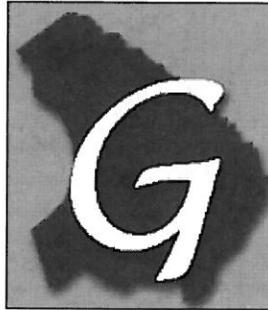


GREENWOOD COUNTY JOINT BOARD OF ZONING APPEALS

VARIANCE APPLICATION

**Greenwood County
Town of Ninety Six**



**City of Greenwood
Town of Ware Shoals**

Application Submittal Deadline: 12:00 Noon on _____

Board of Zoning Appeals Meeting Date: 5:30 p.m. on _____

The purpose of this document is to assist you in the process utilized for a variance application with the Greenwood City/County Planning Department. Necessary application forms are provided to assist with your submittal.

A \$200 filing fee is required with the application submittal to defray the advertising and material costs for the application.

If you have any questions or comments concerning the variance process, please contact:

Greenwood City/County Planning Department
(864) 942.8636
Room B-01 – Greenwood County Courthouse
528 Monument Street
Greenwood, South Carolina 29646
www.co.greenwood.sc.us

Introduction

The Joint Board of Zoning Appeals for Greenwood County is the local body that considers and makes decisions concerning:

- Appeals where it is believed there is an error in an order, requirement, decision, or determination made by the staff in the enforcement of the zoning ordinance. This is commonly referred to as an *Administrative Appeal*. Examples of this type of request include clarification of definitions, measurements, procedures, enforcement, etc.
- Appeals for variance from the requirements of the zoning ordinance when strict application of the provisions of the ordinance would result in unnecessary hardship. Examples of this type of request include variances to specific dimensional standards such as setbacks.
- Special exceptions as allowed within the zoning ordinance. Examples of this type of request include placement of manufactured homes for temporary medical hardships.

Ability to Grant a Variance

Based on South Carolina Law (§6-29-800), the Board may grant a variance in an individual case of unnecessary hardship if the Board finds:

- There are extraordinary and exceptional conditions pertaining to the particular piece of property.
- These conditions do not generally apply to other property in the vicinity.
- Because of these conditions, the application of the ordinance to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property.
- 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.

These four points are typically called *the Four Point Criteria*. The applicant, or his or her designee, is responsible for proving their case before the Board based on the Four Point Criteria. Any documentation, pictures, witnesses or statements that show how the application meets the four points are allowed and encouraged. Please note that **the fact that property may be utilized more profitably, should a variance be granted, may not be considered grounds for a variance (§6-29-800)**.

The Board

The Board of Zoning Appeals is made up of 9 members who are appointed by the various local governments: 4 from Greenwood County, 2 from the City of Greenwood, and 1 each from the Towns of Ninety Six, Troy, and Ware Shoals. These appointments are based on the population distribution throughout the County and are reevaluated after each decennial census. Each member serves in an unpaid capacity for a term of 3 years.

The Board of Zoning Appeals holds regular meetings on the first Monday of every month at 5:30 p.m. in Council Chambers of the Greenwood County Courthouse in accordance with a schedule that is approved at the beginning of the year.

The Variance Process

The Board of Zoning Appeals meetings include public hearings on all items on its agenda. These requests require public notification in a local newspaper, posting of signs on the subject property, and written notification to adjacent property owners. Any person that is unable to attend the meeting may submit their comments in writing to the Board for consideration.

At the beginning of the meeting, the chairperson of the Board will read the rules of procedure for the meeting. The appeal is introduced by the chairperson and a speaker for the request will be asked to come forward and be sworn in. The chair will then ask the Planning Department staff member to describe the location of the property, explain the request and identify how the request does not meet the requirements of the Zoning Ordinance. The chair will then ask the applicant to state the reasons for the appeal as well as prove how the request meets the Four Point Criteria. **Please note that the Planning Staff must uphold the standards of the ordinance as it pertains to all property within Greenwood County and therefore may feel that the request does not meet the Four Point Criteria.**

Any person may then speak during the public hearing either for or against the request.

Once all public input is received, the Board may ask questions to the applicant, staff or speakers concerning information presented in order to reach a decision. The Board may approve the request, approve the request in a different form, deny the request or table the issue until specific information is provided.

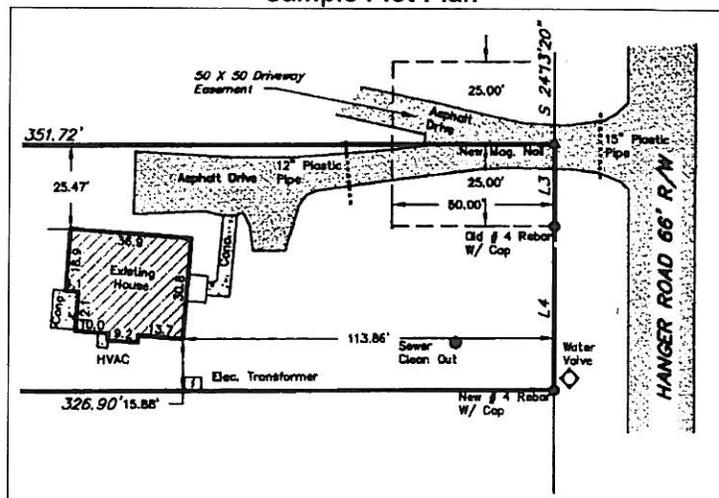
The Board is the final review authority for variances to the zoning ordinance; Board of Zoning Appeals items do not go before county, city, or town councils. Appeals of the Board's decisions may be made to Circuit Court within 30 days of receipt of notification to the applicant of the decision of the Board.

Submittal Checklist

All applicants must have the following information prior to the Board deadline in order to be placed on the agenda:

- Hearing Request Form (Form 1)
- Administrative Appeal Form (Form 2) or Variance Application Form (Form 3)
- Plat prepared by a registered engineer or surveyor (for variance requests only)
- \$200 Processing Fee

Sample Plot Plan



**HEARING REQUEST FORM
FORM 1
GREENWOOD COUNTY JOINT BOARD OF ZONING APPEALS**

TO BE COMPLETED BY STAFF:

Date Filed: _____ Permit Application Number: _____ Appeal Number: _____

Instructions:

This form must be completed for a hearing or appeal from an action of a governmental official, application for a variance, or application for a special exception. Entries must be printed or typewritten. If the application is on behalf of the property owner(s), all owner(s) must sign. If the applicant is not an owner, the owner(s) must sign the designation of agent.

An accurate, legible plot plan showing property dimensions and location of all structures and improvements must be attached to an application for variance or special exception.

The Applicant Hereby Appeals [indicate one]:

- From action of a government official as stated on attached Form 2.
- For a variance as stated on attached Form 3.
- For a special exception as stated on attached Form 4.

Applicant(s) Name [print]: _____

Address: _____

Telephone: _____ [work] _____ [home] _____ [cell]

Fax Number: _____ Email Address: _____

Interest: _____ Owner(s): _____ Adjacent Owner(s); Other: _____

Owner(s) Name [if other than Applicant(s)]: _____

Address: _____

Telephone: _____ [work] _____ [home] _____ [cell]

Property Address: _____

Lot: _____ Block: _____ Subdivision: _____

GPIN: _____ Plat Book & Page _____

Lot Dimensions: _____ Area: _____ Zoning District: _____

Designation of Agent [complete only if owner is not applicant]:

I (we) hereby appoint the person named as Applicant as my (our) agent to represent me (us) in this application:

Date: _____ Owner Signature(s): _____

I (we) certify that the information in this application and attached documentation is correct.

Date: _____ Applicant Signature(s): _____

**ADMINISTRATIVE APPEAL FORM
FORM 2
GREENWOOD COUNTY JOINT BOARD OF ZONING APPEALS**

1. Applicant hereby appeals to the Board of Zoning Appeals from the action of the government official affecting the property described in the Hearing Request Form [Form 1] on the grounds that:

granting of an application for a permit to _____ was erroneous and contrary to the provisions of the Zoning Ordinance in Section _____; or

denial of an application for a permit to _____ was erroneous and contrary to the provisions of the Zoning Ordinance in Section _____; or

other action or decision of the government official was erroneous as follows:

2. Applicant is aggrieved by the action or decision in that:

3. Applicant contends that the correct interpretation of the Zoning Ordinance as applied to the property is:

4. Applicant requests the following relief:

Date: _____

Applicant Signature: _____

**VARIANCE APPLICATION FORM
FORM 3
GREENWOOD COUNTY JOINT BOARD OF ZONING APPEALS**

1. Applicant hereby appeals to the Board of Zoning Appeals for a variance from the strict application to the property described in the Hearing Request Form [Form 1] of the following provisions of the Zoning Ordinance: Article _____, Section _____ so that a zoning permit may be issued to allow use of the property in a manner shown on the attached plot plan, described as follows:

2. The application of the ordinance will result in unnecessary hardship, and the standards for a variance set by State law and the ordinance are met by the following facts:

- a. There are extraordinary and exceptional conditions pertaining to the particular piece of property as follows:

- b. These conditions do not generally apply to other property in the vicinity as shown by:

- c. Because of these conditions, the application of the ordinance to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property as follows:

- d. 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 for the following reasons:

3. The following documents are submitted in support of this application:

[A plot plan must be submitted with the application]

Date: _____

Applicant Signature: _____

**SPECIAL EXCEPTION FORM
FORM 4
GREENWOOD COUNTY JOINT BOARD OF ZONING APPEALS**

1. Applicant hereby appeals to the Board of Zoning Appeals for a special exception for use of the property described in the Hearing Request Form [Form 1] as:

which is permitted as a special exception under the district regulation in Section _____ of the Zoning Ordinance.

2. Applicant will meet the standards in Section _____ of the Zoning Ordinance which are applicable to the proposed special exception in the following manner:

3. Applicant suggests that the following conditions be imposed to meet the standards in the Zoning Ordinance:

4. The following documents are submitted in support of this application:

[A plot plan must be submitted with the application]

Date: _____

Applicant Signature: _____