Zoning/Planning

James Island BZA Variance Application Package **(1 of 2)**

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

- Variance Application
- Restrictive Covenants Affidavit
- Posted Notice Affidavit

Variance Application

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

This application must be complete and submitted in person to the Town of James Island Zoning/Planning Department in order to apply for a Variance. 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 Variance 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 §153.049 F. All proposed Variances, 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(18" 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 and one digital copy via email.

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". Grand tree variances add $50 each additional tree

Applicant Name: _____

Mailing Address: _____

City, State, Zip Code: _____ Daytime Phone: _____

Email Address: _____

Subject Property Address: _____

Present Use of Property: _____

Variance 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 29412

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. (Section6-29-1145 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."

843.795.4141
Fax: 843.795.4878
Town Hall
1122 Dills Bluff Road
James Island, SC 29412

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_____

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

Zoning/Planning

James Island BZA Variance Application Package **(2 of 2)**

Information for Applicant's

- BZA Schedule
- Variance Approval Criteria
- Owners signature information memo

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

APPROVAL CRITERIA FOR VARIANCES

According to Article 153.049 Zoning Variances, §153.049 F Approval Criteria of the *Town of James Island Zoning and Land Development Regulations Ordinance (ZLDR)*, The Board of Zoning Appeals has the authority to hear and decide appeals for a Zoning Variance when strict application of the provisions of this Ordinance would result in unnecessary hardship. A Zoning Variance may be granted in an individual case of unnecessary hardship if the Board of Zoning Appeals makes and explains in writing the following findings:

a. **There are extraordinary and exceptional conditions pertaining to the particular piece of property;**

b. **These conditions do not generally apply to other property in the vicinity;**

c. **Because of these conditions, the application of this Ordinance to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property;**

d. **The authorization of a variance will not be of substantial detriment to adjacent property or to the public good, and the character of the zoning district will not be harmed by the granting of the variance;**

e. **The Board of Zoning Appeals shall not grant a variance the effect of which would be to allow the establishment of a use not otherwise permitted in a zoning district, to extend physically a non-conforming use of land, or to change the zoning district boundaries shown on the Official Zoning Map;**

f. **The need for the variance is not the result of the applicant's own actions; and**

g. **Granting of the variance does not substantially conflict with the *Comprehensive Plan* or the purposes of this Ordinance.**

Factors Not To Be Considered (§153.049 G)

The fact that property may be utilized more profitably if a Zoning Variance is granted shall not be considered grounds for granting a Zoning Variance.

In granting a variance, 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.

Daniel C. Pennick, AICP
Zoning/Planning Director

CHARLESTON COUNTY
SOUTH CAROLINA

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

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.

TOWN OF JAMES ISLAND
BOARD OF ZONING APPEALS
2026 MEETING DATES
5:00 PM
Town Hall, 1122 Dills Bluff Road, James Island, SC 29412
3rd Tuesday of the month

FILING DEADLINES	MEETING DATES 2026
December 19th, 2025	January 20th
January 16th, 2026	February 17th
February 13th	March 17th
March 20th	April 21st
April 17th	May 19th
May 15th	June 16th
June 19th	July 21st
July 17th	August 18th
August 14th	September 15th
September 18th	October 20th
October 16th	November 17th
November 13th	December 15th

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.