Charleston County BZA Variance Application Package (2 of 2)

Information for Applicants

- BZA Schedule
- Variance Approval Criteria
- Owners signature information memo
- Violations Section (properties containing violations will not be processed)
- Successive Applications
<table>
<thead>
<tr>
<th>APPLICATION FILING DEADLINES&lt;sup&gt;1&lt;/sup&gt;</th>
<th>BZA PUBLIC HEARING SCHEDULE&lt;sup&gt;2&lt;/sup&gt;</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>12:00 P.M.</strong></td>
<td><strong>5:00 P.M.</strong></td>
</tr>
<tr>
<td>November 16, 2018</td>
<td>January 7, 2019</td>
</tr>
<tr>
<td>December 14, 2018</td>
<td>February 4, 2019</td>
</tr>
<tr>
<td>January 18, 2019</td>
<td>March 4, 2019</td>
</tr>
<tr>
<td>February 15, 2019</td>
<td>April 1, 2019</td>
</tr>
<tr>
<td>March 22, 2019</td>
<td>May 6, 2019</td>
</tr>
<tr>
<td>April 19, 2019</td>
<td>June 3, 2019</td>
</tr>
<tr>
<td>May 24, 2019</td>
<td>July 8, 2019</td>
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<tr>
<td>June 21, 2019</td>
<td>August 5, 2019</td>
</tr>
<tr>
<td>July 26, 2019</td>
<td>September 9, 2019</td>
</tr>
<tr>
<td>August 23, 2019</td>
<td>October 7, 2019</td>
</tr>
<tr>
<td>September 20, 2019</td>
<td>November 4, 2019</td>
</tr>
<tr>
<td>October 18, 2019</td>
<td>December 2, 2019</td>
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<td>November 15, 2019</td>
<td>January 6, 2020</td>
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</tbody>
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<sup>1</sup> Applications to the BZA must be received no later than **12:00 pm Friday** on the Application Filing Deadline dates noted above, or no later than **4:00 pm** on any workday preceding the Application Filing Deadline. Filing a complete application by or on the Application Filing Deadline does not guarantee that the Application will be scheduled for the above BZA Public Hearing date.

<sup>2</sup> The BZA Public Hearings are scheduled for the first Monday of the month except for July and September. The BZA Public Hearings (dates and times) are subject to change. The BZA may schedule a public hearing in addition to the one scheduled above if the BZA deems it is necessary to render a decision on a matter.

Approved April 1, 2019
Charleston County Zoning and Land Development Regulations
Ordinance (ZLDR)

APPROVAL CRITERIA FOR VARIANCES

According to Article 3.10 Zoning Variances, Section §3.10.6 Approval Criteria of the Charleston County Zoning and Land Development Regulations Ordinance (ZLDR), The Board of Zoning Appeals has the authority to hear and decide appeals for a Zoning Variance when strict application of the provisions of this Ordinance would result in unnecessary hardship. A Zoning Variance may be granted in an individual case of unnecessary hardship if the Board of Zoning Appeals makes and explains in writing the following findings:

1. There are extraordinary and exceptional conditions pertaining to the particular piece of property;

2. These conditions do not generally apply to other property in the vicinity;

3. Because of these conditions, the application of this Ordinance to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property;

4. The authorization of a variance will not be of substantial detriment to adjacent property or to the public good, and the character of the zoning district will not be harmed by the granting of the variance;

5. The Board of Zoning Appeals shall not grant a variance the effect of which would be to allow the establishment of a use not otherwise permitted in a zoning district, to extend physically a Nonconforming Use of land, or to change the zoning district boundaries shown on the Official Zoning Map. The fact that property may be utilized more profitable if a Zoning Variance is granted shall not be considered grounds for granting a Zoning Variance.

6. The need for the variance is not the result of the applicant's own actions; and

7. Granting of the variance does not substantially conflict with the Comprehensive Plan or the purposes of this Ordinance.

In granting a variance, the Board of Zoning Appeals may attach to it such conditions regarding the location, character, or other features of the proposed building or structure as the Board may consider advisable to protect established property values in the surrounding area or to promote the public health, safety, or general welfare.
MEMORANDUM

TO: Variance and Special Exception Applicants
FROM: Jenny J. Werking, AICP
DATE: April 30, 2008
SUBJECT: Signatures for Variance and Special Exception Applications

This memo is to inform potential and current Variance and Special Exception applicants of the documentation required for signatures on the applications. All signed documents submitted must be the original documents (no copies). All signed documents must be dated by the person(s) signing the document.

General:
Variance and Special Exception applications must be signed by all property owners as listed on the current, recorded deed of record for the subject property(ies). If more than one parcel is included in the request, the parcels may only be placed on the same application if (1) they are in the same zoning district; (2) they are owned by the same person(s) or entity(ies); (3) the properties are contiguous; and (4) the Variance or Special Exception request is the same (i.e. a tree variance and a setback variance would be a separate request, requiring an additional application and fee.) Planning Staff will determine if separate applications are necessary. Please consult Planning Staff in advance with any questions regarding this procedure.

Properties owned by corporations or partnerships:
Supporting documentation regarding owner signatures is required for properties that are owned by corporations or partnerships. As part of the Variance or Special Exception application, the applicant must submit a letter from an attorney that (1) states who can sign for the corporation or partnership and (2) describes that person’s role in the corporation or partnership. This letter must be notarized and must include the raised seal of the notary.

Properties for which there are multiple owners:
Applicants for properties that are owned by multiple persons (as shown on the current, recorded deed) may submit separate sheets (other than the application) for the signatures of the owners on a case by case basis. If this is permitted, one property owner must sign on the application and each of the other owners must sign a statement that reads “I have read the application for and agree with the request: for the Variance or Special Exception on property located at TMS # ______ (describe Variance or Special Exception request)” This statement must be notarized (with the raised seal) and submitted as part of the application.

www.charlestoncounty.org
CHAPTER 11 | VIOLATIONS, PENALTIES AND ENFORCEMENT

ARTICLE 11.1 ORDINANCE COMPLIANCE REQUIRED

§11.1.1 COMPLIANCE REQUIRED

A. No activity regulated by this Ordinance shall be undertaken except in full compliance with the express provisions of this Ordinance.

B. No activity that is the subject of any permit or approval issued pursuant to the provisions of this Ordinance shall be undertaken except in full compliance with the subject permit or approval, including any attached conditions.

C. The commencement or continuation of any activity regulated by this Ordinance that is not in compliance with the express provisions of this Ordinance, or that is not in compliance with the express provisions of any permit or approval, including any attached conditions, shall be a violation of this Ordinance, and subject to enforcement under the terms of this Chapter and South Carolina law.

ARTICLE 11.2 VIOLATIONS

§11.2.1 VIOLATIONS

All of the following constitute violations of this Ordinance:

A. To use or attempt to use land or a building in any way not consistent with the requirements of this Ordinance;

B. To erect or attempt to erect a building or other structure in any way not consistent with the requirements of this Ordinance;

C. To engage or attempt to engage in the development or subdivision of land in any way not consistent with the requirements of this Ordinance;

D. To transfer title to any lots or parts of a development unless the subdivision has received all approvals required under this Ordinance and an approved plan or plat, if required, has been filed in the appropriate County office;

E. To submit for recording with a County office any subdivision plat that has not been approved in accordance with the requirements of this Ordinance;

F. To install or use a sign in any way not consistent with the requirements of this Ordinance;

G. To engage in the use of a building or land, the use or installation of a sign, the subdivision or development of land or any other activity; requiring one or more approvals or permits under this Ordinance without obtaining all such required approvals or permits;

County of Charleston Zoning and Land Development Regulations
H. To engage in the use of a building or land, the use or installation of a sign, the subdivision or development of land or any other activity requiring one or more approvals or permits under this Ordinance in any way inconsistent with any such approval or permit and any conditions imposed;

I. To violate the terms of any approval or permit granted under this Ordinance or any condition imposed on such approval or permit;

J. To obscure or obstruct any notice required to be posted or otherwise given under this Ordinance;

K. To violate any lawful order issued by any person or entity under this Ordinance; or

L. To continue any violation as defined above, with each day of continued violation to be considered a separate violation for purposes of computing cumulative civil or criminal penalties.

ARTICLE 11.3 ENFORCEMENT RESPONSIBILITY, COMPLAINTS

§11.3.1 RESPONSIBILITY
The responsibility for the enforcement of this Ordinance is delegated to the Planning Director. The Planning Director may utilize other County Department/Agencies as necessary to enforce the provisions of this Ordinance.

§11.3.2 NOTICE
If the Planning Director finds that any of the provisions of this Ordinance are being or have been violated, the Planning Director may notify in writing the person responsible for such violation, setting forth the nature of the violation and the action necessary to correct it, or issue a Uniform Ordinance Summons for the violation.

§11.3.3 COMPLAINTS

A. Whenever a violation of this Ordinance occurs, or is alleged to have occurred, any person may file in writing a complaint with the County. Such complaint shall state fully the causes and basis thereof.

B. The Planning Director shall properly record such complaint, immediately investigate to determine the validity of the charge, and take whatever action is necessary to assure compliance with this Ordinance.

§11.3.4 AUTHORITY
Any staff member of Planning Department who is authorized by County Council shall have the authority to enforce the provisions of this Ordinance.
§3.1.12 SUCCESSIVE APPLICATIONS

A. Time Limit
If a final Decision-Making Body denies an application for a Zoning Map Amendment, Planned Development or Special Exception use, an application for the same or more intensive zoning, development or use on the subject parcel, whether the parcel is in its original configuration, expanded or reduced in area, shall not be accepted for 12 months from the date that the Decision-Making Body acted to deny the application.

B. Waivers
The time limit of Section 3.1.12A notwithstanding, Decision-Making Bodies may, after receipt of written petition by the property owner, waive the waiting period requirement by a 2/3 vote of members present and voting. If the time limit is waived, the Decision-Making Body shall give written notice to the Planning Director, directing staff to process the application. All resubmissions shall be processed as new applications, with prescribed fees. All documents and fees required for the respective type of application shall be included with the new application. Denial of the application shall be final and the 12-month waiting period shall be met before further consideration of a similar application on the subject property.

C. Applications Withdrawn Before Public Hearing Notice
Withdrawal of an application by the applicant before advertisement of any public hearing and before any required signs have been posted on the subject property shall be considered a termination of the application. Although no fees shall be refunded, reapplication in such cases shall not be subject to the 12-month waiting period.

D. Applications Withdrawn After Public Hearing Notice
Withdrawals of applications that occur after advertisement of any public hearing or after any required signs have been posted on the subject property shall be treated the same as a denied application. Application processing shall terminate upon receipt of written notice from the applicant or owner. Reapplication shall be subject to a 12-month waiting period unless a waiver is granted in accordance with Section 3.1.12B of this Chapter.

E. Requests for Postponements of Applications to the Board of Zoning Appeals
Requests for postponements of applications from Board of Zoning Appeals Public Hearings must be made in writing by the applicant. Such requests received after advertisement of any public hearing or after any required signs have been posted on the subject property shall be subject to all applicable application fees as listed in the fee schedule approved by County Council.