

VARIANCE APPLICATION

Fact sheet for applicants

Primary staff contact: Melody Kearse, Zoning Coordinator
803-329-7088
melody.kearse@cityofrockhill.com

What is a variance?

Every use of property in the City of Rock Hill has certain requirements that go along with it in terms of the number of parking spaces needed, the distance a building must be placed from the property line and how tall it can be, and so forth. When the owner of a piece of property would like to use it for a certain use but, for some reason, cannot meet one of these associated standards, the owner can request a variance from the requirement from the Zoning Board of Appeals (ZBA) if the standard is one for which seeking a variance is an option. If the Zoning Board of Appeals grants the variance, the property no longer has to meet that particular requirement.

What types of zoning standards are eligible for the consideration of a request for a variance?

- Standards that can be measured (quantitative standards), such as dimensional standards or numbers of a certain requirement. Examples include height, setbacks, yard areas, lot coverage, parking spaces, number of trees required, etc.
- Locational standards, such as where on a property a building is allowed to be placed.
- Relative to signs, variance requests are allowed only for non-residential signs located in business zoning districts on the topics of sign face area size, height, or setbacks.
- Relative to the Airport Overlay District, variance requests are allowed only for height of structures or the planting of trees that would grow taller than the District allows.

When should I use this form?

Use this form if you would like to request a variance from the Zoning Board of Appeals. A meeting with City staff is required before you submit the form so that we can help you determine whether a variance request is actually needed and answer your questions about the process of applying for one when it is necessary. To schedule a pre-application meeting, please call Melody Kearse.

What is the cost?

The application fee is \$100 for a variance request on residential property and \$300 for a variance request on commercial property. Other information about fees includes the following:

- If you decide to withdraw the application before staff submits the legal advertisement for the public hearing on it, 50% of the fee is refundable; after that time, the fee is not refundable, whether you are successful in obtaining approval for the variance or not.
- If you are also requesting another type of request from the Zoning Board of Appeals during the same meeting, such as a special exception request, only one application fee is required.
- Lastly, be aware that if our review determines that a zoning or building permit is required, a fee may be required for that as well.

How can I submit this request?

- Send the form by e-mail to melody.kearse@cityofrockhill.com
- Mail the form to the Planning and Development Department at the address listed above, attention “Zoning Division.”
- Submit the form in person at the Planning and Development Department offices at City Hall (155 Johnston Street).

What happens after I submit this request?

Before the meeting: Staff will place your request on the agenda of the next eligible meeting of the Board of Zoning Appeals, which usually will take place about 30 days from when you submit the application. Generally, the meetings take place at 6 p.m. on the third Tuesday of the month in the Council Chambers at City Hall—be sure to ask staff for the exact day and time that your request will go to the Board.

Staff will give public notice about your request as required by state law and the Zoning Ordinance by placing a legal ad in the newspaper about the request, posting the property with a public hearing notice sign for 15 days, and sending out postcards about the request to property owners and tenants within 300 feet of the property.

Staff will provide a written report about the request to the Board members and will make the report available to the public through the City’s website. This report will contain an analysis about whether the request meets the elements that the Board is required by state law to consider (which are paraphrased in the questions you will answer in this application) as well as a recommendation from staff about whether to approve, approve with conditions, or not approve the request. The report also will include your application and supporting documents.

During the meeting: During the Zoning Board of Appeals’ meeting, staff will give a presentation about the request and answer any questions that the Board members may have about it. Then you will be given a chance to speak about why you are making the request and to explain why you believe it meets the required findings of fact. Members of the public also will be allowed to speak about the request, so it usually is a good idea if you speak with your neighbors about what you are trying to do before the meeting. At the conclusion of the public hearing, the Zoning Board will make a decision about whether to approve the application as requested, approve the application with conditions placed on it, or not approve the application. After that, there is a period of time after the ZBA meeting (usually approximately 60 days) when anyone may appeal the case to circuit court, so any work done during this time is at your own risk.

Please note: If the variance is approved, you may still need to obtain other types of permits, such as a building permit, before you can use the property as desired.

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Plan Tracking # _____ Date Received: _____ Case # Z- _____

Please use additional paper if necessary, for example to list additional applicants or properties, or to elaborate on your responses to the questions about the request. You may handwrite your responses or type them. You may scan your responses and submit them by email (see the above fact sheet), since we can accept scanned copies of signatures in most cases.

PROPERTY INFORMATION

Street address of subject property: _____, Rock Hill, SC _____

Tax parcel number of subject property: _____ - _____ - _____ - _____

Property restrictions

Do any recorded deed restrictions or restrictive covenants apply to this property that would prohibit, conflict with, or be contrary to the activity you are requesting? For example, does your homeowners association or property owners association prohibit the activity or need to approve it first? **Yes** ____ **No** ____

If yes, please describe the requirements: _____

APPLICANT/PROPERTY OWNER INFORMATION

| Applicant's name | Mailing address | Phone number | Email address |
|------------------|-----------------|--------------|---------------|
| | | | |

Are you the owner of the subject property? Yes No

If you are not the owner of the subject property, what is your relationship to it (e.g., have it under contract to purchase, tenant, contractor, real estate agent) _____

I certify that I have completely read this application and instructions, that I understand all it includes, and that the information in the application and the attached forms is correct.

Signature: _____ Date: _____

If you are not the owner of the subject property, the *property owner* must complete this box.

| |
|---|
| <p>Name of property owner: _____</p> <p>If property owner is an organization/corporation, name of person authorized to represent its property interests: _____</p> <p>I certify that the person listed in the person listed above has my permission to represent this property in this application.</p> <p>Signature: _____ Date: _____</p> <p>Preferred phone number: _____ Email address: _____</p> <p>Mailing address: _____</p> |
|---|

INFORMATION ABOUT REQUEST

General description of your request

Findings of fact

Under state law, in order to grant a variance, the Zoning Board of Appeals must find that **all four** of the following statements are true about your request. Please explain why you believe your request is true regarding these four statements.

1. Your land has extraordinary and exceptional conditions that pertain to it.

2. Other property in the vicinity of your land does not generally have those same extraordinary and exceptional conditions.

3. If the City applied its regular zoning requirements to your property, your use of the land would be unreasonably restricted or effectively prohibited.

4. If the Zoning Board of Appeals grants the variance request, it will not harm adjacent land or the public good.

Exhibits

Please list any documents that you are submitting in support of this application. The ones listed below are suggested, but you may provide others that you believe would be helpful, and in some cases, staff or the Zoning Board of Appeals may request other exhibits as well.

- Site plan
- Photos of the area of the property that is the subject of the request
