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Office of the City Clerk

**BOARD OF APPEALS**  
**Thursday, April 3, 2025**  
**6:00 PM**  
**Christine Nuernberg Hall**

**Minutes**

**1) Call to Order**

**Present:**

Chair Kathleen Massey  
Vice Chair Thomas Flanagan  
Board Member Steve Helfer  
Board Member Ramona Larson  
Board Member Robert Stern – Arrived 6:01 PM  
Members Wawrzyn and Reigle attended in the audience.

**2) Approve meeting minutes of March 6, 2025**

Motion to approve Board of Appeals meeting minutes of March 6, 2025.

**RESULT:**                   **Approved by Voice Acclamation [Unanimous]**  
**MOVED BY:**            Board Member Stern  
**SECONDED BY:**        Board Member Larson

<b>AYES:</b>	Massey, Helfer, Larson, Stern
<b>ABSTAIN:</b>	Flanagan

**3) Discussion**

a) Procedures and Processes of the Board of Appeals

City Clerk Fochs was asked to swear in anyone from the gallery that would like to speak during the meeting (including members attending as the general public):

James Wawrzyn        708 W McIntosh Lane, Mequon WI

The Board met in March and began its discussion regarding the Rules and Regulations as well as the Application process. Since the March meeting, City Attorney Sajdak participated in a meeting with attorneys representing 24 other municipalities. They compared how the appeals process is handled and determined that most task Planning Staff with reviewing Appeals applications. Some felt the application should be reviewed exactly as submitted; leaving the responsibility to the applicant for providing complete information for an appeal.

Chair Massey asked to address two questions: 1) Should applicants be helped with the application and, if so, 2) Who should help the applicants. She believes applicants should be given help with their application because the interaction with the Board of Appeals is not meant to be adversarial. There are benefits to both sides in having the opportunity to review the application and provide more information/detail before appearing before the Board.

Member Helfer agreed with the Chair as this process can be intimidating to residents. This Board serves the citizens and should not be a burden or a hurdle to the citizens. Therefore, it is appropriate for the City staff to be helpful and courteous when reviewing the application.

Member Larson concurred that it can be intimidating. Most applicants want to supply sufficient information and a complete application to best present their case.

Member Flanagan believes the staff does a good job of vetting the application. There have been cases where not enough information has been given for the Board to review. It is better to have more information and provide a complete packet.

Discussion began regarding the second question of “Who should help the applicants?” – the Planning Department or the Clerks Department. Chair Massey stated that while the Clerk does a good job with the processing of the application, the Clerks Department does not have the expertise to understand zoning code, plumbing code, electrical code or other technical details.

City Clerk Fochs agrees that each department has its own areas of expertise. It is challenging for the Clerk and her staff to know and determine if everything is complete for the application process.

Member Helfer agrees that the Building, Planning and/or Engineering Departments should bear more of the burden in reviewing the applications related to coding or technical appeals.

Member Larson believes the Clerks Department should not be tasked with judging the merits of the application. Member Flanagan agrees but does not know who is the best person to review the application and determine if they have supplied hardship or a complete application.

Member Wawrzyn felt that it would be better to continue having the Clerks Department vet the application because it would be awkward to have the applicant go back to the very department that had denied their permit or plans to begin with. The updated application as presented by City Attorney Sajdak will provide a better roadmap of the application process and will encourage more detailed information on the application itself.

Currently, the Clerk reviews the application for completeness but raises questions regarding any technical or legal aspects to the appropriate department or the City Attorney.

Member Stern felt it would be beneficial for a potential Board member to have been through the permit process to understand how it works. It can be a challenge to understand the technical aspects of the permit process, and you cannot always rely on the knowledge of your contractor. The process can be confusing for a citizen; it can be hard to understand a denial based on very technical grounds. Contractors may not offer or provide any assistance in the process.

Then began discussion of changes to the proposed Board of Appeals Variance Application (packet pages 11-15). Chair Massey asked to review The Process: Step 1 Applying for a variance. Clarify what “materials” the Clerk can review or answer questions about versus Planning or Inspections or City Attorney. Clerk can review application for completeness and provide an overview of the process itself. Questions about materials of a technical nature should go to that department. It was suggested to add wording to encourage the applicant to consult their contractor, architect or other professional when completing the application form.

Proposed modifications to the Rules and Regulations for the City of Mequon Board of Appeals:

- Section 3: Meetings: Item 6: add wording “not have a conflict of interest or”.
- Section 5: Contested Hearings: Item 7: remove extra word “the” in first sentence, and change the word “in” to “at” his or her discretion in the third sentence.

Modification to the Application on packet page 14, Step 2 should be changed to “City Staff will review your application.”

Motion to approve the Rules and Application with amendments summarized above.

**RESULT:** Approved by Voice Acclamation [Unanimous]

**MOVED BY:** Board Member Stern

**SECONDED BY:** Board Member Larson

**AYES:** Massey, Flanagan, Helfer, Larson, Stern

Motion to direct the Chair to meet with Mayor Nerbun regarding these topics.

**RESULT:** Approved by Voice Acclamation [Unanimous]

**MOVED BY:** Board Member Stern

**SECONDED BY:** Board Member Larson

**AYES:** Massey, Flanagan, Helfer, Larson, Stern

The Board also recognized Members Flanagan and Stern for their years of service on the Board of Appeals. Chair Massey thanked them for all they have done. Member Flanagan has served for 7 years and has learned a great deal over that time. He pointed out that the board is voluntary and each member takes their part seriously. Member Stern had served for 10 years and was grateful for the experience.

#### 4) Adjourn

Motion to adjourn at 7:05 PM

**RESULT:** Approved by Voice Acclamation [Unanimous]

**MOVED BY:** Board Member Stern

**SECONDED BY:** Board Member Flanagan

**AYES:** Massey, Flanagan, Helfer, Larson, Stern

Respectfully Submitted,  
*Beth Kong, Deputy Clerk*