

**BOARD OF ZONING  
APPEALS**

**Monday, October 19, 2020**

**4:30 PM**

**McFarland Municipal Center  
Community Room**

AGENDA

You are invited to this meeting through a Zoom webinar. The Public is strongly encouraged to watch and participate in these meetings remotely through either the webinar or telephone options listed below.

**PLEASE CLICK THE LINK BELOW TO JOIN THE ZOOM WEBINAR:**

<https://us02web.zoom.us/j/85668671756>

**Or by Telephone:** +1 (312) 626-6799

**Webinar ID:** 856 6867 1756

1. CALL TO ORDER
2. PUBLIC APPEARANCES.
3. APPROVAL OF MINUTES.
  - a. Review and possible approval of the minutes from the September 14, 2020 Board of Zoning Appeals meeting.
4. PUBLIC HEARING
  - a. Public Hearing on a request by Elizabeth Reeder and Samuel Riddle for a variance to Sec. 8-369(c)(2) to construct a six-foot fence in place of the four-foot fence in the street side yard. The property is addressed 5410 Valley Drive. The property is zoned R-1.
5. BUSINESS.
  - a. Discussion and possible action on a request by Elizabeth Reeder and Samuel Riddle for a variance to Sec. 8-369(c)(2) to construct a six-foot fence in place of the four-foot fence in the street side yard. The property is addressed 5410 Valley Drive. The property is zoned R-1.
6. SCHEDULE NEXT MEETING DATE.
  - a. To be scheduled as needed.
7. ADJOURNMENT.

This meeting notice constitutes an official meeting of the above referenced group and was posted in accordance with all applicable laws related to Open Meetings Law. 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. Upon reasonable notice, efforts will be made to accommodate the needs of disabled individuals. For additional information or to request this service, contact the McFarland Municipal Center at (608) 838-3153 or [cassandra.suettinger@mcfarland.wi.us](mailto:cassandra.suettinger@mcfarland.wi.us).

**Board of Zoning Appeals**  
**Working Draft - MINUTES**

**September 14, 2019**

Members Present: Gordon Kinder, Ken Brost, Art Luetke, Bake Draper, John Robertson, Joe Rademacher (A), Jeff Sorenson (A)

Members Absent:

Staff Present: Andrew Bremer, Jim Trebian

**1. CALL TO ORDER**

Meeting called to order at 4:35 p.m. by Kinder.

**2. PUBLIC APPEARANCES.**

None

**3. APPROVAL OF MINUTES.**

a. Review and possible approval of minutes from the December 4, 2019 Board of Zoning Appeals meeting.

Motion by Luetke to approve the minutes of the December 4, 2019 meeting. Seconded by Brost. Motion passed 5-0.

**4. PUBLIC HEARING**

a. Public Hearing on a request by Jeffrey and Kristin Williams for a variance to construct a detached accessory carport/shed in the front yard. The property is addressed 5219 Glen Road; however, the proposed structure would be located along the Bremer Road frontage of the parcel. The property is zoned R-1B.

Kinder opened the public hearing at 4:41 p.m.

Don Kuptz of Waunakee Remodeling reviewed the request per application as provided in packets. The Williams would like to build a garage type structure with attached shed on their property, and remove the shed, which is in disrepair from the site. Bremer reviewed the applications as submitted with members. Proposed is a carport with attached shed, elevations and materials along with answers to the variance application questions have been provided by the applicants.

Luetke inquired about the size of the lot, versus the structure, it appears off Bremer Road, it will not be within the proper footage and in the staff report the possibility of moving the structure closer to the home, and further away from the road. He feels having this only 3

½' from the street can be a concern, is the homeowner concerned, and are any of the Board members concerned about this? Members discussed the overhang and measurements from the street, Kuptz indicated he could make the structure smaller and a larger overhang if members would prefer it.

Kinder inquired of Williams, have they looked at all options for their lot, there is room along the area of the current deck, they would have the option of removing the deck, having the carport where the deck is and then a deck off the carport, or, you could tie into the house off of the corner. Kristin Williams 5219 Glen Road responded when they purchased the home they received advice from someone, not in the Village, they cannot tear down the shed, as they may not be able to build anything else in its place. They are not open to tearing down their deck as they use it every night, they would rather move. They are getting quotes on tree removal to make room for the carport. They consider the proposed carport area their backyard.

Members discussed the lot line, property lines, and sidewalk as they tie in with the road and road right of way, along with safety concerns. Draper inquired about the applicants note on reducing the size of the structure from the plan as shown, is that their intention? Williams replied yes, they want it within the 40% maximum size requirement of the rear yard area. Kuptz indicated he has an updated plan he could email to Bremer.

Bremer reviewed staff reports, along with photos and images of the property as provided in packets, showing property lines, roads and street images for the request. Staff was unable to determine if there was ever an attached garage on the property. Bremer reviewed this is a "through-lot" and how it is a property with two front lot lines and two side lot lines, along with issues and requirements for a through lot. This property does not have a traditional rear yard, and they have identified Glen Road as their front yard. Bremer reviewed hardships and how they need to be considered along with his comments on the variance request. Bremer also reviewed the feasibility of having the structure in the side yard, but not affecting the deck. Bremer advised the further you could have it setback from the property line the better it would be. The structure as submitted would need to be reduced to meet the 40% requirement. The driveway ordinance limits the width of the driveway at the road to 30 feet and at the property line at 24 feet. As proposed, this would expand the driveway over what is allowed. This can be corrected by shifting the structure, or applying to the Village Board approval for a wider driveway.

Bremer reviewed the updated plan layout submittal as received by email during the meeting from Kuptz, including the setbacks, size, and identified rear yard area. The submittal still shows a driveway that is wider than allowed. Members discussed the new layout, the option of shifting the carport location, and removing part of the driveway area.

Bremer read the letter submitted against the variance request from Lana Holland 5205 Norma Road.

Kinder closed the public hearing at 5:31 p.m.

## 5. BUSINESS.

a. Discussion and possible action on a request by Jeffrey and Kristin Williams for a variance to construct a detached accessory carport/shed in the front yard. The property is addressed 5219 Glen Road; however, the proposed structure would be located along the Bremer Road frontage of the parcel. The property is zoned R-1B.

Kinder polled members on their thoughts on the proposal and justifications for granting the variance request. The consensus was the smaller design is more appropriate. Kinder would prefer it to be further from the road.

Luetke moved to approve the variance as proposed with the revision with the reduction in the size of the carport to 720 sq. ft. to meet the 40 % requirement. Robertson seconded the motion.

Kinder polled members for the vote.

Draper voted in favor of the variance - based on documents submitted, this property falls under the case of a hardship due to design layout, and there was never a garage on site. With the adjustments of the structure to fall within the 40% rule, the variance should be granted.

Brost voted in favor of the variance - based on the documents provided show this is a hardship due to being a through lot, it was not caused by the owners and is unique to the property.

Robertson voted in favor of the variance - based on this having two front yards, it was not caused by the owners, autos should be off the street, the design is acceptable and within the 40%.

Luetke voted in favor of the variance – this is a hardship of not having a rear yard on the property, they are meeting the 40% guidelines.

Kinder voted in favor of the variance –this property is a hardship due to the design, and prevents the owner from having a garage. It is not self-imposed and is unique to the property.

Bremer summarized they will receive a letter of approval, for what has been approved tonight is the 720 square foot carport and shed. If they wish to have a variance on the driveway width opening, they will need to seek that from the Village Board. They have some design flexibility, they can shift the location, or, if they wish to re-seed the existing gravel driveway area to keep the final driveway width within the Village code.

## 6. SCHEDULE NEXT MEETING DATE.

The department has received another application; staff will reach out to members to find a potential date for the next meeting, it will likely be mid October.

## 7. ADJOURNMENT.

Motion by Brost to adjourn, seconded by Robertson. Motion passed 5-0. Meeting adjourned at 5:48 p.m.

Please Publish in  
the McFarland Thistle on  
October 1, 2020 and October 8, 2020

**VILLAGE OF MCFARLAND  
NOTICE OF PUBLIC HEARING BEFORE  
THE BOARD OF ZONING APPEALS**

NOTICE IS HEREBY GIVEN that there will be a Public Hearing Monday October 19, 2020, at 4:30 p.m. in the Community Room of the Municipal Center, McFarland, Wisconsin, at which time parties in interest and citizens shall have an opportunity to be heard concerning the following:

A request by Elizabeth Reeder and Samuel Riddle for a variance to Sec. 8-369(c)(2) to construct a six-foot fence in place of the four-foot fence in the street side yard. The property is addressed 5410 Valley Drive. The property is zoned R-1.

Information regarding this request is available for review online at [www.mcfarland.wi.us/activedevelopmentprojects](http://www.mcfarland.wi.us/activedevelopmentprojects) or at the Village of McFarland Municipal Center lobby, 5915 Milwaukee Street, McFarland, WI 53558 (Monday-Friday, 8:00 a.m. to 4:30 p.m.).

**COVID-19 RELATED INFORMATION**

Due to the COVID-19 Pandemic, the Village recommends and **URGES** all residents to view the meeting that evening live on the Charter cable channel 982; TDS channel 1009 or online at [mcfarlandcablechannel.com](http://mcfarlandcablechannel.com) and those who wish to participate and provide public comment do so via Zoom (the Village's virtual meeting software). You can join the Zoom Webinar by visiting <https://us02web.zoom.us/j/85668671756> Or Telephone: Dial (for higher quality, dial a number based on your current location): US: +1 (312) 626-6799 Webinar ID: Webinar ID: 856 6867 1756

Due to limitations from Dane County Public Health, only 10 non-employees are allowed in the Municipal Center at one time. **If you choose to attend the meeting in-person, the Village CANNOT GUARANTEE you will be allowed a spot inside the building to view the meeting.** Those who wish to provide public comment at the meeting will be ushered in and out of the building to accommodate the 10-person gathering limit.

If you cannot attend the meeting, please submit your written comments to the Board of Zoning Appeals before October 19, 2020. The mailing address is:

Village of McFarland  
Community Development Department  
P.O. Box 110  
McFarland, WI 53558

[community.development@mcfarland.wi.us](mailto:community.development@mcfarland.wi.us)

Respectfully submitted by,  
Andrew Bremer  
Community and Economic Development Director



## VILLAGE BOARD SUMMARY SHEET

**MEETING DATE:** Monday, October 19, 2020

**SECTION:** Business

**DEPARTMENT:** Community Development

**CONTACT:** Andrew Bremer, Comm & Eco Dev Director

**AGENDA ITEM:** Discussion and possible action on a request by Elizabeth Reeder and Samuel Riddle for a variance to Sec. 8-369(c)(2) to construct a six-foot fence in place of the four-foot fence in the street side yard. The property is addressed 5410 Valley Drive. The property is zoned R-1.

**PREVIOUS ACTION:**

### ISSUE SUMMARY:

#### Request

Elizabeth Reeder and Samuel Riddle are requesting a variance to construct a six-foot high fence in place of an existing four-foot high fence in the street yard of their residence at 5410 Valley Drive. The property is a corner lot with a front yard along Valley Drive and a street yard along Ridge Road. The property owners have an above ground pool in the same street yard they desire to enclose with a taller fence. The property owners obtained a building permit for the current fence in 2013 and the current pool in May 2020. The pool includes a cover. The packet includes the applicant's application, their responses to standards for why a variance should be granted, and a site plan for the proposed fence.

#### Background

The property is zoned R-1 Single Family Residence and is not located in a Floodplain, Wetland or Conservancy District. Private pools are a permitted accessory use in the R-1 District. The location of the pool is non-conforming to Sec. 8-403(a), which provides that private swimming pools shall be erected or constructed on rear or side lots only, the existing pool is in a street yard. The permitting of the pool in its current location was an administrative error made by the Building Inspector. The existing pool is also nonconforming to the street yard (front yard) minimum setbacks of the R-1 District which is 25 feet. In addition, Sec. 8-403(b) provides that no swimming pool shall be located, constructed or maintained closer to any side or rear lot line than is permitted in the Zoning Code for an accessory building, and in no case shall the water line of any pool be less than five feet from any lot line. The existing water line of the pool is approximately two feet from the fence, which in-turn is within a foot from the Ridge Road lot line; therefore, the water line is less than five feet from the lot line. For all of these reasons, the existing pool is a legal non-conforming structure.



The existing fence is also a non-conforming structure. Sec. 8-369(a)(a) provides that within residential districts acceptable materials for constructing fences include wood, plastic, stone, brick, wrought iron, and chainlink, except that only decorative fences are permitted within required front yard or street side yard setback areas. Sec. 8-367(a) defines a decorative fence as "a fence in which 50 percent of the bulk thereof consists of air space constructed of wood, stone, wrought iron, or similar materials designed to mimic such materials constructed in a manner intended to be aesthetically pleasing. Chainlink, mesh, or wood snow fences that are designed solely for functionality do not constitute decorative fences." The existing fence is constructed of wood; however, 50 percent of the bulk thereof does not consist of air space. Refer to site photos in the packet. The approval conditions for the building permit (2013-124) for the existing fence, refer to packet, indicate that the fence must meet the definition of a decorative fence.

Sec. 8-404(a) provides that "pools within the scope of this Section that are not enclosed with a permanent building shall be completely enclosed by a fence of sufficient strength to prevent access to the pool, or shall have a cover or other protective device over such swimming pool of such a design and material that the same can be securely fastened in place and when in place shall be capable of sustaining a person weighing 250 pounds. Such cover or protective device shall be securely fastened in place at all times when the swimming pool is not in actual use for swimming or bathing purposes. Such fence or wall shall not be less than four feet in height and so constructed as not to have voids, holes or openings larger than four inches in one dimension. Gates or doors shall be kept locked with the pool is not in actual use."

### **Standards for Granting a Variance**

Sec. 62-366(e) provides three standards for granting a variance: unnecessary hardship, hardship may not be self-imposed, and hardships must be unique to the property. The following is an opinion from staff regarding these three standards.

1. Unnecessary Hardship. Per Sec. 62-366(e)(1) Variances shall be granted only where the applicant demonstrates the existence of an unnecessary hardship. An unnecessary hardship exists where compliance with the strict letter of the restrictions governing the property would unreasonably prevent the owner from using the property for a permitted purpose or would render conformity with such restrictions unnecessarily burdensome. When considering any variance, the Board of Zoning Appeals shall determine whether the particular restriction in question is unnecessarily burdensome in light of the underlying purpose of that restriction. The purpose of the regulation shall be the primary concern, not the burden upon the property owner. Variances may not be granted where they are contrary to the public interest or where granting the variance would violate the spirit of the regulation. The Board of Zoning Appeals shall consider the following factors to determine whether an unnecessary hardship exists to justify issuance of an area variance:

- The purpose of the zoning restriction in question. In staff's opinion, the purpose of Sec.



8-369(c)(2) is to protect and enhance the aesthetics of a neighborhood by requiring fences to be no higher than four feet when located within the required street yard. Furthermore, the provisions of Sec. 8-367(a) and Sec. 8-369(a)(1) allow only decorative fences (50% open) within a street yard setback area. The purpose of these standards is to provide for an attractive street frontage and cohesiveness with neighboring front yard properties adjacent to the street yard. Tall fences, and fences that are completely enclosed, within the front/street yard negatively impact neighborhood aesthetics as they can give an undesirable "prison wall appearance" to the property, particularly as fences are a permitted obstruction in required yards under Sec. 62-12(e)(1)(d), meaning they are allowed up to two feet to a front or street yard property line under Sec. 8-369(b). The purpose of requiring shorter and 50% open fences in front and street yards is to specifically allow visibility of the property from the street and overall smaller massing given the proximity to the street. The proposed fence would not be in keeping with the spirit and purpose of the building and zoning restriction in question.

- The effect of the restriction on the property. In staff's opinion, the effect of the restriction of the property does not unreasonably prevent the owner from using the property for a permitted purpose. Although an administrative error was made in the permitting of the pool in its current location, the pool can continue to be used without an increase in the height of the fence. In addition, fences, whether four or six feet in height, are not meant to guarantee no trespass but to deter trespass. The existing fence and landscaping provide this deterrence.
- The effect of a variance on the neighborhood and larger public interest. In staff's opinion, approval of this variance would have a negative effect on the larger public interest. Approval of the variance compounds the existing non-conformities of the property. Granting of the variance could be viewed as setting a precedent where the presence of an existing non-conformity is the basis for approval of an additional non-conforming structure.

2. Hardship may not be self-imposed. In staff's opinion the hardship is self-imposed. The size, height, and location of the existing pool were chosen by the property owners. The fact that the location was permitted in error, does not provide justification to increase the non-conformity of the existing fence. In addition, the cumulative impacts of the finished height and location of the pool relative to visibility from adjacent streets could have been foreseen by the property owners.

3. Hardships must be unique to the property. In staff's opinion the hardship is not unique to the property. All corner lots within the Village are subject to the same requirements. The unique circumstance of this application is that the pool was allowed, in error, to be permitted in a street yard. However, this administrative error does not compel the approval of a fence that would not meet the requirements of Sec. 8-369(c)(2) or Sec. 8-369(a)(1). The existing fence, while also non-conforming to Sec. 8-369(a)(1), already meets the requirements of Sec. 8-404(a) as the



fence is not less than four feet in height. In addition, the presence of any other non-conforming fences in the neighborhood, or elsewhere in the Village, does not provide justification for approval of a fence that does not meet the requirements of Sec. 8-369(c)(2), or the requirements of Sec. 8-369(a)(1).

**Additional Staff Comments**

- **Alternative Designs.** In staff's opinion, the site photos within the packet demonstrate that exterior landscaping around the perimeter of the pool provides an alternative means of screening the pool from pedestrians and motorists along Ridge Road and Valley Drive. In fact, the vegetation may be more effective in-terms of screening as it may grow to exceed six feet in height. The vegetation also provides an additional barrier for individuals that may desire to trespass on the property. Where there are gaps in the existing vegetation the property owner could install additional shrubs or vines similar to those they have already planted along the fence to increase screening. The owners also maintain a cover on the pool which provides a protective device to improve safety. In addition, the applicants have not provided justification for why the pool cannot be located in the rear or side yard areas, where a six-foot high fence would be allowed. While undoubtable relocating the pool would be a financial burden on the applicants, an economic or financial hardship is generally not justification for granting a variance.

**FINANCIAL/BUDGET IMPACT:**

**VILLAGE PLAN REFERENCE:**

The property is planned for Single Family Residential use in the Village's Comprehensive Plan.

**ORDINANCE REFERENCE:**

- Sec. 8-20, General Purpose of the Building Code
- Sec. 8-367(a), Decorative Fence Definition
- Sec. 8-369(a)(1), Residential District Fence Material Standards
- Sec. 8-369(b), Fence Location
- Sec. 8-369(c), Maximum Height of Fences
- Sec. 8-403, Swimming Pool Setbacks
- Sec. 8-404, Swimming Pool Fences
- Sec. 62-3, General Purpose of the Zoning Code
- Sec. 62-12(e)(1)(d), Permitting Obstructions in All Yards
- Sec. 62-68, Statement of Purpose, R-1 District
- Sec. 62-69, Bulk Standards Residential Districts
- Chapter 62, Article II, Division 5, Appeals

**BOARD, COMMISSION OR COMMITTEE RECOMMENDATION:**

Village staff recommends denial of the variance request as presented for those reasons



previously stated in this staff report.

**ATTACHMENTS:**

1. 10.19.20 - 5410 Valley Drive - Variance Application (8.27.20)
2. 5410 Valley Drive Photos
3. 5410 Valley Drive Permit #20-203
4. 5410 Valley Drive Permit #2013-124

Zoning Board of Appeals  
5915 Milwaukee St P.O Box 110  
McFarland , WI 53558

RECEIVED  
AUG 27 2020  
VILLAGE OF McFARLAND

Dear Members of the Zoning Board of Appeals:

I am writing to seek a fence variance for my single-family home at 5410 Valley Dr in McFarland, WI. Current zoning laws say that fences must be no more than 4 feet tall; I respectfully request to install a fence that is 6 feet tall.

Earlier this summer our family applied for and was granted permission to install a pool within our existing 4-foot fence. The pool itself is installed partially into the land; as the land itself is graded. Despite this, the pool height is higher than the height of the fence. Unfortunately, the pool is now clearly visible from the street. Our home lies on the corner of Ridge Rd and Valley which is a busy intersection and is often used by the neighborhood to walk, bike and drive to Pick-n-Save and/or other Hwy 51 businesses.

Seven years ago, when we applied for the building permit for the existing fence, we requested a 6-foot fence. We were denied but told at the time that there were circumstances in which a 6-foot fence would be permissible. One of those circumstances as we understood was if we had a pool. We understand it is our responsibility to view current zoning restrictions, however, if we had known, we would have requested this variance before we built the pool.

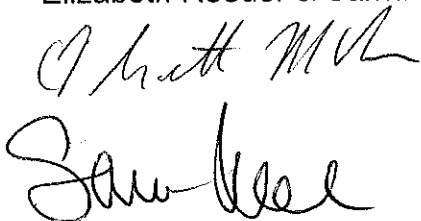
Due to the fact that our house lies in a high traffic area and is clearly visible from the street, the pool now qualifies as an attractive nuisance. Despite the self-closing latch, the fence as it sits is extremely easy to hop over or climb. We fear that children, teens or other trespassers in the area might take the opportunity to climb in the pool. The current situation creates a financial liability issue but more importantly poses the risk of loss of human life or injury.

We understand the desire for the neighborhood to look beautiful and well-kept for various reasons including property values. Since we have resided in this home, we have focused greatly on making sure our property looks attractive and have already made landscaping choices that will ensure the fence will not look unattractive. We, in fact feel the pool is an eye-sore when in clear view from the street. In addition, we have taken the time to discuss the matter with our neighbors to ensure we are in agreement about the changes we wish to make.

I hope you agree that my request would produce an aesthetically proper addition to our neighborhood in addition to ensuring safety. Should you have any questions please do not hesitate to contact me. Thank you for your thoughtful consideration.

Respectfully yours,

Elizabeth Reeder & Samuel Riddle

The image shows two handwritten signatures in black ink. The first signature is 'Elizabeth Reeder' and the second is 'Samuel Riddle'. Both are written in a cursive, flowing style.

**RECEIVED**

AUG 27 2020

VILLAGE OF McFARLAND

**Notice of Appeal and Application for Review**

**TO: The Board of Zoning Appeals, Village of McFarland, WI**

\$380.00 filing fee required with each application.  
Applicant is responsible for publication fees and notification charges, plus actual legal, engineering and financial consulting costs incurred by the Village, to be billed later. No permits can be issued until all monies owed are paid. Filing fee is non-refundable.

1) **Name of Appellant/Applicant** Elizabeth Reeder & Samuel Riddle  
**Address** 5410 Valley Dr McFarland WI 53558  
**Phone** 608-345-3382 / 608-345-3547

2) **Address of Property Street** 5410 Valley dr McFarland WI 53558  
**Parcel No.** 154-0710-344-4356-3  
**Lot** 6 **Block:** 7

**Present use of property** Single-family home  
**Proposed use of property** Increase fence height from 4 to 6 feet where  
**Zoning classification** fence is adjacent to pool on Ridge and Valley Dr  
**Owner's name/address** \_\_\_\_\_  
*(if other than shown in #1)* \_\_\_\_\_

3) **Has a previous appeal or application been made with respect to this property?**  Yes  No **If "yes", state nature of previous appeal:**

\_\_\_\_\_

**Disposition of previous appeal:** \_\_\_\_\_

**Date of decision in previous case:** \_\_\_\_\_

4) **Date of decision or order of administrative official from which appeal is taken:**

\_\_\_\_\_  
 \_\_\_\_\_

**Date of notice of such decision received by applicant** \_\_\_\_\_

5) **Purpose and grounds of appeal.**  
**Check below the relief requested by this appeal.**

(A) Request for interpretation of zoning ordinance and reversal of order, requirement, decision, or determination of administrative official. Use the lines provided below stating the reasons why you claim this order, requirement, decision, or determination is erroneous.

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(B) **Request for variance.**

- Use lines below each item for the purpose of explanation.
- For the Board of Appeals to grant a variance, it must find that all six items are met:

1. Why the denial of the variance may result in hardship to the property owner due to physiographical consideration. There must be exceptional, extraordinary or unusual circumstances or conditions applying to the lot or parcel, structure, use or intended use that do not apply generally to other properties or uses in the same district and the granting of the variance would not be of so general or recurrent nature as to suggest that the Zoning Code should be changed.

Due to the busy location of the lot, and graded land, denial could result in financial liability and/or loss of life. The pool is an attractive nuisance.

2. The hardship must not be self-created.

Permit was granted for installation of the pool.  
We were unaware that we would not be able to install a higher fence around the pool due to information given to us at an earlier time.

3. The conditions upon which a petition for a variance is based are unique to the property for which the variance is being sought and that such variance is necessary for the preservation and enjoyment of substantial property rights possessed by other properties in the same district and vicinity.

Property is on a busy intersection increasing likelihood of trespassers. The land is graded increasing acessibility to pool.

4. The purpose of the variance is not based exclusively upon a desire to increase the value or income potential of the property.

The variance is intended to protect public welfare and to be more aesthetically pleasing than current fence.

5. The granting of the variance will not be detrimental to the public welfare or injurious to the other property or improvements in the neighborhood in which the property is located.

The new fence would provide safety from potential drowning.

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6. The proposed variance will not undermine the spirit and general and specific purposes of the Zoning Code, specifically the purpose in Subdivision II – Conditional Uses – Section 62-105.

~~Despite the fence ordinance there are several fences on our street and in the area that are also 6 ft. specifically surrounding pools. We therefore believe the fence would be substantially uniform. In addition we have spoken to several neighbors and it seems the height increase would not pose a negative impact to their use of the land.~~

(C) Other: \_\_\_\_\_

State relief requested on the lines given below giving reasons why appellant is entitled to such relief.

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- 6) Do you grant permission for the Board of Zoning Appeals and staff, either individually or as a group, to enter onto the subject property for a site inspection?  Yes  No

Please inform us prior to inspection so we can assure our pets are secured.

Each application for appeal must be accompanied by a scale drawing showing the location and size of property, existing improvements, all abutting properties and improvements thereon and the requested change or addition.

I hereby swear that all of the above statements and the statements contained in any papers or plans submitted herewith are true to the best of my knowledge and belief.

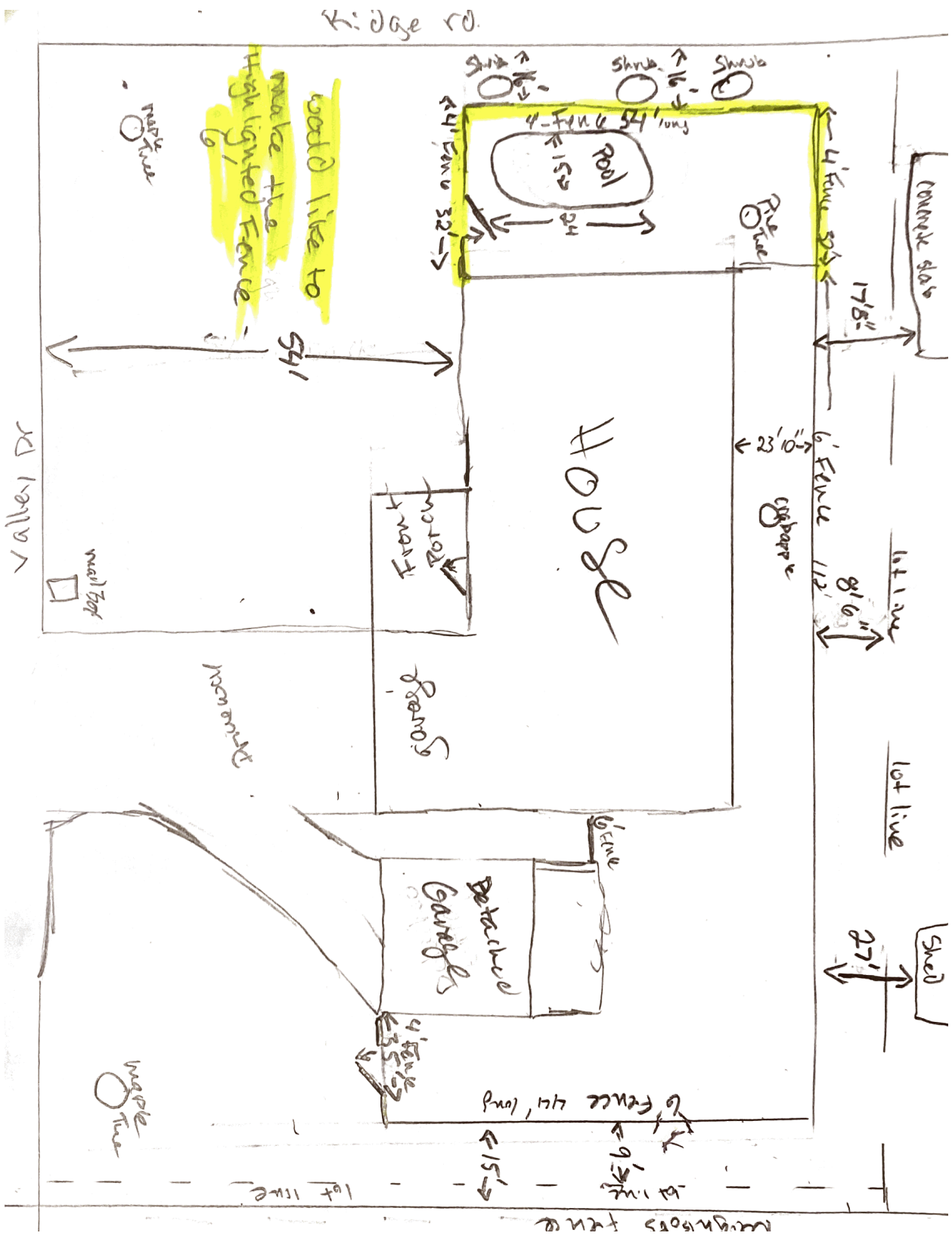


Signature of Applicant

8.23-20

Date

Office Use Only	
Received By	
Date Received	
Fee Received	
Hearing Date	
Notice Published	
Notice Mailed	
Billed	



could like to make the highlighted Fence

5410 Valley Drive, Existing Fence and Pool



2017 Aerial Photo







*View from Valley Drive*

Village of McFarland Community Development Department 5915 Milwaukee Street, P.O. Box 110 McFarland, WI 53558-0110	<b>VILLAGE OF MCFARLAND</b> <b>PERMIT APPLICATION</b> (complete areas highlighted in yellow) (read and sign front and reverse)	Permit No. <u>20-203</u> Parcel No. <u>0710-344-4356-3</u>
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<b>PERMIT REQUESTED</b>		<input checked="" type="checkbox"/> Construction		<input type="checkbox"/> HVAC	<input type="checkbox"/> Electric	<input type="checkbox"/> Plumbing	<input type="checkbox"/> Erosion	<input type="checkbox"/> Occupancy
Owner's Name <u>Sam Riddle Elizabeth Reeder</u>		Mailing Address <u>5410 Valley Dr</u>				Tel. <u>608-345-3547</u>		
Contractor's Name: <input type="checkbox"/> Con <input type="checkbox"/> Elec <input type="checkbox"/> HVAC <input type="checkbox"/> Plbg		Lic/Cert#	Exp.	Mailing Address		Tel. _____ email _____		
Contractor's Name: <input type="checkbox"/> Con <input type="checkbox"/> Elec <input type="checkbox"/> HVAC <input type="checkbox"/> Plbg		Lic/Cert#	Exp.	Mailing Address		Tel. _____ email _____		
Contractor's Name: <input type="checkbox"/> Con <input type="checkbox"/> Elec <input type="checkbox"/> HVAC <input type="checkbox"/> Plbg		Lic/Cert#	Exp.	Mailing Address		Tel. _____ email _____		
Contractor's Name: <input type="checkbox"/> Con <input type="checkbox"/> Elec <input type="checkbox"/> HVAC <input type="checkbox"/> Plbg		Lic/Cert#	Exp.	Mailing Address		Tel. _____ email _____		

<b>PROJECT LOCATION</b>	Lot area _____ Sq. ft.	of Section _____, T _____ N, R _____ E (or) W _____	
Building Address <u>5410 Valley Dr</u>	Subdivision Name _____		Lot No. _____ Block No. _____
Zoning District(s) _____	Set-backs: _____ ft.	Front _____ ft.	Rear _____ ft. Left _____ ft. Right _____ ft.
Project Description: <u>Above Ground Pool Installation</u>			<b>COMMERCIAL - Fire Protection System Work Permit App.</b> Date: _____ <input type="checkbox"/> Orig to applicant <input type="checkbox"/> Copy to Fire Dept.

<b>1. PROJECT</b>	<b>3. OCCUPANCY</b>	<b>6. ELECTRICAL</b>	<b>9. HVAC EQUIPMENT</b>	<b>12. ENERGY SOURCE</b>																					
<input type="checkbox"/> New <input type="checkbox"/> Repair <input type="checkbox"/> Alteration <input type="checkbox"/> Raze <input type="checkbox"/> Addition <input type="checkbox"/> Move <input type="checkbox"/> Occupancy <input type="checkbox"/> New Bldg or <input type="checkbox"/> Change of Use	<input type="checkbox"/> Single Family <input type="checkbox"/> Two Family <input type="checkbox"/> Multi-Family <input type="checkbox"/> Commercial <input type="checkbox"/> Other: _____	Entrance Panel Amps: _____ <input type="checkbox"/> Underground <input type="checkbox"/> Overhead <b>7. WALLS</b> <input type="checkbox"/> Wood frame <input type="checkbox"/> Steel <input type="checkbox"/> ICF <input type="checkbox"/> Timber/Pole <input type="checkbox"/> Other: _____	<input type="checkbox"/> Forced Air Furnace <input type="checkbox"/> Radiant Baseboard/Panel <input type="checkbox"/> Heat Pump <input type="checkbox"/> Boiler <input type="checkbox"/> Central Air Conditioning <input type="checkbox"/> Fireplace or Other: _____	<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td>Fuel</td> <td>Nat Gas</td> <td>LP</td> <td>Oil</td> <td>Elec.</td> <td>Solid</td> <td>Solar</td> </tr> <tr> <td>Space Htg</td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td>Water Htg</td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> </table> <input type="checkbox"/> Dwelling unit has 3 kilowatt or more electric space heating equip. Infiltration control option is <input type="checkbox"/> Sealing of all joints <input type="checkbox"/> Blower door test. <input type="checkbox"/> Exterior air infiltration barrier	Fuel	Nat Gas	LP	Oil	Elec.	Solid	Solar	Space Htg							Water Htg						
Fuel	Nat Gas	LP	Oil	Elec.	Solid	Solar																			
Space Htg																									
Water Htg																									
<b>2. AREA INVOLVED</b>	<b>4. CONST. TYPE</b>	<b>8. USE</b>	<b>10. SEWER</b>	<b>13. HEAT LOSS (Calculated)</b>																					
Unfin. _____ sq ft Bsmt _____ sq ft Living _____ sq ft Area <u>600</u> sq ft Deck _____ sq ft Garage _____ sq ft Porch/Balcony _____ sq ft TOTAL <u>600</u> sq ft	<input type="checkbox"/> Site-Built <input type="checkbox"/> Mfd: <input type="checkbox"/> UDC <input type="checkbox"/> HUD <b>5. STORIES</b> <input type="checkbox"/> 1-Story <input type="checkbox"/> 2-Story <input type="checkbox"/> Other: _____ <input type="checkbox"/> Plus Basement	<input type="checkbox"/> Seasonal <input type="checkbox"/> Permanent <input type="checkbox"/> Other: _____	<input type="checkbox"/> Municipal <input type="checkbox"/> Septic Permit No.: _____	Envelope _____ BTU/HR Infiltration _____ BTU/HR																					
		<b>11. WATER</b>	<b>14. ESTIMATED COST OF PROJECT</b>																						
		<input type="checkbox"/> Municipal Utility <input type="checkbox"/> Private On-Site Well	<u>\$ 5000</u>																						

I agree to comply with all applicable codes, statutes and ordinances and with the conditions of this permit; understand that the issuance of the permit creates no legal liability, express or implied, on the state or municipality; and certify that all the above information is accurate. If I am an owner applying for an erosion control or construction permit, I have read the cautionary statement regarding contractor financial responsibility on the reverse side. I expressly grant the building inspector, or the inspector's authorized agent, permission to enter the premises for which this permit is sought at all reasonable hours and for any proper purpose to inspect the work which is being done.

**APPLICANT'S SIGNATURE** [Signature] **DATE SIGNED** 5-30-2020

<b>FEES:</b>	<b>APPROVAL CONDITIONS:</b>	The permit is issued pursuant to the following conditions. Failure to comply may result in suspension or revocation of this permit or other penalty.	
Early Start	<u>Please maintain setbacks as shown.</u>	Village of McFarland Municipality Number of Dwelling Location 13-154	
Building			
Electrical			
Plumbing			
HVAC			
MMSD	<b>ISSUING JURISDICTION:</b>	<b>WIS PERMIT SEAL #</b>	<b>PERMIT ISSUED BY:</b>
Park Fund	<input checked="" type="checkbox"/> Construction <u>Pool</u> <input type="checkbox"/> HVAC <input type="checkbox"/> Electrical <input type="checkbox"/> Plumbing <input type="checkbox"/> Erosion Occupancy <input type="checkbox"/> New Bldg or <input type="checkbox"/> Change of Use	(New UDC Homes Only)  <b>PAYMENT INFO</b>	Name <u>James Trebick</u> Date <u>6-02-20</u> Tel No. <u>608-838-3154</u> Cert. No. <u>13845</u>
Erosion Control			
Wis. Seal			
Occupancy			
Water Impact			
Library	<b>TOTAL:</b> \$ <u>50.00</u>		

**CAUTIONARY STATEMENT TO OWNERS OBTAINING BUILDING PERMITS**

Sec. 101.65(lr) of the Wisconsin Statutes requires municipalities that enforce the Uniform Dwelling Code to provide an owner who applies for a building permit with a statement advising the owner that:

If the owner hires a contractor to perform work under the building permit and the contractor is not bonded or insured as required under Sec. 101.654 (2) (a) the following consequences might occur:

(a) The owner may be held liable for any bodily injury to or death of others or for any damage to the property of others that arises out of the work performed under the building permit or that is caused by any negligence of the contractor that occurs in connection with the work performed under the building permit.

(b) The owner may not be able to collect from the contractor damages for any loss sustained by the owner because of a violation by the contractor of the one- and 2-family dwelling code or an ordinance enacted under sub. (1) (a), because of any bodily injury to or death of others or damage to the property of others that arises out of the work performed under the building permit or because of any bodily injury to or death of others or damage to the property of others that is caused by any negligence by the contractor that occurs in connection with the work performed under the building permit.

**CAUTIONARY STATEMENT TO CONTRACTORS FOR PROJECTS INVOLVING BUILDINGS BUILT BEFORE 1978**

If this project is in a dwelling or child-occupied facility, built before 1978, and disturbs 6 square feet or more of paint per room, 20 square feet or more of exterior paint, or involves windows, then the requirements of ch. DHS 163 requiring Lead-Save Renovation Training and Certification apply. Call (608)261-6876 or go to <http://dhs.wisconsin.gov/lead/WisconsinRRPRule.htm> for details on how to be in compliance.

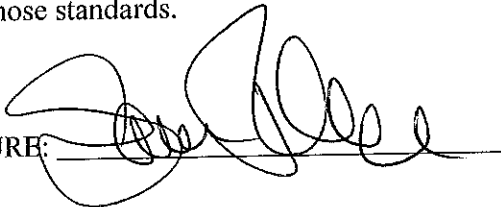
**WETLANDS NOTICE TO PERMIT APPLICANTS**

You are responsible for complying with state and federal laws concerning construction near or on wetlands, lakes, and streams. Wetlands that are not associated with open water can be difficult to identify. Failure to comply may result in removal or modification of construction that violates the law or other penalties or costs. For more information, visit the Department of Natural Resources Wetlands Identification web page or contact a Department of Natural Resources Service Center.

**ADDITIONAL RESPONSIBILITIES FOR OWNERS OF PROJECTS DISTURBING ONE OR MORE ACRES OF SOIL**

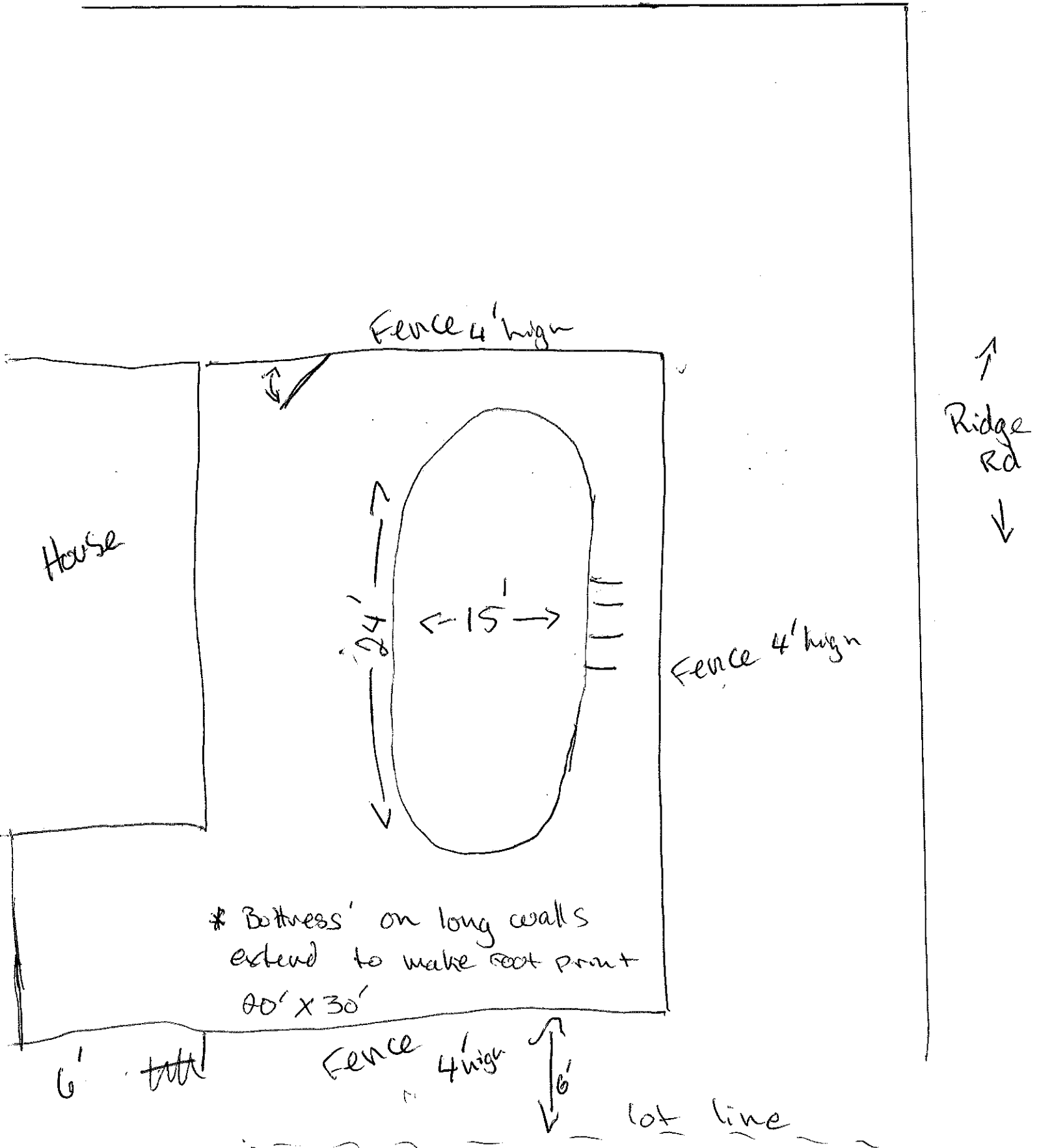
I understand that this project is subject to ch. NR 151 regarding additional erosion control and stormwater management and will comply with those standards.

OWNER / APPLICANT'S SIGNATURE:

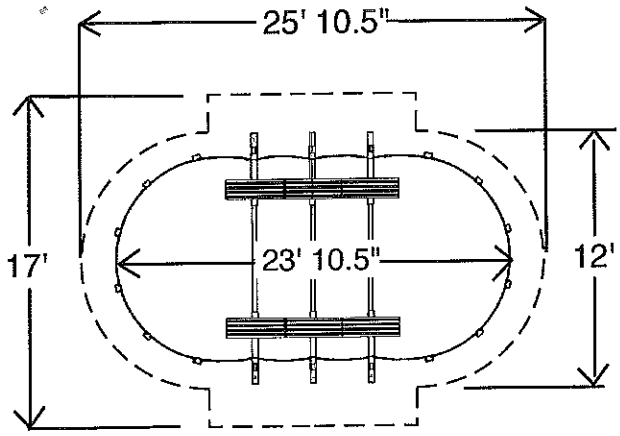


Date: 5-30-00

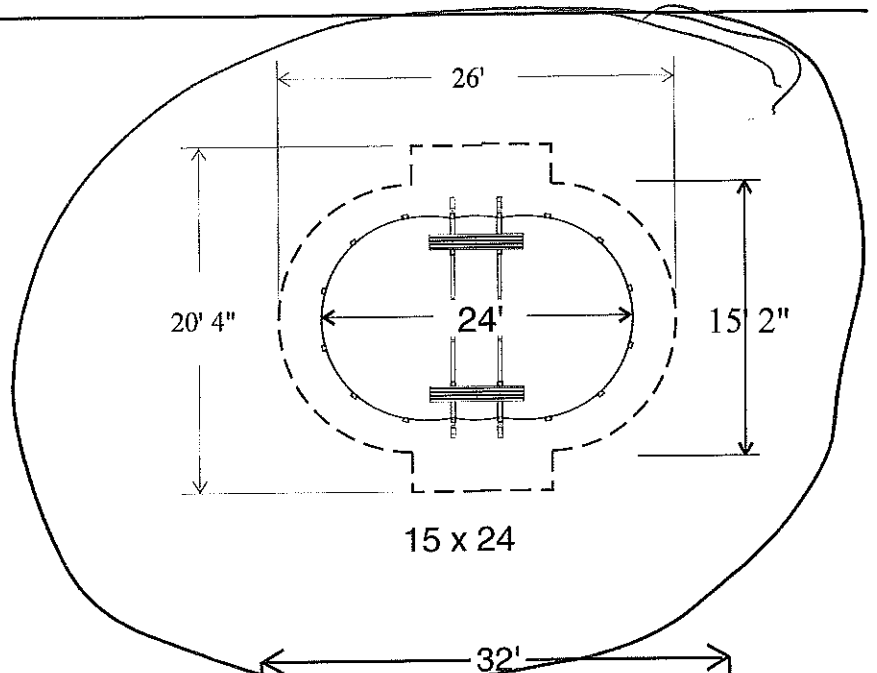
← valley Dr. →



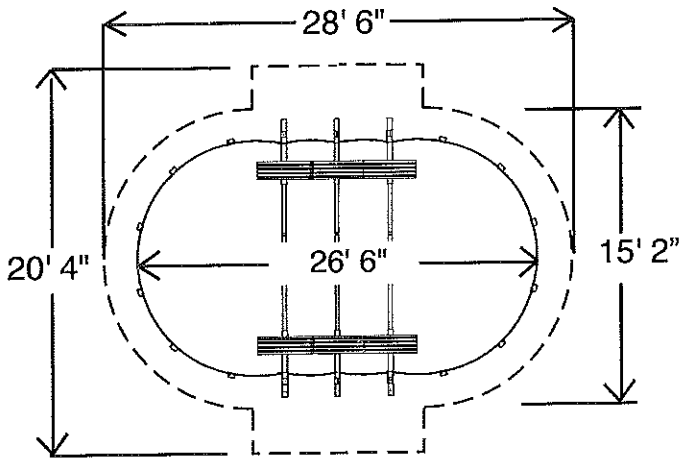
**BUTTRESS-FREE POOL SIZES**



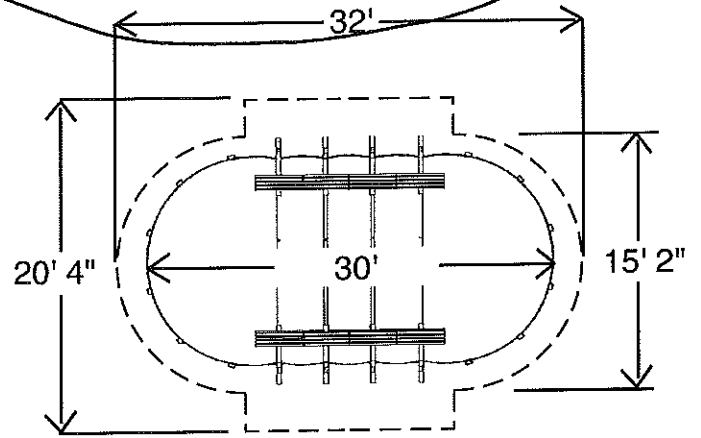
**12 x 24**



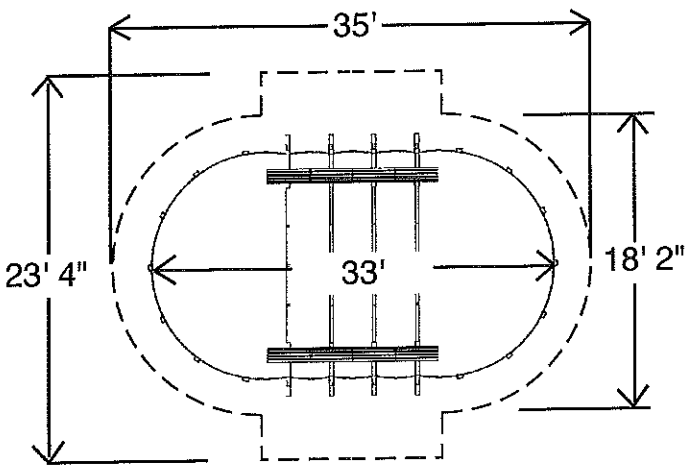
**15 x 24**



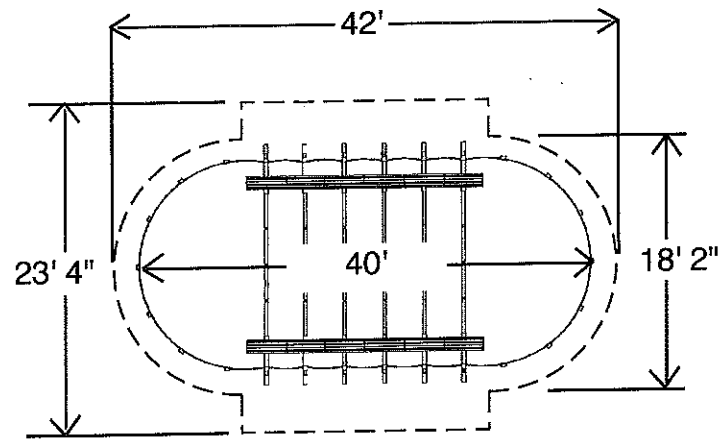
**15 x 26**



**15 x 30**



**18 x 33**



**18 x 40**

Note: All above diagrams are for Buttress-Free oval pools. If you have a traditional Buttress oval pool, you will need to add 3 feet to the width of the space needed for installation. The length measurement will not change.

— Actual size of pool.  
 - - - - - Space needed for installation.

Village of McFarland  
 Community Development Department  
 5915 Milwaukee Street, P.O. Box 110  
 McFarland, WI 53558-0110

**VILLAGE OF MCFARLAND  
 PERMIT APPLICATION**  
 (complete areas highlighted in yellow)  
 (read and sign front and reverse)

Permit No. **2013-124**

Parcel No. **0710-344-4356-3**

**PERMIT REQUESTED**

Construction  HVAC  Electric  Plumbing  Erosion  Other:

Owner's Name <b>Samuel Biddle &amp; Elizabeth Reeder</b>	Mailing Address <b>5410 Valley Dr.</b>	Tel. <b>608 838 1016</b>
Contractor's Name: <input type="checkbox"/> Con <input type="checkbox"/> Elec <input type="checkbox"/> HVAC <input type="checkbox"/> Plbg <b>Self</b>	Lic/Cert# <b>N/A</b>	Mailing Address <b>5410 Valley Dr.</b>
Contractor's Name: <input type="checkbox"/> Con <input type="checkbox"/> Elec <input type="checkbox"/> HVAC <input type="checkbox"/> Plbg	Lic/Cert#	Mailing Address
Contractor's Name: <input type="checkbox"/> Con <input type="checkbox"/> Elec <input type="checkbox"/> HVAC <input type="checkbox"/> Plbg	Lic/Cert#	Mailing Address
Contractor's Name: <input type="checkbox"/> Con <input type="checkbox"/> Elec <input type="checkbox"/> HVAC <input type="checkbox"/> Plbg	Lic/Cert#	Mailing Address

**PROJECT LOCATION** Lot area \_\_\_\_\_ Sq. ft. \_\_\_\_\_ of Section \_\_\_\_\_, T \_\_\_\_\_ N, R \_\_\_\_\_ E (or) W \_\_\_\_\_

Building Address **5410 Valley Dr** Subdivision Name \_\_\_\_\_ Lot No. \_\_\_\_\_ Block No. \_\_\_\_\_

Zoning District(s) \_\_\_\_\_ Set-backs: Front \_\_\_\_\_ ft. Rear \_\_\_\_\_ ft. Left \_\_\_\_\_ ft. Right \_\_\_\_\_ ft. **COMMERCIAL - Fire Protection System Work Permit App.** Date: \_\_\_\_\_  Orig to applicant  Copy to Fire Dept.

Project Description: **Fence - Cedar wood - 4'**

<b>1. PROJECT</b> <input type="checkbox"/> New <input type="checkbox"/> Alteration <input type="checkbox"/> Addition <input type="checkbox"/> Other: <input type="checkbox"/> Repair <input type="checkbox"/> Raze <input type="checkbox"/> Move	<b>3. OCCUPANCY</b> <input type="checkbox"/> Single Family <input type="checkbox"/> Two Family <input type="checkbox"/> Garage <input type="checkbox"/> Other: <input type="checkbox"/> Site-Built <input type="checkbox"/> Mfd. <input type="checkbox"/> UDC <input type="checkbox"/> HUD	<b>6. ELECTRICAL</b> Entrance Panel Amps: <input type="checkbox"/> Underground <input type="checkbox"/> Overhead <b>7. FOUNDATION</b> <input type="checkbox"/> Concrete <input type="checkbox"/> Masonry <input type="checkbox"/> Treated Wood <input type="checkbox"/> ICF:	<b>9. HVAC EQUIPMENT</b> <input type="checkbox"/> Forced Air Furnace <input type="checkbox"/> Radiant Baseboard/Panel <input type="checkbox"/> Heat Pump <input type="checkbox"/> Boiler <input type="checkbox"/> Central Air Conditioning <input type="checkbox"/> Other:	<b>12. ENERGY SOURCE</b> Fuel _____ Nat Gas _____ LP _____ Oil _____ Elec. _____ Solid _____ Solar _____ Space Htg _____ Water Htg _____ <input type="checkbox"/> Dwelling unit has 3 kilowatt or more electric space heating equip. Infiltration control option is <input type="checkbox"/> Sealing of all joints <input type="checkbox"/> Blower door test. <input type="checkbox"/> Exterior air infiltration barrier
<b>2. AREA INVOLVED</b> Unfin. _____ Sq Ft Bsmt _____ Sq Ft Living Area _____ Sq Ft Garage _____ Sq Ft TOTAL _____ Sq Ft	<b>4. CONST. TYPE</b> <input type="checkbox"/> 1-Story <input type="checkbox"/> 2-Story <input type="checkbox"/> Other: <input type="checkbox"/> Plus Basement	<b>8. USE</b> <input type="checkbox"/> Seasonal <input type="checkbox"/> Permanent <input type="checkbox"/> Other:	<b>10. SEWER</b> <input type="checkbox"/> Municipal <input type="checkbox"/> Septic Permit No.:	<b>13. HEAT LOSS (Calculated)</b> Envelope _____ BTU/HR Infiltration _____ BTU/HR
			<b>11. WATER</b> <input type="checkbox"/> Municipal Utility <input type="checkbox"/> Private On-Site Well	<b>14. ESTIMATED COST OF PROJECT</b> <b>\$ 1500.00</b>

I agree to comply with all applicable codes, statutes and ordinances and with the conditions of this permit; understand that the issuance of the permit creates no legal liability, express or implied, on the state or municipality; and certify that all the above information is accurate. If I am an owner applying for an erosion control or construction permit, I have read the cautionary statement regarding contractor financial responsibility on the reverse side. I expressly grant the building inspector, or the inspector's authorized agent, permission to enter the premises for which this permit is sought at all reasonable hours and for any proper purpose to inspect the work which is being done.

**APPLICANT'S SIGNATURE** *[Signature]* **DATE SIGNED** **5-22-13**

<b>FEES:</b>	<b>APPROVAL CONDITIONS:</b>	The permit is issued pursuant to the following conditions. Failure to comply may result in suspension or revocation of this permit or other penalty.	
Early Start		- Fence cannot extend more than 33' from house towards Ridge Rd	
Building		- Fence must meet the definition of a decorative fence	
Electrical			
Plumbing			
HVAC			
MMSD	<b>ISSUING JURISDICTION:</b>	<input checked="" type="checkbox"/> Village <input type="checkbox"/> City <input type="checkbox"/> State of WI	Municipality Number of Dwelling Location
Park Fund		Village of McFarland	13-154
Erosion Control	<b>PERMIT(S) ISSUED</b>	<b>WIS PERMIT SEAL #</b>	<b>PERMIT ISSUED BY:</b>
Wis. Seal	<input type="checkbox"/> Construction <input type="checkbox"/> HVAC	(New UDC Homes Only)	Name <b>M. P. [Signature]</b>
Occupancy	<input type="checkbox"/> Electrical <input type="checkbox"/> Plumbing	<b>PAYMENT INFO</b>	Date <b>5-23-13</b>
Water Impact	<input type="checkbox"/> Erosion <input type="checkbox"/> Other:	PO 5-23-13 cc C/C 2405 Rpt 12806	Tel No. 608-838-3154
Library			Cert. No. <b>70540</b>
Other: <b>Fence 50.00</b>			
<b>TOTAL: \$</b>			

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(b) The owner may not be able to collect from the contractor damages for any loss sustained by the owner because of a violation by the contractor of the one- and 2-family dwelling code or an ordinance enacted under sub. (1) (a), because of any bodily injury to or death of others or damage to the property of others that arises out of the work performed under the building permit or because of any bodily injury to or death of others or damage to the property of others that is caused by any negligence by the contractor that occurs in connection with the work performed under the building permit.

**CAUTIONARY STATEMENT TO CONTRACTORS FOR PROJECTS INVOLVING BUILDINGS BUILT BEFORE 1978**

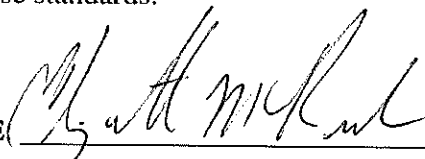
If this project is in a dwelling or child-occupied facility, built before 1978, and disturbs 6 square feet or more of paint per room, 20 square feet or more of exterior paint, or involves windows, then the requirements of ch. DHS 163 requiring Lead-Save Renovation Training and Certification apply. Call (608)261-6876 or go to <http://dhs.wisconsin.gov/lead/WisconsinRRPRule.htm> for details on how to be in compliance.

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I understand that this project is subject to ch. NR 151 regarding additional erosion control and stormwater management and will comply with those standards.

OWNER-APPLICANT'S SIGNATURE 

Date: 5-22-13

Valley

← N

Bridge / Mason Beach

WE WANT TO  
LIVE DOWN  
HERE →

Front of Lot

3110  
Valley Dr.

33' max allowed

40'

Gate

House

45'

15'

Back yard

Tree

Future

# Valley

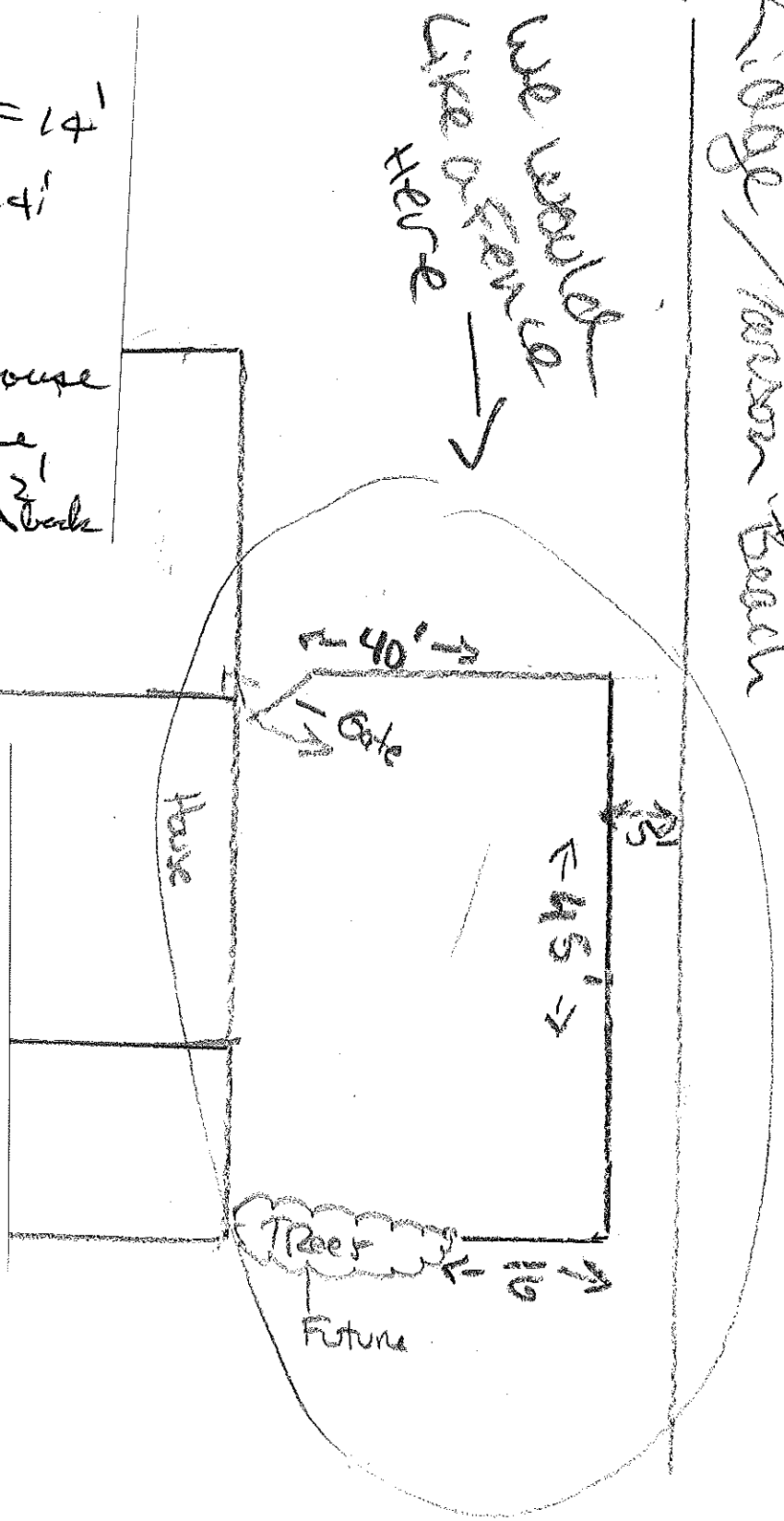


Ridge / Mason Beach

$66' - 30' = 28'$   
 $\frac{28'}{2} = 14'$   
 prop line is 14'  
 back of curb  
 $49' - 14' = 35'$  house  
 to prop. line  
 period must stay 2' back  
 Valley UT.

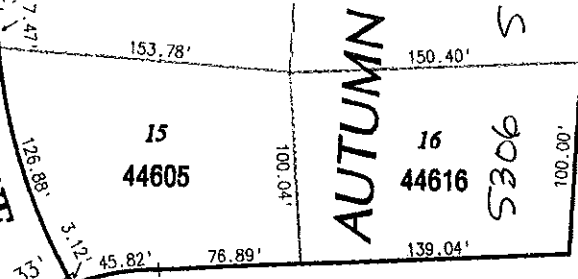
Measured 5/23/13  
 49' from house to curb  
 30' back of curb  
 to back of curb  
 Ridge Rd = 66 R.O.W.

Back yard

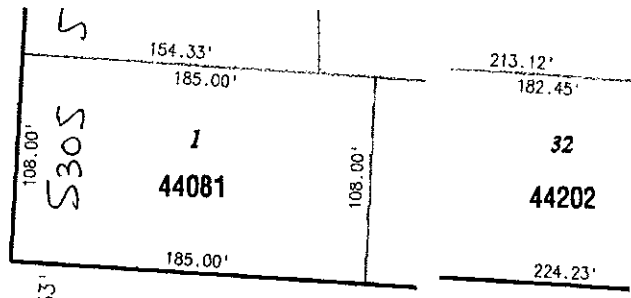




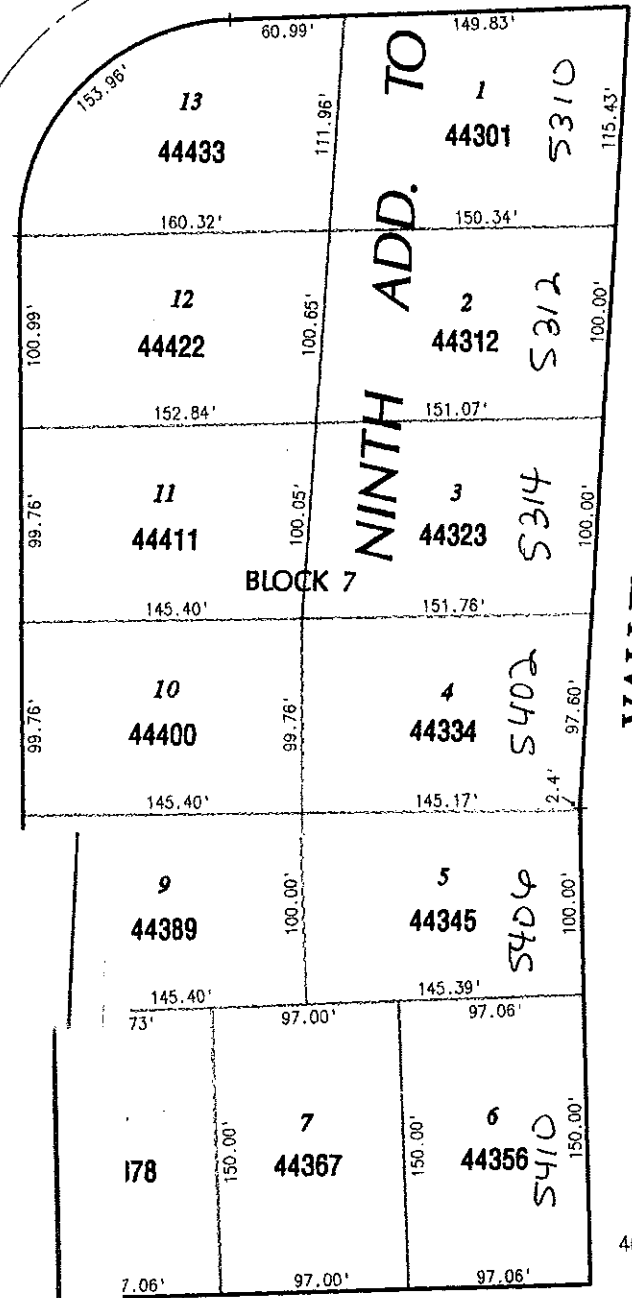
OLDEN GLOVE



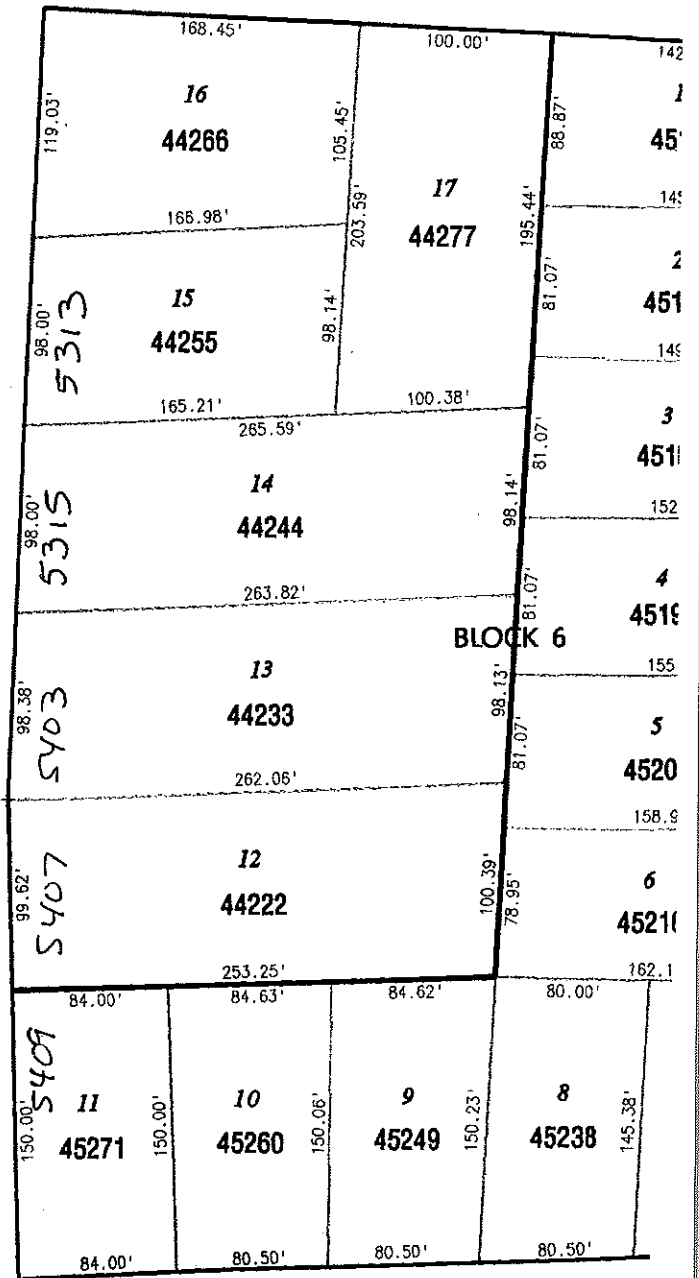
SUMMER



TRA



RIDGE



ROAD