



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

[www.cityofmequonwi.gov](http://www.cityofmequonwi.gov)

Office of the City Clerk

**BOARD OF APPEALS**  
**Thursday, February 5, 2026**  
**6:00 PM**  
**Christine Nuernberg Hall**

**Agenda**

- 1) **Call to Order**
- 2) **Approve meeting minutes of December 4, 2025**
- 3) **Hear evidence concerning; debate, deliberate and decide the request of:**
  - a) **Applicant:** Bruce D Stern  
**Owners:** Edward II LLC / Bruno Hanney  
**Appeal:** Opportunity will be given to all interested in being heard concerning the request by Bruce Stern on behalf of Bruno Hanney for a variance to Mequon Code Sec 84-8 regarding unauthorized specimen tree removal at 3319 W. Mequon Road.
  - b) **Applicant:** Eric & Margaret Miller  
**Owners:** Eric & Margaret Miller  
**Appeal:** Opportunity will be given to all interested in being heard concerning the request by Eric & Margaret Miller to appeal the Architectural Board decision regarding the construction of an additional structure at 616 E. Circle Road.
- 4) **Adjourn**

*Dated: February 5, 2026*

*/s/ Kathleen Massey, Chair*

Notice is hereby given that a quorum of other governmental bodies may be present at this meeting to present, discuss and/or gather information about a subject over which they have decision-making responsibility, although they will not take formal action thereto at this meeting.

Persons with disabilities requiring accommodations for attendance at this meeting should contact the City Clerk's Office at 262-236-2914, twenty-four (24) hours in advance of the meeting. Any questions regarding this agenda may be directed to the City Clerk's Office at 262-236-2914, Monday through Friday, 8:00 AM – 4:30 PM



11333 N. Cedarburg Road  
Mequon, WI 53092-1930  
Phone: 262/242-3100

[www.cityofmequonwi.gov](http://www.cityofmequonwi.gov)

## BOARD OF APPEALS

Thursday, December 4, 2025 - 6:00 PM  
Christine Nuernberg Hall

### Minutes

#### 1) Call to Order and Roll Call

The meeting was called to order by Chair Massey at 6:02 p.m.

**Present:** Chair Massey, Vice Chair Wawrzyn, Board Member Helfer, Board Member Larson, Board Member Reigle

**Also Present:** City Clerk Fochs, City Attorney Sajdak, Inspections Supervisor Golden, Architectural Board Chair Reed and interested public.

#### 2) Approval of Meeting Minutes

- a) Meeting minutes from August 7, 2025

|                  |   |
|------------------|---|
| <b>MOTION:</b>   | Motion to approve the minutes from August 7, 2025   |
| <b>MOVER:</b>    | Board Member Scott Reigle   |
| <b>SECONDER:</b> | Board Member Ramona Larson  |
| <b>AYES:</b>     | Chair Kathleen Massey, Vice Chair James Wawrzyn, Board Member Stephen Helfer, Board Member Ramona Larson, Board Member Scott Reigle |
| <b>RESULT:</b>   | Approved by Voice Acclamation   |

#### 3) Hear Evidence Concerning: Debate, Deliberate and Decide the Request of:

- a) **Applicant:** Robert Spector  
**Owners:** Robert & Shaina Spector  
**Appeal:** Opportunity will be given to all interested in being heard concerning the request by Robert Spector to appeal the decision by the Architectural Review Board to build a detached storage structure at 13068 N Fox Hollow Rd.

Chair Massey explained the guidelines for the Board of Appeals as well as the process for the meeting. All parties planning to testify before the Board of Appeals were sworn:

- Shaina Spector 13068 West Fox Hollow Road
- Robert Spector 13068 West Fox Hollow Road
- Greg Golden 11333 North Cedarburg Road
- Scott Reed 11333 North Cedarburg Road

Building Inspections Supervisor Greg Golden spoke on behalf of the City of Mequon. He explained that the applicant was requesting that the Board of Appeals (BOA) overturn a decision by the Architectural Board (ARB) for an accessory structure. The ARB said the proposed structure does not match existing structures in roof, siding and windows. The applicant said this difference was intentional by design to have the accessory structure have a separate design and look to that of the main home. The ARB voted 4-2 to deny the applicant's request. Both Buildings Inspector Golden and ARB Chair Reed were present at the meeting where this decision was made. The applicant stated that he felt the ARB guidelines are not clear. Staff recommends denial of the applicant's appeal to the BOA.

BOA Member Wawrzyn asked if the main reason for the denial of the plans was due to non-compliance with the ARB guidelines because the plans did not match materials to the primary dwelling. Inspector Golden confirmed that was the main reason - the proposed structure lacked consistency. Member Wawrzyn found the ARB guidelines to be confusing, specifically related to the "detached storage structure." He questioned if the proposed structure meets the definition of detached storage as it appears to be a garage with living space with an office, bathroom and other uses in addition to storage. If this structure was a secondary living space rather than a detached storage structure, it would need approval by the Planning Commission. ARB Chair Reed said the design guidelines have changed over time based on new construction and other updates within that neighborhood. The photos of neighboring properties and their other structures that the applicant included with the BOA appeal had not been included in the application to the ARB.

Supervisor Golden said that some guidelines are worded in a way to be vague to allow for construction changes such as when certain materials are no longer available or produced. Some of the guidelines for smaller structures (less than 150 square feet) do not apply to larger structures and do not require ARB approval but are reviewed by City Staff. Structures over 300 square feet must appear before ARB. Chair Massey said the pictures show several different design elements including the use of different roofing materials and different siding/window styles. ARB Chair Reed said that the ARB made its decision to deny the plans because of the overall differences in design from the main home and the proposed new structure. He said they look at the application in front of them and not necessarily find and review other property designs that were approved 10-15 years ago or even several decades ago. Neighborhoods evolve and change, so the ARB looks at the application as submitted before it.

Mr. Spector began his testimony by referring to the letter he included with his BOA application which said the design was intentionally different from the home itself because they wanted a more "barn-like" structure. He first attended the September ARB meeting and was told to bring

his issue to the BOA but had his project tabled. When he attended the October ARB meeting, his project was then denied. He was then told again to apply to the BOA. The Sectors feel that all the design elements enhance the property and surrounding neighborhood despite being a change from their primary home. They live on a large, private property surrounded by other barns and farm-like structures on a dead end street that backs up to conservancy land. Over time, the new structure will become more weathered and complement the primary residence even more.

Member Helfer asked about the applicant's prior appearances before the ARB. Mr. Spector said that at the September meeting, they were told they should go to the BOA but they could not because the project was tabled (not denied) at that September meeting. They appeared before the ARB again in October and had the project denied despite gaining an approval vote at that meeting because different ARB members were present at the September versus October meetings. ARB Chair Reed said the application was denied because the proposed structure was inconsistent; some judgment is used when reviewing each case brought before the ARB. The ARB thought an approval of Mr. Spector's plans would violate the ARB guidelines.

|                  |   |
|------------------|---|
| <b>MOTION:</b>   | Motion to close the public portion of the hearing.  |
| <b>MOVER:</b>    | Vice Chair James Wawrzyn  |
| <b>SECONDER:</b> | Board Member Stephen Helfer   |
| <b>AYES:</b>     | Chair Kathleen Massey, Vice Chair James Wawrzyn, Board Member Stephen Helfer, Board Member Ramona Larson, Board Member Scott Reigle |
| <b>RESULT:</b>   | Approved by Voice Acclamation   |

With the public portion of the hearing closed, the BOA began its discussion. BOA Member Wawrzyn said the BOA is in the position of assessing if an error was made not determine how it feels about a specific project. He believes the ARB guidelines are confusing and ambiguous. The ARB may have made a poor decision based on surrounding properties and structures on them that do not match or are not consistent with primary residences. BOA Member Helfer believes the BOA must make the distinction of not making the rules but determining how the rules need to be enforced.

Chair Massey said the BOA must interpret the rules that are provided. The guidelines use the word "shall" be consistent and the proposed design is not consistent. However, the guidelines also have some ambiguity of how things must match or are compatible with the neighborhood. The record seems to be incomplete and the application should be brought back to the ARB for further consideration.

|                |  |
|----------------|--|
| <b>MOTION:</b> | Motion to remand back to the ARB for a full hearing at no additional cost to the applicant |
| <b>MOVER:</b>  | Chair Kathleen Massey  |

|                  |   |
|------------------|---|
| <b>SECONDER:</b> | Vice Chair James Wawrzyn  |
| <b>AYES:</b>     | Chair Kathleen Massey, Vice Chair James Wawrzyn, Board Member Stephen Helfer, Board Member Ramona Larson, Board Member Scott Reigle |
| <b>RESULT:</b>   | Approved by Roll Call Vote  |

**4) Adjourn**

|                  |   |
|------------------|---|
| <b>MOTION:</b>   | Motion to adjourn at 7:16 p.m.  |
| <b>MOVER:</b>    | Vice Chair James Wawrzyn  |
| <b>SECONDER:</b> | Board Member Stephen Helfer   |
| <b>AYES:</b>     | Chair Kathleen Massey, Vice Chair James Wawrzyn, Board Member Stephen Helfer, Board Member Ramona Larson, Board Member Scott Reigle |
| <b>RESULT:</b>   | Approved by Voice Acclamation   |

Respectfully Submitted,  
 Beth Kong, Deputy Clerk



**BOARD OF APPEALS VARIANCE APPLICATION**  
**CITY OF MEQUON, WISCONSIN**

Owner: BRUNO HANNEY  
(EDWARD II LLC)

Mailing Address: 5569 JONES LAKE  
PO BOX 268

City/ZIP: MANITOWISH WATERS, WISC. 54545

Phone Number: (414) 234-9675

Email: bhanney@gmail.com

If there is another person representing the Property Owner, include their information below. This person will be the point of contact for the application.

Applicant: BRUCE D. STERN

Address: 2724 W. HIGHLAND ROAD

City/ZIP: MEQUON, WI 53092

Phone Number: (414) 254-4307

Email: bdsterno@gmail.com

**TO THE BOARD OF APPEALS:**

The above hereby requests a variance to City of Mequon Code Sec. #: 84-8 -

regarding: UNAUTHORIZED SPECIMEN TREE REMOVAL  
(street address or legal description of the property where the variance is requested)

in order to: PREPARE EXISTING RESIDENTIAL PROPERTY  
FOR NEW HOME CONSTRUCTION IN 2026.

I understand that as part of my variance request, City staff may need access to my property to take photographs and do a pre-hearing inspection of the property. By checking here, I give City Staff permission to enter my property, inspect the property and take photographs.

**APPLICANT MUST PROVIDE:**

1. Application form
2. \$250 filing fee
3. One (1) copy each of the following documents:
  - Copy of denial letter, if any, or a description of the denial
  - Detailed dimensional drawing showing a reasonable scale of/and indicating area where variance is requested including contour lines, floodplain/wetland boundaries, etc.
  - Detailed plans of the building or structure including existing and new room layouts
  - To-scale and dimensional elevation drawings of all building elevations, if appropriate
  - Photos showing existing buildings/structures and existing site conditions
  - All other supporting information or evidence to be presented (photographs, etc.)

**FOR OFFICE USE ONLY**

Receiving Officer: CF

Received Date: 11-18-2025

Parcel #: 140250200400

Hearing Date: 2-4-2026

Zoning District: R3

Receipt #: 004547-0070

Alderman & District #: Peter Bratt, District 7

Published: 1/22/2026

c: Notice of scheduled hearing to DISTRICT ALDERPERSON, OWNER(S) OF RECORD as listed in the Office of the Assessor and all parcels in the City of Mequon as per state statute and City of Mequon Communication Policy.

## Introduction

The Board of Appeals (“Board”) is a quasi-judicial body created and regulated by Wis. Stat § 62.23(7)(e) and City of Mequon ordinances section 58-41. The purpose of the Board is to hear appeals taken by any person aggrieved by any officer, department, board or bureau of the city or affected by any decision of any administrative officer or body and to hear applications for variances from zoning ordinance terms.

It is very important that your application provide information that is clear and accurate. In order for City staff and the members of the Board to understand the scope of your request, your application must have enough information to effectively communicate the nature of your requested variance. At the hearing, the members of the Board and representatives from various City departments will depend on the materials you have submitted in order to fairly evaluate your claim, and render an appropriate decision.

## Variance Standard

Pursuant to Wisconsin Statute and the Mequon Municipal Code, the Board of Appeals may in specific cases grant “such variance from the terms of the ordinance as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the provisions of the ordinance will result in practical difficulty or unnecessary hardship, so that the spirit of the ordinance shall be observed, public safety and welfare secured, and substantial justice done.”<sup>1</sup> The applicant “bears the burden of proving ‘unnecessary hardship,’ . . . by demonstrating that strict compliance with a zoning ordinance would unreasonably prevent the property owner from using the property owner’s property for a permitted purpose or would render conformity with the zoning ordinance unnecessarily burdensome . . . .”<sup>2</sup> The unnecessary hardship must be “based on conditions unique to the property, rather than considerations personal to the property owner, and [cannot be] created by the property owner.”<sup>3</sup> In general, economic loss or financial hardship cannot serve as the basis for justifying a variance.

**Accordingly, the Board of Appeals must consider the following questions when deciding whether to grant your requested variance.** Add additional sheets if necessary.

1. Describe the unnecessary hardship created by the ordinance. In other words, how does strict compliance with the ordinance unreasonably prevent use of the property for a permitted purpose or render compliance with the ordinance unnecessarily burdensome.

TITE TREE HAD BEEN CUT BACK BY 50% BY  
WE ENERGIES AND HAD SIGNS OF A LIMITED  
LIFE SPAN. SEE ATTACHED PHOTO OF TREE.

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<sup>1</sup> Wis. Stat. § 62.23(7)(e)7.b.; Mequon Code § 58-41(a)(1)b.

<sup>2</sup> Wis. Stat. § 62.23(7)(e)7.d.

<sup>3</sup> Id.

2. Describe whether the unnecessary hardship is the result of conditions on the property that do not exist on, or apply to, other properties.

THE TREE THAT WAS REMOVED HAD 50% OF THE BRANCHES REMOVED BY WE ENERGIES SO AS NOT TO INTERFERE WITH THE OVERHEAD POWER LINES. THE BRANCHES WERE ON NORTH SIDE FROM GROUND TO TOP.

3. Describe whether the conditions creating the unnecessary hardship are created by the terms of the ordinance, or whether they are the result of circumstances or desires unique to the applicant?

THE TREE WAS CUT BACK 50% FROM THE GROUND TO THE TOP AND MOST LIKELY WOULD NOT HAVE A VERY LONG LIFE SPAN.

4. Describe why the requested variance is not contrary to the spirit, purpose, and intent of the regulations in the zoning district and is not contrary to the public interest.

THE TREE WAS CUT BACK SO MUCH THAT IT MOST LIKELY HAD A LIMITED FUTURE LIFE SPAN.

5. Describe why the requested variance will not create substantial detriment to adjacent property(ies).

THE OWNER PLANS TO REPLANT UP TO 40<sup>+</sup> NEW TREES ON THE PROPERTY, POSSIBLY MORE!  
THE OWNER WOULD BE WILLING TO PLANT SOME NEW WHITE PINE TREES ON THE PROPERTY. IN GOOD FAITH.

6. Describe how the requested variance is compatible with the character of the immediate neighborhood.

THE NEW HOME AND THE SITE LANDSCAPING WILL BE BETTER AND NICER THAN BEFORE.



11333N Cedarburg Road  
Mequon, WI 530921  
Phone: (262) 674-4080  
Email: nherlache@cityofmequonwi.gov

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**OFFICE OF THE CITY FORESTER**

**RE: Notice of Violation — Unauthorized Specimen Tree Removal**  
Date: November 4, 2025

**From:**  
Nathan J. Herlache, City Forester  
City of Mequon

**To:**  
Edward II LLC, PO Box 268 (mailing address to 3319W Mequon Rd)  
Manitowish Waters, WI 54545

**Summary of Violation:**

On October 30, 2025, one (1) specimen tree was removed without required approval at 3319 W. Mequon Road. The tree, a 19-inch White Pine (*Pinus strobus*) located near the northwest corner of the property, was marked with green flagging ribbon for preservation and exhibited no signs of decline.

This tree was previously identified as a specimen tree during a Certified Survey Map (CSM) review on January 21, 2025, and was reconfirmed for preservation with removal crews on October 29, 2025. Despite these instructions, the tree was removed on or about October 30, 2025.

**Applicable Ordinance:**

Pursuant to Chapter 60 (Tree Preservation Ordinance) of the City of Mequon Municipal Code:

“No specimen trees shall be removed from any lot unless approved by the Planning Commission and with the knowledge of the City Forester or their designee. It shall be unlawful to remove, injure, destroy, or undertake any procedure that may cause the death or substantial destruction of any specimen tree located anywhere on any land in the City of Mequon without the express written permission of the City Planning Commission or the City Forester.”

**Violation and Penalty:**

This removal constitutes a violation of Section 84-8 – Violations and Penalty, which provides:

“Any person, firm, or corporation violating any of the provisions of this subdivision shall be guilty of an offense. If, because of the violation of any provision of this subdivision, the injury, mutilation, or death of a tree, shrub, or other plant is caused, the cost of repair or replacement of such tree, shrub, or other plant shall be borne by the party in violation. The replacement value of

trees and shrubs shall be determined in accordance with *A Guide to the Professional Evaluation of Landscape Trees, Specimen Shrubs, and Evergreens*, as published by the International Society of Arboriculture.”  
(Ord. No. 2007-1202, § 1, 6-12-2007)

In accordance with the City’s Tree Preservation Ordinance, the applicable penalty for unauthorized specimen tree removal is \$100.00 per caliper inch.

- Tree Removed: 19” White Pine
- Fine Assessed: \$1,900.00

**Appeal Rights:**

Per Section 84-9 – Appeal, any person aggrieved or affected by this decision may appeal to the City of Mequon Board of Appeals in accordance with Section 58-41 of the Municipal Code.

**Next Steps:**

Please contact the City Forester’s office within 10 business days of this notice to discuss resolution, payment, or to initiate an appeal if desired.

Respectfully,  
Nathan J. Herlache  
City Forester  
City of Mequon

BRUCE STERN SPOKE TO NATHAN  
HERLACHE ON 11-18-2025 AT  
12:00 NOON



## 3319W Mequon Road Remaining White Pine

5 messages

**Nathan Herlache** <nherlache@cityofmequonwi.gov>  
To: "bdsterno@gmail.com" <bdsterno@gmail.com>

Wed, Nov 19, 2025 at 11:27 AM

Good morning, Bruce.

Thank you for the call yesterday. I am following up on a point of the conversation about the single 12" remaining multi-stemmed white pine on the northeast corner of the property. Though the tree is of specimen size and species, the quality of the tree takes it out of the specimen category. You have permission to remove the tree in accordance with sec. 84-6, specifically (e)

*Authorization for removal of any specimen tree located on any land in the city may be granted for the following reasons: As determined by the city forester and/or planning commission, in the case of non-parkland, or the city forester and park and open space board, in the case of parkland, in accordance with this section and the tree preservation guidelines.*

For some further context, the structure of the tree deems it non specimen. It is multi stemmed, with included bark near the crotch. This tree not likely to reach maturity due to its likeliness to fail at that spot.

As a reminder, the sugar maple to the north south of the subject tree is to remain.

Thanks,



**Nathan J. Herlache**

City Forester

Phone: (262) 674-4080

Web: [www.cityofmequonwi.gov](http://www.cityofmequonwi.gov)

Email: [nherlache@cityofmequonwi.gov](mailto:nherlache@cityofmequonwi.gov)

10800 Industrial Drive Mequon, WI.

53092-1930



bruce Stern <bdsterno@gmail.com>

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## Neighbor to the East

---

**Bruno** <bhanney@gmail.com>  
To: Bruce Stern <bdsterno@gmail.com>

Mon, Dec 15, 2025 at 10:00 AM

Bruno -

I just wanted to drop you a line and thank you for taking the time to review your plans for the neighboring property to the west of us along Mequon Rd. I greatly appreciate you taking the time to communicate your plans with us, request our input, and answer any questions we had. There were several overgrown and unmaintained trees, bushes, and other vegetation along the property line which you removed, not only with our permission, but with our blessing. Much of that growth was hanging over our property negatively impacting our landscaping. The removal of the border growths is a big plus and we look forward to your spring plantings to continue the enhancement of the overall area landscape.

Again, thank you for staying in touch with us and communicating your plans.

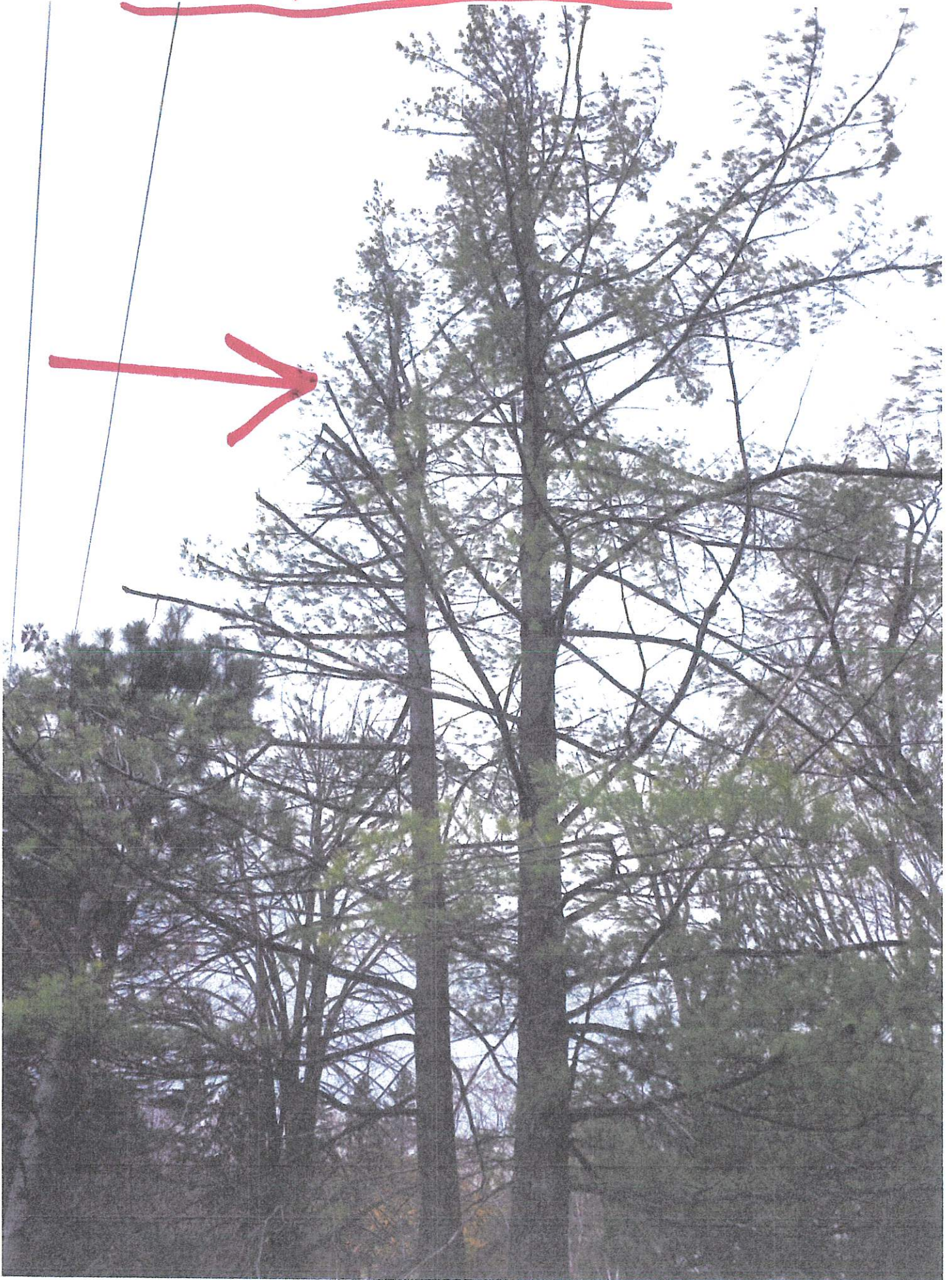
Ken Becker  
3311 W. Mequon Rd.

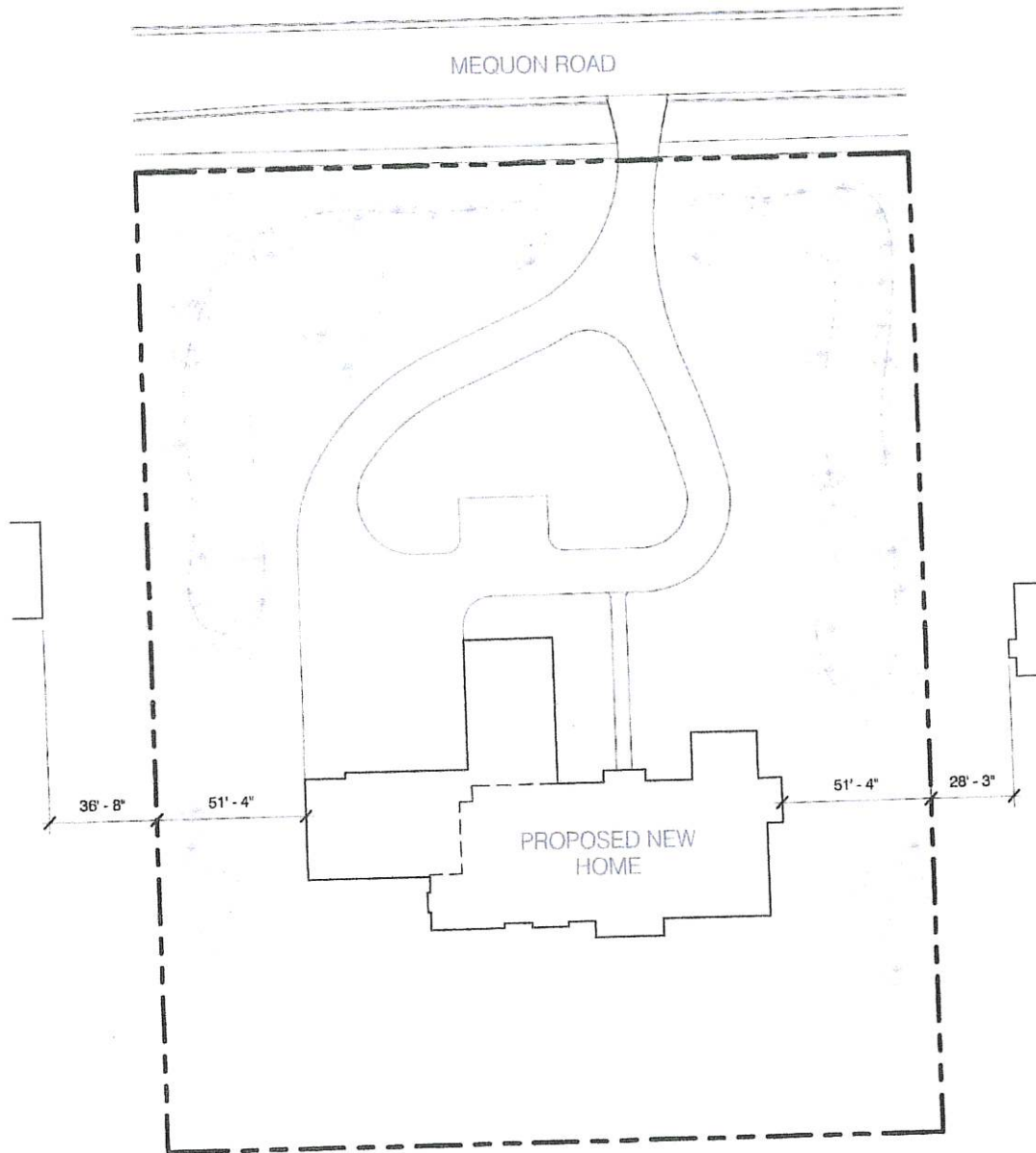


NORTH WEST TREE



NORTH EAST TREE

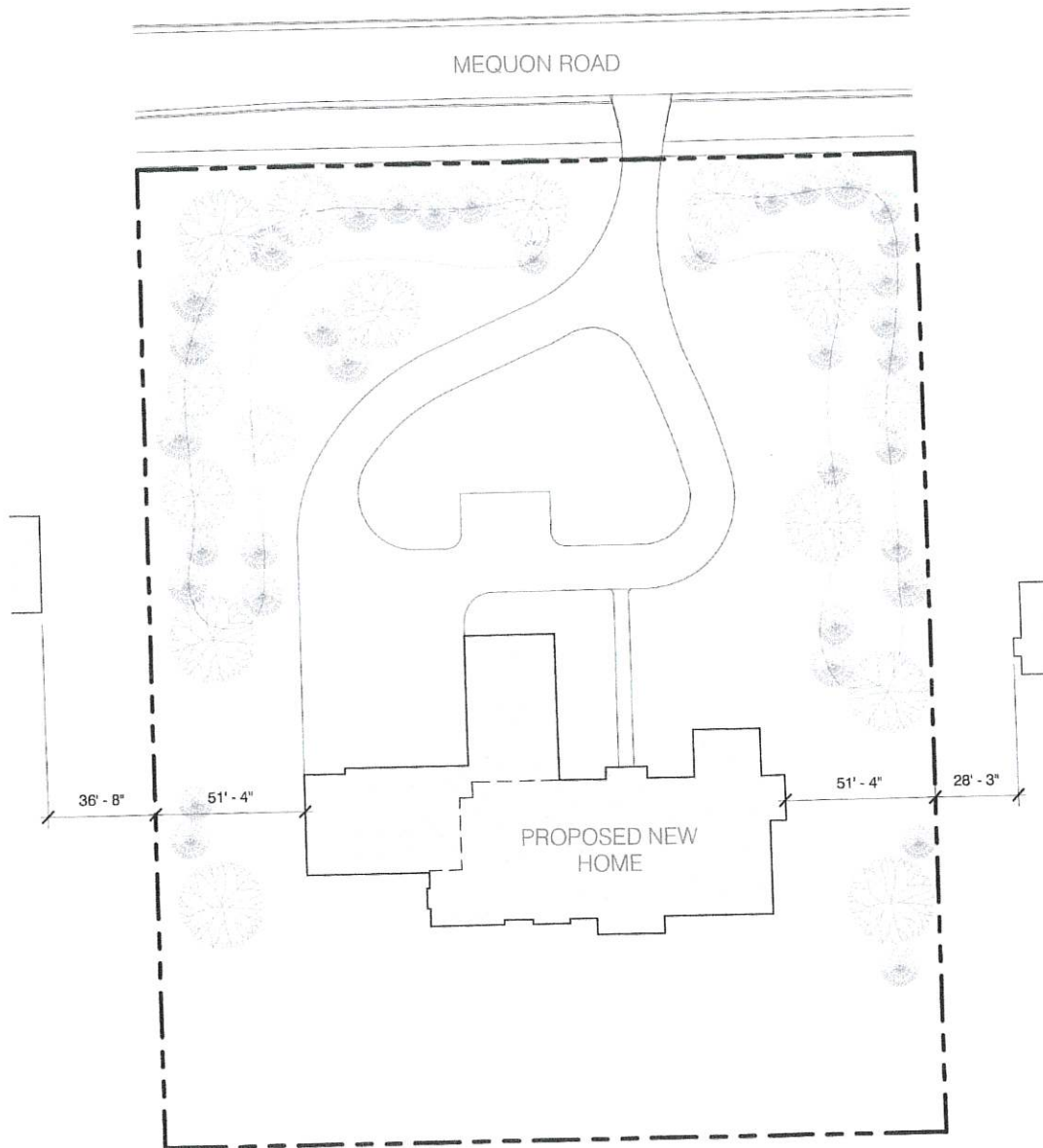




PRELIMINARY SITE PLAN

1" = 40'-0"

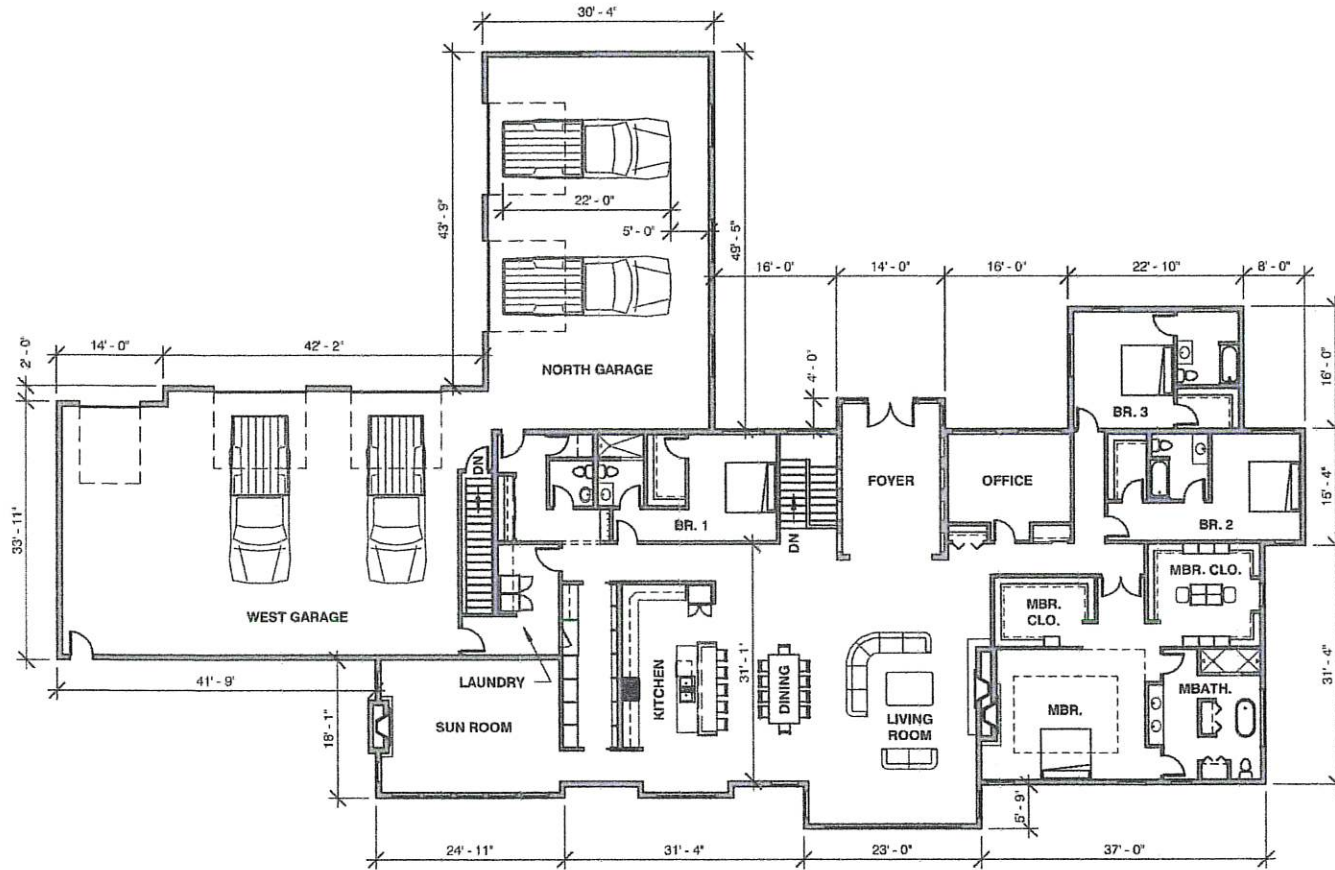




**PRELIMINARY SITE PLAN**

1" = 40'-0"





FIRST FLOOR PLAN

1/16" = 1'-0"



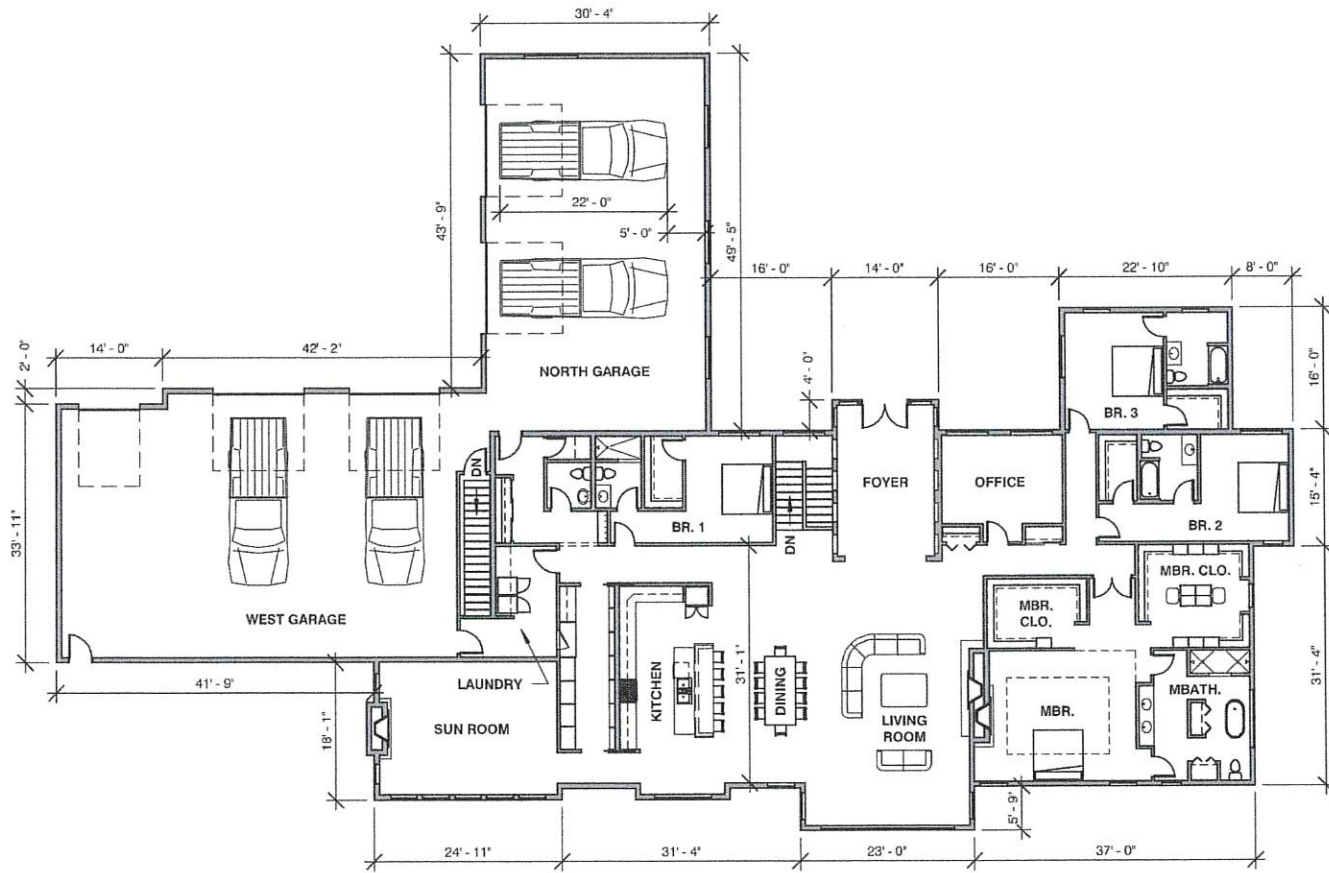
**in.**studio  
architecture

833 E. Michigan St. Ste. 540 | Milwaukee, WI 53202

HANNEY RESIDENCE

3319 MEQUON RD.  
MEQUON, WI 53092

DECEMBER 2ND, 2025



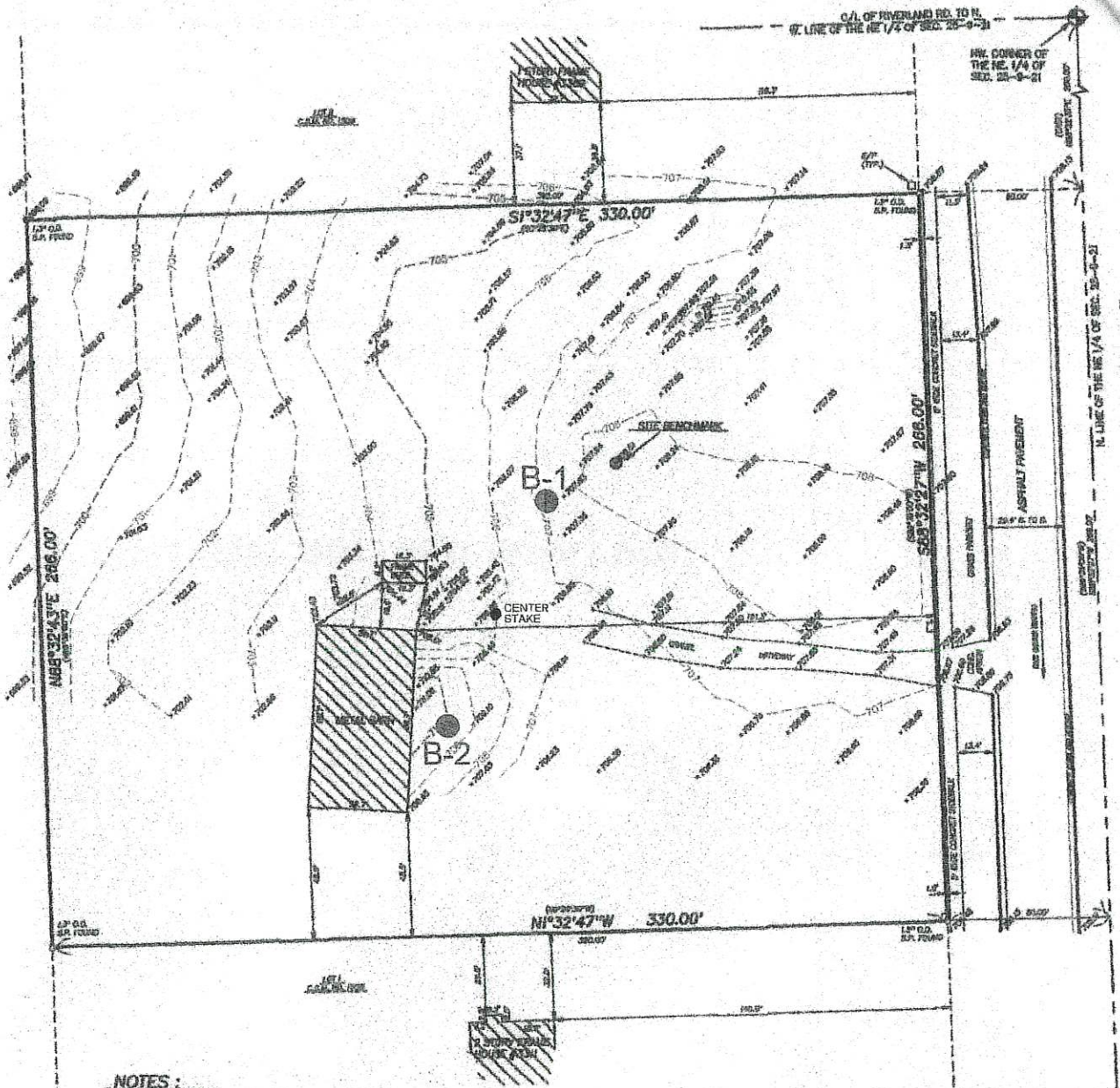
FIRST FLOOR PLAN

1/16" = 1'-0"

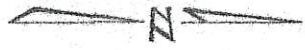


**LEGAL DESCRIPTION:**

That part of the Northeast 1/4 of Section 25, Township 8 North, Range 21 East, in the City of Mequon, Ozaukee County, Wisconsin, bounded and described as follows: Commencing at a point on the North line of said 1/4 Section 280.00 feet East of the Northwest corner thereof; thence S0°26'30" E on a line parallel to the West line of said 1/4 Section 390.00 feet to a point; thence N89°39'00" E on a line parallel to the North line of said 1/4 Section 288.00 feet to a point; thence N0°26'30" W on a line parallel to the West line of said 1/4 Section 360.00 feet to a point on the North line of said 1/4 Section; thence S89°39'00" W along the North line of said 1/4 Section 288.00 feet to the place of beginning, Except for that portion needed for highway purposes as recorded in Volumes 437 of Records, Page 249 as Document No. 312513.



W. MEQUON RD. - S.T.H. "167"



**SURVEY CERTIFICATE**

I have surveyed the above described property and the above map is a true representation thereof and shows the size and location of the property, its exterior boundaries, the location and dimensions of all visible structures thereon, boundary fences, apparent easements, roadways, and visible encroachments, 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 date hereof.

7-30-2018  
Date

*James G. Schneider*  
James G. Schneider  
Surveyor - S-2127

**NOTES:**

1. ( ) DENOTES DIRECTION PER DEED.
2. ALL BEARINGS ARE REFERENCED TO GRID NORTH OF THE WISCONSIN STATE PLANE COORDINATE SYSTEM, SOUTH ZONE, (NAD-83) THE NORTH LINE OF THE NE 1/4 SEC. 25-8-21 WHICH BEARS N89°32'30" E.

**BENCHMARK NOTE:**

1. SITE BENCHMARK ON EXISTING WELL TOP OF CASING ELEV. = 708.83
2. MAIN BENCHMARK IS SECTION CORNER MONUMENT, 200' WEST OF NW LOT CORNER IN W. MEQUON RD. TOP OF MONUMENT ELEV. = 708.76.



**NSE** NORTH SHORE ENGINEERING, INC.  
Consulting Engineers & Land Surveyors  
1408 E. Port Washington Rd., Mequon, Wisconsin 53090  
Phone: (414) 224-1100 Fax: (414) 224-1101

**"PROPERTY SURVEY"**

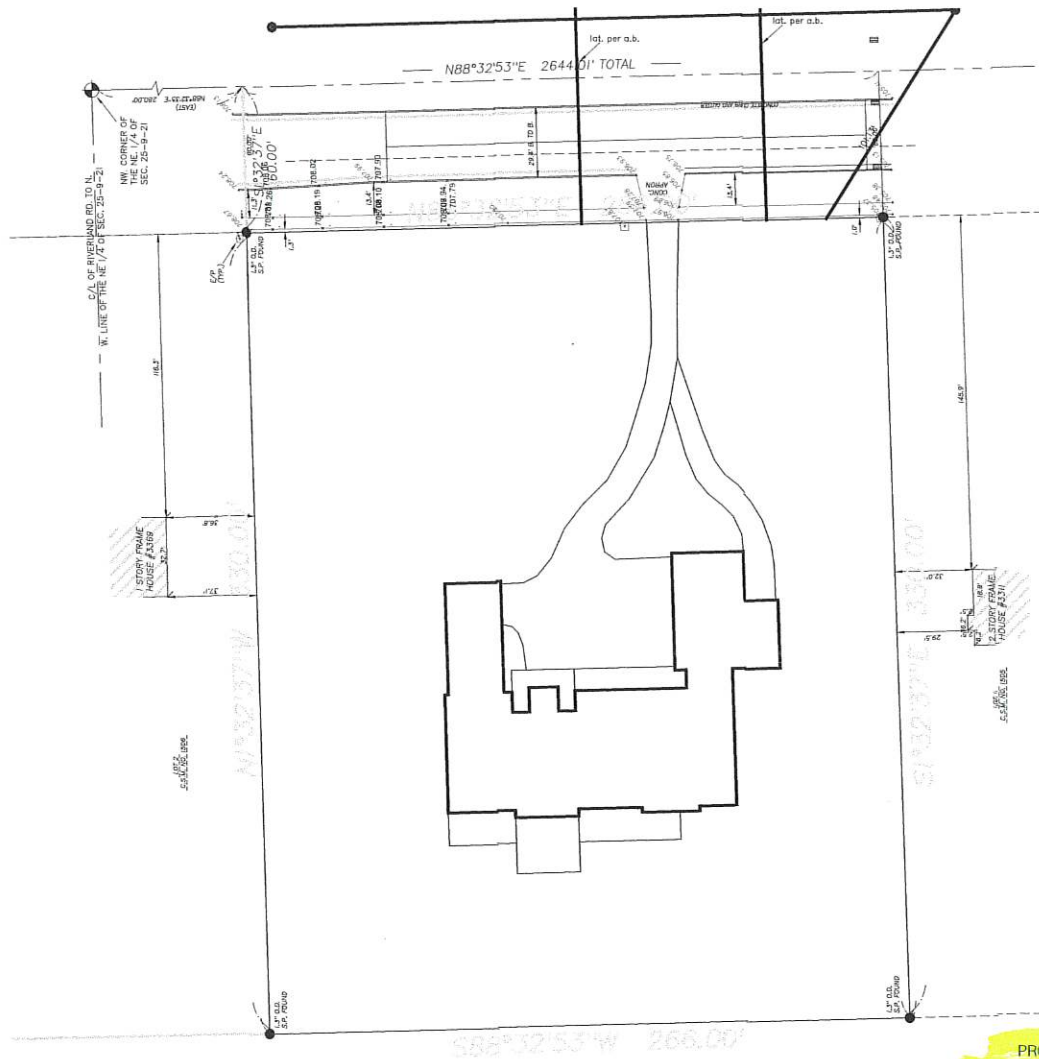
FOR  
**Julie Rasmussen**

**3319 W. Mequon Rd.  
Mequon, WI.**

DATE: July 30, 2018 DRAWN BY: [Signature]



DRAFT



PROPOSED SITE PLAN  
SCALE: 1"=50'  
NORTH



11333 N. Cedarburg Road  
Mequon, WI 53092-1930  
Phone: 262/236-2914  
Fax: 262/242-9655

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[www.cityofmequonwi.gov](http://www.cityofmequonwi.gov)

**Parks and Forestry**

**TO: Board of Appeals**  
**FROM: Nate Herlache, Forestry Worker**  
**DATE: February 5, 2026**  
**SUBJECT: Staff Response to Board of Appeals Variance Application for Variance Request: Sec. 84-8, Following Code Violation of Sec. 84-6c. Unauthorized Specimen Tree Removal**

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**Background:**

Section 84-8 regulates the violations and the penalties for removing specimen trees within the City. Section 84-6c of the Mequon Code regulates the removal of specimen trees within the City. A specimen White Pine located at 3319 W. Mequon Road was identified during a Certified Survey Map (CSM) review conducted on January 21, 2025, and was marked on site with green flagging ribbon.

Ownership of the property transferred from the prior owner to the current owner on September 30, 2025.

On October 29, 2025, City staff received multiple complaints regarding extensive tree removal activities occurring on the property, with concerns that specimen trees may have been impacted. The City Forester responded to the site that day to inspect the work in progress and to speak with the removal crew, and identified two specimen trees, a 14 inch diameter sugar maple and a 19-inch diameter white pine. The crew was instructed not to remove these trees in accordance of section 84 of Mequon Code. These trees were marked with green flagging ribbon.

On October 30, 2025, staff received additional complaints alleging that a specimen tree had been removed from the property. A subsequent site inspection confirmed that the specimen White Pine tree had been removed without authorization.

**Applicable Code:**

**Mequon Code Section 84-8 – Violations and Penalty**

Section 84-8 states that any person, firm or corporation violating any of the provisions of this subdivision shall be guilty of an offense. If, as a result of the violation of any provision of this subdivision, the injury, mutilation, or death of a tree, shrub, or other plant is caused, the cost of repair or replacement of such tree, shrub, or other plant shall be borne by the party in violation. The replacement value of trees and shrubs shall be determined in accordance with a guide to the professional evaluation of landscape trees, specimen shrubs, and evergreens, as published by the International Society of Arboriculture.

## **Mequon Code Section 84-6c – Removal of Trees and Replacement Landscaping**

Section 84-6c states that it shall be unlawful to remove, injure, destroy, or undertake any procedure that may cause the death or substantial destruction of any specimen tree located anywhere on any land in the City without the express written permission of the City Forester or their representative.

### **Description of the Violation:**

At the time of the October 29, 2025 site visit, I, the City Forester met with the removal crew and Mr. Bruno Hainey (property owner), who was operating a grapple skid steer in support of the removal activities. During that inspection, staff verified that non-specimen trees were being removed at that time.

During the site visit, two specimen trees were identified to Mr. Hainey and the crew on the property to preserve:

- A 14-inch diameter Sugar Maple located near the eastern property line
- A 19-inch diameter White Pine located in the northwest corner of the property adjacent to Mequon Road

Both specimen trees were clearly marked with green flagging ribbon and were specifically identified to Mr. Hainey and the removal crew as specimen trees not approved for removal under Section 84 of the Mequon Code.

On October 30, 2025, staff responded to additional complaints and conducted a follow-up inspection. The inspection confirmed that the 19-inch diameter specimen White Pine had been removed. The green flagging ribbon was no longer present, and only a stump remained on site, with the tree's branches incorporated into a large brush pile. The 14-inch diameter Sugar Maple remained intact.

The removal of the specimen White Pine occurred without written authorization and constitutes a violation of Section 84-6c of the Mequon Code.

### **Qualification of the Specimen Tree Removed:**

A specimen tree is defined in Mequon Code as any tree or grouping of trees which has been determined to be of a high value because of its species, size, age, historic significance or other professional criteria and has been designated in the tree preservation guidelines and administrative standards. Standards used in determining whether a tree is in fair or better condition must meet the following criteria:

- 1- The tree must have a life expectancy of greater than fifteen years
- 2- The tree must have a relatively sound and solid trunk with no extensive decay or cavity, and less than 20% radial trunk die-back
- 3- The tree must not have more than one (1) major and several minor dead limbs
- 4- The tree must not have any major insect or pathological problems

Criteria Pertaining to the White Pine:

- 1- The White Pine, based on a combination of indicators on site, would likely live more than 15+ years.
- 2- The tree had a sound trunk and root flare, with no visible basal decay, conks, or fungal fruiting bodies.
- 3- The tree exhibited a strong central upright leader, with no dead or codominant stems. The

tree exhibited dense, green needles with no visible signs of chlorosis or stress. Although the utility company previously conducted pruning on the north side of the canopy, the species' natural pyramidal growth form (characterized by broader lower branches and progressively smaller upper branches) indicates that a more accurate estimate of canopy reduction is approximately 30 percent. If the tree had been compromised by excessive pruning, typical symptoms would likely include needle drop, canopy dieback, chlorosis, or signs of root instability. None of these indicators were observed at the time of inspection. Urban trees are frequently subject to pruning due to site constraints and infrastructure conflicts; however, such pruning alone does not necessarily indicate structural or physiological decline.

4- There were no active cankers or needle cast present.

**Violation Issued:**

A notice of violation was sent to the property owner on November 4th, 2025 summarizing the violation, applicable ordinance, the penalty, and appeal process. In the penalty section, Section 84-8 was cited as Any person, firm or corporation violating any of the provisions of this subdivision shall be guilty of an offense. If, as a result of the violation of any provision of this subdivision, the injury, mutilation, or death of a tree, shrub, or other plant is caused, the cost of repair or replacement of such tree, shrub, or other plant shall be borne by the party in violation. The replacement value of trees and shrubs shall be determined in accordance with a guide to the professional evaluation of landscape trees, specimen shrubs, and evergreens, as published by the International Society of Arboriculture.

To reduce the financial burden on the property owner and in accordance with the Mequon Tree Preservation Manual, the applicable penalty for this specific unauthorized specimen tree removal is \$100.00 per caliper inch, for the total fine assessed of \$1,900.00. In section 84-8, if the tree was valued by the guide to professional evaluation of landscape trees, specimen shrubs, and evergreens published by the International Society of Arboriculture, the replacement value, using the CTLA Trunk Formula Method, would have been approximately \$9,500.00

**Appellant's Request:**

The appellant has submitted an appeal of the Notice of Violation and associated fine and is requesting a variance from the applicable code requirements, specifically Section 84-8.

**Staff Recommendation**

Staff recommends upholding of the assessed penalty for the unauthorized specimen tree removal of \$1,900.00

Attachments:

CTLA White Pine, pine stump, pine stump 2, street view 1 , street view 2, GIS 3319 Mequon Road, Chapter\_84\_\_\_TREE\_PRESERVATION

CITY OF MEQUON  
Forestry Department  
**TREE APPRAISAL - CONDITION & LOCATION FORM**

INSPECTOR: NH DATE: 11/4/25  
 LOCATION: 3319 W Mequon Road POSITION: City Forester  
 SPECIES: Pinus strobus (White Pine) SIZE (DBH): 19

**TREE CONDITION RATING**

**Scoring System**

- No apparent problems 4
- Minor problems 3
- Major problems 2
- Extreme problems 1

**FACTOR 1: ROOTS**

- Root anchorage
- Collar/flare soundness
- Mechanical injury
- Girdling/kinked roots
- Compaction/waterlogged roots
- Toxic gases/chemical symptoms
- Presence of insects or disease
- Mushrooms

$$\frac{4}{(1-4)} + \frac{4}{(1-4)} = \frac{8}{\text{Subtotal}}$$

**FACTOR 2: TRUNK**

- Sound Bark and wood
- Cavities
- Mechanical injury
- Cracks (frost or other)
- Swollen or sunken areas
- Presence of insects or disease
- Conks

$$\frac{4}{(1-4)} + \frac{4}{(1-4)} = \frac{8}{\text{Subtotal}}$$

**FACTOR 3: SCAFFOLD BRANCHES**

- Strong attachments
- Smaller diameter than trunk at point of attachment
- Vertical spacing
- Free of included bark
- Free of decay and cavities
- Well pruned
- Well proportioned/proper taper
- Wound closure
- Deadwood
- Insect or disease

$$\frac{2}{(1-4)} + \frac{3}{(1-4)} = \frac{5}{\text{Subtotal}}$$

**\*FACTOR 4: SMALL BRANCHES and TWIGS**

- Vigor of current growth (compare to previous years)
- Well distributed through canopy
- Appearance of buds (color, shape, size)
- Preasence of insects or disease
- Preasence of weak or dead twigs

$$\frac{3}{(1-4)} = \frac{\text{Health Subtotal}}{\text{Subtotal}}$$

*-continued on other side-*

**\*FACTOR 5: FOLIAGE and/or BUDS**

- Size of foliage/buds
- Coloration of foliage
- Nutrient status
- Herbicide, chemical or pollution injury
- Wilted or dead leaves
- Dry buds
- Presence of insects or disease

3  
 Health Subtotal  
 (1-4)

\*Health only.

TOTAL SUBTOTAL POINTS ASSESSED FOR THE FIVE FACTORS: 27

DIVIDE SUBTOTAL POINTS BY 32 (total points possible) AND MULTIPLY BY 100 TO OBTAIN THE  
**CONDITION RATING:** 84

**TREE LOCATION RATING**

**FACTOR 1: SITE (relative market value within the area)**

- Very high 90-100%
- High 80-89%
- Average 70-79%
- Low 60-69%
- Very low 10-59%

70  
 (10-100%)

**FACTOR 2: CONTRIBUTION (10-100%)**

- Architectural (space, privacy, screening, view)
- Engineering (air conditioning; acoustics, traffic & erosion control)
- Esthetic (naturalizing, wildlife, softening, line, sculpture, pattern, framing)
- Climate control (wind, sun, precipitation, temperature)

80  
 (10-100%)

**FACTOR 3: PLACEMENT (10-100%)**

- Specimen tree
- Group planting
- Overhead wires
- Above ground growth space
- Below ground growth space
- Tree litter issues

50  
 (10-100%)

TOTAL SUBTOTAL PERCENTAGES ASSESSED FOR THE THREE FACTORS: ~~200~~ 200

DIVIDE SUBTOTAL PERCENTAGES BY 3 TO OBTAIN THE **LOCATION RATING:** 67

## Replacement Costs of Specimen Trees Cliff Notes

**Species Rating:** Species Factors for Establishing Values of Trees in Wisconsin (Hasselkus undated)

*Tree Percentages by zone* (Mequon is currently zone 5). This percentage is represented by climate and soil conditions, and the current distribution of trees (%) by zone in Wisconsin. Percentages are courtesy of University of Wisconsin Stevens Point. Updated percentages as years progress and climates change can be referenced in the current ISA Guide.

| <u>Species</u>  | <u>Percentage by Zone</u> |          |          |
|---|---------------------------|----------|----------|
|   | <u>5</u>                  | <u>4</u> | <u>3</u> |
| <i>Acer rubrum</i> : Red or Swamp Maple                 | 80                        | 80       | 80       |
| <i>Acer saccharum</i> : Sugar Maple                     | 80                        | 80       | 80       |
| <i>Alnus</i> species: Alder                             | 60                        | 60       | 60       |
| <i>Amelanchier</i> : species Serviceberry               | 100                       | 100      | 100      |
| <i>Carpinus caroliniana</i> : American Hornbeam         | 100                       | 100      | 100      |
| <i>Carya</i> species: Hickory                           | 60                        | 60       | 60       |
| <i>Celtis</i> species: Hackberry                        | 90                        | 90       | 90       |
| <i>Fagus</i> species and cultivars: Beech               | 90                        | 70       | -        |
| <i>Juglans</i> species: Walnut/Butternut                | 60                        | 60       | 50       |
| <i>Juniperus</i> species and cultivars: Upright Juniper | 70                        | 70       | 50       |
| <i>Larix</i> species: Larch                             | 80                        | 80       | 80       |
| <i>Ostrya virginiana</i> : American Hophornbeam         | 100                       | 100      | 100      |
| <i>Pinus strobus</i> : Eastern White Pine               | 80                        | 90       | 100      |
| <i>Prunus</i> species (native): Cherries and Wild Plums | 40                        | 40       | 40       |
| <i>Quercus palustris</i> : Pin or Swamp Oak             | 90                        | 90       | -        |
| <i>Quercus</i> species: Oak                             | 100                       | 100      | 80       |
| <i>Thuja</i> species and cultivars: Arborvitae          | 80                        | 80       | 80       |
| <i>Tilia americana</i> : Basswood                       | 60                        | 70       | 70       |
| <i>Tilia</i> species: Linden                            | 80                        | 80       | 80       |

**Condition Rating:** Tree condition is a subjective determination based on root structure, trunk health, branch structure, pest infestation, and overall health/vigor. This factor is also represented by a percentage. We have put together a system to gather this percentage with the help of the City of Cedarburg. See Condition Rating and Location Rating Sheet.

**Location Rating:** Factors in market value of site, contribution to climate control and aesthetic, and placement. See Location Rating Sheet.

**Replacement Tree Size:** When replanting occurs when specimen trees are removed, the Forestry Department requires 2" trees be used.

**Replacement Tree Costs:** Data is gathered via wholesale cost from three separate nurseries. The basic reproduction cost is represented by a simple equation:  $\text{Basic Reproduction Cost} = \text{CSA} \times \text{UTC}$

- CSA = Cross-Sectional area of the subject tree (determined by squaring the radius and multiplying by 3.14). Required replacement size is 2".  $4 \times 3.14 = 6.28$
- UTC = Unit tree cost determined by local wholesale cost.

Nurseries used in case study: Wayside Nursery – Mequon, Johnson's Nursery – Menomonee Falls, Minor's Garden Center – Milwaukee

- Prices have not yet been gathered. For the sake of the case study, each unit tree cost will be \$250.00, as well as installation cost being 150.00 including man hours, and material, for a total installed tree cost of \$400.00.

Included in final costs is the cost of replacement tree, and installation costs.

**Appraised Trunk Area:** Cross sectional area of trunk at breast height.

**Appraised Tree Trunk Increase:** The difference in area between removed specimen and replacement tree.

**Basic Tree Cost:** Appraised tree trunk increase x unit tree cost.

**Appraised Value:** Basic tree cost multiplied by species, condition, and location percentages.

## Trunk Formula Method

### Field Observations

1. Species White Pine
2. Condition 84 %
3. Diameter 19 in.
4. Location % = [Site 70 % + Contribution 80 % + Placement 50 %] / 3 = 67 %

### Regional Plant Appraisal Committee and/or Appraiser-Developed or -Modified Information

5. Species rating 80 %
6. Replacement Tree Size (diameter) 2 in  
(Trunk Area) 3.14 in<sup>2</sup>/cm<sup>2</sup> (replacement size)
7. Replacement Tree Cost \$ 240  
(see Regional Information to use Cost selected)
8. Installation Cost \$ 150
9. Installed Tree Cost (#7 + #8) \$ 390
10. Unit Tree Cost (#7 / #6) \$ 76.43 per in<sup>2</sup>  
(see Regional Information to use Cost selected)

### Calculations by Appraiser using Field and Regional Information

#### 11. Appraised Trunk Area:

Figure 5 - 1)

$$d2 (\#3) \quad \frac{361}{=} \times 0.785 \quad \frac{283}{=} \text{ in}^2$$

Trunk health,  
percentage.  
See

12. **Appraised Tree Trunk Increase** =  
283 in<sup>2</sup> (#11) - 3.14 in<sup>2</sup> (#6) = 279 in<sup>2</sup>

13. **Basic Tree Cost** = (#12) 279 in<sup>2</sup> × **Unit Tree Cost** (#10) = 21,323.47  
~~\$110~~ per in<sup>2</sup> + **Installed Tree Cost** (#9) \$ 390 = \$ 21,713.47

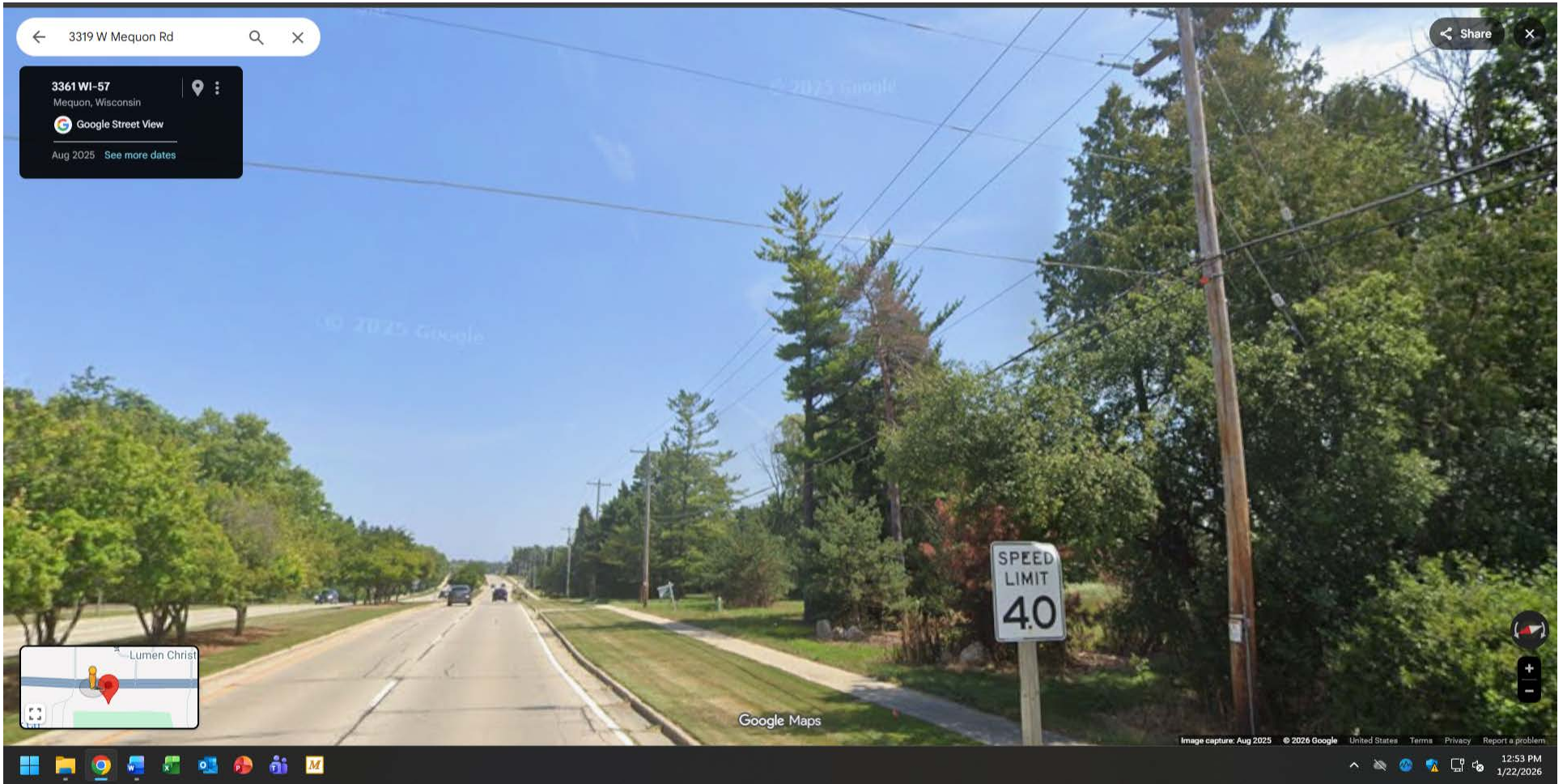
14. **Appraised Value** = **Basic Tree Cost** (#13) \$ 21,713.47 × **Species** rating  
(#5) 80 % × **Condition** (#2) 84 % × **Location** (#4) 67 % = \$ 9,776

15. If the **Appraised Value** is \$5,000 or more, round it to the nearest \$100; if it is less than \$5,000, round to the nearest \$10.

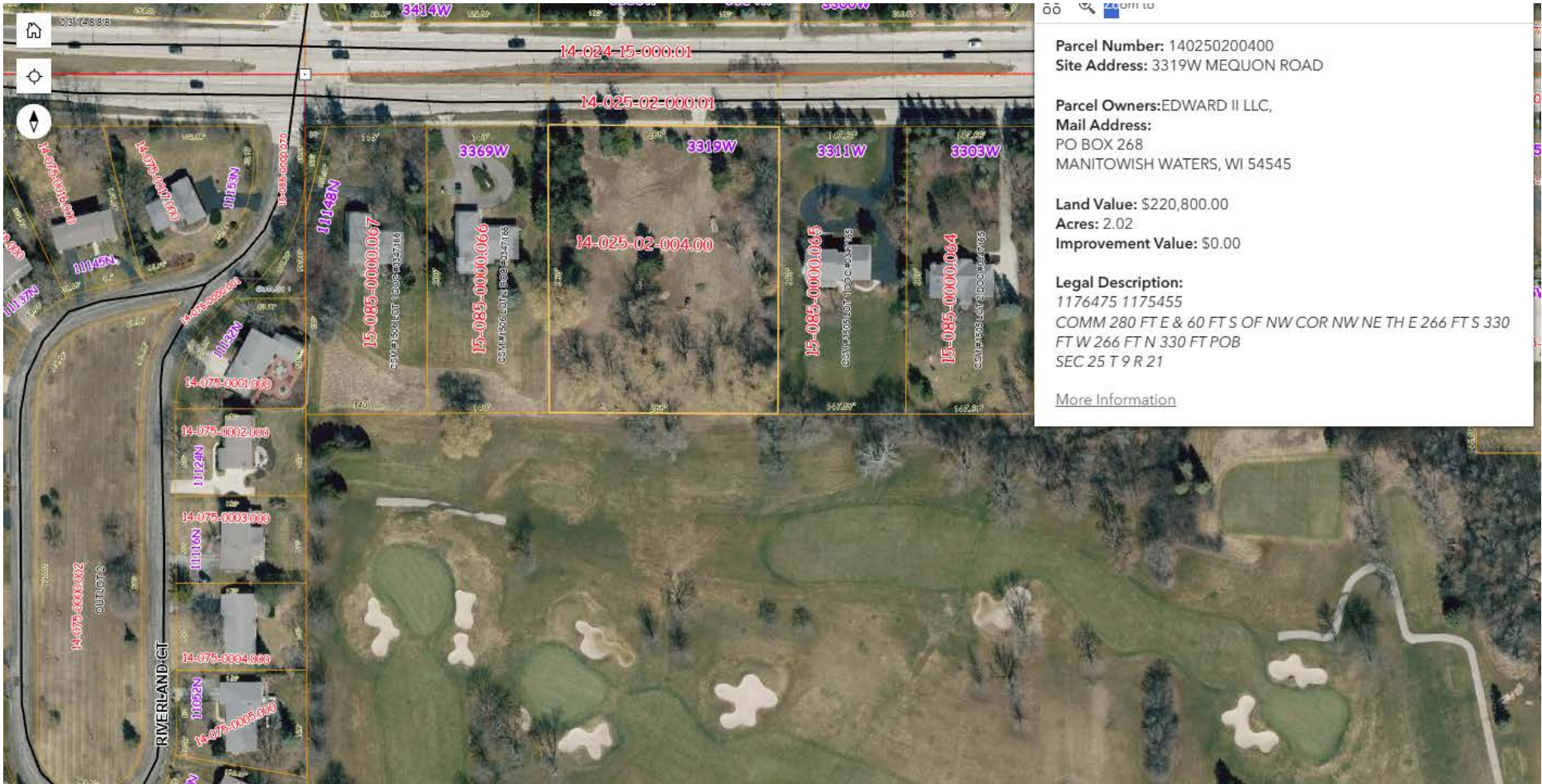
16. **Appraised Value** = (#14) \$ 9,776











Parcel Number: 140250200400  
Site Address: 3319W MEQUON ROAD

Parcel Owners: EDWARD II LLC,  
Mail Address:  
PO BOX 268  
MANITOWISH WATERS, WI 54545

Land Value: \$220,800.00  
Acres: 2.02  
Improvement Value: \$0.00

Legal Description:  
1176475 1175455  
COMM 280 FT E & 60 FT S OF NW COR NW NE TH E 266 FT S 330  
FT W 266 FT N 330 FT POB  
SEC 25 T 9 R 21

[More Information](#)

## Chapter 84 TREE PRESERVATION<sup>1</sup>

### Sec. 84-1. Purpose and intent.

The purpose and intent of this chapter is as follows:

- (1) Trees and woodlands help to reduce storm water runoff and erosion, replenish ground water supplies, preserve and enhance nesting areas for birds and other wildlife which in turn assist in the control of insects, provide wildlife habitats, ameliorate air pollution, enhance and preserve air quality, assist in maintaining symbiotic relationships between plants and animals, moderate climate, reduce noise and glare, protect and increase property values and provide people with the opportunities for scientific, educational and recreational pursuits;
- (2) A substantial part of pre-settlement Mequon consisted of Southern Mesic Forest ("Old Growth Forest"). Most Old Growth Forest has been destroyed and the portions of Old Growth Forest which remain are now part of a disappearing ecosystem. Preservation is essential, because regeneration of forest of this caliber can take 150 years, provided that conditions exist within which the forest was originally formed;
- (3) It is declared a matter of public policy that preservation of intact remnants of Old Growth Forest and preservation and/or replacement of trees during the land development/building construction process in the City of Mequon is a public benefit and is desired in the interest of preserving the health, safety, welfare and prosperity of the people;
- (4) While allowing for the reasonable improvement of land within the city, it is the intent of this subdivision to provide for the preservation of Old Growth Forest and to provide standards for the preservation/replacement of other trees and woodlands in the city, as an important public resource enhancing the quality of life and the general welfare of the city, in furtherance of this policy.

(Ord. No. 2007-1202, § I, 6-12-2007)

### Sec. 84-2. Definitions.

The following words, terms and phrases, when used in this subdivision, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning. The words "shall" and "must" are mandatory, and the words "may" and "should" are permissive.

*Building activity area* means the buildable area of a lot in where construction and building activities are limited to the smallest possible area on a lot or parcel. The building activity area includes the entire area affected by building and grading activities related to the proposed construction (including driveway and lateral construction) and shall be determined with maximum regard for existing mature trees. Lands designated floodplain, wetland, conservancy or similarly identified as unbuildable shall be excluded from this definition.

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<sup>1</sup>Editor's note(s)—Ord. No. 2007-1202, § I, adopted June 12, 2007, repealed §§ 58-468—58-475 of this Code and reenacted those sections as Ch. 84. The former provision derived from Code 1957, § 3.165; Ord. No. 98-942, adopted Apr. 14, 1998; and Ord. No. 2001-1033, § II, adopted Jan. 8, 2002.

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*City forester* means a recognized and qualified professional in the field of forestry, botany, horticulture or arboriculture retained by the City of Mequon for the purpose of administration and enforcement of this subdivision.

*Diameter at breast height (DBH)* means a standard measure of tree size. A tree trunk diameter measured in inches at a height of four and one-half feet above the ground. If a tree splits into multiple trunks below the four-and-one-half-foot mark, then the trunk is measured at its most narrow point beneath the split.

*Land disturbance activity* means any manmade change of the land surface including removal of a tree(s) or vegetative cover, excavating, filling, and grading, but not including agricultural land uses such as planting, growing, cultivating and harvesting of crops.

*Lot, platted* means any plot of land for residential, commercial, park or industrial use that has been subdivided through a subdivision plat, condominium plat or certified survey map.

*Lot, unplatted* means any plot of land that has yet to be subdivided through a subdivision plat, condominium plat or certified survey map.

*Natural areas* means any area found on a parcel of land that includes but may not necessarily be limited to one of the following: wooded areas (trees, shrubs, etc.), undisturbed areas, prairie grasses, wetlands and natural ecosystems.

*Protected (protective) zone* means all lands in the City of Mequon that fall outside of the building activity area of a lot, all areas of the lot required to remain in open space and all areas required to remain as landscaping strips according to provisions of the City of Mequon zoning code, or conditions of site plan approval. The protected zone shall include the required offset, setback and other designated unbuildable areas such as wetlands, woodlands, floodplain and conservancy areas within the City of Mequon.

*Specimen tree(s)* means any tree or grouping of trees which has been determined to be of a high value because of its species, size, age, historic significance or other professional criteria and has been so designated in the tree preservation guidelines and administrative standards.

*Tree* means any self supporting woody plant having a well-defined stem, a well-defined crown and has attained a height of at least eight feet with a trunk of not less than three inches diameter at breast height (DBH). Or, a cluster of main stems having an aggregate diameter of not less than three inches DBH.

(Note: Containerized trees and nursery stock trees kept for resale in licensed commercial nurseries are exempt from the provisions of this subdivision.)

(Ord. No. 2007-1202, § I, 6-12-2007)

### **Sec. 84-3. Tree preservation guidelines and administrative standards adopted.**

The City of Mequon Policy Manual for Tree Protection and Preservation having been established by the Mequon tree board and approved by the Common Council on January 8, 2002, and as the same may be amended from time to time, shall be used by the city forester, developers and residents of Mequon in identifying, preserving and protecting specimen and other trees, and in the administration and enforcement of this chapter. The guidelines shall also identify street tree planting requirements, policies, and specifications.

(Ord. No. 2007-1202, § I, 6-12-2007)

Cross reference(s)—Definitions generally, § 1-2.

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#### **Sec. 84-4. Applicability.**

- (a) The terms of this subdivision shall apply to all proposed land disturbance activity associated with subdivision, land division, residential, commercial, industrial and park development, except as otherwise noted herein. All land disturbance activity, regardless of whether building permits and/or erosion control permits are required, shall be subject to this chapter.
- (b) No building permit and/or erosion control permit shall be granted by the engineering and/or inspection departments without prior consent from the city forester that the proposed land disturbance/development project is in conformance with the provisions of this subdivision.
- (c) Provisions of this chapter shall not apply to the following:
  - (1) Platted lots, except with regard to removal and protection of specimen trees, and/or disturbance of vegetative cover on or adjacent to steep slopes or bluffs or within the 100-year floodplain as provided in section 58-674;
  - (2) A project by the city, county or state, or a project of a public utility, as defined in Wis. Stat. § 196.01, provided that, for any exemption under this provision, the common council determines both that the exemption is appropriate under the circumstances and the project is for the public good, health or welfare (e.g., installation of public roads, sanitary sewer, other utility projects or drainage improvements).

(Ord. No. 2007-1202, § I, 6-12-2007; Ord. No. 2017-1498, § I, 9-12-2017)

#### **Sec. 84-5. Permit procedure.**

- (a) Where any part or all of the land proposed to be disturbed is situated within the area described in section 84-70, the city forester shall be requested by city staff to inspect the designated site for specimen and/or other trees for the purpose of preservation if any trees exceeding five inches DBH are present.
- (b) Based upon the city forester's inspection of a platted lot, the city forester and planning commission in the case of non-parkland, or the city forester and park and open space board, in the case of parkland, may require a plan modification and/or alternate location for site development, if in their opinion it may preserve specimen trees in accordance with this subdivision and the tree preservation guidelines. This recommendation shall be stated in writing. Based upon staff's inspection and review of development plans, the city forester and planning commission, in the case of non-parkland, or the city forester and park and open space board, in the case of parkland, as applicable, may suggest a development modification and/or alternate location for site development if, in their opinion, it may preserve trees in accordance with this subdivision and the tree preservation guidelines. This recommendation shall be stated in writing.
- (c) Issuance of the building permit/erosion control permit or written statement from the city forester (in the case where no permits are required) shall constitute an approval of the land disturbance in accordance with the regulations of this chapter and the tree preservation guidelines.

(Ord. No. 2007-1202, § I, 6-12-2007; Ord. No. 2008-1238, § I, 4-8-2008; Ord. No. 2017-1505, § IX, 10-10-2017)

#### **Sec. 84-6. Removal of trees and replacement landscaping.**

- (a) No trees shall be removed in the protected zone of an unplatted lot except as provided in this section. Documentation requesting removal shall be submitted to the city forester and planning commission in the case of non-parkland, or the city forester and park and open space board, in the case of parkland, as part of a

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landscape plan, in accordance with the tree preservation guidelines prior to preliminary plat or land division approval.

- (b) The planning commission may require the owner/developer to additionally landscape with trees and/or plant materials within the protected zone, in accordance with this chapter.
- (c) It shall be unlawful to remove, injure, destroy, or undertake any procedure that may cause the death or substantial destruction of any specimen tree located anywhere on any land in the city without the express written permission of the city forester or his representative.
- (d) If a specimen tree is proposed to be removed in the buildable area on any land in the city, the city forester shall review the site for any alternative location for driveway, building and/or other construction in order to preserve the specimen trees.
  - (1) If it is found that construction cannot occur on the platted lot, without removal of the specimen tree, the city forester and planning commission in the case of nonparkland, may allow the tree(s) to be removed, in accordance with the purpose and intent of this chapter that permits reasonable improvement of land. If necessary, the city forester may recommend the homeowner/developer seek setback and/or offset variances at the board of appeals in order to preserve specimen trees.
  - (2) If it is found that construction cannot occur on the unplatted lot, without removal of specimen or any other tree(s), the planning commission may require reconfiguration of the proposed lot lines of a subdivision/condominium plat or certified survey map in an effort to preserve trees. The planning commission and city forester, in the case of nonparkland, or the city forester and park and open space board, in the case of parkland, may authorize the removal of specimen and other trees on unplatted lands. When authorization is granted a landscape plan shall provide for tree removal, tree replacement and additional tree planting that results in an overall improvement in the environmental condition and aesthetic character of the proposed subdivision/land.
- (e) Authorization for removal of any specimen tree located on any land in the city may be granted for the following reasons:
  - (1) The tree is dead or dying; or
  - (2) The tree is diseased; or
  - (3) The tree is damaged or injured to the extent that it is likely to die or become diseased; or
  - (4) Where removal will avoid or alleviate unreasonable difficulty or hardship. However, tree removal requested for the purpose of allowing greater building density shall not constitute unreasonable difficulty or hardship; or
  - (5) As determined by the city forester and/or planning commission, in the case of non-parkland, or the city forester and park and open space board, in the case of parkland, in accordance with this section and the tree preservation guidelines.
- (f) The owner/developer shall replace any tree removed in each of the following instances, as directed by the city forester and planning commission, in the case of non-parkland, or the city forester and park and open space board, in the case of parkland, and/or board of appeals, as applicable:
  - (1) In the event the removal of the tree is authorized to avoid or alleviate unreasonable difficulty or hardship.
  - (2) In the event the tree is damaged or injured by other than natural causes to the extent that is likely to die or become diseased, or it constitutes a hazard to persons or property.
  - (3) In the event the tree is unlawfully removed in violation with this subdivision.

- 
- (g) Where replacement is required pursuant to this section, the city forester will direct replacement, in accordance with the tree preservation guidelines, on the lot, in public spaces, or by equivalent monetary contribution to a city green infrastructure fund. Where replacement is required due to unlawful removal of a tree, in violation of this chapter, the forester will direct replacement based upon the replacement value as determined according to section 84-8.

(Ord. No. 2007-1202, § I, 6-12-2007; Ord. No. 2008-1238, § I, 4-8-2008; Ord. No. 2017-1505, § IX, 10-10-2017)

### **Sec. 84-7. Enforcement.**

It shall be the duty of the city forester, department of community development, or its authorized representative to enforce this subdivision. The city forester, department of community development or authorized representative shall have the authority to revoke, suspend or void any land disturbance permit and shall have the authority to suspend all work on a site or portion thereof for violation of this subdivision.

(Ord. No. 2007-1202, § I, 6-12-2007)

### **Sec. 84-8. Violations and penalty.**

Any person, firm or corporation violating any of the provisions of this subdivision shall be guilty of an offense. If, as a result of the violation of any provision of this subdivision, the injury, mutilation, or death of a tree, shrub, or other plant is caused, the cost of repair or replacement of such tree, shrub, or other plant shall be borne by the party in violation. The replacement value of trees and shrubs shall be determined in accordance with a guide to the professional evaluation of landscape trees, specimen shrubs, and evergreens, as published by the International Society of Arboriculture.

(Ord. No. 2007-1202, § I, 6-12-2007)

### **Sec. 84-9. Appeal.**

Any person aggrieved or affected by any decision of the city forester, planning commission, park and open space board or city staff relating to the application of this subdivision may appeal to the city board of appeals in accordance with the appeal provisions of section 58-41.

(Ord. No. 2007-1202, § I, 6-12-2007; Ord. No. 2008-1238, § I, 4-8-2008; Ord. No. 2017-1505, § IX, 10-10-2017)

# BOARD OF APPEALS ADMINISTRATIVE APPEAL APPLICATION

CITY OF MEQUON, WISCONSIN

Applicant: Eric & Margaret Miller Address: 616 E. Circle Rd  
 City/zip: Mequon WI 53092

Owner: Eric & Margaret Miller Address: 616 E. Circle Rd  
 City/zip: Mequon WI 53092

Contact Person/Name: Eric Miller

Phone Number: 262-527-4658 Email: emillercape@gmail.com

**TO THE BOARD OF APPEALS:**

The above hereby requests an appeal to a decision made by:

Architectural Board  
(please list the City Department or Board/Commission/Committee whose decision you are appealing)

**APPLICANT MUST PROVIDE:**

Application form  
 \$250 filing fee

**I copy each of the following documents**

1. Copy of denial letter if any, or a description of the denial
2. Letter explaining the reason for the appeal

| FOR OFFICE USE ONLY    |                             |                |                    |
|------------------------|-----------------------------|----------------|--------------------|
| Receiving Officer:     | <u>Cashie Fink</u>          | Received Date: | <u>12/17/2025</u>  |
| Parcel #:              | <u>150740110001</u>         | Hearing Date:  | <u>2-5-26</u>      |
| Zoning District:       | <u>R3</u>                   | Receipt #:     | <u>004576-0013</u> |
| Alderman & District #: | <u>District 8: Gebhardt</u> | Published:     |                    |

c: Notice of scheduled hearing to DISTRICT ALDERPERSON, OWNER(S) OF RECORD as listed in the Office of the Assessor and all parcels in the City of Mequon as per state statute and City of Mequon Communication Policy.

ERIC JAMES MILLER  
616 EAST CIRCLE ROAD  
MEQUON, WISCONSIN 53092

12/17/25

Eric & Peggy Miller submitted plans to the Architectural Board for an Outbuilding - term often used now is Barndominium. A one room 600 sq ft structure with no plumbing or sleeping area. Heated only via an iron fire place stove. The structure is to reside on the Old 570 Circle Road lot. That lot was purchased by us in 2007. The Arch committee at their 12/8 meeting denied the request because the materials used did not exactly match the main residence - which is some distance away > 160 feet. Separated by tree line and fence. The main centering was our plan to use Cedar plank <sup>siding</sup> rather than Cedar shingle which we have on our 616 E. Circle Road Residence. Also there was discussion on use of a metal roof but the Board seemed amenable to that at the end of the meeting. There had been a question on a stone wrap around which was not brought up at the 12/8 meeting but we would make the change asked for by the Board.

We are disputing the Board's findings for multiple reasons.

On the top of page 2 of the guidelines it states structures shall be consistent with <sup>circ. not identical</sup> one another and compatible with existing homes in the neighborhood as well as the natural features of the lot and surroundings.

Our structure using cedar panel rather than cedar shingle fits in perfectly to the natural factors

**ERIC JAMES MILLER**

**616 EAST CIRCLE ROAD**

**MEQUON, WISCONSIN 53092**

Of the 570 lot - which we are developing into a <sup>natural</sup> prairie similar to the adjacent Virman Park.

A cedar shingle exterior, like our 616 residence, speaks to a surrounding for a typical residence lot - not a natural prairie lot. The Board did not take into account the natural prairie setting of the old 570 lot

On page 4 of the guidelines it states re detached structure,

In General Pt 2

Complement the architectural character of the principal residence.

The word complement means to enhance. You do not enhance the character of the principal residence by simply mimicking the materials. You enhance by using compatible materials that are harmonious and agreeable when used in combination to the other structure.

Cedar plank complements the architectural character of the cedar shingle principal residence more so than just adding the identical cedar shingle to the ~~old~~ 570 structure.

On page 4 it states

"Detached Structures shall be designed to be consistent with the principal dwelling"

Consistent is defined in the dictionary as being in agreement and compatible. I would argue that cedar plank, which is basically cedar and similar to cedar shingles, is compatible with our main residence.

Again, you don't enhance a look of a structure

**ERIC JAMES MILLER**

**616 EAST CIRCLE ROAD**

**MEQUON, WISCONSIN 53092**

Simply by making the two structures identical as to materials

I apologize for the messy nature of this submission but it does meet the basic requirements for the appeal.

I have attached an email chain explaining why this is a bit haphazard and my intent to file more documentation for this dispute prior to 1/15/26 - a date I have been told multiple times by the Clerk's office that is the final due date for all submissions.

I first heard that I needed to provide additional details on 12/16. At that time I was in the hospital recovering from a reverse total shoulder replacement surgery.

The email chain explains my disappointment about being given wrong information on how to file from the Clerk's office.

Best

Eric Miller



11333 N. Cedarburg Road  
Mequon, Wisconsin 53092  
Phone: (262) 236-2924  
Fax: (262) 242-9819

[www.cityofmequonwi.gov](http://www.cityofmequonwi.gov)

**INSPECTION DIVISION**

December 10, 2025

**To Building Permit Applicant:**

Enclosed please find the minutes from the recent Architectural Board meeting, noting the action taken on your application by the Architectural Board.

If your item was approved with or without conditions, please note that construction cannot start until a building permit has been issued. To start the building permit process, you must notify Karen Heil in the Inspections Department at 262-236-2924 or at [kheil@cityofmequonwi.gov](mailto:kheil@cityofmequonwi.gov).

Architectural Board approval of your plan is only for the design and style, approval from the Zoning Department is required before a building permit can be issued. From the time of notification, please allow one to two weeks lead-time to process the permit application. Architectural Board approval is good for one year, so the permit must be requested within that time frame.

If your item was not approved, you may request to have it resubmitted to the Architectural Board at a subsequent meeting, with additional information, if appropriate. You also have the right to seek a review of the Architectural Board decision to the Board of Appeals. Appeals must be filed with the City Clerk within 7 days of the Architectural Board meeting. If you wish to appear before the Architectural Board again, or appeal their decision, contact Karen Heil.

*Building Inspection Division*

Enclosure

3A



11333 N. Cedarburg Road  
Mequon, Wisconsin 53092  
Phone: (262) 236-2924  
Fax: (262) 242-9818

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**INSPECTION DIVISION**

**ARCHITECTURAL BOARD MINUTES**  
**Monday, December 8, 2025**  
**6:00 PM**  
**Christine Nuernberg Hall – Common Council Room**  
**Minutes**

**1. Call to Order, Roll Call:**

**Present:** Chairman Scott Reed

Members at Large: Paul Apfelbach, John Mikkelson, Michael Wade,  
Tom Irvin, Curtis Helm, Janet Ehn, Ann Scherzinger

Architectural Board Liaison: Greg Golden

**2. Meeting Minutes**

Minutes from November 10, 2025, meeting were approved by District Representative Janet Ehn and scoded by District Representative Tom Irvin.

Minutes pass unanimously.

|   |                    |                    |   |  |
|---|--------------------|--------------------|---|--|
| 10)   | Dist. 8<br>6:50 pm | <b>Outbuilding</b> | Michael Johnson<br>10111 N. Sheridan Drive<br><br>Subd: Fairy Chasm | Contractor: Coach House Homes<br><br>Architect: North Drawn Design |
| <p>Moved to Approve: <u>Irvin</u></p> <p>Seconded by: <u>Apfelbach</u></p> <p>Approved: <u>Yes</u></p> <p>Vote: <u>Unanimous</u></p> <p>Conditions: Plans approved as submitted with the condition that all windows for the outbuilding should match windows in the main house.</p> |                    |                    |   |  |

|   |                    |   |  |   |
|---|--------------------|---|--|---|
| 11)   | Dist. 8<br>7:00 pm | <b>Addition:<br/>Sunroom, Bedrooms<br/>and Bathroom</b> | Ethan Handler<br>709 W. Haddonstone Place<br><br>Subd: Haddonstone | Contractor: Entech Builders<br><br>Architect: Entech Builders |
| <p>Moved to Approve: <u>Reed</u></p> <p>Seconded by: <u>Scherzinger</u></p> <p>Approved: <u>Yes</u></p> <p>Vote: <u>Unanimous</u></p> <p>Conditions: Plans approved as submitted with the condition that siding and roofing match existing.</p> |                    |   |  |   |

|  |                    |   |  |  |
|--|--------------------|---|--|--|
| 12)  | Dist. 8<br>7:10 pm | <b>Resubmittal:<br/>Shed</b><br>(Tabled at 11/10/25 AB Meeting) | Eric & Margaret Miller<br>616 E. Circle Road<br><br>Subd: Lake Michigan Est. | Contractor: Auchter Construct.<br><br>Architect: Jeremy Hartline |
| <p>Moved to Deny: <u>Reed</u></p> <p>Seconded by: <u>Irvin</u></p> <p>Approved: <u>No - Denied</u></p> <p>Vote: <u>Unanimous</u></p> <p>Conditions: Resubmittal was denied</p> |                    |   |  |  |



Eric Miller &lt;emillercap@gmail.com&gt;

## Fwd: Board of Appeals

1 message

Eric Miller <emillercap@gmail.com>  
 To: Eric Miller <emillercap@gmail.com>

Tue, Dec 16, 2025 at 6:22 PM

----- Forwarded message -----

From: Eric Miller <emillercap@gmail.com>  
 Date: Tue, Dec 16, 2025 at 5:05 PM  
 Subject: Re: Board of Appeals  
 To: Caroline Fochs <cfochs@cityofmequonwi.gov>, Bill Gebhardt <bill.g@corporategroupinc.com>

Caroline I will stop by tomorrow and pay my property taxes and add items to my application. I will highlight I was told twice by your office that the submittal was due 1/15. I questioned your office telling the individual I thought it was due a week after denial.

I decided to go back on Friday to drop off the check and sign the application to be safe being reassuring I could submit additional data up until the 15 th.

Had your office known the basic fact of due dates I could have put something more on the application this weekend before I went in for surgery on Monday

I will come home from the hospital tonight but I can't drive or write and I'm in a lot of pain. All I ask is that you grant me the ability to submit additional materials by 1/15 to be considered by the appeals board at the February meeting.

When I'm at City Hall tomorrow I hope to see you. What would be a time that works for you? I may not be totally flexible as my wife Peggy will have to drive me over.

Thanks

Eric Miller

On Tue, Dec 16, 2025 at 2:17 PM Caroline Fochs &lt;cfochs@cityofmequonwi.gov&gt; wrote:

I apologize for the miscommunication, but the full submittal is due **tomorrow**. You should be able to get your submittal documents to the Architectural Review Board from the Inspections Department.

From: Eric Miller <emillercap@gmail.com>  
 Sent: Tuesday, December 16, 2025 10:11 AM  
 To: Caroline Fochs <cfochs@cityofmequonwi.gov>  
 Cc: Bill Gebhardt <bill.g@corporategroupinc.com>  
 Subject: Fwd: Board of Appeals

Hi Carolyn

Hello,

My Deputy Clerk accepted an application and check for the BOA however it is incomplete. Please provide a full submittal by the deadline of Wednesday, December 17, 2025 in order to be heard by the BOA. As indicated on the form, we will need a copy of the denial letter if any, or a description of the denial, a letter explaining the reason for appeal and all documentation that the Board will review.

Caroline Fochs CMC

City Clerk

City of Mequon

11333 N. Cedarburg Road

Mequon, WI 53092

[www.cityofmequonwi.gov](http://www.cityofmequonwi.gov)

262-236-2912

**Please Note:** The City of Mequon is transitioning its website and email addresses to [cityofmequonwi.gov](http://cityofmequonwi.gov). Emails sent to/from the City's prior [ci.mequon.wi.us](http://ci.mequon.wi.us) addresses will forward to the new [cityofmequonwi.gov](http://cityofmequonwi.gov) domain through January 31, 2026. Please update your records accordingly.





Overview of old lot 570 in year 2 of a 4/5 year transformation to a natural prairie similar to Virmand Park to the north.

Tallgrass Restoration LLC has been contracted to oversee prairie development.

Miller residence on 616 E. Circle Rd to the right of the prairie.

\* site of proposed structure

X

9



Close up of Miller residence on the  
616 E. Circle Rd lot.

We are good stewards of our lot 616  
House inspired as homage to old Adirondack  
Lodge

10

~~2-~~



View from proposed structure on the old  
570 E. Circle Rd lot to the Miller  
residence at 616 E. Circle Rd.  
Distance from ~~to~~ eastern most point of  
proposed structure to Miller residence is  
about 160 feet.  
Note area line and fence



Trees planted 3 1/2 years ago along lot line between old 570 lot and 616 lot. Eleven new trees have been planted along lot line with three additional new trees planned to be planted in the Spring of 2026.

Eight new trees were planted 1 1/2 years ago along the western border of 570.

Arbor Vita, Maple

-4-

12



View of fenced in yard of 616 E. Circle Rd. Note the distinct different characteristics between the two parcels of land - 570 (old) and 616.



View looking south from area of proposed  
new structure on the old 570 lot.

The Miller's have received overwhelming neighborhood support. 80% of Circle Road residents have passed along their support (emails attached). The other 20% made no comments. From the Halulas who live at 553 E. Circle Road Chase above).

"So sorry to hear about this 'speed bump' in your project. We enjoyed watching "Little House on the Prairie" on TV and will enjoy even more having the view of the

"Little House on the Prairie" — 6 — from our picture window."

The Halulas are in full support of your project and can't wait to see the finished product" Kim & Steve



Inspirational  
design of  
the  
barndominium.

15



Eric Miller &lt;emillercap@gmail.com&gt;

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**(no subject)**

message

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**Eric Miller** <emillercap@gmail.com>  
To: Eric Miller <emillercap@gmail.com>

Mon, Dec 8, 2025 at 7:48 AM

Good question. Yes — having a barndominium with a metal roof plus cedar-plank (or real wood) accents can be considered “high-end,” depending on context. It depends on how you define “high-end,” but here’s how those features fit in with quality / upscale barndos:

### Why it can be “high-end”

- Durability & longevity with metal roof/siding: Barndominiums typically use metal/steel for structural strength and resilience. A metal roof is known for long lifespan (often 40–70 years), resistance to fire, pests, rot, and harsh weather (wind, snow, hail) — that’s a premium over traditional asphalt shingle roofs.
- Low-maintenance exterior: Because metal doesn't rot or need frequent repainting like wood or siding, upkeep tends to be less — which many consider a valuable quality in a “high-end build.”
- Customization & hybrid aesthetics: Many “upscale” barndominiums go beyond simple barn-building finishes by blending materials — metal structure for strength, but wood (like cedar planks, board-and-batten, reclaimed wood, shiplap, etc.) for warmth and character. This mix often gives a rustic-chic or “industrial-meets-luxury” vibe.
- Interior potential — not just “bare barn”: With metal shell + wood accents, owners often finish interiors with high-end touches: hardwood or reclaimed wood floors or walls, high ceilings with exposed beams/trusses, premium cabinetry, stone or granite surfaces, high-quality windows, custom lighting. That transforms the space from a utilitarian barn to a comfortable, stylish home.
- Flexibility & value proposition: Because the underlying structure is metal (durable, lower maintenance), but you add wood finishes where they show (porches, paneling, trim), you get many of the benefits of a “luxury home” without necessarily paying as much as traditional high-end custom homes — for certain budgets, that’s a major draw.

In fact, some builders and barndominium-specialist sources explicitly describe that using better-quality materials (metal roofing, upgraded siding, wood/wood accents, proper insulation, more windows, custom touches) is part of what pushes a barndo into the “high-end” category — not necessarily flashy luxury, but elevated quality and finish compared to a bare-bones barn conversion.



11333 N. Cedarburg Road  
Mequon, WI 53092-1930  
Phone: 262/236-2914  
Fax: 262/242-9655

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**Inspections**

**TO: Architectural Board**  
**FROM: Karen Heil, Administrative Assistant**  
**DATE: December 8, 2025**  
**SUBJECT: Eric & Margaret Miller**

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Re-submittal: Shed (Tabled at 11/10/25 AB Meeting)  
616 E. Circle Road  
Subdivision: Lake Michigan Estates  
Contractor: Auchter Construction  
Architect: Jeremy Hartline Arch.  
District 8 - 7:10 pm

Attachments:  
Statement of Intent, Survey, Pictures, Rendering, Plans



**JEREMY HARTLINE ARCHITECT, LLC**  
324 REGATTA DRIVE  
PORT WASHINGTON, WI 53074  
(262) 416-8307 jeremyhartline@gmail.com  
www.jeremyhartline.com

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## STATEMENT OF INTENT

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**PROJECT NAME:** 616 E. Circle Road

**DATE:** 10-20-2025

**TO:** Mequon Architectural Board,  
Inspection Department

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To whom it may concern,

Please see the attached submittal for the Miller Retreat at 616 E. Circle Road.

The proposed project consists of a 357 sf accessory shed located on the west side of the existing property.

The homeowners are committed to creating a new accessory building that honors the home's existing stylistic roots by incorporating details and materials which celebrate and respect the architectural character of the original house.

Respectfully,

Jeremy Hartline  
on behalf of Eric & Peggy Miller









Page 13b of 13







Page 142 of 173









*Miller Retreat  
616 E. Circle Road  
Mequon, WI*

10-15-2025





*Miller Retreat  
570 E. Circle Road  
Mequon, WI 53092*

**GENERAL CONDITIONS**

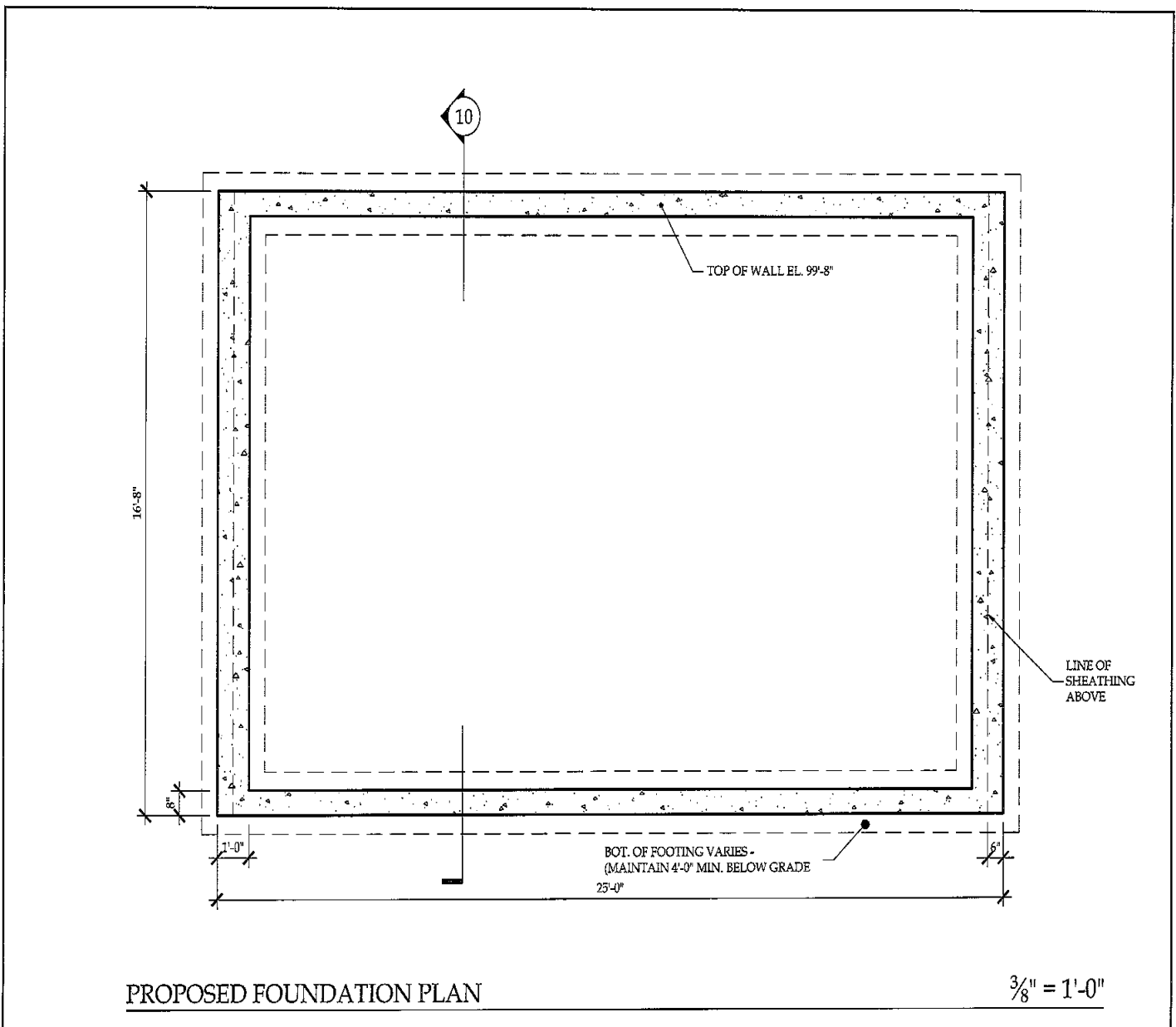
1. All work shall be in accordance with all applicable building codes and comply with all governing laws - Federal, State, and Local jurisdictions except where more restrictive requirements are indicated in the drawings.
2. All Contractors and Subcontractors are to verify conditions and dimensions on the job site prior to commencement of constructions. The contractor is required to field verify all areas to receive new casework prior to ordering cabinets to ensure proper fit. The contractor shall be responsible for verifying existing utilities affected by the project. Any and all discrepancies or unusual conditions must be brought to the attention of the Architect. No allowances will be made due to contractor's unfamiliarity with the job conditions.
3. Drawings are not to be scaled.
4. The Contractor shall be responsible for all cutting, fitting, or patching that may be required to complete the work. All patching required shall be with matching methods and materials.
5. All exterior plan dimensions are to the exterior sheathing face. All interior plan dimensions are to the interior gypsum wall board face.
6. Prior to commencing demolition work, the Contractor shall verify items to be saved or reused with the Owner.
7. The Contractor shall be responsible for proper shoring and support when removing bearing walls, bracing, and roof framing members.
8. HVAC systems and plumbing systems are "design/build" and therefore are the responsibility of the respective contractors and the General Contractor.
9. All structural engineering by WI licensed structural engineer. See separate calculations.

**DRAWING SHEET INDEX**

1. COVER SHEET
2. FOUNDATION PLAN
3. FLOOR PLAN
4. ROOF PLAN
5. ELECTRICAL PLAN
6. ELEVATION SOUTH - DOORS OPEN
7. ELEVATION SOUTH - DOORS CLOSED
8. ELEVATION WEST
9. ELEVATION NORTH
10. ELEVATION EAST
11. BUILDING SECTION
12. DETAILS
13. DETAILS

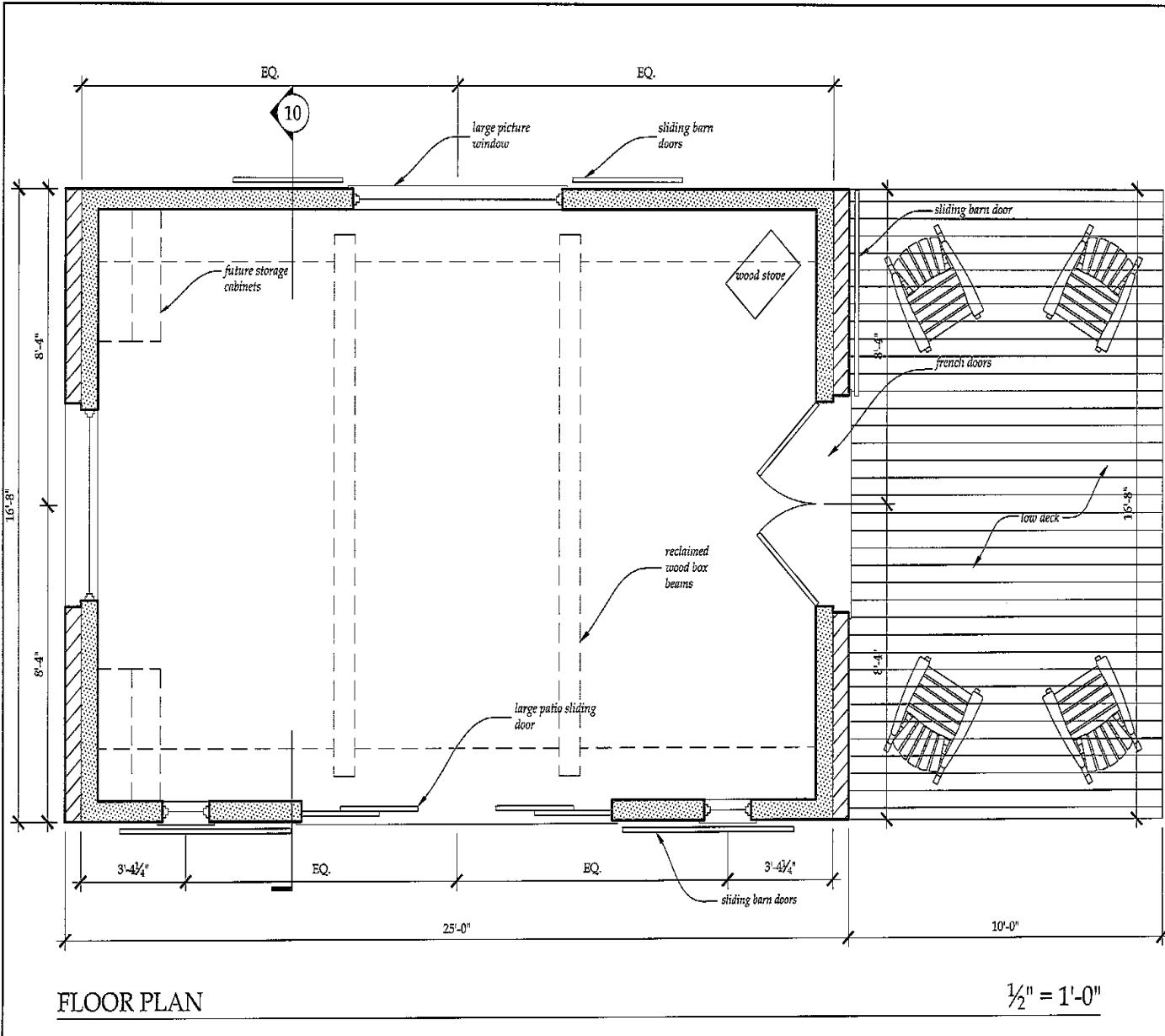
*Miller Retreat  
570 E. Circle Road  
Mequon, WI 53092*

|             |             |
|-------------|-------------|
| DESIGNED BY | J. HARTLINE |
| DATE        | 10-15-2025  |
| PROJECT NO. |             |
| SHEET       | <b>1</b>    |
|             | of 13       |



*Miller Retreat*  
570 E. Circle Road  
Mequon, WI 53092

|             |             |
|-------------|-------------|
| DRAWN BY    | J. HARTLINE |
| DATE        | 10-15-2025  |
| PROJECT NO. |             |
| SHEET       | 2           |
|             | of 13       |



COPYRIGHT 2025 JEREMY HARTLINE ARCHITECT



*Miller Retreat*  
 570 E. Circle Road  
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|-------------|-------------------|
| DRAWN BY    | J. HARTLINE       |
| DATE        | 10-15-2025        |
| PROJECT NO. |                   |
| SHEET       | <b>3</b><br>of 13 |



321 REGATTA DRIVE  
PORT WASHINGTON, WI 53074  
(262) 418-1207 [www.jeremyhartline.com](http://www.jeremyhartline.com)

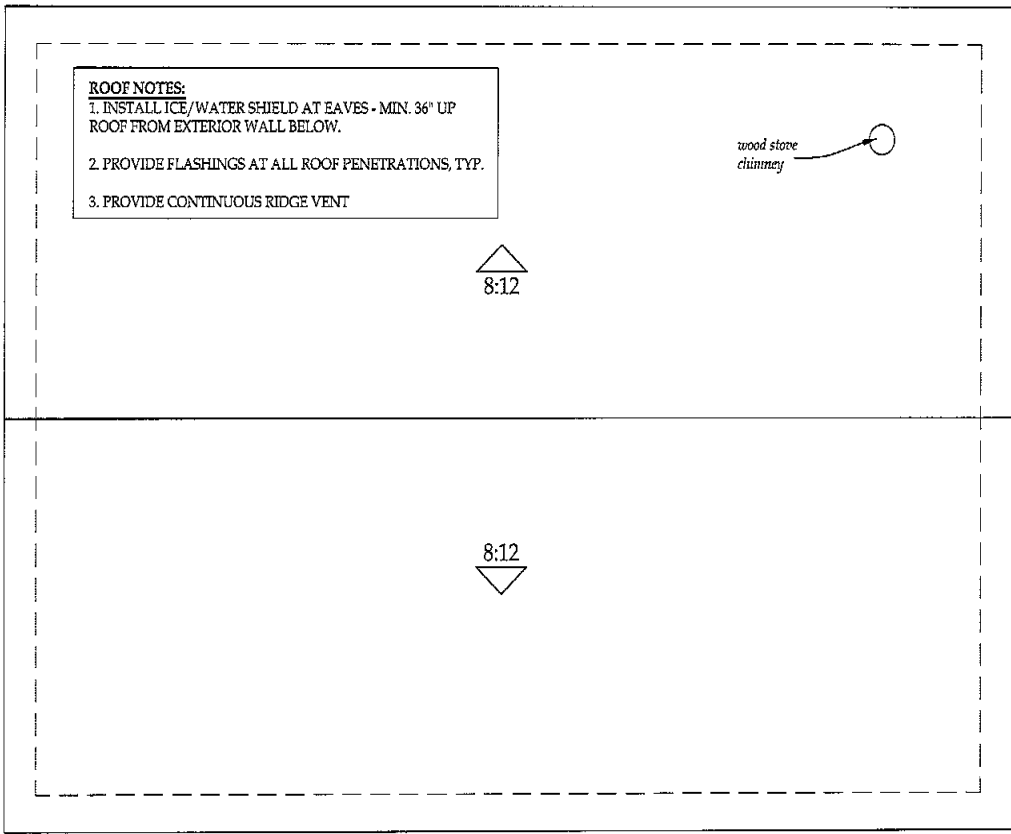
*Miller Retreat*  
*570 E. Circle Road*  
*Mequon, WI 53092*

DRAWN BY  
J. HARTLINE

DATE  
10-15-2025

PROJECT NO.

SHEET  
**4**  
of 13



ROOF PLAN

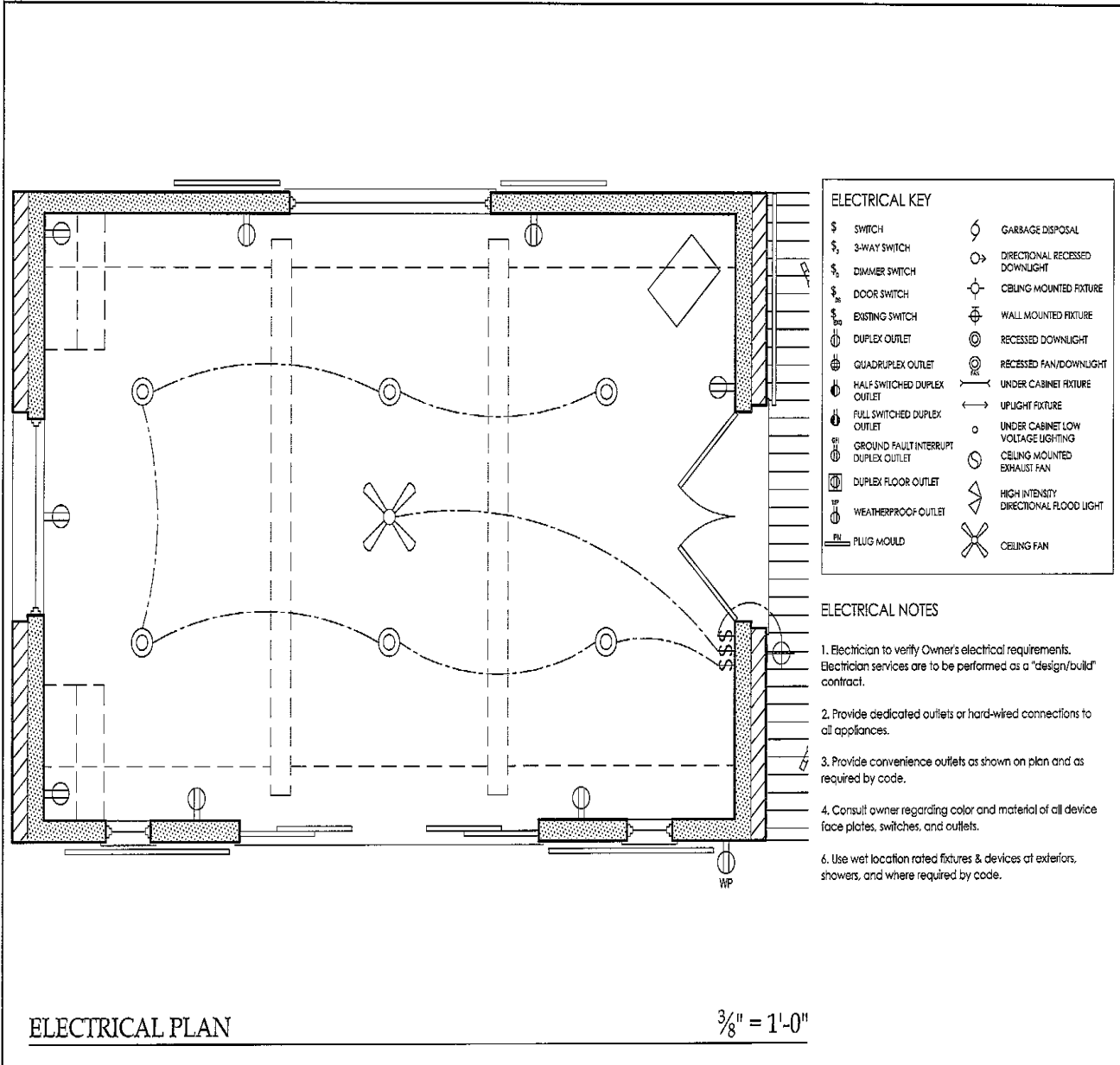
1/2" = 1'-0"



324 REGATTA DRIVE  
 FORT WASHINGTON, WI 53674  
 262-444-0337 jhartline@jeremyhartline.com  
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*Miller Retreat*  
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| DRAWN BY    | J. HARTLINE |
| DATE        | 10-15-2025  |
| PROJECT NO. |             |
| SHEET       | <b>5</b>    |
|             | of 13       |



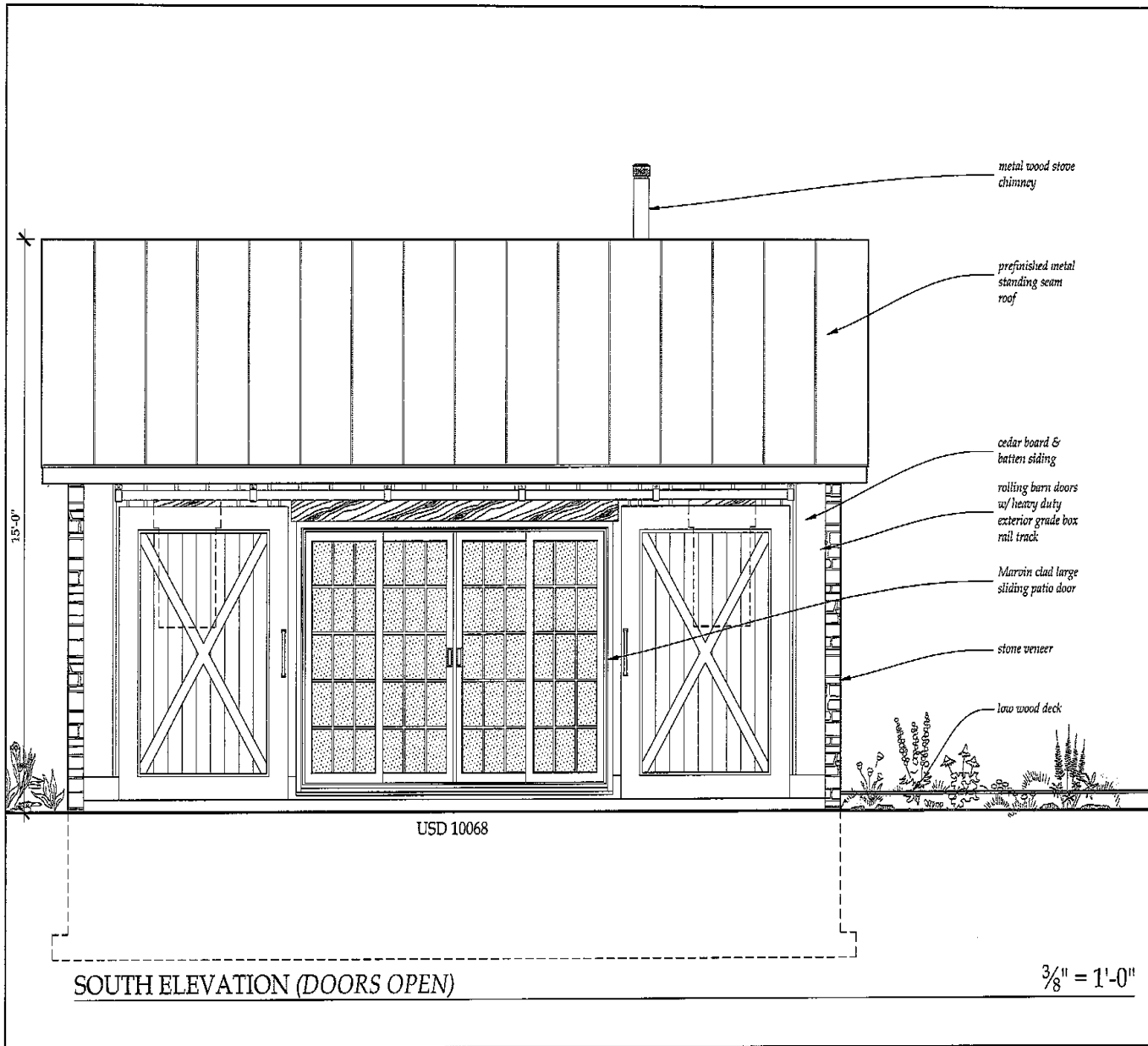
**ELECTRICAL KEY**

|                   |                                      |    |  |
|-------------------|--------------------------------------|----|--|
| \$                | SWITCH                               | ⊖  | GARBAGE DISPOSAL                       |
| \$ <sub>3</sub>   | 3-WAY SWITCH                         | ⊖→ | DIRECTIONAL RECESSED DOWNLIGHT         |
| \$ <sub>2</sub>   | DIMMER SWITCH                        | ⊖  | CEILING MOUNTED FIXTURE                |
| \$ <sub>20</sub>  | DOOR SWITCH                          | ⊖  | WALL MOUNTED FIXTURE                   |
| \$ <sub>100</sub> | EXISTING SWITCH                      | ⊖  | RECESSED DOWNLIGHT                     |
| ⊖                 | DUPLEX OUTLET                        | ⊖  | RECESSED FAN/DOWNLIGHT                 |
| ⊖                 | QUADRUPLEX OUTLET                    | ⊖  | UNDER CABINET FIXTURE                  |
| ⊖                 | HALF SWITCHED DUPLEX OUTLET          | ⊖  | UPLIGHT FIXTURE                        |
| ⊖                 | FULL SWITCHED DUPLEX OUTLET          | ⊖  | UNDER CABINET LOW VOLTAGE LIGHTING     |
| ⊖                 | GROUND FAULT INTERRUPT DUPLEX OUTLET | ⊖  | CEILING MOUNTED EXHAUST FAN            |
| ⊖                 | DUPLEX FLOOR OUTLET                  | ⊖  | HIGH INTENSITY DIRECTIONAL FLOOD LIGHT |
| ⊖                 | WEATHERPROOF OUTLET                  | ⊖  | CEILING FAN                            |
| ⊖                 | PLUG MOULD                           |    |  |

- ELECTRICAL NOTES**
1. Electrician to verify Owner's electrical requirements. Electrician services are to be performed as a "design/build" contract.
  2. Provide dedicated outlets or hard-wired connections to all appliances.
  3. Provide convenience outlets as shown on plan and as required by code.
  4. Consult owner regarding color and material of all device face plates, switches, and outlets.
  6. Use wet location rated fixtures & devices at exteriors, showers, and where required by code.

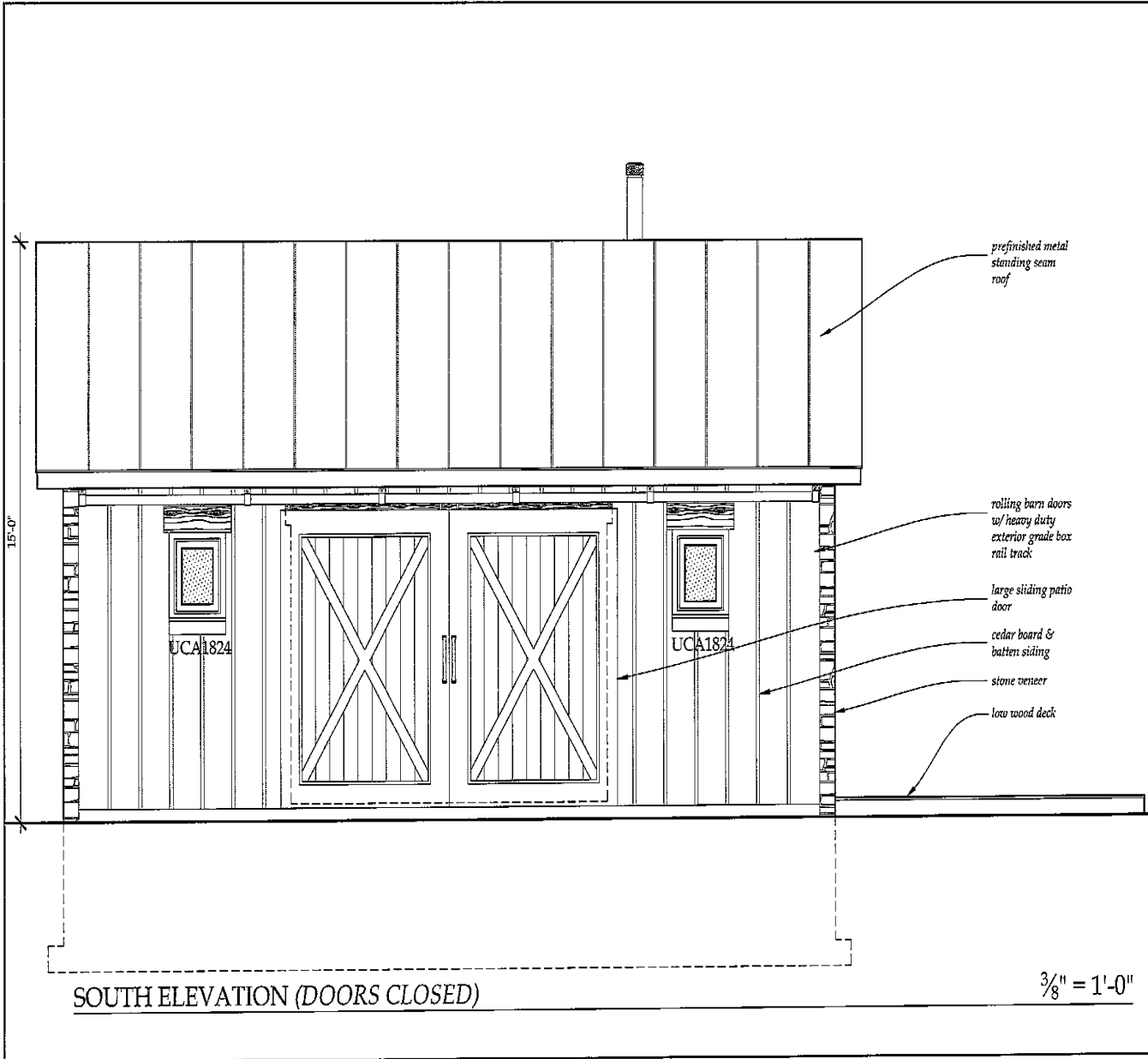
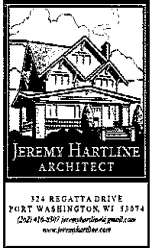
**ELECTRICAL PLAN**

$\frac{3}{8}'' = 1'-0''$



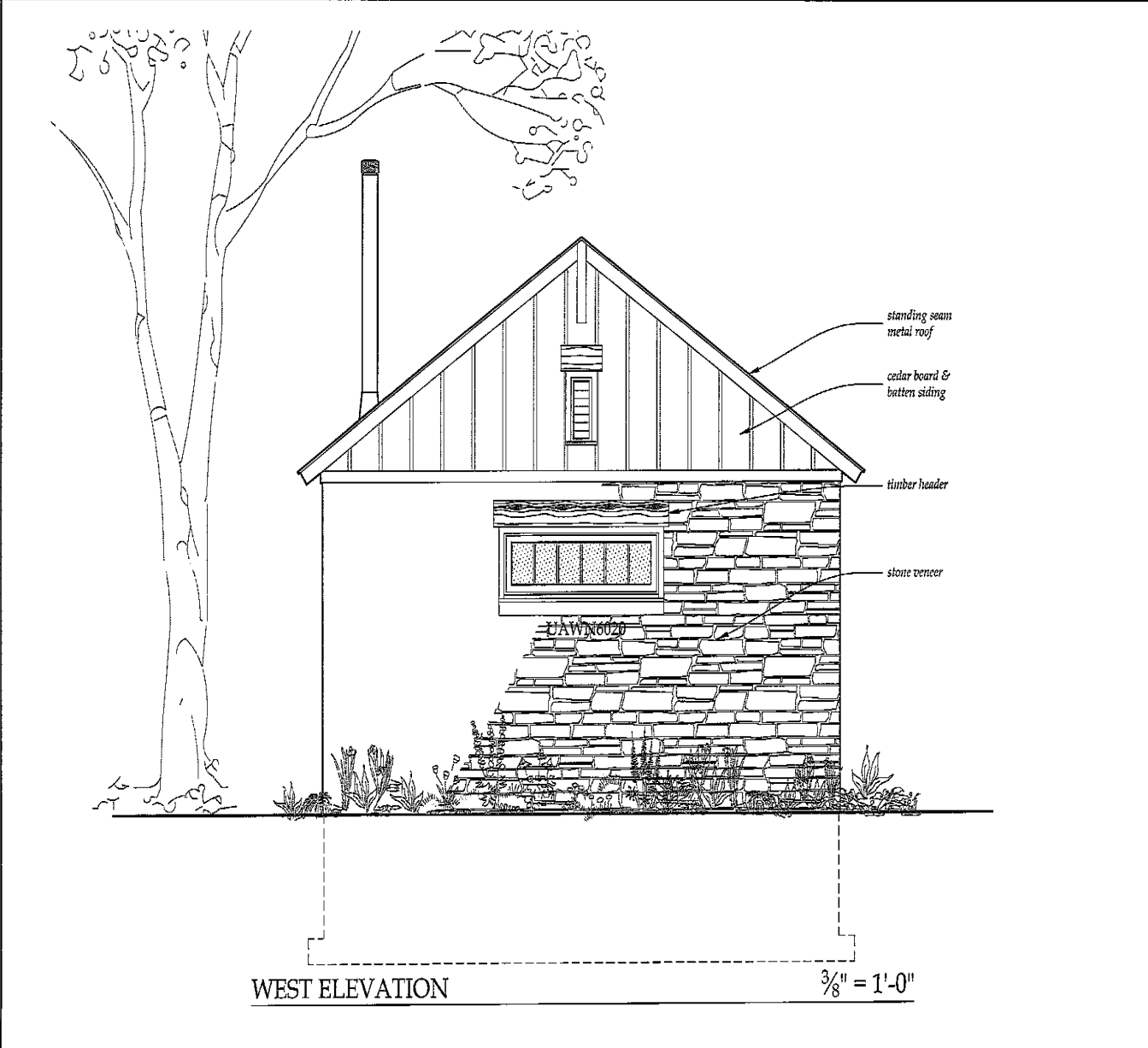
Miller Retreat  
570 E. Circle Road  
Mequon, WI 53092

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| DRAWN BY    | J. HARTLINE |
| DATE        | 10-15-2025  |
| PROJECT NO. |             |
| SHEET       | 6           |
|             | of 13       |



*Miller Retreat*  
 570 E. Circle Road  
 Mequon, WI 53092

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| DRAWN BY    | J. HARTLINE |
| DATE        | 10-15-2025  |
| PROJECT NO. |             |
| SHEET       | 7           |
|             | of 13       |



*Miller Retreat*  
 570 E. Circle Road  
 Mequon, WI 53092

|             |             |
|-------------|-------------|
| DRAWN BY    | J. HARTLINE |
| DATE        | 10-15-2025  |
| PROJECT NO. |             |
| SHEET       | <b>8</b>    |
|             | of 13       |



124 REGATTA DRIVE  
PORT WASHINGTON, WI 53074  
(262) 418-8007 jhartline@earthlink.net  
www.jeremyhartline.com

*Miller Retreat*  
570 E. Circle Road  
Mequon, WI 53092

DRAWN BY  
J. HARTLINE

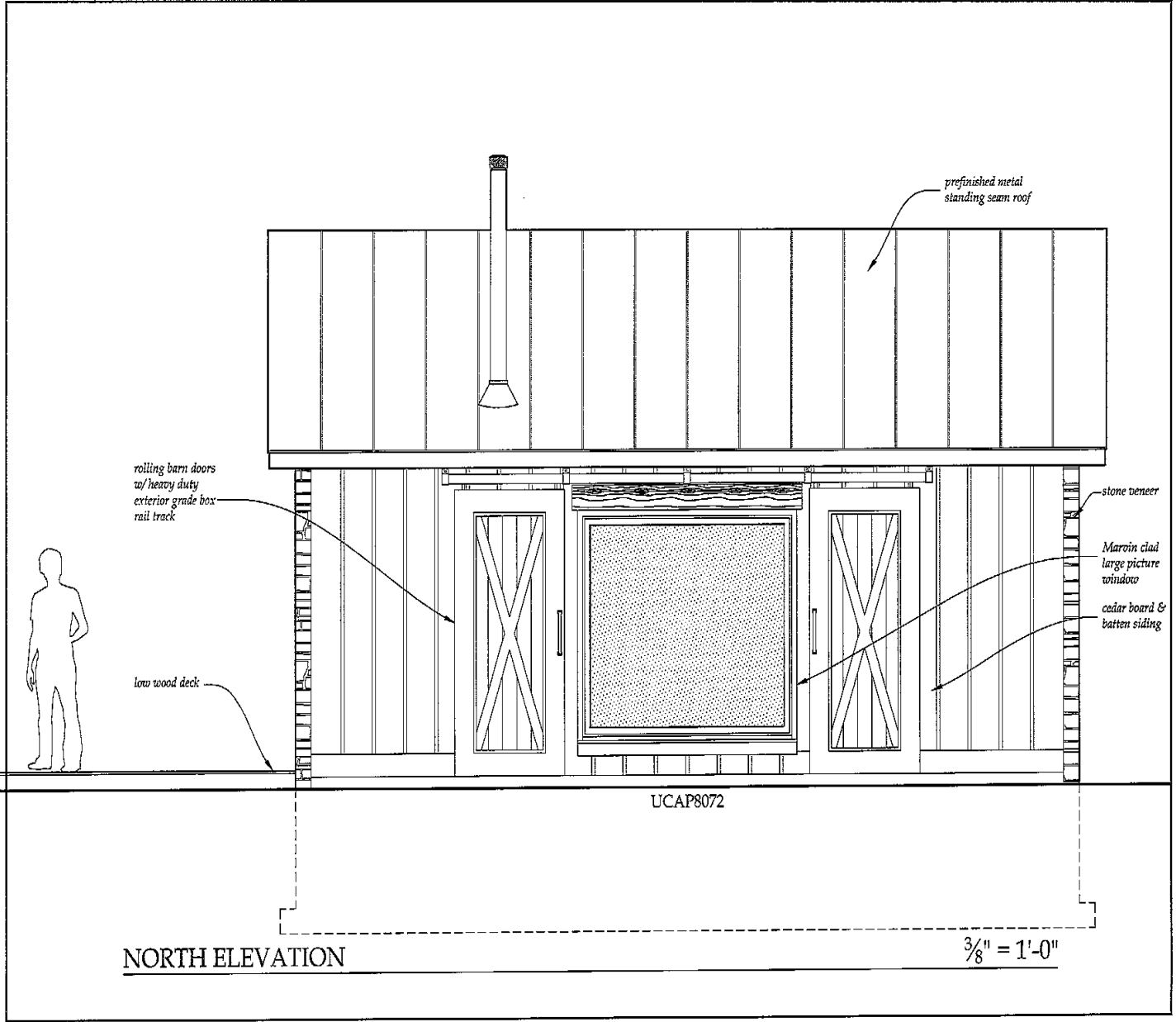
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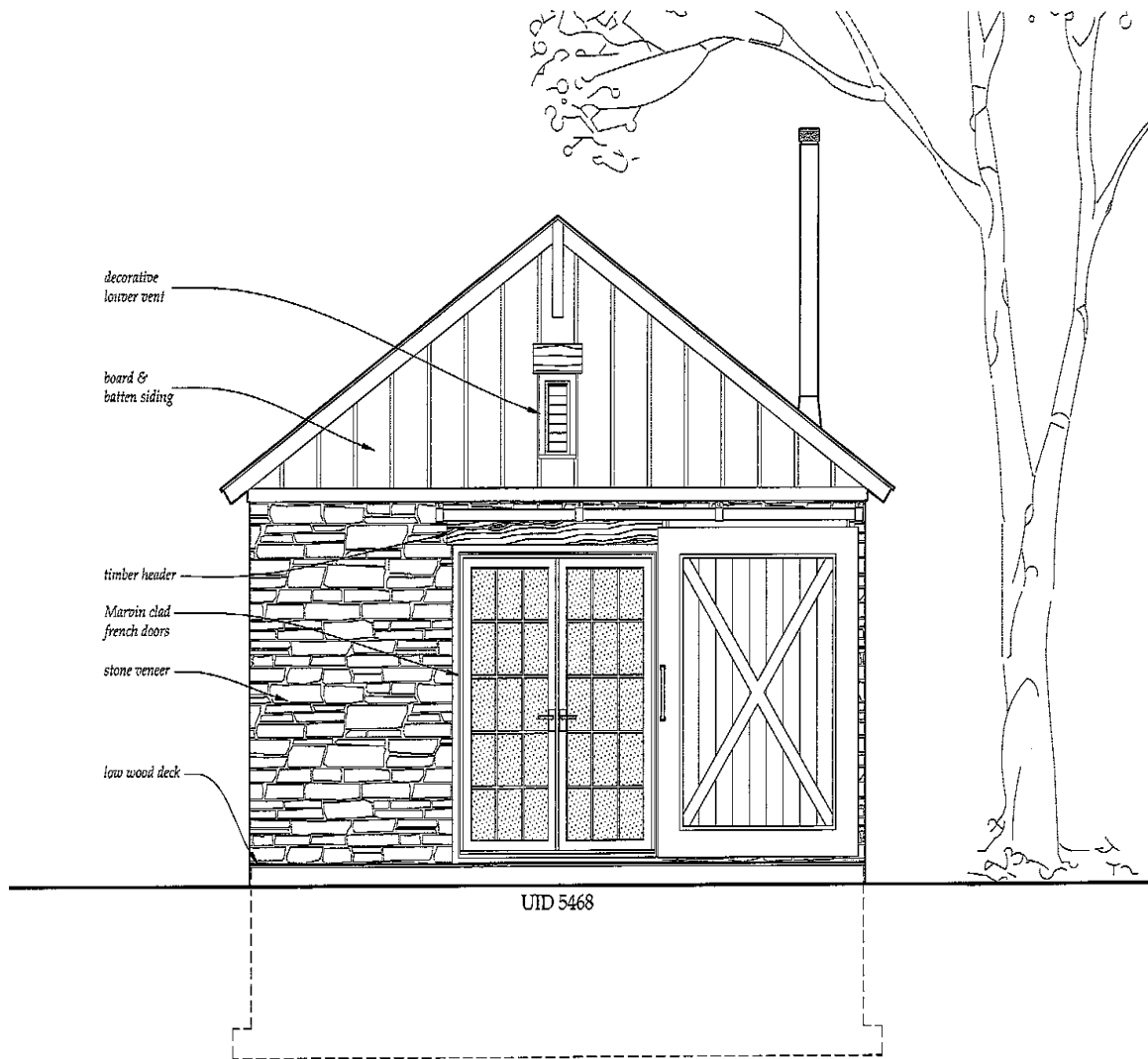
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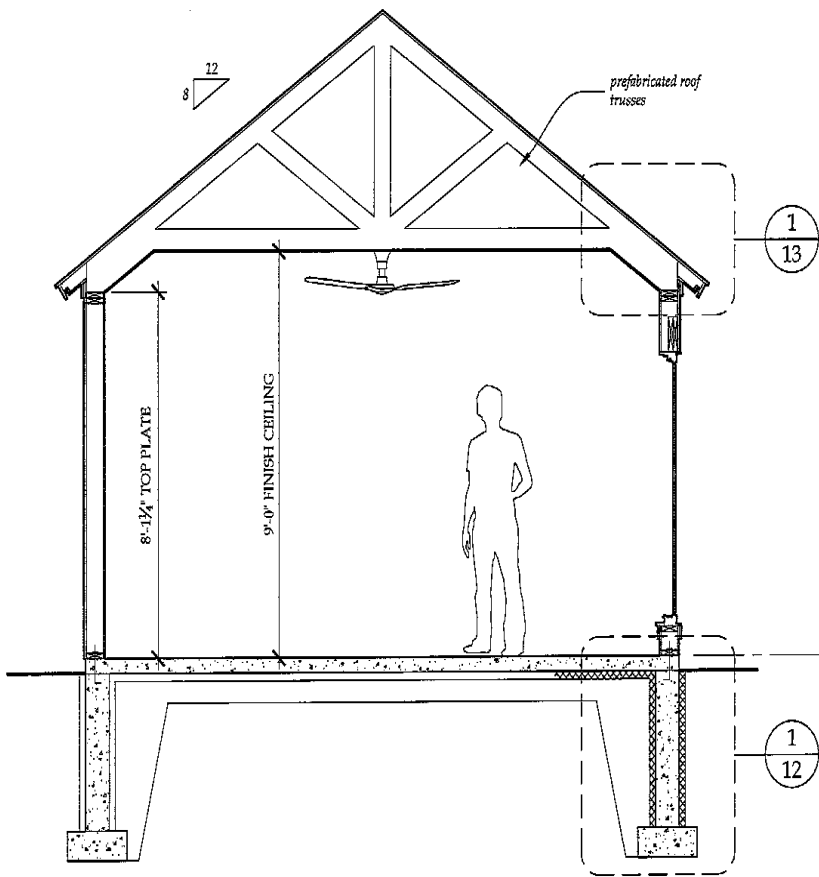
of 13





*Miller Retreat*  
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 Mequon, WI 53092

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| DRAWN BY    | J. HARTLINE |
| DATE        | 10-15-2025  |
| PROJECT NO. |             |
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|             | of 13       |

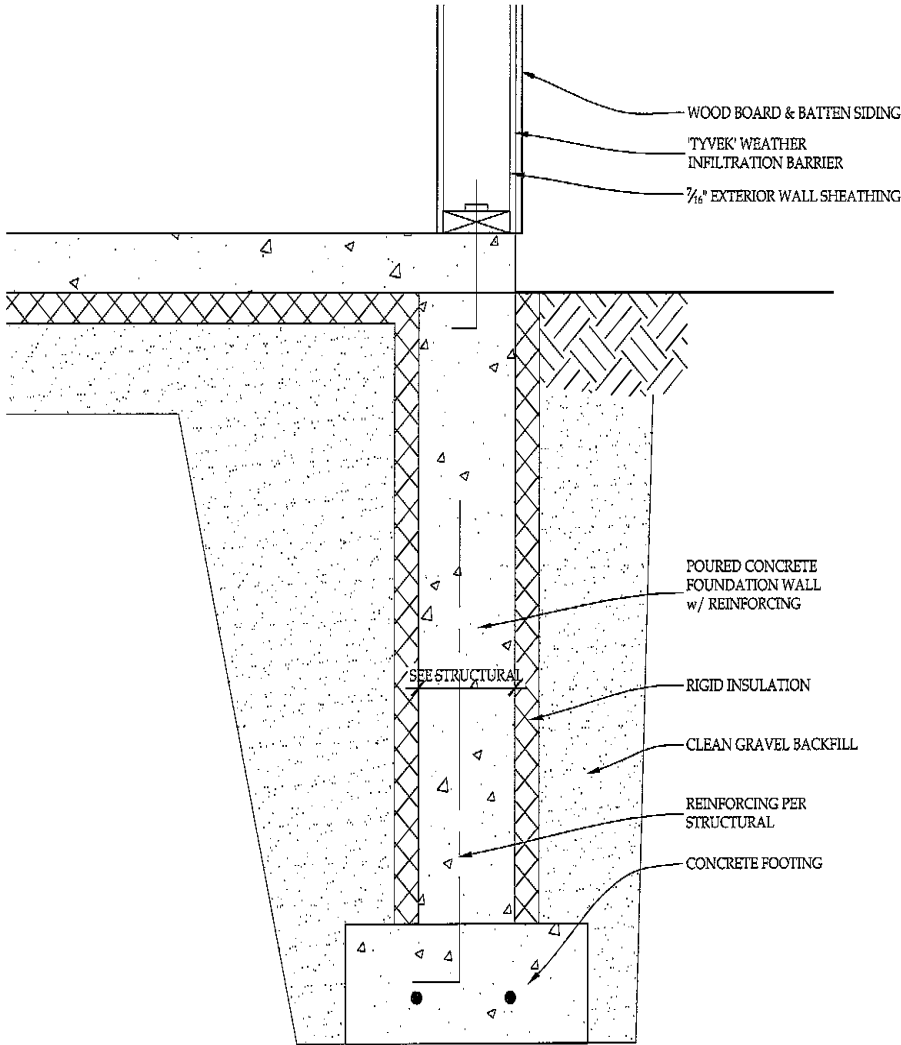


TYPICAL SECTION DETAIL



*Miller Retreat*  
570 E. Circle Road  
Mequon, WI 53092

|             |                    |
|-------------|--------------------|
| DRAWN BY    | J. HARTLINE        |
| DATE        | 10-15-2025         |
| PROJECT NO. |                    |
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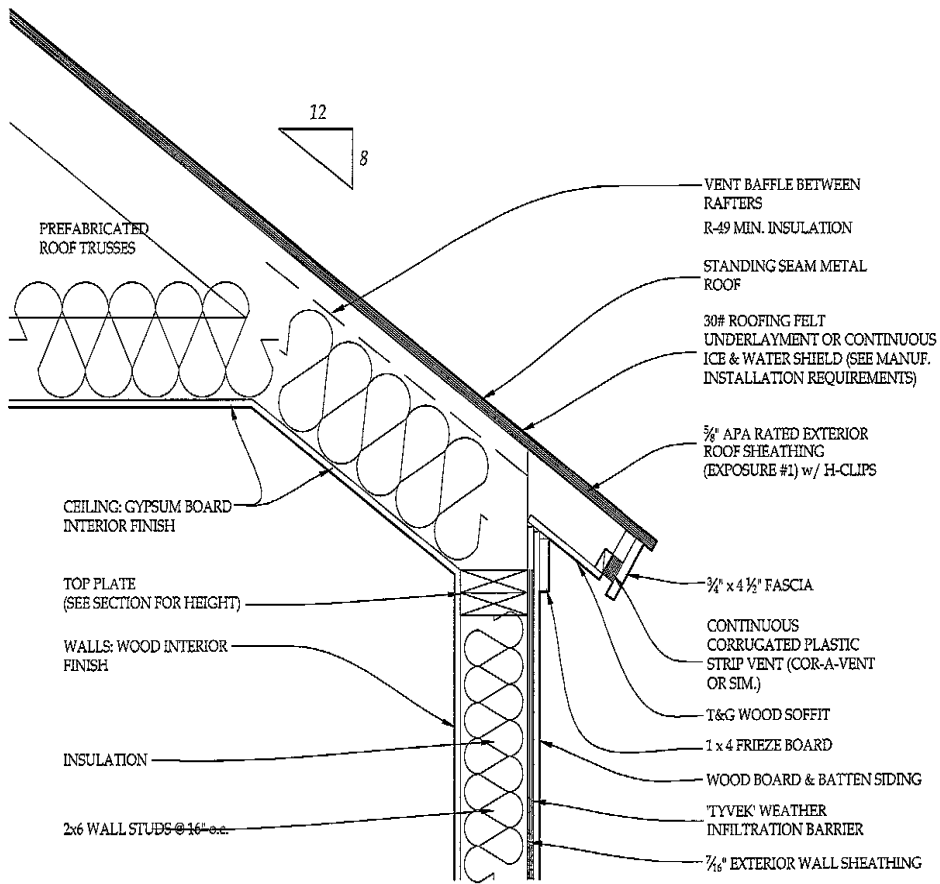
1 WALL DETAIL  
 12

1 1/2" = 1'-0"



Miller Retreat  
 570 E. Circle Road  
 Mequon, WI 53092

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|-------------|-------------|
| DRAWN BY    | J. HARTLINE |
| DATE        | 10-15-2025  |
| PROJECT NO. |             |
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|             | of 13       |



1  
13 EAVE DETAIL

1 1/2" = 1'-0"

*Miller Retreat*  
570 E. Circle Road  
Mequon, WI 53092

|             |             |
|-------------|-------------|
| DRAWN BY    | J. HARTLINE |
| DATE        | 10-15-2025  |
| PROJECT NO. |             |
| SHEET       | 13          |
|             | of 13       |



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**Community Development**

**TO: Board of Appeals**  
**FROM: Greg Golden, Inspections Supervisor**  
**DATE: February 5, 2026**  
**SUBJECT: 616 E. Circle Road Appeal**

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**Background:**

The appellant is appealing the denial from the Architectural Review Board for a detached accessory storage structure.

**Appeal:**

The appellant is requesting the Board of Appeals (BOA) overturn the denial from the Architectural Review Board (ARB) and approve the accessory structure to be constructed as designed. In a letter to the BOA, the appellant claims the ARB erred in their decision to deny the project through a misinterpretation of the ARB Guidelines citing that the guidelines do not stipulate the structure must exactly match that of the primary residence.

**Analysis:**

The Architectural Review Board at its November 10, 2025, meeting, tabled the appellant's proposal for a new accessory structure, citing inconsistent roofing and siding material as well as masonry treatments terminating at an outside corner. The ARB recommended correcting these inconsistencies and returning to the next scheduled meeting with re-drawn plans. The appellant returned to the December 8, 2025, meeting with the same plans as submitted for the November meeting. The ARB denied the application citing, again, its non-compliance with the ARB Guidelines (Exhibit A). Specifically, the Architectural Board Guidelines state the following:

*“Detached structures shall be designed to be consistent with the principal dwelling. Consistency of design includes the use of similar roofing materials and pitch, windows, exterior cladding, trim, and color(s). Enhancements such as masonry treatments must not terminate at an outside corner.”*

Based on the photo of the existing primary residence and the renderings of the proposed accessory structure submitted to ARB by the appellant; the proposed accessory structure does not meet these guidelines (see photo and renderings in Exhibit B):

- The existing primary residence has a combination of masonry and cedar shake shingle style siding and an asphalt 3-tab shingle roof.

- The proposed accessory structure has a combination of masonry and cedar board and batten siding and a standing seam metal roof.

Board members at the December meeting made two suggestions for changes that would allow them to approve the project:

1. Change the siding material on the two gables from cedar board and batten to cedar shake shingle style like the primary structure, and
2. Modify the masonry on the east and west elevations by extending the masonry veneer past the corners and then return it to the newly created inside corner on the north and south elevations.

The ARB was amenable to the standing seam metal roof. Regarding the masonry treatments, the appellant states in the appeal application to the BOA he would “make the change asked for by the [architectural review] board.” Complete audio recordings of the November and December ARB meetings can be found here:

- [11.10.mp3](#) (This agenda item runs from 1:23 to 15:30)
- [12.8.mp3](#) (This agenda item runs from 40:33 to 54:12)

At the December ARB meeting, the appellant referred to the “old 570 lot” and that it has different landscaping features than 616 E. Circle Rd. The appellant argued this should be considered in their decision-making process. The “old 570 lot” and 616 E. Circle Rd. used to be two separate parcels with separate addresses; however, the two parcels have since been combined to create one lot, 616 E. Circle Rd. The ARB confirmed with the appellant that this is now one lot, therefore, the argument is moot.

The burden of proof is on the appellant to present evidence that the ARB decision was made in error. The appellant claims an exact match is not required per the guidelines. The ARB did not deny based on the lack of an exact match to the primary structure but rather that there was not great enough consistency among the two structures on the single lot. The different siding styles and masonry treatments are not consistent with the ARB guidelines. ARB went further in making suggestions on how to achieve greater consistency without an exact match by recommending two changes outlined above.

**Staff Recommendation:**

The Architectural Review Board voted unanimously to deny the application based on inconsistency of siding materials and masonry terminating at an outside corner. The ARB made reasonable suggestions to approve the project within the guidelines. The appellant fails to identify the Architectural Review Board’s error in upholding the ARB Guidelines; therefore, staff recommend **denial** of the appeal.

Attachments:

Exhibit A, Exhibit B, GIS Photo of 616 E Circle



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**INSPECTION DIVISION**

Signature: \_\_\_\_\_ Application # \_\_\_\_\_

**CITY OF MEQUON, WISCONSIN  
ARCHITECTURAL BOARD GUIDELINES FOR RESIDENTIAL STRUCTURES**

The goal of the City of Mequon and its Architectural Board is the protection and enhancement of the beauty, appeal and value of the City’s housing. While aesthetics to some extent are a matter of personal preference, building exteriors are also part of the public realm and affect the overall ambience of the community. The Board has, out of its long experience in reviewing design proposals, identified a number of recurrent issues and themes for which it is felt that guidelines are appropriate. There are enduring principles and themes, which will help insure harmonious, balanced, compatible and neighborhood-enhancing residential development. In applying these guidelines, the Board exercises judgment and discretion in looking for excellence in design.

In an effort to assist the home designer/builder, the principles and standards by which the Architectural Board will review designs and plans are set forth below.

***Scope***

The Architectural Board shall be responsible for the review and final approval of the following:

- All new single and two-family residential structures.
- Additions to single and two-family structures.
- Exterior alterations to single and two-family structures.
- Detached structures more than 300 square feet

Alterations and additions that are deemed minor by the Director of Community Development, or their designee may be approved at a staff level.

***Zoning Requirements***

The Inspections Division will review plans for compliance with the dimensional and other technical requirements of the zoning and building codes. This includes critical dimensions of the proposed structure, i.e., building height, setbacks and offsets, lot coverage, and minimum square footage.

## ***General***

The several elevations of the residential structures shall be consistent with one another and compatible with existing homes in the neighborhood as well as the natural features of the lot and surroundings in order to avoid disharmony and the appearance of haphazard development. See City of Mequon Code of Ordinances Sec. 58-40(c)(1).

A proposed dwelling should not be so similar in design, materials, style or exterior appearance to existing neighboring homes where excessive monotony is created. See City of Mequon Code of Ordinances Sec. 58-40(c)(2).

The placement of a proposed residential structure on the lot should not impair the lot's natural beauty; it shall respect the physical attributes of the lot and of the neighborhood. One must attempt to eliminate or minimize loss of trees and vegetation, or alteration of natural topography. See City of Mequon Code of Ordinances Sec. 58-40(c)(4) and 58-641.

## ***Submission Requirements***

The following are required to be submitted to the City of Mequon Inspections Division prior to the design application being placed on the Architectural Board agenda:

1. Application form.
2. To scale and dimensioned drawings of the following:
  - a. For addition plans, the addition must be highlighted on the drawings to easily distinguish it from the existing structure.
  - b. All elevations must show accurate dimensions and a clear description of proposed materials.
  - c. Site plan, including driveway if applicable.
3. For additions, 3 sets of photographs of the existing structure which show the area of the home at which the addition is proposed.

## ***Roof Geometry***

Generally, all roof pitches on a principal dwelling should be the same.

All roof designs will be reviewed as they relate to the overall design of the home.

## ***Size, Proportions, and Scale***

Certain zoning code standards, relating to minimum square footage and maximum lot coverage, regulate the size of a proposed structure. However, it is conceivable that a proposed structure will conform to the technical dimensional provisions of the Zoning Code, and yet be objectionable from an aesthetic standpoint. The Architectural Board will evaluate the proposed residential structure's size, proportions, placement and orientation in relation to:

1. Neighboring structure's height, mass, scale and placement.
2. On-site structure's height, mass, scale and placement.
3. The lot, including its size, shape, sight lines, topography, specimen trees, grade and other natural features.
4. Equally important are the proportions and scale of the proposed structure.

### *Consistency of Elevations*

All sides of the structure should exhibit design continuity. Where brick, stone or stucco is used together with cedar on the front elevation, and the brick, stone or stucco is the predominant material, roughly the same proportion of veneer and cedar should be designed into the other elevations affecting an architecturally correct balance. Additions and alterations to existing structures may deviate from this requirement based on the ability to match existing materials.

A design which incorporates an accent material such as stone, brick or stucco on the front elevation only, may be permitted if it is used sparingly and only to establish a focal point of interest to the design of the structure.

Houses which feature shutters or divided light windows as design elements should have them on all four elevations. When a specific style or design of window or trim is presented on one elevation, it should be repeated on all elevations, including the garage. This requirement shall not apply to sliding patio doors and picture windows.

The fact that there are no adjacent neighbors or that the property is or will be bordered by trees or berm does not diminish the need for continuity on all elevations of the structure, but it may be a rationale to limit the proportion of materials on the aforementioned elevation.

Painted flues, vents, gutters, downspouts, flashing and the like are encouraged to match the color of the architectural component from which they project.

### *Building Façade*

It is important that exterior details such as shutters, corner boards, quoins, cupolas, wing walls, cornice returns, gable vents, fanlights, wide trim boards, lintels, sills, cornices, etc., be designed into the plans together with the other design features.

The design should incorporate the use of strong vertical and/or horizontal reveals, offsets, and three-dimensional detail between surface planes to create shadow lines and break up flat surface areas. If large blank surfaces are proposed, they should serve some compelling design purpose, and the design should incorporate mitigating features to enrich the appearance of the structure and provide a sense of scale at ground level that is inviting to the observer.

Enhancements such as masonry treatments must not terminate at an outside corner. Window and other trim treatments should be consistent to the greatest extent possible on all elevations. Consideration shall be given to the interior floor plan when complying with this requirement. Compatible framing, sills, lintels and keystones should be employed. Alterations to existing dwellings may be exempt from this requirement in order to match the existing design.

The size and location of windows and doors should be balanced and consistent on each elevation, and this should be borne in mind when placing windows in rooms. Consideration shall be given to the interior floor plan when complying with this requirement.

## *Materials*

All natural building materials are strongly encouraged. Synthetic siding/trim materials will be considered based upon quality and appearance.

Acceptable roofing materials include:

- Cedar shake
- Slate
- Fiberglass shingles
- Concrete shingles
- Tile
- Dimensional asphalt shingles
- Architectural metal roofs

Masonry chimneys will generally be required. Cedar chimneys may be considered integral to the design of the structure, and compatible with surrounding homes.

## *Detached Storage Structures*

### In General

1. Be subordinate in size, scale and bulk to the principal residence.
2. Complement the architectural character of the principal residence.
3. Be compatible with the neighborhood character.

### Orientation

Detached structures with an 8-foot-wide door or less may front the street. Large overhead doors shall face an interior driveway unless it is located completely to the rear of the dwelling.

Where the garage faces an internal driveway, the garage shall incorporate window(s) on the street front façade for walls greater than 10 feet in length unless it is screened from public view by natural vegetation. The window size and design must be compatible with the windows on habitable portions of the residence.

### Materials and Design

Detached structures shall be designed to be consistent with the principal dwelling. The consistency of design includes the use of similar roofing materials and pitch, windows, exterior cladding, trim, and color(s).

### Exceptions:

1. Materials including brick, stone, slate are not required on detached buildings and may be substituted with other approved materials.
2. Detached structures are not required to have a roof pitch greater than 8/12 regardless of the pitch on the primary dwelling.
3. Roof forms shall be similar to the form of the primary dwelling unless the detached structure is less than 150 square feet.
4. Roof eaves are not required to exceed 1 foot regardless of the eave width on the primary dwelling.

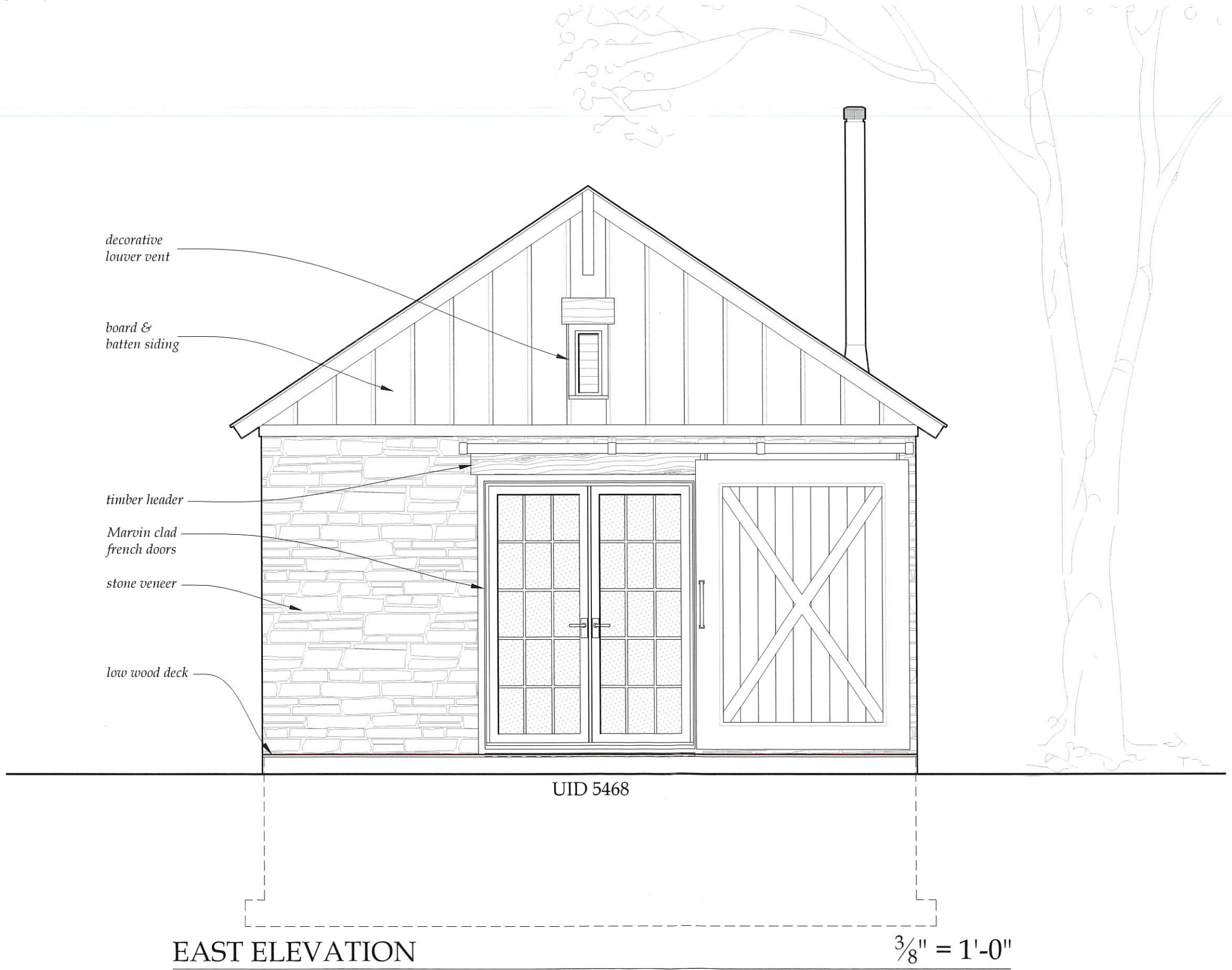
Exhibit B



# Exhibit B



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| SHEET       | <b>10</b>   |
|             | of 13       |

# Exhibit B



standing seam metal roof

cedar board & batten siding

timber header

stone veneer

UAWN6020

WEST ELEVATION

$\frac{3}{8}'' = 1'-0''$



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SHEET  
**8**  
 of 13

