



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

www.cityofmequonwi.gov

Office of the City Clerk

**BOARD OF APPEALS
Regular Meeting
Thursday, August 6, 2026 - 6:00 PM
Christine Nuernberg Hall**

Agenda

- 1) Call to Order and Roll Call**
- 2) Approval of Meeting Minutes**
 - a) Meeting Minutes of March 5, 2026
- 3) Hear Evidence Concerning: Debate, Deliberate and Decide the Request of:**
 - a) **Veda Vani Vishnubhakta:** Opportunity will be given to all interested in being heard regarding a variance to Mequon Code Sec 58-249 for construction of a home at 2800 W. Riverland Road with a reduction in setback from the street of 30 feet
- 4) Discussion Item**
 - a) Review of Board Meetings and Duties
- 5) Adjourn**

DATED: JULY 30, 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 accommodation 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.



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BOARD OF APPEALS
Regular Meeting
Thursday, March 5, 2026 - 6:00 PM
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Minutes

1) Call to Order and Roll Call

The meeting was called to order by Chair Wawrzyn at 6:00 p.m.

Present:

Chair Wawrzyn, Board Member Helfer, Board Member Larson, Board Member Korger, Board Member Reigle

Also present: City Clerk Caroline Fochs, City Attorney Brian Sajdak, Assistant City Engineer Cole McCraw, Building Inspection Supervisor Greg Golden, Attorney Chris Jaekels, and interested public.

2) Approval of Meeting Minutes

a) Meeting minutes of February 5, 2026

Motion to amend the meeting minutes to allow conformity of referenced name usage: William Hanney versus Bruno Hanney.

MOTION:	Meeting Minutes of February 5, 2026 Approved as amended
MOVER:	Board Member Stephen Helfer
SECONDER:	Board Member Ramona Larson
AYES:	Chair James Wawrzyn, Board Member Stephen Helfer, Board Member Ramona Larson, Board Member Allison Korger, Board Member Scott Reigle
RESULT:	Approved by Voice Acclamation

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

Vice Chair Warzyn 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 in:

- Youssef Berrada 7421 W. Ridgeview Drive, Mequon
- Joe Goldberger 13460 N. Silver Fox Drive, Mequon
- Paul Apfelbach 3903 W. Mequon Road, Mequon
- Eric Miller 616 E. Circle Road, Mequon
- Brian Sajdak 11333 N. Cedarburg Road, Mequon
- Cole McCraw 11333 N. Cedarburg Road, Mequon
- Greg Golden 11333 N. Cedarburg Road, Mequon

- a) Joe A. Goldberger on behalf of Youssef Berrada request a variance to Mequon Code Sec 58-60308 to retain the existing berm at 7421 W. Ridgeview Drive.

Chair Wawrzyn began preliminary discussion with an explanation of the Board's rules and regulations in relation to receiving staff testimony prior to a hearing.

The applicant's attorney Mr. Goldberger acknowledged that all matters concerning his client and his property have been resolved except for the berm. The settlement arranged by the City and signed by the Mayor and City Attorney provided the option of being heard by the Board of Appeals or the Planning Commission on that matter.

City Attorney Sajdak clarified that the City has no objection to the Board's jurisdiction, and clarified that this particular request is a variance and not part of the settlement agreement.

The Board went into discussion on the jurisdictional power and authority of the Board, referring to municipal ordinances. The order of power was up for debate to determine whether the Board should be the initial act for the City on this hearing.

Mr. Sajdak referenced the statute on variances - 623.237(b) — stating the Board or body can make determinations. He explained the difference between a variance appeal. The settlement provides the applicant the choice to be heard by the Planning Commission or the Board of Appeals. The topic at hand is a request for a variance in relation to municipal code restrictions. The Planning Commission may grant a waiver to City requirements. However, if they choose to deny the request, the applicant may be seen by the Board of Appeals to review for errors by the Commission. Following the Board's decision, the applicant may then choose to escalate their hearing to the Ozaukee County Circuit Court.

Mr. Goldberger requested to withdraw from the hearing to go before the Planning Commission. The Board recognized their right to do so and discussion ended.

- b) Eric and Margaret Miller Architectural Review Board appeal regarding denial for construction of a detached accessory structure at 616 E. Circle Road

Supervisor Golden provided the Board with an overview of the proceedings on behalf of the City and the Architectural Review Board (ARB). The ARB unanimously voted to deny the applicant's request for accessory structure's building materials in relation to ARB guidelines in December 2025. There is an inconsistency in roofing and siding materials of board and batten

on the new build plans and masonry treatments terminating at an outside corner, whereas cedar shake shingle siding and asphalt roofing are used on the existing property structure.

Mr. Apfelbach representing the ARB, explained that the applicant did not come to the ARB meeting to gain approval, but denial, so that he may come before the Board of Appeals. Member Reigle inquired on what guidelines the applicant was provided with following the ARB's denial. Mr. Apfelbach explained that the ARB offered the applicant solutions to two of the three issues. He believes the ARB worked with the applicant to modify to the best of their ability considering guidelines' constraints.

Member Reigle confirmed that the cedar shake siding was the basis for denial. He believes the City guidelines are not specific enough to differentiate this situation involving structures on the same property.

Mr. Golden expressed that the ARB's purpose is to provide guidance and single lots with a secondary structure must retain a consistent architecture to the primary residence.

Mr. Miller commented on the discussion of neighboring properties and feels their addition will enhance the area. He believes the ARB does not appreciate the nature of the lot, its unique characteristics, or the vision he wishes to achieve. He cited the wording of "match" and "consistent" used at the ARB discussion are different by definition and allow reasonable disconnect. He concluded that the decision of the ARB may have followed guidelines, but their reasoning for denial was not accurately reflected in the decision-making process.

Member Reigle inquired whether the applicant believes the guidelines for a detached storage structure was followed in his proposed plans and if it is considered compatible with the neighborhood. Mr. Miller believes his structure will focus on bringing back a natural area to enhance the neighborhood.

Mr. Apfelbach explained the difference between batten board and cedar shake siding styles for the members, reiterating the ARB offered compromises to the applicant to adhere to guidelines.

MOTION:	Motion to close the public portion of the hearing
MOVER:	Board Member Stephen Helfer
SECONDER:	Board Member Scott Reigle
AYES:	Vice Chair James Wawrzyn, Board Member Stephen Helfer, Board Member Ramona Larson, Board Member Allison Korger, Board Member Scott Reigle
RESULT:	Approved by Voice Acclamation

With the public portion of the hearing closed, the Board began its discussion. Members Korger, Larson, and Reigle expressed the ARB's lack of guideline consistency, use of poor terminology, and absence of the decision in detail in writing lead to their error in denial. Member Helfer

cited the fact of the applicant being provided with several suggested updates to obtain approval and lack of hardship to adhere to the guidelines. Chair Wawrzyn stated that the ARB exercised their role in judgment, and unfortunately, the audio proved use of inconsistent wording in reference to guidelines opening up this case to possible error.

MOTION:	Motion to grant the variance
MOVER:	Board Member Scott Reigle
SECONDER:	Board Member Allison Korger
AYES:	Board Member Ramona Larson, Board Member Allison Korger, Board Member Scott Reigle
NAYS:	Vice Chair James Wawrzyn, Board Member Stephen Helfer
RESULT:	Approved by Roll Call Vote

4) Adjourn

MOTION:	Motion to adjourn at 7:58 p.m.
MOVER:	Board Member Scott Reigle
SECONDER:	Board Member Ramona Larson
AYES:	Vice Chair James Wawrzyn, Board Member Stephen Helfer, Board Member Ramona Larson, Board Member Allison Korger, Board Member Scott Reigle
RESULT:	Approved by Voice Acclamation

Respectfully Submitted,
Janet Meyer, Deputy Clerk



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

www.cityofmequonwi.gov

Community Development

TO: Board of Appeals
FROM: Jac Zader, Assistant Director Community Development
DATE: August 6, 2026
SUBJECT: Vada Vani Vishnubhakta requesting a setback reduction

Background:

The applicant is requesting a variance to Section 58-249 which requires a minimum 50 foot front setback. The proposed plan shows a 20 foot setback from the front property line in order to construct a dwelling outside the regulatory floodway.

Parcel History:

The parcel located at 2800 W Riverland Road is 2.93 acres in size and is currently zoned R-4 Residential (3/4 acre), FW (Floodway), C-1 (Wetlands) and FFO (Flood Fringe Overlay). The area zoned R-4 has the FFO overlay and is currently within the limits of the FEMA 100 year floodplain (Zone AE). The parcel is part of the Riverland Subdivision which was platted in 1927. It is the only parcel in the subdivision that was never developed. There are several parcels in the immediate area that were constructed prior to current floodplain regulations that are located in the floodplain.

Analysis:

The parcel is severely encumbered by wetlands and floodplain. The majority of the parcel is within the regulatory floodway which does not permit the construction of a new home. The remainder of the parcel is in the flood fringe overlay (100 year floodplain Zone AE) which allows the construction of a new home under certain conditions including the requirement that the first floor elevation is two feet above the base flood elevation (BFE) and the surrounding grade shall be one foot above the BFE for a 15 foot diameter around the home. Based on the survey provided (see attached Exhibit A) in order to comply with the 50 foot front yard setback and to raise the grade around the house to comply with FEMA requirements, the buildable depth of the lot would be approximately 71 feet at the widest point and zero at the narrowest point with an average depth of approximately 35 feet. Staff is supportive of the variance and believes that a unique hardship exists based on the amount of wetlands and floodplain that are present on the parcel. While there are numerous parcels in the city that include wetlands and floodplain, the subject site is unique in that there is a small area on the site that is buildable but it is located primarily in and adjacent to the front yard setback. Without the variance to the front yard setback, the lot would likely be unbuildable.

Staff Recommendation:

Based on the evidence submitted by the applicant and the city, it is the recommendation of staff to **approve** the variance subject to the following conditions:

1. Compliance with the Mequon Code of Ordinances including Article XI of Chapter 58 as it relates to construction in the flood fringe.
2. The applicant shall submit and receive approval for a CLOMR-F prior to the commencement of the deposition of fill on the parcel.
3. The applicant shall submit and receive approval for a LOMR-F prior to applying for an occupancy permit.

Attachments:

Exhibit A, Application Packet_8.6.2026

Legal description:

The East Forty (40) feet of Lot Twenty-eight (28) in Block Four (4), except the South Seven and Fifty Hundredths (7.50) feet thereof; part of Block Seven (7) and part of vacated dock Lots; also Lot Twenty-seven (27) in Block Four (4), except the South Seven and Fifty Hundredths (7.50) feet of that part of Lot Twenty-seven (27), which lies West of the Easterly line of a road as widened to 50 feet; part of vacated roadway adjoining Lot Twenty-six (26) and in the North part of Block Seven (7) and part of vacated dock lots, in RIVERLAND, being a Subdivision of a part of the Northeast One-quarter (1/4) of Section Twenty-four (24), in Township Nine (9) North, Range Twenty-one (21) East, and the Northwest One-quarter (1/4) of Section Nineteen (19), in Township Nine (9) North, Range Twenty-two (22) East, in the Town of Mequon, more particularly described as follows: Commencing at a point which is 40 feet West of the East line and 7.50 North of the South line said Lot 28, in said Block 4; thence North on and along a line which is 40 feet West of and parallel to the East line of said Lot 28, in said Block 4, and its extension Northward, 485 feet more or less to the Southerly bank of the Milwaukee River; thence Easterly, Southeasterly and southwesterly, along the Southerly and Westerly bank of the said Milwaukee River, 497 feet more or less to a point; thence south 38° 18' 42" West on a line 334 feet more or less to a point in the Easterly line of a road as widened to 50 feet; thence North 60 06' West along the Easterly line of a road as widened to 50 feet, 25 feet to a point in the North line of a road as widened to 50 feet; thence West along the North line of a road as widened to 50 feet and parallel to the South line of said lots 27 and 28 in said Block 4. 100.70 feet to the place of beginning.

Parcel consists of 125,260.30 square feet or 2.88 acres of land, more or less.

I, Kevin A. Spottke, Professional Land Surveyor, certify that I have surveyed the above described property, to the best of my knowledge and ability, and that the map shown hereon is a true representation thereof and shows the size and location of the property, it's exterior boundaries, the location of all visible structures thereon, boundary fences, apparent easements, roadways and encroachments, if any.

Kevin A. Spottke, P.L.S. 25600 Date: 9/23/2024

GENERAL NOTES:

- The underground utility information shown on this drawing is based on field locations and/or records furnished by municipalities and utility companies, the location and accuracy of which cannot be guaranteed. There may be additional underground utility installations within the project area that are not shown.
- Bearings are referenced to the Wisconsin State Plane Coordinate System, South Zone, NAD 1983
- Vertical datum for the project survey is USGS NAVD88, using a benchmark of the southerly manhole with an elevation of 659.80'.

FLOODPLAIN NOTES:

- Parcel falls completely within Zone AE per FEMA FIRM Panel 55089C0252G, effective date of 7/31/2024, floodplain elevation is 663.9'.
- Wetlands delineated per Hey and Associates, Inc. report dated October 31st, 2023.

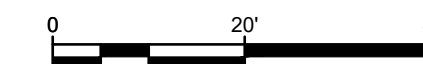
SIGMA GROUP
Single Source. Sound Solutions.
www.thesigmagroup.com
1300 West Canal Street
Milwaukee, WI 53233
Phone: 414-643-4200
Fax: 414-643-4210

LEGEND	
SECTION 1/4 SECTION LINE	PROPERTY LINE
EASEMENT	CHAIN LINK FENCE
GUARD RAIL	METAL FENCE
WOOD FENCE	TREE LINE
OVERHEAD UTILITY LINE	ELECTRIC
TELEPHONE	FIBER OPTIC
CABLE TV	SANITARY SEWER
FORCE MAIN	MILWAUKEE INTERCEPTOR SEWER
COMBINED SANITARY & STORM SEWER	STORM SEWER
WATER MAIN	GAS
WETLAND	EXISTING MAJOR CONTOUR
UNKNOWN MANHOLE	IRON PIPE FOUNDSET
SANITARY MANHOLE	REBAR FOUNDSET
STORM MANHOLE	CHISELED CROSS FOUNDSET
ELECTRIC MANHOLE	PK NAIL FOUNDSET
MANS MANHOLE	SPIRITUAL
TELEPHONE MANHOLE	MONUMENT
CATCH BASIN	BENCHMARK
CATCH BASIN (ROUND)	SON
ROOF DRAIN	DECIDUOUS TREE (Diameter)
HYDRANT	CONIFEROUS TREE (Diameter)
WATER VALVE	BUSH
GAS VALVE	POST
UTILITY POLE	SOIL BORING
GUY WIRE	MONITORING WELL
POLE	CULVERT END
GAS METER	LIGHT POLE
ELECTRIC METER	PARKING METER
UTILITY PEDESTAL	FLAG POLE
HANDHOLE	TRAFFIC SIGNAL

VISHNUBHAKTA PROPERTY

2800 RIVERLAND ROAD
MEQUON, WISCONSIN

TOPOGRAPHIC SURVEY



NO. REVISION	DATE	BY
DRAWN BY:	NGC	
DATE:	9/23/2024	
PROJECT NO:	23150	
CHECKED BY:	JGS	
SHEET NO.:		

1 OF 1



BOARD OF APPEALS VARIANCE APPLICATION
CITY OF MEQUON, WISCONSIN

Owner: Veda Vani Vishnubhakta

Mailing Address: 2216 W Club View Drive

City/ZIP: Glendale, WI 53209

Phone Number: 414-491-2216

Email: vishnubhakta2004@Yahoo.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: _____

Address: _____

City/ZIP: _____

Phone Number: _____

Email: _____

TO THE BOARD OF APPEALS:

The above hereby requests a variance to City of Mequon Code Sec. #: 58-249 (R-2 local street setback)

regarding: 2800 W. Riverland Rd., Mequon, WI

(street address or legal description of the property where the variance is requested)

in order to: Construct a new home on a vacant lot

☒ 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: Caroline Fochs

Received Date: 5.13.26

Parcel #: 14-082-04-27-000

Hearing Date: 8.6.26

Zoning District: C1; FW; FFO; R-4

Receipt #: 004758-0063

Alderman & District #: 1-Strzelczek

Published: _____

cc: 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.

1. Describe the unnecessary hardship created by the ordinance.

Strict enforcement of the required street setback creates an unnecessary hardship by effectively preventing any reasonable residential construction on the property, which is otherwise zoned for a permitted single-family use.

The lot is significantly constrained by the presence of floodplain areas, which limit the buildable envelope. When combined with the required front setback, there is insufficient remaining area to locate a compliant structure of reasonable size and configuration.

As a result, strict application of the ordinance would render the property practically unbuildable for its intended and permitted residential purpose, rather than merely imposing inconvenience or increased cost.

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 hardship is caused by unique physical characteristics of the property that are not commonly shared by other parcels in the area.

Specifically:

- A substantial portion of the lot is impacted by floodplain restrictions.
- The remaining upland/buildable area is limited in depth relative to the required street setback.
- The configuration of the lot creates a constrained building envelope that differs from typical lots in the zoning district.

These combined conditions significantly restrict placement options in a way that is not generally applicable to surrounding properties.

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

The hardship is not created by the applicant.

It arises from:

- Ordinance 58-249 (R-2 local street setback) requires a 50 foot setback from local streets, we are requesting a 30 foot reduction to a 20 foot setback.
- The interaction between the zoning setback requirements and the property's physical constraints (floodplain and limited buildable area).

- Updated FEMA floodplain mapping, which redefined the usable portion of the lot.

These are external regulatory and physical conditions beyond the control of the property owner. The owners have held the property for decades, and the hardship emerged due to changes in floodplain designation rather than any action taken by them.

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

The purpose of setback regulations is to ensure orderly development, adequate spacing between structures, and consistency within the streetscape.

The requested variance maintains these objectives to the extent practicable while allowing reasonable use of the property. The proposed home is modest in size and designed to fit within the constrained site without creating safety concerns or overcrowding.

Granting the variance would:

- Enable a permitted residential use consistent with zoning.
- Respect the intent of the ordinance while accommodating unique site limitations.
- Avoid leaving a legally buildable lot functionally unusable, which would not serve the broader public interest.

5. Describe why the requested variance will not create substantial detriment to adjacent properties.

The proposed construction will not create substantial detriment to neighboring properties because:

- The home is modest in scale and consistent with typical residential development in the area.
- The variance affects only the front setback and does not increase density or intensity of use.
- Sightlines, drainage, and access will be maintained in a safe and functional manner.
- There will be no adverse impact on neighboring property values or usability.

The variance simply allows reasonable placement of a structure without imposing negative external effects.

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

The proposed home is consistent with the residential character of the surrounding neighborhood in terms of use, and scale..

Although the structure will be located closer to the road than typically permitted, the lot is heavily wooded, and there is very minimal traffic on the road. The modest size and residential nature of the project ensure it blends with the existing development pattern.

The variance does not introduce a new or incompatible use, but rather enables continuation of the established residential character of the area.

THIS DRAWING IS THE PROPERTY OF THE ARCHITECT. IT IS TO BE USED ONLY FOR THE PROJECT AND SITE SPECIFICALLY IDENTIFIED HEREON. IT IS NOT TO BE REPRODUCED, COPIED, OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, WITHOUT THE WRITTEN PERMISSION OF THE ARCHITECT.

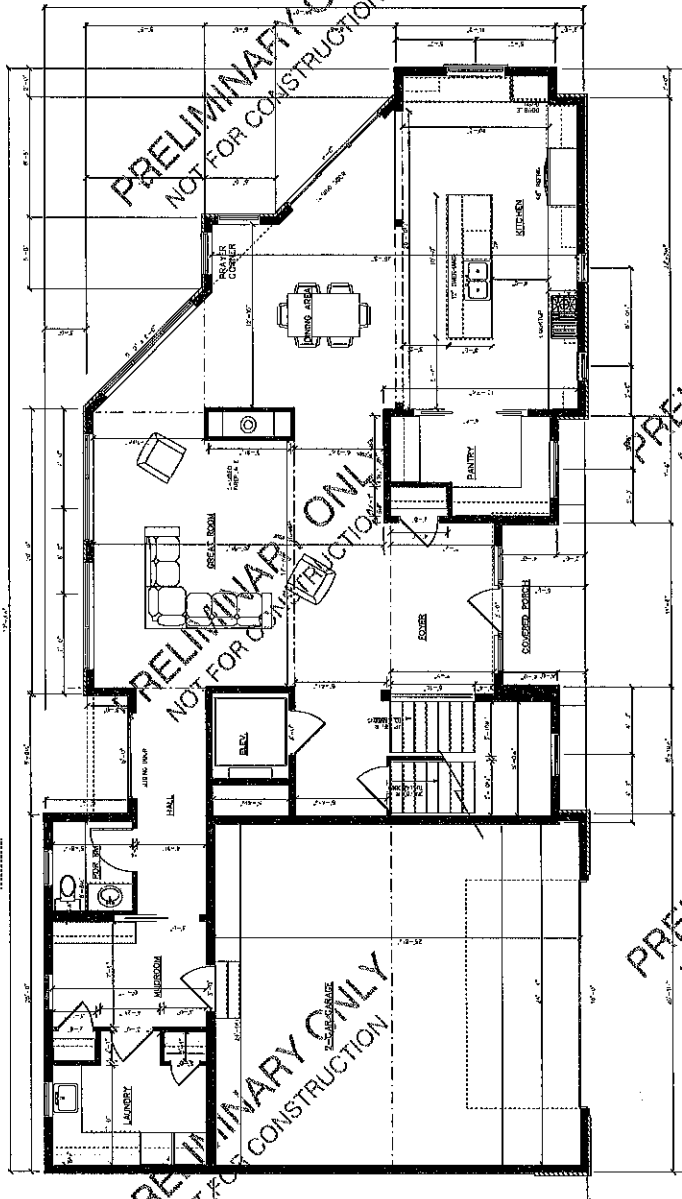
SQUARE FOOT	1,736 SQ. FT.
FIRST FLOOR	2,260 SQ. FT.
SECOND FLOOR	2,996 SQ. FT.
TOTAL	

DATE	PLAN DEVELOPMENT	DATE	PLAN DEVELOPMENT
01/18/20	PRELIMINARY PLANS	01/18/20	PRELIMINARY PLANS

BID DATE	FINAL DATE

VISHNUHAKTA RESIDENCE
MEQUON, WI

SHEET
1/2



PLAN FIRST FLOOR
SCALE 1/8" = 1'-0"

THIS DRAWING WAS PREPARED BY THE ARCHITECT FOR THE CLIENT'S USE ONLY. IT IS NOT TO BE USED FOR ANY OTHER PURPOSES WITHOUT THE WRITTEN PERMISSION OF THE ARCHITECT. ANY REVISIONS TO THIS DRAWING MUST BE MADE BY THE ARCHITECT.

PRELIMINARY
NOT FOR CONSTRUCTION

DATE	PLAN DEVELOPER	DATE	PLAN DEVELOPER
01/18/18	PRELIMINARY PLAN		

BID DATE	FINAL DATE	VISION/ARCHITECT RESIDENCE MILWAUKEE, WI	SHEET 2/2
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PRELIMINARY ONLY
NOT FOR CONSTRUCTION

PRELIMINARY ONLY
NOT FOR CONSTRUCTION

PRELIMINARY ONLY
NOT FOR CONSTRUCTION

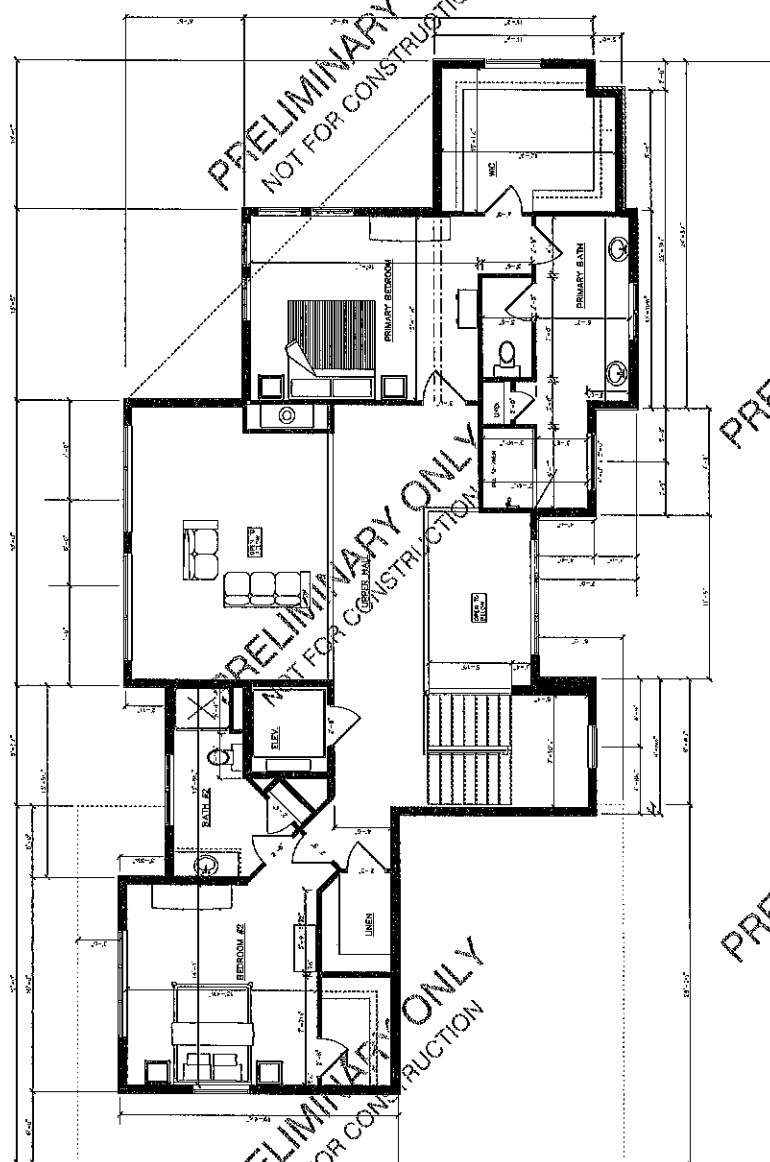
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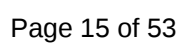
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PLAN SECOND FLOOR
SCALE: 1/4" = 1'-0"

ONLY
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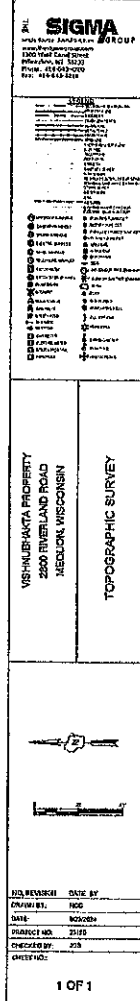
E. Kevin A. Clarke, *Professor and Lead Surveyor*, certifies that I have surveyed the above described property, to the best of my knowledge and ability, and that the map shown herein is a true representation thereof and shows the true and best use of the property. By signing this boundary, the Township shall signify that the Town Boundary Survey, as shown on this map, is correct and accurate. *Surveyor*

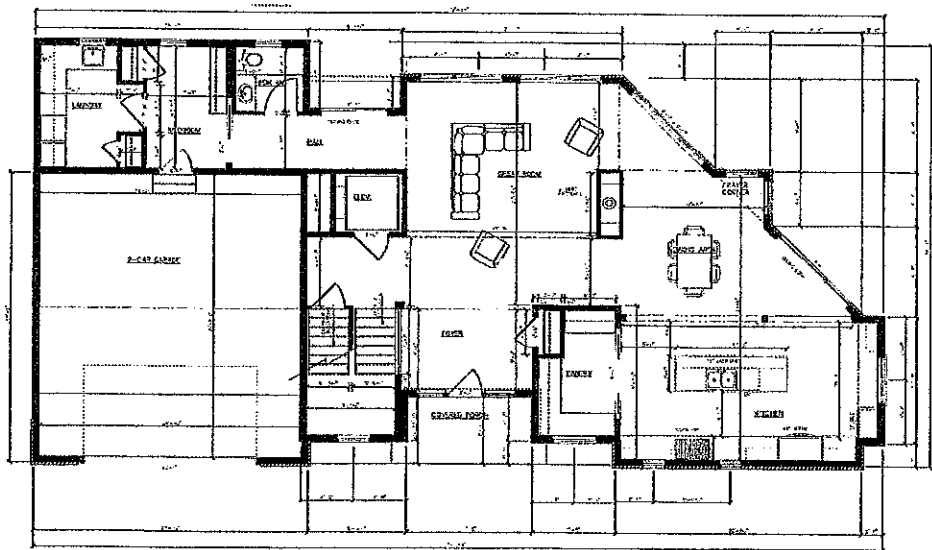
Form No. 100-1 (Rev. 10-1-73)

2. The amplitude of oscillation is determined by the amplitude of the external force and the frequency of the external force. The amplitude of the external force is determined by the amplitude of the external force and the frequency of the external force. The amplitude of the external force is determined by the amplitude of the external force and the frequency of the external force.

7. Vertical distance to ground surface in USGS MANDRAM, using a bench mark of the stationer's mark.

1. Parvathy S, Suresh Kumar S, Zeng A, et al. *Proc IEEE Int Symp Biomed Inform Biomed Inform*. 2014;2014:1-4.





PLAN FIRST FLOOR
SCALE: 1/8" = 1'-0"

SQUARE FOOT	
FIRST FLOOR	1,736 SQ. FT.
SECOND FLOOR	1,260 SQ. FT.
TOTAL	2,996 SQ. FT.

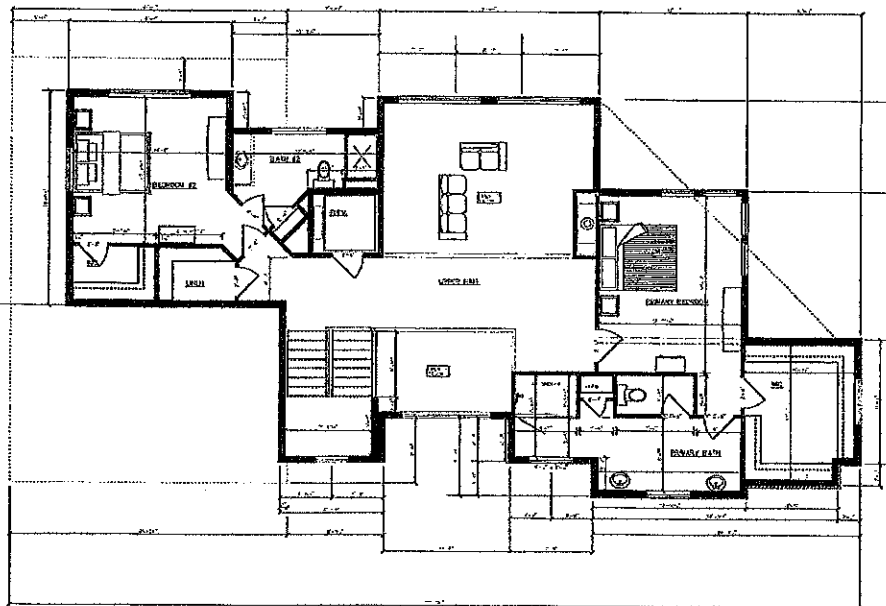
THIS PLAN IS A PRELIMINARY DESIGN AND IS NOT TO BE USED FOR CONSTRUCTION. IT IS THE RESPONSIBILITY OF THE ARCHITECT TO PROVIDE THE FINAL DESIGN AND CONSTRUCTION DOCUMENTS. ANY CHANGES TO THIS PLAN MUST BE APPROVED BY THE ARCHITECT.

DATE	1/15/2020
DESIGNER	JOHN DOE
CHECKED	JANE DOE
APPROVED	JOHN DOE

REVISIONS

NO.	DATE	DESCRIPTION
1	1/15/2020	ISSUED FOR PERMIT

REVISION 1/2



PLAN SECOND FLOOR
SCALE: 1/4" = 1'-0"

THIS DRAWING IS A PART OF A SET OF DRAWINGS FOR THE PROJECT OF THE UNIVERSITY OF MICHIGAN LIBRARY BUILDING, 100 EAST HURON STREET, ANN ARBOR, MICHIGAN 48106-1000. THE PROJECT WAS COMPLETED IN 1997.

DATE	10/1/97
BY	J. J. J.
CHECKED	J. J. J.
APPROVED	J. J. J.
DATE	10/1/97
BY	J. J. J.
CHECKED	J. J. J.
APPROVED	J. J. J.

BID DATE	
FINAL DATE	
PROJECT MANAGER	J. J. J.
SHEET	2/2



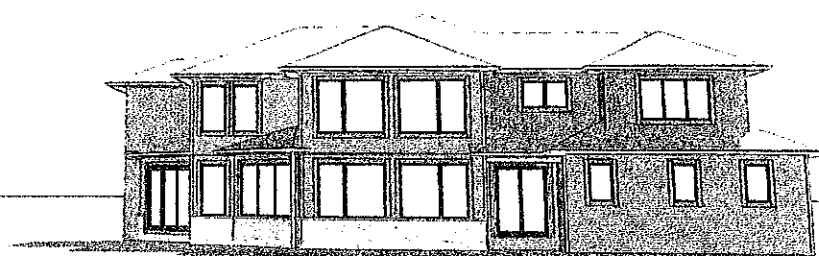


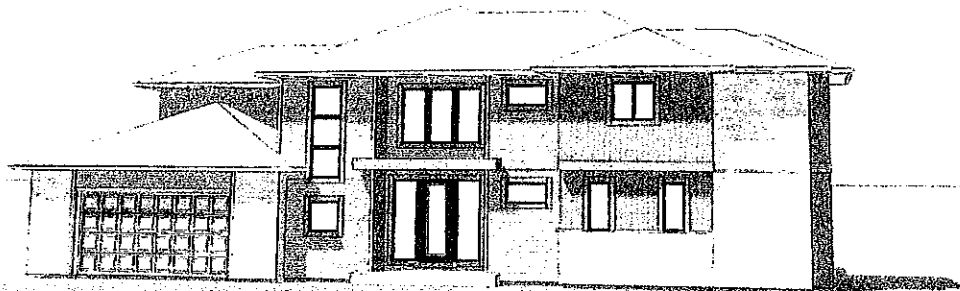


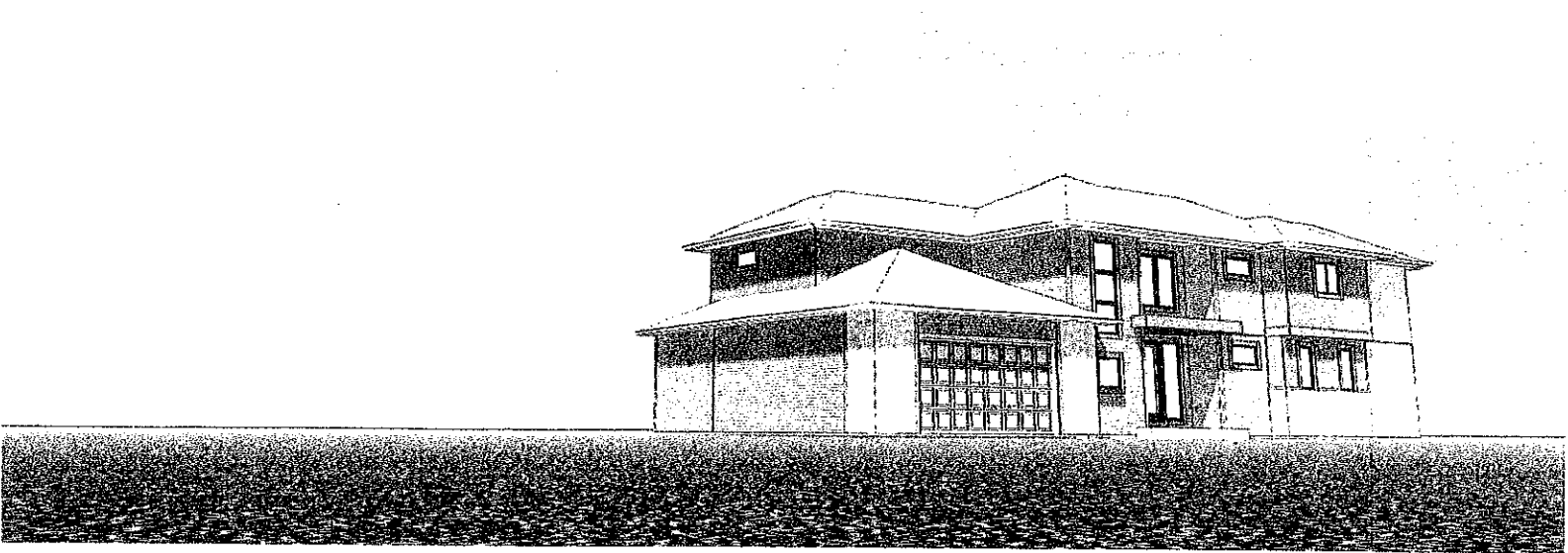








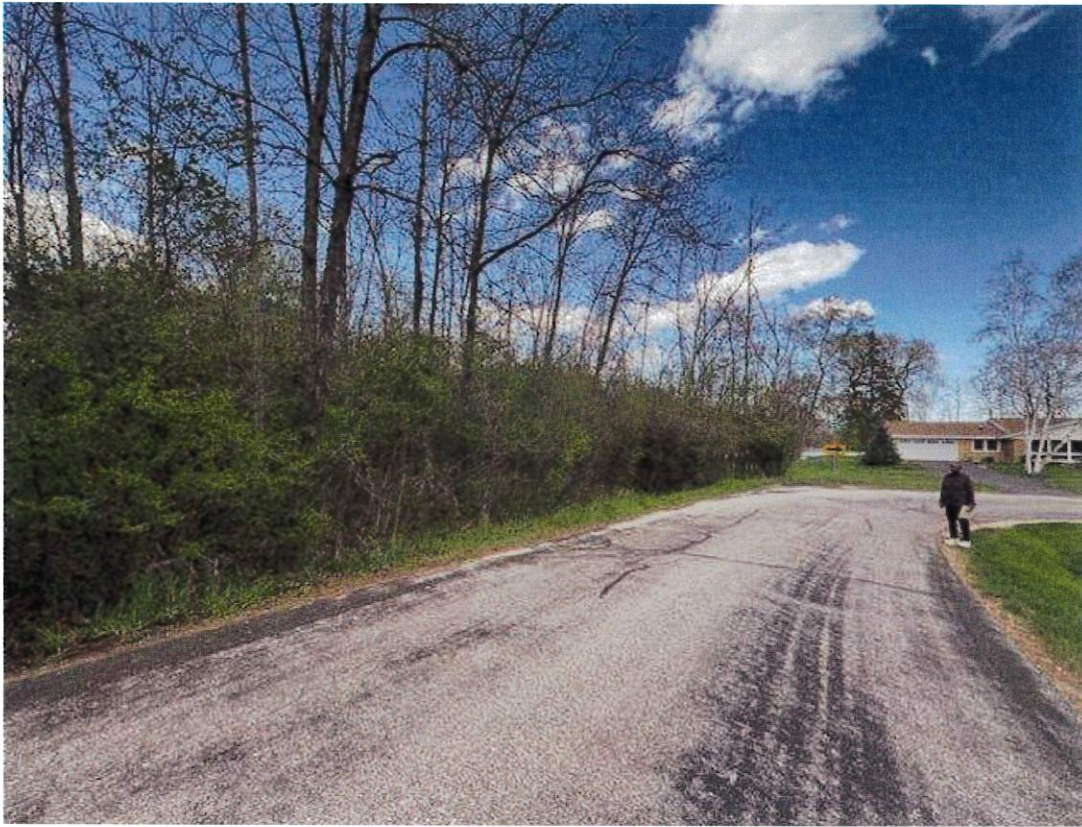
















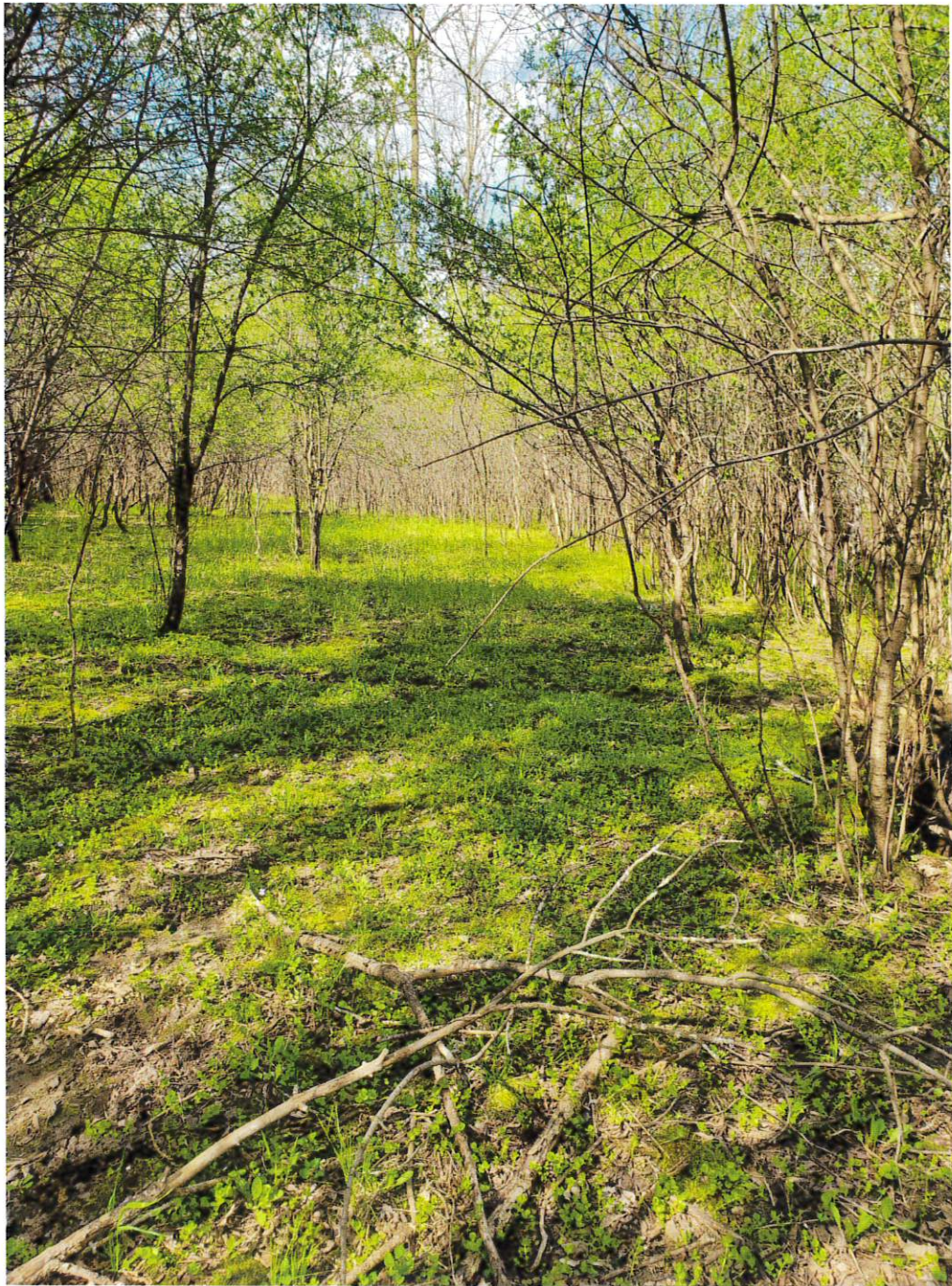




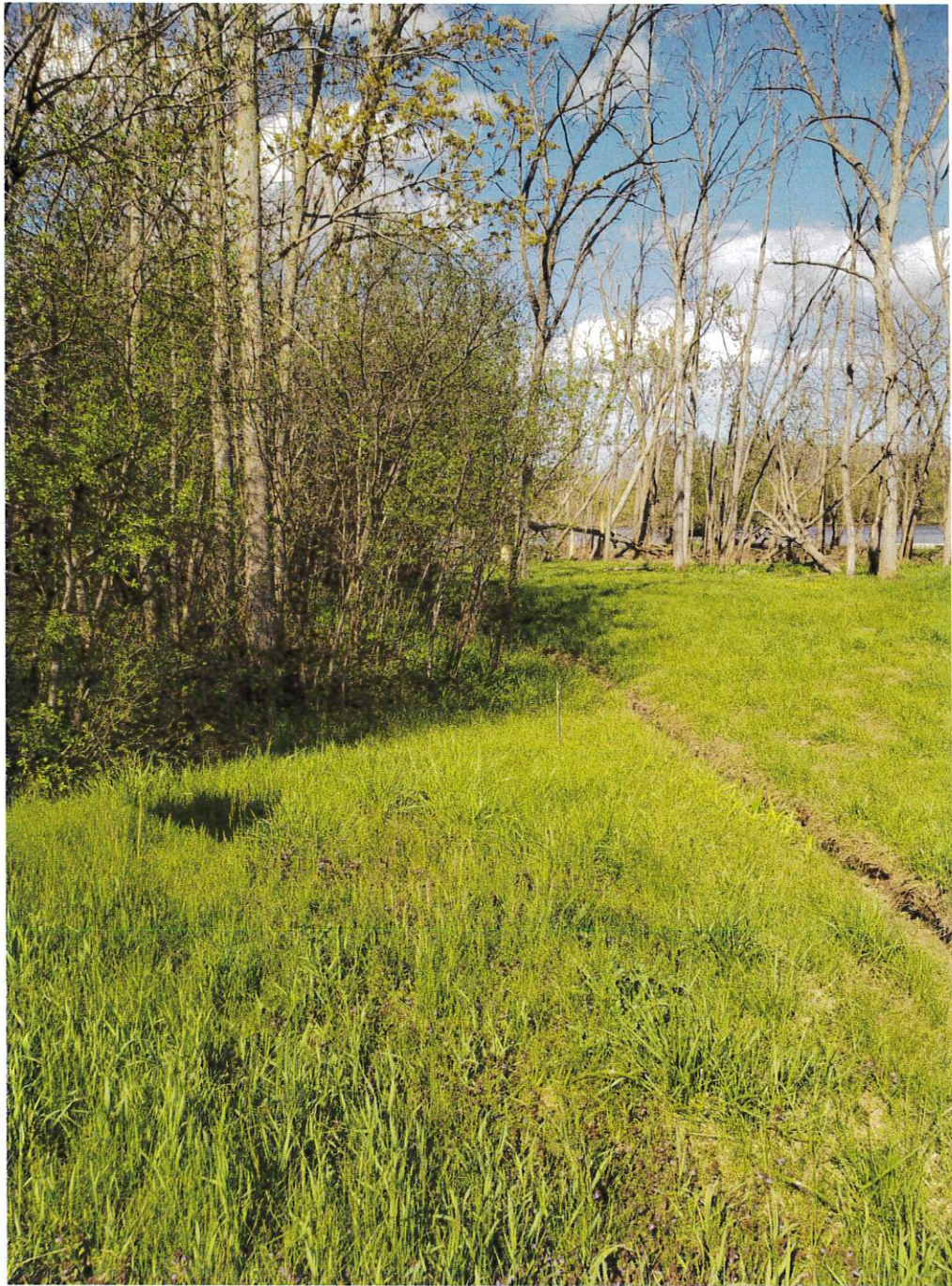




















1. Cost estimate from builder

(I) Architect

(II) Building - construction

(III) Drains

(IV) Water supply.

he will be responsible for the building to
handover to us in "live-in" condition.
contract to be signed

Meet again after the city's decision

(I) to sell the lot

(II) to build and then sell

(III) to build and move there and
sell the geedade house.

Vani to lead.

Had this meeting today 4/26/2026.



11333 N. Cedarburg Road
Mequon, WI 53092-1930
Phone: 262/236-2914
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www.cityofmequonwi.gov

City Clerk

TO: Board of Appeals
FROM: Caroline Fochs, City Clerk
DATE: August 6, 2026
SUBJECT: Review of Board Meetings and Duties

Background

The City is undertaking a review of the Municipal Code as it relates to boards, committees and commissions. The Public Welfare Committee is spearheading this effort and wants to ensure all bodies continue to operate effectively, have clearly defined roles and responsibilities, and align with the needs and operations of the City. This review was last done in 2021.

Analysis

The Board is asked to discuss and bring any changes forward that they see as improvements to the current way of doing business. The topics to consider are:

1. **Meeting frequency and scheduling.** Is the current meeting schedule appropriate for the Board's responsibilities? Are there opportunities to improve efficiency or member participation?
2. **Quorum and attendance requirements.** Are current quorum requirements appropriate? Are attendance expectations clear and workable?
3. **Powers and duties.** Are the current responsibilities clearly defined and reflect current practice? Are there any duties that should be added, removed, or clarified?
4. **Opportunities to merge or consolidate with another standing committee.** Are there opportunities to improve efficiency by combining responsibilities with another board, committee, or commission?
5. **Additional considerations.** Are there any other operational, procedural, or compliance-related issues that the Public Welfare Committee should consider?

Attached are the two sections from the Municipal Code that relate to the Board of Appeals.

Attachments:

Sec. 58_41. ___ Board_of_appeals. (1), DIVISION_3. ___ BOARD_OF_APPEALS

Sec. 58-41. Board of appeals.

(a) *Powers and duties.*

- (1) The board of appeals (referred to in this section as the board and created pursuant to chapter 2, article IX) shall have the following powers as provided in Wis. Stats. § 62.23(7)(e):
 - a. To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by an administrative official or body in the administration or enforcement of this chapter. Except in the case of a hearing *de novo* in a contested case, if a party in a hearing before the board shall offer or request leave to offer evidence or information which was not or could not reasonably have been presented to the administrative official from whose order, requirement, decision or determination the appeal is taken, the board shall remand the matter to the administrative official to consider such new facts or material and make a redetermination in the matter.
 - b. To authorize upon appeal in specific cases such variances from the terms of this chapter as will not be contrary to the public interest, where owing to special conditions a literal enforcement of the provisions of this chapter will result in practical difficulty or unnecessary hardship, so that the spirit of this chapter shall be observed, public safety and welfare secured and substantial justice done.
 - c. In exercising the above-mentioned powers, such board may, in conformity with the provisions of this chapter, reverse or affirm, wholly or partly, or may modify the order, requirements, decision or determination appealed from, and may make such order, requirement, decision or determination as ought to be made, and to that end shall have all the powers of the officer from whom the appeal is taken, and may issue or direct the issuance of a permit provided that no such action shall have the effect of permitting in any district a use prohibited in that district, of rezoning, or of permitting, without the approval of the planning commission, any building within the base setback area as established by section 58-406.

(2) The board shall have the following additional duties:

- a. The board shall adopt rules governing its procedure consistent with the terms of the Wisconsin Statutes and this chapter.
 - b. In making its determination the board shall consider whether the proposed variance or use would be hazardous, harmful, noxious, offensive or a nuisance to the surrounding neighborhood by reason of physical, social or economic effects; and may impose such requirements and conditions with respect to locations, construction, maintenance and operation, in addition to any which may be stipulated in this chapter, as the board may deem necessary for the protection of adjacent properties and the public interest and welfare.
 - c. In order to reach a fair and objective decision the board may, in its discretion, utilize and give recognition to appropriate performance standards which are available in model codes or ordinances or which have been developed by planning, manufacturing, health, architectural and engineering research organizations.
- (b) *Required vote.* If a quorum is present, the board may take action under this section by a majority vote of the members present, to reverse any order, requirement, decision or determination of any such administrative official or to decide in favor of the applicant on any matter upon which it is required to pass under this section or to affect any variation from the terms of zoning ordinances. The grounds of every such determination shall be stated.

(c) *Appeals.*

-
- (1) Except as to appeals from the architectural board, which shall be brought within seven working days from the date of the architectural board determination appealed from, appeals to the board may be taken by any person aggrieved or by any officer, department, board or bureau of the city affected by any decision of an administrative officer or body within 30 days of the decision of such officer or body, by filing with the city clerk a notice of appeal on the prescribed form specifying the grounds of the appeal, and by paying the prescribed fee. The officer from whom the appeal is taken shall transmit to the board all the papers constituting the record upon which the action appealed from was taken.
- (2) Any person or persons aggrieved by a decision of the board, any taxpayer, or any officer, department, board or bureau of the city may appeal a decision of the board within 30 days after the filing of the decision in the office of the city clerk in the manner provided in Wis. Stats., § 62.23(7)(e).
- (d) *Filing.* A notice of appeal shall be filed with the officer from whom the appeal is taken and with the board, specifying the grounds of the appeal. The offices from whom the appeal is taken shall forthwith transmit to the board all the papers constituting the record upon which the action appealed was taken.
- (e) *Stay.* An appeal shall stay all legal proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken certifies to the board, after the notice of appeal shall have been filed with him, that by reason of facts stated in the certificate a stay would, in his or her opinion, cause imminent peril to life or property. In such cases, proceedings shall not be stayed otherwise than by a restraining order which may be granted by the board or by a court of record on application, on notice to the officer from whom the appeal is taken on due cause shown.
- (f) *Hearing.*
- (1) The board shall meet on the first Thursday of each month unless there are no matters to be considered by the board. Except as provided below, the board shall hear each appeal at the first regularly scheduled meeting at least 21 days after the date that the appellant has properly filed the appeal. The board may hold a special meeting upon proper notice to consider any appeal if the chair determines, in the chair's discretion, that circumstances warrant such a special meeting. Notice of the hearing shall be given to the appellant, other interested parties who request notice and other interested parties as determined by staff or the board, and public notice of the hearing shall be given as provided by section 58-43; however, only one published notice and one posting on a public bulletin board shall be required. Notice to interested parties and the required public notice shall be made not less than ten days prior to the date of the hearing.
- (2) Upon written request of the appellant for adjournment and waiver of the above-described timing requirement, the appellant and city staff may mutually agree in writing to an adjournment of the hearing for a period specified in the written agreement. Alternatively, an appellant may make a written request of the chair for adjournment with a waiver of the timing requirement. The chair may grant or deny the request in his or her discretion. If an appeal involves the use of property, and the appellant is not the owner of the subject property, the owner must consent to an adjournment described above.
- (3) During a hearing the board may vote to adjourn a hearing to another date in order to gather additional information, to hear from additional witnesses, to seek additional input from legal counsel, or to allow additional time for deliberation.
- (4) No adjournment under subsection (2) or (3) may extend the hearing of an appeal beyond one year from the date of the determination that is the subject of the appeal.
- (g) *Decision.* The board shall issue its decision within a reasonable time upon the final conclusion of the hearing. In general, the attorney representing the board should render a written decision within fifteen days after completion of the hearing. The time for rendering the decision may be extended with the concurrence of the mayor based upon the complexity of the matter, the need to obtain and utilize a transcript of the hearing, workload or time conflicts, or similar considerations except that any delay in rendering the decision beyond

60 days after the date of the hearing shall require approval of the common council. Upon rendering the decision, the city clerk shall promptly circulate the decision to all members of the board who were present for the hearing for their review. The decision shall be deemed final unless, prior to the close of business on the fifth day following such circulation, a member who voted in the majority files a written objection with the city clerk. Upon receipt of an objection, the city clerk shall schedule another meeting of the board for the purposes of considering the objection and finalizing the decision. Within two business days following such additional meeting, the board shall file the final decision with the city clerk.

(Code 1957, § 3.19(5); Ord. No. 2003-1064, 4-17-2003; Ord. No. 2004-1098, § I, 5-11-2004; Ord. No. 2006-1181, 5-9-2006; Ord. No. 2008-1238, § I, 4-8-2008; Ord. No. 2010-1330, § I, 10-12-2010; Ord. No. 2017-1506, § II(Exh. B), 10-10-2017; Ord. No. 2018-1514, § I, 3-13-2018; Ord. No. 2025-1679, § I, 4-8-2025)

State law reference(s)—Board of appeals, Wis. Stats. § 62.75(7)(3).

DIVISION 3. BOARD OF APPEALS¹

Sec. 2-461. Creation.

The city shall have a board known as the "City of Mequon Board of Appeals."

(Ord. No. 2017-1505, § II(Exh. A), 10-10-2017)

Sec. 2-462. Purpose.

The board shall 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 shall hear applications for variances from zoning ordinance terms.

(Ord. No. 2017-1505, § II(Exh. A), 10-10-2017)

Sec. 2-463. Membership.

- (a) The board shall consist of five citizen members nominated by the mayor.
- (b) The mayor shall nominate two alternate citizen members. Annually at the common council organizational meeting, the mayor shall designate one of the alternate citizen members as the first alternate and the other as the second alternate. No other alternates may be appointed.

(Ord. No. 2017-1505, § II(Exh. A), 10-10-2017)

Sec. 2-464. Chair and vice-chair.

The mayor shall, at each common council organizational meeting, appoint a chair and vice-chair from among the board's members.

(Ord. No. 2017-1505, § II(Exh. A), 10-10-2017)

Sec. 2-465. Meetings.

Meetings of the board shall be held at the call of the chair and at such other times as the board may determine. The chair, or in his or her absence the acting chair, may administer oaths and compel the attendance of witnesses by subpoena. All meetings of the board shall be open to the public. The board shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote indicating such fact, and shall keep records of its examinations and other official action, all of which shall be filed in the office of the board and shall be a public record.

¹State law reference(s)—Similar provisions, Wis. Stats. § 62.23(7)(e).

(Ord. No. 2017-1505, § II(Exh. A), 10-10-2017)

Sec. 2-466. Powers and duties.

The board shall have powers and duties set forth in Wis. Stats., § 62.23(7)(e) and in section 58-41.

(Ord. No. 2017-1505, § II(Exh. A), 10-10-2017)

Sec. 2-467. Deviations from general provisions.

- (a) Section 2-419(b) shall not apply to the board. A non-resident may not be a member of the board.
- (b) Section 2-419(c) shall not apply to the board. An elected official may not serve as a citizen member or alternate citizen member of the board.
- (c) Section 2-422(a)-(b) shall not apply to the board. A member may only be removed by the mayor for cause upon written charges and after a public hearing.
- (d) Section 2-425(a) shall not apply to the board. A quorum shall consist of four members.
- (e) Contrary to section 2-428, an elected official may not be present during any closed session of the board except as otherwise allowed by state law.
- (f) Section 2-430 shall not apply. A quorum shall be required to be physically present to transact business or to take any action on any agenda item on the meeting's agenda.

(Ord. No. 2017-1505, § II(Exh. A), 10-10-2017; Ord. No. 2019-1554, § III, 12-10-2019)

State law reference(s)—Board of appeals, Wis. Stats., § 62.23(7)(e).

Secs. 2-468—2-480. Reserved.