

AGENDA
Newberry County Board of Zoning Appeals
Tuesday, October 4, 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 September 6, 2022:

III. Old Business: None

IV. New Business: Case Presentation

Case # VA01-10-04-22, A Variance request for a 2-foot front yard setback for a new 12' x 21' open carport. The property is located at 6380 Counts Sausage Rd., Newberry, SC.
Tax Map # 357-19.

Case # VA02-10-04-22, A Variance request for a 16-foot front yard setback for a new pole building. The property is located at 181 Holiday Acres Rd., Prosperity, SC.
Tax Map # 650-1-22

V. Other Business: None

VI. Discussion and Informational Items:

a) Next scheduled BZA meeting is November 1, 2022 at 5:30 p.m.

VII. Adjourn:

Attachments

MINUTES OF MEETING
Newberry County Board of Zoning Appeals
Tuesday, September 6, 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

Members Absent:

None

Other Attendees:

Katie Werts, Zoning Administrator
Bridgett Fain, Secretary
Lori Shealy, Administrative Support
Jerry Weatherford, Applicant
Tamara Weatherford, Applicant
Kyle Parker, Attorney representing adjacent property owner on lot 653-56
Other Concerned Citizens

Call to Order and Determination of Quorum: Chairman Doug Hipp 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 July 5, 2022, meeting was reviewed. A motion to approve the minutes as written was made by Doug Hipp, seconded by Vice-Chairman Anna Kay Coleman. The vote was unanimous to approve the minutes as written.

Old Business: Chairman Wayne Boland updated the board about the court case on the approved variance VA01-04-05-22, that was appealed to circuit court by Jessica Tarter, the adjacent property owner.

New Business: Case Presentation

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

Katie Werts presented the case to the Board as outlined in the Staff Report. She stated that the applicant, Jetty Weatherford, is requesting this variance to be allowed to extend a roof over the existing deck, 33-foot from the 360-contour of Lake Murrey for personal use. After a lengthy discussion with the property owner and applicant, Jerry Weatherford, the adjacent property owner's representative, Attorney Kyle Parker, and with various pertinent questions from the board members, Doug Hipp made a motion to deny the request, seconded by Patrick Wilkes. The vote was unanimous to deny the variance.

Other Business: None

Discussion and Informational Items:

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

Adjourn: Due to there being no other business, Hugh Lister made a motion to adjourn the meeting, seconded by Doug Hipp, and Chairman Wayne Boland adjourned the meeting at 6:18 p.m.

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

Date Filed: 9-9-22 Fee Paid: \$150.00 Appeal No.: VA01-10-04-22

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] Brandon Davis
Address: 134 Anderson Ln, Prosperity SC
Telephone: 843-433-0779 [work] _____ [home]
Interest: Owner(s): _____ Adjacent Owner(s); Other _____

OWNER(S) [if other than Applicant(s)]: Samuel C. Williams
Address: 6380 Counts Sausage Rd, Newberry SC 29108
Telephone: 973-699-3495 [work] _____ [home]
[Use reverse side if more space is needed]

PROPERTY ADDRESS:

911 Address: 6380 Counts Sausage Rd, Newberry SC 29108
Tax Map No. (TMS #): 352-19 Plat Book: A12 Page No.: 70
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: 8/30/2022

Samuel Williams
Owner

Owner

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

Date: 8/30/2022

Brandon Davis
Applicant

Applicant

Reviewed for completeness by Zoning Official Katie Werts

Variance Application
Form 3
Board of Zoning Appeals
County of Newberry

Date Filed: 9-9-22 Fee Paid: \$150.00 Appeal No.: VA01-10-04-22

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 153.172 Requires a 25-foot front yard setback

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 23-foot variance to be 2-foot from the road right-of-way.

for which a permit has been denied by a zoning official on the grounds that the proposal would be in violation of the cited sections of the Zoning Ordinance.

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

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

There is an existing home on the property preventing the carport from being placed in the requested location.

- b. These conditions do not generally apply to other property in the vicinity as shown by: 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 new open carport 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 open carport is for personal use.

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

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

Exhibit A. Plat (Site Plan) Plat
Exhibit B. Staff Report
Exhibit C. G.I.S. Aerial
Exhibit D. Department Photographs
Exhibit E. _____

Appeal No.: VA0170-04-22

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: 8/30/2022

~~Bill~~
Applicant

Applicant

Reviewed for completeness by Zoning Official Kate Winters

Exhibit A

WILLIAMS

Jimmie Williams

Dwelling

Tract "D"

(E)
1.93 Acres

JUL 27 1 15 PM '70
MILDRED R. HARMON
CLERK OF COURT

FILED
NEWBERRY COUNTY

Perdue
717.0

Tract #
1.93 Acres

- N 52-43 E - 399.0
- E 57-12 E - 127.0
- East - 115.0
- S 76-33 E - 113.0
- S 65-00 W - 717.0
- N 8-08 W - 158.0

MISS REBECCA
S 65-00 W

PLAT
FROM PROPERTY
OF

JIMMIE WILLIAMS

FOR
SAMMIE WILLIAMS
Newberry County

SC

Note
No deduction
in area for
Highway Right
of Way

New Map
S.C. Highway # 244
N 32-43 E
399.0

N 8-08 W
158.0

I.P. - Iron pipe
L.R. - Iron rods
O.M. - old mark

STAFF REPORT
BOARD OF ZONING APPEALS
October 4, 2022
Case No. VA01-010-04-22

Applicant: Brandon Davis
Property Address: 6380 Counts Sausage Rd., Newberry, SC 29108
Tax Map #: 357-19

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 open carport for personal use.

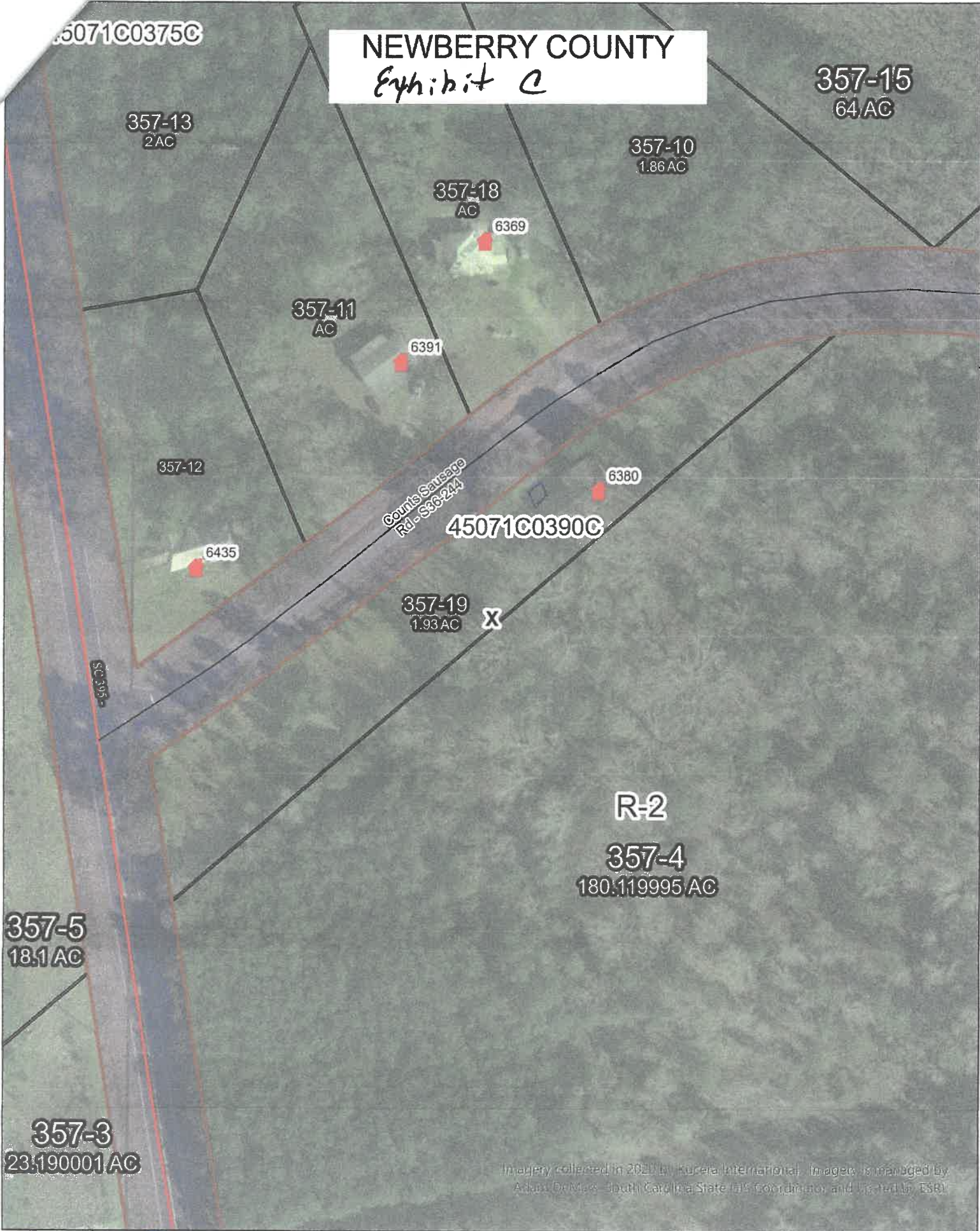
Board Determines: The Board is required to consider the following factors, per section 153.052(A)-(F) of the Zoning Ordinance:

153.052 (C) (1 - 5)

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

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

NEWBERRY COUNTY
Exhibit C



Imagery collected in 2021 by Kuara International. Imagery is managed by
Aerial DMAs - South Carolina State GIS Coordinator and hosted by ESRI



33
25

Exhibit D



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

Date Filed: 9-9-22 Fee Paid: 150.00 Appeal No.: VA02-10-04-22

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] Brian Franklin
Address: 181 Holiday Acres Rd. Prosperity, SC 29127
Telephone: 803-260-5272 [work] _____ [home]
Interest: _____ Owner(s): _____ Adjacent Owner(s); Other _____

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

PROPERTY ADDRESS:
911 Address: 181 Holiday Acres Rd. Prosperity, SC 29127
Tax Map No. (TMS #): U50-11-22 Plat Book: 6 Page No.: 48
Zoning District Classifications: RSM

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: 9/9/22

Brian Franklin
Applicant

Monica Franklin
Applicant

Reviewed for completeness by Zoning Official Kerti Werts

Variance Application
Form 3
Board of Zoning Appeals
County of Newberry

Date Filed: 9-9-22

Fee Paid: 150.00

Appeal No.: VA02-10-04-22

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 153.172 requires a 25-foot yard setback

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 9-foot variance to be 16-foot from the road right-of-way.

for which a permit has been denied by a zoning official on the grounds that the proposal would be in violation of the cited sections of the Zoning Ordinance.

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

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

There is an existing home on the property preventing the New pole building from being placed in the Required location

- b. These conditions do not generally apply to other property in the vicinity as shown by: all or most of the properties in this vicinity are all built close to the road right of way.

- 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 pole building 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 pole building is for personal use.

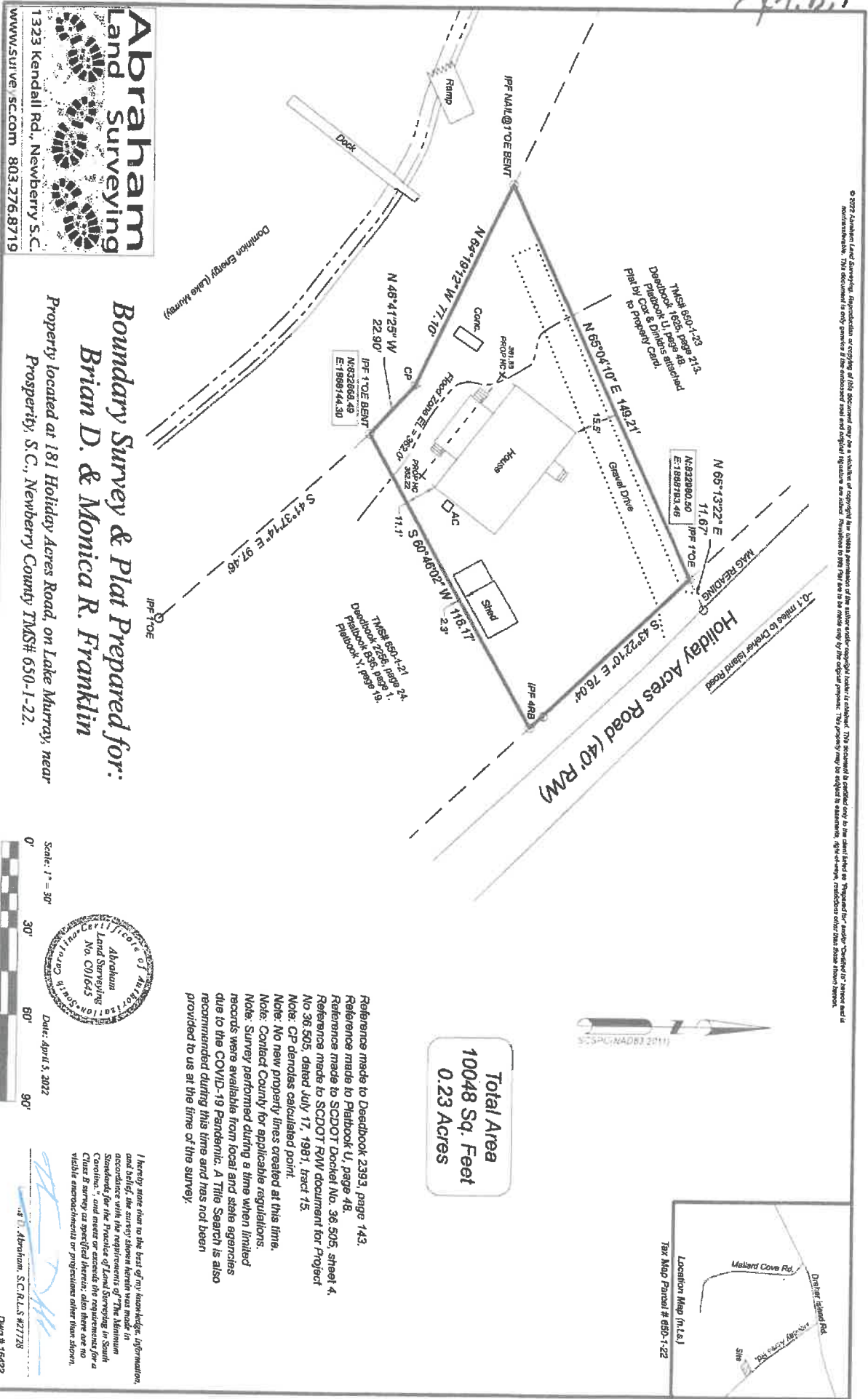
- e. The effect of the variance would would not allow the establishment of a use not otherwise permitted in the zoning district; would would not extend physically a nonconforming use of the land; would would not change the zoning district boundaries shown on the official zoning map.

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

Exhibit A. Plat (Site Plan) _____
Exhibit B. _____
Exhibit C. _____
Exhibit D. _____
Exhibit E. _____

Exhibit A

© 2022 Abraham Land Surveying. Reproduction or copying of this document may be a violation of copyright law unless permission of the author is obtained. This document is certified to be a true and correct copy of the original. The accuracy of the information contained herein is not guaranteed. This document is only a guide to the actual survey and should not be used for any other purpose. This property may be subject to easements, rights-of-way, restrictions and other items shown hereon.



Total Area
10048 Sq. Feet
0.23 Acres



Reference made to Deedbook 2393, page 143.
Reference made to Platbook U, page 48.
Reference made to SCDOT Docket No. 36 505, sheet 4.
Reference made to SCDOT R/W document for Project No 36 505, dated July 17, 1981, sheet 15.
Note: CP denotes calculated point.
Note: No new property lines created at this time.
Note: Contact County for applicable regulations.
Note: Survey performed during a time when limited records were available from local and state agencies due to the COVID-19 Pandemic. A Title Search is also recommended during this time and has not been provided to us at the time of the survey.

Abraham Land Surveying
1323 Kendall Rd., Newberry S.C.
www.surveyls.com 803.276.8719

Boundary Survey & Plat Prepared for:
Brian D. & Monica R. Franklin
Property located at 181 Holiday Acres Road, on Lake Murray near Prosperity, S.C., Newberry County TMS# 650-1-22.



Date: April 5, 2022

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 Statutes of South Carolina for the Practice of Land Surveying in South Carolina and that I am a duly Licensed Professional Land Surveyor in South Carolina. I have not been disciplined or had any visible sanctions or suspensions or other actions taken against me.

[Signature]
Abraham Land Surveying, S.C. R.L.S. #27728
Date: 4/5/22
DWG# 16422

STAFF REPORT
BOARD OF ZONING APPEALS
October 4, 2022
Case No. VA02-010-04-22

Applicant: Brian Franklin
Property Address: 181 Holiday Acres Rd. Prosperity, SC 29127
Tax Map #: 650-1-22

Nature of Appeal: This is a request for a 9-foot variance from the required 25-foot front yard setback, to be 16-foot from the road right-of-way.

Proposed Use: New pole building for personal use.

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

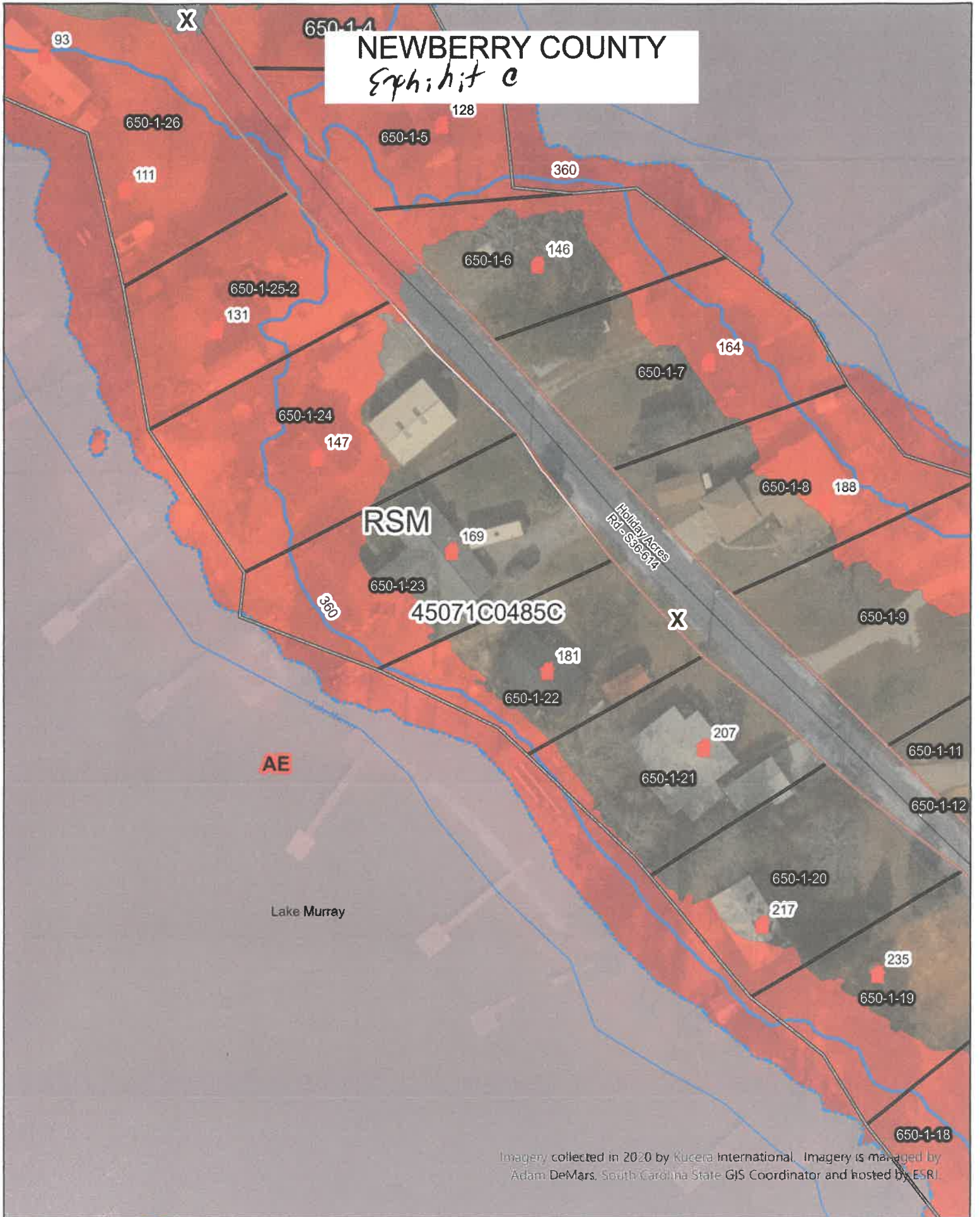
153.052 (C) (1 - 5)

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

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

NEWBERRY COUNTY

Exhibit C



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

Exhibit D

