



## VARIANCE APPLICATION

### Fact sheet for applicants

#### **What is a variance?**

Every use of property in the Town of Surfside Beach has certain requirements that go along with it in terms of the number of parking spaces needed, the distance a building must be placed from the property line and how tall it can be, and so forth. When the owner of a piece of property would like to use it for a certain permitted use but, for some reason, cannot meet one of these associated standards, the owner can request a variance from the requirement from the Zoning Board of Appeals (ZBA) if the standard is one for which seeking a variance is an option. If the Zoning Board of Appeals grants the variance, the property no longer has to meet that particular requirement.

#### **What types of zoning standards are eligible for the consideration of a request for a variance?**

- Standards that can be measured (quantitative standards), such as dimensional standards or numbers of a certain requirement. Examples include setbacks, yard areas, lot coverage, parking spaces, number of trees required, etc.
- Locational standards, such as where on a property a building is allowed to be placed.

#### **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 PB&Z at 843-913-6341 or you can email [pbz@surfsidebeach.org](mailto:pbz@surfsidebeach.org)

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

The application fee is \$200. for a variance request, this charge is non-transferable and non-refundable. Other information about fees includes the following:

- If you are submitting for another type of request from the Zoning Board of Appeals during the same meeting, each different request constitutes a new application and separate fees must be collected.

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

- Stop by the Planning, Building & Zoning Department at 115 Hwy 17 North, 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. Generally, the meetings take place at 6 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

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

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

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 state law, in order to grant a variance, the Board of Zoning Appeals must find that **all four** of the following statements are true about your request. Please explain why you believe your request is true regarding these four statements.

1. Your land has extraordinary and exceptional conditions that pertain to it.

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2. Other property in the vicinity of your land does not generally have those same extraordinary and exceptional conditions.

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3. If the Town applied its regular zoning requirements to your property, your use of the land would be unreasonably restricted or effectively prohibited.

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4. If the Zoning Board of Appeals grants the variance request, it will not harm adjacent land or the public good.

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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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