



City of Alliance Board of Adjustment Application

Instructions:

- A. Fill out appropriate section of application form completely. Use additional sheets if needed
- B. Please sign application form.
- C. Non-refundable filing fee of \$50.00. Payable to "City of Alliance" (cash, check, money order).
- D. Please include a site plan of property & a drawing of proposed request (if applicable)
- E. Contact 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/ Appeal Application

- 1. Applicant Name: _____ Phone: _____
- 2. Address: _____
- 3. Legal Description of property which this application pertains: _____
- 4. Location and/or address or property: _____
- 5. For what section(s) or provisions) of the zoning ordinance or subdivision regulations are you seeking a Variance: _____
- 6. What are you proposing to do that requires you to seek Board actions: _____
- 7. What is the date that you acquired your property: _____ Year residence was built: _____
- 8. What is the unique condition under which you are requesting this Variance: _____
- 9. Was this unique condition created by your own actions: ___ Yes ___ No

10. Do you feel the granting of this Variance will adversely affect the rights of adjacent property owners or residents, please explain: _____

11. Does the strict application of the provisions of the zoning and subdivision regulations, from which you are seeking a variance, constitute a hardship, please explain: _____

12. Do you feel the granting of this Variance will adversely affect the public health, safety, moral order, convenience, prosperity or general welfare of the county or community, please explain: _____

13. Do you feel the granting of this variance will in any way oppose the general spirits 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.**

Applicant's Signature

Date

Applicant's 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 actual legal requirements.

A variance is required for projects that are not in compliance with zoning regulations. Every application for a variance request shall be in writing; the Community Development Department has the appropriate forms and can assist you if needed. This form must be signed by either the recorded property owner or his/her authorized agent. The recorded property owner must be named on the application. 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, the Community Development Department staff will be happy to provide it.

The applicant is to identify and list the owners and addresses of those properties adjacent to the subject property on the application. These property owners must be notified of the Board of Adjustment Application request at least 10 days prior to the Public Hearing. A legal notice will be prepared by the Recording Secretary and published in the Alliance Times-Herald, and a sign will be posted on the subject property identifying the date, time, and place of the public hearing. The legal notification and posting of the sign will occur no fewer than 10 days prior to the Public Hearing.

An agenda packet pertaining to your request will be mailed to you or it can be picked up the Friday before the meeting. This packet will contain everything that the Board of Adjustment members will receive for the meeting. Additional information may be submitted to the Board of Adjustment at the meeting, however it may take longer to deliberate and arrive at a conclusion. If needed, the Community Development Department staff will assist you in preparing copies for the Board for a fee.

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 Room, 1604 Sweetwater Avenue. There must be at least four Board Members present at the meeting. At the meeting, the chairperson of the Board will open a Public Hearing and ask for comments for or against the request. Once all comments have been stated, the chairperson will close the Public Hearing. At this time, the Board of Adjustment member will discuss the request.

In order to grant a Variance, the Board of Adjustment is required by Nebraska State Statutes (Section 19-910) to make certain findings that show the existence of a hardship on the property. It is the applicant's burden to prove a hardship. A hardship is defined by this statute as well as the Alliance Municipal Code as follows:

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:

1. that strict application the zoning ordinance would produce undue hardship;
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 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 as the applicant's unique situation will have no bearing on the interpretation of the code. If the applicant chooses to insert context and details which are unique to their situation they must apply for a variance and prove a unique hardship exists on the lot. Once the Board renders its interpretation, the applicant will be notified in writing of their findings. Should the Board decide that such code is not in the best interest of the City, they may recommend it be reviewed by the Alliance Planning Commission.

The Board of Adjustment has the final say concerning all applications. A request cannot be approved unless four members vote in favor. There is a fifteen day waiting period before you may apply for a building permit upon the Boards decision to allow time for any appeals. If the Board denies approval of your variance request, you may appeal to District Court.

Applications should be submitted at least 15 business days before the hearing date. 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.