

3. The application of the ordinance is believed to result in unnecessary hardship, and the standards for a variance set by SC Code § 6-29-800(A)2 and the ordinance are met by the following facts. Please describe in detail how you meet the below variance criteria.

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 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 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: _____

4. Indicate (check the applicable) supportive documentation. plat scaled site plan (for new improvements) **required**
 photographs elevation drawings with dimensions renderings
 others (please list) _____.

I attest to the best of my knowledge the information and attachment(s) provided are accurate. The proposed activity does not contradict any restrictions and covenants. I authorize the subject property, if applicable, to be posted with a notice for the Zoning Board of Appeal's public hearing.

Applicant Signature

Date

THIS SECTION IS FOR USE BY STAFF ONLY

Date Received by the Staff: _____

Date Advertised: _____

Date property was posted: _____

Date of Public Hearing: _____

STANDARDS FOR GRANTING VARIANCES

The applicant must provide sufficient evidence to support an unnecessary hardship. A variance allows the board to modify an otherwise legitimate zoning restriction when, due to unusual conditions, the restriction may be more burdensome than was intended. The variance must not impair the public purpose. To obtain a variance on the ground of “unnecessary hardship,” there must at least be proof that a particular property suffers a singular disadvantage through the operation of a zoning regulation. An owner is not entitled to relief from a self-created or self-inflicted hardship. A claim of unnecessary hardship cannot be based on conditions created by the owner nor can one who purchases property after the enactment of a zoning regulation complain that the nonconforming use would work a hardship upon him.

The board has some discretion when deciding to grant or deny a variance. However, it is not free to make whatever determination appeals to its sense of justice. SC Code § 6-29-800(A)2 states and explains the following variance criteria:

1. **Extraordinary/Exceptional 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 that 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 properties in the vicinity.
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 owners to the public good, and the character of the district will not be harmed by granting the variance.

SC Code § 6-29-800(A)(2)d prescribes other factors:

1. **Use variance.** SC Code § 6-29-800(A)(2)(d)(i) states: 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 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.
2. **Conditions.** In granting a variance, the board may attach conditions to it. These conditions may affect 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 public health, safety, or general welfare.