

City of Black River Falls
BOARD OF ZONING APPEALS
AGENDA

Thursday – August 6, 2026 – 6:00 PM
City Hall – 101 S. Second Street, Black River Falls, WI

1. Call to order
2. Roll call
3. Open the public hearing for Joshua D. Johnson's appeal for a fence located at 904 Pierce Street
4. Close the public hearing
5. Deliberate and take or announce action, if any and if appropriate
6. Adjourn

Posted: July 7, 2026



101 South Second Street
Black River Falls, WI 54615
www.blackriverfallswi.gov
P: 715-284-5514 / F: 715-284-1777

NOTICE

Please take notice that the Board of Zoning Appeals of the City of Black River Falls will meet at City Hall on Thursday, August 6, 2026 at 6:00 P.M. to consider the petition of Joshua D. Johnson for a variance to the terms and conditions of the City of Black River Falls Zoning Ordinance in regard to the following described lands and premises:

Residence located at 904 Pierce Street, Black River Falls, WI

Said petition requests that the property owner be granted a variance to allow a fence to be constructed on the south property line bordering a platted public way (alley).

All interested persons are urged to attend.

A. Brad Chown, City Administrator
City of Black River Falls

OFFICE OF CITY ATTORNEY

Black River Falls, Wisconsin

DANIEL S. DIEHN
CITY ATTORNEY

25 South Second Street
Suite 6
Black River Falls, WI 54615

(715) 284-0882
FAX (715) 284-8743

MEMORANDUM

TO: Joseph J. Hunter, William Arndt, Board of Appeals Members

FROM: Daniel S. Diehn, City Attorney

DATE: May 19, 2005

RE: Variance Standards

I have been asked to prepare a memo outlining the Standards under which the Board of Appeals can grant a variance to the City's Zoning Ordinance. The Wisconsin Supreme Court has recently examined variances and has re-formulated the standards for granting variances.

Zoning variances are divided into two (2) categories, use variances and area variances. A use variance permits a property owner to use their property in a manner not allowed under the City's Zoning Ordinance. An area variance relaxes a dimensional standard such as a setback, frontage, lot or height request. The standards for granting variances differ greatly between the two categories.

Use variances are governed by a very strict standard. To receive a use variance, an applicant must demonstrate that:

- 1) There are physical limitations unique to the specific property; and
- 2) that, without the requested variance, the property has no reasonable use; and
- 3) that the requested variance will not be contrary to the public interest.

In practice, the strict standard for use variances will almost always prevent the Board of Appeals from granting them. Therefore, I will not discuss use variances in any more detail.

Area variances are controlled by a more relaxed standard. Area variances may be granted where an unnecessary hardship exists for the property owner which would render conformity with the zoning ordinance unnecessarily burdensome. The standard can be broken down into the following elements:

- 1) The applicant must first establish that the zoning ordinance creates a hardship unique to a particular property. In general, the hardship can not be created by the property owner and must relate to the property itself, not the changing needs or desires of the property owner.
- 2) The applicant must then establish that compliance with the strict letter of the restrictions would unreasonably prevent the owner from using the property for a permitted purpose.
- 3) The applicant must then establish that compliance with the restriction is unnecessarily burdensome. In determining whether compliance is unnecessarily burdensome the Board of Appeals should evaluate whether the relief requested is consistent with the public interest or whether the variance would be contrary to the purpose of the zoning restriction.

We will discuss these standards prior to the first hearing at the next Board of Appeals meeting on Wednesday, May 25, 2005. Please feel free to contact me with any questions or comments.

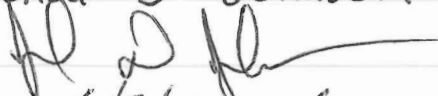
6/9/2026

To whom it may concern,

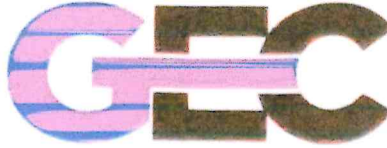
I am writing to appeal the denial of permit #26-0013-27-206. I am requesting a variance to zoning code 14.10(2) b. I am wanting to extend my south fence line to my south property line which borders an ally. This ally serves no purpose and is not maintained by the city. The property owner to my south has a concrete driveway and garage in that allyway, causing that portion of the ally to be unusable anymore. For this reason, I believe my fence should be able to be on my south property line. Currently I am ^{losing} ~~using~~ approximately 840 sq ft of property that my kids could be using to play.

Thank you for your time,

Joshua D Johnson


6/9/2026

General Engineering Company
P O Box 340
916 Silver Lake Drive
Portage WI 53901



Engineers • Consultants • Inspectors

608-742-2169 (Office)
608-742-2592 (Fax)
[gce@generalengineering.net](mailto:gec@generalengineering.net)
[www generalengineering net](http://www.generalengineering.net)

05/22/2026

Joshua Johnson
904 pierce St.
Black River falls WI 54615

Your permit application for moving your fence at 904 Pierce St. has been denied because your new fence will violate Black River Falls zoning code 14.10 (2) b which states "no fence may be constructed within 10 feet of any alley right of way. if you have any questions you can reach me at (608) 697-7774.

Sincerely,
Kent Erickson
City of Black River Falls WI Building Inspector

GENERAL ENGINEERING COMPANY

Portage

Black River Falls

La Crosse

Consulting Engineering • Structural Engineering • Building Design • Environmental Services • Building Inspection • GIS Services
Grant Procurement & Administration • Land Surveying • Zoning Administration • Mechanical, Electrical, & Plumbing Services



FOR INSPECTIONS CALL (608) 697-7774	GENERAL BUILDING PERMIT APPLICATION GENERAL ENGINEERING COMPANY P.O. BOX 340 PORTAGE, WI 53901 OFFICE: (608) 745-4070	PERMIT # 26-0013-27-206 EXPIRATION 03/04/2027
Parcel number	City of Black River Falls, Jackson County, WI	Mun. Number 27-206

PROJECT DESCRIPTION (Submit Building Plans & Site Plan) FENCE - Move fence closer to alley	Does this project require any additional approvals or permits?
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Building Address 904 pierce st	Responsible Party Email Runthehunt@gmail.com	Finished Project Value \$3,900
Zoning District(s)	Zoning Permit No.	Corner Lot ☐ Yes ☐ No
	Bldg. Height	Setbacks: Front: Rear: Left: Right:

Owner's Name Address Joshua Johnson	904 pierce st, Black River Falls, WI, 54616	Phone & email (715) 419-4933 Runthehunt@gmail.com
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Construction contractor WI Lic. No & Exp. Date Address Self	0000000 12/31/2040	Self, Self, WI, 00000	Phone & email (000) 000-0000 gec@gec.com
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Dwelling constr. qualifier WI Lic. No & Exp. Date Address			Phone & email
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HVAC contractor WI Lic. No & Exp. Date Address			Phone & email
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Electrical contractor WI Lic. No & Exp. Date Address			Phone & email
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Master electrician WI Lic. No & Exp. Date Address			Phone & email
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Plumbing contractor WI Lic. No & Exp. Date Address			Phone & email
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RESIDENTIAL Single Family/Duplex	Addition: ☐ Electrical ☐ Plumbing ☐ HVAC ☐ Erosion Control ☐ Construction
	Detached Accessory Building: ☐ Electrical ☐ Plumbing ☐ HVAC ☐ Construction
	Remodel: ☐ Electrical ☐ Plumbing ☐ HVAC ☐ Construction
	Other: ☐ Fence ☐ Plumbing ☐ Removal of Structure (Raze) ☐ Electrical Service Upgrade ☐ Erosion Control ☐ HVAC ☐ Electrical ☐ Construction

COMMERCIAL	New Commercial Building: ☐ Electrical ☐ Plumbing ☐ HVAC ☐ Construction ☐ Erosion Control
	Commercial Addition/Alteration: ☐ Electrical ☐ HVAC ☐ Erosion Control ☐ Sign ☐ Building Sq. Ft. ☐ Plumbing ☐ Construction ☐ Fence ☐ Removal of Structure (Raze)
	State of Wisconsin Plan Approval Needed: ☐ Yes ☐ No (Approved plans must be submitted with permit application)

Zoning - When applicable, must obtain a copy of setback information regarding height, lot coverage, etc.

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 of the permit application. 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. It is the Owner/Contractors Responsibility to Call in ALL INSPECTIONS to the Inspector.

APPLICANT'S SIGNATURE

DATE SIGNED

APPROVAL CONDITIONS This permit is issued pursuant to the following conditions. Failure to comply may result in suspension or revocation of this permit or other penalty.
☒ See attached for conditions of approval.

FES:	PERMIT(S) ISSUED	PERMIT ISSUED BY:
Construction \$83.00 Plumbing Electrical HVAC Zoning Other Administrative Total Permit Fee \$83.00	☐ Constr. ☐ HVAC ☐ Electric ☐ Plumbing ☐ Erosion Control ☐ Other	Name Kent Erickson Date 3/4/2026 Telephone (608) 697-7774 Cert. No 8045

Black Line is existing
New Fence



This fence will move to edge of
unused alley

ZONING CODE 17.29 (L)

(\$100,000.00) for property damage which shall indemnify and save harmless the City from any and all damages, judgments, costs or expense which the said City may incur or suffer by reason of the granting of said permit.

(M) Abandoned Billboards And Signs. Except as otherwise herein provided, all billboards and/or sign messages shall be removed by the owner or lessee of the premises upon which an off-premise sign/billboard is located when the business it advertised is no longer conducted where advertised. If the owner or lessee fails to remove the sign/billboard, the Zoning Administrator shall give the owner thirty (30) days written notice to remove said sign/billboard and thereafter, upon the owner's or lessee's failure to comply, may remove such sign/billboard, any costs for which shall be charged to the owner of the property or may be assessed as a special assessment against the property. The Zoning Administrator may take any other appropriate legal action necessary to attain compliance.

N) Violations Of Sign Code.

- (1) Any person, firm or corporation who begins, erects or completes the erection or construction of any sign controlled by this Chapter prior to the granting of a permit shall pay a penalty of four (4) times the amount of the permit otherwise required.
- (2) If the Zoning Administrator or Building Inspector finds any sign regulated herein unsafe or insecure or is a menace to the public, it shall give written notice to the sign owner and to the property owner.
- (3) If such sign owner fails to remove or alter the sign so as to comply with the standards herein set forth within five (5) days after such notice, the Zoning Administrator may cause such sign to be removed or altered at the expense of the owner of the sign or the owner of the property upon which it is located so as to comply with the provisions of this Chapter.
- (4) Any person, firm or corporation who violates any provision of this Chapter shall be subject to the penalty of Fifty Dollars (\$50.00). Each day, or portion thereof, that such violation continues is hereby deemed to constitute a separate offense.

17.30 ZONING PERMIT REQUIRED. No building or structure, or any part thereof, shall hereafter be built or the use altered within the City unless a permit therefore shall first be obtained by the owner or his agent from the Zoning Administrator. No construction shall be commenced prior to the issuance of such permit. Commencement of construction shall include such acts as beginning excavation or constructing forms for cement work. See ch. 14 of this Code.

17.32 PLAN COMMISSION. See ch. 1 of this Code.

17.33 BOARD OF ZONING APPEALS. (1) MEMBERSHIP. See ch. 1 of this Code.

- (2) **APPEALS TO BOARD.** (a) Appeals to the Board of Zoning Appeals may be taken by any person aggrieved or by any officer, department, board or bureau of the City affected by any decision of the administrative officers. Such appeal shall be taken within 30 days from either the date of actual notice of said decision to the person aggrieved or from the date of the mailing of a copy of said decision to him,

ZONING CODE 17.33(2)

whichever is earlier, by filing with the officer from whom the appeal is taken and with the Board a notice of appeal specifying the grounds thereof. Filing with the Board shall be accomplished by filing with the City Clerk.

(b) The officer from whom the appeal is taken shall forthwith transmit to the Board all papers constituting the record upon which the action appealed from was taken.

(c) The Board shall fix a reasonable time for the hearing of the appeal and shall give public notice thereof by publication of a Class II notice in the City's official newspaper, shall give notice to the parties in interest, and shall decide the same within a reasonable time.

(d) A filing fee as set by Resolution of the City Council shall accompany each such appeal and no such appeal shall be deemed properly filed unless said fee is paid.

(3) POWERS OF BOARD. The Board shall have the following powers:

(a) To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by the administrative official.

(b) To hear and decide special exceptions to the terms of this chapter upon which the Board is required to consider.

(c) To authorize, upon appeal in specific cases, such variance from the terms of this chapter as will not be contrary to the public interest where, owing to special conditions, a literal enforcement will result in practical difficulty or unnecessary hardship so that the spirit of this chapter shall be observed, public safety and welfare secured, and substantial justice done.

(d) Permit the erection and use of a building or premises in any location subject to appropriate conditions and safe-guards in harmony with the general purposes chapter for such public utility purposes which are reasonably necessary for public convenience and welfare.

(e) The Board may reverse or affirm, wholly or in part, or may modify any order, requirement, decision or determination appealed from and shall make such order, requirement, decision or determination as, in its opinion, ought to be made in the premises and to that end shall have all the powers of the administrative official. The concurring vote of 4 members of the Board shall be necessary to reverse any order, requirement or determination appealed from or to decide in favor of the applicant on any matter on which it is required to pass or to effect any variation in the requirements of this chapter.

(4) OTHER POWERS. In addition to the foregoing, the Board shall have the following specific powers:

(a) To grant a permit for a temporary building for commerce or industry in a residential district which is incidental to the residential development, such permit to be issued for a period of not more than 6 months.

(b) To grant a permit for the extension of a district boundary for a distance of not more than 25 feet where the boundary of a district divides a lot in single ownership at the time of the adoption of this chapter.

ZONING CODE 17.33 (4)

(c) To permit the temporary storage, as defined herein, of an item otherwise prohibited under sec. 17.03 of this chapter.

(d) To interpret the provisions of this chapter in such a way as to carry out the intent and purpose of the plan as shown on the Official Map accompanying and made a part of this chapter where the street layout actually on the ground varies from the street layout on the aforesaid map.

(e) The Board shall have the power to call on any other City department for assistance in the performance of its duties and it shall be the duty of such other department to render such assistance as may be reasonably required.

(5) **POWERS LIMITED.** Except as specifically provided, no action of the Board shall have the effect of permitting in any district uses prohibited in such district; nor shall such Board be permitted to take any action which would, in effect, create a buildable lot smaller than the minimum lot size or area otherwise required by the City.

17.34 CHANGES AND AMENDMENTS. (1) AUTHORITY. Whenever the public necessity, convenience, general welfare or good zoning practice require, the City may, by ordinance, change the district boundaries or amend, change or supplement the regulations established by this chapter or amendments thereto. Such change or amendment shall be subject to the review and recommendation of the Plan Commission.

(2) **INITIATION.** A change or amendment may be initiated by the Council, the Plan Commission or by a petition of one or more of the owners or lessees of property within the area proposed to be changed.

(3) **PETITIONS.** Petitions for any change to the district boundaries or amendments to the regulations shall be filed with the City Clerk and shall describe the premises to be rezoned or the regulations to be amended, list the reasons justifying the petition, specify the proposed use and have attached the following:

(a) A plot plan showing the area proposed to be rezoned, its location, its dimensions, the location and classification of adjacent zoning districts and the location and existing use of all properties within 200 feet of the area proposed to be rezoned.

(b) The owners' names and addresses of all properties lying within 200 feet of the area proposed to be rezoned.

(c) Additional information required by the Plan Commission.

(4) **RECOMMENDATIONS.** The Plan Commission shall hold a public hearing as provided for in §62.23(7)(d), Wis. Stats., and review all proposed changes and amendments within the corporate limits and shall recommend that the petition be granted as requested, modified or denied. The recommendation shall be made at a meeting subsequent to the meeting at which the petition is first submitted and shall be made in writing to the Council.