



Charleston County Board of Zoning Appeals (BZA) Submittal Requirements and Checklist for Zoning Variance Application

Public Services Building
 Zoning/Planning Department
 4045 Bridge View Drive
 North Charleston, SC 29405
 Phone 843-202-7200
 Fax 843-202-7222
www.charlestoncounty.org

PLEASE READ:

Complete applications to the BZA must be received by mail, email bza@charlestoncounty.org or in person no later than 12:00 pm on 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 next upcoming BZA Public Hearing date. The BZA Public Hearings (dates and times) are subject to change. Please refer to the BZA Application Filing Deadlines and Public Hearing Schedule: www.charlestoncounty.org/departments/zoning-planning/bza-agenda/BZA-Meeting-Dates.pdf

This application will be returned to the Applicant within fifteen (15) working days if the items below are not submitted with the application or if any are found to be inaccurate.

APPLICANT TO INCLUDE THIS SHEET WITH APPLICATION SUBMITTAL

<input type="checkbox"/>	This applies to Commercial or Multi-Family projects only: Attend at least one Site Plan Review meeting (not including pre-application meetings) prior to submitting this application. At the Site Plan Review meeting, the Committee will provide review comments and identify specific comments that must be addressed, resubmitted, and reviewed for completeness prior to submitting the Zoning Variance application. The revised site plan addressing these comments needs to be submitted to the Site Plan Review Committee at least 15 business days <u>before</u> the BZA application deadline. BZA applications will only be accepted <u>after</u> the Site Plan Review Committee Staff notifies you to proceed with the next step.
<input type="checkbox"/>	Completed Zoning Variance Application signed by the Applicant and ALL current Property Owner(s) . If the Applicant is not the owner of the property, the current Property Owner(s) must complete the Designation of Agent . If the property is owned by a corporation or partnership (LLC) additional documentation is required as follows: 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.
<input type="checkbox"/>	Copy of current Recorded Deed to the property.
<input type="checkbox"/>	Restrictive Covenants Affidavit signed by the Applicant or Current Property Owner(s).
<input type="checkbox"/>	Posted Notice Affidavit signed by the Applicant or Current Property Owner(s).
<input type="checkbox"/>	Eighteen (18) copies of the proposed Site Plan drawn and printed to Engineers Scale . At a minimum the site plan must show property dimensions, locations and dimensions of all existing and proposed structures and improvements, driveways, parking areas, Grand trees (24” DBH or greater), wetlands (properties containing DHEC-OCRM Critical Line areas must contain an up to date DHEC-OCRM signature on the site plan or plat). Single-family projects: The eighteen (18) copies may be 8 ½ x 11 or 11 x 17 provided that they are drawn and printed to Engineers Scale and all information is legible as determined by Planning Staff. Commercial or multi-family projects: Eighteen (18) 11 x 17 copies and one 24 x 36 copy are required.
<input type="checkbox"/>	Copy of a legible Approved and Recorded Plat showing current property boundaries.
<input type="checkbox"/>	Check made out to “Charleston County,” cash, or credit card. The BZA Zoning Variance Application fee is \$250. Grand tree variances are \$250 for one tree, add \$50 for each additional tree.



ZONING VARIANCE APPLICATION
Charleston County Board of Zoning Appeals (BZA)

Property Information			
Subject Property Address:			
Tax Map Number(s):			
Current Use of Property:			
Proposed Use of Property:			
Applicant Information (Required)			
Applicant Name (please print):			
Name of Company (if applicable):			
Mailing Address:			
City:	State:	Zip Code:	
Email Address:		Phone #:	
Applicant Signature:			Date:
Representative Information (Complete only if applicable. Attorney, Builder, Engineer, Surveyor etc.)			
Print Representative Name and Name of Company:			
Mailing Address:			
City:	State:	Zip Code:	
Email Address:		Phone #:	
Designation of Agent (Complete only if the Applicant listed above is not the Property Owner.)			
I hereby appoint the person named as Applicant and/or Representative as my (our) agent to represent me (us) in this application.			
Property Owner(s) Name(s) (please print):			
Name of Company (if applicable, LLC etc.):			
Property Owner(s) Mailing Address:			
City:	State:	Zip Code:	Phone #:
Property Owner(s) Email Address:			
Property Owner(s) Signature:			Date:
FOR OFFICE USE ONLY:			
Zoning District:	Flood Zone:	Date Filed:	Fee Paid:
Application #:	TMS #:	Staff Initials:	

Description of Request

Please describe your proposal in detail. You may attach a separate sheet if necessary. Additionally, you may provide any supporting materials that are applicable to your request (photographs, letter of support, etc.)

Applicant’s response to Article 3.10 Zoning Variances, §3.10.6 Approval Criteria

Zoning Variances may be approved only if the Board of Zoning Appeals finds that the proposed use meets all 7 of the approval criteria. In evaluating your request, the members of the board will review the answers below as a part of the case record. You may attach a separate sheet if necessary.

1. Are there extraordinary and exceptional conditions pertaining to the subject property? Explain:

2. Do these conditions generally apply to other property in the vicinity or are they unique to the subject property? Explain:

3. Because of these extraordinary and exceptional conditions, does the application of this Ordinance to the subject property effectively prohibit or unreasonably restrict the utilization of the property? Explain:

4. Will the authorization of a variance be a substantial detriment to adjacent property or to the public good? Will the character of the zoning district be harmed if this variance is granted? Explain:

5. The BZA 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 profitably if a Zoning Variance is granted shall not be considered grounds for granting a Zoning Variance. Does the variance request meet this criterion?

6. Is the need for the variance the result of applicant's own actions? Explain:

7. Does the variance substantially conflict with the Charleston County Comprehensive Plan or the purposes of the Ordinance? Explain:

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.



Joel H. Evans, AICP, PLA
Zoning & Planning Director

843.202.7200
1.800.524.7832
Fax: 843.202.7222
Lonnie Hamilton, III
Public Services Building
4045 Bridge View Drive
North Charleston, SC 29405-7464

RESTRICTIVE COVENANTS AFFIDAVIT

I, _____, have researched the restrictive covenants applicable to Parcel Identification Number/s (PID #) _____ located at (address/es) _____, and have found that either there are no restrictive covenants applicable to the subject property/properties or that the proposed application is not contrary to, does not conflict with, and is not prohibited by any of the restrictive covenants, as specified in South Carolina Code of Laws, Section 6-29-1145.

(Signature)

(Date)

(Print Name)

Explanation:

Effective July 1, 2007, South Carolina Code of Laws Section 6-29-1145 requires local governments to inquire in the permit application, or in written instructions provided to the applicant, if a tract or parcel of land is restricted by a recorded covenant that is contrary to, conflicts with or prohibits an activity for which a permit is being sought.
(Section 6-29-1145 is copied on the back of this page)

For Staff Use Only:

Received by _____ Date _____ Application Number _____

"Section [6-29-1145](#). (A) In an application for a permit, the local planning agency must inquire in the application or by written instructions to an applicant whether the tract or parcel of land is restricted by any recorded covenant that is contrary to, conflicts with, or prohibits the permitted activity.

(B) If a local planning agency has actual notice of a restrictive covenant on a tract or parcel of land that is contrary to, conflicts with, or prohibits the permitted activity:

- (1) in the application for the permit;
- (2) from materials or information submitted by the person or persons requesting the permit; or
- (3) from any other source including, but not limited to, other property holders, the local planning agency must not issue the permit unless the local planning agency receives confirmation from the applicant that the restrictive covenant has been released for the tract or parcel of land by action of the appropriate authority or property holders or by court order.

(C) As used in this section:

- (1) 'actual notice' is not constructive notice of documents filed in local offices concerning the property, and does not require the local planning agency to conduct searches in any records offices for filed restrictive covenants;
- (2) 'permit' does not mean an authorization to build or place a structure on a tract or parcel of land; and
- (3) 'restrictive covenant' does not mean a restriction concerning a type of structure that may be built or placed on a tract or parcel of land."

Posted Notice Affidavit

County of Charleston

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Zoning/Planning Department
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Phone 843-202-7200
Fax 843-202-7222
www.charlestoncounty.org



This Affidavit must be filled out and signed by all owners of the subject parcel(s).

I, , have reviewed §3.1.6(B)(2), Posted Notice on the back of this
[Print Name]

affidavit and understand that a sign(s) will be posted on

Parcel Identification Number(s): ,

located at (address): ,

at least fifteen (15) calendar days prior to the public hearing date for which my request is
scheduled.

I also understand that once the notice has been posted, the owner(s) of the subject property are responsible for notifying the Zoning/Planning Department in writing if the Posted Notice is removed or damaged prior to the public hearing, meeting or date or action that is subject of the notice. Failure to notify the Zoning/Planning Department in writing of removed or damaged Posted Notice may result in rescheduling of the public hearing and a delay in decision from the decision-making body.

[Print Name(s)]

[Date]

[Property Owner(s) Signature(s)]

FOR STAFF USE ONLY

[Received By]

[Date]

[Application Number]



Charleston County Zoning and Land Development Regulations
Ordinance (ZLDR)

§3.1.6 NOTICES

B. Types

2. Posted Notice

When the provisions of this Ordinance state that "Posted Notice" should be provided, the official responsible for accepting the application shall post the notice on the subject property in a manner that makes the notice clearly visible to neighboring residents and passers-by from each public street bordering the subject property. Unless otherwise expressly provided in state statutes or this Ordinance, Posted Notice shall be in place at least 15 calendar days before the public hearing, meeting, or date of action that is the subject of the notice. Once the notice has been posted, the owner(s) of the subject property are responsible for notifying the Planning Department in writing if the Posted Notice is removed or damaged prior to the public hearing, meeting or date of action that is the subject of the notice. Failure to notify the Planning Department in writing of removed or damaged Posted Notice may result in rescheduling of the public hearing and a delay in decision from the decision-making body.