

**AGENDA**  
**Newberry County Board of Zoning Appeals**  
**Tuesday, April 4, 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 March 7, 2023:**
- III. Old Business:** None
- IV. New Business: Case Presentation**

Case # VA01-04-04-23, A Variance request for the relief of the 20-foot required rear yard setback to be 12-foot from the rear yard, for an addition to the existing house. The property is located at 373 Shelter Bay Ridge, Prosperity, SC. Tax Map # 478-4-20

Case # SE01-04-04-23, A Special Exception request for a Practice Racetrack. The property is located at 15 Holly Point Rd., Prosperity, SC. Tax Map # 534-24

Case # SE02-04-04-23, A Special Exception request for a Solar Farm. The property is located on Harold Bowers Rd., Newberry, SC. Tax Map # 293-7

- V. Discussion and Informational Items:**
  - A. Next scheduled BZA meeting is May 2, 2023 at 5:30 p.m.

- VI. Adjourn:**  
Attachments

**MINUTES OF MEETING**  
**Newberry County Board of Zoning Appeals**  
**Tuesday, March 7, 2023 @ 5:30 p.m.**  
**Council Chambers**  
**Newberry County Annex**

**DRAFT**

**Members Present:**

Chairman Wayne Boland  
Vice-Chairman Anna Kay Coleman  
Patrick Wilkes  
Hugh Lister  
Patrick Meetze

**Members Absent:**

Doug Hipp  
Ty Ransdell

**Other Attendees:**

Katie Werts, Planning and Zoning Administrator  
Bridgett Fain, Secretary  
Terry Conroy, Applicant  
Andrew Folz, Applicant  
Other Concerned Citizens

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**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.

**Approval of Minutes of Meeting:** The minutes of the January 3, 2023, meeting was reviewed. A motion to approve the minutes as written was made by Vice-Chairman A Kay Coleman, seconded Patrick Wilkes. The vote was unanimous to approve the minutes as written.

**Old Business:** None

**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

Katie Werts presented the case to the Board as outlined in the Staff Report. She stated that the applicants, Terry Conroy and Margorie McLeod, are requesting this variance to be allowed to place a new house on the property, 10-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 Patrick Meetze. The vote was unanimous to approve the variance.

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

Katie Werts presented the case to the Board as outlined in the Staff Report. She stated that the applicants, Andrew and Jennifer Folz, are requesting this variance to be allowed to place a new inground pool on the property, 50-foot from the 360-contour on Lake Murray. After a brief discussion with various pertinent questions from the board members, Hugh Lister made a motion to approve the request, seconded by Vice-Chairman A Kay Coleman. The vote was unanimous to approve the variance.

**Other Business:**

Next scheduled BZA meeting is April 4, 2023 at 5:30 p.m.

**Adjourn:** Due to there being no other business, Vice-Chairman A Kay Coleman made a motion to adjourn the meeting, seconded by Hugh Lister, and Chairman Wayne Boland adjourned the meeting at 6:04 p.m.



# Board of Zoning Appeals Application

Date Submitted: March 1, 2023 Project Number: VA-01-04-04-23

This form must be completed for a hearing on an appeal from an action of a zoning official, application for a variance, or application for special exception. 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 section. An accurate, legible plot plan showing property dimensions and locations of structures and improvements must be attached to an application for a variance or special exception.

The Applicant Hereby Appeals: \_\_\_\_\_ from an action of a zoning official as stated on Form 2  
 for a variance as stated on attached Form 3  
\_\_\_\_\_ for a special exception as stated on attached Form 4

Applicant(s): HENRY C HAGER  
Address: 373 SHELTER BAY RD Phone: 614-906-9774

~~X~~ Owner(s) if other than Applicant: \_\_\_\_\_  
~~X~~ Address: \_\_\_\_\_ Phone: \_\_\_\_\_

Property Address: 373 Shelter Bay Rd Tax Map Number: 478-4-20  
Plat Book: 3 Page Number: 631 Zoning District Classification: RSM

I /We \_\_\_\_\_ certify that the information in the application and the attached Form 2, 3 or 4 is correct.  
Date: 03/1/2023 Owner: Henry C Hager  
Owner: \_\_\_\_\_

Designation of Agent (complete only if owner is not the applicant)

I \_\_\_\_\_/We \_\_\_\_\_ hereby appoint the person name as Applicant as my \_\_\_\_\_/our \_\_\_\_\_ agent to represent me \_\_\_\_\_/us \_\_\_\_\_ in this application.  
Date: \_\_\_\_\_ Owner: \_\_\_\_\_  
Owner: \_\_\_\_\_

Reviewed for completeness by Zoning Official: Kati S. Werts



Board of Zoning Appeals  
VARIANCE APPLICATION  
FORM 3

Date Submitted: March 1, 2023 Project Number: VA01-04-04-23

1. Applicant hereby appeals to the Board of Zoning Appeals for a variance from the strict application to the property described on the Board of Zoning Appeals Application of the following provisions of the Zoning Ordinance:

Section 153.172 of the Newberry County Zoning Code requires a 20-foot setback for principal structures from the rear lot line.

So that a permit may be issued to allow use of the property in a manner shown on the attached plat, described as follows

A 8-foot variance to be 12-foot from the rear lot line for an addition to an existing home.

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 piece of property as follows:

Adding to existing home. See exhibit (E) site plan.

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

Home is existing and other homes in this vicinity are close to the rear lot line

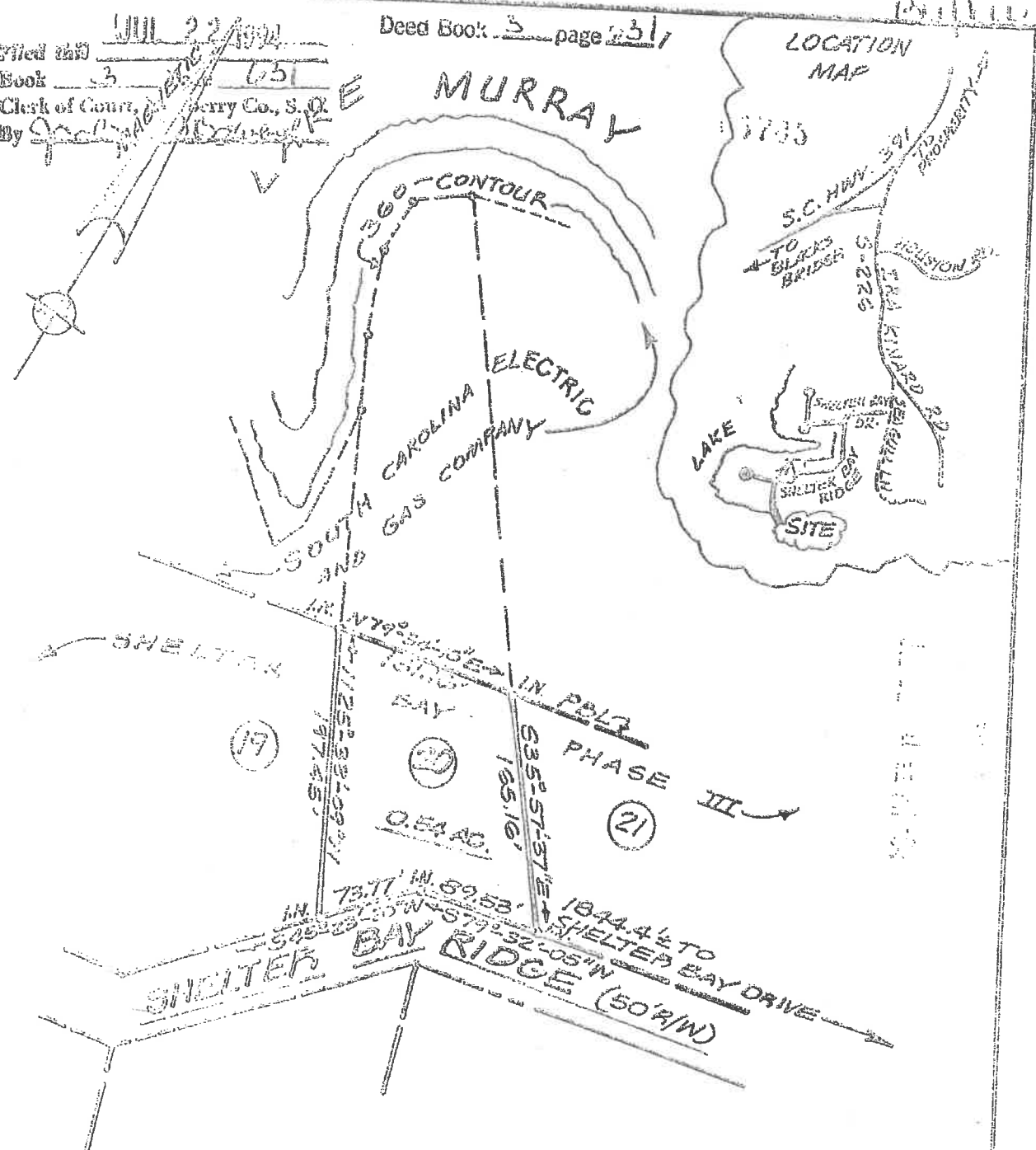
c. Because of these conditions, the application of the ordinance to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property as follows:

Would NOT BE ABLE to do addition in the planned location. See exhibit (E) site plan.

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:

Will NOT AFFECT PROPERTY VALUES. Addition is for personal use.

Filed this JUL 22 1994  
Deed Book 5 page 231  
Book 3 page 651  
Clerk of Court, Newberry Co., S.C.  
By [Signature]



PLAT PREPARED FOR  
ALAN D. WICKER

IN NEWBERRY CO., NEAR PROSPERITY, S.C.

- NOTES:
1. THE SAME BEING ALSO SHOWN AS LOT NO. 20 ON "PLAT OF SHELTER BAY SUBDIVISION, PHASE III" BY LUCIUS D. COBB, SR., P.L.S., DATED JULY 11, 1994.
  2. "I.N." AT LOT CORNERS DESIGNATES NEW IRON CORNERS (#4 REBAR, 2" DIA.)

STAFF REPORT  
BOARD OF ZONING APPEALS  
April 4, 2023  
Case No. VA01-04-05-23

Applicant: Henry Hager  
Property Address: 373 Shelter Bay Ridge, Prosperity, SC  
Tax Map #: 478-4-20

**Nature of Appeal:** This is a request for a 8-foot variance from the required 20-foot Rear yard setback, to be 12-foot from the rear lot line.

**Proposed Use:** New addition to the existing home 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*

Lake Murray

AE

360

360

311

343

478-4-21/1

478-4-22

45071C0460C

478-4-21

395

373

478-4-20

445

427

478-4-17

478-4-18

478-4-19

X

Shafter Bay  
Rd - COUNTY

RSM

478-4-16

478-4-50

AC

478-30

21.4 AC

Map created by GIS Department, Newberry County, Georgia. All rights reserved. No warranty is made for use of this map. All other trademarks and registered trademarks are the property of their respective owners.



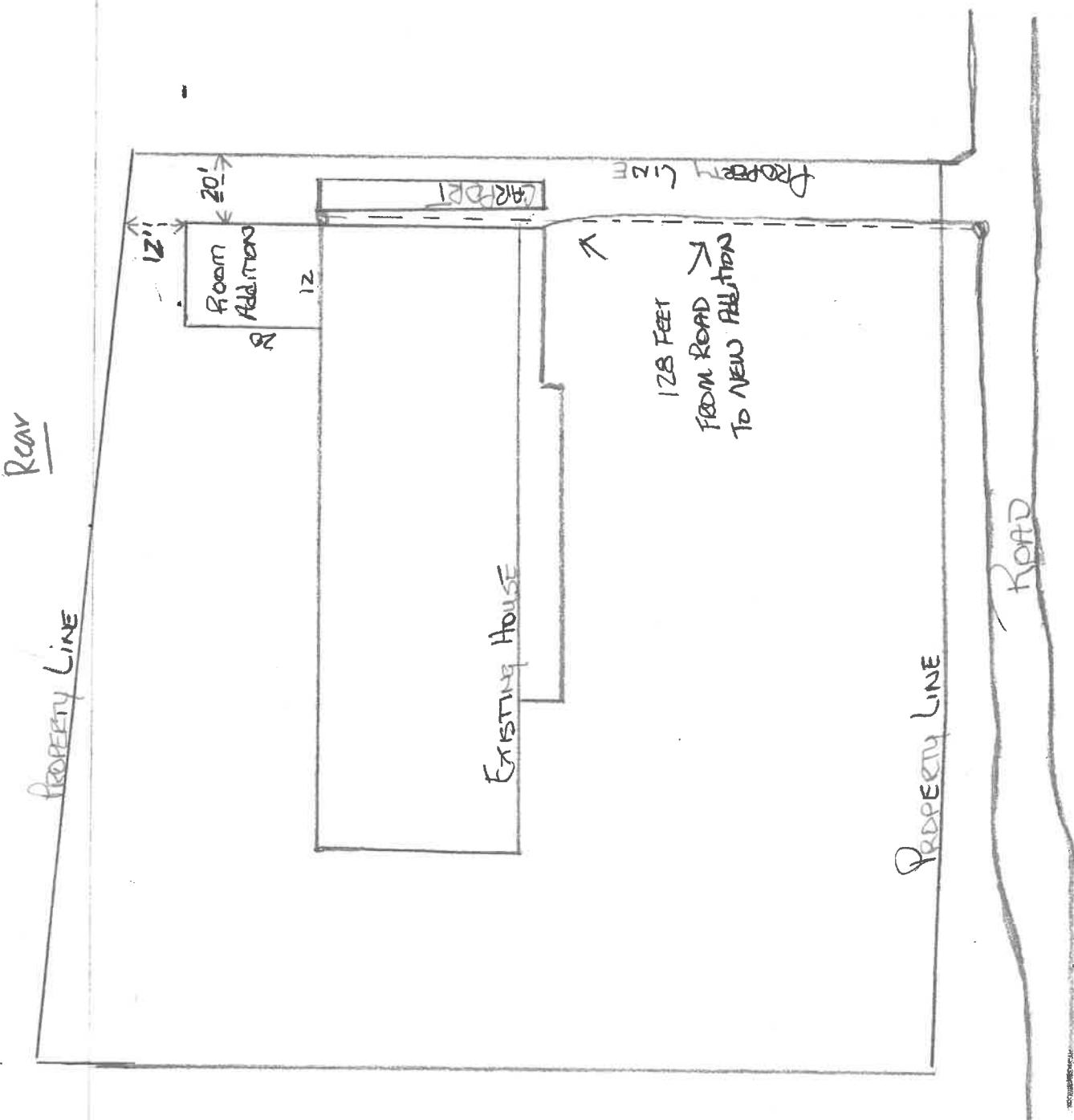
0 65 130 260 390 520 Feet



3-20-23

Exhibit D





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

Date Filed: 2-14-23 Fee Paid: \$200.00 Appeal No.: SE01-04-04-23

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] CHAD RANDOLPH  
Address: 15 HOLLY POINT RD. PROSPERITY SC. 29127  
Telephone: 803-768-6488 [work] 803-768-6488 [home]  
Interest: \_\_\_\_\_ Owner(s): \_\_\_\_\_ 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: 15 HOLLY POINT RD PROSPERITY SC. 29127  
Tax Map No. (TMS #): 534-24 Plat Book: \_\_\_\_\_ Page No.: \_\_\_\_\_  
Zoning District Classifications: R2

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: \_\_\_\_\_

Chad Randolph  
Applicant

\_\_\_\_\_  
Applicant

Reviewed for completeness by Zoning Official

Katie Werts

Special Exception Application  
Form 4  
Board of Zoning Appeals  
County of Newberry

Date Filed: 2-14-23 Fee Paid: 200.00 Appeal No.: 5 E01-04-04-23

1. Applicant hereby appeals to the Board of Zoning Appeals for a special exception for use of the property described in the Notice of Appeal (Form 1) as: Practice

Backtrack which is a permitted special exception under the district regulations in Section 153.089 of the Newberry County Zoning Ordinance No. 12-24-01. 153.142

2. Applicant will meet the standards in Section 153.089 of the Zoning Ordinance which are applicable to the proposed special exception in the following manner: (Continue on back if necessary) see Exhibit (E)

3. The applicant suggests that the following conditions be imposed to meet the Standards in the Zoning Ordinance: (Continue on back if necessary)

Install & maintain any and all BMP's necessary and meet all standards in section 153.089 and 153.142 of the zoning code

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

Exhibit A. Plat (Site Plan) REQUIRED

Exhibit B. staff Report

Exhibit C. GIS aerial

Exhibit D. Department Photographs

Exhibit E. section 153.142 & 153.089

I understand that all surrounding property owners will be notified by the County, and a public hearing is required in order for this special exception 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: 2/14/23

Charles Randolph  
Applicant

\_\_\_\_\_  
Applicant

Reviewed for completeness by Zoning Official \_\_\_\_\_

Exhibit A

MAG

THIS PROJECT IS SUBJECT TO ALL EASEMENTS RIGHTS-OF-WAY RESTRICTIVE COVENANTS BUILDING SETBACKS ZONING AND OTHER LAND USE REGULATIONS OR RESTRICTIONS AND ENVIRONMENTAL LAWS BE THEY OF RECORD OR ON THE GROUND AND ALSO SUBJECT TO ANY MORTGAGES LIENS OR FACTS THAT MAY BE REVEALED BY AN ACCURATE AND CURRENT TITLE SEARCH

THERE MAY BE UNDERGROUND UTILITIES ON THIS PROPERTY THAT ARE NOT VISIBLE AT THE SURFACE THAT ARE NOT SHOWN HEREON

ALL IP'S ARE 5/8" RADIUS UNLESS NOTED OTHERWISE

SUBSURFACE CONDITIONS ENVIRONMENTAL CONDITIONS AND WETLAND CONDITIONS WERE NOT EXAMINED OR CONSIDERED AS A PART OF THIS SURVEY

CERTIFICATION OF THIS PLAT AND IT'S USE IS FOR THOSE PARTIES FOR WHOM IT IS PREPARED ONLY AND IS NOT TRANSFERABLE

COPYRIGHT 2014 TODD SURVEYS INC

I HEREBY STATE THAT TO THE BEST OF MY KNOWLEDGE INFORMATION AND BELIEF THE SURVEY SPORN HERSON WAS MADE IN ACCORDANCE WITH THE REQUIREMENTS OF THE MINIMUM STANDARDS MANUAL FOR THE PRACTICE OF LAND SURVEYING IN SOUTH CAROLINA AND MEETS OR EXCEEDS THE REQUIREMENTS FOR CLASS A SURVEY AS SPECIFIED

Curve	Radius	Tangent	Length	Delta	Degree	Chord	Chord Bear
Curve 1	1483.00	117.49	234.50	8°58'57"	3°50'15"	234.86	N 87°51'22" E

Course	Bearing	Distance
L1	N 31°35'07" E	95.84
L2	N 58°20'43" E	112.74
L3	N 58°09'52" E	171.13
L4	N 59°31'47" E	208.88
L5	N 59°21'28" E	707.88
L6	S 80°48'34" E	77.82
L7	S 40°50'59" E	283.38
L8	S 40°19'49" E	148.79
L9	S 30°47'56" W	78.84
L10	N 31°39'41" E	48.38
L11	S 30°47'56" W	69.71

BASED ON NEWBERRY COUNTY FIRE MAP 4507100460C - COMMUNITY PANEL NO 450123 0095 C - REVISED DATE OF FEB 9 2000 THE LOT SHOWN HERSON IS NOT IN A SPECIAL FLOOD HAZARD AREA THE LOT SHOWN HERSON IS DESIGNATED ZONE X BY MAP LEGEND

PORTION OF TMS 534-4

I hereby certify that this lot meets all zoning requirements

*A. J. Kinard*  
Planning Officer

Date 4-6-15

PLAT PREPARED FOR  
**IRA HUBERT KINARD JR.**

NEWBERRY COUNTY  
SOUTH CAROLINA  
JAN. 22, 2014  
SCALE: 1"=200'



TODD SURVEYS INC.  
200 DENNY HWY.  
SAULDA, S.C. 29138  
864-445-7892



GEORGE S. TODD PLS 7409  
1/22/2015



Exhibit B

STAFF REPORT  
BOARD OF ZONING APPEALS

April 4, 2023  
Case No.: SE01-04-04-23

Applicant: Chad Randolph  
Property Address: 15 Holly Point Rd., Prosperity, SC  
Tax Map #: 532-24

**Nature of Appeal:** This is a Special Exception request for a Racetrack.

**Proposed Use:** Practice Racetrack for family and friends.

**Board Determines:** The Board is required to consider the following factors, per section 153.053 (D) of the Zoning Ordinance:

(D) No special exception permit shall be approved by the Board of Zoning Appeals unless the following general findings of fact are made concerning the proposed Special Exception:

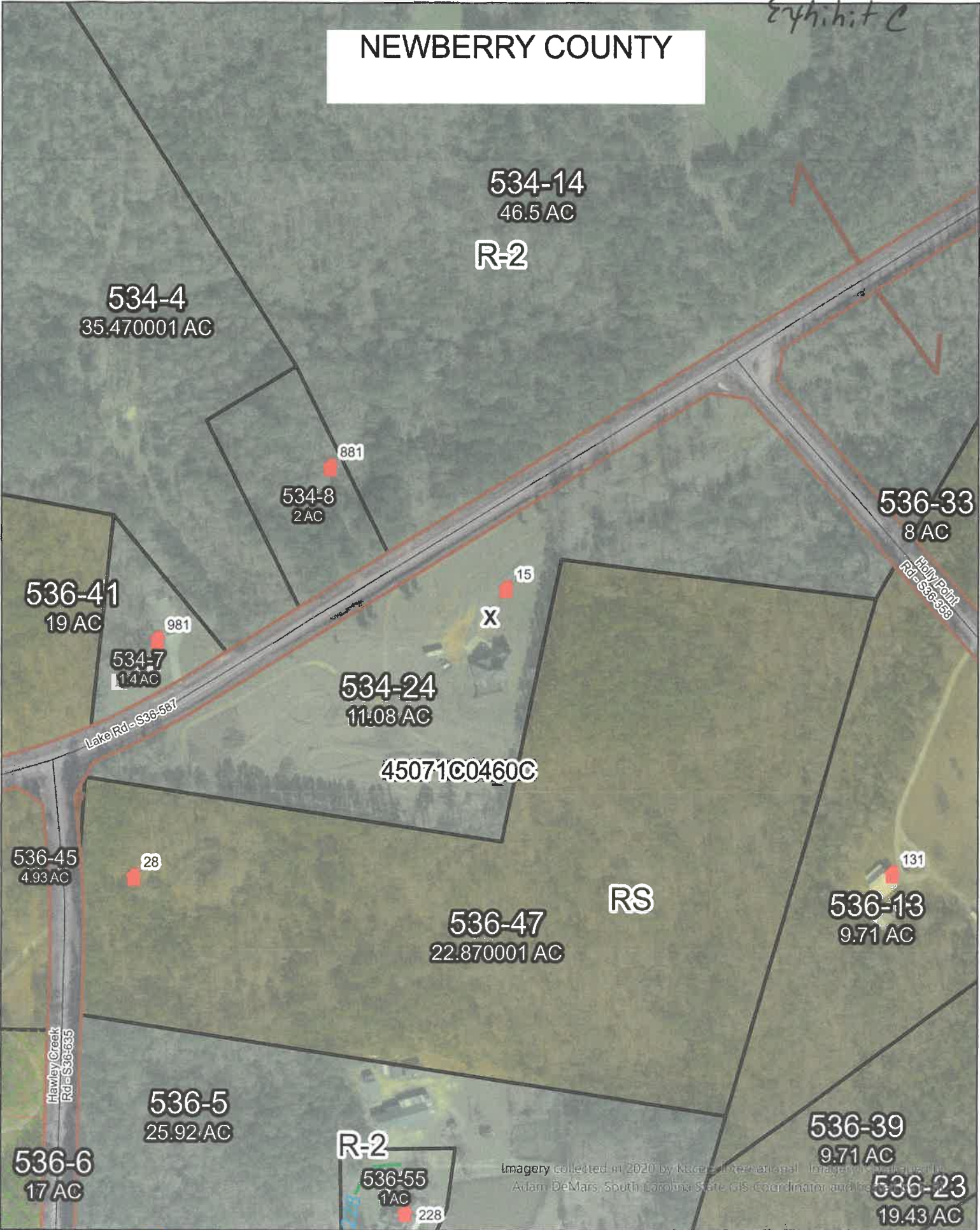
- 1) The use will not materially endanger the public health or safety if located, designed, and proposed to be operated according to the information submitted.
- 2) The use complies with all regulations and standards of this ordinance.
- 3) The use will not substantially injure the value of adjoining properties, or the use is a public necessity.
- 4) The location and character of the use, if developed according to the information as submitted and approved, will be in harmony with the area in which it is to be located.
- 5) The use will not create traffic impacts that will endanger public safety, or create or contribute to congestion.
- 6) The use will not create noise, light, glare, odor, or obstruction of air flow on adjoining properties.
- 7) That the proposed use will not be in conflict with but will further the objectives of the Newberry County Comprehensive Plan for the area in which it is located.

(E) In considering special exceptions, the Board may prescribe appropriate requirements and additional conditions deemed necessary to remove danger to health and safety, relieve or reduce adverse impact of a special exception, and to protect adjacent properties and the character of the area.

And conditions as written in section 153.089 & 153.142 of the Newberry County Zoning Ordinance:

Exhibit C

# NEWBERRY COUNTY



45071C0460C

Imagery collected in 2020 by Kinect International. Imagery processed by Adam DeMars, South Carolina State GIS coordinator and his staff.



3-20-23

Exhibit D





**153.142 RACETRACKS, STADIUMS, SPECTATOR SPORTS COMPLEXES,  
PERFORMING ARTS FACILITIES.**

Racetracks, spectator sports complexes, stadiums and performing arts facilities may be permitted by special exception as provided in § [153.073](#)(D) - Zoning District Table of Permitted Uses, provided the Board of Zoning Appeals finds that the following conditions are met.

- (A) Minimum size of the property is 1 acre.
- (B) All structures, fields of play, racetracks, and performance or exhibit areas shall be setback a minimum of 100 feet from any adjacent property with an existing residential use or adjacent residentially zoned property.
- (C) Primary vehicular access to such uses must be from a paved arterial or collector road.
- (D) Site design shall ensure safe, predictable vehicular access and movement onto and off of the site.
- (E) All applicable conditions required in § [153.089](#) - R2 Rural District Conditional Uses shall be met for this use in the R2 zoning district.
- (F) The use will not substantially injure the value of adjoining properties.
- (G) Additional conditions may be imposed to ensure that the use will not create a safety, health or traffic hazard.

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

## § 153.089 RURAL DISTRICT CONDITIONAL USES.

Exhibit 2

In addition to single-family residential and agricultural uses, certain light commercial and industrial and substantially similar uses including uses in the healthcare, government, information, professional/office, transportation, and utilities use categories are considered to be appropriate for a rural area and as such may be allowed in the R2 district as listed in § [153.073](#)(D) - Zoning District Table of Permitted Uses, provided the following conditions are met. These conditions do not apply to single-family residential and agricultural uses.

(A) Such uses may be associated with, but secondary to, a single-family residential use on the same property.

(B) Such uses must comply with conditions associated with the use, as provided in §§ [153.088](#) et seq. - Conditional Uses and any applicable performance or other requirement as provided in this chapter, in addition to the following conditions. Where requirements differ, the more restrictive requirement shall apply.

(C) If the single structure or combination of structures to be included in the proposed non-residential, non-agricultural use exceeds 3,000 square feet in gross floor area, it must be permitted by special exception as provided in § [153.137](#) - R2 Rural District Special Exceptions.

(D) Where permitted, such uses shall meet the following conditions:

(1) A buffer of at least 100 feet shall be required from adjoining property lines of existing single-family residential uses and adjacent residentially zoned properties. Such buffer shall comply with the applicable requirements for buffers provided in § [153.182](#). If a different buffer width is required for an individual use the larger buffer shall apply. For uses requiring a special exception permit, the Board of Zoning Appeals may require a larger buffer after finding that potential offsite impacts warrant the increase.

(2) Maneuvering of associated vehicles of any size must be accommodated by and occur on the associated property.

(3) No uncovered open storage of waste materials shall be permitted in public view.

(4) Any manufacturing process shall be completely contained inside the permitted structure(s).

(5) *Performance standards.* Such uses must comply with the following performance standards:

(a) *Light.* As required by § [153.034](#) - Light and Glare.

(b) *Glare.* As required by § [153.034](#) - Light and Glare.

(c) *Odor.* There shall be no emission of odorous gases or other odorous matter in such quantities as to be offensive to a person of normal sensibilities at the property line or right-of-way.

(d) *Vibration.* A person may not cause or permit, beyond the property line of a source, vibration of sufficient intensity to cause another person to be aware of the vibration by such direct means as sensation of touch or visual observation of moving objects. The observer shall be located at or within the property line of the receiving property when vibration determinations are made.

(e) *Noise.* As required by §§ [90.01](#) through [90.99](#) - Noise of the Newberry County Code of Ordinances.

(6) *Exceptions to performance standards.* The following are exempted from the performance requirements of this division.

(a) Any exemptions provided by other regulations cited in this chapter.

(b) Vibration emanating from construction activities between the hours of 7:00 a.m. and 9:00 p.m. pursuant to a current building permit issued by Newberry County.

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



# Board of Zoning Appeals Application

Date Submitted: March 6, 2023 Project Number: SE02-04-04-23

This form must be completed for a hearing on an appeal from an action of a zoning official, application for a variance, or application for special exception. 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 section. An accurate, legible plot plan showing property dimensions and locations of structures and improvements must be attached to an application for a variance or special exception.

The Applicant Hereby Appeals: \_\_\_\_\_ from an action of a zoning official as stated on Form 2  
\_\_\_\_\_ for a variance as stated on attached Form 3  
 for a special exception as stated on attached Form 4

Applicant(s): Bowers Road Solar, LLC

Address: 107 5th Street SE, Charlottesville, VA 22902 Phone: 919-423-1102

Owner(s) if other than Applicant: William Robert Dunton

Address: PO Box 182, Little Mountain, SC 29075 Phone: 803-309-1473

Property Address: Unaddressed Property ( ~2010-2046 Harold Bowers Road) Tax Map Number: 293-7

Plat Book: C176 Page Number: 4 Zoning District Classification: R-2

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

Date: 03/02/2023 Owner: *William R. Dunton*

Owner: \_\_\_\_\_

Designation of Agent (complete only if owner is not the applicant)

I  / We \_\_\_\_\_ hereby appoint the person name as Applicant as my  / our \_\_\_\_\_ agent to represent me  / us \_\_\_\_\_ in this application.

Date: 03/02/2023 Owner: *William R. Dunton*

Owner: \_\_\_\_\_

Reviewed for completeness by Zoning Official: Kate S. Wertz



Board of Zoning Appeals  
SPECIAL EXCEPTION APPLICATION  
FORM 4

Date Submitted: March 6, 2023 Project Number: SE02-04-04-23

1. Applicant hereby appeals to the Board of Zoning Appeals to the Board of Zoning Appeals for a special exception for use of the property described in the Board of Zoning Appeals Application as:  
Solar Farm - Bowers Road Solar  
which is a permitted special exception under the district regulations in Section 153.073 of the Newberry County Zoning Ordinance.

2. Applicant will meet the standards in Section 153.156 of the Zoning Ordinance which are applicable to the proposed special exception in the following manner:  
Please see pages 3-8 of the Application Narrative where Sec. 153.156 Standards are detailed and a response is given for each.

See Exhibit (P) section 153.156 of the zoning code

3. The applicant suggests that the following conditions be imposed to meet the standards in the Zoning Ordinance.

- 1. A 100-foot existing vegetated buffer will be maintained surrounding the project site; 2. The project will meet height requirements as per Standard E of 153.156; 3. Fencing of at least 6-ft will surround the perimeter of the project; 4. An appropriate surety complying with 153.156 will be posted to ensure responsible decommissioning of project; 5. All Local, State and Federal permits will be obtained prior to construction of facility.

4. The following documents are submitted in support of this application: (Exhibits A-J is Applicant's Information)

*Exhibits A-J is Applicant's Information*  
*Staff Report - GIS aerial - Department Photographs Information & site Plan*

- Exhibit A: Plat Bowers Road Solar Design - Drawing Sheet Set
- Exhibit B: Sun Tribe Development Informational
- Exhibit C: Manufacturer's Specification Sheets
- Exhibit D: Wildlife Resource Review
- Exhibit E: Cultural/Historical Resource Review
- Exhibit F: Wetland Delineation
- Exhibit G: Decommissioning Plan & Estimate
- Exhibit H: Solar Glare Analysis
- Exhibit I: Memo of Option-Lease Agreement
- Exhibit J: Solar RE Impact Study

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.

03/02/2023  
Date Applicant Signature

\_\_\_\_\_  
Applicant Signature

# Exhibit A

PHH

PLAT PREPARED FOR  
**ALLEN N. CROSSON**  
APPROXIMATELY 2.5 MILES SOUTHWEST OF NEWBERRY S.C.  
NEWBERRY COUNTY

PLAT PREPARED BY  
**LONGSHORE SURVEYING**  
839 PINE MEADOW ROAD NEWBERRY, S.C. 29108  
TELEPHONE # (803) 276-0296  
FAX # (803) 276-8049

BEARINGS & DISTANCES  
ALONG BUSH RIVER  
POINT "B" TO POINT "C"

N 78°17'44" E	75.32
N 52°56'11" E	79.83
S 25°51'34" E	134.86
S 03°58'13" E	70.65
S 81°42'26" E	74.53
S 79°54'34" E	28.56
S 71°20'06" E	143.79
S 85°27'06" E	47.91
S 29°50'57" E	48.48
S 11°35'07" E	162.53
S 01°57'54" E	152.83
S 24°11'12" E	86.31
S 01°19'00" W	67.84
S 24°57'27" W	82.83
S 67°52'54" W	410.22
S 76°16'33" W	154.69
S 79°50'02" W	48.71
S 33°54'57" W	68.95
S 13°49'53" E	32.39
S 39°17'44" E	80.88
S 50°31'27" E	121.24
S 42°42'02" E	89.15
S 17°57'55" E	142.84
S 40°50'07" E	56.93
S 28°17'14" E	57.82
S 07°21'14" E	172.15
S 28°28'58" E	171.69
S 07°58'09" E	121.17
S 36°51'12" E	83.13
S 17°52'57" E	188.45
S 19°05'07" E	238.90
S 23°41'20" E	503.19
S 36°50'18" W	53.36
S 71°56'10" W	117.94
S 41°56'10" W	388.63

LOCATION MAP (NOT TO SCALE)

REF: 1. PLAT BOOK "M" PAGE 28.  
2. TAX MAP # 295-3.

BEARINGS & DISTANCES  
ALONG BRANCH  
POINT "E" TO POINT "F"

S 60°34'37" W	33.83
N 88°38'13" W	217.89
S 57°17'03" W	38.07
N 50°18'43" W	28.80
S 78°10'18" W	27.03
N 61°22'05" W	18.64
S 38°13'34" W	20.39
N 60°58'04" W	49.12
N 27°13'12" E	11.72
N 63°44'43" W	30.19
N 30°42'55" W	15.71
S 63°59'29" W	35.15
N 60°45'17" W	26.25
N 26°18'02" W	118.29
N 27°10'51" W	33.51
S 88°52'21" W	63.96
N 81°38'50" W	48.43
N 27°01'29" W	76.70
N 60°28'07" W	61.26
S 88°17'49" W	51.56
S 83°41'24" W	62.21
N 82°20'47" W	28.76
N 43°17'10" W	26.20
N 61°37'56" W	28.56

TRACT "A"  
412.679 ACRES TOTAL

TRACT "B"  
193.849 ACRES TOTAL

BEARINGS & DISTANCES  
ALONG BRANCH  
POINT "A" TO POINT "B"

N 28°09'57" E	23.14
N 13°12'40" W	23.69
N 10°24'30" E	28.87
N 12°19'48" E	33.01
N 44°27'56" E	25.97
N 78°13'43" E	37.15
S 43°54'05" E	45.30
N 67°50'42" E	208.17
N 45°41'42" E	31.38
N 79°27'00" E	78.90
N 60°42'69" E	184.77
N 80°52'50" E	167.69
S 31°02'41" E	54.48
N 68°09'54" E	208.77
S 34°34'06" E	32.31
N 70°56'57" E	101.24
S 67°28'24" E	24.78
N 70°02'31" E	67.86
N 39°23'08" E	34.53
N 20°25'12" E	86.01
N 34°13'11" E	154.79
N 02°16'46" E	129.74
N 67°39'14" E	48.53
N 44°24'40" E	139.32
N 57°25'34" E	102.16
S 81°34'18" E	88.45
N 15°17'40" E	103.11
S 88°49'46" E	31.39
N 29°21'26" E	42.55
N 30°48'07" E	58.91

FILED, RECORDED, INDEXED  
04/24/2007 09:21:34AM  
Per: Feet 10.00 S: Feet 0.00  
Book of Maps  
Jackie S. Bowers



I have verified that these lines are existing lines of record.  
Date: 4/25/07  
Planning Office:

BEARINGS & DISTANCES  
ALONG BRANCH  
POINT "D" TO POINT "E"

N 25°12'53" E	130.39
N 44°02'21" E	64.03
N 09°59'42" E	93.37
N 35°04'58" W	83.00

I HEREBY STATE TO THE BEST OF MY KNOWLEDGE INFORMATION, AND BELIEF, THE SURVEY SHOWN HEREON WAS MADE IN ACCORDANCE WITH THE MINIMUM STANDARDS MANUAL FOR THE PRACTICE OF LAND SURVEYING IN SOUTH CAROLINA, AND MEETS OR EXCEEDS THE REQUIREMENTS FOR A CLASS "B" SURVEY AS SPECIFIED THEREIN.  
DATE: APRIL 16, 2002 SCALE: 1" = 500'  
REVISED MARCH 28, 2007, FOR SPLIT

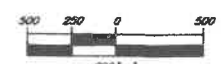


Exhibit B

STAFF REPORT  
BOARD OF ZONING APPEALS

April 4, 2023

Case No.: SE02-04-04-23

Applicant: Bowers Road Solar, LLC  
Owner: William Robert Dunton  
Property Address: Harold Bowers Rd., Newberry, SC  
Tax Map #: 293-7

**Nature of Appeal:** This is a Special Exception request for a Solar Farm.

**Proposed Use:** Solar Farm

**Board Determines:** The Board is required to consider the following factors, per section 153.053 (D) of the Zoning Ordinance:

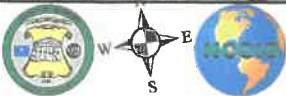
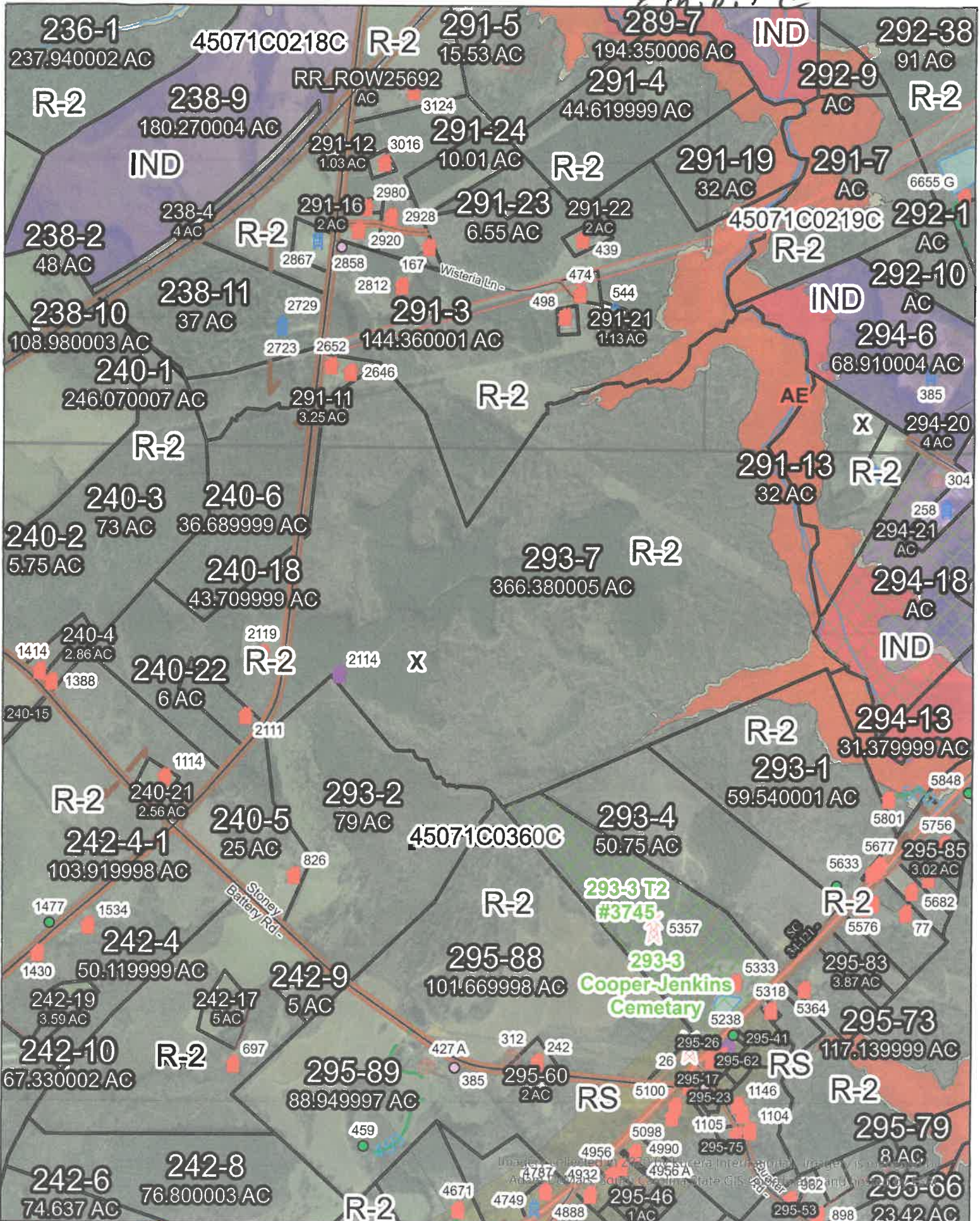
(D) No special exception permit shall be approved by the Board of Zoning Appeals unless the following general findings of fact are made concerning the proposed Special Exception:

- 1) The use will not materially endanger the public health or safety if located, designed, and proposed to be operated according to the information submitted.
- 2) The use complies with all regulations and standards of this ordinance.
- 3) The use will not substantially injure the value of adjoining properties, or the use is a public necessity.
- 4) The location and character of the use, if developed according to the information as submitted and approved, will be in harmony with the area in which it is to be located.
- 5) The use will not create traffic impacts that will endanger public safety, or create or contribute to congestion.
- 6) The use will not create noise, light, glare, odor, or obstruction of air flow on adjoining properties.
- 7) That the proposed use will not be in conflict with but will further the objectives of the Newberry County Comprehensive Plan for the area in which it is located.

(E) In considering special exceptions, the Board may prescribe appropriate requirements and additional conditions deemed necessary to remove danger to health and safety, relieve or reduce adverse impact of a special exception, and to protect adjacent properties and the character of the area.

And conditions as written in section 153.156 of the Newberry County Zoning Ordinance:

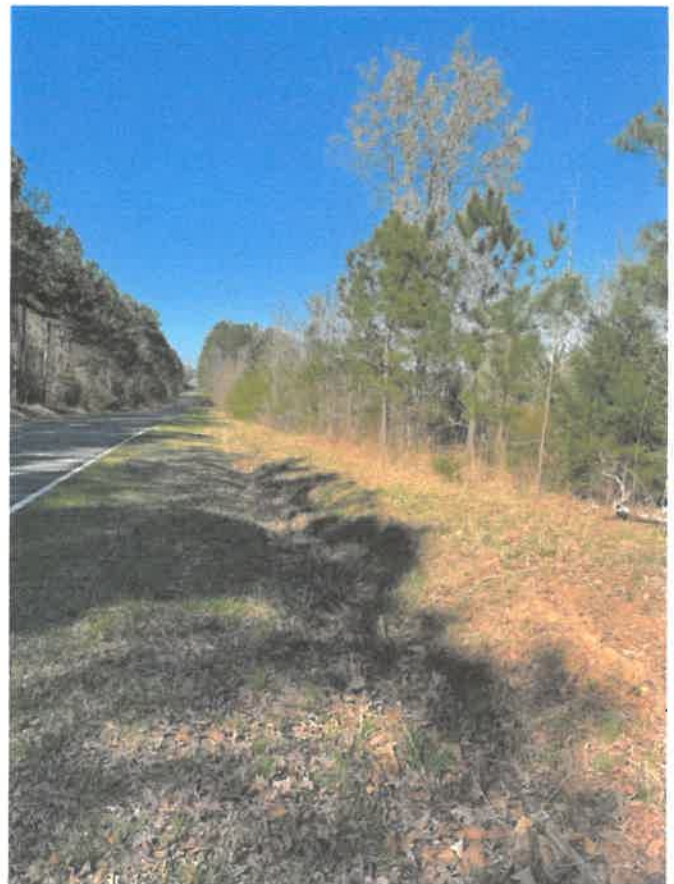
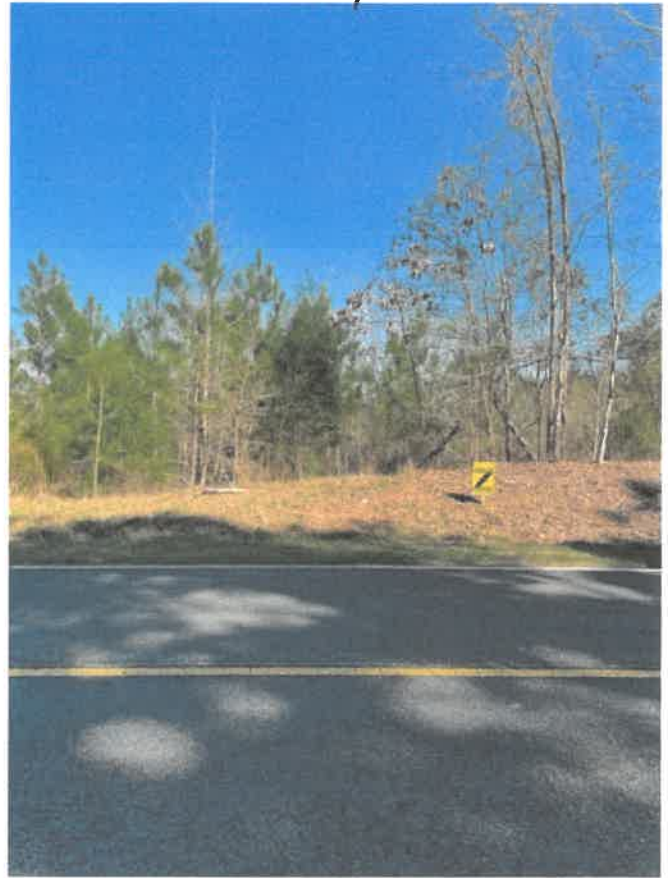
Exhibit C



0 65 130 260 390 520 Feet

3-20-23

Exhibit D





## ZONING DISTRICT REGULATIONS

### § 153.073 ZONING DISTRICT TABLE OF PERMITTED USES.

(D) Zoning district table of permitted uses.

ZONING DISTRICT TABLE OF PERMITTED USES										
Description of Use	2017 NAICS	R2	RS	RSV	RSM	RG	LC	GC	IND	C/SE Reference
<b>UTILITIES AND INFRASTRUCTURE</b>										
Solar Farm	221114	SE	-	-	-	-	-	-	C	§ 153.124 § 153.156

## SPECIAL EXCEPTION REGULATIONS

### § 153.156 SOLAR FARM.

New solar farms or solar farms proposed to be expanded by more than 10% of original footprint shall meet the following requirements where conditionally permitted.

(A) *Site plan required.* A site plan drawn to scale shall be submitted to the Zoning Administrator by the applicant demonstrating compliance with the Solar Farm and all other applicable sections of this zoning ordinance. At a minimum, the plan must include:

- (1) Name of the project, names and addresses of the owner(s), engineers, and surveyors.
- (2) Date, scale and accurate north arrow.
- (3) Property boundaries, including dimensions and size.
- (4) Required setbacks and buffers.
- (5) Location of all proposed facilities, including solar collectors and proposed structures
- (6) Horizontal and vertical (elevation) to-scale drawings with dimensions that show the location of the solar collectors and system.
- (7) Any existing or proposed signs, fencing, lighting, parking areas, driveways, easements, fencing, gates, vegetative screening, and applicable landscaping.
- (8) Adjacent property lines, noting properties that include existing residential uses or residentially zoned properties and other adjacent land uses.
- (9) Adjacent roads and road rights-of-way.

(10) Planting Plan shall demonstrate that sufficient plantings will be installed so as to screen the solar panels from view from any adjacent right of way.

(B) *Setback.* A minimum setback of 125 feet is required from all road rights-of-way and all adjacent property lines.

(C) *Buffer.* A buffer of at least 100 feet shall be required from all road rights-of-way and all adjacent property lines, per the requirements of § [153.182](#) - Buffers.

(D) *Screening.* Screening per the requirements of § [153.183](#) - Screening shall be provided for any adjacent property with an existing residential use or adjacent residentially zoned property line.

(E) *Height.* Systems, equipment and structures shall not exceed 20 feet in height, with the exclusion of associated electric transmission lines and utility poles.

(F) *Fencing.* A security fence at least six feet in height shall be provided around the perimeter of the solar farm facility and shall meet the requirements of § [153.033](#) - Fences and walls, however the security fence may be chain link for this use.

(G) *Preservation of existing vegetation.* Where possible, existing vegetation shall be protected and preserved in the required buffer and setback areas to provide natural screening for the use. If screening is required, existing vegetation may be used to meet screening requirements as provided in § [153.183](#)(C)(2) - Natural Areas. Such preservation does not include areas designated for roads, driveways, or required parking areas.

(H) *Glare.* Solar collection equipment shall be installed so that no reflected glare is visible at the property line or right-of-way as required by § [153.034](#) - Light and Glare.

(I) *Decommissioning plan.* The applicant must provide a decommissioning plan signed by the party responsible for decommissioning and the landowner (if different) that describes the anticipated life of the solar farm, the estimated decommissioning costs in current dollars, the method for ensuring that funds will be available for decommissioning and restoration, and the anticipated manner in which the solar farm project will be decommissioned and the site restored to its condition prior to the development of the solar farm.

(1) Decommissioning will be required following a continuous 6 month period in which no electricity is generated by the facility.

(2) The permit holder will have 12 months to complete decommissioning of the solar farm. Decommissioning shall include removal of solar panels, foundations, structures, cabling, electrical components, conduit, and any other associated facilities as described in the decommissioning plan.

(3) Prior to issuance of zoning permit, the applicant must provide the county with a performance guarantee in the form of an irrevocable letter of credit in the amount of 125% of the estimated decommission cost minus the salvageable value or \$50,000, whichever is greater. Estimates shall be determined by an engineer licensed to practice in South Carolina. Letter of credit shall be reviewed annually for any cost change.

(J) Site design shall ensure safe, predictable vehicular access and movement onto and off of the site and shall accommodate safe access to the property by emergency vehicles.

(K) Site design shall ensure safe, predictable vehicular access and movement onto and off of the site.

(L) Additional conditions may be imposed to ensure that the use will not create a safety, health, or traffic hazard.

(M) The use will not substantially injure the value of adjoining properties.