



**TOWN OF SULLIVAN'S ISLAND,
SOUTH CAROLINA
APPLICATION TO SERVE ON A TOWN BOARD/COMMISSION**

Apply by 5PM Friday August 13, 2021

PLEASE COMPLETE ALL OF THE FOLLOWING FOR POSSIBLE PARTICIPATION

1. NAME: _____

2. MAILING ADDRESS: _____

3. TELEPHONE NUMBER(S):

Home: _____ Work: _____ Cell: _____

4. E-MAIL ADDRESS: _____

5. Are you a registered voter on Sullivan's Island? Yes _____ No _____

6. Have you ever plead guilty, no contest or been convicted of a crime? If yes, please provide additional information: _____

The Town reserves the right to conduct a background check and additional information may be requested from you.

7. Indicate the real properties on Sullivan's Island in which you have a proprietary interest, identifying your primary residence:

8. Please disclose any circumstances which might pose a conflict of interest in executing your responsibilities as a member of any Board or Commission for which you are applying:

9. Please indicate that you wish to be considered for selection to a Board or Commission and, if selected, you are prepared to serve through the term below.

Planning Commission _____ 1 seat (for unexpired term, expiring 08/31/2023)

Tree Commission _____ 2 seats (term expiring 8/31/2024)

Election Commission _____ 1 seat (term expiring 8/31/2027)

Design Review Board _____ 2 seats (term expiring 8/31/2024)

Board of Zoning Appeals _____ 5 seats (term expiring 8/31/2024)

NOTE:

No member of a Town Board or Commission may hold an elected office in the Town of Sullivan's Island or County of Charleston.

If appointed, you must successfully complete a minimum of six (6) hours State mandated planning and zoning training as soon as possible, plus required continued education thereafter (S.C. Code §§ 6-29-1340-6-29-1370). Failure to complete required training will result in discontinuation of service and ineligibility for re-appointment (§6-29-1380)

(Initial)

(If applying for initial appointment) I agree to complete the required training in a timely manner on initial appointment and annually thereafter. (Initial)

(If applying for re-appointment) I certify that I have completed the required training during my current term and, if re-appointed, agree to do so annually during my new term. (Initial)

You must return a completed Town questionnaire for your desired Board/Commission(s) for consideration and a personal resume is encouraged.

By signing herein, I have read and understand the requirements for serving as a member of the Commission and/or Board requested and attest the information provided is accurate.

Thank you for volunteering your time and energy to your Town.

Applicant signature

Date



TOWN OF SULLIVAN'S ISLAND, SOUTH CAROLINA

**BOARD OF ZONING APPEALS
QUESTIONNAIRE**

1. Why do you wish to serve on the Board of Zoning Appeals (BZA)?
2. BZA meets on average one evening per month. Are you able to attend meetings at this frequency?
3. Please read the attached summary of the role of the Board of Zoning Appeals and review the Town's Code regarding this Board (Zoning Ordinance, Chapter 21, XVIII).
 - a. In your opinion, what should be the priorities of the BZA?
 - b. How does your knowledge, expertise and experience qualify you to serve on this Board?
4. Are there any provisions of the Zoning Ordinance with which you disagree?
5. Do you see any conflicts between the BZA's decisions and property rights?
6. The BZA is authorized to grant variances to zoning ordinance standards under very specific criteria that demonstrates hardship (outlined in Zoning Ordinance, Section 21-179). Would you have a problem following these procedures when considering variance requests?
7. How would you handle having to make decisions that might be unfavorable to a neighbor, business associate, client or family member?

Thank you for taking the time to respond to these questions. Please submit your answers along with the application and your resume to Pamela Otto (843-883-5744; potto@sullivansisland.sc.gov) at Town Hall (2056 Middle Street or mail to PO Box 427).

Application Deadline: 5pm Friday, August 13, 2021

ARTICLE XVIII. Board of Zoning Appeals.

Sec. 21-172. Purpose

The Board of Zoning Appeals (Board) hears and decides upon issues related to appeals of administrative decisions, variances, and special exceptions and to remand a matter to an administrative official if the Board determines the record is insufficient for review.

Sec. 21-173. Board membership and removal.

A. Appointment and terms

- (1) The Board of Zoning Appeals shall consist of seven (7) members all of which are citizens of Sullivan's Island appointed by the Town Council. (9-19-06)
- (2) No Board member shall hold any other public office or position in the Town.
- (3) The Board members shall serve overlapping terms of three (3) years each.

B. Election/appointment of officers.

The Board shall elect one of its members as chair. The chair shall serve for one (1) year or until he or she is elected or his or her successor is elected. The Board shall appoint a secretary who may be an officer of the governing authority or a member of the Board of Zoning Appeals.

C. Removal and replacement of board member.

The Town Council may remove any Board member for repeated failure to attend meetings of the Board or for any other cause deemed sufficient cause. A member appointed to replace a removed member shall serve the balance of the removed member's unexpired term. At the completion of the unexpired term, the member is eligible for reappointment to a full term.

Sec. 21-174. Powers.

A. The Board of Zoning Appeals shall have the following powers:

- (1) Administrative appeal.
To hear and decide appeals when it is alleged that there is error in any order, requirement, decision or determination made by a Town administrative official in the enforcement of this Zoning Ordinance.
- (2) Special exception.
To hear and decide special exceptions to the terms of this Zoning Ordinance upon which the Board of Zoning Appeals is authorized to pass under all of the provisions of this Zoning Ordinance
- (3) Variance.
To hear and decide variances from the terms of this Zoning Ordinance as will not be contrary to the public interest when, owing to special conditions, a literal enforcement of the provisions of this Zoning Ordinance will result in unnecessary hardship and so that the spirit of this Zoning Ordinance shall be observed and substantial justice done.

B. Remand back for insufficient information.

The Board of Zoning Appeals may also remand back a matter to an administrative official, upon motion by a party or the Board's motion, upon determining the record is insufficient for review. A party's motion for remand may be denied if the Board determines that the record is sufficient for review.

Sec. 21-175. Meetings, quorum and time limits.

A. Application and fees.

Administrative appeals, request for variances and special exceptions shall be submitted on forms provided by the Zoning Administrator and accompanied by an application fee the amount of which shall be established by resolution of the Town Council.

B. Appeals.

Appeals to the Board of Zoning Appeals may be taken by any person aggrieved or by any officer, department, board, or commission of the municipality.

C. Public notice of meetings.

- (1) Public notice of all meetings of the Board of Zoning Appeals shall be published in a newspaper of general circulation in the Town at least fifteen (15) days prior to the meeting.
- (2) Written notice of the hearing date shall be mailed to the applicant, or the agent for the applicant, and, in the case of Administrative Appeals, the administrative officer from whom the appeal is taken.
- (3) In cases involving special a exception or a variance, 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. A sign that is conspicuous in color, size and location shall be posted on the property. Such sign shall be posted at least ten (10) days prior to the Board of Zoning Appeals meeting. The sign provided by the Zoning Administrator shall indicate that a special exception or variance is being sought, shall furnish the time and date of the Board of Zoning Appeals meeting and shall describe the type of variance or special exception sought.

D. Meetings and record of actions.

- (1) Meetings of the Board shall be held at the call of the Chair and at such other times as the Board shall determine.
- (2) All meetings of the Board of Zoning Appeals shall be open to the public.
- (3) The chair or, in his or her absence, the acting chair, may administer oaths and compel the attendance of witnesses by subpoena.
- (4) In all matters of Administrative Appeals, Special Exceptions and Variances, findings of fact and conclusions of law shall be separately stated in final decisions or orders of the Board. These shall be delivered to parties of interest by certified mail.
- (5) The Board shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating that fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed at Town Hall and be considered a public record.
- (6) Every action, ruling, decision or determination of the Board shall be immediately filed at Town Hall and become a public record.

E. Quorum and required vote.

Four (4) members are required for a quorum. A majority of the members present shall be necessary to take any action on (1) remanding back for insufficient information; (2) an administrative appeal; (3) a special exception, or (4) a variance. (9-19-06)

F. Contempt and penalty.

In case of contempt by a party, witness, or other person before the Board of Zoning Appeals, the Board may certify this fact to the circuit court (Charleston County) and the judge of the court, in open court or in chambers, after hearing, may impose a penalty as authorized by law.

G. Time limitations.

- (1) When it shall appear to the Zoning Administrator that a request regarding the same lot for (1) an administrative appeal, (2) a special exception, or (3) a variance, presents substantially the same issues that have been decided by the Board of Zoning Appeals within the previous two (2) years, the Zoning Administrator shall notify the Board of Zoning Appeals. The Zoning Administrator shall not advertise the hearing or give notice to interested parties until the Board of Zoning Appeals shall determine that an amendment of this Zoning Ordinance or other changed conditions requires reopening the issue. The Zoning Administrator's written notice to the Chair of the Board of Zoning Appeals regarding these concerns shall stay any other time deadlines that are required elsewhere within this Article.
- (2) If after a special exception or variance has been authorized by the Board of Zoning Appeals, and no completed application for a Certificate of Zoning Compliance or Building Permit been has been applied for within one (1) year from the date of authorization, then such authorization shall be null and void.

Sec. 21-176. Remand back for insufficient information.

- A. The Board of Zoning Appeals may remand a matter to an administrative official, upon motion by a party or the Board's motion, upon determining the record is insufficient for review. A party's motion for remand may be denied if the Board determines that the record is sufficient for review.
- B. The Board shall set a rehearing on the remanded matter without further public notice within sixty (60) days unless otherwise agreed to by the parties. The Board shall maintain a list of persons who express an interest in being informed when the remanded matter is set for rehearing, and notice of the rehearing shall be mailed to these persons prior to the rehearing.

Sec. 21-177. Administrative appeal.

A. Appeal process.

A party may appeal to the Board of Zoning Appeals an allegation that there is error in an order, requirement, decision or determination made by an administrative official in the enforcement of this Zoning Ordinance.

B. Time limit.

Such appeal shall be taken within thirty (30) days of the action of said administrative officer by filing with the administrative officer from whom the appeal is taken and with the Board of Zoning Appeals a notice of appeal specifying the grounds thereof. The administrative official or officer shall immediately transmit to the Board all the papers constituting the record relating to the appeal.

C. Effect of appeal.

An appeal stays all proceedings in furtherance of the action appealed until the hearing before the Board of Zoning Appeals. However, if the officer, after receiving notice of the appeal, provides the Board with certification of facts that a stay would in his/her opinion cause imminent peril to life or property, then proceedings shall not be stayed other than by a restraining order which may be granted by the Board of Zoning Appeals or by a court of record on application, on notice to the officer from whom the appeal is taken, and on due cause shown.

D. Hearing and order.

Upon the hearing any party may appear in person or by agent or by attorney. The Board of Zoning Appeals may reverse or affirm wholly or partially or may modify or reverse the order, requirement, decision or determination appealed from and may make such order, requirement, decision or determination as should be made.

Sec. 21-178. Special exception.

- A. An application for a Special Exception, along with any applicable fee, shall be filed with Town Hall pursuant to the terms stated on said application. The property owner or the owner's authorized agent shall submit the application.
- B. A special exception may only be granted for a use that is permitted in the district for which the special exception is being requested.
- C. In order to approve a Special Exception, the Board of Zoning Appeals shall find that:
 - (1) Adequate provision is made for such items such as setbacks, fences, and buffered or planting strips to protect adjacent properties from possible adverse influence of the proposed use, such as noise, vibration, dust, glare, odor, traffic congestion, and similar factors.
 - (2) Vehicular traffic and pedestrian movement on adjacent roads shall not be hindered or endangered.
 - (3) Off-street parking and loading areas and the entrance and exits of these areas shall be adequate in terms of location, amount, design, and construction to serve the proposed use.
 - (4) The proposed use shall be compatible with existing uses to the extent that such use will not adversely affect the level of property values, general character, or general welfare of the nearby area.

- D. In approving a Special Exception, the Board of Zoning Appeals may attach to it such reasonable terms and conditions, as it may consider necessary to accomplish the intent of this Article and this entire Zoning Ordinance.
- E. Upon approval of a Special Exception, an application shall be made for a Certificate of Zoning Compliance which shall be forwarded by the Zoning Administrator to the Design Review Board.
- F. Applicants are encouraged to discuss the Special Exception with the Design Review Board prior to submission to the Board of Zoning Appeals.

Sec. 21-179. Variance.

- A. The Board of Zoning Appeals may grant a variance from the terms of this Zoning Ordinance when strict application of the provisions of the Zoning Ordinance would result in unnecessary hardship.
- B. A variance may be granted in an individual case of unnecessary hardship if the Board makes and explains in writing the following findings:
 - (1) There are extraordinary and exceptional conditions pertaining to the particular piece of property;
 - (2) These conditions do not generally apply to other property in the vicinity;
 - (3) Because of these conditions, the application of the Zoning Ordinance to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property; and
 - (4) 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.
- C. **The Board of Zoning Appeals may not grant a variance, the effect of which would be to**
 - (1) Allow the establishment of a use not otherwise permitted in a zoning district,
 - (2) Extend physically a nonconforming use of land; or,
 - (3) Change the zoning district boundaries shown on the official zoning map.
- D. **The fact that property may be utilized more profitably, if a variance were granted, shall not be grounds for granting a variance.**
- E. **Granting of use variance.**
The Board of Zoning Appeals shall not grant variances for the use of land building or structure that are prohibited in specific districts.

Sec. 21-180. Protection against liability.

Any member of the Board of Zoning Appeals acting within powers granted by the Ordinance shall be relieved from personal liability for any damage and held harmless by the Town of Sullivan’s Island. Any suit brought against any member of the Board shall be defended by a legal representative furnished by the Town of Sullivan’s Island until the termination of the proceedings.

Sec. 21-181. Appeal to circuit court.

- A. A person who may have a substantial interest in any decision of the Zoning Board of Appeals or an officer or agent of the Town of Sullivan’s Island may appeal a decision of the Zoning Board of Appeals to the circuit court in Charleston 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 shall be filed within thirty (30) days after the decision of the board is mailed.
- B. A property owner whose land is the subject of a decision of the Zoning Board of Appeals may also appeal by filing a notice of appeal with the circuit court accompanied by a request for pre-litigation mediation in accordance with South Carolina Code, Section 6-29-825. Any notice of appeal and request for pre-litigation mediation shall be filed within thirty (30) days after the decision of the Zoning Board of Appeals is postmarked.

Sec. 21-182. Reserved.

Sec. 21-183. Reserved.