



APPLICATION FOR WAIVER FROM THE PLANNING COMMISSION

Per Chapter 59 - The Land Development and Subdivision Regulation Ordinance; No. 99-4-20, 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 unless otherwise posted. 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, Check, Credit Card (online only) Accepted. Checks may be made out to **BERKELEY COUNTY**

PRINTED NAME OF APPLICANT: _____

PARCEL NUMBER(S) (TMS): _____

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: _____

PLANNING COMMISSION MEETING DATE AND EXPECTATIONS

Planning Commission 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:**



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PRINTED NAME OF APPLICANT: _____
PARCEL NUMBER(S) (TMS): _____

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 / SUBDIVISION PLAN | This should be on a copy of the <u>recorded plat</u> (8"x11"), if available. Sketch showing <u>ALL</u> existing and proposed roads, easements, rights-of-way, lots, dwellings/structures, and other physical improvements in relation to the request. |
| 2. OTHER RELEVANT EVIDENCE | The burden of proof to demonstrate a justification for the request 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(s) of Record
- Site/Subdivision Plan
- Maintenance Agreements or other similar assurances
- Letters of Support from Neighboring Property Owners
- Evidence of Notice to Adjoining Affected Property Owner(s)
- Owner's Notarized Written Authorization (If Owner's Signature Cannot Be Obtained)
- Other (please specify): _____

RELEVANT FACTORS PERTAINING TO THE REQUEST

I (we) have made (or desire to make) an application to accomplish the following objective(s):

- | | |
|--|---|
| <input type="checkbox"/> Please check this box if this request is to increase the number of lots served by an unpaved street per Sec. 59-45(3)(d). | <input type="checkbox"/> Please check this box if this request is to obtain relief of the traffic service standards per Sec. 59-74. |
|--|---|

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

I request a WAIVER from Chapter 59 - The Land Development and Subdivision Regulations Ordinance of Berkeley County to be/have (Be specific with measurements, feet, acreage, numbers of, ratio, etc.):



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Whenever, upon review of factual evidence, the strict application of the requirements contained in this chapter would result in extreme practical difficulties or undue misuse of property, the Planning Commission may modify such requirements as necessary so that the applicant is allowed to develop his or her property in a reasonable manner, providing that public interests are protected and the general intent and spirit of this chapter are preserved. The Planning Commission shall grant such waiver only upon a determination that:

CONSIDERATIONS FOR WAIVER REQUEST

Please take a moment to elaborate the following considerations:

1. Please explain how the waiver will not be detrimental to the public health, safety, and general welfare of the county:

2. Please explain how the waiver will not adversely affect the reasonable development of adjacent property:

3. Please explain how the waiver is justified because of topography or other special conditions unique to the property involved, and the waiver is not requested due to mere inconvenience or financial disadvantage:

4. Please explain how the waiver is consistent with the objectives and requirements set forth in Chapter 59 and will not have the effect of nullifying the intent or purpose of this chapter or any other pertinent county or state regulations:



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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:** _____

Administrative Officer or Designee **DATE**