☐ New Driveway ☐ Paving or Repaving of Driveway ☐ Relocate Driveway

Name of Road/Street Involved: _____

Driveway Use: ☐ Commercial ☐ Residential ☐ Agricultural

Permit Requested: ☐ Driveway/Culvert ☐ Culvert Addition ☐ Culvert Removal

a) What side of the roadway is the driveway located? ☐ North ☐ South ☐ East ☐ West

b) Does property abut or border alongside another roadway? ☐ Yes ☐ No

If yes, please indicate road name _____

c) Are there any plans to divide property into smaller lots? ☐ Yes ☐ No

If yes, please explain: _____

d) Provide sketch of proposed driveway, showing frontage of roadway. Roadway Frontage: _____
(Feet or Miles)

e) Applicant shall place flag or marker in ditch visible from Roadway at the location of proposed driveway.

f) Sketch drawing prepared by: _____ Phone: _____

g) If driveway is not completed by the "Completion Date" specified, a time extension must be obtained from the department or this permit is null and void and bond will be forfeited and the driveway shall not be constructed unless authorized through a subsequent permit.

The construction and maintenance of the driveway shall be the responsibility of the applicant. It is understood and agreed that approval is subject to the applicant's full compliance with the pertinent statutes, as well as any codes, rules, regulations, and permit requirements of other jurisdictional agencies.

The applicant shall also comply with all permit provisions, superimposed notes, and detail drawings, which may be added by the department. Any alteration of this form is prohibited and may be cause to revoke this permit.

Signed: _____ Date _____
Applicant

DO NOT WRITE BELOW THIS LINE

A _____ inch diameter culvert _____ feet in length will be installed with end walls under driveway to provide proper drainage.

Approved: _____ Date: _____
Town of Delavan Agent

Comments: _____

Fees: _____

Bond

Driveway

Sewer

Other

PERMIT PROVISIONS AND CONDITIONS OF ISSUANCE

Pursuant to Wisconsin Statutes; this permit is granted to allow performance of the specific work described herein. The following standard provisions and any included special provisions shall govern:

- (1) The Applicant agrees to indemnify and hold harmless the Permitting Authority, its employees and its agents, from any cost, claim, suit, liability and/or award which might come, be brought, or be assessed, because of the issuance of exercise of this permit, or because of any adverse effect upon any person or property which is attributed to the partially or entirely completed works of the Applicant. Accomplishment of the permitted work, or any part thereof, by or on behalf of the Applicant shall bind such Applicant to abide by this permit and all its conditions and provisions.
- (2) The permitted facilities shall, if necessary, be altered at the expense of the Applicant to permit alteration, improvement, or maintenance of the highway as may hereafter be ordered. The entire cost of constructing and maintaining the permitted facilities shall be the obligation of the Applicant unless a contract for such costs has been executed.
- (3) No open cutting for a crossing will be allowed where the pavement is too narrow to maintain one-way traffic at all times, unless the Permitting Authority has granted permission for a detour. Wherever the pavement is opened, the soil shall be hauled away and the trench shall be backfilled with sand or gravel and compacted in layers. The pavement removed for a road crossing shall be replaced as per the Permitting Authority specifications.
- (4) When one-way traffic or a detour is used, the Applicant shall provide **ALL NECESSARY SIGNS, FLAGMEN AND LIGHTS** required according to the "Manual on Uniform Traffic Control Devices." When a detour is allowed, local newspapers shall be notified by the Applicant in advance of the work being started.
- (5) All disturbed areas shall be returned to their present condition or better, subject to the satisfaction of the Permitting Authority or its representative. Access to all private drives and public street intersections shall be maintained, and all disturbed areas completely restored.
- (6) Any trenching, tunneling, or excavating shall be performed in accordance with the requirements of OSHA and the Wisconsin Department of Industry, Labor and Human Relations, and any applicable local regulations.
- (7) A copy of this approval, along with any plans and special provisions, shall be available on the job site.
- (8) Upon completion of the work the Applicant shall file a written notice with the Permitting Authority.

TOWN OF DELAVAN
FEE SCHEDULE AS OF March 30, 2017

DRIVEWAY

Driveway Bond..... \$1,000.00

Refundable upon completion of the following:

- a) Notice to clerk that project is finished
- b) Inspection by a designated Town Official
- c) Town Board approval

Driveway Permit \$200.00

Driveway Paving \$100.00

UTILITY PERMITS

Utility-Right-of-Way..... \$100.00

Utility-Boring In Right-of-Way \$300.00

DAMAGES AND LOSS OF BOND: Any damage which is the result of any repair, maintenance, or construction on roadways or road right-of-way, driveways in the Town of Delavan, shall be the responsibility of said party causing damage. The said party will have fifteen (15) days to repair damage or said party will pay the costs of damage to the Town of Delavan for the damage.

ROADWAY EXCAVATIONS: Replace with compacted suitable materials within twelve (12) inches of surface, road gravel or equivalent compacted to surface (9" gravel, 3" asphalt.) **Note:** Cold patch may be used until weather permits.

DRIVEWAY GUIDELINES TO BE FOLLOWED:

1. Proper size, length, and pitch of culvert with end wall. **(NO plastic culverts allowed.)**
2. Culvert to be covered with 2" to 3" base stone.
3. Surface gravel 1/2" to 3/4" gravel.
4. All disturbed areas to be restored with proper grading, seed or sod when required, erosion control. (Straw or equivalent)
5. No rocks, washouts, debris, redi-mix materials.
6. No plantings (bushes or flowers, etc.), rocks, boulders, structures, fences, etc. within right-of-way. A rural mailbox is the **ONLY** item allowed to be placed within right-of-way.
7. Town of Delavan is not responsible for any damage to mailbox.

*An application/permit for a driveway/public right-of-way may be picked up at Town Hall Monday-Friday between 8:30 a.m. and 4:30 p.m.

8.11 DRIVEWAYS

1) DRIVEWAYS REGULATED

(a) Any new driveways, paving or repaving of existing driveways or any alterations to existing driveways, in which such driveways shall connect from private property to a public right-of-way, shall require the issuance of a permit by the Town of Delavan Highway Department Foreman prior to the beginning of such construction or alteration. The applicant, who may be the owner, agent, or contractor, shall submit a location construction plan, showing specifications including grade, slope, width, and length of the driveway and erosion control procedures. The plan shall be submitted to the Highway Department Foreman on a form approved by the Town Board. The Highway Department Foreman shall not issue a permit to an applicant unless the applicant's plan complies with the following specifications:

- i. Minimum road surface width: twelve (12') feet
- ii. Minimum width clearance: twenty-four (24') feet
- iii. Minimum height clearance of trees, wires, etc: eighteen (18') feet
- iv. Maximum grade: ten (10%) percent
- v. At least one (1) twenty-five (25') feet in length and eighteen (18') feet in width segment of road surface shall be provided for each three-hundred (300') feet of driveway length to provide for the safe passage of meeting vehicles.
- vi. To the extent practicable, the driveway within the area of the public right-of-way shall slope away from the public road at a minimum of one (1%) percent and a maximum of five (5%) percent to prevent erosion onto the public road.
- vii. If the driveway surface of new driveway or existing driveway requiring alteration consists of cement, concrete, brick, cobblestone or a hard-surface paving material other than asphalt, the driveway surface shall not abut directly against the asphalt public roadway surface, but shall instead extend no nearer to the edge of the paved portion of the public roadway than the nearest edge of the road right of way or six (6) feet from the edge of the paved portion of the public roadway, whichever is

greater. Existing driveways disturbed or altered during road construction, maintenance, repair, or which require repaving of the driveway connection to the public roadway, shall be repaved or replaced in the area which extends no nearer to the edge of the paved portion of the public roadway than the nearest edge of the road right of way or six (6) feet from the edge of the paved portion of the public roadway, whichever is greater, with asphalt only. New driveways or alterations to existing driveways which consist of gravel or asphalt shall abut directly against the asphalt public roadway surface.

- viii. An adequate road bed base of suitable material to support the projected traffic and any requirements for culverts shall be determined by the Town in considering an application for driveway approval. If culverts are required, the recommended minimum diameter shall be twelve (12") inches and minimum length shall be twenty (20') feet. Illegal culverts will be removed at the landowner's expense.

2) DRIVEWAY PLAN

- (a) A driveway plan shall be approved by the Highway Department Foreman before any construction permits can be issued.

3) FEES

- (a) The fee for a driveway permit shall be one-hundred (\$100) dollars.

4) VARIANCE PROCEDURE

- (a) Any person, who owns real property in the Town of Delavan, their agent or contractor, may petition for a variance of the design or construction specifications herein, by filing a petition for such variance with the Town, on a form as supplied by the Town. The petition shall be heard by the Highway Committee, which shall grant or deny such petition. The Highway Committee may consider the following factors in determining whether to grant or deny such petition:

(b) **EXCEPTIONAL CIRCUMSTANCES**

- i. There must be exceptional, extraordinary or unusual circumstances applying to the lot or parcel that does not apply generally to other properties in the Town and the granting of variance would not be of such a general or recurrent nature as to suggest that the driveway specifications herein should be changed.

(c) **ABSENT OF DETERMINT**

- i. The variance will not create substantial detriment to any adjacent property and will not materially impair or be contrary to the purpose and spirit of this ordinance or the public interest.

(d) **UNNECESSARY HARDSHIP**

- i. The applicant must demonstrate that literal enforcement of the provisions of this ordinance will result in unnecessary hardship to the applicant; and the hardship is due to special conditions unique to the property. No variance shall be granted solely on the basis of economic gain or loss. Self-imposed hardships will not be considered as adequate grounds for the granting of a variance.

(e) **SAFETY TO PUBLIC OR GOVERNMENTAL PERSONNEL**

- i. The degree, to which the variance will affect the safety of the public or of governmental personnel, or the ability of governmental personnel, especially police, fire and rescue personnel, to execute their duties.

- 5) Any person aggrieved by the decision of the Highway Committee may appeal to the Town Board, within thirty (30) days of any adverse decision. The Town Board, on review, may independently consider the same factors indicated herein as those considered by the Highway Committee.