

Application  
For  
Variances  
(*Hardship, Special Exception, or Administrative*)  
and  
Appeals of Administrative Decisions



Thank you for your interest in Pickens County, South Carolina. This packet includes the necessary documents for Variance Request and Appeals of Administrative Decisions to be heard by the Pickens County Board of Appeals.

Should you need further assistance, please feel free to contact a member of the Planning Staff between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday at (864) 898-5953



# COUNTY OF PICKENS

www.co.pickens.sc.us



## Department of Community Development

*Building Codes Administration • Parks and Recreation • E-911 Administration • Planning*

APPLICATION FOR:

- Variance Type: *Special Exception*    *Administrative*    *Hardship*
- Administrative Decision Appeal**

Case No.: **BZA** - \_\_\_\_\_ - \_\_\_\_\_

**Note to Applicant:** All applications must be typed or legibly printed and all entries must be completed on all the required application forms. If you are uncertain to the applicability of an item, please contact a member of the Planning Staff. Incomplete applications or applications submitted after the posted deadlines may be delayed. **Application Fee - \$50.00**

Name of Applicant \_\_\_\_\_

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

Telephone \_\_\_\_\_ Cell \_\_\_\_\_

Applicant is the:      Owner's Agent \_\_\_\_\_      Property Owner \_\_\_\_\_

Property Owner(s) of Record \_\_\_\_\_

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

Telephone \_\_\_\_\_ Cell \_\_\_\_\_

**DESIGNATION OF AUTHORIZED PRERESENTATIVE** [complete only if owner is not the applicant]:

I (we) hereby appoint the person named below as my (our) agent to represent me (us) in the application.

Authorized Representative \_\_\_\_\_

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

Telephone \_\_\_\_\_ Cell \_\_\_\_\_

Date: \_\_\_\_\_

Owner(s) Signature(s): \_\_\_\_\_

Address/Location of Property \_\_\_\_\_

Tax Map Number(s) \_\_\_\_\_

Subdivision Name (if applicable): \_\_\_\_\_

**RESTRICTIVE COVENANT STATEMENT**

Pursuant to South Carolina Code of Laws 6-29-1145:

I (we) certify as property owner(s) or as authorized representative for this request that the referenced property:

- IS** subject to recorded restrictive covenants and that the applicable request(s) is permitted, or not otherwise in violation, of the same recorded restrictive covenants.
- IS** subject to recorded restrictive covenants and that the applicable request(s) was not permitted, however a waiver has been granted as provided for in the applicable covenants. *(Applicant must provide an original of the applicable issued waiver)*
- IS NOT** subject to recorded restrictive covenants

**SIGNATURE(S) OF APPLICANTS(S):**

I (we) certify as property owners or authorized representative that the information shown on and any attachment to this application is accurate to the best of my (our) knowledge, and I (we) understand that any inaccuracies may be considered just cause for postponement of action on the request and/or invalidation of this application or any action taken on this application.

I (we) further authorize staff of Pickens County to inspect the premises of the above-described property at a time which is agreeable to the applicant/property owner.

\_\_\_\_\_  
Signature of Applicant

\_\_\_\_\_  
Date

**PICKENS COUNTY STAFF USE ONLY**

<b>Application Processing</b>	Date Received _____ Received By _____	Board of Appeals Hearing Date _____
	Fee Paid \$ _____	Deadline for Notice to Paper _____ to run _____
	Pre-Application meeting held with _____ on _____	Letter of Hearing Sent to Applicant _____
	Application Forwarded to (date):	Sign Placement Deadline _____
	DHEC _____ <input type="checkbox"/> N/A	BOA Action(date) _____
	County Engineer _____ <input type="checkbox"/> N/A	<input type="checkbox"/> Approval <input type="checkbox"/> Approval w/ modifications <input type="checkbox"/> Denial
SCDOT _____ <input type="checkbox"/> N/A	Modifications _____	
	Notice of Action to Applicant _____	



## Pickens County, South Carolina VARIANCES AND APPEALS Application Process and Requirements

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The Variance and Appeal process is designed to address unusual situations or unique problems that may arise from the strict interpretation or enforcement of the Unified Development Standards Ordinance (UDSO), including appeals from an administrative decision, for unique hardships restricting reasonable use of property, for special exceptions to the requirements of the UDSO, allowed Administratively granted variances, and for relief from flood damage prevention restrictions.

### *APPLICATION PROCESS*

- 1) A Pre-Application meeting with a Planning Staff member is encouraged, however not required. This meeting should take place well in advance of filing an application with the Planning Department so that all questions can be asked of staff prior to the formal submittal of any application.
- 2) An application is submitted, along with any required filing fee, to the Planning Department according to the set deadline schedule (see attached schedule). Administratively granted variances may be submitted at any time.
- 3) The Planning Department shall review the application for completeness within 5 business days of submission. Incomplete or improper applications will be returned to the applicant.
- 4) If the application is considered complete and proper then the planning staff will further review the application and may make a written recommendation. The written recommendation is available to the applicant approximately five days before the Board of Appeal's public hearing. Copies of the report may be obtained from the Planning Department.
- 5) Legal notice is required to be printed in a newspaper of general circulation in Pickens County. This notice appears in the Pickens Sentinel and Easley Progress at least 15 days before public hearings in the legal notice section.
- 6) A public hearing sign is erected on the property at least 15 days before the public hearing. This sign will be erected and removed by the applicant or applicant's agent.
- 7) The Board of Appeals reviews the request and takes action on the request following the public hearing. The BOA meets the fourth Monday of each month. Meetings are held at 6:30 P.M. at the County Administration Building, Main Conference Room, Pickens, South Carolina
- 8) In cases involving variances or special exceptions, conspicuous notice shall be posted on or adjacent to the property affected, with at least one such notice being visible from each public thoroughfare that abuts the property.
- 9) In exercising their power, the Board of Appeals may reverse or affirm, wholly or in part, or may modify the order, requirements, decision, or determination, and to that end shall have all the powers of the officer from whom the appeal is taken and may issue or direct the issuance of a permit.
- 10) Within 15 days of the BOA taking action on the request, planning staff will send the applicant a Notice of Action.
- 11) A person who may have a substantial interest in any decision of the Board of Appeals or an office or agent of the appropriate governing authority may appeal from a decision of the Board to the circuit court in and for the county by filing with the clerk of the court a petition in writing setting forth plainly, fully, and distinctly why the decision is contrary to law. The appeal must be filed within thirty (30) days after the decision of the board is mailed.

- 12) Once an application is made, the applicant may withdraw the application before legal advertisement of a public hearing is placed in a newspaper of general circulation in Pickens County, without penalty. No application may be withdrawn or hearing postponed after the legal advertisement of a public hearing has been placed, without the consent of the BOA at the advertised hearing. The BOA, may at their discretion, decide to hear the case as advertised and take action on the request or allow for a withdrawal or postponement of the respective case. Written request for withdrawal or postponement is required.
  - 13) All associated fees are non-refundable. If a case is withdrawn or postponed at the request of the applicant, after the notice has been placed with the newspaper, the applicant is responsible for all associated cost of processing and advertising the application; the County must be reimbursed for these cost by the applicant.
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The items listed below are necessary to process a Variance or Appeal application. Please see the attached schedule of filing deadlines and meeting dates. A pre-application conference with Planning Staff to discuss the proposal is recommended, but is not required.

Any amendments to an application must be submitted to the Planning Department for staff review at least 10 days prior to the BOA hearing.

### **REQUIRED ITEMS**

1) APPLICATION FORM:

One (1) copy of the appropriate Application form with all required attachments and additional information must be submitted.

2) APPLICATION FEE:

Pickens County requires a \$50.00 application fee. The fee must be paid at time of application submittal. This fee is non-refundable.

3) LETTER OF INTENT:

One (1) copy of a Letter of Intent (must be typed or legibly printed)

The Letter of Intent must give details of the requested variance/appeal should include at least a statement as to how the property is being used, the size of the tract in question, and what necessitates the request.

4) PLOT PLAN (Site Plan): *not required for an appeal*

An accurate, legible plot plan showing property dimensions and locations of all structures and improvements must be included. This plan must demonstrate the need for a variance as well as the variance requested

5) ATTACHEMENTS:

The **appropriate** attachment must be included with the application

Attachment "A" *Appeal from Action of Enforcement Official*

Attachment "B" *Special Exception and Administrative Variance*

Attachment "C" *Hardship Variance*



**Pickens County, South Carolina**  
**VARIANCES AND APPEALS**  
Attachment A – Appeal from Action of Enforcement Official

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1. Applicant hereby appeals to the Board of Appeals from the action of the Enforcement Official affecting the property described in the Application on the grounds that:

granting     denial of an application for a permit to \_\_\_\_\_ was erroneous and contrary to provisions of the Unified Development Standards Ordinance in the following Section(s); or other action or decision of the Enforcement Official was erroneous as follows:

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2. Applicant is aggrieved by the action or decision in that:

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3. Applicant contends that the correct interpretation of the Unified Development Standards Ordinance as applied to the property is:

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4. Applicant requests the following relief:

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**Pickens County, South Carolina**  
**VARIANCES AND APPEALS**

**Attachment B – Special Exception or Administrative Variance**

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1. Applicant hereby appeals to the Board of Appeals, or to Planning Staff, for a variance from the strict application to the property described in the Notice of Appeal of the following provisions of the Unified Development Standards Ordinance: \_\_\_\_\_

\_\_\_\_\_

2. The Board of Appeals, or Planning Staff, shall consider the following standards in considering any rezoning proposal, giving due weight or priority to those factors that are appropriate to the circumstances of each proposal.

Please respond to the following standards in the space provided or you may use an attachment as necessary:

a) Would relief of the applicable requirements of the UDSO cause substantial detriment to the public good?: \_\_\_\_\_

\_\_\_\_\_

b) Would relief of the applicable requirements of the UDSO be injurious to the use and enjoyment of the environment or of other property in the immediate vicinity?: \_\_\_\_\_

\_\_\_\_\_

c) Would relief of the applicable requirements of the UDSO diminish and impair property values within the surrounding neighborhoods?: \_\_\_\_\_

\_\_\_\_\_

d) Would relief of the applicable requirements of the UDSO impair the purpose and intent of the UDSO?: \_\_\_\_\_

\_\_\_\_\_

e) Would relief of the applicable requirements of the UDSO create an expectation of public facilities in the future?: \_\_\_\_\_

\_\_\_\_\_



**Pickens County, South Carolina**  
**VARIANCES AND APPEALS**  
Attachment C – Hardship Variances

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1. Applicant hereby appeals to the Board of Appeals, or to Planning Staff, for a variance from the strict application to the property described in the Notice of Appeal of the following provisions of the Unified Development Standards Ordinance: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
  
  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 generally 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: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
    - e. The following documents are submitted in support of this application (If needed, please attach additional information to this application): \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_





**Pickens County, South Carolina**  
**VARIANCES AND APPEALS**  
Application Checklist

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The following is a checklist of information required for submission of a Variance application. Incomplete applications or applications submitted after the deadline will **may be delayed.**

- \_\_\_\_\_ Completed application form
- \_\_\_\_\_ Application Fee
- \_\_\_\_\_ Letter of intent
- \_\_\_\_\_ Plot Plan – 10 copies and one (1) reduction to 8 ½” x 11”
- \_\_\_\_\_ Attachments “A”, “B”, or “C”