

# Variance Appeal Application

Town of Fort Mill, South Carolina

**Owner / Applicant Information:**

Applicant Name: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Telephone Number: \_\_\_\_\_

**Property Information:**

Address: \_\_\_\_\_

Current Zoning: \_\_\_\_\_

Current Use of Property: \_\_\_\_\_

## Submission Checklist

- Completed application\*
- Drawings and specifications of proposed improvements
- Site plan showing location of proposed improvements
- Application fee (\$125 residential / \$250 non-residential)\*

**Additional materials may be required**

\*Required with submission

The Board of Zoning Appeals may grant a variance from the requirements of the Zoning Ordinance when strict application of the provisions of the Ordinance would result in unnecessary hardship.

The findings required by the Board for variances are identified in Sec. 6-29-800 (attached) of the South Carolina Code of Laws. Responses to each of the following questions will assist the Board in making a determination.

1. Describe the variance request: \_\_\_\_\_

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2. Describe any extraordinary and exceptional conditions pertaining to the particular piece of property (size, shape, topography, etc.):

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APPLICATION CONTINUED ON NEXT PAGE

3. Describe how the conditions listed above are unique to the property for which the variance is sought:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

4. Describe how the current zoning regulations prohibit or unreasonably restrict utilization of the property:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

5. Describe why the granting of the requested variance will not be injurious to adjacent properties, the neighborhood, or the general public:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Acknowledgement of Requirements:** Notices of appeal shall be posted on affected property so as to be clearly visible from a traveled street. The owner or appellant is instructed to maintain posting and to be responsible for notifying the town promptly if the sign is damaged or removed. Failure to do so may delay Board action. Additional permitting after Board approval may be required prior to beginning work, including zoning review, stormwater/engineering review, building permitting, and business licensing. Please note, incomplete submissions will not be accepted.

\_\_\_\_\_  
Signature Date

APPLICATION CONTINUED ON NEXT PAGE

**Pursuant to Section 6-29-800(A)(2) of the South Carolina Code of Laws, the Board of Zoning Appeals has the power to:**

Hear and decide appeals for variances from the requirements of the zoning ordinance when strict application of the provisions of the ordinance would result in unnecessary hardship. A variance may be granted in an individual case of unnecessary hardship if the Board makes and explains in writing the following findings:

- (a) there are extraordinary and exceptional conditions pertaining to the particular piece of property;
- (b) these conditions do not generally apply to other property in the vicinity;
- (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.
  - (i) The board may not grant a variance, the effect of which would be to allow the establishment of a use not otherwise permitted in a zoning district, to extend physically a nonconforming use of land or the change the zoning district boundaries shown on the official zoning map. The fact that property may be utilized more profitably, if a variance is granted, may not be considered grounds for a variance. Other requirements may be prescribed by the zoning ordinance.

A local governing body by ordinance may permit or preclude the granting of a variance for a use of land, a building, or a structure that is prohibited in a given district, and if it does permit a variance, the governing body may require the affirmative vote of two-thirds of the local adjustment board members present and voting. Notwithstanding any other provision of this section, the local governing body may overrule the decision of the local board of adjustment concerning a use variance.

- (ii) In granting a variance, the board may attach to it such conditions regarding the location, character, or other features of the proposed building, structure, or use as the board may consider advisable to protect established property values in the surrounding area or to promote the public health, safety, or general welfare.