

## **APPLICATION FOR ZONING VARIANCE BUFFALO COUNTY NEBRASKA**

### **INSTRUCTIONS:**

Fill out application form completely. **Please type or print.** Use additional sheets if necessary.

Please sign the application form. **Filing fee is \$285.00 plus estimated cost of publication posted at time of filing, made payable to Buffalo County** Please contact the Buffalo County Planning & Zoning Administrator if you have any questions.

Date \_\_\_\_\_

1. Property owner's name \_\_\_\_\_ Telephone # \_\_\_\_\_

2. Property owner's address \_\_\_\_\_ Zip Code \_\_\_\_\_

3. Address and complete legal description of property \_\_\_\_\_

4. For what section (s) or provisions (s) of the zoning or subdivision regulations are you seeking a variance? \_\_\_\_\_

5. What are you proposing to do that requires you to seek board action? \_\_\_\_\_

Proposed Value \$ \_\_\_\_\_

6. Provide a brief statement setting out how this application will meet each of the five conditions as described in the instruction sheet accompanying this application.

A. Uniqueness \_\_\_\_\_

B. Adjacent Property—

North \_\_\_\_\_ South \_\_\_\_\_

East \_\_\_\_\_ West \_\_\_\_\_

C. Hardship \_\_\_\_\_

D. Public Interest \_\_\_\_\_

E. Spirit and intent of the zoning regulations \_\_\_\_\_

Submit a copy of a sketch which includes the property lines of the application area, existing and proposed structures, appropriate dimensions, and any other information that would be helpful to the Board in evaluating the request.

**The zoning administrator, who may be accompanied by others, is hereby authorized to enter upon the property during normal working hours for the purpose of becoming familiar with the proposed situation.**

### **COMMENCEMENT MUST BEGIN WITHIN 120 DAYS OF DATE APPROVED CONSTRUCTION MUST BE COMPLETED WITHIN 2 YEARS**

The above requested information is, to the best of my knowledge, true and accurate.

Signature of Applicant \_\_\_\_\_ Signature of Agent \_\_\_\_\_

Printed Name \_\_\_\_\_ Printed Name \_\_\_\_\_

Buffalo County Zoning  
1512 Central Ave.  
PO Box 1270  
Kearney, NE 68848  
308-236-1998

Office Use Only
Permit Number _____
Amount _____ Receipt # _____
Floodplain Yes or No _____
Date Initial _____

**INSTRUCTIONS TO APPLICANT FOR  
BOARD OF ADJUSTMENT  
BUFFALO COUNTY**

**9.4 PROCEDURES FOR REQUESTING A VARIANCE**

The procedures to be followed by the Board of Zoning Adjustment shall be as follows:

- 9.41 Appeals to the Board may be taken by any person aggrieved or by any officer, department, governmental agency affected by any decision of the zoning administrator. Such appeal shall be made within ten (10) days from the date of decision by any county officer or department. The appeal filed in writing shall define the appeal being requested and the grounds therefore. The officer from whom the appeal is taken shall forthwith transmit to the Zoning Board of Adjustment all the paper constituting the record upon which the action appealed from was taken.
- 9.42 The chairperson of the Board shall set a hearing within thirty (30) days of receipt of the appeal. The time, date, place of the hearing, and description of the request shall be published in a local newspaper of general circulation ten (10) days prior to the actual hearing. The Board shall also notify the interested parties in the case of the hearing date, time and place.

**9.5 APPEALS FROM THE BOARD OF ZONING ADJUSTMENT**

Any person or person, jointly or separately, aggrieved by any decision of the Board of Zoning Adjustment, or any officer, departments, board or bureau of the County, may seek review of such decision by the District Court for the County in the manner provided by the laws of the State and particularly by Section 23-168.04.

**NOTICE TO APPLICANT  
FOR VARIANCES  
IN BUFFALO COUNTY NEBRASKA**

Section 9.31 subsection 3 of the Buffalo County Zoning Ordinance requires the applicant to submit the following information which must accompany this appeal before it can be considered by the Board of Adjustment.

Where by reason of exceptional narrowness, shallowness, or shape of a specific piece of property at the time of adoption of the Zoning Resolution, 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 enacted regulation under this act would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardships upon the owner of such property, to authorize, upon appeal relating to the property, a variance from such strict application so as to relieve such difficulties or hardships, if such relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of these zoning regulations, but no such variance shall be authorized unless the Board finds that:

- a. The strict application of the 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; and
- d. 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.