

AGENDA
Newberry County Board of Zoning Appeals
Tuesday, May 2, 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 April 4, 2023:

III Old Business:

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

IV New Business: Case Presentation

Case # VA01-05-02-23, A Variance request for the relief of the required 50-foot setback from the 360-contour of Lake Murray to be 15-feet, for a sunroom addition to an existing house. The property is located at 69 Wilkerson Rd., Prosperity, SC. Tax Map # 653-3-25

Case # VA02-05-02-23, A Variance request for the relief of the average of the 73-foot setback from the 360-contour of Lake Murray to be 49-feet, for an inground pool. The property is located at 32 Mariners View Rd., Prosperity, SC. Tax Map # 538-6-14

Case # VA03-05-02-23, A Variance request for the relief of the minimum 1-acre lot size for the R2-Rural zoning district. The property is located at 4704 SC Hwy 391, Prosperity, SC. Tax Map # 470-20

Case # VA04-05-02-23, A Variance request for the relief of the 100-foot require buffer from all adjoining property lines of existing single-family residential and adjacent residentially zoned properties, for a canopy over the existing gas pumps. The property is located 4704 SC Hwy 391, Prosperity, SC. Tax Map # 470-20

Case # VA05-05-02-23, A Variance request for the relief of the average of the 113-foot setback from the 360-contour of Lake Murray to be 98-feet, for a new site-built house. The property is located on Jennings Pt., Prosperity, SC. Tax Map # 653-1-1

Case # VA06-05-02-23, A Variance request for the relief of the required 25-foot setback from the road right-of-way to be 2-feet, for a new site-built house. The property is located at 784 Marina Way., Prosperity, SC. Tax Map # 592-2-123

Case # VA07-05-02-23, A Variance request for the relief of the required 25-foot setback from the road right-of-way to be 2-feet and a variance request for the relief of the required 7-foot side yard setback to be 2-foot from the side yard, for a storage building. The property is located at 784 Marina Way., Prosperity, SC. Tax Map # 592-2-123

V Discussion and Informational Items:

A. Next scheduled BZA meeting is June 6, 2023 at 5:30 p.m.

VI Adjourn:

Attachments

MINUTES OF MEETING
Newberry County Board of Zoning Appeals
Tuesday, April 4, 2023 @ 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:

Katie Werts, Planning and Zoning Administrator
Bridgett Fain, Secretary
Chad Randolph, Applicant
Robert Dunton, Applicant
Representatives Bowers Road Solar, LLC
Other Concerned Citizens (see sign-in sheet 2,3 and 4)

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 March 7, 2023, meeting was reviewed. A motion to approve the minutes as written was made by Hugh Lister, seconded Vice-Chairman A Kay Coleman. The vote was unanimous to approve the minutes as written.

Old Business: None

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

Katie Werts presented the case to the Board as outlined in the Staff Report. She stated that the applicant, Henry Hager, is requesting this variance to be allowed to build an addition to the existing house, 12-foot from the rear yard. After a brief discussion with various pertinent questions from the board members, Doug Hipp made a motion to approve the request, seconded by Vice-Chairman A Kay Coleman. The vote was unanimous to approve the variance.

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

Katie Werts presented the case to the Board as outlined in the Staff Report. She stated that the applicant, Chad Randolph, is requesting this special exception to be allowed to have a practice racetrack on the property. After a lengthy discussion with various pertinent questions from the board members and concerned citizens, Hugh Lister made a motion to table the vote until the next meeting, Seconded by Patrick Wilkes. The vote was unanimous to table the vote until the May 2, 2023 meeting so the applicant, Chad Randolph, the neighbors and concerned citizens can get together and possibly come up with a list of conditions that would work for the practice track to remain on the property and be in harmony with the neighborhood and not substantially injure the value of the adjoining properties. The vote was unanimous to table the special exception.

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

Katie Werts presented the case to the Board as outlined in the Staff Report. She stated that the applicants, Bowers Road Solar, LLC, are requesting this special exception to be allowed to solar farm on the property. After a lengthy discussion with various pertinent questions from the board members and concerned citizens, Hugh Lister made a motion to deny the request, seconded by Patrick Wilkes. The vote passed by majority with 1(òne) abstaining, Doug Hipp.

Other Business:

Next scheduled BZA meeting is May 2, 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 Doug Hipp, and Chairman Wayne Boland adjourned the meeting at 9:01 p.m.



Board of Zoning Appeals Application

Date Submitted: 5-20-23 Project Number: VA01-05-02-23

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): Donald Slaughter
Address: 69 Wilkerson Rd. Prosperity Phone: 803-537-2301

Owner(s) if other than Applicant: _____
Address: _____ Phone: _____

Property Address: 69 Wilkerson Rd. Prosperity Tax Map Number: 053-3-25
Plat Book: 8 Page Number: 2 Zoning District Classification: RS

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

Date: 3-20-2023 Owner: Donald Slaughter
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: _____



Board of Zoning Appeals
VARIANCE APPLICATION
FORM 3

Date Submitted: _____ Project Number: VA01-05-02-23

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 153.168 of the zoning code requires all Principal structures be set back no less than 50-feet from the 360-contour line of Lake Murray

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

Needs a 35-foot variance to be 15-foot from the 360-contour of Lake Murray for a New Sunroom addition to the 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:

Existing home on the property.

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

other properties in this vicinity are also very close to the lake.

- 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 Sunroom addition to the back of the existing home 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 Sunroom addition to the existing home is for personal use and is allowed in the RS-Single Family Residential zoning district.

Exhibit A



(Pbk. X, page 118)
FILED, RECORDED, INDEXED
07/12/2007 03:55:49PM
Rec Fee: 5.00 St Fee: 0.00
Co Fee: 0.00 Pages: 1
Clerk of Court
Jackie S. Bowers

Scale: 1" = 30'
0' 30' 60' 90'
Date: July 2, 2007

Tom Abraham Land Surveying
2402 Nance St., Newberry, S.C. 29108
Telephone: 803.276.8719

(26)

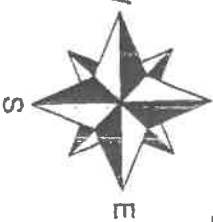
Paul W. & Jean M. Hugley
Deedbook 374, page 229
Deedbook X, page 118

0.34 Acres

Site Built House
11-20-9

(23)

Nearri Johnson
Deedbook 439, page 110



Tom Abraham Land Surveying, LLC



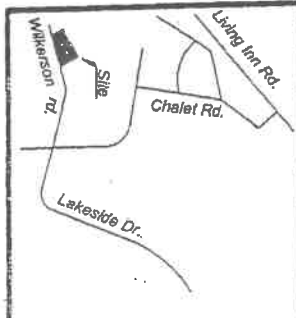
Survey & Plat Prepared for:
Donald I. & Gina H. Slaughter
Property located on Wilkerson Rd., lots 24 & 25 of
Blackgate-Mark Subdivision, on Lake Murray,
outside of Prosperity, Newberry County, S.C.

I hereby state that to the best of my knowledge, information, and belief, the survey shown herein was made in accordance with the requirements of "The Minimum Standards for the Practice of Land Surveying in South Carolina," and means or exceeds the requirements for a Class B survey as specified herein; also there are no visible encroachments or projections other than shown.

Thomas B. Abraham, S.C.R.L.S. #7877

Doc# 009907

Reference made to Deedbook 109, page 310.
Reference made to Platbook X, page 118.
Note: ips is 5/8" rebar from pin set.



Location Map (n.t.s.)
Tax Map #653-3 parcels 24 & 25

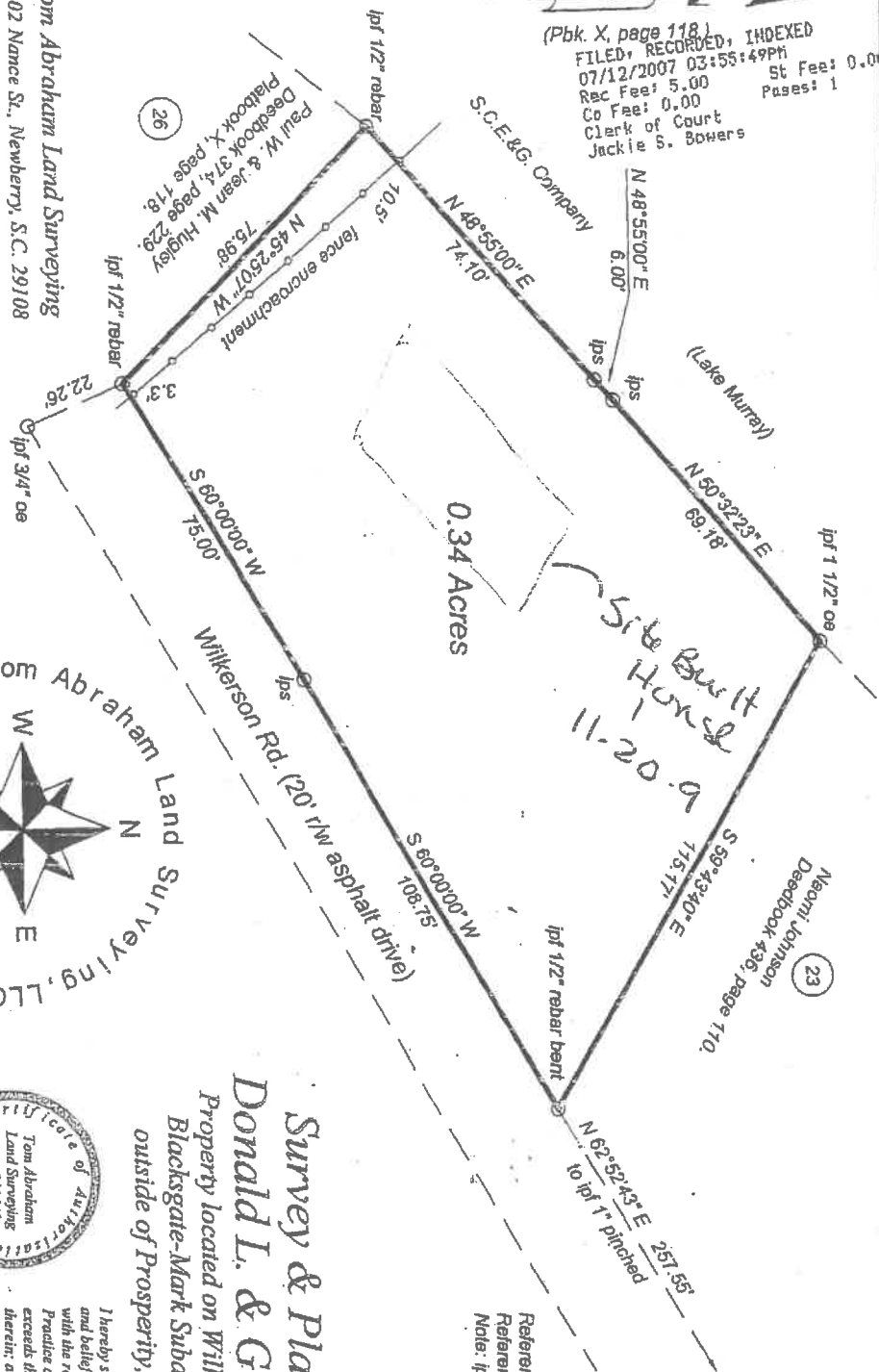


Exhibit B

STAFF REPORT
BOARD OF ZONING APPEALS
May 02, 2023
Case No. VA01-05-02-23

Applicant: Donald Slaughter
Property Address: 69 Wilkerson Rd., Prosperity, SC
Tax Map #: 653-3-24

Nature of Appeal: A Variance request for the relief of the 50-foot required setback from the 360-contour of Lake Murray, to be 15-feet from the 360-contour.

Proposed Use: A new sunroom 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.

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

NEWBERRY COUNTY

Exhibit C

653-3-38-7 183
653-3-38-8

653-3-38-9 201

653-69
1,105 AC

299
653-3-21
AC

45071C0480C

AE

Lake Murray

360

57

X

653-3-25

69

Wilkerson
Rd - COUNTY

653-3-31

52

653-3-30

653-3-26
AC

80

653-3-29

653-3-32
AC

RS

91

403

Imagery collected in 2020 by Kucera International. Imagery is managed by Adam DeMars, South Carolina State GIS Coordinator, and hosted by ESRI.

360
Chateaufort
-COUNTY



0 65 130 260 390 520 Feet

Exhibit D
VAO 1-05-02-23



§ 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)



Board of Zoning Appeals Application

Date Submitted: 3-22-23 Project Number: VA02-05-02-23

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): CONTEMPORARY POOLWORKS JEFF RADENBAUGH
Address: 10020 BROAD RIVER RD, IRMO, SC 29063 Phone: 803-403-1968

Owner(s) if other than Applicant: Denise Faris
Address: 32 Mariners View Rd. Prosperity Phone: _____

Property Address: 32 Mariners View Rd. Prosperity Tax Map Number: 538-6-14
Plat Book: B9 Page Number: 5 Zoning District Classification: RS

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

Date: _____ Owner: _____

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: 3/23/23

✓ Owner: [Signature]

Owner: _____

Reviewed for completeness by Zoning Official: Kati Werts



Board of Zoning Appeals
VARIANCE APPLICATION
FORM 3

Date Submitted: 3-23-23 Project Number: VA02-05-02-23

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 153.168 Require the setback to be the average of the adjacent properties from the principal structures on Lake Murray.

So that a permit may be issued to allow use of the property in a manner shown on the attached plat, described as follows
Needs a 49-foot variance from the 360-contour to be 24-foot for a New inground pool.

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 Sate 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:

There is an existing home on the property preventing the New pool from being placed in the required location

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

Other properties in this vicinity appear to be already developed.

- 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 inground pool could not be placed 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 inground pool is an aloud use in the RS-Single family residential zoning district

Exhibit A



I hereby certify that these lots meet all zoning requirements.

Louis Smith for Alotau
 Planning Official

3-29-16

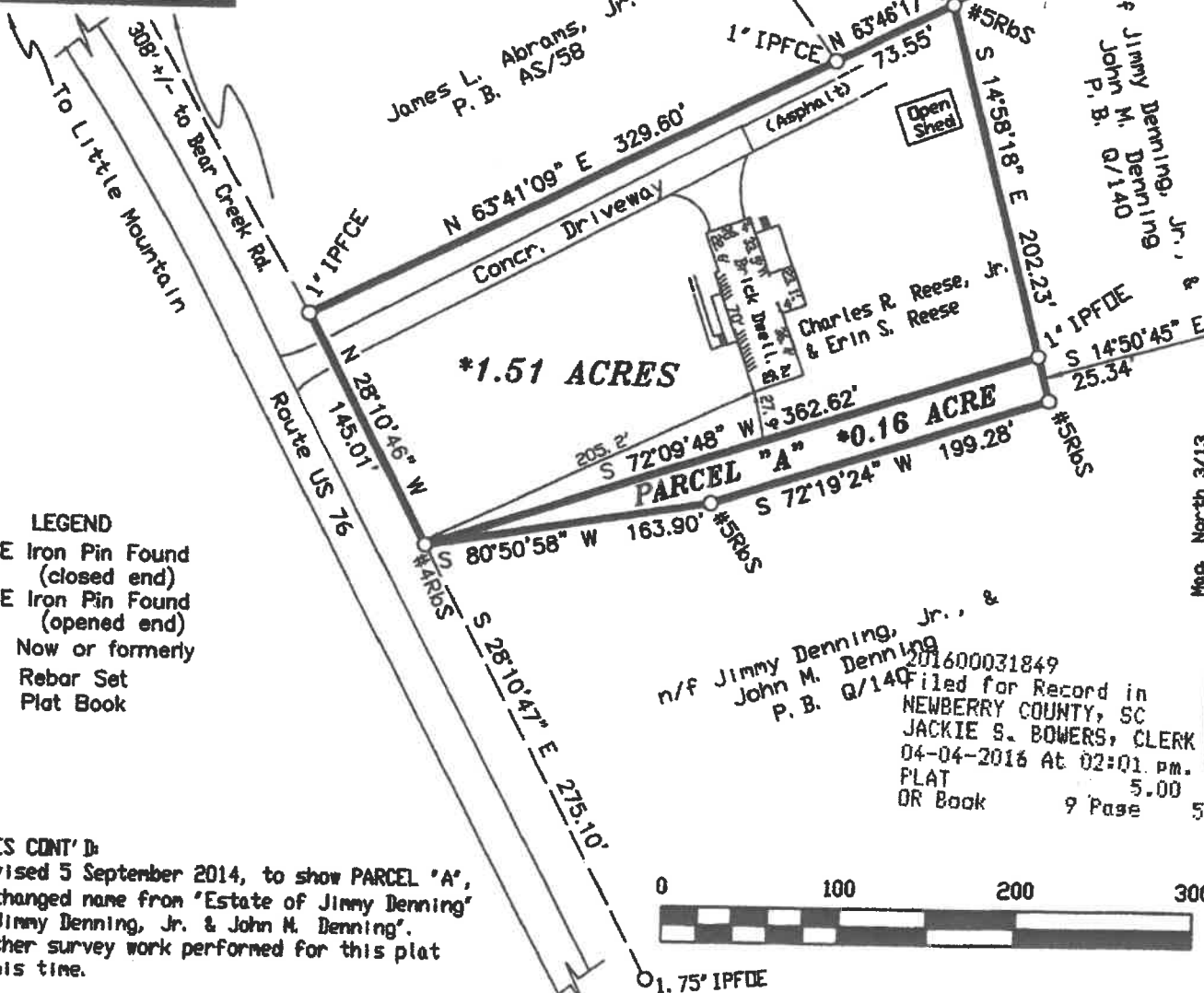
Date

Stephen D. Yandle, Sr. &
 Retta R. Yandle
 P. B. AU/78

James L. Abrams, Jr.
 P. B. AS/58

n/f Jimmy Denning, Jr. &
 John M. Denning
 P. B. Q/140

Charles R. Reese, Jr.
 & Erin S. Reese



- LEGEND**
- IPFCE Iron Pin Found (closed end)
 - IPFOE Iron Pin Found (opened end)
 - n/f Now or formerly
 - RbS Rebar Set
 - P.B. Plat Book

NOTES CONT'D:
 Revised 5 September 2014, to show PARCEL 'A', and changed name from 'Estate of Jimmy Denning' to 'Jimmy Denning, Jr. & John M. Denning'. No other survey work performed for this plat at this time.

NOTES:
 *Property and Acreage may be subject to Right-of-way from Rt. US 76. Reference is made to SC Dept. of Transportation Roadway Plans, Docket No. 36.213, Pages 21 & 22, filed at the Newberry County SCBOT Maintenance Shop. Reference to existing TMS No. 739-9.

I hereby certify that to the best of my knowledge, information, and belief, the survey shown herein 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 a Class "C" survey as specified therein.

Milledge L. Wilson, Sr.
Milledge L. Wilson, Sr., PLS-B
 Registered Professional Land Surveyor, Tier-B
 S.C.P.L.S. No. 7885-B

n/f Jimmy Denning, Jr. &
 John M. Denning
 P. B. Q/140
 201600031849
 Filed for Record in
 NEWBERRY COUNTY, SC
 JACKIE S. BOWERS, CLERK
 04-04-2016 At 02:01 pm.
 PLAT 5.00
 OR Book 9 Page 5 -



GENERAL PROPERTY SURVEY FOR
JIMMY DENNING, JR. &
JOHN M. DENNING
 NEWBERRY COUNTY
 SOUTH CAROLINA

SCALE: 1"=100' +March 6, 2013

Milledge L. Wilson, Sr., P.L.S.-B
 Registered Professional Land Surveyor, Tier-B
 3919 S.C. Hwy. 391, Prosperity, S.C. 29127
 Phone (803) 364-3792

Exhibit B

STAFF REPORT
BOARD OF ZONING APPEALS
May 02, 2023
Case No. VA02-05-02-23

Applicant: Donald Slaughter
Property Address: 32 Mariners View Rd., Prosperity, SC
Tax Map #: 538-6-14

Nature of Appeal: A Variance request for the relief of the 73-foot required setback from the 360-contour of Lake Murray, to be 24-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:

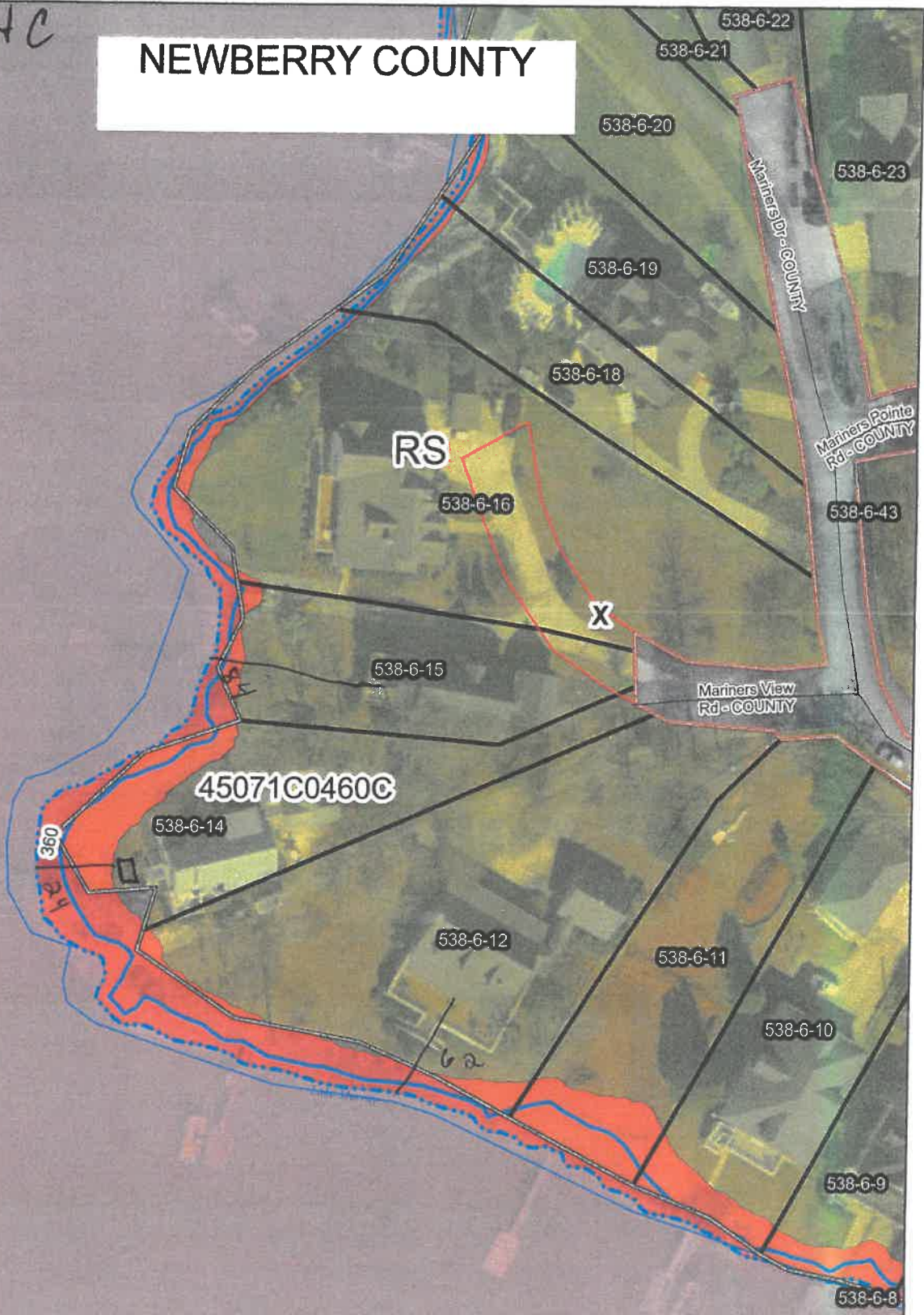
153.052 (C) (1 - 5)

- 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)

Exhibit C

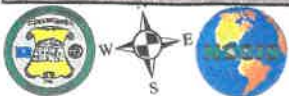
NEWBERRY COUNTY



Lake Murray

AE

Imagery collected in 2020 by Kucera International. Imagery is managed by Adam DeMars, South Carolina State GIS Coordinator and hosted by ESRI.



VAO 2-85-02-23

exhibit D



§ 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)



Board of Zoning Appeals Application

Date Submitted: March 23, 2023 Project Number: VA03-05-02-23

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): Justin Middleton

Address: 1279 Newberry Shores Dr 1 Prosperity Phone: 864-887-0942

Owner(s) if other than Applicant: _____

Address: _____ Phone: _____

Property Address: 4704 SC Hwy 391 Prosperity Tax Map Number: 470-20

Plat Book: 9 Page Number: 272 Zoning District Classification: R2-Rural

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

Date: 3/23/23 Owner: _____

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: 3/23/23 Owner: _____

Don Richardson

Owner: _____

Reviewed for completeness by Zoning Official: Katie Werts



Board of Zoning Appeals
VARIANCE APPLICATION
FORM 3

Date Submitted: March 23, 2023 Project Number: VA02-05-02-23

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 requires 1-acre minimum in the R2-Rural zoning district.

So that a permit may be issued to allow use of the property in a manner shown on the attached plat, described as follows
Approve a plat with less than the required 1-acre lot size in the R2-Rural zoning district

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:

To make the existing lot larger.

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

Existing commercial business.

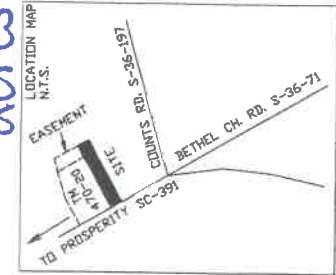
- c. Because of these conditions, the application of the ordinance to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property as follows:

The plat could not be recorded with the new additional property added on to the existing property

- 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:

Existing Commercial business.

0.551 total acres



THIS SURVEY MAY BE SUBJECT TO FACTS THAT MAY BE REVEALED BY A COMPLETE AND ACCURATE TITLE SEARCH, NO ABSTRACT OF TITLE, NOR TITLE COMMITMENT NOR RESULTS OF A TITLE SEARCH WERE FURNISHED TO THE SURVEYOR. DOCUMENTS OF RECORD MAY EXIST THAT WOULD AFFECT THIS PARCEL.

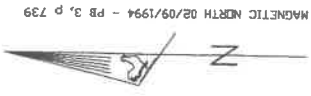
THIS PROPERTY MAY BE SUBJECT TO RECORDED AND/OR UNRECORDED EASEMENTS, SETBACKS, RIGHTS-OF-WAY, RESTRICTIVE COVENANTS AND UTILITIES NOT SHOWN HEREIN.

HYDROLOGICAL / FLOOD STUDY NOT PERFORMED. PROPERTY MAY BE SUBJECT TO DRAINAGE FROM SCDDOT RIGHT OF WAY.

CONTACT PALMETTO UTILITY PROTECTION SERVICE INC. D.B.A. SOUTH CAROLINA 811 TO LOCATE UNDERGROUND UTILITIES, THEIR EASEMENTS, RIGHTS OF WAY AND/OR SETBACKS.

BOUNDARY SURVEY AND PLAT PREPARED FOR:
PROSPEROUS REALITY, LLC

0.276 +/- ACRES
FROM TAX MAP 470-3
LOCATED ON SC-391
PROSPERITY, SOUTH CAROLINA 29127, NEWBERRY COUNTY
THIS PARCEL IS TO BE COMBINED WITH TAX MAP 470-20,
CREATING A SINGLE TAX MAP PARCEL.



- IO = IRON OLD
- IN = IRON NEW
- C/L = CENTER LINE
- R/W = RAILROAD SPIKE
- R/W = RIGHT OF WAY
- W/F = NOW OR FORMERLY
- W/F = TAX MAP
- PB = PLAT BOOK
- DB = DEED BOOK
- P = PAGE
- X = POWER LINE
- EP = EDGE OF PAVEMENT
- WM = WATER METER
- TP = TELEPHONE PEDESTAL

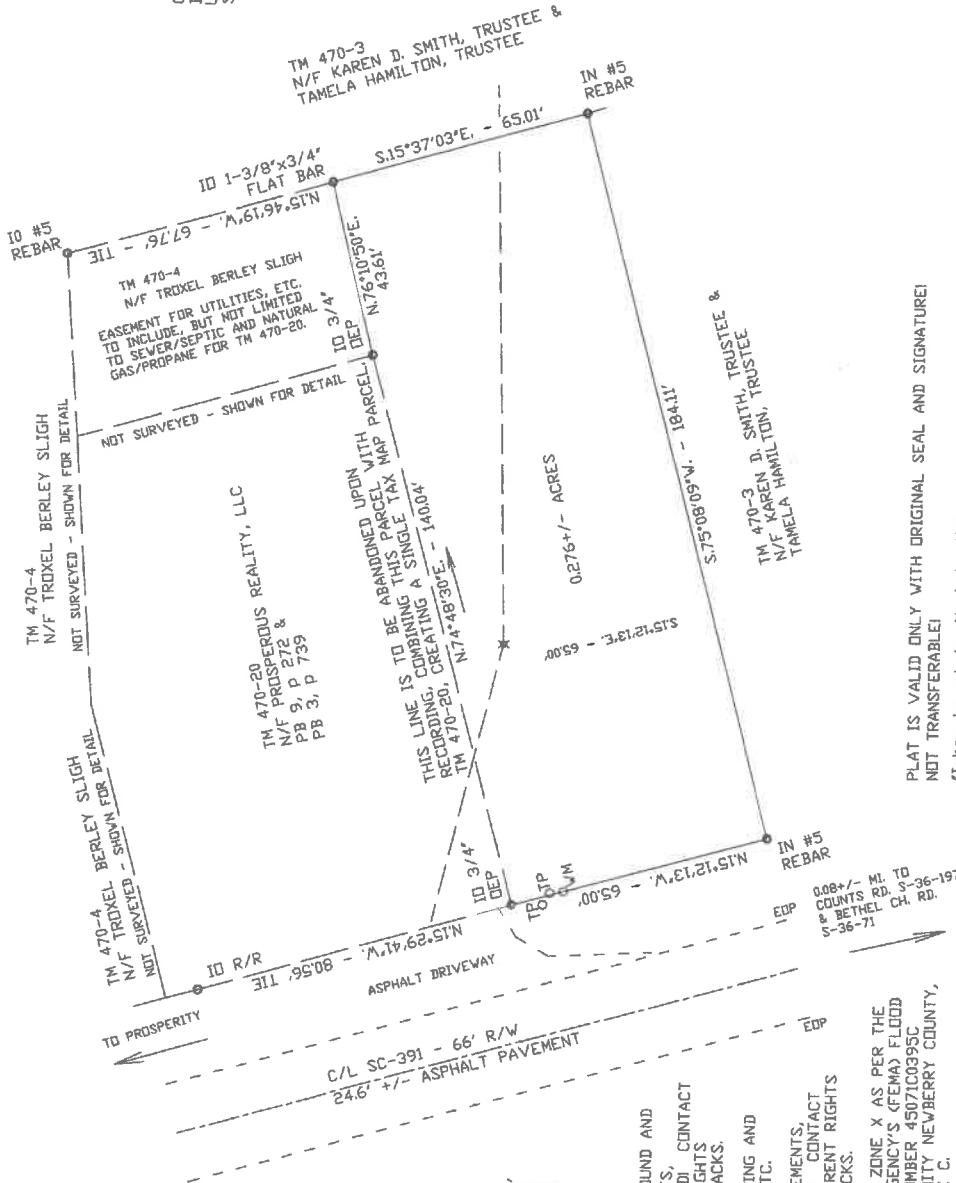


UTILITIES, ABOVE AND BELOW GROUND AND THEIR RIGHTS OF WAY, EASEMENTS, AND/OR SETBACKS NOT DELINEATED. CONTACT UTILITY COMPANY FOR CURRENT RIGHTS OF WAY, EASEMENTS AND/OR SETBACKS.

CONTACT NEWBERRY COUNTY PLANNING AND ZONING FOR CURRENT SETBACKS, ETC.

POWER LINES RIGHTS OF WAY, EASEMENTS, AND/OR SETBACKS NOT DELINEATED. CONTACT ELECTRIC POWER COMPANY FOR CURRENT RIGHTS OF WAY, EASEMENTS AND/OR SETBACKS.

THIS PARCEL IS LOCATED IN FLOOD ZONE X AS PER THE FEDERAL EMERGENCY MANAGEMENT AGENCY'S (FEMA) FLOOD INSURANCE RATE MAP (FIRM) MAP NUMBER 45071C0395C DATED SEPTEMBER 16, 2011. COMMUNITY NEWBERRY COUNTY, NUMBER 450224, PANEL 0395 SUFFIX C.



PLAT IS VALID ONLY WITH ORIGINAL SEAL AND SIGNATURE! NOT TRANSFERABLE!

I hereby state that to the best of my professional knowledge, information, and belief, the survey shown herein was made in accordance with the requirements of the Standards of Practice Manual for Surveying in South Carolina, and meets or exceeds the requirements for a Class B survey as specified therein.

03/24/2023
7832 ST. LUKES CH. RD., NEWBERRY, S.C. 29108
803-321-1699 or 803-271-8329

SCPLS 21933
WILLIAM BARTLEY DOMINICK

Exhibit A

STAFF REPORT
BOARD OF ZONING APPEALS
May 02, 2022
Case No. VA03-05-02-23

Applicant: Justin Middleton
Property Address: 4704 SC Hwy 39, Prosperity, SC 29127
Tax Map #: 470-20

Nature of Appeal: A Variance request for the relief of the 1-acre required minimum lot size in the R2-Rural zoning district.

Proposed Use: Plat Approval

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)

Exhibit C

NEWBERRY COUNTY

470-5
48.66 AC

470-3
30 AC

4740
470-4
1 AC

470-17
24 AC

X
45071C0395C

470-20
4704
470-3 PO
#3958

470-8
30 AC

R-2

Imagery collected in 2020 by Kucera International. Imagery is managed by Adam E. Mars, Senior Carolina State GIS Coordinator and hosted by ESRI.

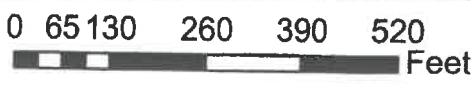


Exhibit D
VA03-05-02-23 & VA04-05-02-23





Board of Zoning Appeals Application

Date Submitted: March 23, 2023 Project Number: VA04-05-02-23

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): Justin Middleton

Address: 1279 Newberry Shores Phone: 864-887-0942 ^{Pr: 1 Property}

Owner(s) if other than Applicant: _____

Address: _____ Phone: _____

Property Address: 4704 SC HWY 391 ^{Property} Tax Map Number: 470-20

Plat Book: 9 Page Number: 272 Zoning District Classification: R2-Rural

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

Date: 3/23/23 Owner: _____

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: 3/23/23 Owner: _____

Don Richardson

Owner: _____

Reviewed for completeness by Zoning Official: _____



Board of Zoning Appeals
VARIANCE APPLICATION
FORM 3

Date Submitted: March 23, 2023 Project Number: VA04-05-02-23

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 153.089 requires a 100-foot buffer from all adjoining property lines of existing single-family residence and over →

So that a permit may be issued to allow use of the property in a manner shown on the attached plat, described as follows
11-foot variance and a 73.5-foot variance to be 89-foot and 26.5-foot

for a New canopy over the existing gas pumps.
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:

The gas pumps are existing and this is an existing commercial business.

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

This use is an existing commercial business.

- 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 canopy could Not be placed in the existing planned location on the property

- 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:

This business is an allowed use in the B2-Rural zoning district.

Exhibit A

**BOUNDARY SURVEY AND PLAT PREPARED FOR
DONNA S. FRICK and BARBARA S. LONG**

0.038+/- ACRES
FROM TAX MAP 470-4
LOCATED AT 4740 SC-391
PROSPERITY, SOUTH CAROLINA 29127, NEWBERRY COUNTY
THIS PARCEL IS TO BE CONSOLIDATED WITH TAX MAP 470-20,
CREATING A SINGLE TAX MAP PARCEL.

#3427

THIS PARCEL IS LOCATED IN FLOOD ZONE X AS PER THE
FEDERAL EMERGENCY MANAGEMENT AGENCY'S (FEMA) FLOOD
INSURANCE RATE MAP (FIRM) MAP NUMBER 450710C0395C
DATED SEPTEMBER 16, 2011. COMMUNITY NEWBERRY COUNTY,
NUMBER 450224, PANEL 0395 SUFFIX C.

THIS SURVEY MAY BE SUBJECT TO FACTS THAT MAY BE REVEALED
BY A COMPLETE AND ACCURATE TITLE SEARCH. NO ABSTRACT OF TITLE,
NOR TITLE COMMITMENT NOR RESULTS OF A TITLE SEARCH WERE
FURNISHED TO THE SURVEYOR. DOCUMENTS OF RECORD MAY EXIST
THAT WOULD AFFECT THIS PARCEL.

THIS PROPERTY MAY BE SUBJECT TO RECORDED AND/OR UNRECORDED
EASEMENTS, SETBACKS, RIGHTS-OF-WAY, RESTRICTIVE COVENANTS
AND UTILITIES NOT SHOWN HEREON.

HYDROLOGICAL / FLOOD STUDY NOT PERFORMED

CONTACT PALMETTO UTILITY PROTECTION SERVICE,
INC. DBA, SOUTH CAROLINA 811 TO LOCATE UNDERGROUND
UTILITIES, THEIR EASEMENTS, RIGHTS OF WAY AND/OR
SETBACKS.

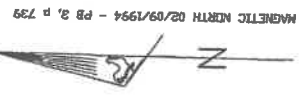
POWER LINES RIGHTS OF WAY, EASEMENTS,
AND/OR SETBACKS NOT DELINEATED. CONTACT
ELECTRIC POWER COMPANY FOR CURRENT RIGHTS
OF WAY, EASEMENTS AND/OR SETBACKS.

UTILITIES, ABOVE AND BELOW GROUND AND
THEIR RIGHTS OF WAY, EASEMENTS,
AND/OR SETBACKS NOT DELINEATED. CONTACT
UTILITY COMPANY FOR CURRENT RIGHTS
OF WAY, EASEMENTS AND/OR SETBACKS.
CONTACT NEWBERRY COUNTY PLANNING AND
ZONING FOR CURRENT SETBACKS, ETC.



I hereby certify that this lot
meets all zoning requirements.
Planning Official WLD/WJS
Date 4/2/2022

William Bartley Diminick
01/18/2022 REV 04/13/2022 WILLIAM BARTLEY DIMINICK
7832 ST. LUKES CH. RD., NEWBERRY, S.C. 29108
803-321-1699 or 803-271-8929

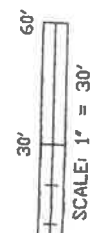
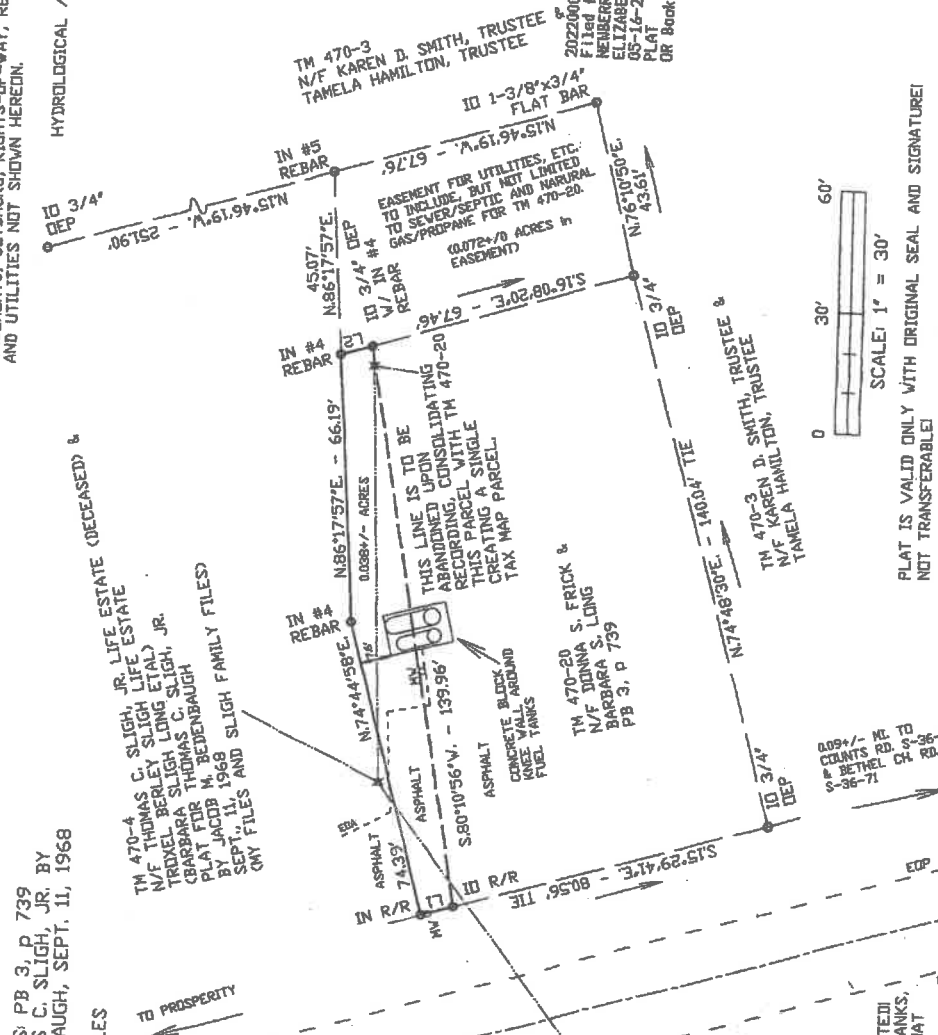
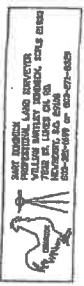


- IN = IRON OLD
- ID = IRON NEW
- C/L = CENTER LINE
- R/W = RAILROAD SPRAKE
- W/V = NEW OR FORMERLY
- TM = TAX MAP
- PB = PLAT BOOK
- DB = DEED BOOK
- P = PAGE
- X = POWER LINE
- MV = MONITORING WELL
- EDP = EDGE OF PAVEMENT
- EPA = EDGE OF ASPHALT PARKING LOT

LINE #	BEARING	DISTANCE
L1	N15°29'41"W	8.24'
L2	S16°08'20"E	8.24'

REVISED 04/13/2022 TO ADD
EASEMENT AREA BEHIND TN 470-20.

UNDERGROUND STRUCTURES NOT LOCATED!
THERE MAY BE UNDERGROUND FUEL TANKS,
PIPES AND/OR ELECTRICAL WIRES THAT
ARE NOT LOCATED!



PLAT IS VALID ONLY WITH ORIGINAL SEAL AND SIGNATURE!
NOT TRANSFERABLE!

I hereby state that to the best of my professional knowledge,
information, and belief, the survey shown herein was made in accordance
with the requirements of the Standards of Practice Manual for Surveying
in South Carolina, and meets or exceeds the requirements for a Class B
survey as specified therein.

TM 470-3
N/F KAREN D. SMITH, TRUSTEE &
TAMELA HAMILTON, TRUSTEE
202200068390
Filed for Record in
NEWBERRY COUNTY, SC
ELIZABETH P. FOLK, CLERK OF COURT
08-16-2022 at 02:31 p.m.
25.00
OR Book 9 Page 272 - 272

Exhibit B

STAFF REPORT
BOARD OF ZONING APPEALS
May 02, 2022
Case No. VA04-05-02-23

Applicant: Justin Middleton
Property Address: 4704 SC Hwy 39, Prosperity, SC 29127
Tax Map #: 470-20

Nature of Appeal: A Variance request for the relief of the 100-foot required buffer from all adjoining property lines of existing single-family residential and adjacent residentially zoned properties.

Proposed Use: A new canopy over the existing gas pumps.

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.

§153.089 Rural District Conditional Uses (See Zoning Ordinance)

NEWBERRY COUNTY

Exhibit C(2)

470-5
48.66 AC

470-3
30 AC

470-17
24 AC

X
45071C0395C

4740
470-4
1 AC

470-20
4704

470-3 PO
#3958

470-8
30 AC

R-2

Imagery collected in 2020 by Kucera International. Imagery is managed by Adam DeMars, South Carolina State GIS Coordinator and hosted by ESRI.



0 65 130 260 390 520
Feet

Grubhit ☺
VA03-05-02-23 & VA04-05-02-23



§ 153.089 RURAL DISTRICT CONDITIONAL USES.

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.

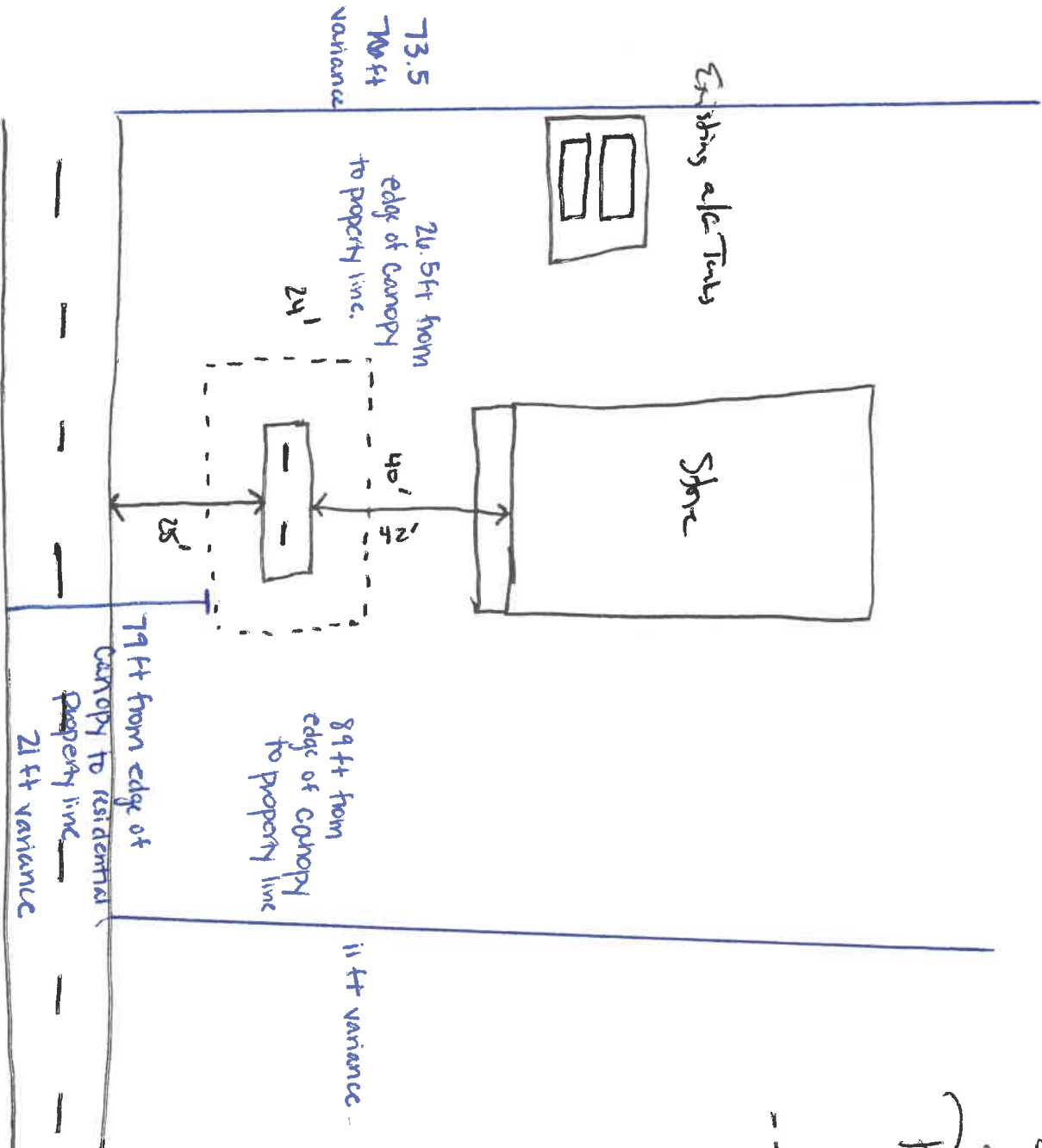
(e) *Noise.* As required by §§ 90.01 through 90.99 - Noise of the Newberry County Code of Ordinances.

(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.

f + 19:42.3



Sligh's Store
 Hwy 391
 Prosperity, SC 29127

--- Proposed Canopy



Board of Zoning Appeals Application

Date Submitted: 3-31-23 Project Number: VA09-05-02-23

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): Burnie Martin Sr
 Address: 50 Jennings Pt, Prosperity SC 29127 Phone: 803-707-2904

Owner(s) if other than Applicant: Same as Above
 Address: _____ Phone: _____

Property Address: Jennings Pt, Prosperity SC 29127 Tax Map Number: 653-1-1
 Plat Book: D18 Page Number: 8 Zoning District Classification: RS

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

Date: 3-31-23 Owner: [Signature]
 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: _____

pd 3-31-23



Board of Zoning Appeals
VARIANCE APPLICATION
FORM 3

Date Submitted: 3-31-23 Project Number: VA05-05-02-23

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 153.168 of the zoning code requires the New Structure to be the average of the principal structures on the adjacent lake properties

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

Needs a 15-foot variance to be 98-foot from the 360-foot contour on Lake Murray for a New 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 Sate 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:

There is an Existing home on the property with a septic system preventing the New Home from being placed in the require 113-foot setback from the 360-foot contour.

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

This property is large enough to have 2 residential houses

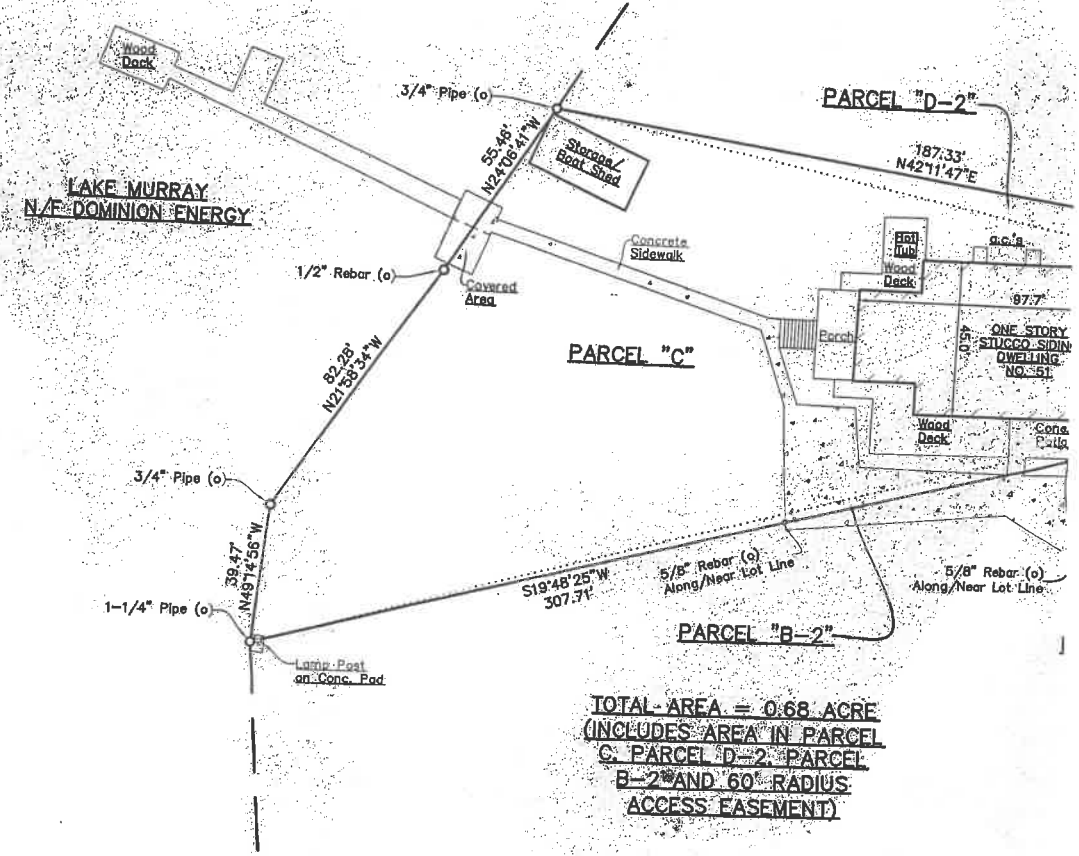
c. Because of these conditions, the application of the ordinance to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property as follows:

The 2nd home could Not be built on this property.

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 site builthouse is for residential use

77hibi + H



TOTAL AREA = 0.68 ACRE
(INCLUDES AREA IN PARCEL
C, PARCEL D-2, PARCEL
B-2 AND 60' RADIUS
ACCESS EASEMENT)

NO.	DATE	DESCRIPTION
1	10/30/2020	Revised to show building, corner in road, change name.


COX AND DINKINS
 ENGINEERS • SURVEYORS • LANDSCAPE ARCHITECTS
 724 BELTLINE BLVD.
 COLUMBIA, SC 29205
 803.254.0518
 COXANDINKINS.COM

PLA

PREPARE

MARTHA JANE JENN
DOROTHY ELIZABETH

NEWBERRY COUNTY, NE

DATE: **OCTOBER 30, 2020**

SCALE: 1" = 30'

TAX MAP NUI: 653-1-8

DRAWER

STAFF REPORT
BOARD OF ZONING APPEALS
May 02, 2023
Case No. VA05-05-02-23

Applicant: Burnie Martin, Jr.
Property Address: Jennings Pt., Prosperity, SC
Tax Map #: 653-1-1

Nature of Appeal: A Variance request for the relief of the 113-foot required setback from the 360-contour of Lake Murray, to be 98-feet from the 360-contour.

Proposed Use: A 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.

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

NEWBERRY COUNTY

Exhibit C
653-2-4 653-2-5

797
653-1-6

9
653-1-10

653-1-9-1
1.75 AC

Jennings Pt Rd - PRIVATE

24
X

653-1-7

51

50

653-1-1-1

653-1-3

653-1-1
2.04 AC

8

45071C0480C

RS

653-1-2
1.68 AC

148

360

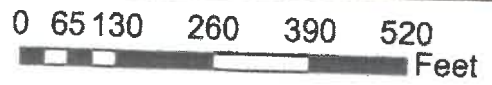
77

115

AE

Lake Murray

Imagery collected in 2020 by Kucera International. Imagery is managed by Adam DeMars, South Carolina State GIS Coordinator and hosted by ESRI.



1A05-05-02-23

Exhibit D



§ 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)



Board of Zoning Appeals Application

Date Submitted: April 3, 2023 Project Number: VA00-05-02-23

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): Jeff + Melinda Littlejohn
Address: 152 Browns Creek Ch. Rd. Phone: 864-426-6891
Union SC 29379

Owner(s) if other than Applicant: _____
Address: _____ Phone: _____

Property Address: 784 Marina Way Tax Map Number: 592-2-123
Prosperity SC 29127
Plat Book: AG Page Number: 97 Zoning District Classification: RSM

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

Date: 4/3/23
Owner: Jeff Littlejohn
Owner: Melinda Littlejohn

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: Katu Werts



Board of Zoning Appeals
VARIANCE APPLICATION
FORM 3

Date Submitted: April 3, 2023 Project Number: VA06-05-02-23

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 requires a 25-foot setback from the road right-of-way.

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

Needs a 23-foot variance to be 2-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 piece of property as follows:

The existing home will be Demolished and the New House will be moved forward to get out of the flood zone.

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

most of these properties in this vicinity are already developed

- 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 out of the FEMA flood zone.

- 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 allowed in the RSm- single family Residential zoning district.

Exhibit B

STAFF REPORT
BOARD OF ZONING APPEALS
May 2, 2023
Case No. VA06-05-02-23

Applicant: Jeff & Melinda Littlejohn
Property Address: 784 Marina Way, Prosperity, SC
Tax Map #: 592-2-123

Nature of Appeal: This is a request for a 23-foot variance from the required 25-foot front yard setback, to be 2-foot from the road right-of-way.

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

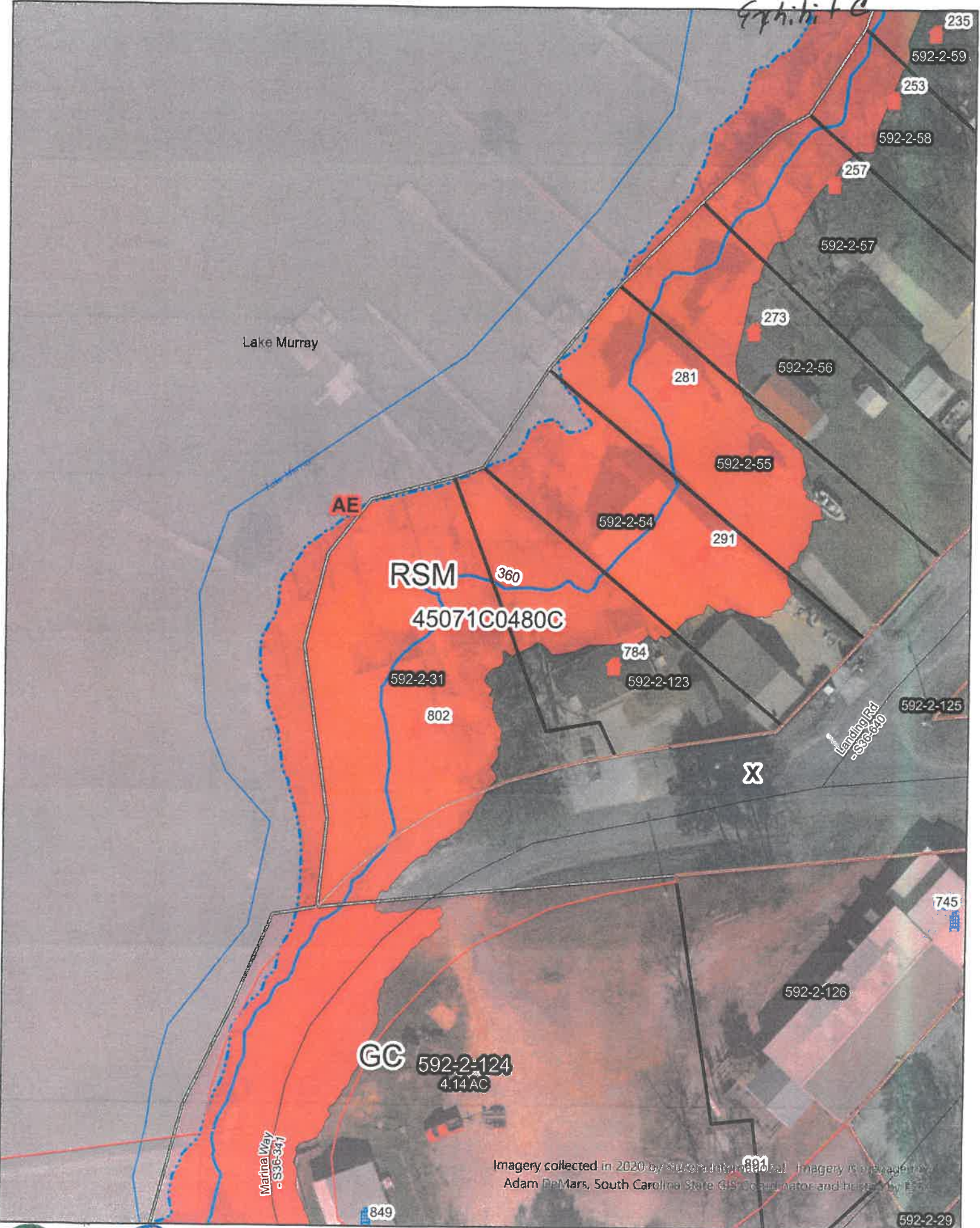
Board Determines: The Board is required to consider the following factors, per section 153.052(A)-(F) of the Zoning Ordinance:

153.052 (C) (1 - 5)

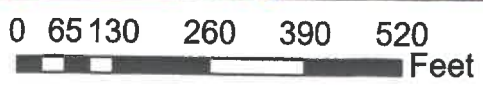
- 1) There are extraordinary and exceptional conditions pertaining to a particular piece of property;
- 2) These conditions do not generally apply to other property in the vicinity or in that district;
- 3) Because of these conditions, the application of the ordinance to a particular piece of property 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)

974.1110



Imagery collected in 2020 by Swire International. Imagery provided by Adam DeMars, South Carolina State GIS Coordinator and heath@sc.gov



VA 06-05-02-23 & VA 07-05-02-23

Exhibit D





Board of Zoning Appeals Application

Date Submitted: April 3, 2023 Project Number: VA07-05-02-23

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): Jeff & Melinda Littlejohn

Address: 152 Browns Creek Ch. Rd. Phone: 804-426-6891
Union. Sc 29379

Owner(s) if other than Applicant: _____

Address: _____ Phone: _____

Property Address: 784 Marina Way Prosperity Tax Map Number: 592-2-123

Plat Book: _____ Page Number: _____ Zoning District Classification: RSM

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

Date: 4/3/23

Owner: [Signature]

Owner: [Signature]

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 Wenas



Board of Zoning Appeals
VARIANCE APPLICATION
FORM 3

Date Submitted: April 3, 2023 Project Number: VA07-05-02-23

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 requires a 25-foot front yard setback and a 7-foot side yard setback

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 23-foot variance to be 2-foot from the road right-of-way & a 5-foot variance to be 2-foot from the side lot line for New shed placement
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:

New House placement will cause the existing shed to be replaced in the new location.

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

The other properties in this vicinity are already developed

- 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 existing shed could not be placed 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 shed is existing and will just be relocated on the property once ^{the} New home has been completed

Exhibit B

STAFF REPORT
BOARD OF ZONING APPEALS
May 2, 2023
Case No. VA07-05-02-23

Applicant: Jeff & Melinda Littlejohn
Property Address: 784 Marina Way, Prosperity, SC
Tax Map #: 592-2-123

Nature of Appeal: This is a request for a 23-foot variance from the required 25-foot front yard setback and a 5-foot variance from the required 7-foot side yard setback to be 2-foot from the road right-of-way and 2-foot from the side lot line.

Proposed Use: To relocate an existing shed for personal use.

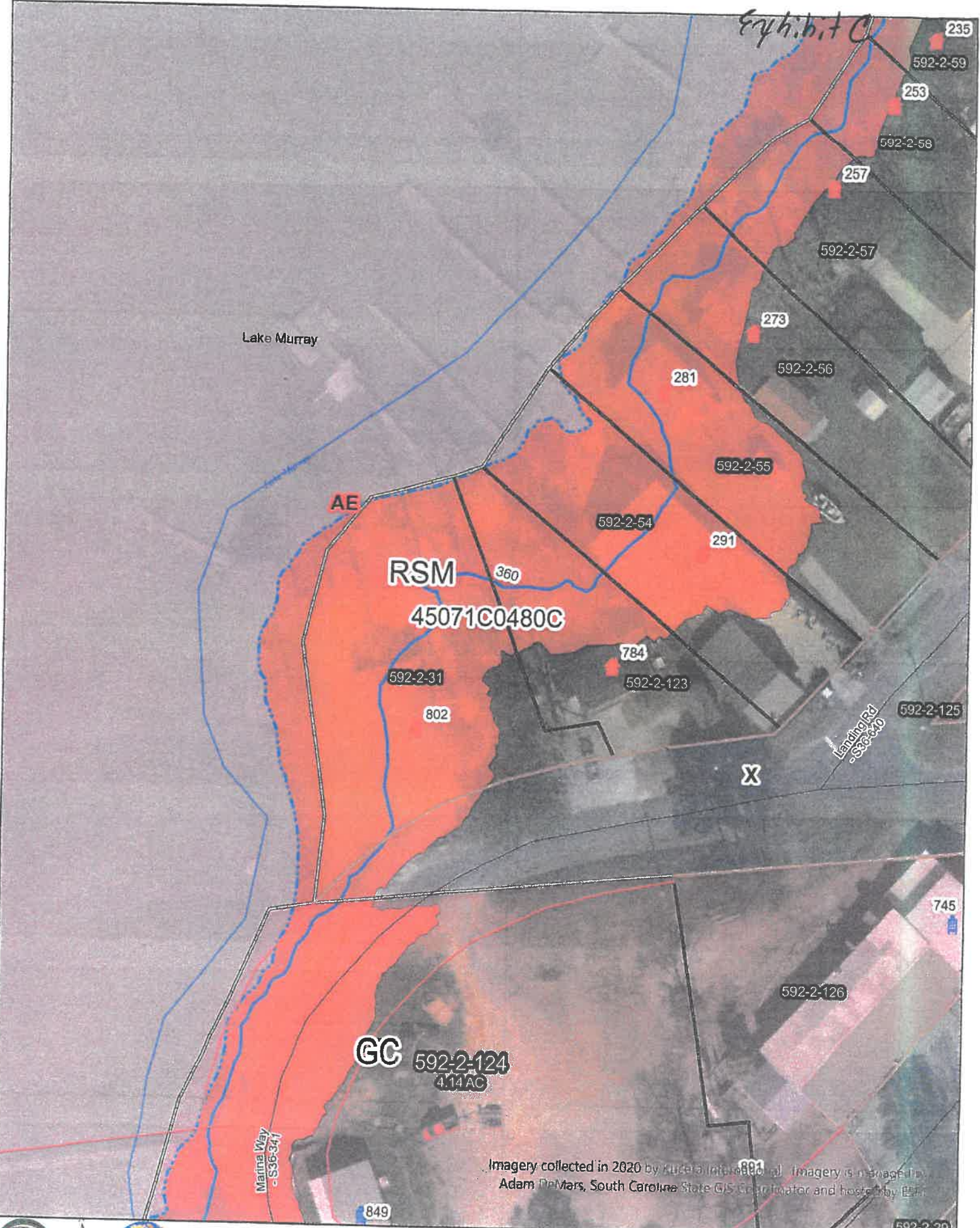
Board Determines: The Board is required to consider the following factors, per section 153.052(A)-(F) of the Zoning Ordinance:

153.052 (C) (1 - 5)

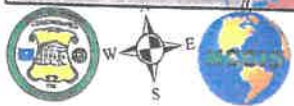
- 1) There are extraordinary and exceptional conditions pertaining to a particular piece of property;
- 2) These conditions do not generally apply to other property in the vicinity or in that district;
- 3) Because of these conditions, the application of the ordinance to a particular piece of property 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)

Exhibit C



Imagery collected in 2020 by Lucera (airphoto.com). Imagery is managed by Adam DeVries, South Carolina State GIS Coordinator and hosted by Esri.



VA06-05-02-23 & VA07-05-02-23

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 Weas

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
Race track

_____ 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

Chad W. Randolph
Applicant

Applicant

Reviewed for completeness by Zoning Official _____

Exhibit A

MAG

THIS PROPERTY IS SUBJECT TO ALL EASEMENTS RIGHTS-OF-WAY RESTRICTIVE COVENANTS BILLING STATICS SCHEME AND OTHER LAND USE REGULATIONS OR RESTRICTIONS AND ENVIRONMENTAL LAWS BE THEY OF RECORD OR ON THE REVEALED BY AN AGENCIES 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" REBAR UNLESS NOTED OTHERWISE

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

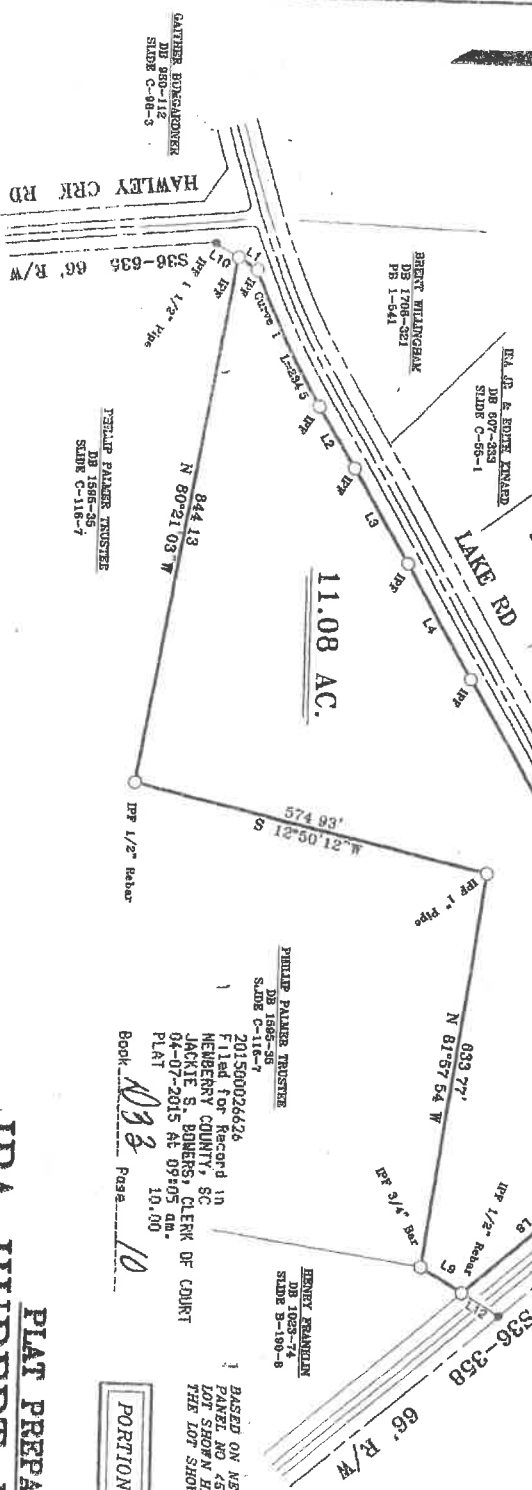
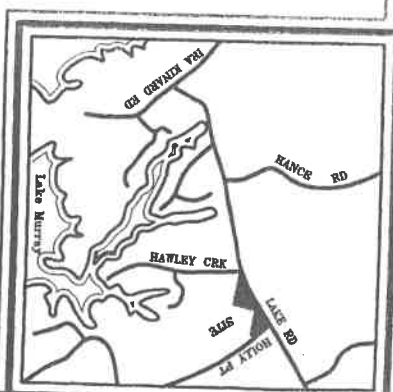
CERTIFICATION OF THIS PLAT AND IT'S USE IS FOR THOSE PARTIES FOR WHOM IT IS PREPARED ONLY AND IS NOT TRANSFERABLE

COPYRIGHT 2014 TODD SURVEYS INC

I HEREBY STATE THAT TO THE BEST OF MY KNOWLEDGE INFORMATION AND BELIEF THE SURVEY SHOWN HEREON WAS MADE IN ACCORDANCE WITH THE REQUIREMENTS OF THE MAPPING 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	Date	Degree	Chord	Chord Bear
Curve 1	1493.00	117.49	234.50	8°39'57"	3°50'15"	234.26	N 63°51'22" E

Course	Bearing	Distance
L1	N 31°35'07" E	35.94
L2	N 69°20'49" E	112.74
L3	N 59°09'52" E	171.13
L4	N 59°31'47" E	208.88
L5	N 59°21'25" E	707.80
L6	S 80°48'34" E	77.82
L7	S 40°50'58" E	148.79
L8	S 40°18'49" E	283.39
L9	S 30°47'55" W	78.64
L10	N 31°38'41" E	42.36
L11	S 30°47'58" W	69.71



PHILIP PALMER TRUSTEE
DB 1586-35
SLIDE C-116-7

201300026426
Filed for Record in
NEWBERRY COUNTY, SC
JACKIE S. BOMERS, CLERK OF COURT
04-07-2015 AT 09:05 am.
PLAT
10.00
Book 1033 Page 10

BASED ON NEWBERRY COUNTY FIRM MAP 45070489C - COMMUNITY PANEL NO 450129 0096 C - REVISED DATE OF 05/25/09 THE LOT SHOWN HEREON IS NOT IN A SPECIAL FLOOD HAZARD ZONE THE LOT SHOWN HEREON IS DESIGNATED ZONE X BY MAP LEGEND

PORTION OF TMS 534-4

I hereby certify that this lot meets all zoning requirements

A. Ferguson
Planning Officer

PLAT PREPARED FOR
IRA HUBERT KINARD JR.

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

TODD SURVEYS INC.
200 DENNY HWY.
SAULDA, S.C. 29133
864-446-7892



GEORGE S TODD PLS 7409
1/22/2015



Exh: bit 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:

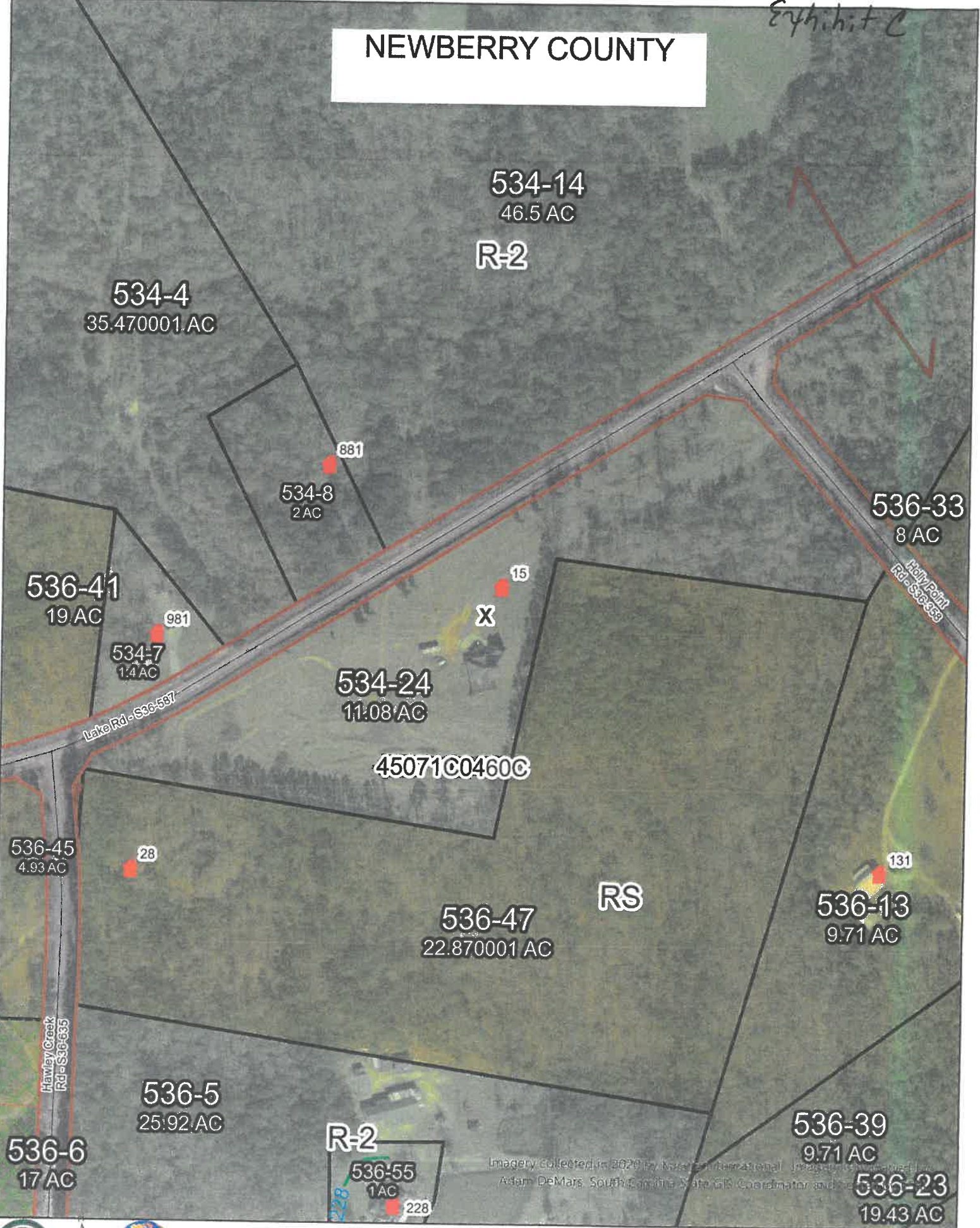
- 1) The use will not materially endanger the public health or safety if located, designed, and proposed to be operated according to the information submitted.
- 2) The use complies with all regulations and standards of this ordinance.
- 3) The use will not substantially injure the value of adjoining 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.

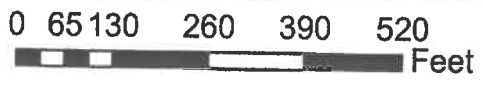
And conditions as written in section 153.089 & 153.142 of the Newberry County Zoning Ordinance:

Exhibit C

NEWBERRY COUNTY

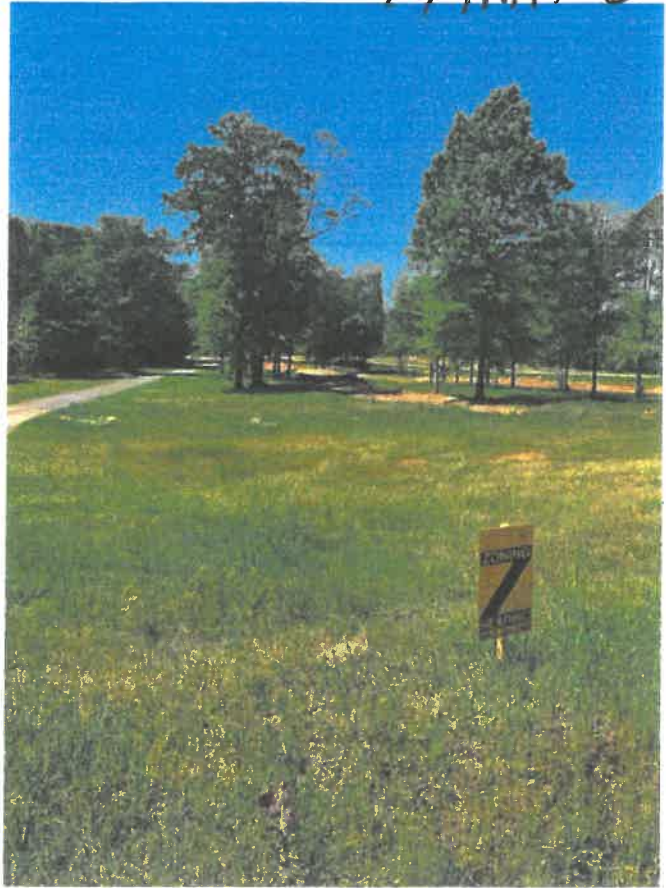


Imagery collected in 2020 by Earthstar International. Imagery processed by Adam DeMars, South Carolina State GIS Coordinator and the South Carolina State GIS Office.



SE 01-04-04-23

Exhibit D



Date of Pic 4-17-23

Exhibit (1)

**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.

Εγχ. hit ε(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)