

Hearing Before the Board of Adjustment – INFO and Application Packet

As indicated on the following pages there are three reasons for a submission of a request for a hearing before the Board of Adjustments:

1. *Appeal of decision of Building Inspector/Zoning Administrator*

The Board has the authority to hear and decide appeals where it is alleged that there is an error in any order, requirement, decision or determination made by a City Official based on or made in the enforcement of any zoning regulation or regulation relating to the location or soundness of structures.

2. *Request for a variance*

The Board has the authority to hear and authorize variances from the terms and requirements of the City Zoning Regulations where because of the unique or distinguishing characteristics of a lot or parcel of property the strict application of the Zoning Regulations would cause undue hardship on the owner. Nebraska Statutes specifically state the finding requirements the Board of Adjustments must make to authorize a variance.

3. *Map interpretation*

The Board has the authority to hear and decide requests for interpretation of any map contained in the City Comprehensive Plan and the Official City Zoning Map.

Each of these reasons for a hearing has specific application requirements listed in the attached application. When submitting the application keep in mind this is the preliminary information that will be presented to the Board of Adjustments in advance of the hearing. Members receive the information approximately 7-10 days in before the hearing and have the opportunity to review the information included in the application prior to the hearing.

The Board of Adjustments is a five-member board that is appointed by the Mayor. In addition to the five members there is an alternate member who receives all meeting notices and information but only attends the meeting to ensure an attendance of at least four members required to conduct the hearing. The Board of Adjustments meets on an as-needed basis. When an application is received members are contacted to set a meeting date and time.

At the time the application is filed all supporting documentation as well as the necessary property description and maps and a \$250.00 application fee is due. The hearing will not be scheduled until a complete application and fee has been received at City Hall.

Once a meeting date has been set, and at least 10 days prior to the Board of Adjustment hearing, a notice will be mailed to the Board of Adjustment members, the Planning Commission, as well as all other interested parties. In addition, a notice of hearing will be published in the Wahoo Newspaper providing AT LEAST 10 days between the date of publication and the hearing date. Public notice will be provided by posting of the agenda at least 24 hours prior to the hearing date.

Application for Hearing Before the Board of Adjustment

Dated filed: _____ App Fee of \$250.00 – Receipt # _____ Application Number: _____
(Completed by City of Wahoo)

Please select reason for filing Application:

- Appeal of decision of Building Inspector/Zoning Administrator (Complete Page 1 and Page 2)
- Request for a variance (Complete Page 1 and Pages 3 & 4)
- Map interpretation – Official Zoning Map (Complete Page 1 and Page 5)

INFORMATION ON PERSON FILING APPLICATION

Applicant's Name: _____

Applicant's Address: _____

Applicant's City, State, Zip: _____

Applicant's Contact phone number: _____

Applicant's Email address: _____

If Applicant is not the property owner, please explain relationship and justification for filing Application.

Also attach documentation that grants applicant the authority to file Application: _____

INFORMATION ON CURRENT PROPERTY OWNER

Owner's Name: _____

Owner's Address: _____

Owner's City, State, Zip: _____

Owner's Contact phone number: _____

Owner's Email address: _____

INFORMATION ON PROPERTY

Address and Legal Description of Property: _____

Zoning of Property: _____

Signatures of parties:

Applicant

Property Owner

Appeal of Building Inspector/Zoning Administrator Decision

The Board of Adjustment shall have the authority to hear and decide appeals where it is alleged that there is an error in any order, requirement, decision or determination made by a City Official based on or made in the enforcement of any zoning regulation or any regulation relating to the location or soundness of structures.

Date of decision to be appealed: _____

Name of City Official whose decision is being appealed: _____

Building or Zoning Regulation or Code for basis of decision: _____

Supporting information regarding appeal. Please provide information on the decision made by the City Official. You may attach any additional information, maps, plans, drawing, or other relevant information to support your appeal: _____

The By-Laws of the Board of Adjustment limit video and audio recording of the hearing. A court reporter may be requested by either party, or by both, with said fees for the court reporter to be paid by the requesting party(s). Will you be requesting a court reporter? _____

Request for Variance

The Board of Adjustment shall have the authority to hear and authorize variances from the terms and requirements of the applicable City Zoning Regulations where by reason of exceptional narrowness, shallowness, or shape of a specific piece of property existing at the time of adoption of the Zoning Ordinance, or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition of such piece of property, the strict application of any requirement of the applicable City Zoning Regulations would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardships upon the owner of such property, to authorize, upon an appeal relating to the property, a variance from such strict application so as to relieve such difficulties or hardship, if such relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of Wahoo Zoning Ordinance.

The Board of Adjustment shall authorize no such variance, unless it finds that:

1. The strict application of the Zoning Ordinance would produce undue hardship;
2. Such hardship is not shared generally by other properties in the same zoning district and the same vicinity;
3. The authorization of such variance will not be of substantial detriment to adjacent property and the character of the district will not be changed by the granting of the variance; and
4. The granting of such variance is based upon reasons of demonstrable and exceptional hardship as distinguished from variations for purposes of convenience, profit or caprice. No variance shall be authorized unless the Board finds that the condition or situation of the property concerned or the intended use of the property is not of so general or recurring a nature as to make reasonably practicable the formulation of a general regulation to be adopted as an amendment to the Zoning Ordinance.

Please note: If this variance is granted, it will not permit a use prohibited in the Zoning District in which the described property is located.

As stated above, the Board of Adjustment cannot grant a variance until the Applicant proves that each of the conditions have been fulfilled. Answer each of the conditions in detail, using additional sheets if necessary.

You may attach additional maps, plans or information.

1. The strict application of the Zoning Regulations would produce undue hardship; in that:

2. Such hardship is not shared generally by other properties in the same Zoning District and the same vicinity; in that:

3. The authorization of such variance will not be of substantial detriment to adjacent property and the character of the district will not be changed by the granting of the variance; in that:

4. The granting of such variance is based upon reason of demonstrable and exceptional hardship as distinguished from variations for purposes of convenience, profit or caprice; in that:

Request for Map Interpretation

The Board of Adjustment shall have the authority to hear and decide requests for interpretation of any map contained in the Comprehensive Plan and the Official Zoning Map of the City of Wahoo.

Specific map to be considered for interpretation: _____

Please attach a copy of the map with the Application.