Variance Application

Processing Fee: $375.00

Please submit applications and processing fees simultaneously to avoid delay in processing. Applications can be submitted by email, or if supporting documents (reference page 3) is greater than 10 pages, applications should be mailed or brought in person.

For payment cash (in-person only), check (in-person or by mail), and cards (call to pay over phone) are accepted.

_____ _____

Date Application Received Application Status (Approved or Denied)

All variance applicants are required to go before the Anderson County Board of Zoning Appeals and must attend the live scheduled Board of Zoning appeals meeting when their request is to be heard. Applicants may be exempt from attending the scheduled meeting for the following reasons only: an unexpected illness or passing of oneself or a loved one or if an applicant is on active military duty or deployed.

Applicant's Information

Name: _____

Mailing Address: _____

Telephone and Fax: _____ E-Mail: _____

Property Owner's Information

(Only complete if Applicant and Property Owner are not the same)

Name: _____

Mailing Address: _____

Telephone and Fax: _____ Email: _____

Designated Agent Name (Representative of Property Owner): _____

I (We) hereby appoint the person named the Applicant as my (our) agent to represent me (us) in this request for a variance.

_____ _____

Owner's or Designated Agent Signature Date

Project Information

Please Indicate Current Use of Property: Commercial ☐ or Residential ☐

Property Location: _____

Parcel Number(s)/TMS: _____

County Council District: _____ School District: _____

Total Acreage: _____ Current Zoning: _____

Requested Variance: _____

Please check to indicate if setback variance ☐ *sign variance* ☐ *or minimum lot size variance* ☐.

Purpose of Variance: _____

Anderson County Development Standards *401 East River Street *Anderson, SC 29624
Phone: (864)260-4719* Fax: (864)-260-4795
Email: dsapplications@andersoncountysc.org

Have you researched your Private Covenants/Deed restrictions at the Anderson County Register of Deeds?
Yes:___ No:___ Date visited ROD or Date searched online._____

Private Covenants or Deed Restrictions on the Property: Yes _____☐_____ No_____☐_____

If you indicated no and covenants/deed restrictions are discovered after application submittal, the application will be removed from the agenda and any approvals granted by the Board of Zoning Appeals will be null and void. If you indicated no, your signature is required.

If you indicated yes, please provide a copy of your covenants and deed restrictions with this application - pursuant to State Law (Section 6-29-1145: July 1, 2007) - determining existence of restrictive covenants. Copies may be obtained at the Register of Deeds Office. It is the applicant's responsibility for checking any subdivision covenants or private covenants pertaining to the property.

For a variance to potentially be considered for approval by the Board of Zoning appeals the applicant must establish a hardship.

Hardship: *A hardship relates to the physical characteristics of the property, not the personal circumstances of the owner or user, and the property is rendered unusable without the granting of a variance.*

The applicant hereby request a variance to the Board of Zoning Appeals for the following reasons:

What are the extraordinary and exceptional conditions pertaining to the particular piece of property:

_____

_____

_____

Conditions do not generally apply to other properties in vicinity, as shown by:

_____

_____

Reasons why property is prohibited or limited in its uses:

_____

_____

Application of the variance will not be of detriment to adjacent properties 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:

_____

_____

The following documents are submitted in support of this application: (Please attach copies of all additional information to this application.)

_____

_____

Please attach an accurate, legible plot plan showing the dimensions and locations of structures and improvements of the property to this application.

For Office Use Only:

Application Received By: _____ Date Completed Application Received: _____

Application Fee Amount Paid: _____ Check Number: _____

Scheduled Board Hearing Date: _____ Land Use/Board of Zoning Appeals' Decision: _____

Variance Application Checklist

Anderson County Code of Ordinances Chapter 48 Zoning- Article 9.- Board of Zoning Appeals

Section 9:5.- Powers and Duties

Section 9:5.1 Review. The board shall hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by the zoning administrator in the enforcement of this chapter.

Section 9:5.2 Variances. The board of zoning appeals may authorize upon written appeal in specific cases such variance from the terms of this chapter as will not be contrary to the public interest where owing to special conditions, a literal enforcement of the provisions of this chapter would result in unnecessary hardship or peculiar and exceptional practical difficulties.

Before action is taken on a request for a variance, the board shall hold one or more public hearings at which any party may appear in person, by agent, or attorney.

Notice shall be given at least 15 days in advance of a public hearing. The owner of the property for which the variance is requested of their agent shall be notified by mail. Notice of hearings shall be made in a newspaper of general circulation, posted on the property for which a variance is requested, and posted at the Anderson County Square.

In addition, the board of zoning appeals staff shall send letters notifying current owners of record of all properties adjacent to and/or within 2,000 feet in any direction of the subject property and provide proof of such mailing.

A variance from the terms of this Ordinance may be granted by the Board upon a finding that:

1. There are extraordinary and exceptional conditions pertaining to the particular piece of property.
2. These conditions do not generally apply to other property in the vicinity.
3. Because of these conditions, the application of the chapter to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property
4. The authorization of a variance will not be of substantial detriment to adjacent property or to the public good, and the granting of the variance will not harm the character of the district.

The following checklist is to aid the applicant in providing the necessary materials for submittal.

To submit a Variance Application, you must provide the following to the Development Standards Office:

Application Submittal Requirements

- ☐ *Completed and Signed Variance Application
- ☐ $375.00Processing Fee
- ☐ One (1) Accurate, Legible Plot Plan with Dimensions and Locations of Structures and Improvements of the Property
- ☐ Clear Statement of why the variance is being requested
- ☐ One (1) Copy of all Private Covenants and Deed Restrictions Related to the property, if applicable (Can be obtained from Anderson County Register of Deeds)
- ☐ Written statement from property owner granting permission to allow variance (only needed if applicant and property owner or not the same).

The Development Standards's Staff will provide the finding of facts to the Land Use/Board of Zoning Appeals at a scheduled Public Hearing. Applicants are notified of the date, time, and location of this meeting; and are encouraged to attend, in case questions arise. The Land Use/Board of Zoning Appeals will make the final decision.

As the applicant, I hereby confirm that the required information and supporting materials for this application are authentic and have been submitted to the Anderson County Development Standards Office.

_____ _____

Applicant's Signature Date

Anderson County Development Standards *401 East River Street *Anderson, SC 29624
Phone: (864)260-4719* Fax: (864)-260-4795
Email: dsapplications@andersoncountysc.org