



PLANNING & DEVELOPMENT SERVICES

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Zoning Variance Application & Checklist

This application and checklist will assist with the submittal of a variance request from the York County Zoning Code to the Board of Zoning Appeals. All Board of Zoning Appeals meetings are held at 6:00 P.M. on the second Thursday of the month in the York County Council Chambers at 6 South Congress Street in York, SC.

The attached application must be filled out completely. Any submittals that are determined to be incomplete will not be processed, and the applicant will be notified with an explanation of the submittal's deficiencies. To prevent any delays in the process, please use this checklist as a guide. A survey and/or site plan with adequate detail and supporting information for the Board of Zoning Appeals to render a decision, must be submitted before a request can be placed on the Board of Zoning Appeals agenda. Variances cannot be granted prospectively, so all variance requests must be associated with a reviewed plat or site plan submission (sketch plans are informal and not eligible for variances).

The following information corresponds with the variance application and is provided to help the applicant understand what information is required to be submitted.

GENERAL INFORMATION

Applicant: This is the person who will represent the property owner(s) at the public hearing. Fill in name, full address, and phone numbers.

Property owner: This is the person(s) that is listed with the York County Tax Assessor as the property owner. Fill in name, full address, and phone numbers.

PROPERTY INFORMATION

Property address: Provide the address of the property. This can be obtained from the York County Addressing Division at 803-909-7483 or by utilizing the York County GIS system on the County website.

Property conditions: Explain the vegetative cover and topography of the land. Examples: "partially wooded and sloping from rear to front", or "no trees in the front", or "flat with rear wooded and rolling."

Property tax map #: The tax map number for the property can be found on the property tax notice. It can also be found by calling the York County Tax Assessor at 803-684-8526, or by utilizing the York County GIS system on the County website.

Plat (survey) of property: The existing survey can often be obtained from the property owner or the York County Register of Deeds. However, in many instances a new survey may be required to clearly indicate the variance that is being requested. At a minimum, the plat/survey should include the location and distance of all structures and dwellings in relation to all property lines.

Lot area: Provide the size (area) of the lot. You may use either acreage or square footage.

Zoning district: Fill in the appropriate zoning designation of the property.

Use of property: Describe the current and proposed (if any) use of the property.

RELEVANT FACTORS PERTAINING TO THE VARIANCE REQUEST

- 1. Variance information:** Explain the type of variance you are requesting. Include the specific section of the Zoning Code that you are unable to achieve. Explain the deficiency of your proposal provided by staff. Define the numerical figure you would like the Board of Zoning Appeals to apply to your proposed development.
- 2. Explanation of hardship:** Answer the questions in this section carefully, and be very specific in your answer. If more space is needed, use a separate sheet of paper. This information must be provided by the applicant without the assistance of planning staff.
- 3. Condition statement:** Explain any conditions you are willing to impose or accept if your request is approved.
- 4. Supporting documentation:** List any additional information (narrative, pictures, petitions, etc.) submitted with the application. This includes information to include with the application or into the record at the meeting.

CERTIFICATION

Applicant's signature: The applicant must sign the form certifying the information is correct. This section must be signed even if applicant is also the owner.

Owner's signature: This section must be signed by the property owner. Notarized written authorization from the property owner giving the applicant permission to act of his/her behalf can be substituted for property owner's signature.

APPLICATION FEE

Note: Payment of the application fee is a submittal requirement.

Residential project: \$400.00

Non-residential project: \$550.00

ADDITIONAL INFORMATION

1. Hardship resulting from financial difficulty and due to the applicant's own actions are generally not sufficient cause for the board to grant a variance.
2. The variance will be advertised in the local newspaper and the property will be posted indicating the date and time of the public hearing. Adjoining land owners will also be notified of the request, date, and time of the public hearing via regular mail.
3. The application deadline is the first Wednesday of each month. If the application is deemed complete, the request will be heard before the Board of Zoning Appeals the second Thursday of the following month.
4. The applicant may present (at the discretion of the BZA chairperson) any items they believe are pertinent to the case.
5. The Board of Zoning Appeals may elect to approve, approve with conditions, or deny a variance based on the hearing and potential impact of the proposal on contiguous uses and conditions.
6. No variance, having been denied, shall be resubmitted to the board for a period of one (1) year, unless conditions have changed substantially, and the board votes unanimously to rehear the matter.
7. Any person who may have a substantial interest in any decision of the Board of Zoning Appeals may appeal from any decision of the board to circuit court in and for York County, filing with the clerk of such court a petition in writing setting forth plainly, fully and distinctly wherein the decision is contrary to law. The appeal must be filed within 30 days after the decision of the board is mailed. All final decisions or orders of the board will be delivered to parties of interest by certified mail.

GENERAL INFORMATION

APPLICANT'S NAME: _____

EMAIL ADDRESS: _____

ADDRESS: _____

NUMBER

STREET

APARTMENT/BOX NUMBER

CITY

STATE

ZIP CODE

PHONE: _____

CELL

HOME

PROPERTY OWNER'S NAME: _____

EMAIL ADDRESS: _____

ADDRESS: _____

NUMBER

STREET

APARTMENT/BOX NUMBER

CITY

STATE

ZIP CODE

PHONE: _____

CELL

HOME

PROPERTY INFORMATION

PROPERTY ADDRESS: _____

PROPERTY DIRECTIONS: _____

PROPERTY CONDITIONS: _____

PROPERTY TAX MAP #: _____ PLAT: Please Attach to application.

LOT AREA: _____ ZONING DISTRICT: _____

CURRENT USE OF PROPERTY: _____

PROPOSED USE OF PROPERTY: _____

Is this property part of any HOA or Community Association? Yes* No

***If yes, a letter from the HOA or Community Association is required acknowledging the variance requested and attach any applicable covenants and restrictions.**

RELEVANT FACTORS PERTAINING TO THE VARIANCE

1. Applicant hereby requests approval of the following variance by the York County Board of Zoning Appeals as described below:

Staff has denied the request based on the following:

I request a variance from the York County zoning code to be/have (be specific with measurements, feet, acreage, numbers of, ratio, etc.):

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:

[Is there a special or unique feature or an uncommon situation present on the property?]

B. These conditions do not generally apply to other property in the vicinity as shown by:
[Is the special or unique feature or uncommon situation on the property present on surrounding properties?]

C. Because of these conditions, the application of this chapter to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property:
[Because of the situation, the applied regulations would prohibit or limit the proposed use of the subject property?]

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:
[Approval of this request will not cause significant harm to surrounding properties, the character of the surrounding area, and the public in general?]

3. List any concession(s) or additional conditions that you agree to as part of the approval:

4. If you are submitting additional information, please list below:

Upon completion of your Application, sign the statement below, and return it along with your application by the due date. A copy of this acknowledgment will be attached with your application for our records.

I, _____, have signed that I am aware of the Board of Zoning Appeals hearing date.

(Hearing Date)

I understand that I will be asked to speak on behalf of my request and that I, or a representative will need to be in attendance. If for some reason I or a representative will not be able to attend the scheduled meeting, I must request a deferral to another date, or withdraw my application, if I do not want my application considered by the Board of Zoning Appeals.

I acknowledge that failure to attend the meeting does not result in my application being automatically deferred to the next month. The Board of Zoning Appeals will still hold the hearing on my request and can take any form of action, including denial.

Should my request be denied, I will not be permitted to resubmit the request to the Board of Zoning Appeals for a period of one year, unless conditions have changed substantially and the Board of Zoning Appeals votes unanimously to rehear the matter.

(Property owner's signature)

(Date)

(Applicant's signature)

(Date)

(Staff's signature)

(Date)