

BOARD OF ADJUSTMENT AND
BOARD OF APPEALS APPLICATION

CITY OF LA VISTA
8116 PARK VIEW BLVD., LA VISTA, NE 68128
402-331-4343

A. General Information

1. APPLICANT

Name: _____ Contact: _____

Address: _____

City/State/Zip: _____

Phone/Fax: _____

Email address: _____

2. PROPERTY OWNER (If not the same as applicant above):

Name: _____ Contact: _____

Address: _____

City/State/Zip: _____

Phone/Fax: _____

Email address: _____

3. PRIMARY PROJECT CONTACT (applicant, representative, or other):

Name: _____ Contact: _____

Address: _____

City/State/Zip: _____

Phone/Fax: _____

Email address: _____

4. CERTIFICATION:

An application may be filed only by the owner(s) of the property or by a person with the written permission of the owner authorizing the application, or by an attorney representing the owner.

Indicate your authority.

_____ I (We) (am) (are) the sole owner(s) of the property.

_____ I have the written permission of the property owner(s) authorizing the application and a copy of the authorization is attached.

_____ I am an attorney representing the owner(s).

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.

B. Project Information:

- Project Location: _____ 1/4 _____ 1/4 Section _____, T_____, R_____, Sarpy County, Nebraska
General Location: _____
- Project/Property Address (if known): _____
- Area: _____ (acres)
- Existing Use of the Property: _____
- Variance Request: Section _____, Zoning Ordinance
Details of Request: _____

Note: The Board of Adjustment does not have unlimited discretion in deciding whether or not to grant a variance. The Board must follow Section 8 of the La Vista Zoning Ordinance in their deliberations (see attachment).

C. Additional Submittal Requirements:

- Attach list of Property Owners located with 300 feet of proposed project. (Must be prepared by a title company and in label-ready format).
- The application fee will also be required at the time of submission.

Submit one original and ten copies of the following:

1. Board of Adjustment/Board of Appeals Application Form.
2. Legal Description of Property and Surveyor's Certificate.
3. Site Plan and/or other documents that illustrate this request.
4. For Public Hearing Presentation, overhead transparencies or other approved form of projected illustrations identical to any display boards being used are required to be provided at time of submittal.

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.

For Office Use Only

Project Case Number _____

Planning Commission _____

Published _____

Action: _____

Date Complete Application Received _____

City Council _____

Published: _____

Action: _____

Check Number/Amount _____

Posted on Property: _____

Notice to School District: _____

Other Comment(s): _____

