



City of Hardeeville Board of Zoning Appeals
 PO Box 609 (205 Main Street) | Hardeeville, SC 29927
 tel: 843 784 2231 | fax: 843 784 6384
 www.cityofhardeeville.com

OFFICE USE ONLY	
Application #:	_____
Received on:	_____ Staff: _____
Approved on:	_____ Staff: _____

Variance Application

What are the standards for granting a variance? →

1. The Applicant hereby appeals to the Board of Zoning Appeals for a variance from the strict application to the property described in the Notice of Appeal of the following provisions of the Municipal Zoning & Development Ordinance (MZDO):

_____ so that a permit may be issued to allow use of the property in a matter shown on the attached plot plan, described as follows:

_____ for which a permit has been denied by a Zoning Official on the grounds that the proposal would be in violation of the cited section(s) of the Municipal Zoning & Development Ordinance (MZDO).

2. 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 general apply to other property in the vicinity as shown by:

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 property 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:

3. The following documents are submitted in support of this application:

NOTE: A plot plan (or site plan) is a required submittal item.

APPLICANT INFORMATION

Contact Person: _____
 Mailing Address: _____
 City / State / ZIP: _____

I prefer to be contacted by: cell # business # e-mail
 Preferred Phone #: _____
 E-Mail: _____

Fee Payment: Residential: \$75 Non-Residential: \$150

Form V | Updated 3/2012

I have completed this form to the best of my knowledge and authorize the City of Hardeeville to process this application.

Signature: _____ Date: _____

Standards for Granting Variances

The board may grant a variance in an individual case of unnecessary hardship if it makes and explains **in writing all** of the following findings. S.C. Code § 6-29-800.

- 1. Extraordinary conditions.** There are extraordinary and exceptional conditions pertaining to the particular piece of property. Extraordinary conditions could exist due to size, shape, topography, drainage, street widening, beachfront setback lines, or other conditions which make it difficult or impossible to make an economically feasible use of the property.
- 2. Other property.** These conditions do not generally apply to other property in the vicinity. See *Bennett v. Sullivan's Island Board of Adjustment*, 438 S.E.2d 273 (Ct. App. 1993).
- 3. Utilization.** 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.
- 4. Detriment.** 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.

Other factors applicable to granting a variance are prescribed by S.C. Code § 6-29-800(A)(2).

- 1. Profitability.** The fact that property may be used more profitably is not grounds for a variance. See *Groves v. Charleston*, 226 S.C. 459, 85 S.E.2d 708 (1955).
- 2. Conditions.** In granting a variance, the board may attach conditions to it. These conditions may affect the location, character or other features of 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.
- 3. Use variance.** Generally, the board may not grant a variance that would allow the establishment of a use not otherwise permitted in a zoning district, physically extend a nonconforming use of land or change the zoning district boundaries shown on the official zoning map. The 1994 Act does allow use variances to be authorized by a local zoning ordinance. S.C. Code § 6-29-800 (A). Granting use variances is not good zoning practice and is not recommended. A use variance may be subject to attack as an unlawful delegation of legislative authority. Zoning is a legislative power in this state. Uses permitted in a zoning district are listed in zoning ordinance district regulations. In effect, granting a use variance amends the ordinance administratively for the benefit of one landowner.

The zoning ordinance may provide other requirements for a variance.