



City of Mullins
 Building & Planning Department
 151 E Front St.
 Mullins SC 29574
 843-464-9583

Board of Zoning Appeals Notice of Appeal - Form 1

Form
 ZA-2023-12

FOR OFFICE USE ONLY:

Date Filed: _____ Permit Application Number: _____ Appeal Number: _____

INSTRUCTIONS

This form must be completed for a hearing on **appeal** from action of a zoning official, application for a **variance**, or application for **special exception**. Entries must be printed or typewritten. If the application is on behalf of the property owner(s), all owners must sign. If the applicant is not an owner, the owner(s) must sign the Designation of Agent. An accurate, legible plot plan showing property dimensions and locations of all structures and improvements must be attached to an application for variance or special exception. A \$100.00 fee must accompany this application.

THE APPLICANT (S) HEREBY REQUEST (indicate one):

- from action of a zoning official as stated on attached Form 2
- for a variance as stated on attached Form 3
- for a special exception as stated on attached Form 4.

APPLICANT(S) (please print or type)

Name(s): _____

Address: _____

Telephone Number: [work] _____ [home] _____

Interest: _____ Property Owner(s): _____

Agent for Property Owner: _____

OWNER(S) [if other than Applicant(s)]: Name(s): _____

Address: _____

Telephone Number: [work] _____ [home] _____

(Use reverse side if more space is needed.)

PROPERTY ADDRESS: _____

Tax Map No. , Map _____, Block _____, Parcel _____

Are there Restrictive Covenants on this property that would prohibit the proposed use? Yes No

[If yes, a copy must accompany this application.]

Subdivision _____

Plat Book: _____ Page: _____

Lot Dimensions: _____ Area: _____

Zoning District: _____

[Use reverse side if more space is needed]

DESIGNATION OF AGENT [complete only if owner is not applicant]:

I (we) hereby appoint the person named as Applicant as my (our) agent to represent me (us) in this application.

Date: _____ Owner's Signature: _____

I (we) certify that the information in this application and the attached Form 2, 3, or 4 is correct.

Applicant(s) signature: _____ Date: _____

Printed name: _____ Date: _____

Appeal from Action of Zoning Official - Form 2
City of Mullins Board of Zoning Appeals

FOR OFFICE USE ONLY:

Date Filed: _____ Permit Application Number: _____ Appeal Number: _____

1. Applicant hereby appeals to the Board of Zoning Appeals from the action of the Zoning Official affecting the property described in the Notice of Appeal (Form 1) on the grounds that:

granting denial of an application for a permit to _____

was erroneous and contrary to provisions of the Zoning Ordinance in Section _____ ; or

other action or decision of the Zoning Official was erroneous as follows: _____

2. Applicant is aggrieved by the action or decision in that: _____

3. Applicant contends that the correct interpretation of the Zoning Ordinance as applied to the property is: _____

4. Applicant requests the following relief: _____

Date: _____ Applicant Signature _____

Variance Application - Form 3
City of Mullins Board of Zoning Appeals

FOR OFFICE USE ONLY:

Date Filed: _____ Permit Application Number: _____ Appeal Number: _____

1. Applicant hereby appeals to the Board of Zoning Appeals for a variance from the strict application to the property described in the Notice of Appeal (Form 1) of the following provisions of the zoning ordinance:

_____ so that a zoning permit may be issued to allow use of the property in a manner shown on the attached plot plan, described as follows:

_____ for which a permit has been denied by a zoning official on the grounds that the proposal would be in violation of the cited section(s) of the zoning ordinance.

2. The application of the ordinance will result in unnecessary hardship, and the standards for a variance set by state law and the ordinance are met by the following facts:

a. There are extraordinary and exceptional conditions pertaining to the particular piece of property as follows:

b. These conditions do not generally apply to other property in the vicinity as shown by : _____

c. 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 as follows: _____

d. The authorization of the 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 for the following reasons:

3. The following documents are submitted in support of this application: _____

_____ **[A plot plan must be submitted.]**

Date: _____ Applicant Signature _____

Special Exception Application - Form 4
City of Mullins Board of Zoning Appeals

FOR OFFICE USE ONLY:

Date Filed: _____ Permit Application Number: _____ Appeal Number: _____

1. Applicant hereby appeals to the Board of Zoning Appeals for a special exception for use of the property described in the Notice of Appeals [Form 1] as: _____

which is a permitted special exception under the district regulation in Section _____ of the zoning ordinance.

2. Applicant will meet the standards in Section _____ of the zoning ordinance which are applicable to the proposed special exception in the following manner:

3. Applicant suggests that the following conditions be imposed to meet the standards in the zoning ordinance:

4. The following documents are submitted in support of this application: _____

[A plot plan must be submitted.]

Date: _____

Applicant Signature _____

	A-1	A-2	A-3	MH	AC-1	C-1	C-2	U-1
Minimum Lot Area								
Residential (sq. ft.)	10,000	7,500	(D)	7,500	7,500	NA	NA	NA
Non-residential (sq. ft.)	20,000	15,000	15,000	15,000	7,500	0	5,000	10,000
Minimum Lot width (ft.)	100	80	80	80	80	0	50	100
Minimum Yard & Building Setback (ft.) (A)								
Front	35	35	35	35	35	0	35	35
Side								
Residential	10	<u>7.5</u>	(E)	<u>7.5</u>	5	NA	NA	NA
Non-residential	50	40	40	40	5	0	5	5
Rear								
Residential	25	(F)	20	20	15	NA	NA	NA
Non-residential	50	40	40	40	15	0	5	5
Maximum Impervious Surface Ratio	.35	.40	.45	.40	.60	1.00	.75	.75

Maximum Density (B)	3	5	12	5	5	NA	NA	NA
Maximum Height (ft.) (C)	35	35	40	35	35	75	40	NA

Table Notes:

Refer to [Section 7.2](#) for yard and **setback** modifications.

sq. ft. — square feet

ft. - feet

NA — Not applicable

Table References:

A — Measurement from property line.

B — Number of units per acre.

C — Measurement from average elevation of the finished grade at the building line to the highest point on the roof.

D — 10,000 sq. ft. for one-family dwelling; 5,000 sq. ft. for each additional dwelling unit.

E — 7.5 feet single-family &, duplex; 7.5 feet patio homes (one side only); 15 feet for end unit of Townhouse; 25 feet for Multi-family housing.

F — 40 feet Multi-family; 15 feet all other residential uses.

(Ord. No. 15-003, 2-9-2016)

**CITY OF MULLINS BOARD OF ZONING APPEALS
MEETING PROCEDURES**

This information is being provided as a guide for the procedures of public hearings appearing on the agendas of the Board of Zoning Appeals meetings.

It should also assist you in preparation of your presentation for your request.

Conduct of hearing:

The normal order of hearing, subject to modification by the Chairman, shall be:

- Statement of matter to be heard (Chairman or Secretary)
- Staff report
- Questions, if any, for staff members
- Presentation by applicant (10-minute limit)

At this time the applicant, his agent or attorney may submit letters, petitions, pictures, etc.

During your presentation, it will be necessary for you to address the following items, as the application for a variance shall be evaluated by the Board of Zoning Appeals on the basis of the following four conditions:

- 1) That there are extraordinary and exceptional conditions pertaining to the particular piece of property;
- 2) That these conditions do not generally apply to the other property in the vicinity;
- 3) That 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; and
- 4) That 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.

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 to 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.

In granting a variance, the board 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.

- Questions from members for applicant;
- Chairman then calls for other comments in favor of the request;
- If no further comments in favor, then there is a presentation by opponents (3-minute presentation);
- Should there be a number of persons in opposition, then a spokesperson should be designated;
- Other public comment, if any, and Chairman may limit number of spokespersons and time;
- The board may question participants at any point in the hearing;
- The board may seek interpretation of a matter or question staff members at any point in the hearing;
- Matters in which additional time is granted may be moved to another area of the agenda;
- If there is no further discussion, the Chairman declares the public hearing item closed and calls for a motion on the request;
- The declaration of closure to the agenda item stays any further discussion unless questions are asked by members of the board;
- The board may deliberate and make a final disposition of a matter by majority vote of members present at the hearing and qualified to vote; provided that not less than a quorum are qualified to vote nor may vote if he has not heard the matter;
- A motion is placed on the floor, a second is made and the Chairman calls for a vote;
- A motion carries either in approval or disapproval by majority vote;
- If a member abstains from voting, they must state their reason and any individual not voting and not abstaining will be counted as an affirmative vote;
- A motion may also fail by a tie vote or a motion made and not seconded;
- The board may also defer a request should the report necessitate.

NOTE:

Please be advised that it is very important that special attention be given to the area of presentation by the applicant.

Your presentation may assist in an area of your request wherein you find that additional information might be needed. The presentation may also serve to provide answers to and clarification of any other questions the Board may have.