



Board of Appeals: Variance Request Application

Business and Development Services
PO BOX 249
5 EAST BUTLER ROAD
MAULDIN SC 29662
Contact: Paula Foltz
864.234-3484 or 864.234.3475
pfoltz@mauldincitysc.com

The following information is required to be submitted prior to review by City Staff for placement on the Board of Appeals agenda:

- 1. Completed Property Information Form.
- 2. A notarized letter from the property owner stating that the Petitioner has permission to apply to the Board for the requested variance, if the Petitioner is not
- 3. Completed Application form.
- 4. Application, Site Plan, and HOA approval (if applicable).
- 5. Nine (9), 11x17 and (1) 24 x36 sets of the site plan and other information as needed to illustrate the request
- 6. **Filing Fee: \$100.00**

To The Applicant: By placing a check mark by each of the following paragraphs, you are certifying that you have performed that task. A check mark must be placed by each numbered paragraph before placement on the Board's agenda.

- 7. Pre-application conference with the Business and Development:
With whom: _____
- 8. Petitioner has checked for Homeowner Association rules, property covenants, deed restrictions, and other requirements that might have a bearing on the application.
- 9. Any available information to be presented as an exhibit at the variance hearing should be submitted with the application (if applicable).

Property Information Form

Application For (check all that apply):

Zoning Variance Landscape Variance Parking Variance Sign Variance

Please fill out form completely.

Property Address / Location: _____

Tax Map # : _____

Zoning: _____ Use of Property: _____

Title of this property is in the name of: (Furnish current address / please print legibly)

Property Owner: _____

Owner's Address: _____

(Property Owner's Signature)

(Business Name or Petitioner if other than Property Owner)

(Petitioner's Address)

(Agent's Name)

(Agent's Address)

Phone Number & Email

Phone Number and Email

I, _____, hereby petition the Board of Appeals for a variance(s)
from the provisions of the Mauldin Zoning Ordinance for my real property located at:

Ordinance Reference Section: _____

Ordinance Requirement: _____

Variance Requested:

Standards for Granting a Variance

The Board of Appeals does not have unlimited discretion in deciding whether to grant a variance. Under the Local Government Comprehensive Planning Enabling Act, SC Section 6-29:800 the Board is required to reach **four** conclusions (in the form of Findings) before a variance can be granted. In the spaces provided below, please indicate the *facts* that you intend to show and the *arguments* that you intend to make to convince the Board that it can properly reach these four required findings.

Finding 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 or other conditions that make it difficult or impossible to make an economically feasible use of the property.)

1. A hardship is created by the extraordinary condition(s) of the property and prevents compliance with the requirements of the Zoning Ordinance.

2. The hardship not a result of the applicant's own action.

Finding 2

Other property:

The extraordinary and exceptional conditions do not generally apply to other property in the vicinity.

1. The hardship of which the applicant complains results from unique circumstances related to the applicant's land. *[Hardships suffered by the applicant in common with his neighbors do not justify a variance. Also, unique personal or family hardships are irrelevant, since a variance, if granted, runs with the land.]*

Finding 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.

1. If made to comply with the provisions of the ordinance, the property owner can secure no reasonable return from, or make no reasonable use of, his property. *[It is not sufficient that failure to grant the variance simply makes the property less valuable or a variance would make the property more profitable.]*

Finding 4

Detriment:

The authorization of a variance will not be of substantial detriment to adjacent property or to the public good, and the granting of the variance will not harm the character of the district.

1. The variance is in harmony with the general purpose and intent of the ordinance and preserves its spirit. *[Demonstrate that this variance request represents the least possible deviation from the letter of the ordinance that will allow a reasonable use of the land and that, if granted, will not substantially detract from the character of the neighborhood or the purpose and intent of the section of code from which it*

2. The granting of the variance secures the public safety and welfare and does substantial justice. *[State facts and arguments demonstrating that the benefit to the public will (or will not) be substantially outweighed by the harm suffered by the applicant.]*

Please Note: In granting any variance, the Board of Appeals may prescribe conditions and safeguards that are in conformity or exceed the standards outlined in the Mauldin Zoning Ordinance. Violations of the provisions of the variance granted, including any conditions or safeguards, which are a part of the granting of the variance, shall be deemed a violation of the Zoning Ordinance.

I, _____ hereby certify that all of the information set forth in this application is accurate and true to the best of my knowledge.

DATE

PETITIONER'S SIGNATURE

PETITIONER'S NAME (PLEASE PRINT)