

RESOLUTION 34-2025

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE GROVELAND COMMUNITY SERVICES DISTRICT DENYING THE APPEAL OF FLORIYA PAVLICHENKO AND MARIO LEVI RELATED TO ABATEMENT OF THE SEWER EASEMENT ENCROACHMENT AT 20316 PINE MOUNTAIN DRIVE, GROVELAND, CA

WHEREAS, the Groveland Community Services District (“District”) has adopted comprehensive ordinances and policies governing the requirements and procedures for encroachments overlying District easements and utility facilities (Groveland Community Services District Ordinance No. 03B-10; GCSD Policy No. 502; and GCSD Policy No. 504); and

WHEREAS, on September 2, 2020, Mr. Mario Levi and Ms. Floriya Pavlichenko (collectively “Applicant”), the owners of 20316 Pine Mountain Drive in Groveland, CA (“Property”), filed an application for an encroachment permit for a cement patio overlying District’s sewer easement; and

WHEREAS, the District granted Encroachment Permit No. 2020-01 (“Encroachment Permit”) with respect to the patio project described in the encroachment application, describing the encroachment as the following: “The Concrete Patio will be no thicker than 6”, no roofed structure, or walls more than (2) feet above the patio surface, except that open frames which support lightweight sunshade materials, and which are not permanently affixed the patio or to each other, which are constructed in such a fashion as to be readily removable”; and

WHEREAS, in connection with the Encroachment Permit, the District and the Applicant entered into an Agreement Relative to Certain Encroachments on Utility Easements of the Groveland Community Services District (dated December 21, 2020) recorded in the official records of Tuolumne County as Document No. 2022004003; and

WHEREAS, upon later inspection by the District of the encroachments installed at the Property, the encroachments were found to be substantially different and greater in scope than described in the Encroachment Permit, including a large concrete patio framed by a concrete retaining wall and side demi-walls, two (2) sets of concrete stairs and landing areas (one from the house to the patio, and another from the patio to the lakeside dock), five (5) rock-façade pillars with lighting, a terraced cinderblock retaining wall up to eleven (11) layers deep, buried electrical conduit, and a removable plexiglass barrier on the lake’s edge of the patio (collectively, the “Patio”); and

WHEREAS, on March 7, 2023, the District sent a letter to the Applicant providing notice of the District’s revocation of the Encroachment Permit as a result of the non-compliant encroachment and requiring removal of the encroachment; and

WHEREAS, on December 12, 2024, the District’s General Counsel sent further notice to the Applicant’s counsel stating the following:

The patio, stairwell, and other improvements constructed by [the Homeowners] are permanent structures that substantially interfere with [the District's easement].

As such, [the Homeowners'] request for a permit allowing the improvements to remain is denied.

The improvements are hereby ordered to be removed within 30 days.

The work done to remove the improvements will need to be inspected and approved by [the District], to ensure the easement area is restored in a condition satisfactory to [the District].

WHEREAS, in an effort to resolve the matter while protecting the District's sewer easement and preserving the Patio to the extent feasible, many communications occurred between the Applicant, District staff, the Applicant's counsel, and the District's general counsel; and

WHEREAS, despite good faith attempts by District staff to explore alternatives that would preserve the Patio, it was determined that there is no feasible or cost-effective way to preserve the Patio or reroute the District's sewer facilities; and

WHEREAS, in conformance with the District's encroachment ordinance and policies, the District requires adequate access to its easements for maintenance and future projects to its sewer facilities, and to further protect Pine Mountain Lake from wastewater contamination if breaks or emergencies occur; and

WHEREAS, the Patio in its current condition does not provide efficient or cost-effective access for the District to maintain, repair, or replace its sewer facilities, or quickly address emergencies that arise; and

WHEREAS, on July 31, 2025, the District General Manager sent a Notice to Abate Violation of Encroachment Permit and Continuing Encroachment at 20316 Pine Mountain Drive, Groveland, CA 95321 ("Notice to Abate"), providing the Applicant with its final notice to clear the District's easement area of the encroachment and notifying the Applicant of the right to file an appeal with the District Board of Directors; and

WHEREAS, on August 8, 2025, the Applicant filed a Response to Notice to Abate and Appeal with the District and invoking its appeal rights under Encroachment Ordinance No. 03B-10; and

WHEREAS, on September 9, 2025, the District Board of Directors held an appeal hearing regarding the District's decision to require abatement of the Patio encroachment/encroachment violation at the Property, where at such time the Applicant was afforded the opportunity to file written materials in advance, appear at the hearing, and present testimony.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE GROVELAND COMMUNITY SERVICES DISTRICT AS FOLLOWS, BASED ON ITS INDEPENDENT JUDGMENT AND ALL TESTIMONY AND MATERIALS PRESENTED:

1. The appeal filed by the Applicant in regard to the District's decision to require abatement of the Patio encroachment/encroachment permit violation at the Property is hereby denied.
2. The Recitals above are hereby found to be true and correct and are incorporated herein by this reference.
3. All orders of the District as stated in its July 31, 2025 Notice to Abate are hereby affirmed, and the Applicant shall have thirty (30) days from the date of this Resolution to clear the easement area of the Patio encroachment, subject to proper inspections conducted by District staff.

WHEREFORE, this Resolution is passed and adopted by the Board of Directors of the Groveland Community Services District on September 9, 2025, by the following vote:

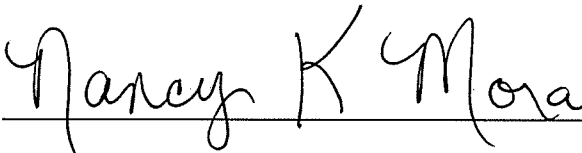
AYES: Director's Mora, Swan, Armstrong, and Kwiatkowski

NOES:

ABSTAIN:

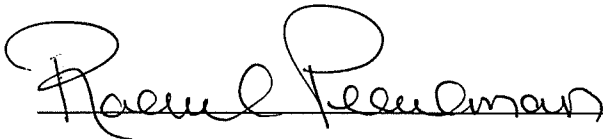
ABSENT:

APPROVE:



Nancy Mora, Board President

ATTEST:



Rachel Pearlman, Board Secretary

CERTIFICATE OF SECRETARY

I, Rachel Pearlman, the duly appointed and acting Secretary of the Board of Directors of the Groveland Community Services District, do hereby declare that the foregoing Resolution was duly passed and adopted at a Regular Meeting of the Board of Directors of the Groveland Community Services District, duly called and held on September 9, 2025.

DATED: September 9, 2025 _____