



CITY OF SIMPSONVILLE
SPECIAL EXCEPTION | VARIANCE | APPEAL
APPLICATION

SITE/PROPERTY LOCATION:

Property Address: \_\_\_\_\_ Tax Map Number: \_\_\_\_\_

APPLICANT: \_\_\_\_\_

Mailing Address: \_\_\_\_\_ City, State, Zip: \_\_\_\_\_

Phone Number: \_\_\_\_\_ E-mail Address: \_\_\_\_\_

PROPERTY OWNER (if different from Applicant): \_\_\_\_\_

Mailing Address: \_\_\_\_\_ City, State, Zip: \_\_\_\_\_

Phone Number: \_\_\_\_\_ E-mail Address: \_\_\_\_\_

Name of the Development/Project (if applicable): \_\_\_\_\_

Reason for Application (be specific): \_\_\_\_\_

Type of Request (please check the appropriate box):

- Variance from Section \_\_\_\_\_ of the Zoning Ordinance
Special Exception for \_\_\_\_\_
Appeal of an Administrative Decision Related to the Zoning Ordinance
Other: \_\_\_\_\_

- Submittal Checklist\*: Consent Letter from Property Owner (if application is not signed by property owner)
Cover Letter explaining your request in detail
Application Fee - \$100 (or \$50 for a variance at a single-family residential property)
Site Plans† - 1 printed copy/1 PDF copy

\*Staff reserves the right to request additional information and/or materials as necessary

† At a minimum the site plan should depict the location and dimension of property lines, buildings, structures, and paved surfaces

I do hereby certify as property owner/authorized agent that the information shown on this application and any attached forms and/or plans are correct.

Signature Printed Name Date

FOR CITY STAFF USE ONLY
Date Received: \_\_\_\_\_ By: \_\_\_\_\_ Docket #: \_\_\_\_\_ Zoning District: \_\_\_\_\_
Comments: \_\_\_\_\_ Date of BoZA Review: \_\_\_\_\_
APPROVED (with conditions) DENIED



# Special Exception Guide

## What Is a Special Exception?

A Special Exception is an exception issued by the Board of Zoning Appeals authorizing a particular land use at a specified location. There is an added level of scrutiny for Special Exceptions because of the potential for these uses to have a undesirable impact on neighboring properties when not managed properly.

Not only does the Board of Zoning Appeals determine whether a particular Special Exception will be allowed at a specified location, but the Board may also prescribe appropriate conditions and safeguards to protect the surrounding neighborhood and community.

## What Is the Process for a Special Exception?

### 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 Special Exception?

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

- A. The use is allowed as a Special Exception in the zoning district;
- B. It is consistent with the spirit, purpose and intent of the City's Comprehensive Plan;
- C. It is consistent with the "purpose and intent" statement of the applicable zoning district;
- D. It is compatible with the character of the neighborhood and the zoning district;
- E. It is compatible with the adjacent and nearby properties;
- F. It will not have an adverse effect on any site or feature of historical, cultural, natural, or scenic importance;
- G. It promotes safe and efficient pedestrian and vehicular circulation consistent with the area;
- H. The adjacent streets and highways are or will be adequate to carry any additional traffic generated by the proposed use;
- I. It will be adequately served by public facilities and services, such as police, fire, sewer, etc.;
- J. It will not be hazardous, detrimental, or disturbing to the natural environment or to public health, safety and welfare by reason of excessive traffic, noise, smoke, odor, or other such nuisances;
- K. It will conform to any specific criteria or conditions specified for the use; and
- L. It will comply with other applicable provisions of the Simpsonville Zoning Ordinance.



# 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
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### 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.