

Kershaw County Planning and Zoning Department

515 Walnut Street, Room 160, Camden, SC 29020 803-425-7233

PETITION TO BOARD OF ZONING APPEALS FOR A VARIANCE

INSTRUCTIONS

The Board of Zoning Appeals (BZA) may grant a variance from the terms Article 3, Zoning Regulations, of the Kershaw County Unified Code of Zoning and Land Development Regulations as long as the variance will not be contrary to public interest where, owing to special conditions, a literal enforcement of the provisions of the Ordinance will, in an individual case, result in unnecessary hardship so that the spirit of the Ordinance shall be observed, public safety and welfare secured, and substantial justice done. A variance may be granted in an individual case of unnecessary hardship if the Board finds that:

- (a) There are extraordinary and exceptional conditions pertaining to the particular piece of property; and
- (b) these conditions do not generally apply to other property in the vicinity; and
- (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; and
- (d) the authorization of a 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.

The Board may not grant a variance, the effect of which would allow the establishment of a use not otherwise permitted in a zoning district, to extend physically a nonconforming use of land, or to change the zoning district boundaries shown on the Official Zoning Map. The fact that property may be utilized more profitably, should a variance be granted, may not be considered grounds for a variance.

A property owner and/or his agent first submits a variance petition to the Kershaw County BZA . The BZA must then hold a public hearing and then make a determination on the variance. The applicant and/or agent may appear at the hearing to present the case. After the hearing, the applicant will be notified of the action by the Board. From start to finish, the process takes approximately four weeks.

The BZA considers variance petitions at its meetings on the first Tuesday of each month. The meetings are held on an "as needed" basis in Council Chambers, Kershaw County Government Center, 515 Walnut Street, Camden, S.C. at 5:30 p.m. Applicant and/or owner(s) will be notified of the specific dates that the request will be heard. All variance petitions must be filed at least one calendar month prior to the BZA meeting in which it is to be considered.

This application for variance must be neatly printed, completed in full, and returned to the Planning and Zoning Department at the Kershaw County Government Center, Room 160, 515 Walnut Street, Camden, SC 29020. It must be accompanied by:

- One copy of the property's recorded deed obtained from the Kershaw County Register of Deeds, Kershaw County Government Center, Room 180, 515 Walnut Street, Camden, SC 29020.
- One copy of the recorded plat obtained from the Kershaw County Register of Deeds.
- A non-refundable filing fee of \$250 for variance requests on residential property or \$300 for variance requests for commercial property which is required to process this application and cover advertising costs incurred for the public hearing. Checks are to be made payable to Kershaw County.
- Additional information, if requested by the Kershaw County Planning and Zoning Department.

If the subject property is owned by more than one person, each owner must be listed. If the applicant is not the property owner, the property owner must complete and notarize the Designation of Agent Form. If the property is owned by more than one person, each owner must complete and notarize a separate Designation of Agent Form. An additional form is provided on the last page of this application.

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All data and exhibits found herein or appended to this petition shall be deemed to be public record.

DATE:	REQUEST NO.:
I, _____, hereby make application to the Kershaw County Board of Appeals for a variance.	

PROPERTY LOCATION

STREET ADDRESS:		COMMUNITY/SUBDIVISION:	
TMS#:		PROPERTY AREA:	acres
DEED BOOK:	PLAT BOOK:	SEWER DISTRICT:	WATER DISTRICT:
CURRENT USE:		PROPOSED USE:	
Has previous variance application been made for all or any part of this property? Yes [] No [] If yes when?			
Per the South Carolina Local Government Planning enabling Act (Section 6-29-1145 of the South Carolina Code of Laws), is/are this/these tract(s) or parcel(s) restricted by any recorded covenant, restriction, easement, etc., that is contrary to, conflicts with, or prohibits the proposed land use? Yes [] No []. If so, submit a copy with this application.			
THE APPLICANT IS: PROPERTY OWNER [] AGENT OF PROPERTY OWNER [] OPTION HOLDER []			

PROPERTY OWNER (If property is owned by more than one person, each owner must be listed. An additional form is provided at the end of this application and may be duplicated if necessary.)

NAME:	E-MAIL:		
MAILING ADDRESS:	CITY:	STATE:	ZIP:
TELEPHONE:	CELL:	FAX:	

APPLICANT (If other than property owner.)

NAME:	E-MAIL:		
MAILING ADDRESS:	CITY:	STATE:	ZIP:
TELEPHONE:	CELL:	FAX:	
If applicant is other than owner, state applicant's interest in the proposed variance:			

DESIGNATION OF AGENT (To be completed by owner, only if owner is not applicant. If property is owned by more than one person, each owner must complete a Designation of Agent Form. An additional form is available at the end of this application. The signature of each owner must be notarized.)

I, _____ (PROPERTY OWNER) hereby appoint _____ (APPLICANT)	
as my agent to represent me in this request for administrative appeal.	
Owner's signature: _____	Date: _____
Given under my hand and seal, this _____ day of _____, 20____	
_____ (Seal)	
Notary Public for South Carolina	
My commission expires on _____ day of _____, 20____	

Describe the provision of the Kershaw County Zoning and Land Development Regulations from which you seek a variance.

JUSTIFICATION FOR VARIANCE – If additional space is needed, use a separate sheet of paper.

Describe unusual conditions of the property causing unnecessary hardship which may justify variance from the terms of the ordinance.

Describe extraordinary and exceptional conditions pertaining to the particular piece of property.

Explain how the conditions described above do not generally apply to other property in the vicinity.

Due to these conditions, explain how the application of the Ordinance to this particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property.

Explain how the authorization of a variance will not be of substantial detriment to adjacent property or to the public good, and how the character of the surrounding area will not be harmed by the granting of the variance.

APPLICANT'S SIGNATURE: _____ DATE: _____

ACTION BY APPEALS BOARD:

SIGNATURE OF CHAIRMAN: _____ DATE: _____

ADDITIONAL PROPERTY OWNER AND DESIGNATION OF AGENT FORMS

(To be duplicated if needed for additional property owners.)

PROPERTY OWNER FORM (To be completed by each owner if property is owned by more than one person.)

NAME:		E-MAIL:	
MAILING ADDRESS:		CITY:	STATE: ZIP:
TELEPHONE:	CELL:	FAX:	

DESIGNATION OF AGENT FORM (To be completed by each owner if owner is not the applicant.)

I, _____ (PROPERTY OWNER) hereby appoint _____ (APPLICANT) as my agent to represent me in this request for administrative appeal.

Owner's signature: _____ Date: _____

Given under my hand and seal, this _____ day of _____, 20____

_____ (Seal)

Notary Public for South Carolina

My commission expires on _____ day of _____, 20____