



## VARIANCE APPLICATION For Landmark Tree Removal Fact sheet for applicants

### **Why do I need to apply for a variance to remove this tree?**

The Town of Surfside Beach has a Tree Ordinance, found in Chapter 17 of the Zoning Ordinance that protects certain trees within the town limits. Landmark trees are defined as Bald Cypress, Live Oaks and Laurel Oaks that are greater than 24 inches in diameter or 75" in circumference. In certain instances you will be required to apply for a variance in order to remove the landmark tree:

- Request to place a pool, accessory structure or other type use other than the primary residence.
- Landmark tree is healthy and you're requesting permission to remove.
- Landmark tree is located in an area you would like to construct a residence. Board may grant the variance to remove the landmark tree or may grant a variance to your setback in order to save the tree.

### **When should I use this form?**

Use this form if you would like to request a variance from the Board of Zoning Appeals. A meeting with town staff is extremely encouraged before you submit the form so that we can help you determine whether a variance request is actually needed and answer your questions about the process of applying for one when it is necessary. To schedule a pre-application meeting, please call Sabrina Morris at 843-913-6354 or you can email her at [smorris@surfsidebeach.org](mailto:smorris@surfsidebeach.org)

### **What is the cost?**

There is no cost for a request to remove a tree.

### **How can I submit this request?**

- Stop by the Planning, Building & Zoning Department at 829 Pine Drive, Surfside Beach, SC 29575

### **What happens after I submit this request?**

***Before the meeting:*** Staff will place your request on the agenda of the next eligible meeting of the Board of Zoning Appeals, which usually will take place at least 30 days from when you submit the application, but no more than 60 days after submittal. Generally, the meetings take place at 6:30 p.m. on the fourth Thursday of the month in the Council Chambers at Town Hall—***be sure to ask staff for the exact day and time that your request will go to the Board.***

Staff will give public notice about your request as required by state law and the Zoning Ordinance by placing a legal ad in the newspaper about the request, posting the property with a public hearing notice sign for at least 15 days, and sending out letters of notification about the request to property owners within 150 feet of the property.

Staff will provide a written report about the request to the Board members and will make the report available to the public through the Town's website. This report will contain information regarding your request such as the requirements of the zoning ordinance and section of the ordinance you are requesting a variance for. The report also will include your application and supporting documents.

***During the meeting:*** During the Board of Zoning Appeals' meeting, staff will give a presentation about the request and answer any questions that the Board members may have about it. Then you will be given a chance to speak about why you are making the request and to explain why you believe it meets the required findings of fact. Members of the public also will be allowed to speak about the request, so it usually is a good idea if you speak with your neighbors about what you are trying to do before the meeting.

At the conclusion of the public hearing, the Zoning Board will make a decision about whether to approve the application as requested, approve the application with conditions placed on it, or not approve the application. After that, there is a period of 30 days after the Board of Zoning Appeals meeting when anyone may appeal the case to circuit court, so any work done during this time is at your own risk.

**Please note: If the variance is approved, you will still need to obtain permits, before you can use the property as desired.**

**VARIANCE APPLICATION**  
**For Landmark Tree Removal**

Case # Z- \_\_\_\_\_

Date Received: \_\_\_\_\_

Please use additional paper if necessary, to elaborate on your responses to the questions about the request. You may handwrite your responses or type them.

**PROPERTY INFORMATION**

Street address of subject property: \_\_\_\_\_, Surfside Beach, SC \_\_\_\_\_

PIN number of subject property: \_\_\_\_\_

**Property restrictions**

Do any recorded deed restrictions or restrictive covenants apply to this property that would prohibit, conflict with, or be contrary to the activity you are requesting? For example, does your homeowner's association or property owners association prohibit the activity or need to approve it first? **Yes** \_\_\_\_ **No** \_\_\_\_

If yes, please describe the requirements: \_\_\_\_\_

\_\_\_\_\_

**APPLICANT/PROPERTY OWNER INFORMATION**

Applicant's name	Mailing address	Phone number	Email address

Are you the owner of the subject property?  Yes  No

If you are not the owner of the subject property, what is your relationship to it (e.g., have it under contract to purchase, tenant, contractor, real estate agent) \_\_\_\_\_

I certify that I have completely read this application and instructions, that I understand the requirements, and that the information in the application and the attached forms is correct.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**If you are not the owner of the subject property, the *property owner* must complete this box.**

<p><b>Name of property owner:</b> _____</p> <p>If property owner is an organization/corporation, name of person authorized to represent its property interests: _____</p> <p><b>I certify that the person listed in the person listed above has my permission to represent this property in this application.</b></p> <p>Signature: _____ Date: _____</p> <p>Preferred phone number: _____ Email address: _____</p> <p>Mailing address: _____</p>
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# INFORMATION ABOUT REQUEST

## General description of your request

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## Findings of fact

Under Chapter 17, Article II Section 17-222 (5) In order to grant a variance, the Board of Zoning Appeals must consider the following in order to determine whether the removal of the tree is warranted. Please explain why you believe your request is true regarding these four statements.

1. Size and health of the tree.

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2. Constraints for reasonable development of the site including location of primary structure and vehicle use areas, proposed grade changes, surface water drainage, and utility installations.

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3. Whether a hazard is presented to pedestrians or vehicle traffic.

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4. Overall tree coverage and landscaping of the site (is it probable the tree's roots will cause damage to the primary structure in time).

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5. Whether a hazard is presented to buildings or utility lines.

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6. Whether the tree is damaged, diseased, dying or dead.

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**Exhibits**

Please list any documents that you are submitting in support of this application. The ones listed below are suggested, but you may provide others that you believe would be helpful, and in some cases, staff or the Zoning Board of Appeals may request other exhibits as well.

Site plan

Photos of the area of the property that is the subject of the request

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