

Appeal of a Determination

to the Board of Zoning Appeals

Policy and Procedure

Every appeal shall be made upon forms furnished by the Secretary—***Notice of Appeal and Application for Review***. The appellant shall provide all information requested on the form and any additional information requested in writing by the Chairman or Secretary which is necessary to inform the Board of the facts of the appeal. Failure to supply such information within sixty (60) days of the date of the Board's request shall be grounds for dismissal of the appeal.

All appeals shall be filed with the Secretary. The Secretary shall transmit one copy to the Commissioner or other officer or body from whom the appeal is taken. Upon receipt of an appeal, the Commissioner or other officer or body responsible for the original determination shall transmit to the Secretary of the Board all notes or papers relating to the order or decision from which the appeal is being taken.

A submission for an Appeal of a Determination, including Administrative decisions, requires:

1. A Notice of Appeal and Application for Review form.
2. A description of the specific grounds for the appeal and the provisions of the zoning code applicable to the appeal. Grounds of the appeal should include, per section 295-311-5, at least one of the following:
 - a. A description of the asserted error or abuse of discretion by the city officer whose decision is being appealed.
 - b. A description of how it is claimed a standard or review criteria was incorrectly applied.
 - c. A description of how the decision creates an inconsistency with the city's comprehensive plan or code of ordinances.
3. Any documentation necessary to support the reasons for the appeal.
4. A filing fee of \$300 made payable to the "City of Milwaukee".

Once all of the above requested information has been submitted to the Board office, it will be reviewed by the Secretary. The request will then be scheduled for the next available hearing before the Board. As a matter of public notice, such requests will be published as a regular hearing item on the agenda. The appellant's attendance at the hearing is not mandatory, however, it is requested. Notice of the hearing will be sent via U.S. mail to the appellant approximately one week prior to the hearing and will also be provided through the Board's general notice requirements.

The final disposition of an appeal shall be in the form of a written decision signed by the Chairman. Such decision shall affirm, reverse, vary or modify the order, requirement, decision or determination appealed, in whole or in part, or dismiss the appeal for lack of jurisdiction or prosecution.

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