

CITY OF FORT CALHOUN
APPLICATION FOR BOARD OF ADJUSTMENT PUBLIC HEARING - VARIANCE

Filing Fee: \$50.00

Section 1208 BOARD OF ADJUSTMENT

b. Procedure for Appeals

1. Appeals shall be made to the Board of Adjustment through the office of the Planning Commission in written form as determined by the Planning Commission. The Board shall fix a reasonable time for the hearing of the appeal and shall decide the appeal within 30 days of the date of the public hearing. An appeal stays all proceedings in furtherance of the action, unless the Zoning Administrator certifies to the Board that by reason of the facts stated in the certificate, a stay would, in his/her opinion, cause imminent peril to life or property.
2. The Board shall provide a minimum of ten days notice of a public hearing on any question before it. Notice of the hearing shall be posted in a conspicuous place on or near the property on which the application has been made; by publication in a newspaper of general circulation in the City of Fort Calhoun; and by written notice to the appealing parties of interest.
3. Upon the public hearing, any party may appear in person or by agent or attorney. The concurring vote of four out of five members of such board as so composed shall be necessary to reverse any order, requirement, decision or determination of the Planning Commission, or to decide in favor of the appellant on any matter upon which it is required to pass under any zoning ordinance, or to effect any variation in such ordinance. (12-10)

Section 1209 Powers and Duties of the Board of Adjustment

3. Conditions for Grant of Variance:

(a) In granting any variance, the Board of Adjustment may prescribe appropriate conditions and safeguards in conformity with this Ordinance. Violation of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this Ordinance and punishable under Section 12.14 of this Ordinance.

(b) Under no circumstances shall the Board of Adjustment grant a variance to allow a use not permissible under the terms of this Ordinance in the district involved, or any use expressly or by implication prohibited by the terms of this Ordinance in said district.

(c) No non-conforming use of neighboring lands, structures, or buildings in the same district and no permitted or non-conforming use of lands, structures, or buildings in other districts shall be considered grounds for the issuance of a variance. (12-11)

Applicant: _____

Applicant's Address: _____ Zip: _____

Telephone: (home/cell): _____ (work): _____

Owner of Record: _____ Address: _____

Telephone: (home/cell) _____ (work): _____

Present Zoning: _____

Legal description of Property: _____

Address of Property: _____

Description of requested variance: _____

Attach Diagram

This authorizes the City Planning Commission, City Council, Board of Adjustment and Building Inspector to enter upon the property during normal working hours for the purpose of becoming familiar with the proposed situation.

Applicants Signature

Property Owner's Signature if not Applicant