

For Office Use Only	
Date Filed	_____
Fee	\$150.00 _____
Receipt #	_____
Case #	_____

VARIANCE APPLICATION

ZONING BOARD OF ADJUSTMENT

- Applicant's Name(s) _____
 Address _____
 City _____ State _____ Zip _____
 Phone No. & Area Code _____
 Applicant Email: _____
- Name of Property Owner (of Record) _____
 Address _____
 City _____ State _____ Zip _____
 Property Owner Email _____
 Phone No. & Area Code _____
- Nature of Appeal: _____

- Present Zone Classification: _____
- Present Use of Property: _____
- Attached: _____ Site Plan
 _____ Filing Fee - \$150.00
- Signature: _____
 (If signature is other than property owner, please attach owner's proof of acknowledgement of application.)

This application and a site plan must be filed not less than 30 days before the public hearing. Hearings are held as requested, call the City of Gering at (308) 436-5096 for exact meeting dates and deadlines.

Falsification or misrepresentation of information on this application or the required site plan may result in the denial of a building permit.

Date

Owner/Applicant Signature

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Staff Comments/Recommendations: _____

Date

Staff Signature

Zoning Variance

Data and Information Required

- A. Every application for a zoning variance shall be in writing. Application forms shall be furnished by the City of Gering.
- B. Application shall be signed by the owner of record of the lot, block or other tract of land for which the requested variance would affect.
- C. Filing fee of \$150.00 shall be submitted with application.
- D. The plot plan shall be drawn to scale and shall contain the following information (page 4):
 - 1. Layout of the proposed blocks or lots, including the dimensions of each, the block and lot numbers;
 - 2. Location, widths, other dimensions and names of existing streets, alleys, roads and easements;
 - 3. The location, size and type of all structures including walls and fences;
 - 4. The location, size and dimensions of all yards and setbacks of all spaces between structures.

Required Findings

No variance shall be authorized by the Gering Board of Adjustment unless the Board finds the following four findings:

- a. the strict application of the zoning regulation would produce undue hardship;
- b. such hardship is not shared generally by other properties in the same zoning district and the same vicinity;
- c. 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;
- d. the granting of such variance is based upon reason of demonstrable and exceptional hardship as distinguished from variance for purposes of convenience, profit or caprice.

The Board of Adjustment may grant a variance whereby reasons of (1) exceptional narrowness, shallowness or shape of a specific piece of property at the time of the enactment of the zoning regulations, (2) exceptional topographic conditions or other extraordinary and exceptional situation or condition of such piece of property, (3) the strict application of any enacted regulation would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardship upon the owner of such property, and (4) such relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of any ordinance or resolution.

How to apply for a variance or appeal a zoning decision of City Staff

ALLOW a minimum of 30 days from the time of the application for a variance prior to the next regular board meeting for processing of your application.

1. Before an application for a variance can be processed, you must have applied for a building permit or a certificate of occupancy, and have been denied by the City Staff.
2. An application for a variance is addressed to the Board of Adjustment. A variance cannot be approved unless four Board members vote in favor of the variance.
3. Your application for a variance must include:
 - a. A copy of an order of the City denying a building permit or a certificate of occupancy.
 - b. \$150.00 filing fee.
 - c. Name(s) of owner(s) of the property.
 - d. Statement of portion of zoning ordinance from which you are requesting a variance.
 - e. Statement of hardship which would occur if you were not granted the variance. This must state facts which, if proven, will be of a type that may authorize the Board to grant a variance under Section 19-910 of the Nebraska Statutes.
4. After submitting your completed application with the above requirements, notices of your variance request will be mailed by the secretary of the Board of Adjustment to the property owners within 300 feet of your property. These notices must be mailed 10 days before the meeting.
5. Notice of variance request must be published in the City's legal paper 10 days prior to the board meeting. The secretary of the Board of Adjustment will arrange for such publication.
6. After receiving variance approval, there is a 15-day appeal period before you may be issued a permit.

Site Plan