

# A CITIZEN'S GUIDE TO THE



# HORRY COUNTY ZONING BOARD OF APPEALS

GENERAL INFORMATION AND NECESSARY FORMS

## **HEARING PROCEDURES**

The Chairman of the Board opens the meeting and reads the procedures to be followed during a hearing.

1. Appellants are allowed to present evidence by sworn testimony and by exhibit(s). Witnesses shall be placed under oath and shall testify or be examined by the appellant or the appellant's attorney. Attorneys for opposing parties in interest may cross-examine the witness if permitted by the Chairman. The Zoning Administrator or his attorney may then cross-examine if permitted by the Chairman. The attorney for the respective parties may exercise limited re-direct and re-cross examination, if permitted by the Chairman.
2. Opposing parties in interest may then present evidence in the same fashion as appellants. Appellants are allowed to cross-examine each witness, if permitted by the Chairman, followed by cross-examination by the Zoning Administrator or his attorney.
3. The Zoning Administrator may then present evidence in the same fashion, with appellants and opposing parties in interest being allowed to cross-examine said witnesses if approved by the Chairman. After the parties have examined each witness, if allowed, any member of the Board may question the respective witnesses.
4. After completion of all testimony, the floor will be opened to the public for comment. Proponents of the appellant's position shall be allowed to speak for a cumulative ten (10) minute period after being recognized by the Chairman. Opponents of the appellant's position shall be allowed to speak for a cumulative ten (10) minute period after being recognized by the Chairman.
5. One agent or attorney for the opposing parties in interest and one agent or attorney for the appellants in that order shall be allowed five (5) minutes each to summarize their respective positions. The Zoning Administrator or his attorney may then make a summation of no more than five (5) minutes, if they so desire.

The Chairman will then conclude the public hearing. The Board will then deliberate until a decision is reached. During the deliberations by the Board, Board members may address questions to the respective parties, their attorneys or witnesses, but no person shall participate in these discussions unless addressed by the Chairman or a Board member.

### **D. Notification of Decision**

The Board's decision will be transmitted to the appellant and the Zoning Administrator. It shall be the responsibility of the Board's Secretary to notify both the appellant and the Zoning Administrator.

### **E. Appeals from the Decision of the Board**

Any person who may have substantial interest in any decision of the Board of Zoning Appeals may appeal from any decision of the Board to the Circuit Court in and for the County of Horry by filing with the Clerk of Court a petition in writing setting forth plainly, fully and distinctly wherein such decision is contrary to law. Such appeal shall be filed within thirty (30) days after the decision of the Board is mailed.



**APPEAL FOR A VARIANCE**

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Applicant hereby appeals for a variance from the requirements of the following provisions of the Zoning Ordinance:

Article(s) \_\_\_\_\_ Section(s) \_\_\_\_\_

A permit has been denied on this property by the Zoning Administrator on the grounds that the proposal would be in violation of the above mentioned section(s) of the Zoning Ordinance.

A variance may be granted in an individual case of unnecessary hardship if the Board makes and explains in writing the finding as stated below:

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 ordinance to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property.
4. The authorization of a 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.
5. The Board may 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 nonconforming use of land, or change the zoning district boundaries shown on the official zoning map. The fact that property may be utilized more profitably, should a variance be granted, may not be considered grounds for a variance.

To the best of your ability please explain how the aforementioned findings apply to your request: (may include attachments) \_\_\_\_\_

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The following documents are submitted in support of this application: (an accurate legible plot plan prepared by a registered architect, engineer or surveyor showing property dimensions and locations of all existing and proposed structures is required)

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\_\_\_\_\_

\_\_\_\_\_

**Applicant hereby certifies that the information provided in this application is correct and there are no covenants or deed restrictions in place that would prohibit this request.**

\_\_\_\_\_  
Applicants Signature  
*(If in LLC or Corp. name please provide authorization to sign)*

\_\_\_\_\_  
Date

## **TYPES OF APPEALS**

### **Appeal for a Variance**

The Board shall hear and decide appeals for a variance from the requirements of the Zoning Ordinance when strict application of the provisions of the ordinance would result in unnecessary hardship.

### **Appeals from the decision of the Zoning Administrator**

The Board shall hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination by the Zoning Administrator.

### **Special Exception Request**

The Board shall hear and decide special exception uses as specified per zoning district and may attach to it such 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.

### **Reconsideration Request**

The Board may reconsider cases it has previously decided in the following instances:

1. If a motion made by a Board member who voted on the prevailing side when the Board made it's previous ruling is seconded and carried at such time before the minutes for the meeting at which the previous ruling was made are approved, or;
2. Upon application of any party of interest, subject to common law and statutory law of south Carolina, provided there is justification and good cause as evidenced by the presence of one or more of the following:
  - a. Newly discovered evidence
  - b. Fraud
  - c. Surprise
  - d. Mistake
  - e. Inadvertence
  - f. Change in conditions

Before making its decision on whether or not to reconsider a case, the party moving for reconsideration shall apply in writing to the Board for same, paying the fee normally paid for variance applications. The Board shall then provide the same notice to the public as it would in the case of a variance application. The party moving for reconsideration must file its application and pay the fee within thirty (30) days of the date when the original ruling was made.

### **Fees**

A variance, appeal, special exception or reconsideration application cost is \$200.00 and is payable by cash or check only and is due at the time of application submittal.



SPECIAL EXCEPTION REQUEST

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Owing to their potential negative impact on the community, the following uses may be approved as a special exception by the Board of Zoning Appeals:

- On Premises Consumption of Alcohol
- Bed & Breakfast Establishment
- Outpatient Treatment Facility
- Casino Boat

Applicant hereby appeals to the Board of Zoning Appeals for the following special exception use: \_\_\_\_\_ as per

Article: \_\_\_\_\_ Section: \_\_\_\_\_

Name and Type of Business: \_\_\_\_\_

The Board of Zoning Appeals shall consider the following criteria for special exceptions:

1. Traffic impact
2. Vehicle and pedestrian safety
3. Potential impact of noise, lights, fumes, or obstruction of air flow on adjoining property
4. Adverse impact of the proposed use on the aesthetic character of the environs, to include the possible need for screening from view
5. Orientation or spacing of improvements or buildings.

**To the best of your ability explain how the aforementioned apply to your request** (may include attachments):

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Special exception approvals are subject to conditional requirements as stated in the applicable section of the Zoning Ordinance. In granting a special exception, the Board of Zoning Appeals may impose such reasonable and additional stipulations, conditions or safeguards as, in its judgment, will enhance the siting of the proposed special exception.

**Applicant/Agent hereby certifies that the information provided in this application is correct and there are no covenants or deed restrictions in place that would prohibit this request.**

\_\_\_\_\_  
Applicant/Agent's Signature  
*(If in LLC or Corp. name please provide authorization to sign)*

\_\_\_\_\_  
Date



**HORRY COUNTY  
ZONING BOARD OF APPEALS**



**2012 MEETING SCHEDULE**

<u><b>MEETING DATE</b></u>	<u><b>APPLICATON DEADLINE</b></u>
<b>FEBRUARY 13, 2012.....</b>	<b>DECEMBER 27, 2011</b>
<b>MARCH 12, 2012.....</b>	<b>JANUARY 24, 2012</b>
<b>APRIL 9, 2012.....</b>	<b>FEBRUARY 28, 2012</b>
<b>MAY 14, 2012.....</b>	<b>MARCH 27, 2012</b>
<b>JUNE 11, 2012.....</b>	<b>APRIL 24, 2012</b>
<b>JULY 9, 2012.....</b>	<b>MAY 29, 2012</b>
<b>AUGUST 13, 2012.....</b>	<b>JUNE 26, 2012</b>
<b>SEPTEMBER 10, 2012.....</b>	<b>JULY 31, 2012</b>
<b>OCTOBER 8, 2012.....</b>	<b>AUGUST 28, 2012</b>
<b>NOVEMBER 12, 2012.....</b>	<b>SEPTEMBER 25, 2012</b>
<b>DECEMBER 10, 2012.....</b>	<b>OCTOBER 30, 2012</b>
<b>JANUARY 14, 2013.....</b>	<b>NOVEMBER 27, 2012</b>

*Meetings are held at the Horry County Government Center, Conference Room B, located at 1301 Second Avenue in Conway, South Carolina*