

Submitting to the Port Royal Zoning Board of Appeals (ZBOA)

Criteria for Approval of Variance Permits.

Required Findings.

A Variance Permit may be granted by the Zoning Board of Appeals if the Board concludes that the strict enforcement of any design and performance standard set forth in this Development Code would result in unnecessary hardship to the applicant and that by granting the Variance Permit, the spirit of this Development Code will be observed, public welfare and safety will not be diminished and substantial justice done. A Variance Permit may be granted in an individual case of unnecessary hardship only when the Board makes and explains in writing all of the following findings:

Extraordinary Conditions. There are extraordinary and exceptional conditions pertaining to the particular piece of property. For example, the variance is justified because of topographic or other special conditions unique to the property and development involved, in contradistinction to the mere inconvenience or financial disadvantage;

Other Property. These conditions do not generally apply to other property in the vicinity;

Conditions. The conditions are not the result of the applicant's own actions;

Comprehensive Plan. Granting of the variance would not substantially conflict with the Comprehensive Plan and the purposes of this Development Code;

Utilization. Because of these conditions, the application of the Development Code to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property; and

Substantial detriment. The authorization of a variance will not be of substantial detriment to adjacent property or the public good, and the character of the zone will not be harmed by the granting of the Variance Permit.

Limitations.

The Board may not grant a Variance Permit the effect of which would be any of the following:

The Board may not grant a variance the effect of which would be to allow the establishment of a use not otherwise permitted in the applicable zone;

To increase the density of a use above that permitted by the applicable zone;

To extend physically a nonconforming use of land; or

To change the zone boundaries shown on the Official Zoning Map.

Profitability Not to Be Considered.

The fact that property may be utilized more profitably should a Variance Permit be granted may not be considered grounds for a variance.

Hardship Due to Eminent Domain.

Where the alleged hardship results from the taking of part of the property by eminent domain, thus reducing the land area available for parking, buffers, and other purposes, the applicant shall have the burden of proving that, after good-faith efforts by the applicant or previous owner, the condemning authority failed or refused to provide the applicant compensation adequate to cover the value of both the land actually taken and the economic impacts of the reduction in the size of the remaining property. Only if the applicant meets this burden of proof will a hardship under these conditions be considered adequate to justify the granting of a Variance Permit.

Conditions.

In granting a Variance Permit, the Board may attach to it conditions regarding the location, character, or other features of the proposed building, structure, or use as the Board may consider advisable to protect established property values in the surrounding area, or to promote the public health, safety, or general welfare.

Further information regarding the town's ZBOA may be found in The Port Royal Code, Article 8, Division 8.5 and 8.6 Administrative Appeals and Article 9, Section 9.1.30 on the town's website, www.portroyal.org or by calling 843 986-2207, or by emailing lbridges@portroyal.org.

The Board meets on the first (1st) Monday of each month at 5:30 p.m. The meeting is held in Council Chambers, Town Hall; 700 Paris Avenue, Port Royal, SC 29935. Applicants or their agent must be in attendance when their case is reviewed.

Your submittal must be delivered to town staff twenty five (25) days before a scheduled meeting of the ZBOA. Your submittal should take the form of a letter requesting the appeal or variance, addressed to:

The Zoning Board of Appeals

% Planning Administrator

P O Drawer 9

Port Royal, SC 29935

The submittal may be mailed to the above address or hand delivered to Town Hall at 700 Paris Avenue, Port Royal, SC 29935.

In addition to the letter of request you should attach seven (7) copies of any exhibits and, or supporting documents that you wish to have distributed to the board members.