

The Board of Zoning Appeals met at City Hall in the City of Black River Falls on August 6, 2026 at 6:00 P.M. Board members Randy Eddy, Julie Murray, and Jared Smith were present. Board members Chad Ellingson and Anneliese Eddy were excused. City Administrator Brad Chown, and Joshua D. Johnon were also present.

1. Randy Eddy called the meeting to order at 6:00 PM.
2. Roll Call was taken with 3 members present and 2 excused.
3. The City Administrator reviewed the standards for considering an area variance as outlined in a May 19, 2005 memo from the City Attorney.
4. Randy Eddy opened the public hearing for Joshua D. Johnson's appeal for a fence located at 904 Pierce Street.
5. Property owner Joshua D. Johnson explained his property borders an alley that already has a garage and concrete driveway in it and everyone else's fences are to their lines already by an alleyway that is impassable already. He is trying to bring his fence to that back lot line instead of the 10 feet by the length of the property that is unused wasted space. He is trying to close off what is his, and the alleyway is unusable through that entire area. HE would like to fence his area off so his kids can play.
6. There were no other citizen in attendance to speak for or against the request for a variance.
7. The City Administrator displayed Jackson County's Beacon GIS map and the Google Maps street view of the property in question on the Council Chambers television for reference and explained the aerial images on the GIS map may be distorted due to the curvature of the earth and the angle the photo was taken so the lines are not definitively where the line actually is.
8. The property owner indicated he had the property surveyed when he purchased it and there are markers in the ground where the stakes were and he believes the utility pole viewed on Googel street view is on his property. He believes the property line is 2-3 feet from the neighbor's garage wall approximately even with the angled portion of the neighbor's concrete driveway.
9. The City Administrator estimated that approximately half of the neighbor's garage is in the alley and the alley is only 10-15 feet wide.
10. The property owner stated he plans to install the fence about 3 feet from the neighbor's garage wall up to the edge of the neighbor's flower bed edging and about 30 feet from South 9th Street to line up with his garage. He would be moving the fence line 10 feet to the south of the current temporary fence he has in place.
11. The property owner stated the neighbor to the south is not objecting to his plan.
12. Julie Murray commended the home owner for the work he has done to the property and that it looks beautiful and made a motion to grant the variance. The motion was not acted upon as the public hearing was still open.
13. The City Administrator explained to the Board the reasons for denying the application for a building permit for the fence at the Johnson residence. The new fence would not comply with City Ordinance which requires a 10 foot setback from any alleyway. The property owner confirmed that he did apply for and receive a permit for the existing fence, but his application to move the fence to the property line was denied.

14. The property owner indicated all home owners along the alley, including himself, mow their half of the alley and there have been some arguments on who's is what and get off of mine and it's not theirs at all.
15. The property owner indicated he had a petition to vacate the alley that was signed by everyone but one resident. The City Administrator explained that the alley could not be vacated with one owner not signing, and that the City Attorney advised against vacating the alley because half the land goes each way and that could potentially create more ordinance violations with setbacks and potentially create more litigation between neighbors.
16. The City Administrator clarified that it is his responsibility and the Building Inspector's responsibility to ensure compliance with City Ordinances and that is why it was denied. He further advised that it was the Board of Zoning Appeals responsibility to determine whether the property owner has established that unnecessary hardships exist and that he cannot use the property as it was intended without this variance. It can look nice, but if it doesn't comply and doesn't create a hardship what do you do?
17. The property owner advised he plans to install a 6 foot tall wood privacy fence.
18. Julie Murray stated she could see no way that granting this harms anyone else in any way.
19. Randy Eddy had concerns about how to determine where the alley is and there was discussion on where the approximate lines are. The City Administrator advised the south neighbor's garage is over the property line and in the alley.
20. Randy Eddy suggested a stipulation that the fence stay 5 feet from the neighbor's garage. The property owner questioned how he would maintain 1 foot on the other side of the fence.
21. When asked if there would be a wide enough space between the fence and the neighbor's garage to get a lawn mower through, the property owner advised it was all flower beds, but yes.
22. It was moved by Julie Murray, seconded by Jared Smith to close the public hearing. Motion carried.
23. It was moved by Julie Murray, seconded by Randy Eddy to approve the variance to the zoning ordinance to allow the fence at 904 Pierce Street to be placed on the property line abutting the alley on the condition that if the City decides to improve the alley in the future, then the property owner will move the fence to comply with the ordinance. Motion carried.
24. It was moved by Jared Smith, seconded by Julie Murray to adjourn. Motion carried at 6:23 PM.

A Brad Chown
City Administrator