



City of Alliance Board of Adjustment Application

Instructions:

- A. Fill out the appropriate section of the application form completely. Use additional sheets if necessary.
- B. Sign and date the application form.
- C. Submit with a filing fee of \$50.00 payable to "City of Alliance" (cash, check, money order).
- D. Include a site plan of property & a drawing of proposed request (if applicable).
- E. Please contact the Community Development Department with any questions.

Interpretation of Municipal Code

- 1. Applicant Name: _____ Phone: _____
- 2. Address: _____
- 3. Section of Municipal Code for Interpretation: _____

Zoning Map Interpretation

- 1. Applicant Name: _____ Phone: _____
- 2. Address: _____
- 3. Property Address for Zoning Interpretation: _____
- 4. Reason for Interpretation Request: _____

Variance Application

- 1. Applicant Name: _____ Phone: _____
- 2. Address: _____
- 3. Legal Description of property which this application pertains: _____

- 4. Address of property: _____
- 5. Section(s) or provision(s) of the zoning ordinance are you seeking a Variance from:

- 6. What are you proposing to do? _____

- 7. What is the date you acquired the property: _____
- 8. What is the hardship, as defined by State Law, present on the property? _____

- 9. Was this unique condition created by your own actions: Yes ___ No ___

10. Is the condition of the property shared generally by properties in the same zoning district in the same general vicinity? Please explain: _____

11. Would the granting of the variance cause a substantial detriment to adjacent properties, or to the public good? Please explain: _____

12. Would the approval of the variance cause the character of the neighborhood to change? Please explain: _____

13. Would the granting of the variance be based on an exceptional hardship as defined by State Law as distinguished from variances requested for purposes for convenience, profit, or caprice? Please explain: _____

14. Would this variance adversely affect the public health, safety, moral order, convenience, prosperity or general welfare of the county or community? Please explain: _____

15. Will the granting of this variance oppose the general spirit and intent of the zoning and subdivision regulations? Please explain: _____

*** The Zoning Administrator, who may be accompanied by others, is hereby authorized to enter upon the property, during normal working hours for the purpose of becoming familiar with proposed request.**

Property Owner Signature

Date

Property Owner Signature

Date

Office Use Only

Date Received: _____

Filing Fee: _____ (\$50)

Public Hearing: _____

Received By: _____

Receipt Number: _____

Comments: _____

The following information is provided as a general guideline only. Consult the City Municipal Code and State Law for legal requirements.

Variances:

A variance must be approved by a supermajority vote of four members of the Board. If the variance is approved, there is a fifteen day waiting period before you may apply for a building permit to allow time for an appeal. If the Board denies approval of your variance, all appeals are directly to District Court.

Applications must be submitted a minimum of 15 working days before the date of the meeting. If you have any questions about the variance process, please contact the Community Development Department (308)762-5400, or stop by our office 324 Laramie Avenue.

Every application for a variance must be signed by either the recorded property owner or his/her authorized agent. A filing fee of \$50.00 is required with all application submittals.

The City of Alliance requires a site plan to accompany the application which contains the following information:

- Dimensions of the subject property;
- Locations, size, and dimensions of all covered roof structures and areas used for parking located on the property, including driveways;
- Distances of covered structures from each other and the property line; and
- Identification of street(s), alley, and a north direction arrow.

If you need assistance, please ask the Community Development Department.

The applicant is to identify and list the owners and addresses of those properties adjacent to the subject property. Notification letters will be mailed to the adjacent property owners, and a sign will be posted on the subject property identifying the date, time, and place of the public hearing.

A packet will be mailed or delivered to the applicant or it can be picked up the Monday before the meeting. This packet will contain everything the Board of Adjustment members will receive. Additional information may be submitted to the Board at the meeting, however it may take longer to deliberate and come to a conclusion.

The Board of Adjustment meets on the fourth Tuesday of the month. The meeting begins at 7:00 p.m. in the Board of Education Meeting Room, 1604 Sweetwater Avenue. There must be at least four Board Members present at the meeting for a quorum. The chairperson of the Board will open a Public Hearing and ask for testimony from the audience. Such testimony should prove to the Board that a hardship, as defined by State Law, exists on the property. Once all testimony is stated, the chairperson will close the Public Hearing and the Board of Adjustment members will discuss the application.

In order to grant a Variance, the Board of Adjustment is required by Nebraska State Statutes to make certain findings of fact that show the existence of a hardship on the property. It is the applicant's responsibility to prove a hardship exists. A hardship is defined by State Statute as:

1. Exceptional narrowness, shallowness, or shape of a specific piece of property at the time of the enactment of the zoning ordinance; or

2. By reason of exceptional topographic conditions or other extraordinary and exceptional situations or conditions of the specified property.

The Board must make the following findings in respect to the hardship declared by the applicant:

1. That the strict application the zoning ordinance would produce undue hardship (see above definitions);
2. That the hardship is not generally shared by other properties in the same zoning district and the same vicinity (should the condition or situation of the property being considered or intended use of the property be of general or recurring nature, the Board may find it reasonably practicable the formulation of general regulation to be adopted as an amendment to the zoning regulations.);
3. The approval of the variance will not cause a substantial detriment to adjacent properties, or to the public good and that the approval of the variance will not cause the character of the neighborhood to change;
4. The approval of the variance is based upon demonstrable and exceptional hardship as distinguished from variances requested for purposes for convenience, profit, or caprice.

Interpretation of Code or Zoning Map;

The Board of Adjustment will give an interpretation of the Section of the Municipal Code in question or determine the location of disputed zoning district boundaries on the official City of Alliance Zoning Map. These determinations will be made out of context and the applicant's unique situation will have no bearing on the interpretation of the code. Once the Board renders its interpretation, the applicant will be notified in writing of their findings. Should the Board decide that the existence of such code is not in the best interest of the City, they may recommend it be reviewed by the Alliance Planning Commission.