

AGENDA
Newberry County Board of Zoning Appeals
Tuesday, November 1, 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 October 4, 2022:

III. Old Business: None

IV. New Business: Case Presentation

Case # VA01-11-01-22, A Variance request for the relief of the average of the 91-foot setback from the 360-contour of Lake Murray to be 71-feet, for a new house. The property is located at 729 Marina Way, Prosperity, SC. Tax Map # 592-2-24

Case # VA02-11-01-22, A Variance request for the relief of the 25-foot required front yard setback to be 7-foot from the road right-of-way, for a new pole building. The property is located at 63 Owl Club Lane, Prosperity, SC. Tax Map # 653-4-5

V. Other Business: None

VI. Discussion and Informational Items:

- a) Next scheduled BZA meeting is December 6, 2022 at 5:30 p.m.

VII. Adjourn:

Attachments

MINUTES OF MEETING
Newberry County Board of Zoning Appeals
Tuesday, October 4, 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
Brandon Davis, Applicant
Monica Franklin, Applicant

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 September 6, 2022, meeting was reviewed. A motion to approve the minutes with corrections was made by Vice-Chairman Anna Kay Coleman, seconded by Doug Hipp. The vote was unanimous to approve the minutes with corrections.

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 # VA01-10-04-22, 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.

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

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

Katie Werts presented the case to the Board as outlined in the Staff Report. She stated that the applicant, Brian Franklin, is requesting this variance to be allowed to place a new pole building on the property, 16-foot from the road right-of-way. After a brief discussion with various pertinent questions from the board members, Doug Hipp made a motion to approve the request, seconded by Hugh Lister. The vote was unanimous to approve the variance.

Other Business: None

Discussion and Informational Items:

- a. **Next scheduled BZA meeting is November 1, 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 5:44 p.m.

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

Date Filed: 10/3/2022 Fee Paid: \$150.00 Appeal No.: VA01-11-01-22

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] Mill Road Industries LLC / Windy Freeman
Address: 491 Foster Mill Rd. Spartanburg, SC 29302
Telephone: 864-706-9581 [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: 729 Marina Way, Prosperity
Tax Map No. (TMS #): 592-2-24 Plat Book: D178 Page No.: 5
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: 10-3-22

Applicant
Wendy Freeman

Applicant

Reviewed for completeness by Zoning Official Katie Werts

Variance Application
Form 3
Board of Zoning Appeals
County of Newberry

Date Filed: 10/3/2022

Fee Paid: \$150.00

Appeal No.: VA01-11-01-22

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 of the zoning code require the new structure to be the average of the setback from the 300-foot contour from adjacent Res. Study
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 20-foot variance to be 71-foot from the 300-foot contour for a New House
for which a permit has been denied by a zoning official on the grounds that the proposal would be in violation of the cited sections of the Zoning Ordinance.
2. The application of the ordinance will result in unnecessary hardship, and the standards for a variance as set by State law and the ordinance are met by the following findings of fact:
 - a. There are extraordinary and exceptional conditions pertaining to the particular piece of property as follows:
There is an existing septic system on the property preventing the New Home from being placed in the required location
 - b. These conditions do not generally apply to other property in the vicinity as shown by: most of the 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 Home 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 Home 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. GIS aerial
 - Exhibit D. Department Photographs
 - Exhibit E. copy of section 153.168

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: 10.3.20

Wendy P. Green
Applicant

Katie Wurts
Applicant

Reviewed for completeness by Zoning Official _____

STAFF REPORT
BOARD OF ZONING APPEALS

November 1, 2022
Case No. VA01-11-01-22

Applicant: Windy Freeman
Property Address: 729 Marina Way, Prosperity, SC
Tax Map #: 592-2-24

Nature of Appeal: A Variance request for the relief of the 91-foot setback from the 360-contour of Lake Murray to be 71-feet from the 360-contour.

Proposed Use: A new 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:

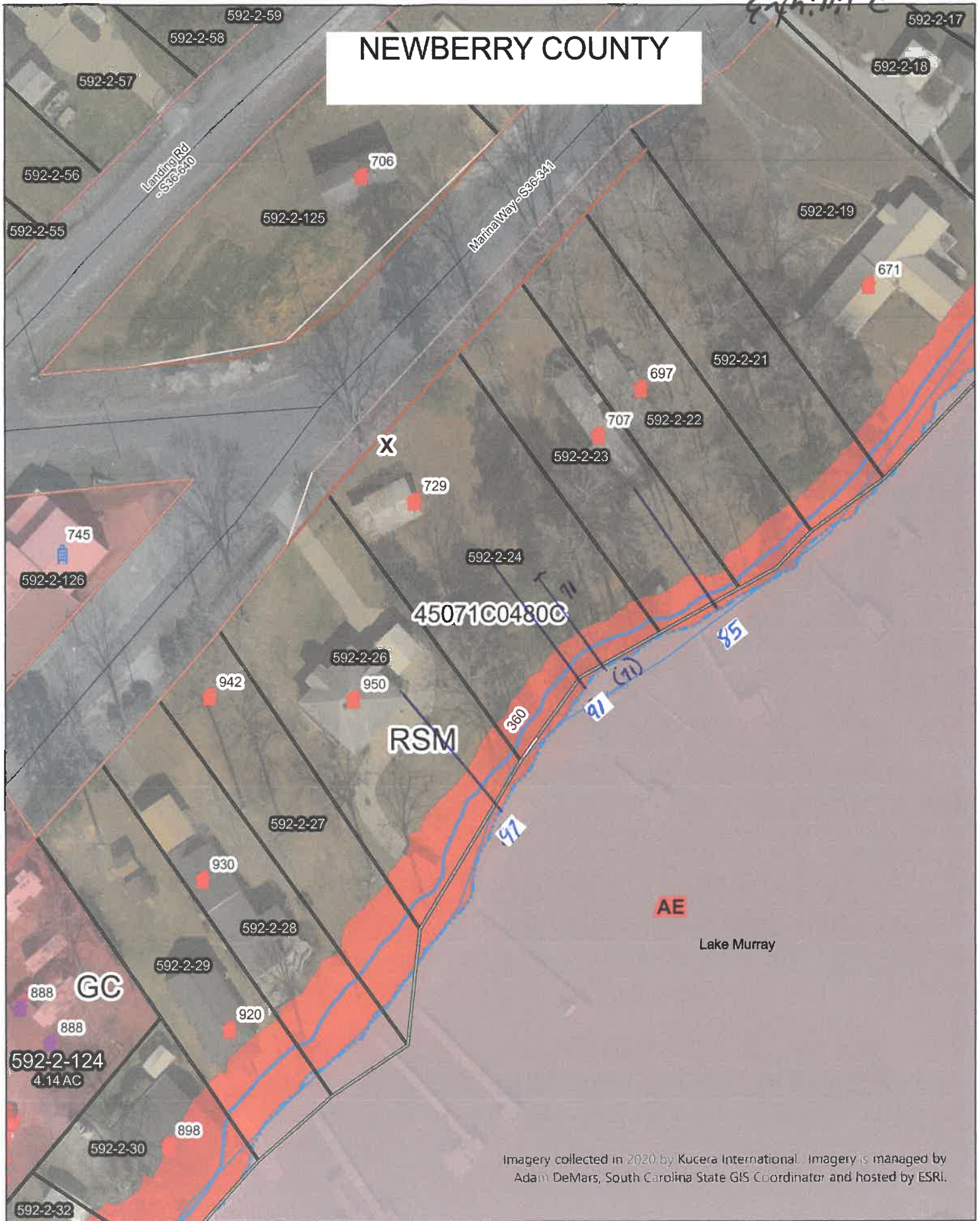
153.052 (C) (1 - 5)

- 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)

Exhibit C

NEWBERRY COUNTY



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

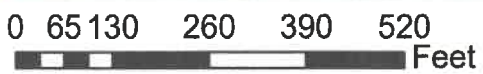


Exhibit D



**AREA, SETBACK AND DIMENSIONAL
REQUIREMENTS**

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

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

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

§ 153.166 CONFORMANCE.

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

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

**§ 153.167 MODIFICATION OF
REQUIREMENTS.**

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

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

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

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

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

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

**§ 153.169 ORIENTATION OF REQUIRED
YARDS.**

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

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

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

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

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

Date Filed: 10/3/2022 Fee Paid: \$150.00 Appeal No.: VA02-11-01-22

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] GARY L. REDWINE TERRI L. REDWINE
Address: 87 OWL CLUB LANE Prosperity SC 29127
Telephone: 803-622-7734 [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: 63 OWL CLUB LANE Prosperity SC 29127
Tax Map No. (TMS #): 653-4-5 Plat Book: _____ Page No.: _____
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: 10-3-22

Gary L. Redwine
Applicant

Terri L. Redwine
Applicant

Reviewed for completeness by Zoning Official

Katie Nerts

Variance Application
Form 3
Board of Zoning Appeals
County of Newberry

Date Filed: 10/3/2022

Fee Paid: \$150.⁰⁰

Appeal No.: VA 02-11-01-22

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 of zoning code requires 25-foot front yard setback. so that a permit may be issued to allow use of the property in a manner shown on the attached plat (site plan), described as follows: 18-foot variance to be 7-foot from the road right-of-way for a New Pole 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: The Layout OF THE ROAD VS. LAND, TRYING TO Keep Pole Bldg THE SAME Angle AS OUR House AND NOT "WASTE" SO MUCH OF THE LOT
 - b. These conditions do not generally apply to other property in the vicinity as shown by: Layout of Road vs. Land
 - 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 Bldg WILL TAKE UP MUCH MORE Room ON LOT THAN NEEDED IF THE VARIANCE IS NOT Approved
 - 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: WE ARE THE OWNERS ON ONE SIDE. THE NEW BLDG WILL FOLLOW THE DISTANCE FROM THE ROAD AS THE EXISTING BLDG THAT WAS ON THE PROPERTY WHEN WE PURCHASED Next Door Property IN 1992.
 - e. The effect of the variance would would not allow the establishment of a use not otherwise permitted in the zoning district; would would not extend physically a nonconforming use of the land; would would not change the zoning district boundaries shown on the official zoning map.
3. The following documents are submitted in support of this application:

Exhibit A. Plat (Site Plan) Plat
Exhibit B. Staff Report
Exhibit C. GIS Aerial
Exhibit D. Department Photographs
Exhibit E. Site Plan

Appeal No.: VA02-11-01-22

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: 10-3-22

[Signature]
Applicant

Terri L. Redwine
Applicant

Reviewed for completeness by Zoning Official Katie Weats

Exhibit B

STAFF REPORT
BOARD OF ZONING APPEALS
November 1, 2022
Case No. VA02-11-01-22

Applicant: Gary and Terri Redwine
Property Address: 63 Owl Club Lane, Prosperity, SC 29127
Tax Map #: 653-4-5

Nature of Appeal: This is a request for an 18-foot variance from the required 25-foot front yard setback, to be 7-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)

653-62
12.97 AC

NEWBERRY COUNTY

653-6

360

653-66
7.96 AC

AE

45071C0480C

653-4-7

99

Lake Murray

653-4-6

87

63

653-4-5

Owl Club Rd
-COUNTY

360

43

653-4-4

X

25

653-4-3

653-29
5.03 AC

RS

120

Owl Club Ln - COUNTY

653-4-2

17

3

653-4-1

653-38
1.51 AC

Imagery collected in 2020 by KLI. Data provided by Natronna. Imagery managed by Adam DeMaio, with Carolina State GIS Coordinator and hosted by ESRI



Exhibit D



Exhibit 3



HOUSE

653-4-7

653-4-6

CWI Club Ln

653-4-5



653-4-4

653-4-3

→ CURRENT 12-24 SHIP
w/ IS 7' FROM ROAD