

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:

1. There are extraordinary and exceptional conditions pertaining to the particular piece of property; and
2. these conditions do not generally apply to other property in the vicinity; and
3. 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
4. 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 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 a property maybe 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 SC at 5:30 pm. 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 KC Planning and Zoning at the Kershaw County Government Center, Room 160, 515 Walnut Street, Camden SC. 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.
- One copy of the recorded plat obtained from the Kershaw County Register of Deeds.
- A non-refundable filing fee per the most recently adopted Schedule of Fees, 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 #: _____

I, _____, hereby make application to the Kershaw County Board of Appeals for a variance.

Kershaw County Planning and Zoning Department
515 Walnut Street, Room 160, Camden, SC 29020 803-425-7233

PROPERTY LOCATION

Street Address: _____

City: _____ Zip: _____ Property Area (acres): _____

Community/Subdivision: _____ TMS#: _____

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: _____

The applicant is:

Property Owner Agent of Owner Option Holder

Per the SC Local Government Planning Enabling Act (Section 6-29-1145 of the SC 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 yes, submit a copy with this application.

PROPERTY OWNER

(If the 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: _____

Email: _____

Phone: _____

Mailing Address: _____

City State Zip

APPLICANT

(If other than property owner.)

Name: _____

Email: _____

Phone: _____

Mailing Address: _____

City State Zip

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. Each owner signature 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)

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

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 this 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:	
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Signature of Chairman	Date

See Page 5 for Additional Property Owner and Designation of Agent Forms.

PROPERTY OWNER

(If the 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: _____

Email: _____ Phone: _____

Mailing Address: _____ City _____ State _____ Zip _____

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