



**AGENDA**  
**Zoning Board of Appeals**

**Thursday, July 28, 2016 at 5:30 p.m.**  
City of Burlington Fire Station – 165 W. Washington Street

Dan Snyder  
John Lynch, Jr.  
Joel Weis

1. Call to order
2. Roll Call
3. Approval of minutes from June 14, 2016
4. Citizen Comments
5. Public Hearing:
  - A. A Public Hearing to hear Public comment regarding the consideration of a variance from Section 315-51A, fences, for property located at 1124 Springbrook Drive, to install a 4-foot high fence in the street yard.
6. New Business:
  - A. Consideration to approve a Zoning Variance application from James Rose, for property located at 1124 Springbrook Drive, to install a 4-foot high fence in the street yard.
7. Adjourn

NOTE: If you are disabled and have accessibility needs or need information interpreted for you, please call the City Clerk's Office at 262-342-1161 at least 24 hours prior to the meeting.

City of Burlington  
Board of Zoning Appeals Minutes

Date of Meeting: June 14, 2016

Members Present: John Lynch Jr.; Dan Snyder; Joel Weis

Other Appearances: Gregory Guidry, Zoning Administrator; City Attorney John Bjelajac; City Administrator Carina Walters

1. The meeting was called to order at 5:43 p.m.
2. A motion was made to approve the October 21, 2014 minutes by Dan Snyder and seconded by Joel Weis.
3. There were no citizen comments.
4. A public hearing was held on the above date based upon the filing of Zoning Form No.4 Model Appeal or Application to the Zoning Board of Appeals for Zoning Variance.

The appeal was filed on May 3, 2016 by Eric S. Thomson for the property located at 1401 Serena Lane for a dimensional variance to allow the construction of a 4 foot tall aluminum, of 80% opacity, street side.

The appeal requests:

1. Review, reversal, or modification of the Zoning Administrator's permit refusal, correction order or interpretation.
2. A variance from the City of Burlington Zoning Code specifically the following Ordinances: 315-51 A for street yard fence height

New Business:

Consideration to approve a Zoning Variance application from Eric Thomson for property located at 1401 Serena Lane, to install a 4 foot high fence in the street-side yard.

Discussion on Thomson variance:

A motion was made to allow a street yard fence height not to exceed 4 feet, with 80% opacity, as long as it was not a visibility / safety concern for motorist the variance request by Joel Weis and seconded by Dan Snyder. Site was to be reviewed by building inspector Gregory Guidry to assure that it did not impede visibility of motorists at the intersection. Motion carried 3-0.

An appeal was filed on May 5, 2016 by Jon Thorngate for the property located at 457 Milwaukee Avenue to install signage with 18 inch tall lettering.

The appeal requests:

1. Review, reversal, or modification of the Zoning Administrator's permit refusal, correction order or interpretation.
2. A variance from the City of Burlington Zoning Code specifically the following Ordinances: 315-74 B (3) The maximum size of letters on a wall fascia sign no greater than 12 inches and cover no more than 60% of the sign board on which the letters are placed.

Consideration to approve a zoning variance application from Jon Thorngate for property located at 457 Milwaukee Avenue to install a wall sign with 18 inches in height.

Discussion on Thomson variance:

A motion was made to allow sign height of 18 inches on the façade by Joel Weis and second by Dan Snyder. Motion carried 3-0.

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Board of Zoning Appeals  
Joel Weis, Secretary

THE ZONING BOARD OF APPEALS IN AND FOR THE CITY OF BURLINGTON

Notice of Hearing on  
Proposed Zoning Variance Permit  
Rs-3, Single Family Residential

TO WHOM IT MAY CONCERN:

**NOTICE** is hereby given that the Zoning Board of Appeals of the City of Burlington, Racine County, Wisconsin, will conduct a hearing to receive evidence pertinent to its consideration of an appeal from:

**Owner:** James Rose  
**Applicant:** James Rose  
**Location:** 1124 Springbrook Drive  
**Zoning:** Rs-3, Single Family Residential  
**Use:** Single Family Residence  
**Variance Requested:** A variance to Section 315-51A of the Zoning Ordinance. To install a 4-foot high fence in the street yard.

**NOTICE IS FURTHER GIVEN** that a hearing on the above-mentioned Zoning Variance Request will be held by the Zoning Board of Appeals at the Fire House, in the City of Burlington on:

**THURSDAY, JULY 28, 2016 DURING THE MEETING OF THE ZONING BOARD OF APPEALS SCHEDULED TO BEGIN AT 5:30 P.M. OR SHORTLY THEREAFTER**

CITY OF BURLINGTON  
ZONING BOARD OF APPEALS

Dated at Burlington, Wisconsin, 1<sup>st</sup> day of July 2016.

Carina Walters, City Administrator

*Published in the Burlington Standard Press  
July 7<sup>th</sup> & July 14<sup>th</sup>, 2016*



**Building & Zoning Department**  
300 N. Pine Street, Burlington, WI, 53105  
(262) 342-1163 – (262) 763-3474 fax  
www.burlington-wi.gov

For Office Use Only	
Date Filed	<u>6/16/16</u>
Amount Paid \$	<u>150</u>
Received By	<u>KA</u> (Initials)

ZONING FORM NO. 4  
MODEL APPEAL OR APPLICATION

TO THE ZONING BOARD OF APPEALS FOR ZONING VARIANCE

Instructions

Appeals and applications shall be filed with the Zoning Administrator. The Zoning Administrator shall refuse appeals or applications that are not complete or are not legible.

Appeals

I hereby acknowledge of written notification of the Zoning Administrator's permit refusal or notice of violation and do, therefore, appeal to the Board of Zoning Appeals for one of the following (check one):

- 1. Review, reversal or modification of the Zoning Administrator's permit refusal, correction order or interpretation.
- 2. A variance to Section 315-51A of the Zoning Ordinance.

Date of previous appeal (if any): \_\_\_\_\_

Application

I hereby apply for one of the following (please check one):

- 1. An interpretation of the regulations of the Zoning Ordinance or the boundaries of the Zoning Map.
- 2. Permission to substitute a more restrictive non-conforming use for an existing one.
- 3. A determination that an unspecified or unclassified use is permitted in a district.
- 4. A temporary use permit.

Date of previous application (if any): \_\_\_\_\_

Disposition of previous application: \_\_\_\_\_

Names and Addresses

Applicant or Appellant: James Rose

Owner of the site: James Rose

Architect: \_\_\_\_\_

Professional Engineer: \_\_\_\_\_

Contractor: \_\_\_\_\_

Description of the Subject Site

Address of premises affected: 1124 Springbrook Dr.

Lot: \_\_\_\_\_ Block: \_\_\_\_\_ Subdivision: \_\_\_\_\_

Lot size: \_\_\_\_\_

Metes and bounds description (please attach: \_\_\_\_\_

Zoning district classification: RS-3, Residential

Description of existing operation or use: \_\_\_\_\_

Description of the proposed operation or use: \_\_\_\_\_

Number of employees: \_\_\_\_\_

Type of structure: Vinyl fence

Terms of ordinance: \_\_\_\_\_

Variance requested: allow 4' fence over 3' fence

Reason for petition: \_\_\_\_\_

Attachments

The following required items shall be attached for all appeals and applications:

Plat of Survey prepared by a registered land surveyor showing the location, boundaries, dimensions, elevations, uses, and size of the following: subject site; existing and proposed structures; existing and proposed easements, streets, and other public ways; off-street parking, loading areas and driveways; existing highway access restrictions; existing and proposed street, side and rear yards. In addition, the plate of survey shall show the location, elevation and use of any abutting lands their structures within forty (40) feet of subject site.

Names and Addresses of all abutting and opposite property owners within 300 feet of the area.

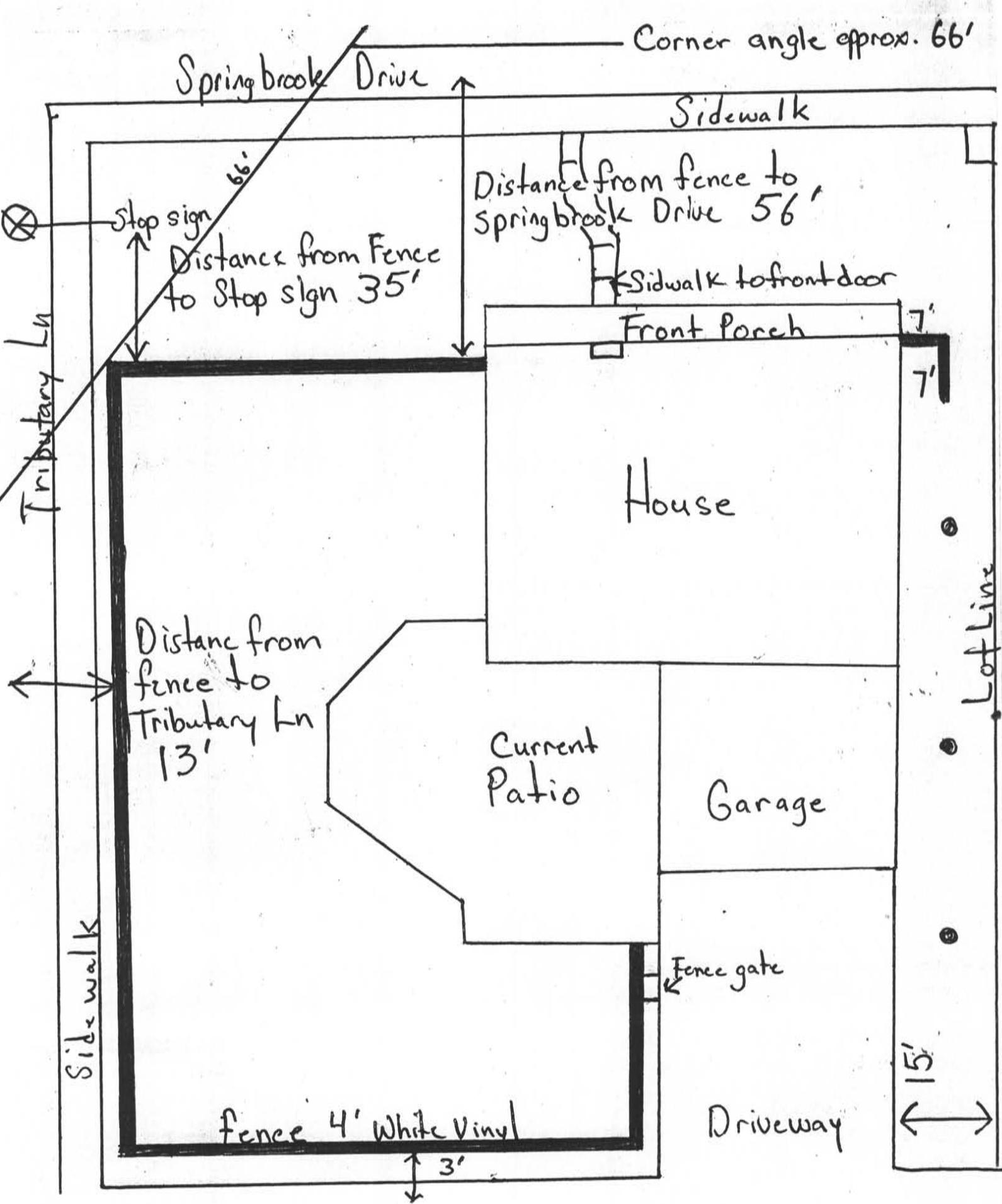
Additional Information as may be required by the Plan Commission, City Engineer, Zoning, Building, Plumbing or Health Inspectors.

Fee Receipt from the Treasurer in the amount of \$ 150.00.

An appeal of the Zoning Administrator's permit refusal, correction order or interpretation shall be accompanied by a statement as to why the Zoning Administrator's decision is in error. An appeal for a variance shall be accompanied by a statement of facts listing the appellant's special conditions that would cause a literal enforcement of the Zoning Ordinance to result in practical difficulty or unnecessary hardship. An application for a determination of unclassified uses shall be accompanied by a complete description of the process, operation of use and comparisons with similar uses.

Date: 6-16-16 Owner/Owner's Agent: James Rose

Print \_\_\_\_\_  
Signature [Handwritten Signature]



Alley way

From: James Rose

1124 Springbrook Drive

Burlington, Wi 53105 (414) 405-5864

To: Zoning board of appeals

I am requesting a variance pertaining to section 315-51 of the zoning ordinance to residential fences. I wish to have a 4' fence installed around our side property. The fence would be a vinyl fence (see photo supplied) that has easy visibility through it and also is aesthetically appealing. This is a commercial see through fence that is of a durable commercial construction and is white in color.

The current code only allows for a 3' fence for this area. Here are the reasons we are pursuing a 4' fence.

Currently it is almost impossible to purchase a 3' fence that has any durability in its construction. Most 3' fences are made for gardens or planting beds and are not very sturdy. All fencing that we have found that is 3' is either a black wrought iron or a flimsy cheap plastic that would not match our house in the least or hold up over time to the Wisconsin change of seasons.

A 3' vinyl, wood or metal fence suitable for our needs would have to be special ordered and would be more than a 1/3 more the cost of a 4' standard height fence.

Any 4' vinyl fence that would have to be custom cut to a 3' height from the manufacturer is highly suggested to not do. It is stated from them that it would weaken the durability of the vinyl fences construction as well as void any warranty.

We have a small dog but he is very active and can jump over a 3' fence easily. We always have him on a long leash but would be afraid of him trying to leap the fence and hanging himself being he almost did it once this summer already on a small enclosed area we purchased for him to play in that was 3' high.

We currently have a small pool that we have had for some time but won't put up unless we can get a fence that is 4' for those safety reasons alone.

We live on a corner that has two city streets and an alley entrance to our driveway. So we are surrounded by basically three roads. This seems to be a huge concern for us from many standpoints. Kids from the neighborhood, the future pool, our dog and the safety of our own children from traffic other people and dogs in the neighborhood being walked. On more than one occasion we have had stray dogs run the neighborhood and enter our property.

We have a two year old daughter and our main concern and need for this 4' fence ultimately starts with her. We want to be able to have her be able to play in the yard and not worry about traffic, other children, dogs from other people that walk by, stray dogs, not to mention we have a lot of people that walk in the neighborhood and we want a level of protection for her from people we don't know. Unfortunately abductions can happen anywhere. A 3' fence is very easy for an adult to skip over or a child to climb over. We're not looking for the fence to be our babysitter just another level of protection and a deterrent.

The way our property is set up and the way our house was built we have no other yarded area so this is the only area of any substantial size for our family to enjoy. The west side is about 15' from the neighbor's house so the option for a play area on that side is out as well not to mention the neighbor want to pour a patio on that side so the usable yard space would be less than 10' from the patio/lot line.

We want to make the house and its exterior decor fit the style of the other homes in the neighborhood. We have a letter of approval from our HOA and feel this would not only be a visual improvement but also adding resale value to our home as well as others in the area.

No neighbors would be affected from this fence install.

On Tributary lane the fence would be approx. 15' from the road and 35' from the stop sign

On Springbrook drive the fence would be approx. 56' from the road.

The fence would be approx. 35' back from the stop sign on Tributary lane.

When sitting at the stop sign on Tributary there is no Fence in sight or any obstruction.

My "corner site triangle" would be approx. 66'. This is based on a 45 degree angle of the corner in question. The national average for a corner site triangle in a residential neighborhood is 30'

We understand a 4' fence is not a 100% guarantee of safety or things to be solved in our needs stated above but feel it is a 100% better choice over a 3' fence.

Again we would be 35' from the stop sign and double the corner triangle of the national average not to mention it would allow us to fully use the only usable area of our property for a yard/play area, keep our dog in and our family/children safe as it should be intended.

We thank you for your time and would ask for consideration in this appeal for a variance to allow our 4' fence.

James Rose

AT&T



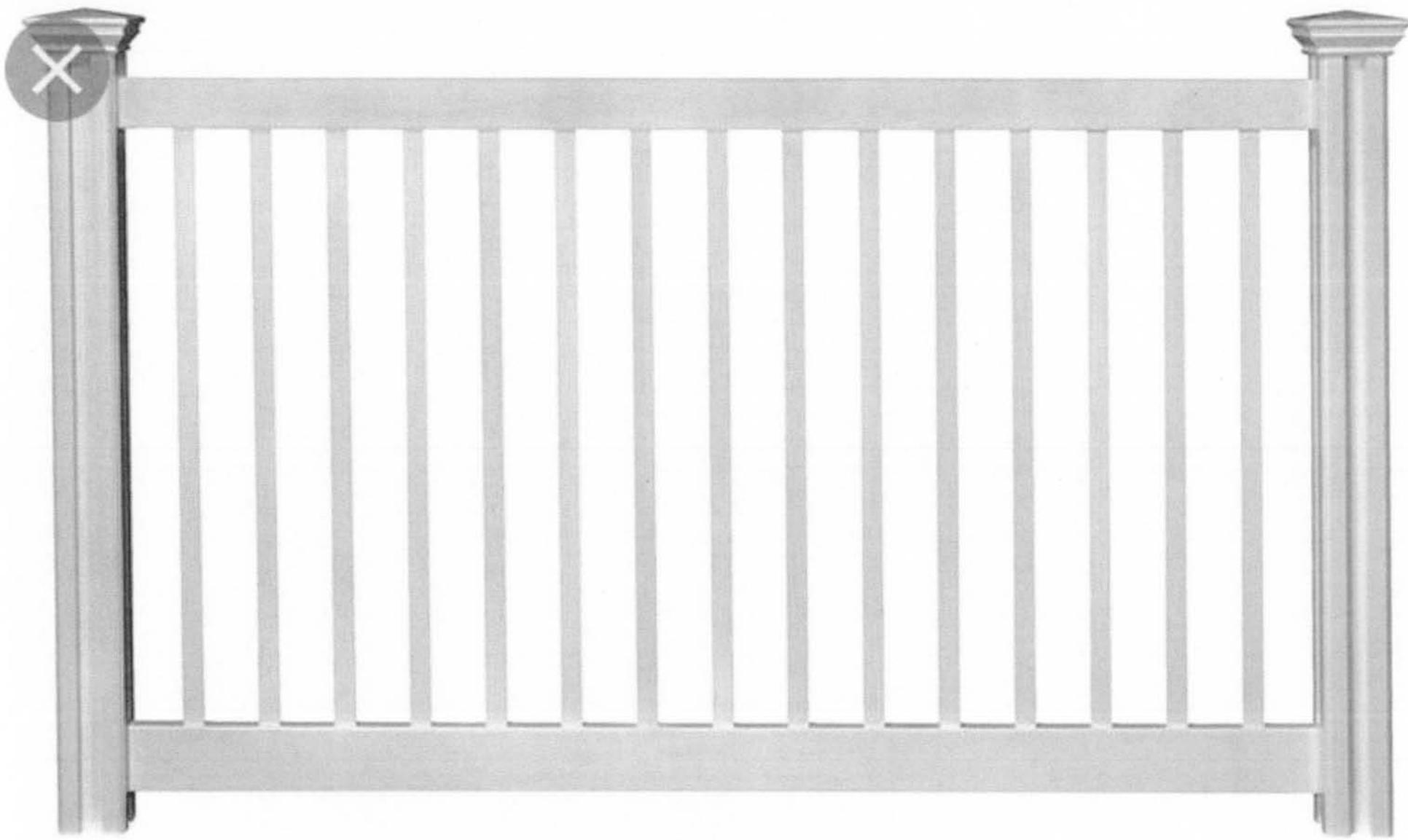
4G  
LTE



40%



1:29 PM







Spring Brook Landing Homeowner's Association

May 25, 2016

James Rose  
1101 Hidden Creek Lane  
Burlington, WI 53105

Dear J.R.,

We have received your request to install a fence on your property and we are pleased to approve it based on the information given to us and City Ordinance.

Should you choose to go to the Zoning Board of Appeals to change the street side fence, we are ok with it being 4ft instead of 3.

Please keep this letter on file with your house records. You may be asked to present this to the city when filing a permit to install the fence.

If you have any questions, please do not hesitate to contact one of us.

Sincerely,

Springbrook Landing Architectural Control Committee  
Ruth Dawidziak  
Jennifer Amborn  
Lisa Bjurstrom

Cc: Springbrook Landing Homeowners Association Board  
Gregory Guidry, City of Burlington Building Inspector

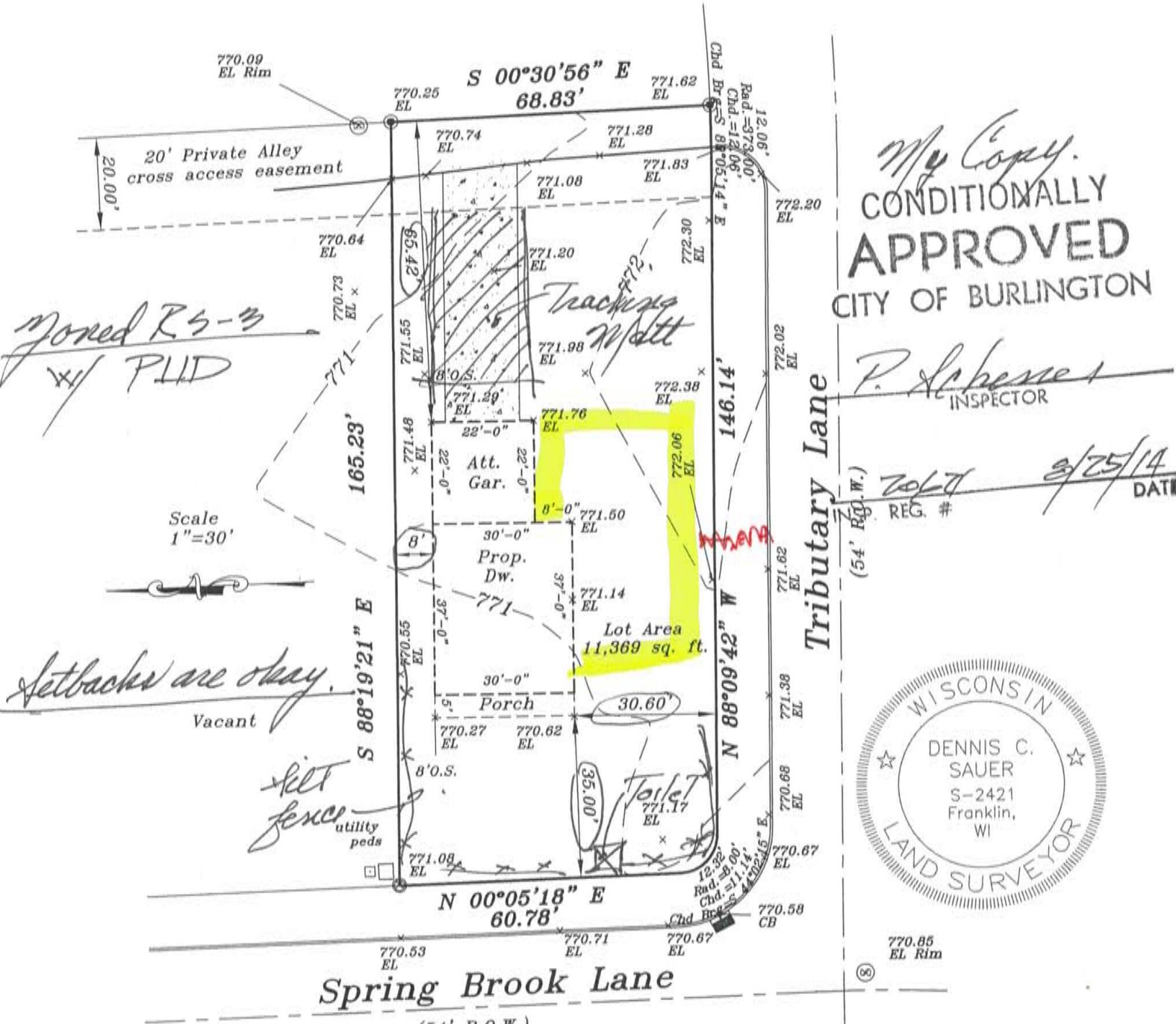
# PLAT OF SURVEY

LOCATION: *112A* Spring Brook Drive, Burlington, Wisconsin

LEGAL DESCRIPTION: Lot 13 in **SPRING BROOK LANDING, A SUBDIVISION**, located in part of the Northwest 1/4 and Southwest 1/4 of the Southwest 1/4 and in part of the Southwest 1/4 of the Northwest 1/4 of Section 4 and in part of the Northeast 1/4 of the Southeast 1/4 of Section 5, all in Town 2 North, Range 19 East, City of Burlington, Racine County, Wisconsin.

August 12, 2014

Survey No. 104870



*My Copy.*  
**CONDITIONALLY APPROVED**  
CITY OF BURLINGTON

*P. Schene*  
INSPECTOR

*2017* *8/25/14*  
REG. # DATE



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

Prop. Fin. Yd. Gr. **773.0'**

Prop. T.O.W. **773.67'**

**METROPOLITAN SURVEY SERVICE, INC.**

REGISTERED LAND SURVEYORS AND CIVIL ENGINEERS  
5800 Broad Street, Greendale, Wisconsin 53129  
PH. (414) 529-5380 FAX (414) 529-9787  
email address: survey@metropolitansurvey.com

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

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

- ⊙ — Denotes Mag Nail Set
- — Denotes Iron Pipe Set

**000.0** — Denotes Proposed Grade

SIGNED

*Dennis C. Sauer*

**Dennis C. Sauer**

Registered Land Surveyor S-2421

—x—x—x— Denotes Proposed Silt Screen

## Chapter 315. Zoning

### Article V. Traffic, Loading, Parking, Access, Fences and Landscaping

#### § 315-51. Fences.

[Amended 11-19-1990 by Ord. No. 1322(27); 9-1-1992 by Ord. No. 1399(11)<sup>[1]</sup>]

The construction of a fence in any zoning district shall require application to the Zoning Administrator for a fence permit, the fee for which shall be in an amount set by the Common Council. Application for a fence permit, when not a part of a landscaping plan required by § 315-52 or 315-138 of this chapter, shall be made to the Zoning Inspector in duplicate and shall include the name and address of the applicant, the owner of the site and the contractor; an accurate drawing or plat of survey of the site, inclusive of the structures located thereon; the address of the site; the proposed location of the fence superimposed upon the drawing or plat of survey; the type, materials, size and design of the proposed fence; and any other information that the Zoning Inspector may require.

- A. Residential fences are permitted on the property lines in residential districts but shall not in any case exceed a height of six feet, shall not exceed a height of three feet in the street yard and shall not be closer than three feet to any street yard lot lines. Such fences must display their most aesthetic side towards view of the public.
- B. Security fences are permitted on the property lines in all districts except residential districts but shall not exceed 10 feet in height and shall be of an open type similar to woven wire or wrought iron fencing.
- C. Decorative fences may be placed in the street yard but shall in no instance be placed within the public right-of-way, provided that they shall not exceed a height of three feet, shall not exceed 10 feet in length in any direction at any location and shall not exceed an aggregate length of 24 feet in the street yard on any lot. Decorative fences on corner lots shall comply with the traffic visibility requirements set forth in § 315-46 of this chapter.

[1] Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).



## Fence Requirements - Residential

809 N. Broadway / Milwaukee, WI 53202-3617 / 414-286-8210

Fences offer privacy and enclosure that may be desirable in a residential setting. Fences also have a visual impact on properties and neighborhoods. To ensure that impact is positive, the City of Milwaukee regulates fences. These regulations establish standards for fence materials, construction, heights and placement on the property.

Fences may be built up to your property line (which is a shared invisible line between two adjoining properties). Fences may be set back any distance from the lot line.

You will need to determine where your property lines are located. If a survey is not included with your mortgage papers, call or visit our microfilm desk (414-286-8207) to see if we have a property survey on file. If not, you may wish to hire a surveyor (listed online or in the Yellow Pages) to determine & mark your lot lines. Placing a fence that goes over a lot line onto your neighbor's property is not allowed; additional expense may be incurred to remedy the situation. The City DPW Estimating Section can tell you where your front or side street lot line is located in relation to the curb or edge of pavement. You can email them at [lotline@milwaukee.gov](mailto:lotline@milwaukee.gov) for front yard or side street lot line information **only**.

A fence may not be built on neighboring property. If you believe your neighbor's fence encroaches onto your property, you may initiate private legal action. **City government does not arbitrate these disputes.** If you have a concern about a neighborhood fence and would like an inspector to investigate whether the fence was built to code or has the proper permit, call the DNS Construction Inspection division at (414) 286-2513.

### Code Requirements

#### Materials

Fences must be built with approved fence wire, standard fence wood, vinyl, or metal such as wrought iron. You may not build a fence with scrap lumber, chicken wire, wood pallets, or other unapproved materials. Fence posts and supports must be installed on the side of the fence that faces your own house or yard (good side toward your neighbor).

#### Historic districts

If you live in a local historic district, call the Historic Preservation office, (414) 286-5712, before you start building or enter into a contract with a fence company. A Certificate of Appropriateness is required before a fence permit can be issued.

#### Height and location

The height allowed for a fence depends on its location on your lot and on the fence style or material. Corner lots present unique challenges. Generally, the narrower street frontage of a corner lot is the front of the lot, no matter which street the house faces. The city also defines a side yard somewhat differently than what you might expect. A side yard is defined as that portion of the lot that is located on each side of your house. It is distinct from the front yard, the back yard, the side street or the rear street. Please refer to the diagram on the back of this page for clarification.

- The maximum allowable height for a fence in a front yard is 4 feet. However, if the fence is constructed with an ornamental material, such as wrought iron with or without masonry or wood piers, a 6' high fence is allowed provided the fence is at least 50% open. This is

also true for side street and rear street fences.

- The maximum height allowed for a solid fence in the side yard is 4 feet. A 6-foot fence is allowed if the upper 2 feet is at least 50% open construction, such as lattice or chain link. A side yard fence placed at least 10 feet inside the lot line can be a solid fence up to 6 feet high.
- The maximum allowable height for any fence in the rear yard is 6 feet.
- Opaque, solid or privacy fences built at the intersection of a street and a driveway, alley or another street are limited to a height of 3 feet. (See **Vision Setback Triangle** below.)

Code requirements for residential fences can be researched in the Milwaukee Code of Ordinances, section 295-505-4 (f).

### Vision Setback Triangle

If you wish to build an opaque or solid fence where 2 streets, an alley and a street, or a driveway and a street intersect, the fence will be limited to a height of 3 feet within a specific vision setback area, to prevent traffic blind spots & hazards to pedestrians.

The vision setback is formed by connecting 2 points, a set distance from the intersection, to form a triangle. The two points are measured an equal distance away from the point of intersection, along the drive, walk or curb. The specific distance (10'-25') depends on your zoning district. Solid fences, coniferous trees & shrubs, hedges, signs, and other obstructions taller than 3' are prohibited within this triangle.

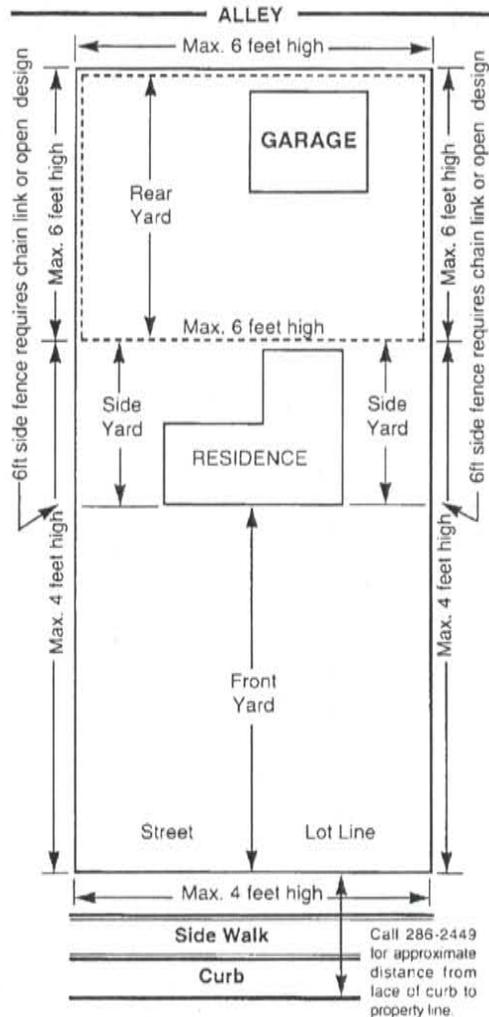
### Beware of underground cables or pipe!

Contact Diggers Hotline, at least three business days before you dig, to mark the location of buried utilities on your property. Diggers Hotline can be reached at 811, 1-800-242-8511 or [www.diggershotline.com](http://www.diggershotline.com).

### Permit

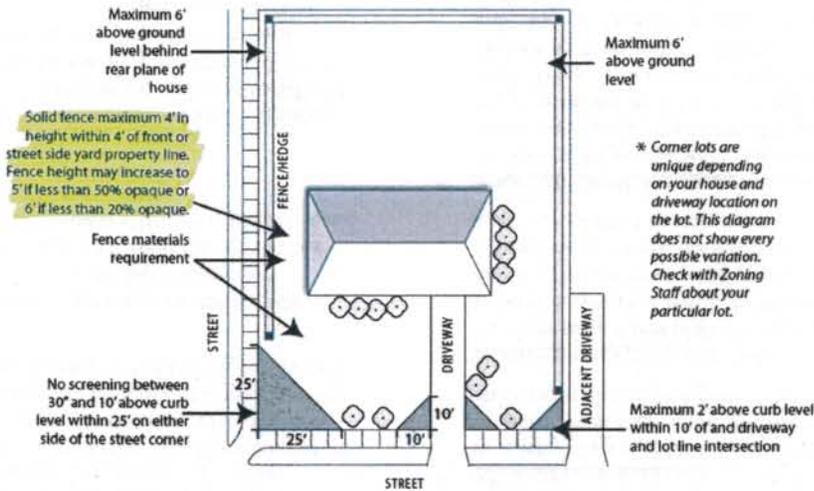
You can obtain a fence permit application from the Development Center by calling (414) 286-8207 or by downloading a permit form at

our website, [milwaukee.gov/permits](http://milwaukee.gov/permits). Click on "Homeowner Information Topics & Applications" for a permit form. The cost of a fence permit is a total of \$30.35 (\$25 fence permit, \$0.35 IT and Training Surcharge and \$5.00 processing fee). If you wish to apply for a permit in person, visit the Development Center at 809 N. Broadway, first floor. [Click here](#) and scroll down for current hours.



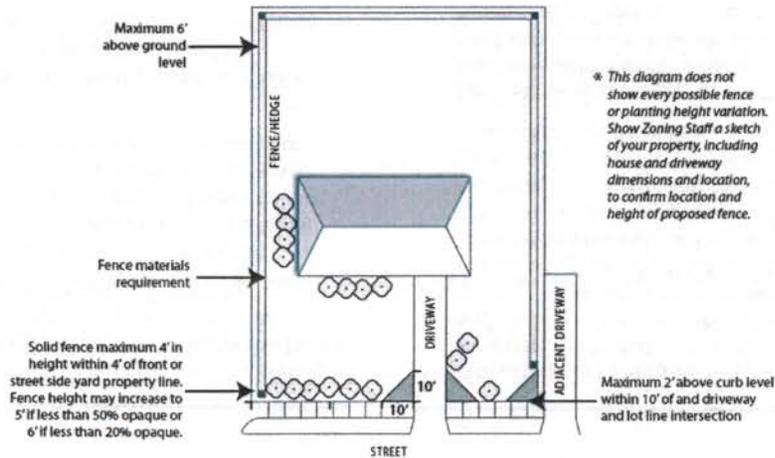
## General Guidelines for Residential Screening Heights for Plants and Fences

Corner Lot General Screening Heights for Plants and Fences\*



\* Corner lots are unique depending on your house and driveway location on the lot. This diagram does not show every possible variation. Check with Zoning Staff about your particular lot.

General Screening Heights for Plants and Fences\*



\* This diagram does not show every possible fence or planting height variation. Show Zoning Staff a sketch of your property, including house and driveway dimensions and location, to confirm location and height of proposed fence.

## For More Information:

Department of Planning & Community  
& Economic Development

Main Number.....	266-4635
Building Inspection Division.....	266-4551
FAX.....	266-6377
Building permits.....	266-4558/267-8688
Economic Development Division....	266-4222
Conditional Use.....	266-5978
Economic Development Info.....	267-8721
Erosion control.....	266-4551
Fence information.....	266-4551
Historic Preservation.....	266-6552
Home fix-up loans.....	266-4222
Homebuyer's loans.....	266-4222
Land divisions.....	266-4635
Planning Unit.....	266-4635
Rezoning.....	266-4569
Setbacks (building).....	266-4551
Signs.....	266-4551
Snow and ice complaints.....	266-4551
Trash complaints.....	266-4551
Tree and weed complaints.....	266-4551
Zoning.....	266-4551

Web: <http://www.cityofmadison.com>  
E-mail: [bldginspect@cityofmadison.com](mailto:bldginspect@cityofmadison.com)

## Location:

City of Madison  
Building Inspection Division  
Madison Municipal Building, Ste. LL100  
215 Martin Luther King, Jr. Blvd.

## Mailing Address:

City of Madison  
Building Inspection Division  
P.O. Box 2984  
Madison, WI 53701-2984

March 18, 2013

Home Improvement Series...

# Putting Up a Fence or Hedge



Department of Planning & Community  
& Economic Development

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You don't need a building permit to put up a fence. But you do need to know Madison's ordinances governing the height and placement of fences and screening.

You also need to check for any deed restrictions or covenants on your property that might regulate improvements in your yard. Refer to the documents you signed and received when you purchased your house.

**1** Find out if your proposed fence or planting project will meet the placement and height requirements

#### Placement

A fence may be erected up to the lot line, but no part of the fence or post may encroach over the lot line. Keep a fence or plantings back from the property line to allow easy maintenance. It is your choice whether to fence in the entire yard or only part of it.

There is no legal requirement that the "good side" of the fence face your neighbor. But it's a good idea to discuss your fence project with your neighbors and find out their concerns.

#### Height

- **Rear or side yards.** A fence or hedge located in a rear or side yard shall not exceed a maximum height of 6 feet above ground level. If your yard adjoins a mixed-use, commercial or employment district, the fence or hedge may be up to 8 feet in height along the common property line.

- 
- **Front or corner side yards.** A solid screening fence shall not exceed 4 feet high within a front or corner side yard setback. However, a fence or hedge up to 6 feet high may be located within a corner side yard behind the rear plane of the house. Screening fences exceeding 4 feet in height must be set back a minimum of 4 feet from the sidewalk or property line.

- **Front or corner side yards.** A fence located within a front or corner side yard may increase in height to a maximum of 5 feet if it is less than 50% opaque or to a height of 6 feet if it is less than 20% opaque.

- **All in-ground pools** must be enclosed by a fence that is at least 4 feet high and not more than 8 feet in height. A pool fence must also have a gate with a lock.

- **Above-ground pools** with sides that are more than 4 feet high do not need to be enclosed by a fence. However, access to an above-ground pool must be controlled. A removable ladder is an easy way to meet this requirement.

- **Street intersection corners** may have fences or hedges that are 2½ feet or less above curb level. Trees cannot have branches lower than 10 feet above curb level. These requirements are for fences, hedges, or trees within 25 feet, on either side, from the corner of the lot. This lets pedestrians and autos have a clear view of traffic. Call Traffic Engineering at (608)266-4761, if you wish to request an exemption from this law.

- 
- **Driveways** may be lined by fences or plantings that you cannot see through. Within 10 feet of the intersection of any driveway with any street-side lot line, fences or plantings cannot be more than 2 feet above curb level.

- **Retaining walls** are subject to the same height considerations as other types of fences. In the case of a fence on a retaining wall, fence height is measured including the height of the retaining wall. If a fence is setback at least 4 feet from the retaining wall, then the fence height is measured from the base of the fence.

(See the back of this brochure for a diagram of these height and placement requirements.)

#### Materials

- Fences and walls located in front or street side yard areas must be made of materials such as wood, ornamental metal, vinyl-coated chain link, brick, or stone. Uncoated chain link fences may be used in interior side or rear yards.
- Temporary fencing, including the use of wood or plastic snow fences between November 1 and April 1, protection of excavation and construction sites, and protection of plants during grading and construction is permitted during the time of an approved building permit or up to 180 consecutive days per calendar year.

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**2** Locate your lot lines. There should be metal stakes at each corner of your lot. Talk with your neighbors or use a metal detector. If you can't locate your lot lines yourself, you may need to hire a surveyor. *The City cannot help you with this.* It is the homeowner's responsibility to locate all property lines before construction of any fence.

**3** Call the Diggers Hotline, 1-800-242-8511, to avoid rupturing underground utilities that you may not know are there. A utility company employee will come out and mark the location of underground electric, sewer, telephone, and cable lines in your yard. You may need to change the placement of your fence or plantings if it is over one of these lines.

**4** Install fencing according to manufacturer's instructions. The company you purchased your fence from can supply you with instructions on how best to put up your particular fence. Plant your trees and shrubs as directed by the nursery.

**5** Keep your fence and plantings in good condition. Paint and repair fences on a regular basis. Trim shrubbery to maintain height requirements and keep it off of sidewalks, streets, and neighbor's property.

If you're not sure that your proposed fence will meet the requirements, call 608.266.4551 and ask for Zoning assistance. Zoning staff will be happy to advise you so that your fence is both safe and attractive.

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