



Planning

Kiawah Island BZA Special Exception Application Package

Forms to be returned to the Planning Department with Items 1-8

- Special Exception Application
- Restrictive Covenants Affidavit
- Special Exception Approval Criteria
- Owners signature information memo

Application for Special Exception

Town of Kiawah Island Board of Zoning Appeals

Submit applications via email to
jtaylor@kiawahisland.org or
Town of Kiawah Island Municipal Center
Planning Department
4475 Betsy Kerrison Parkway
Kiawah Island, SC 29455
Phone 843-768-9166
Fax 843-768-4764



This application must be complete and submitted in person to the Town of Kiawah Island 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. Copy of **Current Recorded Deed** to the property. 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.
2. **Restrictive Covenants Affidavit** signed by the applicant or current property owner(s).
3. 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.
4. An accurate, legible **Site Plan drawn to Engineer's 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 (24" DBH or greater), wetlands (properties containing DHEC-OCRM Critical Line areas must contain an up to date DHEC-OCRM signature on the site plan or plat), holding basins and buffers when applicable. **One (1) 24 x 36 copy and twenty (20) 11 x 17 copies.**
5. **Twenty (20)** copies of a legible **Approved and Recorded Plat** showing present boundaries of property.
6. If requesting a variance from property or OCRM Critical Line setbacks, the footprint of the proposed structure that encroaches on the required setback must be staked out on the property prior to submitting this application.
7. **ARB stamp and signature or approval letter.**
8. **Fee \$300** check made out to "Town of Kiawah Island".

Applicant Name:

Mailing Address:

City, State, ZIP Code: Daytime Phone #:

Subject Property Address:

Variance Description:

[Applicant Signature] [Date]

[Applicant Email Address]

Designation of Agent (Complete only if owner is not applicant).

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

[Owner Print Name] [Date] [Owner Mailing Address]

[Owner Signature] [City, State, ZIP Code]

[Owner Email Address]

FOR OFFICE USE ONLY

Application #: Flood Zone:

Zoning District: Fee Paid (\$300):

Date Filed: Zoning Officer:

TMS #:

Permit Application: Restrictive Covenants Affidavit

Town of Kiawah Island

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I, , have reviewed the restrictive covenants
[Print Name]
applicable to Parcel Identification Number(s) , located
at (address) , and the proposed permit application is not
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.

[Print Name]

[Signature]

[Date]

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.

[Section 6-29-1145 is copied on the back of this page].

FOR STAFF USE ONLY

[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."



Town of Kiawah Island: Land Use Planning and Zoning Ordinance

APPROVAL CRITERIA FOR SPECIAL EXCEPTIONS

The Town of Kiawah Island Land Use Planning and Zoning Ordinance, Sec. 12-161.(6), Approval Criteria for Special Exceptions. When considering applications for a Special Exception, the Board of Zoning Appeals shall evaluate the impact of the special use on, and its compatibility with surrounding properties and neighborhoods to ensure the appropriateness of the use at the particular location. The Board of Zoning Appeals shall specifically consider the extent to which:

- a. **The proposed use at the specified location is consistent with the vision and goals embodied in the Comprehensive Plan;**
- b. **The proposed use is consistent with the general purpose and intent of these Zoning Regulations, including any use conditions or zoning district standards;**
- c. **The proposed use is compatible with and preserves the character and integrity of adjacent development and neighborhoods, and includes improvements or modifications either on-site or within the public rights-of-way to mitigate development-related adverse impacts, such as traffic, noise, odors, visual nuisances, or other similar adverse effects to adjacent development and neighborhoods. These improvements or modifications may include, but shall not be limited to the placement or orientation of buildings and entryways, parking areas, bufferyards, and the addition of landscaping, walls, or both, to ameliorate such impacts;**
- d. **The proposed use is compatible with the character of the underlying zoning district;**
- e. **Where applicable, the proposed use will be developed in a way that will preserve and incorporate natural features;**
- f. **The proposed use does not generate pedestrian and vehicular traffic which will be hazardous or conflict with the existing and anticipated traffic in the neighborhood;**
- g. **The proposed use incorporates roadway adjustments, traffic control devices or mechanisms, and access restrictions to control traffic flow or divert traffic as may be needed to reduce or eliminate development generated traffic on neighborhood streets;**
- h. **The proposed use incorporates features to minimize adverse effects, including visual impacts, of the proposed special use on adjacent properties;**
- i. **The proposed use complies with all other requirements of these Zoning Regulations applicable to the proposed special exception use; and**
- j. **The proposed use is not materially detrimental to the public health, safety, convenience and welfare.**



Daniel C. Pennick, AICP
Zoning/Planning Director

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.