

AGENDA
Newberry County Board of Zoning Appeals
Tuesday, March 7, 2023, at 5:30 p.m.
County Council Chambers
Newberry County Annex

- I. Call to Order and Determination of Quorum:**
- II. Approval of Minutes of Meeting for January 3, 2023:**
- III. Old Business:** None
- IV. New Business: Case Presentation**

Case # VA01-03-07-23, A Variance request for the relief of the 25-foot required front yard setback to be 10-foot from the road right-of-way, for a new house. The property is located off Wilson Landing Rd., Prosperity, SC. Tax Map # 654-1-7-1

Case # VA02-03-07-23, A Variance request for the relief of the average of the 92.5-foot setback from the 360-contour of Lake Murray to be 50-feet, for a new inground pool. The property is located at 1182 Key Island Rd, Prosperity, SC. Tax Map # 538-1-12

- V. Discussion and Informational Items:**
 - A. Next scheduled BZA meeting is April 4, 2023 at 5:30 p.m.

VI. Adjourn:

Attachments

MINUTES OF MEETING
Newberry County Board of Zoning Appeals
Tuesday, January 3, 2022 @ 5:30 p.m.
Council Chambers
Newberry County Annex

DRAFT

Members Present:

Chairman Wayne Boland
Vice-Chairman Anna Kay Coleman
Doug Hipp
Ty Ransdell
Patrick Wilkes
Hugh Lister
Patrick Meetze

Members Absent:

None

Other Attendees:

Ron Powell, Director of Building, Planning and Zoning
Lori Shealy, Administrative Support
Bridgett Fain, Secretary
Robbie Reynolds, Applicant
Melvin Springfield, Applicant
Larry Tucker, Applicant
Aliene Kyzer, Concerned Citizen
Wesley Kyzor, Concerned Citizen
Barbara Kunze, Concerned Citizen

Call to Order and Determination of Quorum: Chairman Wayne Boland called the meeting to order at 5:30 p.m. and determined there was a quorum.

Election of officials of the Newberry County Board of Zoning Appeals

A. Nomination of Chair, Vice-Chair and Secretary

Doug Hipp nominated Wayne Boland as Chairman, A. Kay Coleman as Vice-Chairman and Bridgett Fain as Secretary, seconded by Ty Ransdell. Nominations were closed due to no other nominations.

B. Voting for Chair, Vice-Chair and Secretary

Doug Hipp made a motion for Wayne Boland to be Chairman, A Kay Coleman to be Vice-Chairman and Bridgett Fain to be Secretary, seconded by Ty Ransdell. The vote was unanimous.

Approval of Minutes of Meeting: The minutes of the December 6, 2022, meeting was reviewed. A motion to approve the minutes as written was made by Hugh Lister, seconded by Vice-Chairman A Kay Coleman. The vote was unanimous to approve the minutes as written.

Old Business: None

New Business: Case Presentation

Case # VA01-01-03-23, A Variance request for the relief of the average of the 291-foot setback from the 360-contour of Lake Murray to be 269-feet, for a new house. The property is located at 281 Osprey Pointe, Prosperity, SC. Tax Map # 478-2-1-4

Ron Powell presented the case to the Board as outlined in the Staff Report. He stated that the applicant, Robert Reynolds, is requesting this variance to be allowed to place a new house on the property, 269-foot from the 360-contour of Lake Murray. After a brief discussion with various pertinent questions from the board members, Ty Ransdell made a motion to deny the request, seconded by Doug Hipp. The vote was unanimous to deny the variance.

Case # VA02-01-03-23, A Variance request for the relief of the 25-foot required front yard setback to be 2-foot from the road right-of-way, for a 20' x 30' storage building. The property is located at 205 Bethel Church Rd., Prosperity, SC. Tax Map # 593-71

Ron Powell presented the case to the Board as outlined in the Staff Report. He stated that the applicant, Melvin Springfield, is requesting this variance to be allowed to place a new storage building on the property, 2-foot from the road right-of-way. After a brief discussion with various pertinent questions from the board members, Vice-Chairman A Kay Coleman made a motion to approve the request, seconded by Doug Hipp. The vote was unanimous to approve the variance.

Case # VA03-01-03-23, A Variance request for the relief of the 7-foot required side yard setback to be 1.5-foot from the side lot line, for a 10' x 18' storage building. The property is located at 1049 Grant Dr., Prosperity, SC. Tax Map # 591-1-1-75

Ron Powell presented the case to the Board as outlined in the Staff Report. He stated that the applicant, Larry Tucker, is requesting this variance to be allowed to place a new storage building on the property, 1.5-foot from the side lot line. After a brief discussion with various pertinent questions from the board members, Hugh Lister made a motion to approve the request, seconded by Doug Hipp. The vote was unanimous to approve the variance.

Other Business: Approval of the Board of Zoning Appeals Meeting schedule for 2023.

After a brief discussion with various pertinent questions from the board members, Doug Hipp made a motion to approve the 2023 meeting schedule, seconded by Vice-Chairman A Kay Coleman. The vote was unanimous to approve the 2023 meeting schedule.

a. Next scheduled BZA meeting is February 7, 2023, at 5:30 p.m.

Adjourn: Due to there being no other business, Doug Hipp made a motion to adjourn the meeting, seconded by Vice-Chairman A Kay Coleman, and Chairman Wayne Boland adjourned the meeting at 6:29 p.m.

Notice of Appeal
Form 1
Board of Zoning Appeals
County of Newberry

Date Filed: 2/6/2023

Fee Paid: \$ 150.00

Appeal No.: VA02-03-07-23

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. 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 structures and improvements must be attached to an application for variance or special exception.

THE APPLICANT HEREBY APPEALS [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) [print] Andrew and Jennifer Folz
 Address: 1182 Key Island Road Prosperity
 Telephone: _____ [work] 843 509 6717 _____ [home]
 Interest: _____ Owner(s): Andrew, Jennifer Folz Adjacent Owner(s); Other _____

OWNER(S) [if other than Applicant(s)]: Same as above
 Address: _____
 Telephone: _____ [work] _____ [home]
 [Use reverse side if more space is needed]

PROPERTY ADDRESS:
 911 Address: 1182 Key Island Road Prosperity
 Tax Map No. (TMS #): 53P-1-12 Plat Book: D180 Page No.: 6
 Zoning District Classification: RS

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

Owner

I /We certify that the information in this application and the attached Form 2, 3, or 4 is correct.

Date: 2.5.23

Andrew Folz
Applicant
Jennifer Folz
Applicant

Reviewed for completeness by Zoning Official Katrina

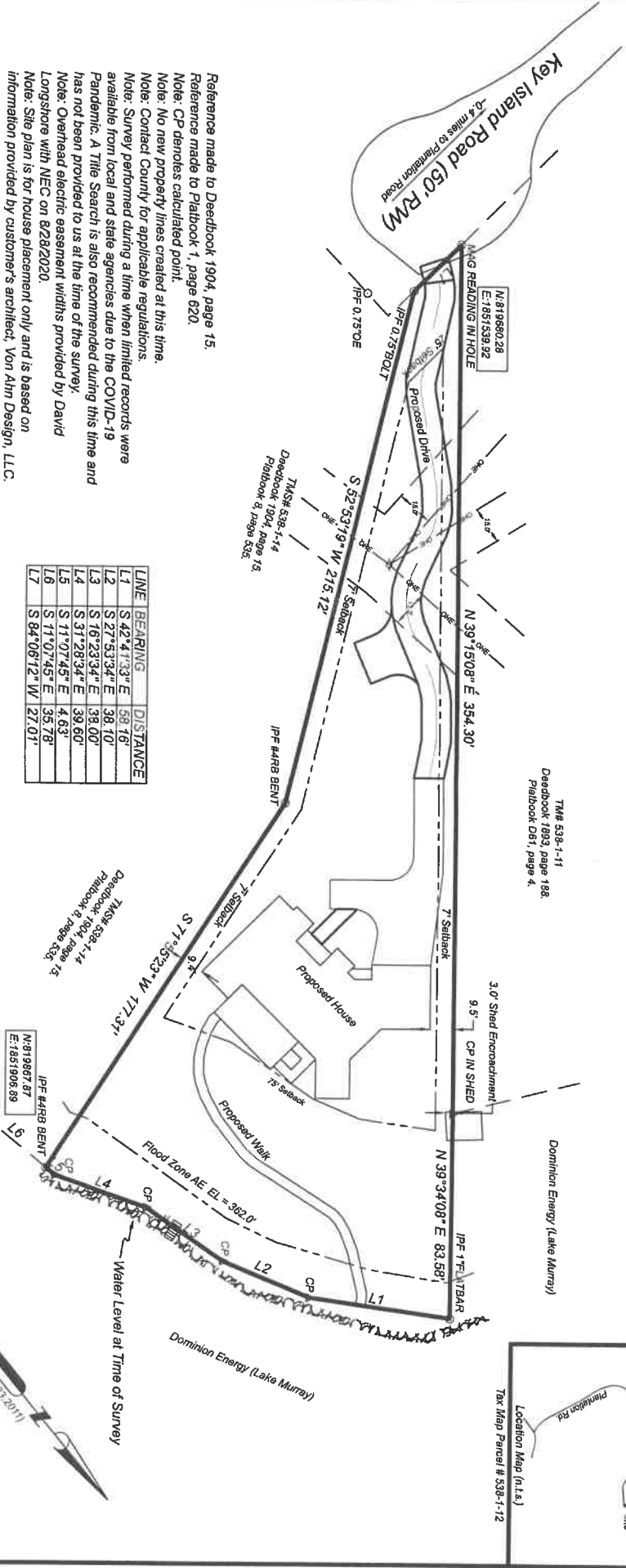
Variance Application
Form 3
Board of Zoning Appeals
County of Newberry

Date Filed: 2/10/2023 Fee Paid: \$ 150.⁰⁰ Appeal No.: VA02-03-07-23

1. Applicant hereby appeals to the Board of Zoning Appeals for a variance from the strict application to the property described in Notice of Appeals (Form 1) of the following provisions of the Zoning Ordinance:
Section 153.168 requires the New pool to be the average of the adjacent properties principal structure. so
that a permit may be issued to allow use of the property in a manner shown on the attached plat (site plan), described as follows: location of inground pool - a 42.5-foot variance to be 50-foot from the 300-foot contour of Lake Murray.
for which a permit has been denied by a zoning official on the grounds that the proposal would be in violation of the cited sections of the Zoning Ordinance.
2. The application of the ordinance will result in unnecessary hardship, and the standards for a variance as set by State law and the ordinance are met by the following findings of fact:
 - a. There are extraordinary and exceptional conditions pertaining to the particular piece of property as follows:
The need for the variance is due to our home being at the 75' setback. This location is due to the septic system & drain field location. In order to have the 12x24 inground pool we would ask for the setback to please be at 50' 2". This would still allow for adequate distance from the lake.
 - b. These conditions do not generally apply to other property in the vicinity as shown by:
Septic system & drain field location of existing home.
 - 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: In order to fully utilize our lot and investment in our home we would need the variance to move forward with an inground pool.
 - 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: The pool will be located in our fenced backyard. It will not be visible from the road and will not impede our neighbors view of the lake. We have professional landscaping that will be installed when the pool is complete. The landscape plan will provide a natural look for the yard and shields the pool from view from the lakeside.
 - e. The effect of the variance would would not allow the establishment of a use not otherwise permitted in the zoning district; would would not extend physically a nonconforming use of the land; would would not change the zoning district boundaries shown on the official zoning map.
3. The following documents are submitted in support of this application:
 - Exhibit A. Plat (Site Plan) Plat
 - Exhibit B. Staff Report
 - Exhibit C. G + S Aerial
 - Exhibit D. Department Photographs
 - Exhibit E. copy of section 153.168
 - Exhibit F. Site Plan

Schib:1 A

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LINE	BEARING	DISTANCE
L1	S 42° 4' 13.3" E	58.16'
L2	S 27° 53' 34" E	38.10'
L3	S 16° 23' 34" E	38.00'
L4	S 31° 28' 34" E	39.60'
L5	S 11° 07' 45" E	4.63'
L6	S 11° 07' 45" E	35.78'
L7	S 84° 06' 12" W	27.01'

Total Area:
33049 Sq. Feet
0.76 Acres

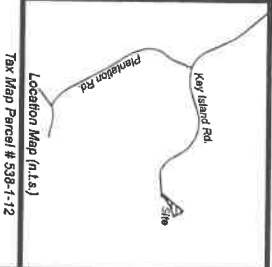
Abraham Land Surveying

1323 Kendall Rd., Newberry S.C.
www.surveysc.com 803.276.8719

Plot Plan Prepared of:
Folz Residence

Property located at the end of Key Island Road, on Lake Murray,
near Prosperity, S.C., Newberry County TMS# 538-1-12.

Scale: 1" = 40'
Dwg # 20020_G Date: April 19, 2022



STAFF REPORT
BOARD OF ZONING APPEALS
March 7, 2023
Case No. VA02-03-07-23

Exhibit B

Applicant: Andrew and Jennifer Folz
Property Address: 1182 Key Island Rd., Prosperity, SC
Tax Map #: 538-1-12

Nature of Appeal: A Variance request for the relief of the 92.5-foot required setback from the 360-contour of Lake Murray, to be 50-feet from the 360-contour.

Proposed Use: A new inground pool for personal use.

Board Determines: The Board is required to consider the following factors, per section 153.052(A)-(F) of the Zoning Ordinance:

153.052 (C) (1 - 5)

- 1) There are extraordinary and exceptional conditions pertaining to a particular piece of property;
- 2) These conditions do not generally apply to other property in the vicinity or in that district;
- 3) Because of these conditions, the application of the ordinance to a particular piece of property would effectively prohibit or unreasonably restrict use of the property;
- 4) The authorization of the variance will not be of substantial detriment to adjacent property or the public good, and the character of the district will not be harmed by the granting of the variance; and
- 5) The effect of the variance would not allow the establishment of a use not otherwise permitted in the zoning district; would not extend physically a nonconforming use of the land; would not change the zoning district boundaries shown on the official zoning map.

§153.168 Setback from the Lake Shore (See Zoning Ordinance)

Appeal No.: VA03-03-07-23

I understand that all surrounding property owners will be notified by the County, and a public hearing is required, in order for this variance application to be heard by the Board of Zoning Appeals. In addition, payment of the application fee guarantees a hearing and consideration of my request, but does not guarantee that my request will be granted.

Date: 2.5.23

Andrew Fog
Applicant

[Signature]
Applicant

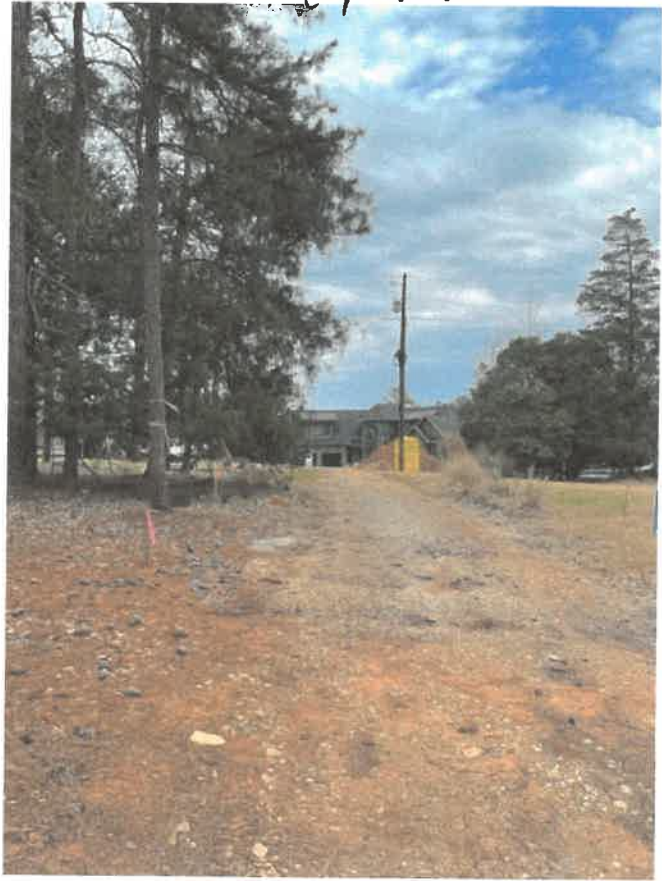
Reviewed for completeness by Zoning Official Ketur Metz



Imagery Modified by William DeMars, South Carolina State GIS Coordinator
 Imagery Collected by Kucera International
 Hosted Tile service provided by ESRI



Exhibit D



**AREA, SETBACK AND DIMENSIONAL
REQUIREMENTS**

**§ 153.165 PURPOSE, INTENT AND
APPLICABILITY.**

In order to ensure that new development, renovations, and reconstructions are designed, sized, and sited to complement the area in which they are located and the character of the county in general; and to protect existing development and property values through the promotion of high standards of compatibility; the following standards are hereby adopted.

(Ord. 06-11-16, passed 9-21-2016)

§ 153.166 CONFORMANCE.

All permitted, conditional, and accessory uses and uses permitted by special exception shall conform to the area, height, density and dimensional requirements as provided in this section for the district in which the use is located.

(Ord. 06-11-16, passed 9-21-2016)

**§ 153.167 MODIFICATION OF
REQUIREMENTS.**

The requirements of this chapter may be further modified by other applicable sections of this zoning ordinance, including, but not limited to, those provided in §§ 153.088 *et seq.* - Conditional Uses and §§ 153.136 *et seq.* - Special Exceptions. Where requirements differ, the more restrictive requirement shall apply.

(Ord. 06-11-16, passed 9-21-2016)

**§ 153.168 SETBACK FROM THE LAKE
SHORE.**

All principal and accessory structures shall be set back no less than 50 feet from the 360 contour line 1929 National Geodetic Vertical Datum (NGVD) on

Lake Murray and the 440 contour line on Lake Greenwood. However, where adjacent lake properties on both sides of a property are developed, the setback shall not be less than the average of the setback from the 360 contour on Lake Murray or the 440 contour on Lake Greenwood of the principal structures on the adjacent lake properties. Mapping and survey data as provided by the Newberry County Geographic Information System (GIS) will be used by the Zoning Administrator to determine the original location of the 360 or 440 contour lines. Local, state, or federal setback requirements from the lake shore may also apply.

(Ord. 06-11-16, passed 9-21-2016; Am. Ord. 12-23-18, passed 2-6-2019)

**§ 153.169 ORIENTATION OF REQUIRED
YARDS.**

(A) *Generally.* In interpreting requirements related to establishment of required yards, the Zoning Administrator shall apply the following interpretation to the orientation of the yards.

(1) *Through lots.* If both the front and rear yards of a lot abut public streets, then the rear building line shall respect the alignment of buildings on the back street while the front building line shall respect the alignment of buildings on the fronting street.

(2) *Corner lots with 2 frontages.* In the case of corner lots with 2 frontages, a front yard of the required depth shall be provided on the frontage of the street having the higher traffic volume. Where the traffic volumes on both streets are approximately equal, the required depth shall be provided on the street frontage having the minimum lot width. A second front yard of half the depth required generally for front yards in the district shall be provided on the other frontage.

(3) *Corner lots with more than 2 frontages.* In the case of corner lots with more than 2 frontages, the Zoning Administrator shall determine the front yard requirements, subject to the following limitations:

Notice of Appeal
Form 1
Board of Zoning Appeals
County of Newberry

Date Filed: 1-20-23 Fee Paid: 150.00 Appeal No.: VA01-03-07-23

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. 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 structures and improvements must be attached to an application for variance or special exception.

THE APPLICANT HEREBY APPEALS [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) [print] Terry Conroy & Margorie McLeod
Address: 819 Bob Star Way, Chapin 29036
Telephone: 803-446-2235 [work] _____ [home] _____
Interest: Owner(s): _____ Adjacent Owner(s); Other _____

OWNER(S) [if other than Applicant(s)]: Ross Dagle McLeod
Address: 495 Wilson Landing Rd, Prosperity SC 29127
Telephone: 803-924-1173 [work] _____ [home] _____
[Use reverse side if more space is needed]

PROPERTY ADDRESS:

911 Address: 495 Wilson Landing Rd, Prosperity SC 29127
Tax Map No. (TMS #): 654-1-7-2 Plat Book: _____ Page No.: _____
Zoning District Classifications: _____

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: 01-13-2023

[Signature]
Owner

Owner

I /We certify that the information in this application and the attached Form 2, 3, or 4 is correct.

Date: 1-13-2023

[Signature]
Applicant

Margorie McLeod
Applicant

Reviewed for completeness by Zoning Official _____

Variance Application
Form 3
Board of Zoning Appeals
County of Newberry

Date Filed: 1-20-23

Fee Paid: 150.00

Appeal No.: VAOT - 03-07-23

1. Applicant hereby appeals to the Board of Zoning Appeals for a variance from the strict application to the property described in Notice of Appeals (Form 1) of the following provisions of the Zoning Ordinance: Section 153.172 requires a 25-foot Road right-of-way setback so that a permit may be issued to allow use of the property in a manner shown on the attached plat (site plan), described as follows: a 15-foot Variance to be 10-foot from the road right-of-way for a New House for which a permit has been denied by a zoning official on the grounds that the proposal would be in violation of the cited sections of the Zoning Ordinance.
2. The application of the ordinance will result in unnecessary hardship, and the standards for a variance as set by State law and the ordinance are met by the following findings of fact:
 - a. There are extraordinary and exceptional conditions pertaining to the particular piece of property as follows: There is an existing driveway on the property for an existing Home. Also an existing septic system on the property preventing the New Home to be built in the required location.
 - b. These conditions do not generally apply to other property in the vicinity as shown by: This property is located at a dead end and Lake Murray
 - 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: The New House could not be built in the planned location.
 - 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: The New House is for personal use and also be built on the property of an elderly Parent.
 - e. The effect of the variance would would not allow the establishment of a use not otherwise permitted in the zoning district; would would not extend physically a nonconforming use of the land; would would not change the zoning district boundaries shown on the official zoning map.
3. The following documents are submitted in support of this application:
 - Exhibit A. Plat (Site Plan) Plat
 - Exhibit B. Staff Report
 - Exhibit C. GIS Aerial
 - Exhibit D. Department Photographs
 - Exhibit E. _____

Exhibit A

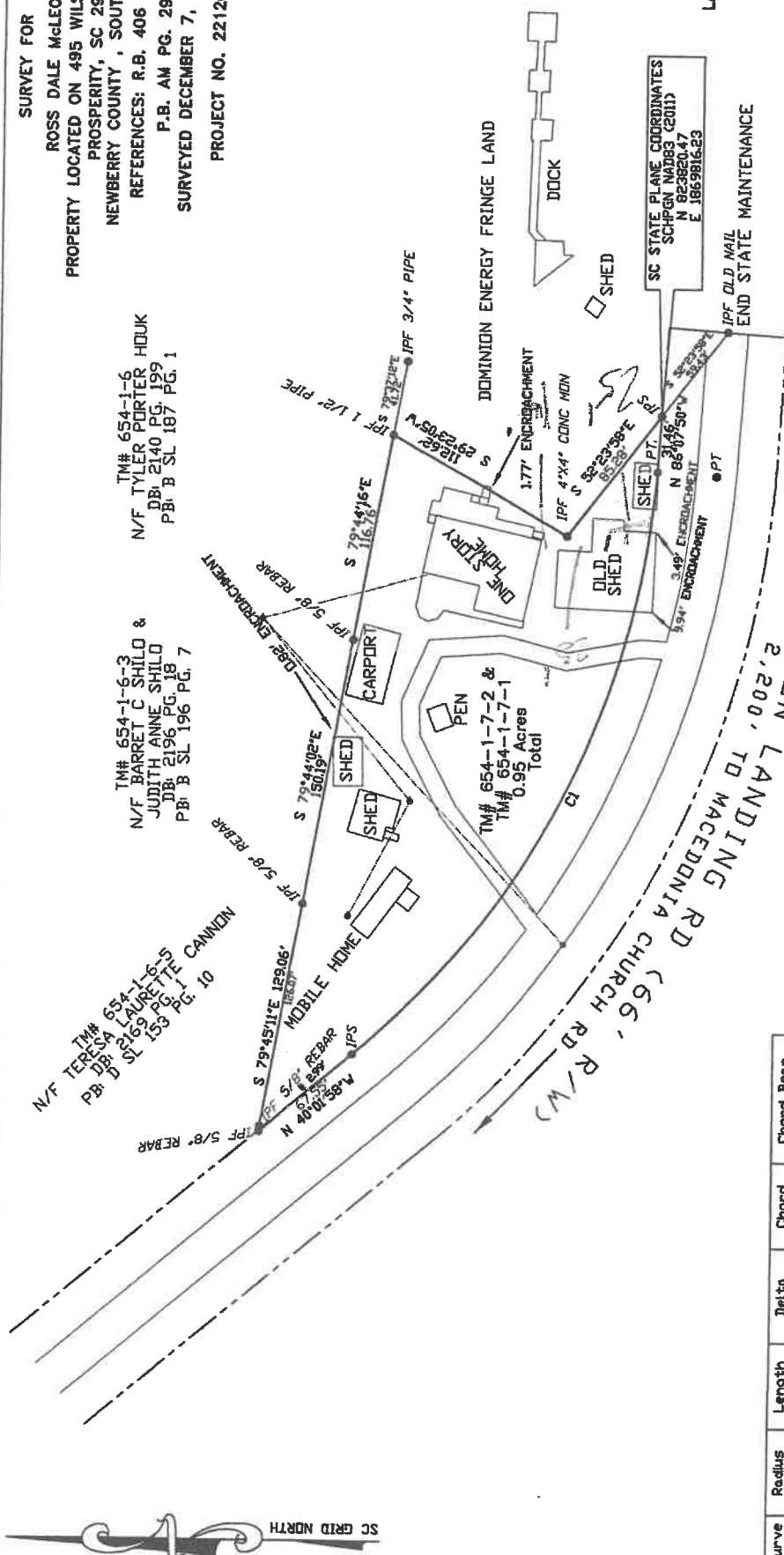
SURVEY FOR
 ROSS DALE McLEOD
 PROPERTY LOCATED ON 495 WILSON LANDING RD
 PROSPERITY, SC 29127
 NEWBERRY COUNTY, SOUTH CAROLINA
 REFERENCES: R.B. 406 PG. 16
 P.B. AM PG. 29
 SURVEYED DECEMBER 7, 2022
 PROJECT NO. 221207

TM# 654-1-6
 N/F TYLER PORTER HOUK
 DB: 2140 PG. 199
 P.B. B SL 187 PG. 1

TM# 654-1-6-3
 N/F BARRET C SHILD &
 JUDITH ANNE SHILD
 DB: 2196 PG. 18
 P.B. B SL 196 PG. 7

TM# 654-1-6-5
 N/F TERECA LAURENCE
 DB: 2169 PG. 15
 P.B. D SL 153 PG. 10

TM# 654-1-7-2 &
 TM# 654-1-7-1
 0.95 Acres
 Total



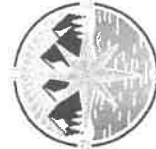
Curve	Radius	Length	Delta	Chord	Chord Bear.
C1	467.00'	377.42'	45°18'20"	367.23'	N 62°58'40" W

NOTE: 1. EXISTING PORTION OF RECORD / NO NEW BOUNDARY LINES
 2. AREA DETERMINED BY CURVE DATA TO BE RECORDED
 3. PROPERTY MAY BE SUBJECT TO RECORD
 4. THIS SURVEY SUBJECT TO ANY FUTURE REVISIONS
 5. THIS SURVEY SUBJECT TO ANY FUTURE REVISIONS
 6. THIS SURVEY SUBJECT TO ANY FUTURE REVISIONS
 7. THIS SURVEY SUBJECT TO ANY FUTURE REVISIONS
 8. THIS SURVEY SUBJECT TO ANY FUTURE REVISIONS

DECLARATION IS MADE TO THESE PARTIES FOR WHICH THIS PLAT
 IS MADE THAT I, THE SURVEYOR, AM A LICENSED SURVEYOR IN THE STATE OF SOUTH CAROLINA AND I AM NOT PROVIDING THIS SERVICE TO ANY OTHER PARTY UNLESS OTHERWISE STATED.
 C.A. SHEALY, III
 SCPLS 15182



PRELIMINARY DRAWING



SHEALY
 LAND SURVEYING

C.A. SHEALY, III
 SCPLS 15182
 SHEALY LAND SURVEYING INC.
 PO BOX 248
 PROSPERITY, SC 29127
 803-364-3020

STAFF REPORT
BOARD OF ZONING APPEALS
March 7, 2023
Case No. VA01-03-07-23

Applicant: Terry Conroy & Margorie McLeod
Property Address: 495 Wilson Landing Rd., Prosperity, SC
Tax Map #: 654-1-7-1

Nature of Appeal: This is a request for a 15-foot variance from the required 25-foot front yard setback, to be 10-foot from the road right-of-way.

Proposed Use: New site-built house for personal use.

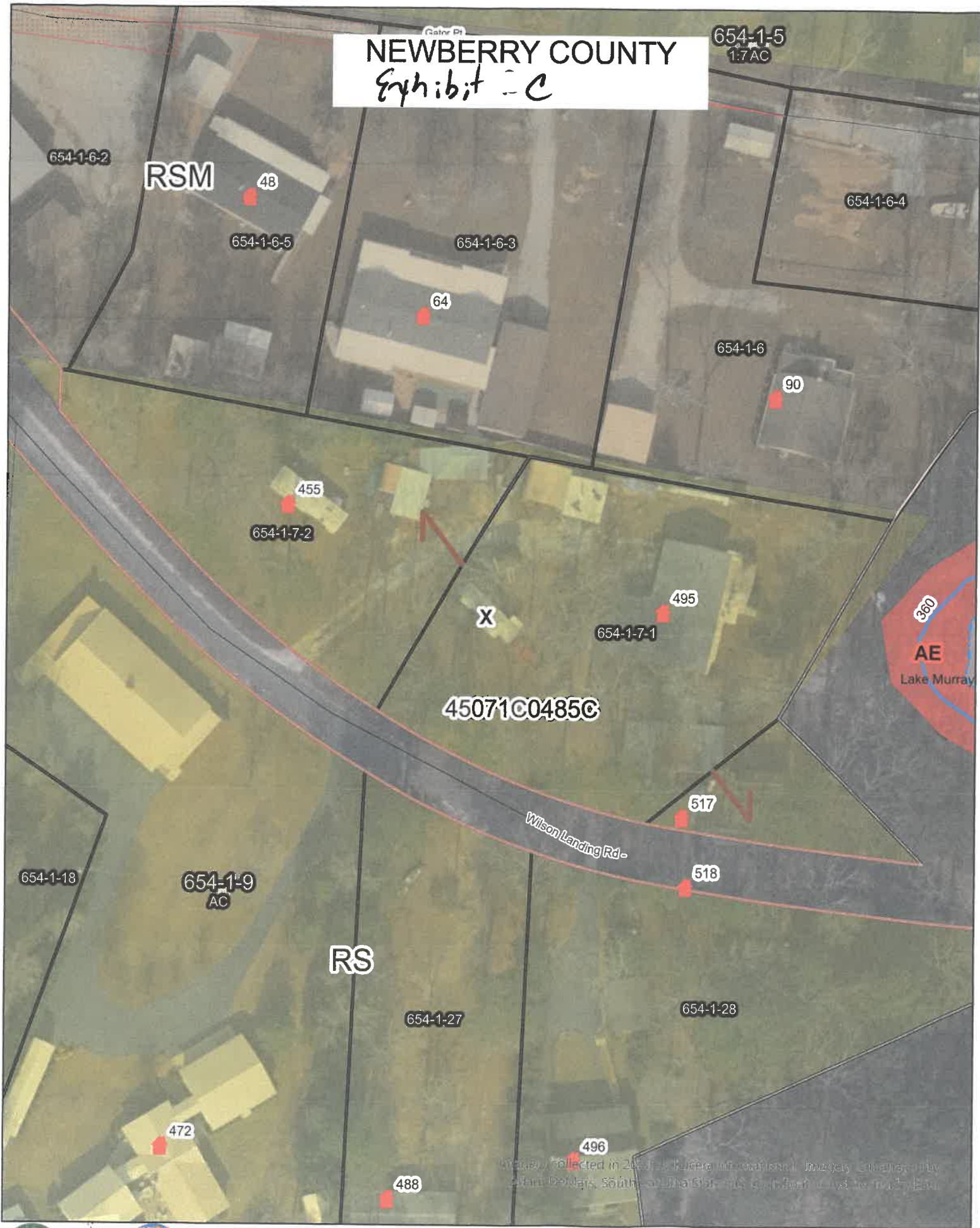
Board Determines: The Board is required to consider the following factors, per section 153.052(A)-(F) of the Zoning Ordinance:

153.052 (C) (1 - 5)

- 1) There are extraordinary and exceptional conditions pertaining to a particular piece of property;
- 2) These conditions do not generally apply to other property in the vicinity or in that district;
- 3) Because of these conditions, the application of the ordinance to a particular piece of property would effectively prohibit or unreasonably restrict use of the property;
- 4) The authorization of the variance will not be of substantial detriment to adjacent property or the public good, and the character of the district will not be harmed by the granting of the variance; and
- 5) The effect of the variance would not allow the establishment of a use not otherwise permitted in the zoning district; would not extend physically a nonconforming use of the land; would not change the zoning district boundaries shown on the official zoning map.

§153.172 Lot area, width, setback requirements table (See Zoning Ordinance)

NEWBERRY COUNTY
Exhibit - C



0 65 130 260 390 520 Feet

Map data collected in 2014. Future information may vary. Accuracy not guaranteed. South arrow is for reference only. Not to scale.

Exhibit D1



Exhibit D2

