

Board of Zoning Appeals

Overview

- **The Board of Zoning Appeals consists of 7 citizens appointed by City Council.**
- **Right now, the Board has a mix of engineers, attorneys, architects, and local professionals.**
- **The Board is tasked with deciding administrative appeals, variances, and special exceptions**

Administrative Appeals

- **The Board shall hear and decide appeals when it is alleged that there is error in any order, requirement, decision or determination made by the zoning administrator in the enforcement of this article, provided that those appeals must be taken within 30 days after the order, requirement, decision or determination which is alleged to be in error is made**

Variance

- The Board may authorize in specific cases a variance from the terms of the ordinance where, owing to special conditions (extraordinary and exceptional), a literal enforcement of the provisions will, in an individual case, result in unnecessary hardship.
- Must not be contrary to the public interest.
- Must be unique to the subject property.
- Cannot be economical hardship.

Special Exceptions

- A use requiring a special exception is suitable for the district at large but requires Board review to determine if appropriate for specific location and to give the Board ability to add appropriate safeguards and conditions.
- Examples:
 - Convenience Stores
 - Residential in Commercial Districts
 - Schools in Residential Districts

Submittal Process

- Applicants wishing to go before the Board must provide the following:
 - Complete application
 - Letter of Agency
 - Supplement Use Requirements (i.e. Good Neighbor Plan)
 - Fee
- What is strongly encouraged but not required:
 - Conceptual site plan
 - Landscape plan
 - Neighborhood meeting

Board Review

- The Board is provided with the application, staff summary, maps, any supplemental documents submitted by applicant as well as support/opposition letters.
- Staff does not make recommendations to the Board
- The Board is **NOT** permitted to speak to applicants, members of the public, or each other about cases prior to the meeting.

Board Review

- The Board is not conducting site plan review. Nor is it reviewing design.
- Conditions placed by the Board must be enforceable by Zoning. For example, Zoning does not enforce stormwater or building code.
 - Board must “stay in their lane”

Public Input

- Applications are public record. Applications can be requested at any time for review prior to case packets being published.
- Statements of support or opposition can be submitted at any time once application received and are made part of case record.
 - Please be aware that letters and documents received by public are part of public record and subject to FOIA
- Applicants are made aware of support and/or opposition.

Public Input

- The Board is to make decisions based on the criteria as written in the ordinance.
- Neighborhood support or opposition is not a deciding factor
- Tips for addressing the Board
 - Time limit
 - Getting point across
 - Leave emotion out of it

Appealing Board Decision

- Any person who may have a substantial interest in any decision of the Board may appeal from any decision of a board to the circuit court in and for the county by filing with the clerk of such court a petition in writing setting forth plainly, fully and distinctly wherein such decision is contrary to law.
- Such appeal shall be filed within 30 days after the decision of a board is mailed.

Questions?

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