

# ZONING PERMIT APPLICATION

## City of O'Neill, Nebraska

### THIS SECTION TO BE FILLED OUT BY APPLICANT:

1. The undersigned hereby applies for a zoning permit for (check one):

New Building Construction

Remodeling / Enlargement of existing building

Move a building

Fence construction

Place a double-wide manufactured home

Place a single-wide manufactured home

Change the use on a premises and/or building

Sign / Billboard

2. Legal description of the property on which the above indicated activity is proposed to occur: \_\_\_\_\_  
\_\_\_\_\_

3. Proposed use of property / building involved in this application: \_\_\_\_\_  
\_\_\_\_\_

4. Size of building proposed: \_\_\_\_x\_\_\_\_ 5. Height of building / structure: \_\_\_\_feet 6. Estimated Cost / Value: \$\_\_\_\_\_

7. Sketch a site plan of the location of the use / building / structure proposed (in the area indicated below) The site plan must indicate

**ALL** of the following information (*Check each item when completed*):

The dimensions of the lot / parcel on which the activity proposed in this application is to be located and any easements,

The name and location of all streets / roads on which the lot / parcel has frontage,

The location and dimensions of all buildings / structures which now exist on the premises,

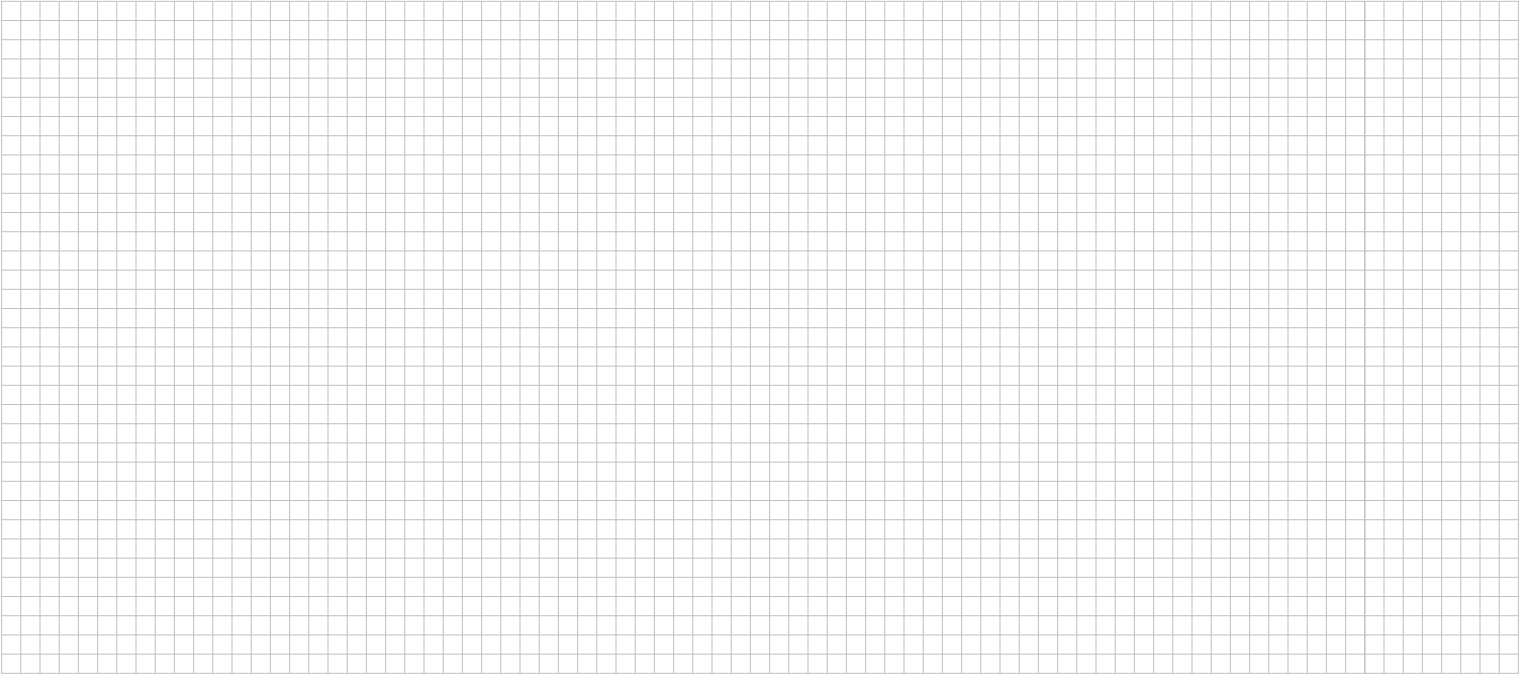
The location and dimensions of building / structure / additions proposed in this application (*include all proposed building projections such as porches, steps, decks, patios, roof overhangs or any other item which would project beyond the foundation*),

The location of all proposed driveways and parking areas (*for commercial and industrial uses include loading areas*),

For commercial / industrial / public service developments also indicate the locations and dimensions of any signs, accessory buildings, garbage storage areas and any required landscape screens,

If proposed use IS NOT to be served by a municipal water or sewer system, indicate the location of any proposed well, septic tank and tile field,

### SKETCH SITE PLAN HERE:



I hereby certify that I have the legal authority to file this application, that I have completed and examined this application and know the same to be true and correct. I also certify that all provisions of law and other regulations governing the type of construction / development/ use proposed in this application will be complied with, whether or not specified in this application, including all applicable state codes. I further certify that I have paid the required application fee and that I understand that this fee is non-refundable.

\_\_\_\_\_  
Name of Applicant (please print)

\_\_\_\_\_  
Street Address (please print)

\_\_\_\_\_  
Telephone

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

\_\_\_\_\_  
City / State / Zip Code (please print)

\_\_\_\_\_  
Date of Application

# ZONING PERMIT

## City of O'Neill, Nebraska

**THIS SECTION TO BE FILLED OUT BY ZONING ADMINISTRATOR:**

**Application No.** \_\_\_\_\_ - \_\_\_\_\_      **Application Fee of \$** \_\_\_\_\_ **has been paid:**    \_\_\_Yes    \_\_\_No

1. Subject property is zoned: \_\_\_\_\_
2. Subject property is located in a flood hazard area:    \_\_\_Yes    \_\_\_No  
*If Yes, proposed development complies with flood hazard regulations:*    \_\_\_Yes    \_\_\_No
3. Subject development complies with airport hazard height restrictions:    \_\_\_Yes    \_\_\_No
4. Abutting property is zoned:    North \_\_\_\_\_      South \_\_\_\_\_      East \_\_\_\_\_      West \_\_\_\_\_
5. Transitional Setback applicable to:    North \_\_\_\_\_      South \_\_\_\_\_      East \_\_\_\_\_      West \_\_\_\_\_
6. Proposed use is a permitted use:    \_\_\_Yes    \_\_\_No
7. Proposed use requires conditional use approval:    \_\_\_Yes    \_\_\_No  
*Conditional use approval granted by City Council on (date):* \_\_\_\_\_  
*Conditions of approval:* \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
*Proposed development complies with above conditions:*    \_\_\_Yes    \_\_\_No

8. Proposed building / structure (and any projections) complies with required setbacks:    \_\_\_Yes    \_\_\_No
9. Proposed number of parking spaces and size of spaces and drive aisles meet minimum requirements:    \_\_\_Yes    \_\_\_No
10. If applicable, proposed loading area meets minimum requirements:    \_\_\_Yes    \_\_\_No
11. If applicable, any required landscape screen(s) comply with minimum requirements:    \_\_\_Yes    \_\_\_No
12. If applicable, any signs / billboards comply with minimum setback and other requirements:    \_\_\_Yes    \_\_\_No
13. If applicable, a variance was authorized by the Board of Adjustment for the development proposed:    \_\_\_Yes    \_\_\_No  
*Conditions of variance as established by the Board of Adjustment:* \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
*Proposed development complies with above conditions:*    \_\_\_Yes    \_\_\_No

**This Zoning Permit is:**    \_\_\_ **Approved as of (date):** \_\_\_\_\_, **20** \_\_\_\_\_ (List any conditions of approval):  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_ **Disapproved as of (date):** \_\_\_\_\_, **20** \_\_\_\_\_ (List reasons for disapproval):  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Copy of Zoning Permit mailed / delivered to Applicant on (date): \_\_\_\_\_, 20 \_\_\_\_\_

\_\_\_\_\_  
Signature of Zoning Administrator

# CERTIFICATE OF ZONING COMPLIANCE

## City of O'Neill, Nebraska

**To be completed by Zoning Administrator:**

1. Legal Description / Address of property for which Certificate is being considered: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
  
2. Owner of above described property: \_\_\_\_\_ Address: \_\_\_\_\_  
\_\_\_\_\_  
Telephone: \_\_\_\_\_
  
3. Use / proposed use of the property is: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
  
4. This Certificate of Zoning Compliance is for a change of use / development of a new or different use in an existing building where no new buildings or modifications or additions are proposed and no zoning permit is needed:   \_\_\_YES   \_\_\_NO
  
5. If the use / proposed use / occupancy is a change of use where no new building(s) or modifications or additions to existing buildings is proposed and no zoning permit is needed, the proposed use is a permitted use in the zoning district in which the use is located and such use complies with all setback and other applicable zoning requirements:   \_\_\_YES   \_\_\_NO  
  
If NO, indicate the areas of non-compliance: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
  
6. If a zoning permit for the proposed use was previously issued, the building(s) and use complies with all statements and conditions of such zoning permit and complies with the applicable requirements of the City of O'Neill Zoning Regulations:   \_\_\_YES   \_\_\_NO  
  
If NO, indicate the areas of non-compliance: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
  
7. If the use required a conditional use approval or variance, all conditions of approval have been complied with:   \_\_\_YES   \_\_\_NO  
  
If NO, indicate the areas of non-compliance: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
  
8. Site / premises / use was inspected on \_\_\_\_\_, 20\_\_\_\_ to verify compliance with all applicable regulations / conditions of approval.
  
9. This Certificate of Zoning Compliance issued on \_\_\_\_\_, 20\_\_\_\_ and a copy of said Certificate was mailed / delivered or otherwise provided to owner of subject premises on \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Signature of Zoning Administrator

**REZONING APPLICATION**  
**City of O'Neill, Nebraska**

**THIS SECTION TO BE FILLED OUT BY APPLICANT:**

- 1. \_\_\_\_\_  
Applicant's Name (please print)                                  Street Address, City, State and Zip Code (please print)                                  Telephone
  
- 2. If applicant is not the owner of the property to be affected by the proposed rezoning, provide owner information:

\_\_\_\_\_  
Owner's Name (please print)                                  Street Address, City, State and Zip Code (please print)                                  Telephone
  
- 3. Legal Description of property for which a rezoning is requested: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
  
- 4. Subject property is presently zoned: \_\_\_\_\_AG, Agricultural                    \_\_\_\_\_R, Residential                    \_\_\_\_\_R-R, Residential Ranchette  
(check one)                                  \_\_\_\_\_R-O, Residential-Office                    \_\_\_\_\_C-1, Central Business                    \_\_\_\_\_C-2 - General Business  
\_\_\_\_\_I-1, Light Industrial                    \_\_\_\_\_I-2, Industrial                    \_\_\_\_\_PUD - Planned Unit Development
  
- 5. Proposed Zoning (check one): \_\_\_\_\_AG, Agricultural                    \_\_\_\_\_R, Residential                    \_\_\_\_\_R-R, Residential Ranchette  
\_\_\_\_\_R-O, Residential-Office                    \_\_\_\_\_C-1, Central Business                    \_\_\_\_\_C-2 - General Business  
\_\_\_\_\_I-1, Light Industrial                    \_\_\_\_\_I-2, Industrial                    \_\_\_\_\_PUD - Planned Unit Development
  
- 6. Present use of real estate included in this application: \_\_\_\_\_
  
- 7. Proposed use of real estate included in this application: \_\_\_\_\_
  
- 8. Present use of adjoining properties: North \_\_\_\_\_ South \_\_\_\_\_ East \_\_\_\_\_ West \_\_\_\_\_

I hereby certify that I have the legal authority to file this application, that I have completed and examined this application and know the same to be true and correct. I further certify that I have paid the required application fee and that I understand that this fee is non-refundable.

\_\_\_\_\_  
Signature of Applicant                                  Date

**THIS SECTION TO BE FILLED OUT BY ZONING ADMINISTRATOR:**

1. Application No. \_\_\_\_\_, 20\_\_\_\_
2. Date application received: \_\_\_\_\_, 20\_\_\_\_
3. Fee of \$\_\_\_\_\_ paid by applicant
4. Is proposed rezoning consistent with the Future Land Use Plan component of the City's Comprehensive Plan? \_\_\_Yes \_\_\_No  
*(If NO, the Planning Commission and City Council must first considered amending the Comprehensive Plan. Legal notices, mailings and public hearings are required to amend said Plan.)*
5. Legal advertisement of Planning Commission public hearing(s) published and notices to adjoining property owners or posting of the property accomplished a minimum of ten (10) days prior to said public hearing(s) date. \_\_\_Yes
6. Planning Commission public hearing on amending Comprehensive Plan conducted on \_\_\_\_\_, 20\_\_\_\_ (if applicable)
7. Recommendation of Planning Commission regarding amendment of Comprehensive Plan: \_\_\_Approve \_\_\_Disapprove
8. Planning Commission public hearing on proposed rezoning conducted on \_\_\_\_\_, 20\_\_\_\_
9. Recommendation of Planning Commission regarding proposed rezoning: \_\_\_Approve \_\_\_Disapprove  
*(Recommendation cannot include conditions, except for reduction in area to be rezoned)*
10. Legal advertisement of City Council public hearing(s) published and notices to adjoining property owners or posting of the property accomplished a minimum of ten (10) days prior to said public hearing(s) date. \_\_\_Yes
11. City Council public hearing on amending Comprehensive Plan conducted on \_\_\_\_\_, 20\_\_\_\_ (if applicable)
12. Decision of City Council regarding amendment of Comprehensive Plan: \_\_\_Approve \_\_\_Disapprove
13. City Council public hearing on proposed rezoning conducted on \_\_\_\_\_, 20\_\_\_\_
14. Decision of City Council regarding proposed rezoning: \_\_\_Approve \_\_\_Disapprove  
*(Decision cannot include conditions, except for reduction in area to be rezoned)*
15. Notice of City Council decision mailed to applicant on \_\_\_\_\_, 20\_\_\_\_
16. If amendment to Comprehensive Plan was approved, appropriate text and / or maps in Comprehensive Plan have been modified to reflect such amendment on \_\_\_\_\_, 20\_\_\_\_
17. If rezoning was approved by the City Council, the Official Zoning Map was modified to reflect such amendment and was signed by the Mayor and attested by City Clerk on \_\_\_\_\_, 20\_\_\_\_

\_\_\_\_\_  
Signature of Zoning Administrator

\_\_\_\_\_  
Date

# SAMPLE OF PUBLIC HEARING NOTICE FOR AMENDMENT OF COMPREHENSIVE PLAN

## NOTICE OF PROPOSED AMENDMENT TO THE COMPREHENSIVE PLAN OF THE CITY OF O'NEILL, NEBRASKA

**NOTICE IS HEREBY GIVEN** that on   (date)   at   (time)   in the   (location)  , in the City of O'Neill, Nebraska, the   (Planning Commission / City Council)   shall hold a public meeting to conduct a public hearing to consider the following proposed amendment to the Comprehensive Plan of the City of O'Neill.

Amend   (appropriate component of Comprehensive Plan)   to reflect the following   (describe proposed amendment and the legal description of the real property to be affected by the amendment)  .

All interested parties are invited to attend this public hearing at which time you will have an opportunity to be heard regarding this proposed amendment to the Comprehensive Plan. Written testimony shall also be accepted at any time up to and including the public hearing.

---

City Clerk

NOTE: This legal notice must be published once in the legal newspaper of the City at least ten (10) days prior to each of the two (2) required public hearings. In addition to the publication of notice prescribed above, a notice shall be posted in a conspicuous place on or near the property on which amendment action is pending. Such notice shall not be less than eighteen (18) inches in height and twenty four (24) inches in width with a white or yellow background and black letters not less than one and one-half (1 ½) inches in height. Such posted notice shall be so placed upon the premises that it is easily visible from the street nearest the premises and shall be so posted at least ten (10) days prior to the date of such public hearing. It shall be unlawful for anyone to remove, mutilate, destroy, or change such posted notice. If the record owner(s) of any lots included in such proposed amendment be non-residents of the City, a written notice of such hearing shall be mailed by first class mail to such owner(s), addressed to their last known address at least ten (10) days prior to the date of such public hearing.

---

# SAMPLE OF PUBLIC HEARING NOTICE FOR AMENDMENT OF OFFICIAL ZONING MAP

## NOTICE OF PROPOSED CHANGE OF ZONING ON LAND WITHIN OR SURROUNDING THE CITY OF O'NEILL, NEBRASKA

**NOTICE IS HEREBY GIVEN** that on   (date)   at   (time)   in the   (location)  , in the City of O'Neill, Nebraska, the   (Planning Commission / City Council)   shall hold a public meeting to conduct a public hearing to consider a request to change the zoning applicable to   (legal description of property to be affected by propose rezoning)   from   (existing zoning district)   to   (proposed zoning district)  . Said rezoning request has been filed by   (name of applicant)  .

All interested parties are invited to attend this public hearing at which time you will have an opportunity to be heard regarding this proposed amendment to the Comprehensive Plan. Written testimony shall also be accepted at any time up to and including the public hearing.

---

City Clerk

NOTE: This legal notice must be published once in the legal newspaper of the City at least ten (10) days prior to each of the two (2) required public hearings. In addition to the publication of notice prescribed above, a notice shall be posted in a conspicuous place on or near the property on which amendment action is pending. Such notice shall not be less than eighteen (18) inches in height and twenty four (24) inches in width with a white or yellow background and black letters not less than one and one-half (1 ½) inches in height. Such posted notice shall be so placed upon the premises that it is easily visible from the street nearest the premises and shall be so posted at least ten (10) days prior to the date of such public hearing. It shall be unlawful for anyone to remove, mutilate, destroy, or change such posted notice. If the record owner(s) of any lots included in such proposed amendment be non-residents of the City, a written notice of such hearing shall be mailed by first class mail to such owner(s), addressed to their last known address at least ten (10) days prior to the date of such public hearing.

# **SAMPLE OF PUBLIC HEARING NOTICE FOR AMENDMENT OF TEXT OF ZONING ORDINANCE**

## **NOTICE OF PROPOSED AMENDMENT TO THE ZONING ORDINANCE OF THE CITY OF O'NEILL, NEBRASKA**

**NOTICE IS HEREBY GIVEN** that on   (date)   at   (time)   in the   (location)  , in the City of O'Neill, Nebraska, the   (Planning Commission / City Council)   shall hold a public meeting to conduct a public hearing to consider the following proposed amendment(s) to Ordinance No.   (Ordinance Number of Zoning Ordinance)  , the Zoning Regulations of the City of O'Neill, Nebraska.

Amend   (Article No., Section No., which reads (insert existing text of said Article and Section No.)   to read as follows:   (insert proposed text)  .

All interested parties are invited to attend this public hearing at which time you will have an opportunity to be heard regarding this proposed amendment to the Comprehensive Plan. Written testimony shall also be accepted at any time up to and including the public hearing.

---

City Clerk

NOTE: This legal notice must be published once in the legal newspaper of the City at least ten (10) days prior to each of the two (2) required public hearings.

# APPLICATION FOR CONDITIONAL USE

## City of O'Neill, Nebraska

**THIS SECTION TO BE FILLED OUT BY APPLICANT:**

1. The undersigned hereby applies for authorization of a conditional use to established the following use (describe proposed use): \_\_\_\_\_  
\_\_\_\_\_

on the following real estate (provide legal description of real estate on which proposed use is to be located): \_\_\_\_\_  
\_\_\_\_\_

2. If the applicant IS NOT the owner of the above described real estate, provide the name and mailing address of the owner(s):

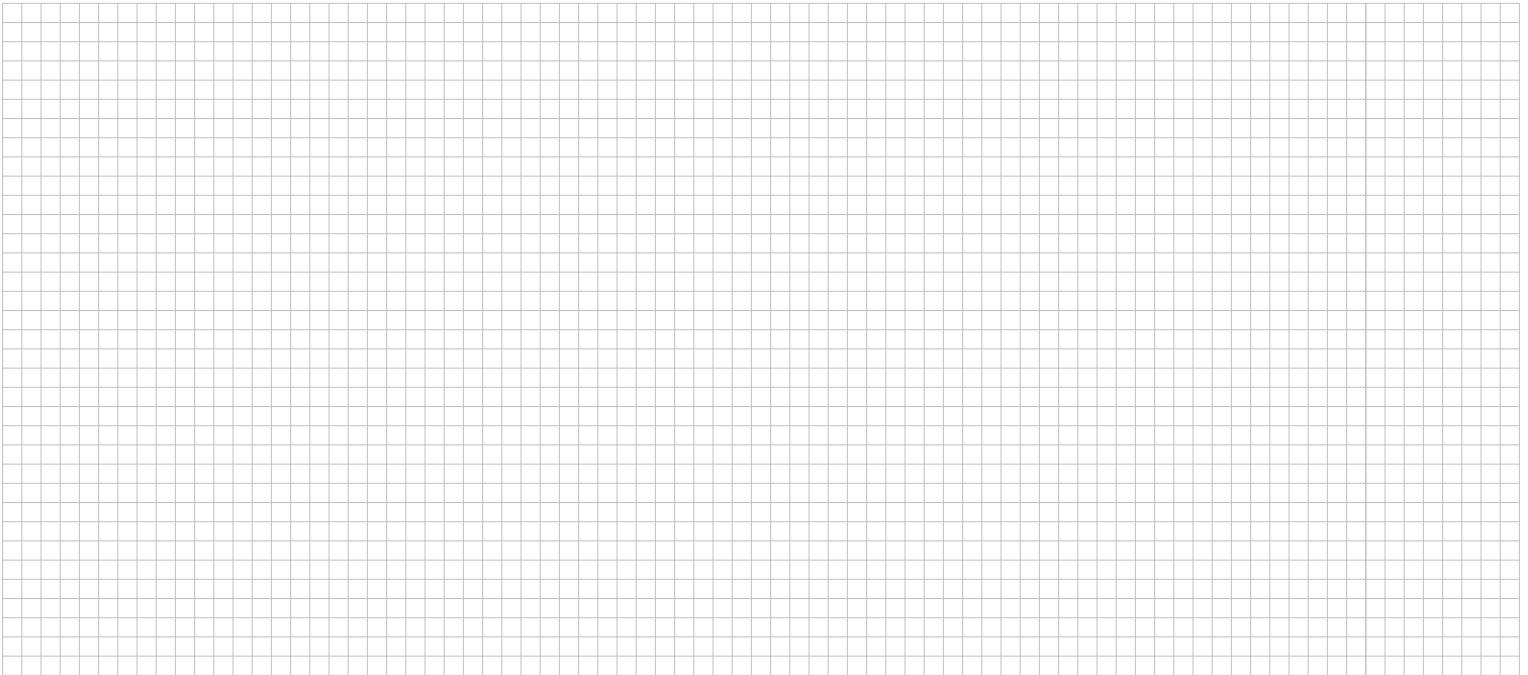
\_\_\_\_\_  
Name (please print) Street, City, State and Zip Code

3. The type(s) of land use existing on ALL property abutting the above described real estate:  
North \_\_\_\_\_ South \_\_\_\_\_ East \_\_\_\_\_ West \_\_\_\_\_

4. In the area indicated below, sketch a site plan (or attach a drawing) which depicts the proposed use and attach additional information which describes the proposed use which includes ALL of the following information (*check each item when completed*):

- \_\_\_\_\_ The size, capacity and location of all existing and proposed buildings and structures to be involved in the proposed use and the distances from the rights-of-way lines of all abutting streets (*indicate name of streets*), property lines and the distance between buildings and structures,
- \_\_\_\_\_ The locations and widths of any easements affecting the real property involved,
- \_\_\_\_\_ The locations of proposed driveways from the street(s) serving the property involved,
- \_\_\_\_\_ The number, size and location of parking spaces required and, if applicable, any required loading areas,
- \_\_\_\_\_ The type and location of any refuse collection and storage facilities,
- \_\_\_\_\_ An indication any area subject to flooding and proposed surface drainage onto, through and off of the property involved,
- \_\_\_\_\_ The type, size and location of all signs and the location, type and height of any outdoor lighting proposed,
- \_\_\_\_\_ The location and type of any landscape screening proposed.

**SKETCH SITE PLAN HERE:**



I hereby certify that I have the legal authority to file this application, that I have completed and examined this application and know the same to be true and correct. I also certify that all provisions of law and other regulations governing the type of construction / development/ use proposed in this application will be complied with, whether or not specified in this application, including all applicable state codes. I further certify that I have paid the required application fee and that I understand that this fee is non-refundable.

\_\_\_\_\_  
Name of Applicant (please print)

\_\_\_\_\_  
Street Address (please print)

\_\_\_\_\_  
Telephone

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

\_\_\_\_\_  
City / State / Zip Code (please print)

\_\_\_\_\_  
Date of Application



**THIS SECTION TO BE COMPLETED BY ZONING ADMINISTRATOR:**

1. Application No. \_\_\_\_\_, 20\_\_\_\_

2. Date application received: \_\_\_\_\_, 20\_\_\_\_

3. Application fee of \$\_\_\_\_\_ paid by applicant

4. Legal Notice of City Council public hearing published and property posted at least ten (10) days prior to date of public hearing: \_\_\_Yes

5. Public hearing by City Council conducted on \_\_\_\_\_, 20\_\_\_\_

6. Decision of the City Council:

\_\_\_ Approval of conditional use as presented

\_\_\_ Approval of conditional use with conditions (list conditions): \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_ Disapproval of conditional use (list reason(s) for disapproval): \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

7. Notice of action of the City Council mailed to applicant on \_\_\_\_\_, 20\_\_\_\_

8. If approved, zoning permit for use proposed was issued with any applicable conditions noted on said permit on \_\_\_\_\_, 20\_\_\_\_

\_\_\_\_\_  
Signature of Zoning Administrator

# SAMPLE OF PUBLIC HEARING NOTICE FOR CONDITIONAL USE

## NOTICE OF PROPOSED CONDITIONAL USE ON LAND WITHIN OR SURROUNDING THE CITY OF O'NEILL, NEBRASKA

**NOTICE IS HEREBY GIVEN** that on   (date)   at   (time)   in the   (location)  , in the City of O'Neill, Nebraska, the Mayor and City Council shall hold a public meeting to conduct a public hearing to consider a conditional use application authorized under Ordinance No.   (ordinance no. of zoning ordinance)  , the Zoning Ordinance of the City of O'Neill, Nebraska to permit the real property described as   (insert legal description of real property involved in application)   to be used for   (description of proposed conditional use)  . Said conditional use application has been filed by   (name of applicant)  .

All interested parties are invited to attend this public hearing at which time you will have an opportunity to be heard regarding this proposed amendment to the Comprehensive Plan. Written testimony shall also be accepted at any time up to and including the public hearing.

---

City Clerk

NOTE: This legal notice must be published once in the legal newspaper of the City at least ten (10) days prior to each of the two (2) required public hearings. In addition to the publication of notice prescribed above, a notice shall be posted in a conspicuous place on or near the property on which amendment action is pending. Such notice shall not be less than eighteen (18) inches in height and twenty four (24) inches in width with a white or yellow background and black letters not less than one and one-half (1 ½) inches in height. Such posted notice shall be so placed upon the premises that it is easily visible from the street nearest the premises and shall be so posted at least ten (10) days prior to the date of such public hearing. It shall be unlawful for anyone to remove, mutilate, destroy, or change such posted notice. If the record owner(s) of any lots included in such proposed amendment be non-residents of the City, a written notice of such hearing shall be mailed by first class mail to such owner(s), addressed to their last known address at least ten (10) days prior to the date of such public hearing.

# APPLICATION FOR A VARIANCE TO THE REQUIREMENTS OF ZONING REGULATIONS

City of O'Neill, Nebraska

**THIS SECTION TO BE FILLED OUT BY APPLICANT:**

1. Legal description of real estate for which this variance is requested: \_\_\_\_\_  
\_\_\_\_\_
4. Describe the variance requested (*in addition to this written information, provide a sketch of the buildings, structures, setbacks etc. involved in the request on the space provided below:* \_\_\_\_\_  
\_\_\_\_\_

**SKETCH SITE PLAN HERE:**



3. Explain why the strict application of the zoning regulations would produce an undue hardship: (*a hardship, by law, must relate to peculiar characteristic(s) or situation of the property (land), such as exceptional narrowness, shallowness, shape, topography or other exceptional factor of the land and not the convenience of the owner / applicant or simply the desire of the owner / applicant*)  
\_\_\_\_\_  
\_\_\_\_\_
4. Explain why such hardship is not shared generally by other properties in the same zoning district and in the same vicinity: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
5. Explain why granting of the variance will not be of substantial detriment to adjacent properties: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

I hereby certify that I have the legal authority to file this application, that I have completed and examined this application and know the same to be true and correct. I further certify that I have paid the required application fee and that I understand that this fee is non-refundable.

\_\_\_\_\_  
Name of Applicant (please print)

\_\_\_\_\_  
Street Address (please print)

\_\_\_\_\_  
Telephone

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

\_\_\_\_\_  
City / State / Zip Code (please print)

\_\_\_\_\_  
Date of Application

**THIS SECTION TO COMPLETED BY ZONING ADMINISTRATOR:**

1. Variance Case No. \_\_\_\_\_, 20\_\_\_\_
2. Date Application received: \_\_\_\_\_, 20\_\_\_\_
3. Fee of \$\_\_\_\_\_ paid by applicant
4. Real estate on which variance is requested is zoned:  
(check one)      \_\_\_AG, Agricultural      \_\_\_R, Residential      \_\_\_R-R, Residential Ranchette  
                         \_\_\_R-O, Residential-Office      \_\_\_C-1, Central Business      \_\_\_C-2 - General Business  
                         \_\_\_I-1, Light Industrial      \_\_\_I-2, Industrial      \_\_\_PUD - Planned Unit Development
5. Real estate is subject to overlay zoning with additional restrictions: \_\_\_Yes    \_\_\_No  
    If YES the following overlay district regulations apply:  
                         \_\_\_Flood Hazard                      \_\_\_Airport Hazard                      \_\_\_Wellhead Protection
6. Reason(s) zoning permit / certificate of zoning compliance was denied (*Cite applicable section(s) of zoning regulations*): \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
7. Is proposed variance a “use variance” prohibited by Section 802.03, Subsection B, Paragraph F of the Zoning Regulations?  
\_\_\_Yes    \_\_\_No (*If YES, application for a variance cannot be excepted under any circumstances. The applicant shall be instructed to seek a rezoning of the subject property.*)
8. Legal notice of public hearing by Board of Adjustment was published and posting of subject property occurred at least ten (10) days prior to the date of the public hearing.    \_\_\_Yes
9. Board of Adjustment public hearing was conducted on \_\_\_\_\_, 20\_\_\_\_
10. Board of Adjustment action:  
    \_\_\_ Written hardship(s) where found by Board as required by Section 803.03 of the Zoning Regulations (*attach original of Variance Hardship Finding and Action Record*)  
    \_\_\_ Written hardship(s) where NOT found by Board as required by Section 803.03 of the Zoning Regulations (*attach original of Variance Hardship Finding and Action Record*)  
    \_\_\_ Variance was approved (*refer to Variance Hardship Finding and Action Record*)  
        \_\_\_ Conditions for variance where approved (*refer to Variance Hardship Finding and Action Record*)  
    \_\_\_ Variance was denied (*refer to Variance Hardship Finding and Action Record*)
11. Notice of the decision of the Board of Adjustment was mailed to Applicant on \_\_\_\_\_, 20\_\_\_\_

\_\_\_\_\_  
Signature of Zoning Administrator

# SAMPLE OF PUBLIC HEARING NOTICE APPEAL TO BOARD OF ADJUSTMENT OR TO REQUEST A VARIANCE

## NOTICE OF APPEAL / VARIANCE REQUEST TO THE CITY OF O'NEILL, NEBRASKA BOARD OF ADJUSTMENT

**NOTICE IS HEREBY GIVEN** that on   (date)   at   (time)   in the   (location)  , in the City of O'Neill, Nebraska, the Board of Adjustment shall hold a public meeting to conduct a public hearing to consider an appeal of a decision of the Zoning Administrator filed by   (name of applicant)  , authorized under Ordinance No.   (ordinance no. of zoning ordinance)  , the Zoning Ordinance of the City of O'Neill, Nebraska with regard to interpretation of Article   , Section    of said Zoning Regulations. Said appeal is in regard to real property described as   (insert legal description of real property involved in application)  .

All interested parties are invited to attend this public hearing at which time you will have an opportunity to be heard regarding this proposed amendment to the Comprehensive Plan. Written testimony shall also be accepted at any time up to and including the public hearing.

---

City Clerk

NOTE: This legal notice must be published once in the legal newspaper of the City at least ten (10) days prior to each of the two (2) required public hearings. In addition to the publication of notice prescribed above, a notice shall be posted in a conspicuous place on or near the property on which amendment action is pending. Such notice shall not be less than eighteen (18) inches in height and twenty four (24) inches in width with a white or yellow background and black letters not less than one and one-half (1 ½) inches in height. Such posted notice shall be so placed upon the premises that it is easily visible from the street nearest the premises and shall be so posted at least ten (10) days prior to the date of such public hearing. It shall be unlawful for anyone to remove, mutilate, destroy, or change such posted notice. If the record owner(s) of any lots included in such proposed amendment be non-residents of the City, a written notice of such hearing shall be mailed by first class mail to such owner(s), addressed to their last known address at least ten (10) days prior to the date of such public hearing.

# VARIANCE HARDSHIP FINDING and ACTION RECORD

## City of O'Neill, Nebraska Board of Adjustment

1. Variance / Appeal Case No. \_\_\_\_\_, 20\_\_\_\_
2. Name of applicant: \_\_\_\_\_
3. Date of Board of Adjustment Public Hearing: \_\_\_\_\_, 20\_\_\_\_
4. The Board of Adjustment made the following findings with regard to this variance request (*circle appropriate finding and write explanation for each variance requirement below*):
  - A. Strict application of the requirements of the Zoning Regulations ( *will / will not* ) result in an undue hardship on the owner of such property due to exceptional narrowness, shallowness, shape, topography or other extraordinary and exception situation of condition of the property. (*state specific finding of the Board*): \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
  - B. Such hardship ( *is / is not* ) shared generally by other properties in the same zoning district and the same vicinity. (*state specific finding of the Board*): \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
  - C. The authorization of such variance ( *will / will not* ) be of substantial detriment to adjacent property and the character of the zoning district will not be changed by the authorization of such variance. (*state specific finding of the Board*): \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
  - D. This variance ( *is / is not* ) based on reasons of demonstrable and exceptional hardship dealing with the property and ( *is / is not* ) based on conditions created by the owner or merely for the owner's convenience or profit. (*state specific finding of the Board*): \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
  - E. The condition or situation of the property ( *is / is not* ) of so general and recurring in nature as to make reasonably practical the formulation of a general regulation as an amendment to the Zoning Regulations. (*state specific finding of the Board*): \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

5. Action of the Board of Adjustment:

After a proper motion was made and a second was offered, a roll call vote of \_\_\_\_AYES and \_\_\_\_NAYS resulted in the following action by the City of O'Neill, Nebraska Board of Adjustment:

\_\_\_\_Approval (*as submitted, without further conditions*)

\_\_\_\_Approval (*with conditions as listed:*) \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_Denial

\_\_\_\_\_  
Signature of Chairperson of the Board of Adjustment