

VARIANCE APPLICATION

APPLICATION

Appeals to the board of adjustment may be taken by any person aggrieved or by any officer, department, board or bureau of the municipality affected by any decision of the administrative officer. Such appeal shall be taken within a reasonable time, as provided by the rules of the board, by filing with the officer from whom the appeal is taken and with the board of adjustment a notice of appeal specifying the grounds thereof. The officer from whom the appeal is taken shall forthwith transmit to the board all the papers constituting the record upon which the action appealed from was taken. An appeal stays all proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken certifies to the board of adjustment, after the notice of appeal shall have been filed with him, that by reason of facts stated in the certificate a stay would, in his opinion, cause imminent peril to life or property. In such case proceedings shall not be stayed otherwise than by a restraining order which may be granted by the board of adjustment or by a court of record on application on notice to the officer from whom the appeal is taken and on due cause shown. The board of adjustment shall fix a reasonable time for the hearing of the appeal, give public notice thereof, as well as due notice to the parties in interest, and decide the same within a reasonable time. Upon the hearing any party may appear in person or by agent or by attorney. (Nebraska Revised Statutes (NRS) § 19-909)

According to subsection 3.b., of Article III, of the Board of Adjustment By-laws/Rules of Procedure, no application shall be accepted unless and until such time as the following requirements have been provided by the applicant. "i. A statement from the applicant justifying the variance requested, ***indicating specifically*** the provisions of the Zoning Ordinance from which the variance is requested ***and to what degree*** such a variance is requested, ***including the hardship imposed*** by the strict application of the Zoning Ordinance. ii. A specific statement outlining in detail the manner in which it is believed that this application will meet the requirements of the Zoning Ordinance. iii. A sketch, drawn to scale, showing the lot or lots included in the application; the structures existing thereon; and the structure or use contemplated necessitating the variance requested." ***[emphasis added]***

CHECKLIST (*the following items must be submitted as part of the application process*)

- A. Application (*including fees*)
- B. A copy of the owner's deed(s) for the subject property.
- C. A *statement* (i.e. letter addressed to the Board), as described above, responding to the general criteria applicable to appeals, exceptions and variances.
- D. A copy of the plat, survey, surveyor's field notes (including *sketch* of the subject property) or site plan drawn to scale showing all structures on the property and the measurements of all setbacks.

Please note that your application will not be accepted or there may be a delay in processing by the Planning Department if any of the required information or materials are missing or improperly presented. To avoid unnecessary delays in processing, please remember to submit the appropriate submittal requirements, i.e., signed application, fees, and all supporting documentation. If you have any questions regarding this application or required materials, please contact the Planning Department at 402-727-2636 between 8:00 am and 4:30 pm, Monday through Friday.

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FOR OFFICE USE ONLY
Application Fee: \$250
Legal Notification Fee: \$65
Total Fees: \$315

APPLICANT *(all correspondence will be directed to the applicant)*

Name _____ Phone _____
 Address _____ Fax _____
 City _____ State _____ Zip _____
 Email _____

PROPERTY OWNER *(if not the same as applicant above)*

Name _____ Phone _____
 Address _____ Fax _____
 City _____ State _____ Zip _____
 Email _____

ENGINEER, SURVEYOR, OR ARCHITECT *(if not the same as applicant above)*

Name _____ Phone _____
 Address _____ Fax _____
 City _____ State _____ Zip _____
 Email _____

AGENT *(if not the same as applicant above)*

Name _____ Phone _____
 Address _____ Fax _____
 City _____ State _____ Zip _____
 Email _____

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Planning & Development
400 E. Military Ave.
Fremont, NE 68025
Phone: 402-727-2636
Fax: 402-727-2659

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PROPERTY INFORMATION

Address of Property _____

General Location (*if no address is available*) _____

Legal Description of Property _____

Description of Request (*the following does not satisfy the "statement" requirement as described herein; a separate "statement" is required to be considered complete*) _____

An application may be filed only by the owner(s) of the property, or duly authorized officer or agent of the owner(s). By executing this application, he/she does hereby acknowledge the above statements to be true and accurate to the best of their knowledge, and understand that knowing and willful falsification of information will result in rejection of the application and may be subject to criminal prosecution.

I have received, read and understand the terms and conditions of this request, and agree to compliance with all applicable codes and ordinances of the City.

Signature

Print Name

Date

Office Use Only

Submittal Date _____ Project No. _____

Payment Amount _____ Receipt No. _____

Other Comments _____