



Zoning/Planning

# James Island BZA Special Exception Application Package (1 of 2)

Forms to be returned to the  
Planning Department with Items 1-7

- ◆ Special Exception Application
- ◆ Restrictive Covenants Affidavit
- ◆ Posted Notice Affidavit

# Application for Special Exception

## Town of James Island Board of Zoning Appeals

Town of James Island  
Zoning/Planning Department  
1122 Dills Bluff Road  
James Island, SC 29412  
Phone 843-795-4141  
Fax 843-795-4878  
[www.jamesislandsc.us](http://www.jamesislandsc.us)



This application must be complete and submitted in person to the Town of James Island Zoning/Planning Department in order to apply for a Special Exception. Please read the entire form prior to completing the application. The applicant shall receive a copy of this completed form at the time the application is filed. **This application will be returned to the applicant within fifteen (15) working days if these items are not submitted with the application or if any are found to be inaccurate:**

- 1) Completed Special Exception application signed by the current property owner(s).
- 2) Copy of **Current Recorded Deed** to the property (Owner's signature must match documentation). If the applicant is not the owner of the property, the **Current Property Owner(s)** must sign and print the **Designation of Agent** found below.
- 3) **Restrictive Covenants & Posted Notice Affidavit(s)** signed by the applicant or current property owner(s).
- 4) A **letter of intent** signed by the applicant or property owner(s) stating the reason for the request that explains why this request should be granted and how it meets the Approval Criteria of §153.045 E. All proposed Special Exceptions, except single family, shall satisfy the Site Plan Review process and attend at least one Site Plan Review meeting prior to submitting this application.
- 5) An accurate, legible **Site Plan drawn to Engineers Scale** must be attached. The site plan must show property dimensions, dimensions and locations of all existing and proposed structures and improvements, parking areas, Grand trees(24" DBH or greater, Pine, Sweetgum, SC Invasive Pest Trees are exempt), wetlands(properties containing DHEC-OCRM Critical Line areas must contain an up to date DHEC-OCRM signature on site plan or plat), holding basins and buffers when applicable.  
**One 24 x 36 copy & fifteen (15) 11 x 17 copies.**
- 6) Copy of a legible **Approved and Recorded Plat** showing present boundaries of property.
- 7) **Fee \$250** check made out to "Town of James Island".

Applicant Name: \_\_\_\_\_

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

City, State, Zip Code: \_\_\_\_\_ Daytime Phone: \_\_\_\_\_

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

Subject Property Address: \_\_\_\_\_

Present Use of Property: \_\_\_\_\_

Special Exception Description: \_\_\_\_\_

Applicant Signature \_\_\_\_\_ Date \_\_\_\_\_

**Designation of Agent** (Complete only if owner is not applicant): I hereby appoint the person named as Applicant above as my (our) agent to represent me (us) in this application.

Owner Print Name \_\_\_\_\_ Date \_\_\_\_\_ Owner Mailing Address \_\_\_\_\_

Owner Signature \_\_\_\_\_ City, State, Zip Code \_\_\_\_\_

FOR OFFICE USE ONLY:	
Application #: _____	Flood Zone: _____
Zoning District: _____	Fee Paid (\$250): _____
Date Filed: _____	Zoning Officer: _____
TMS#: _____	



Zoning/Planning

843.795.4141  
Fax: 843.795.4878  
Town Hall  
1122 Dills Bluff Road  
James Island, SC 29422

**PERMIT APPLICATION: RESTRICTIVE COVENANTS AFFIDAVIT**

I, \_\_\_\_\_, have reviewed the restrictive covenants applicable to  
(Print Name)

Parcel Identification Number(s) \_\_\_\_\_, located at  
(TMS #)

\_\_\_\_\_, and the proposed permit application is not  
(Address)

contrary to, does not conflict with, and is not prohibited by any of the restrictive covenants, as  
specified in South Carolina Code of Laws, Section 6-29-1145.

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Date)

\_\_\_\_\_  
(Print Name)

Explanation:

Effective July 1, 2007, South Carolina Code of Laws Section 6-29-1145 requires local governments to inquire in the permit application, or in written instructions provided to the applicant, if a tract or parcel of land is restricted by a recorded covenant that is contrary to, conflicts with or prohibits an activity for which a permit is being sought. (Section 6-29-1145 is copied on the back of this page)

Received by: \_\_\_\_\_

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

Application #: \_\_\_\_\_

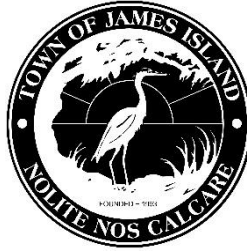
"Section ~~6-29-1145~~. (A) In an application for a permit, the local planning agency must inquire in the application or by written instructions to an applicant whether the tract or parcel of land is restricted by any recorded covenant that is contrary to, conflicts with, or prohibits the permitted activity.

(B) If a local planning agency has actual notice of a restrictive covenant on a tract or parcel of land that is contrary to, conflicts with, or prohibits the permitted activity:

- (1) in the application for the permit;
- (2) from materials or information submitted by the person or persons requesting the permit; or
- (3) from any other source including, but not limited to, other property holders, the local planning agency must not issue the permit unless the local planning agency receives confirmation from the applicant that the restrictive covenant has been released for the tract or parcel of land by action of the appropriate authority or property holders or by court order.

(C) As used in this section:

- (1) 'actual notice' is not constructive notice of documents filed in local offices concerning the property, and does not require the local planning agency to conduct searches in any records offices for filed restrictive covenants;
- (2) 'permit' does not mean an authorization to build or place a structure on a tract or parcel of land; and
- (3) 'restrictive covenant' does not mean a restriction concerning a type of structure that may be built or placed on a tract or parcel of land."



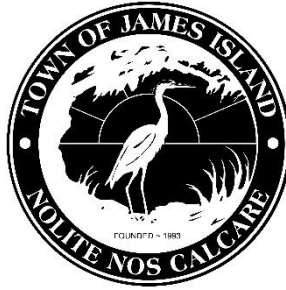
**Town of James Island Zoning and Land Development  
Regulations Ordinance (ZLDR)**

**§153.040 (G) NOTICES**

**(2). Types**

**(b) Posted Notice**

When the provisions of this Ordinance state that "Posted Notice" should be provided, the official responsible for accepting the application shall post the notice on the subject property in a manner that makes the notice clearly visible to neighboring residents and passers-by from each public street bordering the subject property. Unless otherwise expressly provided in state statutes or this Ordinance, Posted Notice shall be in place at least 15 calendar days before the public hearing, meeting, or date of action that is the subject of the notice



843.795.4141  
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Town Hall  
1122 Dills Bluff Road  
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Zoning/Planning

**POSTED NOTICE AFFIDAVIT**

*This Affidavit must be filled out and signed by all owner(s) of the subject parcel(s)*

I, \_\_\_\_\_, have reviewed §153.040 (G) (2) (b), Posted Notice on  
[Print Name(s)]

the back of this affidavit and understand that a sign(s) will be posted on

Parcel Identification Number(s)

\_\_\_\_\_, located at (address)

\_\_\_\_\_, at least 15 calendar days prior to the

public hearing date for which my request is scheduled.

I also understand that once the notice has been posted, the owner(s) of the subject property are responsible for notifying the Zoning/Planning Department in writing if the Posted Notice is removed or damaged prior to the public hearing, meeting or date of action that is the subject of the notice. Failure to notify the Zoning/Planning Department in writing of removed or damaged Posted Notice may result in rescheduling of the public hearing and a delay in decision from the decision-making body. Property Owner is responsible for a \$45 (per sign) fee in the case of missing/discarded Posted Notice signs.

\_\_\_\_\_  
[Property Owner(s) Signature(s)]

\_\_\_\_\_  
[Date]

\_\_\_\_\_  
[Print Name(s)]

For Staff Use Only:

Received by \_\_\_\_\_

Date \_\_\_\_\_

Application Number \_\_\_\_\_



Zoning/Planning

# James Island BZA Special Exception Application Package **(2 of 2)**

## Information for Applicants

- ◆ BZA Schedule
- ◆ Special Exception Approval Criteria
- ◆ Owners signature information memo



## **Town of James Island Zoning and Land Development Regulations Ordinance (ZLDR)**

### **APPROVAL CRITERIA FOR SPECIAL EXCEPTIONS**

According to Article 153.045 Special Exceptions, §153.045 E Approval Criteria of the *Town of James Island Zoning and Land Development Regulations Ordinance (ZLDR)*, Special Exceptions may be approved only if the Board of Zoning Appeals finds that the proposed use:

- (1) Special Exceptions may be approved only if the Board of Zoning Appeals finds that the proposed use:
  - a. Is consistent with the recommendations contained in the Town of James Island *Comprehensive Plan* and the character of the underlying zoning district “Purpose and Intent”;
  - b. Is compatible with existing uses in the vicinity and will not adversely affect the general welfare or character of the immediate community;
  - c. Adequate provision is made for such items as: setbacks, buffering (including fences and/or landscaping) to protect adjacent properties from the possible adverse influence of the proposed use, such as noise, vibration, dust, glare, odor, traffic congestion and similar factors;
  - d. Where applicable, will be developed in a way that will preserve and incorporate any important natural features;
  - e. Complies with all applicable rules, regulations, laws and standards of this Ordinance, including but not limited to any use conditions, zoning district standards, or Site Plan Review requirements of this Ordinance; and
  - f. Vehicular traffic and pedestrian movement on adjacent roads shall not be hindered or endangered.
- (2) In granting a Special Exception, the Board of Zoning Appeals may attach to it such conditions regarding the location, character, or other features of the proposed building or structure 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.



**TOWN OF JAMES ISLAND  
BOARD OF ZONING APPEALS  
2023 MEETING DATES**

**5:00 PM**

Town Hall, 1122 Dills Bluff Road, James Island, SC  
29412

3<sup>rd</sup> Tuesday of the month

<b>FILING DEADLINES</b>	<b>MEETING DATES 2023</b>
December 16th, 2022	January 17th
January 20th, 2023	February 21st
February 17th	March 21st
March 17th	April 18th
April 14th	May 16th
May 19th	June 20th
June 16th	July 18th
July 14th	August 15th
August 18th	September 19th
September 15th	October 17th
October 20th	November 21st
November 17th	December 19th

Applications must be received in person no later than **12:00 pm Friday** on the filing deadline with the required fee, or on any work day preceding the filing deadline no later than 4:00 pm.

Incomplete applications will not be accepted.



Daniel C. Pennick, AICP  
Zoning/Planning Director

843.202.7200  
1.800.524.7832  
Fax: 843.202.7222  
Lonnie Hamilton, III  
Public Services Building  
4045 Bridge View Drive  
North Charleston, SC 29405-7464

## MEMORANDUM

**TO:** Variance and Special Exception Applicants

**FROM:** Jenny J. Werking, AICP

**DATE:** April 30, 2008

**SUBJECT:** Signatures for Variance and Special Exception Applications

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This memo is to inform potential and current Variance and Special Exception applicants of the documentation required for signatures on the applications. All signed documents submitted must be the original documents (no copies). All signed documents must be dated by the person(s) signing the document.

### General:

Variance and Special Exception applications must be signed by all property owners as listed on the current, recorded deed of record for the subject property(ies). If more than one parcel is included in the request, the parcels may only be placed on the same application if (1) they are in the same zoning district; (2) they are owned by the same person(s) or entity(ies); (3) the properties are contiguous; and (4) the Variance or Special Exception request is the same (i.e. a tree variance and a setback variance would be a separate request, requiring an additional application and fee.) Planning Staff will determine if separate applications are necessary. Please consult Planning Staff in advance with any questions regarding this procedure.

### Properties owned by corporations or partnerships:

Supporting documentation regarding owner signatures is required for properties that are owned by corporations or partnerships. As part of the Variance or Special Exception application, the applicant must submit a letter from an attorney that (1) states who can sign for the corporation or partnership and (2) describes that person's role in the corporation or partnership. This letter must be notarized and must include the raised seal of the notary.

### Properties for which there are multiple owners:

Applicants for properties that are owned by multiple persons (as shown on the current, recorded deed) may submit separate sheets (other than the application) for the signatures of the owners on a case by case basis. If this is permitted, one property owner must sign on the application and each of the other owners must sign a statement that reads "I have read the application for and agree with the request for the Variance or Special Exception on property located at TMS # \_\_\_\_\_ (describe Variance or Special Exception request)" This statement must be notarized (with the raised seal) and submitted as part of the application.