



Town of Meggett  
Zoning & Planning  
4776 Highway 165  
Meggett, SC 29449  
(843) 889-3622

## APPEALS OF ADMINISTRATIVE DECISIONS BOARD OF ZONING APPEALS - APPLICATION

### CHECKLIST OF REQUIREMENTS

- Completed Application (attached)
- Written Statement of Appeal
- Copy of the Order, Requirement, Decision, or Determination Subject to Appeal
- Signed Restrictive Covenants Affidavit
- Signed Posted Notice Affidavit
- Recorded Plat
  - o Also should include other supportive data as the appellant may desire in the record, including plans, drawings, charts, or related material.
- Site Plan
  - o Drawn to Engineer's Scale: (1"=10', 20', 30', 40', 50', or 60')
  - o Includes the following information:
    - o Property Dimensions (may be found on a recorded plat, which can be obtained from the ROD Office)
    - o Dimensions and locations of all existing and proposed structures and improvements.
    - o Setbacks, Driveways, Access Routes, etc.
    - o All Grand Trees (Live Oaks 24" DBH or greater) present on the parcel, [with applicable protection barricades](#).
    - o Wetlands/OCRM Critical Line delineated, approved, stamped, and signed every (5) years by Coastal Council, if applicable
    - o Jurisdictional Determination from the US Army Corp of Engineers, if applicable.
- Filing Fee Required (\$250)

**NOTE:** Checks should be made payable to "Town of Meggett"; payment can be made in-person or mailed to Town Hall. If the appeal is withdrawn, there will be no refund of the filing fee.

### Further Guidance

- o Appeals of Administrative Decisions on zoning-related matters may be filed by any officer, board, or bureau of the Town, or by any person with a substantial interest in a decision of an administrative official.
- o Applications for appeals are subject to the conditions established in [Article 10.11](#) of the *Town of Meggett Zoning & Land Development Regulations*, pursuant to SC Code §6.29.800.



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# APPEALS OF ADMINISTRATIVE DECISIONS

## BOARD OF ZONING APPEALS - APPLICATION

**Applicant(s) Information** \*Required

Name(s): \_\_\_\_\_  
 Address: \_\_\_\_\_  
 Email: \_\_\_\_\_ Phone: \_\_\_\_\_  
 Applicant(s) Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**Designation of Agent** \*Complete only if Applicant listed above is not the Property Owner.

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

Property Owner(s): \_\_\_\_\_  
 Name of Company (if applicable, LLC, etc.): \_\_\_\_\_  
 Mailing Address: \_\_\_\_\_  
 Email: \_\_\_\_\_ Phone: \_\_\_\_\_  
 Property Owner(s) Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**Property Information**

Property Address: \_\_\_\_\_  
 Parcel ID/TMS#: \_\_\_\_\_ Zoning District: \_\_\_\_\_  
 Current Use: \_\_\_\_\_

**IMPORTANT TO NOTE:**

- The application and fee, **made payable to the Town of Meggett**, must be received by the Zoning & Planning Department no later than 4:00 PM within thirty (30) calendar days of the date of the written decision or interpretation.
- You must complete the following page specifically addressing the reasons that you believe the Administrator erred in her determination or interpretation of the Town Code regarding the subject property.
- Any permits, decisions, or determinations which are the subject of an appeal shall be temporarily suspended upon filing a complete application for an appeal, unless the official responsible for issuing the permit or making the decision or determination which is being appealed certifies to the Board of Zoning Appeals, after the appeal is filed, that because of facts stated in the certification, a stay would cause immediate peril to life or property. In such case, action upon any such permits, decisions, or determinations shall not be stayed other than by a restraining order, which may be granted by the Board of Zoning Appeals or by a court of record upon proper notice and hearing. However, in the absence of a certification that a stay would cause immediate peril to life or property, any work purported to be undertaken pursuant to an appealed permit, decision, or determination after actual notice of the appeal has been received shall be subject to **Chapter 11: Violations, Penalties, and Enforcement**, of the *Town of Meggett Zoning & Land Development Regulations Ordinance (ZLDR)*.

**Notice of Appeal - Request**

Per §10.11.1, Authority: *The Board of Zoning Appeals shall be authorized to hear and decide appeals only on zoning-related matters where it is alleged there is an error in any order, requirement, decision, or determination made by an administrative official in the administration or enforcement of any of the zoning-related regulations of this Ordinance. The Board of Zoning Appeals shall have no authority to hear or decide appeals from administrative decisions made pursuant to the Subdivision Regulations.*

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**THE APPLICANT IDENTIFIED ABOVE HEREBY APPEALS FROM ACTION OF THE ZONING ADMINISTRATOR AS STATED BELOW:**

**I. Applicant hereby appeals to the Board of Zoning Appeals from the action of the Zoning Administrator affecting the property described above 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

Applicant hereby appeals to the Board of Zoning Appeals from the following action or decision of the Zoning Administrator: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

which was erroneous and contrary to provisions of the Zoning Ordinance in Section \_\_\_\_\_;

**II. Applicant is aggrieved by the action or decision in that:**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**III. Applicant contends that the correct interpretation of the ordinance as applied to the property is:**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**IV. Applicant requests the following relief:**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

FOR OFFICE USE ONLY

Received By: \_\_\_\_\_ Date: \_\_\_\_\_ Application #: \_\_\_\_\_



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# RESTRICTIVE COVENANTS AFFIDAVIT

Please read the below affirmation carefully, sign if you agree, and return to Zoning & Planning Staff for review. Restrictive Covenants are filed with the Register of Deeds Office and copies, should they exist in association with your parcel, may be obtained from their Office.

I have researched the Restrictive Covenants applicable to the parcel identified below and have found that either there are no restrictive covenants applicable to the subject property/properties or that 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 SC Code Ann. §6-29-1145.

**TMS#(s)/PID#(s):** \_\_\_\_\_

**Address:** \_\_\_\_\_

\_\_\_\_\_  
 Signature Printed Name Date

**Explanation:**

Effective July 1, 2007, South Carolina Code of Laws §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. A copy of this statute is available below for your convenience.

**SECTION 6-29-1145. Determining existence of restrictive covenant; effect.**

**(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.

HISTORY: 2007 Act No. 45, Section 3, eff June 4, 2007, applicable to applications for permits filed on and after July 1, 2007; 2007 Act No. 113, Section 2, eff June 27, 2007.

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## POSTED NOTICE AFFIDAVIT

This Affidavit must be filled out and signed by all owner(s) of the subject parcel(s).

I, \_\_\_\_\_, have reviewed **§10.26(2)(B), Posted Notice**, on the bottom of this affidavit and understand that a sign(s) will be posted on Parcel Identification Number(s): \_\_\_\_\_ located at (address): \_\_\_\_\_ at least fifteen (15) calendar days prior to the public hearing date for which my request is scheduled.

I also understand that once the notice has been posted, the owner(s) of the subject property are responsible for notifying the Zoning & Planning Department **in writing** if the Posted Notice is removed or damaged prior to the public hearing, meeting, or date or action that is subject of the notice. Failure to notify the Zoning & Planning Department in writing of removed or damaged Posted Notice may result in rescheduling of the public hearing and a delay in a decision from the decision-making body.

\_\_\_\_\_  
 Owner(s) Signature

\_\_\_\_\_  
 Date

\_\_\_\_\_  
 Owner(s) Signature

\_\_\_\_\_  
 Date

\_\_\_\_\_  
 Owner(s) Signature

\_\_\_\_\_  
 Date

### *Town of Meggett Zoning & Land Development Regulations Ordinance (ZLDR):*

#### **§10.26(2)(B): Posted Notices**

When the provisions of this Ordinance state that "Posted Notice" should be provided, the official responsible for accepting the application shall post the notice on the subject property in a manner that makes the notice clearly visible to neighboring residents and passers-by from each public street bordering the subject property. Unless otherwise expressly provided in state statutes or this Ordinance, Posted Notice shall be in place at least 15 calendar days before the public hearing, meeting, or date of action that is the subject of the notice. Once the notice has been posted, the owner(s) of the subject property are responsible for notifying the Planning Department if the Posted Notice is removed or damaged prior to the public hearing, meeting or date of action that is the subject of the notice.

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Received By: \_\_\_\_\_

Date: \_\_\_\_\_

Application #: \_\_\_\_\_