

**AGENDA**  
**Newberry County Board of Zoning Appeals**  
**Tuesday, September 6, 2022 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 July 5, 2022:**

**III. Old Business:** None

**IV. New Business: Case Presentation**

Case # VA01-09-06-22, A Variance request for the relief of the average of the 50-foot setback from the 360-contour of Lake Murray to be 33-feet, to extend the roof over an existing building. The property is located at 208 Living Inn Ct., Prosperity, SC. Tax Map # 653-55

**V. Other Business:** None

**VI. Discussion and Informational Items:**

a) Next scheduled BZA meeting is October 4, 2022 at 5:30 p.m.

**VII. Adjourn:**

Attachments

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

**DRAFT**

**Members Present:**

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

**Members Absent:**

None

**Other Attendees:**

Katie Werts, Zoning Administrator  
Ron Powell, Director of Building  
Inspections, Planning and Zoning

**Other Attendees, continued**

Bridgett Fain, Secretary  
Lori Smith, Administrative Support  
Rhonda Williams, Applicant  
Tammy Folk, Applicant  
Steven Samonsky, Applicant  
Jenesca Hazel, Applicant  
Robert McNealy Applicant  
Jeremy Bivens, Applicant  
David Lake, Applicant  
Scott Walker, Concerned Citizen  
David Arango, Concerned Citizen  
Cynthis Longworth, Concerned Citizen  
Tori Rockwell, Concerned Citizen  
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 May 3, 2022, meeting was reviewed. A motion to approve the minutes as written was made by Vice-Chairman Anna Kay Coleman, seconded by Ty Ransdell. The vote was unanimous to approve the minutes as written.

**Old Business:** None

**New Business: Case Presentation**

Case # AA01-07-05-22, An Administrative Appeal from the actions of the Zoning Official on the two-acre requirement for a new cemetery. The property is located Belmont Church Rd., Silverstreet SC. Tax Map # 147-22

Katie Werts presented the case to the Board as outlined in the Staff Report. She stated that the applicant, Rhonda Williams, is requesting this Administrative Appeal to be allowed to have a new cemetery for family use on less than an acre. After a lengthy discussion with various pertinent questions from the board members, Ty Ransdell made a motion to approve the request, seconded by Vice-Chairman Anna Kay Coleman. The vote was unanimous to approve the variance.

Case # VA01-07-05-22, A Variance request for the relief of the 100-foot buffer from the adjacent property line, for a pet care facility. The property is located at 4189 A Indian Creek Rd., Kinards, SC. Tax Map # 165-17

Hugh Lister recused himself from case # VA01-07-05-22, due to the applicant caring for his pets.

Katie Werts presented the case to the Board as outlined in the Staff Report. She stated that the applicant, Tammy Folk, is requesting this variance to be allowed to have a pet care facility 64-foot from the adjoining property line. After a lengthy discussion with various pertinent questions from the board members, Doug Hipp made a motion to approve the request, seconded by Patrick Wilkes. The vote was unanimous to approve the variance.

Case # VA02-07-05-22, A Variance request for a 15.5-foot front yard setback for a new site-built house. The property is located at 1117 Peninsula Dr., Prosperity, SC. Tax Map # 655-1-102

Katie Werts presented the case to the Board as outlined in the Staff Report. She stated that the applicants, Steven and Linda Samonsky, are requesting this variance to be allowed to place a new site-built house on this property for residential use, 15.5-foot from the road right-of-way. After a lengthy discussion with various pertinent questions from the board members, Patrick Wilkes made a motion to approve the request, seconded by Hugh Lister. The vote was unanimous to approve the variance.

Case # VA03-07-05-22, A Variance request for the relief of the average of the 55-foot setback from the 360-contour of Lake Murray to be 39-feet, for the placement of a new site-built house. The property is located at 1117 Peninsula Dr., Prosperity, SC. Tax Map # 655-1-102

Katie Werts presented the case to the Board as outlined in the Staff Report. She stated that the applicants, Steven and Linda Samonsky, are requesting this variance to be allowed to place a new site-built house on this property for residential use, 39-foot from the 360-contour of Lake Murray. After a lengthy discussion with various pertinent questions from the board members, Doug Hipp made a motion to approve the request, seconded by Vice-Chairman Anna Kay Coleman. The vote was unanimous to approve the variance.

Case # VA04-07-05-22, A Variance request for the relief of the 100-foot buffer from the rear property line, for mini-warehouses and commercial personal storage buildings. The property is located at 119 Pender Ridge Rd., Newberry, SC. Tax Map # 340-2-21

Katie Werts presented the case to the Board as outlined in the Staff Report. She stated that the applicant, Jenesca Hazel, is requesting this variance for a 22.3-foot buffer from the adjoining rear property line to be allowed to have a mini-warehouses business on this property for commercial use. After a lengthy discussion with various pertinent questions from the board members, Hugh Lister made a motion to approve the request, seconded by Ty Ransdell. The vote was unanimous to approve the variance.

Case # VA05-07-05-22, A Variance request for the relief of the 100-foot buffer from the east property line, for mini-warehouses and commercial personal storage buildings. The property is located at 119 Pender Ridge Rd., Newberry, SC. Tax Map # 340-2-21

Katie Werts presented the case to the Board as outlined in the Staff Report. She stated that the applicant, Jenesca Hazel, is requesting this variance for a 14.4-foot buffer from the adjoining east property line to be allowed to have a mini-warehouses business on this property for commercial use. After a lengthy discussion with various pertinent questions from the board members, Vice-Chairman Anna Kay Coleman made a motion to approve the request, seconded by Patrick Meetze. The vote was unanimous to approve the variance.

Case # VA06-07-05-22, A Variance request for the relief of the 100-foot buffer from the west property line, for mini-warehouses and commercial personal storage buildings. The property is located at 119 Pender Ridge Rd., Newberry, SC. Tax Map # 340-2-21

Katie Werts presented the case to the Board as outlined in the Staff Report. She stated that the applicant, Jenessa Hazel, is requesting this variance for a 30.5-foot buffer from the adjoining west property line to be allowed to have a mini-warehouses business on this property for commercial use. After a lengthy discussion with various pertinent questions from the board members, Hugh Lister made a motion to approve the request, seconded by Patrick Wilkes. The vote was unanimous to approve the variance.

Case # VA07-07-05-22, A Variance request for a 2-foot side yard setback for a new storage building. The property is located at 1030 Leisure Point Rd., Prosperity, SC. Tax Map # 532-1-43

Katie Werts presented the case to the Board as outlined in the Staff Report. She stated that the applicant, Robert McNeely, is requesting this variance to be allowed to place a new storage building on this property for personal use, 2-foot from the side lot line. After a lengthy discussion with various pertinent questions from the board members, Doug Hipp made a motion to approve the request, seconded by Ty Ransdell. The vote was unanimous to approve the variance

Case # VA08-07-05-22, A Variance request for a 17-foot front yard setback for a new storage building. The property is located at 1016 Leisure Point Rd., Prosperity, SC. Tax Map # 532-1-44

Katie Werts presented the case to the Board as outlined in the Staff Report. She stated that the applicants, Jeremy and Heather Bivens, are requesting this variance to be allowed to place a new storage building on this property for personal use, 17-foot from the road right-of-way. After a lengthy discussion with various pertinent questions from the board members, Hugh Lister made a motion to approve the request, seconded by Doug Hipp. The vote was unanimous to approve the variance

Case # VA09-07-05-22, A Variance request for a 2-foot front yard setback for a new pole building. The property is located at 545 Lakestone Dr., Whitmire, SC. Tax Map # 254-1

Katie Werts presented the case to the Board as outlined in the Staff Report. She stated that the applicant, Kimper David Lake, is requesting this variance to be allowed to place a new pole building on this property for personal use, 2-foot from the road right-of-way. After a lengthy discussion with various pertinent questions from the board members, Doug Hipp made a motion to approve the request, seconded by Ty Ransdell. The vote was unanimous to approve the variance

**Other Business:** None

**Discussion and Informational Items:**

- a. **Next scheduled BZA meeting is August 2, 2022, at 5:30 p.m.**

**Adjourn:** Due to there being no other business, Vice-Chairman Anna Kay Coleman made a motion to adjourn the meeting, seconded by Doug Hipp, and Chairman Wayne Boland adjourned the meeting at 7:11 p.m.

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

Date Filed: 8-3-22 Fee Paid: 100.00 Appeal No.: VA01-09-06-22

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] Jerry Weatherford  
Address: 208 Living Inn Ct. Prosperity, SC 29127  
Telephone: 803-924-8176 [work] \_\_\_\_\_ [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: 208 Living Inn Ct. Prosperity, SC 29127  
Tax Map No. (TMS #): 653-55 Plat Book: 8 Page No.: 474  
Zoning District Classifications: RS

DESIGNATION OF AGENT [complete *only* if owner *is not* applicant]:  
I \_\_\_/We \_\_\_ hereby appoint the person named as Applicant as my \_\_\_/our \_\_\_ agent to represent me \_\_\_/us \_\_\_ in this application.

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

Owner \_\_\_\_\_

Owner \_\_\_\_\_

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

Date: 8-3-22

Jerry Weatherford  
Applicant  
Applicant

Reviewed for completeness by Zoning Official Katli Werts

Variance Application  
Form 3  
Board of Zoning Appeals  
County of Newberry

Date Filed: 8-3-22

Fee Paid: \$100.00

Appeal No.: VA01-09-06-22

1. Applicant hereby appeals to the Board of Zoning Appeals for a variance from the strict application to the property described in Notice of Appeals (Form 1) of the following provisions of the Zoning Ordinance: Section 153.168 requires the setback to be 50-foot from the 300-Contour on Lake Murray. so that a permit may be issued to allow use of the property in a manner shown on the attached plat (site plan), described as follows: A 17-foot Variance to be 33-foot from the 300-Contour on Lake Murray to extend the roof over existing building for which a permit has been denied by a zoning official on the grounds that the proposal would be in violation of the cited sections of the Zoning Ordinance.

2. The application of the ordinance will result in unnecessary hardship, and the standards for a variance as set by State law and the ordinance are met by the following findings of fact:

a. There are extraordinary and exceptional conditions pertaining to the particular piece of property as follows:

There was an existing cover over the location on lakeside of existing building, prior to New owner buying property that was in very poor shape had to be replaced.

b. These conditions do not generally apply to other property in the vicinity as shown by: There was an existing cover on lakeside of my building.

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 cover would not be able to be replaced

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 Cover is open with a roof over New open deck.

e. The effect of the variance  would  would not allow the establishment of a use not otherwise permitted in the zoning district;  would  would not extend physically a nonconforming use of the land;  would  would not change the zoning district boundaries shown on the official zoning map.

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

- Exhibit A. Plat (Site Plan) Plat
- Exhibit B. Stair Repair
- Exhibit C. G.I.S. Aerial
- Exhibit D. Department Photographs
- Exhibit E. Property owners Photograph
- Exhibit F. Section 153.168 of Zoning Code

Appeal No.: \_\_\_\_\_

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

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

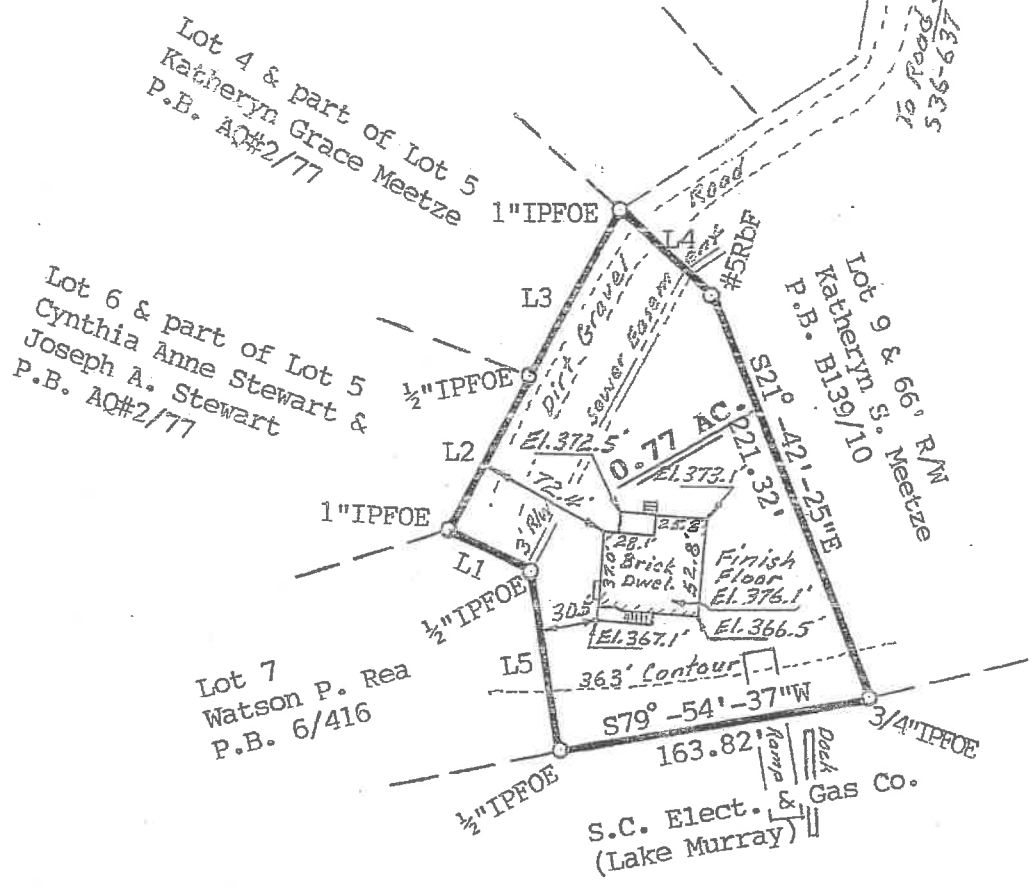
8-16-22  
Tanene Alvingford [Signature]

Applicant

Applicant

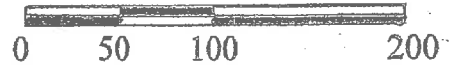
Reviewed for completeness by Zoning Official

Kati Nantz



LINE	BEARING	DISTANCE
L1	N61°-46'-19"W	50.00'
L2	N28°-21'-54"E	91.44'
L3	N28°-17'-26"E	96.31'
L4	S47°-11'-26"E	68.17'
L5	N09°-39'-25"W	93.06'

- LEGEND**
- IPFOE Iron Pin Found Opened End
  - P.B. Plat Book
  - RbF Rebar Found
  - R/W Right-of-way



**NOTES:**  
 Reference is made to Plat Book B139, Page 10, & Deed Book 591, Page 40. Also reference to Plat Book 6, Page 416, for 3' R/W Sewer Easement.  
 Dwelling Elevations are at intersection of existing ground & structure at time of survey. Elevations and 363 contour line are based on NGVD29 data.  
 Reference to existing TMS No. 653-55.

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

SURVEY & PLAT PREPARED FOR

**PHILIP D. OSBURN**

LIVING INN SUBDIVISION  
 NEWBERRY COUNTY  
 SOUTH CAROLINA

SCALE: 1" = 100' DATE: July 16, 2003

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



STAFF REPORT  
BOARD OF ZONING APPEALS  
September 6, 2022  
Case No. VA01-09-06-22

Applicant: Jerry Weatherford  
Property Address: 208 Living Inn Ct., Prosperity, SC  
Tax Map #: 653-55

**Nature of Appeal:** A Variance request for the relief of the 50-foot setback from the 360-contour of Lake Murray to be 33-feet from the 360-contour, to extend the roof over an existing building.

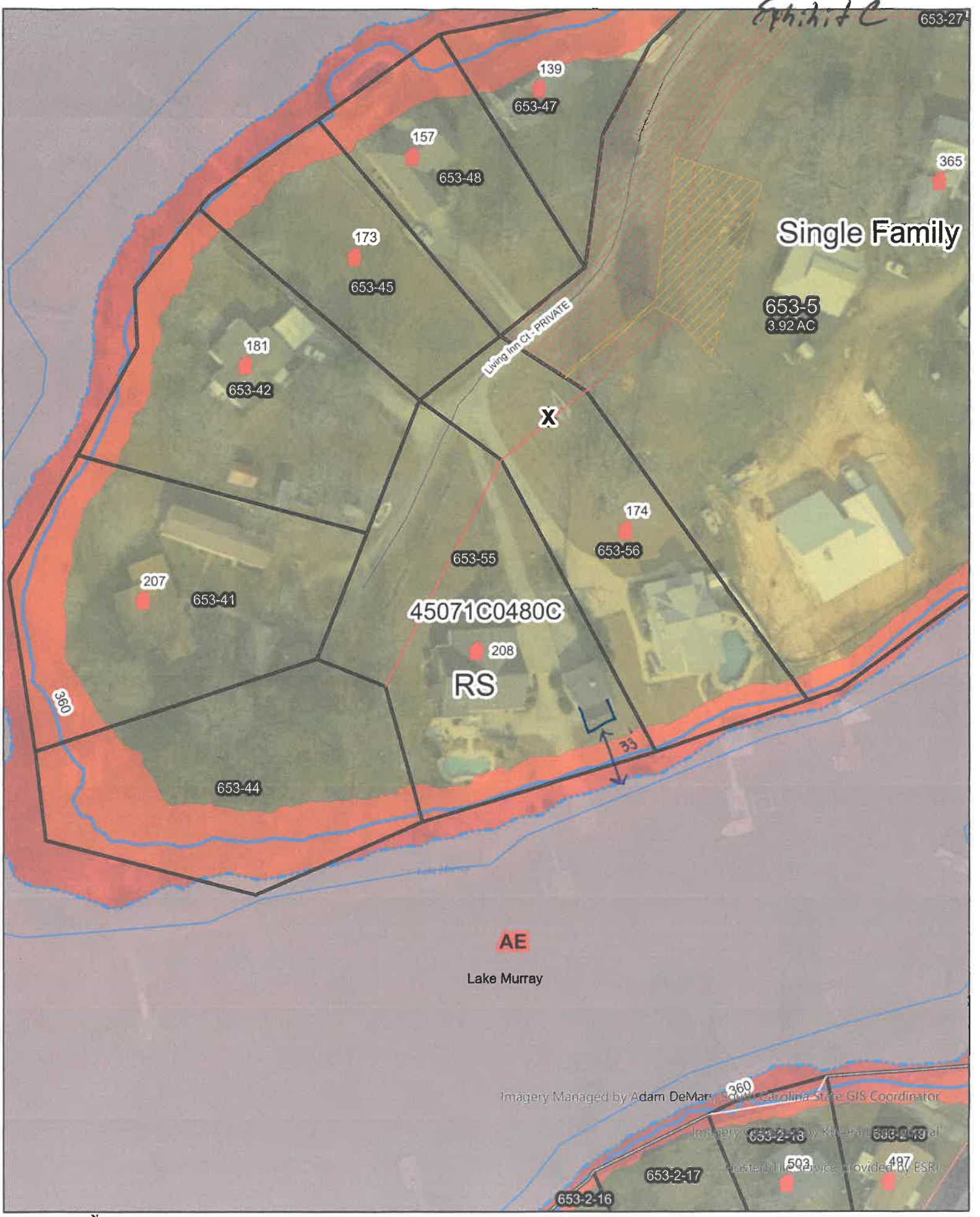
**Proposed Use:** The extended roof is for personal use.

**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)



Single Family

45071C0480C

RS

AE

Lake Murray

Imagery Managed by Adam DeMar, South Carolina State GIS Coordinator

Imagery © 2010 by Google

Processed with services provided by ESRI



Exhibit D



Zoning Pictures

Exhibit E



**AREA, SETBACK AND DIMENSIONAL REQUIREMENTS**

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

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

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

**§ 153.166 CONFORMANCE.**

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

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

**§ 153.167 MODIFICATION OF REQUIREMENTS.**

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

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

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

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

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

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

**§ 153.169 ORIENTATION OF REQUIRED YARDS.**

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

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

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

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