



PLANNING AND ZONING DEPARTMENT

Alison Simmons, AICP, Director
P.O. Box 6122
1003 Highway 52 • Moncks Corner, SC 29461
843.719.4095

APPLICATION FOR VARIANCE

Of the Berkeley County Zoning Ordinance No. 01-8-35 (as amended)

ALL SECTIONS OF THIS APPLICATION ARE REQUIRED TO BE COMPLETED TO BE ACCEPTED

Applications are due by COB of the previous month's meeting date. If the application is on behalf of the property owner(s), all owners must sign. If the applicant is not an owner, the owner(s) must sign the *Property Owner Authorization* (found on page 3) to designate the Applicant as the Authorized Agent. Application Fee is **\$150.00** (Non-Refundable). Cash, Card, and Check Accepted. Checks may be made out to **BERKELEY COUNTY**

APPLICANT INFORMATION

PRINTED Name of Applicant: _____ Relation to Property Owner (Check One):
 I am the Owner I am the Authorized Agent
Phone #: _____ Email Address: _____
Mailing Address: _____

PROPERTY OWNER'S CONTACT INFORMATION (IF NOT STATED ABOVE)

Name: _____
Mailing Address: _____
Phone #: _____ Email Address: _____

BZA MEETING DATE AND EXPECTATIONS

BZA Meeting Date Applied for: _____
I understand that I will be asked to speak on behalf of my request and that I, or a representative will need to be in attendance. If, for some reason I or a representative will not be able to attend the scheduled meeting, I must submit a written request for deferral to another date in accordance with the adopted [Defeat/Deferral Policy](#) or withdraw my application.
Applicant's Initials Here:

PROPERTY INFORMATION

TMS#: _____ Lot Size: _____ Zoning: _____
Physical Address or Location of Subject Property: _____
Present Use of the Property: _____

The following information MUST BE submitted with this application:

- 1. SITE PLAN** This should be on a copy of the recorded plat (8"x11"), if available. Sketch showing ALL existing and proposed buildings, bufferyards, roads, driveways, parking spaces, fencing, and other physical improvements in relation to the request.
- 2. OTHER RELEVANT EVIDENCE** The burden of proof to demonstrate a physical hardship falls on the applicant. Please enclose any documents, letters of support, surveys, pictures, or other materials deemed necessary to demonstrate the conditions of the property.

SUBMITTAL ENCLOSURES (PLEASE CHECK ALL THAT APPLY)

- Existing Plat of Record
- Site Plan
- Letters of Support from Neighboring Property Owners
- Owner's Notarized Written Authorization (If Owner's Signature Cannot Be Obtained)
- Other (please specify): _____

RELEVANT FACTORS PERTAINING TO THE VARIANCE

I (we) have made (or desire to make) an application for a permit to:

And the Planning and Zoning Department either denied it or stated that it does not conform on the grounds that:

I request a variance from the Berkeley County Zoning Ordinance to be/have (Be specific with measurements, feet, acreage, numbers of, ratio, etc.):

State Law and the Berkeley County Ordinance requires that the following four (4) facts are sufficiently met in order for a variance to be considered by the BZA. The applicant must prove through fact that the strict application of the ordinance will result in unnecessary hardship. Please provide a response to EACH question provided below and use additional sheets if necessary.

THE VARIANCE IS REQUESTED BECAUSE OF THE FOLLOWING REASONS:

1. There are extraordinary and exceptional conditions pertaining to the particular piece of property. There are issues such as size, shape, and topography that prevent compliance with the Ordinance. **NOTE: The BZA REQUESTS precise measurements, either drawn on a map or plat or prepared by a Surveyor or other qualified professional. If insufficient information is presented to the BZA, the applicant risks the Variance being denied or held for a future meeting until the Applicant can provide the necessary evidence.**

2. These conditions do not generally apply to other property in the vicinity. The applicant should answer the question: What condition(s) that generally applies only to this property prevents compliance with the ordinance? **A simple example pertaining to lot shape: "The triangular shape makes it impossible for me to meet the requirements. All the adjacent lots around me are square."**

3. Because of these conditions, the application of the ordinance effectively prohibits, or unreasonably restricts the utilization of the particular piece of property. The applicant should answer the question: What is the reasoning behind why the ordinance would harm the property's current or future use? **NOTE: Monetary gain or advantage is not to be considered by the board in determining hardship. A simple example pertaining to building a detached garage on a residential lot: "Because of the triangular shape of the lot, a detached garage will not fit within the boundaries of the lot and still adhere to the setback requirements. This prevents the lot from being fully utilized."**

4. The authorization of the variance will not be of substantial detriment to adjacent property or to the public good, and the character of the district will not be harmed by the granting of the variance. **Affected/Interested stakeholders, either in support or in opposition, have the privilege to be heard during the Public Hearing.**

ACKNOWLEDGMENTS:

TERMS OF THIS APPLICATION

1. Hardship resulting from financial difficulty, and the applicant's own actions are generally not sufficient cause for the board to grant a variance.
2. Although the appeal will be advertised in the local newspaper, and the property posted with a sign concerning the details of the meeting, staff strongly recommend that all neighbors and property owners be contacted, by the applicant, before the application is submitted.
3. The applicant may present, at the discretion of the BZA Chairman, and items and/or individuals he/she believes will help his/her case.
4. Five, of the eight appointed Board members, must be present before action can be taken on the variance, and the concurring vote of majority of the Board present is necessary in order for a Variance to be approved.
5. No Variance, having been denied, shall be resubmitted to the Board for a period of one (1) year, unless conditions have changed substantially and new evidence is received, and the Board votes unanimously to rehear the matter.
6. Any person who may have a substantial interest in any decision of the Board may appeal said decision to a court of competent jurisdiction in and for the county of Berkeley, filing with the clerk of such court a petition in writing setting fourth plainly, fully and distinctly wherein such decision is contrary to the law. Such appeal shall be filed within thirty (30) days after the decision of the board is rendered.

APPLICANT DISCLOSURES

I, the applicant, hereby acknowledge by my signature that this application is complete and accurate to the best of my knowledge, information, and benefit, **have read and understand the terms and expectations associated with this Application**, hereby release, hold harmless, and indemnify forever Berkeley County, its employees, and agents, both individually and jointly, from any and all liability or responsibility for any foreseen or unforeseen damage, including, but not limited to, death, bodily injury, personal injury, and property damage, arising from the home occupation located at the above-referenced property by adjoining landowners, visitors and/or any user of the home, including, but not limited to, the public at large, **am the owner of the subject property or the authorized representative of the owner**, authorize the subject property to be posted and/or inspected, AND hereby certify that the tract(s) or parcel(s) of land to which this request pertains *is not restricted by any recorded covenant that is contrary to, conflicts with, or prohibits the activity for which approval is sought*, as provided in the South Carolina Code of Laws, Section 6-29-1145, and are exempt per Section 59.35 of the Berkeley County Code of Ordinances.

Signature: _____ Date: _____

PROPERTY OWNER AUTHORIZATION (IF DIFFERENT FROM APPLICANT)

I (we) certify that I (we) are the owners of the property involved in this application and further that I (we) designate the person signing as applicant to represent me (us) in this special exception application.

Property Owner(s) Printed Name: _____

Property Owner(s) Signature: _____ Date: _____

OFFICE USE SECTION

AMOUNT PAID: _____ **CHECK #:** _____; **CASH;** **ONLINE PAYMENT INTENDED**
DATE RECEIVED: _____; **RECEIPT NUMBER:** _____
DATE FILED: _____; **MEETING DATE:** _____

ZONING OFFICIAL

DATE