



**City of Forest Acres  
South Carolina  
Zoning Board of Appeals Application**

Date Filed: \_\_\_\_\_ Request Number: \_\_\_\_\_

Fee: \_\_\_\_\_ Receipt Number: \_\_\_\_\_

A variance is a request to deviate from current zoning requirements. If granted, it permits the owner to use their land in a way that is ordinarily not permitted by the zoning ordinance. It is not a change in the zoning law, but a specific waiver from the requirements of the zoning ordinance.

Zoning variances are exceptions to the zoning ordinance, considered by the Zoning Board of Appeals (ZBA). The ZBA is a quasi-judicial citizen body and their decisions are final. The only opportunity for appeal is to circuit court. It is not necessary or common to have an attorney for representation at the hearing. You are, however, more than welcome to have representation at the hearing.

State law requires that the ZBA hearing be advertised in a newspaper of general circulation and that the property about which the variance is being requested be posted for at least fifteen (15) days. The ZBA meets on the second Monday of each month. To be placed on the agenda, the City will need an accurate and completed variance application on the last Monday of the preceding month. In other words, the City will need the completed application about 20 days prior to the ZBA hearing. There is a \$150.00 fee to submit an application for a variance.

To apply for a variance, a hardship must exist. A hardship is considered a restriction on the property so unreasonable that it results in an arbitrary and capricious interference with basic property rights. 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 State of South Carolina has established four criteria that must all be met in order for a variance to be granted.

In making an application for a variance, the property owner is required to describe the desired variance in exact terms. For example, if the applicant is requesting a variance from the required setbacks of a structure, the exact distance of the desired relief must be given.

The ZBA has the following powers:

- (1) to hear and decide appeals where it is alleged there is an error in an order, requirement, decision, or determination made by an administrative official in the enforcement of the zoning ordinance;
- (2) to hear and decide appeals for variance 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 ZBA 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.

The ZBA 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 to 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.

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

Any notice of appeal and request for pre-litigation mediation must be filed within thirty days after the decision of the ZBA is postmarked.

**OWNER INFORMATION**

Last	First	MI	
Mailing address	City	State	Zip code
Phone Number	E-Mail		

**APPLICANT INFORMATION**

To be completed only if owner is not applicant

Last	First	MI	
Mailing address	City	State	Zip code
Phone Number	E-Mail		

**PROPERTY INFORMATION**

Property address	Lot dimensions	Lot area	
TMS#	Lot	Block	Subdivision

Deed restrictions/limitations on property:

**DESIGNATION OF AGENT**

*To be completed by Owner only if owner is not Applicant. All owners must sign.*

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

Owner Name	Owner signature	Date
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*To be completed by Applicant:*

I(we) certify that to the best of my(our) knowledge that the information contained herein is accurate and correct.

Applicant Name	Applicant signature	Date
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**1. Request for Variance**

Applicant hereby appeals to the Board of Zoning Appeals for a variance from the strict application for the property described on this application from the following provisions of the Zoning Ordinance Section(s):

So that the appropriate permit may be issued to allow the use of the property in a manner shown on the attached survey with supporting documents and described as follows:

For which a permit has been denied by a planning or zoning official on the grounds that the proposal would be in violation of the cited section(s) of the Land Development Regulations.

**2. Justification for Variance**

**This section must be completed in its entirety in order to be placed on the Board of Zoning Appeals' agenda. Failure to address each of the criteria for a variance will result in an incomplete application that will not be placed on the agenda.**

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:
  
- b. These conditions do not generally apply to other properties in the vicinity as follows:
  
- 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 as follows:
  
- d. The authorization of the variance will not be of substantial detriment to adjacent properties or the public good, and the granting of the variance will not harm the character of the district as follows:

I certify that the information on this application and any attachments is correct, that the proposed improvement(s) comply with private neighborhood covenants, if there are any, and that I am the owner of the subject property or the authorized representative of the owner. I authorize the subject property to be posted with a notice of the ZBA hearing and inspected.

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

**OFFICIAL USE ONLY**

Property posted: \_\_\_\_\_ By: \_\_\_\_\_

Published in Newspaper on: \_\_\_\_\_ Public Hearing on: \_\_\_\_\_

Order of Zoning Board of Appeals: \_\_\_\_\_

Notice to applicant sent on \_\_\_\_\_ advising of Boards action. See separate order which states finding of fact pertaining to this action. All appeals to this action shall be to the Circuit Court and must be filed within thirty (30) days after date this order was mailed.