

# Notice of Appeal - Form 1

## Board of Zoning Appeals

Date Filed: \_\_\_\_\_ Permit Application No. \_\_\_\_\_ Appeal No. \_\_\_\_\_

### Instructions

This form must be completed for a hearing on **appeal** from action of a zoning official, application for a **variance** or application for **special exception**. Entries must be printed or typewritten. If the application is on behalf of the property owner(s), all owners must sign. If the applicant is not an owner, the owner(s) must sign the Designation of Agent. An accurate, legible plot plan showing property dimensions and locations of structures and improvements must be attached to an application for variance or special exception.

**THE APPLICANT HEREBY APPEALS** [indicate one]:

- from action of a zoning official as stated on attached Form 2
- for a variance as stated on attached Form 3.
- for a special exception as stated on attached Form 4.

**APPLICANT(S)** [print] \_\_\_\_\_

Address: \_\_\_\_\_

Telephone: \_\_\_\_\_ [work] \_\_\_\_\_ [home]

Interest: \_\_\_\_\_ Owner(s): \_\_\_\_\_ Adjacent Owner(s); Other: \_\_\_\_\_

**OWNER(S)** [if other than Applicant(s)]: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone: \_\_\_\_\_ [work] \_\_\_\_\_ [home]

[Use reverse side if more space is needed.]

### PROPERTY ADDRESS:

Lot \_\_\_\_\_ Block \_\_\_\_\_ Subdivision \_\_\_\_\_

Tax Map No. \_\_\_\_\_ Plat Book \_\_\_\_\_ Page \_\_\_\_\_

Lot Dimensions: \_\_\_\_\_ Area: \_\_\_\_\_

Zoning District: \_\_\_\_\_ Zoning Map Page: \_\_\_\_\_

**DESIGNATION OF AGENT** [complete only if owner is not applicant]: I (we) hereby appoint the person named as Applicant as my (our) agent to represent me (us) in this application.

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

\_\_\_\_\_  
Owner signature(s)

I (we) certify that the information in this application and the attached Form 2, 3 or 4 is correct.

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

\_\_\_\_\_  
Applicant signature(s)

**Appeal from Action of Zoning Official - Form 2**  
**Board of Zoning Appeals**

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Date Filed: \_\_\_\_\_ Permit Application No. \_\_\_\_\_ Appeal No. \_\_\_\_\_

1. Applicant hereby appeals to the board of zoning appeals from the action of the zoning official affecting the property described in the Notice of Appeal [Form 1] on the grounds that:

granting  denial of an application for a permit to \_\_\_\_\_  
was erroneous and contrary to provisions of the zoning ordinance in Section \_\_\_\_\_;  
or other action or decision of the zoning official was erroneous as follows:

\_\_\_\_\_  
\_\_\_\_\_

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

\_\_\_\_\_  
\_\_\_\_\_

3. Applicant contends that the correct interpretation of the zoning ordinance as applied to the property is:

\_\_\_\_\_  
\_\_\_\_\_

4. Applicant requests the following relief:

\_\_\_\_\_  
\_\_\_\_\_

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

\_\_\_\_\_  
Applicant signature

**Variance Application - Form 3**  
**Board of Zoning Appeals**

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Date Filed: \_\_\_\_\_ Permit Application No. \_\_\_\_\_ Appeal No. \_\_\_\_\_

1. Applicant hereby appeals to the board of zoning appeals for a variance from the strict application to the property described in the Notice of Appeal [Form 1] of the following provisions of the zoning ordinance:

\_\_\_\_\_

so that a zoning permit may be issued to allow use of the property in a manner shown on the attached plot plan, described as follows: \_\_\_\_\_

\_\_\_\_\_

for which a permit has been denied by a zoning official on the grounds that the proposal would be in violation of the cited section(s) of the zoning 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: \_\_\_\_\_

\_\_\_\_\_

3. The following documents are submitted in support of this application: \_\_\_\_\_  
\_\_\_\_\_ **[A plot plan must be submitted.]**

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

\_\_\_\_\_

Applicant signature

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**Special Exception Application - Form 4**  
**Board of Zoning Appeals**

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Date Filed: \_\_\_\_\_ Permit Application No. \_\_\_\_\_ Appeal No. \_\_\_\_\_

1. Applicant hereby appeals to the board of zoning appeals for a special exception for use of the property described in the Notice of Appeals [Form 1] as: \_\_\_\_\_

\_\_\_\_\_

which is a permitted special exception under the district regulation in Section \_\_\_\_\_ of the zoning ordinance.

2. Applicant will meet the standards in Section \_\_\_\_\_ of the zoning ordinance which are applicable to the proposed special exception in the following manner:

\_\_\_\_\_

\_\_\_\_\_

3. Applicant suggests that the following conditions be imposed to meet the standards in the zoning ordinance: \_\_\_\_\_

\_\_\_\_\_

4. The following documents are submitted in support of this application: \_\_\_\_\_

\_\_\_\_\_

**[A plot plan must be submitted.]**

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

\_\_\_\_\_

Applicant signature

**Order on Appeal From Action of Zoning Official - Form 5  
Board of Zoning Appeals**

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Date Filed: \_\_\_\_\_ Permit Application No. \_\_\_\_\_ Appeal No. \_\_\_\_\_

The board of zoning appeals held a public hearing on \_\_\_\_\_ to consider the appeal of \_\_\_\_\_ from the action of the zoning official alleged to be erroneous as set forth on the Form 2 affecting the property described on Form 1 filed herein. After consideration of the evidence and arguments presented, the board makes the following findings of fact and conclusions.

1. The decision of the zoning official was based on the interpretation of Section(s) \_\_\_\_\_ of the zoning ordinance and zoning map that: \_\_\_\_\_  
\_\_\_\_\_
2. The board makes the following findings of fact which are supported by the evidence:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
3. The board concludes that zoning ordinance section(s) \_\_\_\_\_ is/are **applicable** in this case and shall be interpreted as follows: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
4. The board concludes that Section(s) \_\_\_\_\_ is/are **not applicable** in this case.

The board, therefore, orders that the decision of the zoning official is

affirmed -  reversed -  modified as follows \_\_\_\_\_  
\_\_\_\_\_

It is further ordered that the permit be  denied -  issued,  and the following action be taken: \_\_\_\_\_  
\_\_\_\_\_

Approved by the board by majority vote.

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

\_\_\_\_\_  
Chairman

Date mailed to parties in interest: \_\_\_\_\_

\_\_\_\_\_  
Secretary

**Notice of appeal to circuit court must be filed within 30 days after date this Order was mailed.**

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## Order on Variance Application - Form 6 Board of Zoning Appeals

Date Filed: \_\_\_\_\_ Permit Application No. \_\_\_\_\_ Appeal No. \_\_\_\_\_

The board of zoning appeals held a public hearing on \_\_\_\_\_ to consider the appeal of \_\_\_\_\_ for a variance from the strict application of the zoning ordinance as set forth on the Form 3 affecting the property described on Form 1 filed herein. After consideration of the evidence and arguments presented, the board makes the following findings of fact and conclusions.

1. The board concludes that applicant  **has** -  **does not have** an unnecessary hardship because there are extraordinary and exceptional conditions pertaining to the particular piece of property based on the following findings of fact: \_\_\_\_\_  
\_\_\_\_\_
2. The board concludes that these conditions  **do** -  **do not** generally apply to other property in the vicinity based on the following findings of fact: \_\_\_\_\_  
\_\_\_\_\_
3. The board concludes that because of these conditions, the application of the ordinance to the particular piece of property  **would** -  **would not** effectively prohibit or unreasonably restrict the utilization of the property based on the following findings of fact: \_\_\_\_\_  
\_\_\_\_\_
4. The board concludes that authorization of the variance  **will** -  **will not** be of substantial detriment to adjacent property or to the public good, and the character of the district  **will** -  **will not** be harmed by the granting of the variance based on the following findings of fact: \_\_\_\_\_  
\_\_\_\_\_
5. The board concludes that the effect of the variance  **would** -  **would not** be to allow the establishment of a use not otherwise permitted in the zoning district, based on Section \_\_\_\_\_ of the ordinance;  **would** -  **would not** extend physically a nonconforming use of the land; and  **would** -  **would not** change the zoning district boundaries shown on the official zoning map, based on the following findings of fact: \_\_\_\_\_  
\_\_\_\_\_

The board, therefore, orders that the variance is  **denied** -  **granted, subject to the following conditions:** \_\_\_\_\_

Approved by the board by majority vote.

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

\_\_\_\_\_  
Chairman

Date mailed to parties in interest: \_\_\_\_\_

\_\_\_\_\_  
Secretary

**Notice of appeal to circuit court must be filed within 30 days after date this Order was mailed.**

**Order on Special Exception Application - Form 7  
Board of Zoning Appeals**

Date Filed: \_\_\_\_\_ Permit Application No. \_\_\_\_\_ Appeal No. \_\_\_\_\_

The board of zoning appeals held a public hearing on \_\_\_\_\_ to consider the appeal of \_\_\_\_\_ for a special exception which may be permitted by the board pursuant to Section \_\_\_\_\_ of the zoning ordinance as set forth on Form 4 for the property described on Form 1 to be used for: \_\_\_\_\_

After consideration of the evidence and arguments presented, the board makes the following findings of fact and conclusions.

1. The board concludes that the standards in Section \_\_\_\_\_ of the zoning ordinance which are applicable to the proposed special exception  **have** -  **have not** been met based on the following findings of fact: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
  
2. The board concludes that the proposed special exception  **will** -  **will not** substantially diminish value of adjacent property or property in the district based on the following findings of fact: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
  
3. The board concludes that the proposed special exception  **will** -  **will not** be compatible with uses in the district based on the following findings of fact: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

The board, therefore, orders that the special exception is  **denied** -  **granted, subject to the following conditions:** \_\_\_\_\_  
\_\_\_\_\_

Approved by the board by majority vote.

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

\_\_\_\_\_  
Chairman

Date mailed to parties in interest: \_\_\_\_\_

\_\_\_\_\_  
Secretary

**Notice of appeal to circuit court must be filed within 30 days after date this Order was mailed.**

## Checklist for Zoning Appeals

Step	Action Required	Time	After
1. Notice of appeal to Board	File appeal form with zoning official and board secretary [Forms 1 and 2, 3 or 4]	Time set by rules or ordinance - if not, then 30 days	Actual notice of action
2. Set Board hearing	Board sets hearing date	Reasonable time	Appeal filed
3. Notice of hearing	Publish in newspaper and notify parties in interest	15 days	Prior to hearing
4. Board decision	Board conducts hearing and makes written decision with findings of fact and conclusions [Form 5, 6 or 7]	Reasonable time or as set by rules	Hearing
5. File decision	Serve on parties in interest by certified mail - retain as permanent public record	Immediately	Decision rendered
6(a). Appeal to circuit court	File petition with clerk of court stating grounds of appeal - copy to board desirable	30 days	Decision of board is mailed
6(b). Appeal to circuit court	Property owner elects to file notice of appeal with mediation request	30 days	Decision of board is postmarked
7. Notice by clerk of court	Notify board secretary of appeal	Immediately	Petition is filed
8. File record	Board secretary files certified copy of proceedings, transcript, evidence and decision with clerk. Board attorney may file a return and serve on opposing counsel with copy of certified record.	30 days	Notice from clerk
9. Hear appeal	Circuit court sets hearing at next term of court (probably will not be set until reached according to filing number)	10-day notice	During term of court
10. Appeal to state appellate courts	Serve and file notice of appeal	30 days	Notice of entry of circuit court order





## BOARD OF ZONING APPEALS

IN ACCORDANCE WITH **ZONING ORDINANCE SECTION 21-175**,

I \_\_\_\_\_ HAVE SUBMITTED A COMPLETED BOARD OF ZONING  
APPEALS APPLICATION, FOR THE MEETING DATE OF \_\_\_\_\_ , WHICH WILL BE HELD AT  
SULLIVAN'S ISLAND TOWN HALL LOCATED AT **2056 MIDDLE STREET, SULLIVAN'S ISLAND, SOUTH CAROLINA.**

ADDITIONALLY, I UNDERSTAND THAT THE BOARD MAY POSTPONE OR PROCEED TO DISPOSE OF A MATTER ON THE RECORD  
BEFORE IT IN THE ABSENCE OF AN APPEARANCE ON BEHALF OF AN APPLICANT.

\_\_\_\_\_  
APPLICANT SIGNATURE

\_\_\_\_\_  
DATE