



# Variance Guide

## What Is a Variance?

A Variance is permission granted by the Board of Zoning Appeals to deviate from the dimensional standards or site standards of the Zoning Ordinance when the literal enforcement of those standards would result in an unnecessary hardship and the deviation would not be contrary to the public interest.

The fact that property may be utilized more profitably, if a Variance is granted, may not be considered grounds for a Variance. Further, the nonconforming use of neighboring lands, buildings or structures shall not be considered grounds for a Variance. 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 zoning district, to physically extend a nonconforming use of land, or to change the zoning district boundaries.

## What Is the Process for a Variance?

### 1 Submit an Application

- Submit the application, including required attachments, to the Planning & Zoning Office at Simpsonville City Hall

### 2 Staff Review

- City staff will review your application to make sure that it is complete
- City staff will send your application, along with its own report, to the members of the Board of Zoning Appeals
- City staff will **place a sign in your yard** advertising the Board's meeting

### 3 Board Meeting

- The Board typically meets on the 3<sup>rd</sup> Tuesday of the month at 6:30 pm at City Hall
- You will be expected to attend the meeting to formally present your request and to answer any questions from the Board
- At the meeting, the Board will also provide an opportunity to anyone else in attendance to speak regarding your proposal

### 4 Board Decision

- At the meeting, the Board will vote on your application
- Once approved, you are authorized to proceed with applying for whatever other permits and/or licenses may be required

## What Are the Criteria for a Variance?

The Board can only approve a Variance when it finds that it meets the following criteria:

- 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, particularly those in the same zoning district;
- C. Because of these conditions, the application of the Zoning Ordinance to the property would effectively prohibit or unreasonably restrict the utilization of the property in a manner consistent with others in the district;
- D. The need for the Variance is not the result of the applicant's own actions;
- E. The Variance will not substantially conflict with the City's Comprehensive Plan and the purposes of the Zoning Ordinance;
- F. The Variance will not result in a substantial detriment to adjacent property, the public good, and the character of the zoning district;
- G. The reason for the Variance is more than simply for convenience or to allow the property to be utilized more profitably; and
- H. The Variance requested is the minimum necessary to make possible the legal use of the land, building or structure.