City of Sidney, Nebraska

1115 13th Avenue, P.O. Box 79, Sidney, NE 69162, (308-254-5300)

BOARD OF ADJUSTMENT HEARING APPLICATION

INSTRUCTIONS

Complete all blanks on the application and return to the City offices, City of Sidney, 1115 13th Avenue, P.O. Box 79, Sidney, NE 69162 a minimum of 2 weeks prior to the meeting of Board of Adjustment. The Board only meets on the 3rd Tuesday of each month at 7:00 PM.

A $200.00 non-refundable fee must be paid at the time the application is submitted. Make checks payable to "City of Sidney". This filing fee is non-refundable no matter what the outcome.

The applicant **MUST** appear at the board of Adjustment hearing and present the Request.

The board of Adjustment may act on the applicant's request during the meeting or the Board may elect to postpone the actions until a second meeting in order to obtain additional information.

The Board must have a quorum of not less than four members before acting on an applications.

The concurring vote of four members is required to grant or deny a variance request.

§ 19-910. A variance is a zoning adjustment which permits minor changes of City requirements where individual properties are uniquely burdened by the strict application of the zoning law. The Board cannot grant variations if the variation would adversely effect surrounding property or the general neighborhood.

A variance can be granted if the request for variance meets a hardship that is created by the land. By Law, the application must meet all of the following conditions:

- ☐ The strict application of the zoning regulation would produce undue hardship.
- ☐ Such hardship is not shared generally by other properties in the same zoning district and the same vicinity
- ☐ 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.
- ☐ The granting of such variance is based upon reason of demonstrable and exceptional hardship and distinguished from variations of 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 in nature as to make reasonable practicable the formulation of a general regulation to be adopted as an amendment to the zoning regulations.

§ 19-909. The Boards decision is final. Any appeals must be filed in District Court within 30 day's of the Board's decision.

City of Sidney, Nebraska

1115 13th Avenue, P.O. Box 79, Sidney, NE 69162, (308-254-5300)

PETITION FOR VARIANCE

For official use only: CASE NO.: _____, Receipt No.: _____

I, the undersigned, do hereby request a variance from the strict letter of the City of Sidney Zoning Ordinance due to practical difficulties or particular hardships as set forth in Section 1244.04 of the Sidney Zoning Ordinance and amended to date.

(Application must be typed or printed in ink and accompanied by a site plan.)

DATA ON APPLICANT AND OWNER:

Name of Applicant(s) _____

Address of Applicant(s) _____

Home Phone:_____ Business Phone:_____

Name of Owner(s):_____
If Different from Applicant

Address of owner(s):_____

Home Phone:_____ Business Phone:_____

SUBJECT PROPERTY

Legal Description:

_____

_____

_____

_____

_____
(Attach additional sheets if necessary)

For the purpose of constructing a: _____

The Property is currently zoned: _____

Address of property if different from the petitioner's address: _____

Please note that the following questions must be answered completely. If additional space is needed, attach a extra pages.

SITE CHARACTERISTICS:

What unique or exceptional characteristics of your property prevents it from being used for the use permitted in your zoning district.

Too Narrow _____ Slope _____ Soil _____

Too Small _____ Elevation _____ Subsurface _____

Too Shallow _____ Shape _____

STATEMENT OF HARDSHIP:

1. How do the above site conditions prevent reasonable use of your land under the terms of the Zoning Ordinance?

_____

_____

_____

_____

_____

(Attach additional sheets if necessary)

2. Are the conditions of hardship for which you request a variation true only of your property? If not, how many other properties are similarly affected?

_____

_____

_____

_____

_____

_____

3. Will the grant of a Variation in the form requested be in harmony with the neighborhood and not contrary to the intent and purpose of the Zoning Ordinance?

Elaborate: _____

_____

_____

_____

_____

_____

_____

Case No.: _____

I (we) certify that all of the above statements and the statements contained in any papers or plans submitted herewith are true and accurate to the best of my knowledge and belief.

_____
Signature of Applicant

_____
Date

_____
Signature of Applicant

_____
Date

NOTE: If you are not the owner of the subject property or if you are purchasing contract for deed, you must have the property owner complete the affidavit on the next page.

FOR OFFICE USE ONLY

A VARIATION is requested from _____ Of the Zoning Ordinance which requires:
(Section No.)

_____

_____

_____

_____

_____

_____

Building Permit/Certificate of Occupancy Denied:

_____
City Inspection

Approved ■ Disapproved ■ _____ Date: _____
Board of Adjustment - Chairperson

_____ Case No.: _____
Board of Adjustment - Secretary

AFFIDAVIT

Property owner(s) name, phone number, and address (Please print in ink or type)

_____

_____

_____

The undersigned states as follows:

1. That this affidavit is made and signed in connection with the current application for a request of variance to the City of Sidney Zoning Ordinance.

2. That the undersigned acknowledges that they have carefully read the application, that they understand every part thereof, and are in consent with the applications request for variance.

3. We rely wholly upon our own judgement and understanding in signing this affidavit and not relying in any way upon an employee, officer of other representative of the City of Sidney.

_____
(Signature of Property Owner)

STATE OF _____ }
} ss.
COUNTY OF _____ }

The foregoing instrument was acknowledged before me this _____day of _____ 20_____.

AFFIX SEAL HERE

_____
Notary Public

A Plot plan must be included with the application and have:

1. Street Names or Numbers
2. Measurements of Property Lines
3. Existing structures on property.
4. Distance from Structures to property line.
5. Area or structure for which variance is requested.
6. Location of existing easement.
7. Locate utilities where applicable.
8. Elevations related to sea level, if in designated flood way or flood way fringe.

CERTIFICATE OF PUBLIC SERVICES CORPORATION WHEN REQUIRED BY THE INSPECTOR

We, the undersigned, public services corporations of Sidney, Nebraska, hereby certify that we have reviewed the proposed location of the structure above described and have no objections.

_____	_____
Electric Department	Water & Sewer Department
_____	_____
Telephone Company	Cable Television Company
_____	_____
K-N Energy, Inc.	Wheat Belt Public Power Dist.