



Town of Surfside Beach Construction Board of Appeals
Application for Flood Variance and/or Appeal of Code Enforcement
Interpretation of the Flood Ordinance
843-913-6341 (phone) 843-839-0057 (fax)

Submit this application to the Planning, Building & Zoning Department at 829 Pine Drive Surfside Beach, SC 29575. Applications are due 30 days prior to a meeting date to and must be complete with all required information before it is accepted and placed on the agenda. There is no fee for a variance request or appeal regarding the Flood Damage Prevention Ordinance.

The Applicant Hereby Request:

- A variance from the strict interpretation of the Town’s Floodplain Management Ordinance. (Complete only pages 1,2,3 & 4)
- An Appeal of a decision of the administrative official for a flood interpretation as indicated on page 5 of this application. (Complete pages 1 & 5 only)

Date _____ Tax Map Number/PIN: _____

Property Address for requested variance or appeal: _____

Property located in what flood zone? _____ Elevation Certificate provided (**required**)? _____

Applicant Name: _____

Owners Name (if different from applicant): _____

Owner’s mailing address: _____

City: _____ State: _____ Zip: _____

Description of proposed use: _____

All required information must be provided with application in order for the request to be placed on the Construction Board of Appeals agenda.

AN APPLICANT RECEIVING A VARIANCE TO BUILD A STRUCTURE NOT MEETING THE MINIMUM REQUIREMENTS OF THE FLOOD DAMAGE PREVENTION CODE, ESPECIALLY IF THE LOWEST FLOOR IS CONSTRUCTED BELOW THE BASE FLOOD LEVEL REQUIREMENTS, WILL RESULT IN INCREASED PREMIUM RATES FOR FLOOD INSURANCE. CONSTRUCTION BELOW THE REQUIRED BASE FLOOD ELEVATION LEVEL INCREASES RISK TO LIFE AND PROPERTY.

I, (We) understand the above information regarding flood insurance rates. I, (We) further do hereby certify the information provided herein is both complete and accurate to the best of my (our) knowledge, and I (we) understand any inaccuracies may be considered just case for invalidation of this application, and any action taken on the application. I (We) do hereby understanding a variance of any requirement does not exempt the development from any other requirements, ordinances and/or state and federal laws that may apply to this development.

 Owner of Property Requesting Variance Date

 Owner of Property Requesting Variance Date

 Appellant for Appeal Date

 Appellant for Appeal Date

APPLICATION FOR VARIANCE FROM THE STRICT INTERPRETATION OF THE TOWN OF SURFSIDE FLOOD DAMAGE PREVENTION ORDINANCE

Required information for submittal:

- Completed Application
- Survey including
 - o elevations and square footage of existing and proposed structures
 - o topography of the lot
- Scaled plans of proposed structure or addition
- Elevation Certificate for property requesting variance
- Four (4) color photographs of good quality
 - o One (1) from the front of the property
 - o One (1) from the rear
 - o One (1) from each side showing any structures on property

1. Applicant hereby appeals to the Construction Board Appeals for a variance from the strict application of the ordinance applicable to the property described on page 1 of this document of the following provisions of the Flood Ordinance:

so that a building permit may be issued to allow use of the property in a manner shown on the attached scaled survey described as follows: _____

For which a permit has been denied by the Planning, Building & Zoning Department on the grounds that the proposal would be in violation of the cited section(s) of the Flood Damage Prevention Ordinance.

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 the adjacent property(ies) or the the public good, and the character of the district will not be harmed by the granting of the variance for the following reasons: _____

Please answer the following questions with as much detailed information as possible. The board will use this information and all other information required to make a decision regarding the requested variance. (Additional pages may be added if needed).

1. Describe your analysis or supporting information that the granting of this variance does not result in increased flood heights to the existing insurable buildings, additional threats to public safety, extraordinary public expense, create nuisances, or conflict with other existing local laws or ordinances. _____

2. Is the proposed work the minimum necessary, considering the flood hazard, to afford relief?

3. Describe, in detail the exceptional hardship. (Financial hardship cannot be considered by the board)

4. Explain why the minimum flood standards required by the town cannot be met. _____

5. Describe why reasonable alternative locations outside the flood plain are not or possible. _____

6. Describe the data or information that there is no danger to life and property by erosion damage or water that may be backed up or diverted by the obstruction or use. _____

7. Explain measures to be taken in the construction of the structure that will mitigate potential flood damage to the structure. _____

8. What are the exceptional or extraordinary circumstances applying to the property involved or intended use of the property that do not apply generally to other properties or uses in the area? _____

9. Do the exceptional or extraordinary circumstances result from the action of the applicant? _____

10. Is there a beneficial use of the property without the variance? _____

11. Did you (the owner) purchase the property with knowledge of the parcel being located in a special flood hazard area? _____

12. What damage is there of materials on the property being swept onto other land and injuring others or damaging property? _____

13. How could your predicament feasibly be solved through some other method other than a variance being granted?

The Construction Board of Appeals shall consider all technical evaluations, all relevant facts, all standards specified in other sections of the article and:

- (1) Variances may not be issued when the variance will make the structure in violation of other federal, state, or local laws, regulations or ordinances.
- (2) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
- (3) Variances shall only be issued upon a showing of good and sufficient cause, a determination that failure to grant the variance would result in exceptional hardship, and a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create a nuisance, cause fraud on or victimization of the public, or conflict with existing laws or ordinances.
- (4) Any applicant to whom a variance is granted shall be given written notice specifying the difference between the base flood elevation and the elevation to which the structure is to be built and a written statement that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation. Such notification shall be maintained with a record of all variance actions.
- (5) The local administrator shall maintain the records of all appeal actions and report any variances to the Federal Emergency Management Agency upon request.
- (6) Variances shall not be issued for any structure or development begun without proper permits that is not in compliance with the provisions of the Flood Damage Prevention Ordinance. Violations shall be corrected in accordance with subsection [14-16\(5\)](#) of the ordinance.

**APPEAL OF A DECISION OF THE CODE OFFICIAL'S INTERPRETATION OF THE TOWN'S
FLOOD DAMAGE PREVENTION ORDINANCE**

This form is to be used to appeal a decision of the Code Official which the appellant believes to be contrary to the meaning of the Flood Damage Prevention Ordinance.

It is the power of the Construction Board of Appeals to hear and decide appeals where it is alleged there is error in an order, requirement, decision, or determination made by a code official in the enforcement of the Flood Damage Prevention Ordinance.

Explain Appeal: (Additional pages may be added if needed)

Decision of the code official in which you are appealing (Include Section of Flood Damage Prevention Ordinance): _____

Please explain the reasons you feel the decision is contrary to the meaning of the Flood Ordinance.

If you are requesting multiple appeals for the same property you must include all code sections and reasoning's for each appeal.

It is understood by the undersigned that while this application will be carefully reviewed and considered, the burden of proving the code official erred in an order, requirement, decision, or determination rest with the applicant.

Signature of Appellant

Date