



11333 N. Cedarburg Road
Mequon, WI 53092
Phone: 262-236-2914
Fax: 262-242-9655

www.cityofmequonwi.gov

Office of the City Clerk

BOARD OF APPEALS

Thursday, June 5, 2025

6:00 PM

Tolzman Community Room of the Frank L Weyenberg Library
11345 N. Cedarburg Road

Minutes

1) Call to Order

Present:

Chair Kathleen Massey

Vice Chair James Wawrzyn

Board Member Steve Helfer

Board Member Ramona Larson

Board Member Scott Reigle -- **Excused**

Board Member Allison Korger -- **Excused**

2) Approve meeting minutes of May 1, 2025

Motion to approve meeting minutes.

RESULT: Approved by Voice Acclamation [Unanimous]

MOVED BY: Board Member Helfer

SECONDED BY: Board Member Wawrzyn

AYES: Massey, Wawrzyn, Helfer, Larson
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3) Hear evidence concerning: debate, deliberate and decide the request of:

a. **Applicant:** Michael M. Jerominski, Esq.

b. **Owner(s):** Timothy Hoerig et al c/o Shirley M. Hoerig

c. **Appeal:** Opportunity will be given to all interested in being heard concerning the petition requesting an Administrative Appeal to the Order to Correct Condition of Premises, parking of vehicles, regarding the property at 10738 N Granville Rd.

Chair Massey explained the guidelines for the Board of Appeals as well as the process for the meeting. All parties appearing before the Board of Appeals were sworn.

Jac Zader	11333 N Cedarburg Rd
Dennis Wozniak	10751 N Granville Rd
Michael Jerominski	N88W16783 Main St, Menomonee Falls
Doug Niggemeier	9832 N Andover Ct
Shirley Hoerig	10738 N Granville Rd
Timothy Hoerig	10738 N Granville Rd

Assistant Director of Community Development Jac Zader began on behalf of the City of Mequon. He explained that this hearing was to appeal the decisions from April 2025, based on code violations made by Scott Pinzer (former Code Enforcement Office for the City of Mequon). The appeal included two actions - to review the definition of unenclosed parking of vehicles and non-conforming use of the property. The parcel history shows that the property had been R1 zoning (5+ acres with an agricultural overlay); but it was later subdivided with a portion sold to MMSD. At that time, it was no longer zoned agriculture and became an R5 property.

The land now owned by MMSD provides public access. Vehicles are clearly visible from that land; therefore, this does not meet the definition of enclosed. Most vehicles appeared after 2015 based on the older photos provided. Parking of additional vehicles would need approval from the Planning Commission, which was not requested or granted.

Mr. Jerominski stated that vehicles are screened by trees, but photos provided by the city show a clear view of vehicles. Mr. Jerominski further stated that the Hoerig family has been on the property since 1951. They feel the vehicles are enclosed despite the public access on MMSD. They installed berms and trees on the property making it enclosed from the general view of most public access. He provided additional photos which City Clerk Fochs marked as Exhibit 1, with 15 photos. Photo 2 shows the view from the driveway and the applicant stated that this is the only gap to view the vehicles on the property. Other exhibit photos all pictured different angles of the property from the north, west, south and east.

Chair Massey referred to packet pages 20-24 for photos provided by the city of the view from the MMSD property. These show the large number of vehicles clearly visible from that angle. Chair Massey quoted Mequon code Section 58-8: *Unenclosed. In reference to unenclosed storage of materials, vehicles, etc., unenclosed shall be defined as being within reasonable view of surrounding properties due to lack of adequate screening or enclosure.*

Mr. Jerominski said there is so little traffic on the MMSD land, so that property shouldn't be considered public access. The Hoerig family feels they have adequately screened the vehicles, and they are not in reasonable view of the public.

Board Member Wawrzyn asked to verify the size of the MMSD parcel, which was said to be 72 acres. He also raised the question that if there was an actual residence on the (MMSD) property, could the Hoerigs make that same argument that the vehicles were not visible to the public. Mr. Jerominski said they could not.

Board Member Helfer asked about the types of vehicles being stored as the GIS photo shows that many are RVs. He asked if the Hoerig family runs any kind of RV business. Mr. Jermoniski said that the RVs are stored on behalf of paying guests of the property.

Mr. Zader said one photo includes a sign advertising storage on the property, which is a separate zoning violation. This property has residential zoning, so this type of business is not allowed. Even if additional berms were installed to create an enclosure, the Hoerigs face other zoning violations because a storage business is not allowed in a residential district.

Chair Massey asked Mr. Jerominski to explain why they are arguing for non-conforming use. Mr. Jerominski said it is because the vehicles have been parked there for over nine years. Mr. Zader said that the number of vehicles increased dramatically between 2015 and 2024, and they were parked illegally. Mr. Zader researched the history of the property and found nothing in their files to indicate it was ever considered legal non-conforming.

Mr. Niggemeier spoke as someone who rents storage from the Hoerigs. He said the berm blocks the main view from Granville Road, and the property owners keep the area maintained. The cost of other property in the area is becoming so expensive, and this storage is an affordable and well-used space. His business is landscaping, and he would willingly add another berm to the property to continue having affordable storage.

Mrs. Hoerig explained that her son started storing vehicles for the additional funds so she could remain in her home. As 97-year-old and long-term resident, she wants to be able to afford living on her own and not in a nursing home.

Mr. Hoerig explained that when his father ran the family farm, they had over 45 different implements in the yard and were randomly strewn about close to the road. More than 14 tractors and 25-30 other pieces of equipment were visible at that time without receiving any complaints. He does not understand how storing vehicles on the property now should be treated differently.

Because the insurance and taxes for all the buildings are high, they argue this property isn't the same as another residential property (it should be considered non-conforming). They feel penalized for having all the different buildings that his father had been allowed to build. They feel the number of vehicles stored there now is really an improvement to having old equipment laying around the property. He is providing a valuable service to the community because some people living in HOA neighborhoods cannot store anything (boat, RV, other vehicles) on their own property. They are willing to do what they can to make this a legitimate storage business.

Mr. Zader explained that when the Hoerig family owned all 80 acres before 2005, it had a legitimate agriculture overlay as a permitted use. This allowed all the equipment needed for that business. Now they are running a business that is not allowed. They would need to request a zoning change to allow storage, which is difficult to change because they no longer have an agricultural overlay just residential zoning.

Mr. Wozniak then spoke as a long-term resident of this community. He stated the Board should use common sense when deciding this case because the family has also been here for decades. Their ability to have storage on their property should be grandfathered in as if they still owned all 80 acres. Mr. Hoerig commented that he sees about 2-3 cars parked per week using the MMSD property to walk dogs or access that land. That is a very limited number of people which should not impact their ability to store vehicles on their property.

An additional person indicated he wanted to speak so Charlie Inga from N98W14957 Treetops Drive, Germantown was sworn. He has stored his boat on the Hoerig property for many years. He is thankful for all they've done for the community. He lives where an HOA doesn't allow him to store a boat or RV at their own home. He asks the Board to recognize that the Hoerig family is doing a lot for the community and is providing a valuable service to members of the community.

Motion to close public hearing.

RESULT: **Approved by Voice Acclamation [Unanimous]**
MOVED BY: Board Member Helfer
SECONDED BY: Board Member Wawrzyn

AYES: Massey, Wawrzyn, Helfer, Larson

Member Wawrzyn said it was helpful to hear the additional comments. However, this case comes down to having adequate screening on the property to limit visibility. Such screening is lacking, and the applicant has not provided enough evidence to overturn the City’s findings.

Chair Massey said the Board of Appeals must enforce the guidelines as they are currently written. The Exhibits in the packet of C1-C5 show that vehicles are within view of the property, and the City’s decision was correct based on the current law.

Board Member Helfer drove past the property and clearly saw vehicles from Granville Road. He does not feel that the existing berms and trees provide adequate screening He agrees with the City’s Order to Correct Condition of Premises.

Motion to deny the appeal.

RESULT: **Approved by Voice Acclamation [Unanimous]**
MOVED BY: Board Member Wawrzyn
SECONDED BY: Board Member Massey

AYES: Massey, Wawrzyn, Helfer, Larson

4) Policy Updates

- a. Definition of structure
- b. Lake Bluff structures
- c. Extension of time for appeal decisions

City Attorney Sajdak summarized policy updates that were raised during previous Board of Appeals meetings. Some have been brought forward to the Common Council and other deciding Boards. The Lake Bluff structures will be before the Common Council on Tuesday, June 10. The time extension for appeals was approved during the May Common Council meeting. The definition of “structure” was brought before the Public Welfare committee. They felt it to be adequate, and the definition was left unchanged.

5) Adjourn

Motion to adjourn at 7:15 PM.

RESULT: **Approved by Voice Acclamation [Unanimous]**
MOVED BY: Board Member Wawrzyn
SECONDED BY: Board Member Helfer

AYES: Massey, Wawrzyn, Helfer, Larson

Respectfully Submitted,
Beth Kong
Deputy Clerk