

# BOARD OF ADJUSTMENT & BOARD OF APPEALS APPLICATION



Date of Application: \_\_\_\_\_

## **I. General Information**

### **A. Applicant**

Name: \_\_\_\_\_ Contact: \_\_\_\_\_

Address: \_\_\_\_\_ City: \_\_\_\_\_ State: \_\_\_\_ Zip: \_\_\_\_\_

Phone: \_\_\_\_\_ Fax: \_\_\_\_\_ E-mail: \_\_\_\_\_

### **B. Property Owner\* (if different than above)**

Business Name: \_\_\_\_\_ Contact: \_\_\_\_\_

Address: \_\_\_\_\_ City: \_\_\_\_\_ State: \_\_\_\_ Zip: \_\_\_\_\_

Phone: \_\_\_\_\_ Fax: \_\_\_\_\_ E-mail: \_\_\_\_\_

\*If more than one property owner or developer is involved, please attach additional names and addresses to this application

### **C. Primary Project Contact\* (applicant, representative, or other)**

Business Name: \_\_\_\_\_ Contact: \_\_\_\_\_

Address: \_\_\_\_\_ City: \_\_\_\_\_ State: \_\_\_\_ Zip: \_\_\_\_\_

Phone: \_\_\_\_\_ Fax: \_\_\_\_\_ E-mail: \_\_\_\_\_

\*The contact person will receive all staff correspondence.

### **D. Certification**

An application may be filed only by the owners(s) of the property, a person with the power of attorney from the owner authorizing the application, or by the attorney-at-law representing the owner. Please indicate your authority:

\_\_\_\_ I (we) am (are) the sole owner(s) of the property.

\_\_\_\_ I have the power of attorney from, or am the attorney-at-law of the property owner(s) authorizing the application and a copy of the authorization is attached.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Address

The applicant or representative must be present at the scheduled hearing to answer any questions or present required information to the Board. It is the Board's policy to postpone the case when the applicant or representative fails to appear at the scheduled hearing; however, the Board is not required to postpone the application and may postpone, approve, or disapprove the application with or without the applicant or representative's presence. If the applicant or representative is unable to attend the hearing, they may request a postponement of the application prior to the meeting.

**II. Project Information**

A. Description of the proposed project, use, exemption, or variance:

B. Property Legal Description: \_\_\_\_\_

C. Project Location: \_\_\_\_ 1/4 \_\_\_\_ 1/4 Section \_\_\_\_\_, T\_\_\_\_, R\_\_\_\_, Sarpy County, Nebraska

D. General Location: \_\_\_\_\_

E. Project/Property Address (if applicable): \_\_\_\_\_

F. Area (acres): \_\_\_\_\_

G. Proposed Land Use Designation (if applicable): \_\_\_\_\_

H. Present Use of the Land: \_\_\_\_\_

I. Variance Request: Section \_\_\_\_\_ of the La Vista Zoning Ordinance.

**III. Application Requirements**

Please submit the following along with this application:

- Legal description of property and Surveyor's Certificate
- List of property owners located within 300 feet of the subject property, including four sets of mailing label copies. This list and address labels must be prepared by a title company.
- Site plan and/or other documents that illustrate this request as per the appropriate regulations within the Zoning Ordinance.
- Application fee per the La Vista Master Fee Ordinance.

Please note that the Board of Adjustment does not have unlimited authority and discretion in deciding whether to grant a variance or appeal. The Board of Adjustment must follow Section 8 of the La Vista Zoning Ordinance in their deliberations (see Section 8.03 on the following page).

# **La Vista Board of Adjustment**

## **Section 8.03 Powers and Jurisdiction on Appeal**

The Board of Adjustment shall have the following powers:

- 8.03.01 To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by an administrative official or agency based on or made in the enforcement of any zoning regulation or any regulation relating to the location or soundness of structures;
- 8.03.02 to hear and decide, in accordance with the provisions of this Ordinance, requests for interpretation of any map, or for decisions upon other special questions upon which the Board is authorized by this Ordinance to pass; and
- 8.03.03 To grant variances, where by reason of exceptional narrowness, shallowness or shape of a specific piece of property at the time of enactment of this 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 regulation under this Ordinance 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 this Ordinance.
  - 8.03.03.01 The Board of Adjustment shall authorize no such variance, unless it finds that:
    - 1. The strict application of the 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 this Ordinance.

In exercising the above mentioned powers, the Board may reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from, and may make such order, requirement, decision or determination as ought to be made, and to that end shall have all the powers of the officer from whom the appeal is taken. The concurring vote of four (4) members of the Board shall be necessary to reverse any order, requirement, decision or determination of any such administrative official, or to decide in favor of the applicant on any matter upon which it is required to pass under this Ordinance or to effect any variation in this Ordinance.