



# Board of Zoning Appeals Application Information

City of Wauwatosa  
Planning Division  
7725 West North Avenue  
Wauwatosa, WI 53213  
414-479-8957  
[www.wauwatosa.net](http://www.wauwatosa.net)

## ZONING VARIANCE APPLICATION

A zoning variance is a special exemption from the City zoning code granted by the Board of Zoning Appeals on a case by case basis. In order to grant a variance, an applicant must show that a unique hardship exists on the property. In Wauwatosa, **all four** of the following criteria must be met for a variance to be granted:

- Exceptional Circumstances do exist pertaining to this lot.
- A variance is necessary for the preservation and enjoyment of the property rights possessed by other properties in the district and vicinity.
- The variance will not create a special detriment to adjacent property and will not materially impair or be contrary to the purpose and spirit of this or to the public interests.
- The difficulty or hardship was not created by the property owner.

## FENCE EXCEPTION

An exception to residential fence regulations can be granted by the Board of Zoning Appeals if the applicant demonstrates to the Board that a hardship exists created by conforming to the fence regulations based upon the following three factors:

- Whether strict application of the code would create a hardship to the property owner;
- Whether the hardship results from conditions which are unique to the property, or unusual in comparison to the properties to which the code is generally applicable; and
- Whether the application of the exception will be consistent with the intent of the ordinance and not impair public safety.

## COST

The Board of Zoning Appeals application fee is \$350 and is non-refundable.

## SUBMITTAL REQUIREMENTS

Submit documents as non-protected PDF files in a reduced file size, if possible.

Variance applications must include:

- A project description and
  - ◇ For zoning variance— also address the four variance approval criteria.
  - ◇ For a fence exception— also address the three criteria for approval.
- A recent and accurate plat of survey of the property showing the proposal.
- Building plans and/or elevations of the proposal.
- Property owner signature authorization if not the applicant.
- Non-refundable application fee.

Contact Development staff for submittal requirements for appealing a Design Review Board decision or an administrative decision.

## APPLY

Complete applications, including payment of application fees, must be submitted by an application deadline thru the [Wauwatosa Self Service portal](https://services.wauwatosa.net/EnerGov_prod/SelfService#/home) ([https://services.wauwatosa.net/EnerGov\\_prod/SelfService#/home](https://services.wauwatosa.net/EnerGov_prod/SelfService#/home)). Please see the Board of Zoning Appeals [website](https://www.wauwatosa.net/government/departments/development/board-of-zoning-appeals) (<https://www.wauwatosa.net/government/departments/development/board-of-zoning-appeals>) for meeting dates and deadlines for a variance and exception applications.

An application for an appeal of a Design Review Board decision or an administrative decision must be made within **ten** days of the decision. An appeal application will be placed on the next available meeting agenda.

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Applying through the portal requires registering for an account and paying by credit card. Please see the [Permits](#) website (or [Wauwatosa.net/permits](http://Wauwatosa.net/permits)) for additional information about the portal including registration instructions. Contact Planning staff if you cannot apply thru the portal or pay by credit card.

You should discuss your application with the proper departments well before an application deadline to confirm your application is complete. Application deadlines are necessary to meet applicable legal publication and notification requirements. **Late or incomplete applications will not be placed on an agenda and application fees are non-refundable.**

## **AFTER APPLYING**

City staff review applications after the deadline and will inform you of comments or concerns. The City also mails notification letters to properties within 100 feet of the subject property for variance and exception applications as well as publishes the agenda in the local newspaper. Public comment at the meeting is permitted. Staff reports are posted on the [meeting portal](https://wauwatosacitywi.legistar.com/Calendar.aspx) (<https://wauwatosacitywi.legistar.com/Calendar.aspx>) about a week before the meeting. **You or your representative must appear at the meeting.**

## **BOARD OF ZONING APPEALS**

The Board of Zoning Appeals is a five-member, quasi-judicial citizen board, along with two alternates, who are appointed by the Mayor. The Board reviews and approves or denies zoning variance, fence exception, and appeal applications. Meetings generally occur at 6:00 p.m. on the fourth Thursday of the month when an application is submitted.

## **OTHER NECESSARY PERMITS AND LICENSES**

In addition to zoning, the proposed use may require additional City approvals. You should contact other City departments (including but not limited to City Clerk, Health, Building, Engineering, Fire Inspection) to determine if other licenses and permits are required.

City Clerk: 479-8917

Health: 479-8936

Fire Inspection: 471-8490

Building & Safety: 479-8907

Engineering: 479-8927

## **QUESTIONS**

Please contact Planning staff at 414-479-8957 or by email at [tplanning@wauwatosa.net](mailto:tplanning@wauwatosa.net). You are also welcome to discuss your proposal in person Monday—Friday from 8 a.m. to 4:30 p.m. Please call ahead to confirm staff availability.