

**BOARD OF APPEALS ADMINISTRATIVE APPEAL**  
**APPLICATION**

**CITY OF MEQUON, WISCONSIN**

Applicant: \_\_\_\_\_ Address: \_\_\_\_\_

City/zip: \_\_\_\_\_

Owner: \_\_\_\_\_ Address: \_\_\_\_\_

City/zip: \_\_\_\_\_

Contact Person/Name: \_\_\_\_\_

Phone Number: \_\_\_\_\_ Email: \_\_\_\_\_

**TO THE BOARD OF APPEALS:**

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

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

**APPLICANT MUST PROVIDE:**

Application form  
\$250 filing fee

**1 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: _____	Received Date: _____
Parcel #: _____	Hearing Date: _____
Zoning District: _____	Receipt #: _____
Alderman & District #: _____	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.

# **Board of Appeals Overview – Appealing an Administrative Decision**

City of Mequon, Wisconsin

## **Introduction**

The Board of Appeals (BOA) 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 of Appeals is to afford any aggrieved person, officer, department, board or bureau of the City, affected by any decision of an administrative officer, the right to appeal the decision.

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 appeal. At the hearing, the members of the BOA 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.

## **How the Process Works**

### **Step 1: Applying for an Administrative Appeal**

Any aggrieved person, officer, department, board or bureau of the City, affected by any decision of an administrative officer, is qualified to appeal to the BOA. An appealable decision of an administrative office can be written or verbal. The applicant has the burden of proof to demonstrate at a public hearing before the Board of Appeals. The application can be picked up at the City Clerk's Office or found on the City's website under Boards, Committees & Commissions/Board of Appeals.

### **Step 2: Prepare your application and supporting plans and materials.**

Part of the application submittal process requires that detailed information be provided regarding the nature of your appeal. This may include photos, copy of the administrative officer's decision, a summary of the decision or other documentation. Depending on what nature of appeal you are making to the Board, different types of documents may be required. Please contact the City Clerk's Office if you have any questions about what materials are needed for your appeal. When you have prepared all of the necessary materials, return them to the City Clerk's Office, along with the \$250 application filing fee. Checks may be made payable to: The City of Mequon.

### **Step 3: City staff will process your application and forward it to Board of Appeals**

The City Clerk's Office will review your application and it may be determined that more information is required before a recommendation can be made. If such a request for additional information is made, it is very important that you respond to it promptly. Any delay in responding to requests for additional information may result in further scheduling delays before your item can be considered before the BOA.

Once it is determined that you have submitted sufficient information to proceed to a hearing, you will be placed on the next available agenda. The BOA meets on the first Thursday of each month at 6:00 pm at City Hall, 11333 N. Cedarburg Road.

### **Step 4: A public hearing is held**

At the public hearing, the Board will review submitted materials, staff reports, and any written letters or comments that the Board has received. The Board will take oral testimony from the applicant, City staff and any interested parties at the public hearing. As a general rule, all of the Board's hearings are open to the public and the public is invited to attend any session of the Board of Appeals.

**Step 5: The Board will render a verbal decision and will provide a written decision**

The Board will determine whether, as applied to the particular facts and circumstances presented, or not the administrative decision is in accord with the terms of the Code and State laws. In making its decision, the Board's review is generally limited to the record before the decision maker whose decision is being appealed. In reviewing that decision, the Board will consider: (1) whether decision maker kept within its jurisdiction; (2) whether the decision maker proceeded on a correct theory of law; (3) whether the decision maker's decision was arbitrary, oppressive, or unreasonable; and (4) whether the evidence was such that the decision maker might have reasonably made the determination in question. After the hearing, a copy of the written decision will be mailed to you according to the City of Mequon code 58-41(g).

If your appeal is denied by the Board, you have the right to appeal. Anyone aggrieved by a decision of the Board of Appeals has the right to appeal that decision to Circuit Court within 30 calendar days of the date of the written decision.

*Note:* If you have questions regarding whether going to the Board of Appeals is your best course of action, appeals to the Circuit Court, or the effect of a Board of Appeals decision, please contact legal professionals.