

AGENDA
Newberry County Board of Zoning Appeals
Tuesday, January 2, 2024, at 5:30 p.m.
County Council Chambers
Newberry County Annex

I. Call to Order and Determination of Quorum:

II. Election of officials of the Newberry County Board of Zoning Appeals

A. Nomination of Chair, Vice-Chair and Secretary

B. Voting for Chair, Vice-Chair and Secretary

III. Approval of Minutes of Meeting for November 7, 2023:

IV. Old Business: None

V. New Business: Case Presentation

Case # SE01-01-02-24, A Special Exception request for a commercial structure exceeding 3000 square feet in gross floor area, to be 4000 square feet. The property is located at 1249 B Holy Trinity Church Rd., Little Mountain, SC. Tax Map # 737-48

Case # VA01-01-02-24, A Variance request for the relief of the average of the 50-foot setback from the 360-contour of Lake Murray to be 35-feet, for an addition to the existing house. The property is located at 508 Chalet Rd., Prosperity, SC. Tax Map # 653-3-37-4

VI. Other Business: Approval of the Board of Zoning Appeals Meetings for 2024

VII. Discussion and Informational Items:

A. Next scheduled BZA meeting is February 6, 2024 at 5:30 p.m.

VIII. Adjourn:

Attachments

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

DRAFT

Members Present:

Chairman Wayne Boland
Patrick Wilkes
Doug Hipp
Ty Ransdell
Hugh Lister
Patrick Meetze
Sam Ziady

Other Attendees:

Katie Werts, Planning and Zoning Administrator
Bridgett Fain, Secretary
Laurel Keen, Administrative Support
Jerry Whitfield, Applicant
Ian Fish, Applicant
Sharon Graham, Applicant
Billye West, Applicant
George McConnell, Applicant
Other Concerned Citizens

Members Absent:

None

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 October 3, 2023, meeting was reviewed. A motion to approve the minutes as written was made by Doug Hipp, seconded by Hugh Lister. The vote was unanimous to approve the minutes as written.

Old Business: None

New Business: Case Presentation

Case # VA01-11-07-23, A Variance request for the relief of the average of the 82.5-foot setback from the 360-contour of Lake Murray to be 63-feet, for an addition to the existing house. The property is located at 179 Alice Harris Rd., Prosperity, SC. Tax Map # 535-2-3-6

Katie Werts presented the case to the Board as outlined in the Staff Report. She stated that the applicants, Jerry & Tammy Whitfield, are requesting this variance to be allowed to have an addition to the existing house, 63-foot from the 360-contour of Lake Murray. After a brief discussion with various pertinent questions from the board members, Doug Hipp made a motion to approve the request, seconded by Patrick Meetze. The vote was unanimous to approve the variance.

Case # VA02-11-07-23, A Variance request for the relief of the average of the 93-foot setback from the 360-contour of Lake Murray to be 66-feet, for an addition to the existing manufactured home. The property is located at 133 Sandy Beach Dr., Prosperity, SC. Tax Map # 538-4-26

Katie Werts presented the case to the Board as outlined in the Staff Report. She stated that the applicants, Ian & Kara Fish, are requesting this variance to be allowed to have an addition to the existing manufactured home, 66-foot from the 360-contour of Lake Murray. 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.

Case # VA03-11-07-23, A Variance request for the relief of the average of the 85-foot setback from the 360-contour of Lake Murray to be 35.5-feet, for a 12' x 14' gazebo. The property is located at 150 Sunview Rd., Prosperity, SC. Tax Map # 594-6-4

Katie Werts presented the case to the Board as outlined in the Staff Report. She stated that the applicants, Timothy & Sharon Graham, are requesting this variance to be allowed to have a gazebo, 35-5-foot from the 360-contour of Lake Murray. 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 # VA04-11-07-23, A Variance request for the relief of the minimum 100-foot setback from the adjacent property with an existing residential use, to be 50-feet, for a Pet Retreat business. The property is located at 103 Mt Bethel Garmany Rd., Newberry, SC. Portion of Tax Map #'s 397-10 & 342-2-5-12/1

Katie Werts presented the case to the Board as outlined in the Staff Report. She stated that the applicant, Billye West, is requesting this variance to be allowed to have a Pet Retreat business 50-foot from the existing residential use. After a brief 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 # VA05-11-07-23, A Variance request for the relief of the average of the 70.5-foot setback from the 360-contour of Lake Murray to be 60-feet, for a site-built house. The property is located at 253 Alice Harris Rd., Prosperity, SC. Tax Map # 535-2-3-10

Katie Werts presented the case to the Board as outlined in the Staff Report. She stated that the applicant, Robert Simpson, is requesting this variance to be allowed to build a new house, 60-foot from the 360-contour of Lake Murray. 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:

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

Adjourn: Due to there being no other business, Doug Hipp made a motion to adjourn the meeting, seconded by Hugh Lister, and Chairman Wayne Boland adjourned the meeting at 5:56 p.m.

Board of Zoning Appeals

Wayne Boland, Chairman

Bridgett Fain, Secretary

Date Approved

**NEWBERRY COUNTY
BOARD OF ZONING APPEALS
2024 SCHEDULE AND DEADLINES**

Meeting Date	Meeting Deadline	Public Notice	Letters & Postings	Agenda Packages
01-02-2024	12-04-2023	12-08-2023	12-18-2023	12-25-2024
02-06-2024	01-08-2024	01-12-2024	01-22-2024	01-29-2024
03-05-2024	02-05-2024	02-09-2024	02-19-2024	02-26-2024
04-02-2024	03-04-2024	03-08-2024	03-18-2024	03-25-2024
05-07-2024	04-01-2024	04-05-2024	04-15-2024	04-22-2024
06-04-2024	05-06-2024	05-10-2024	05-20-2024	05-27-2024
07-02-2024	06-03-2024	06-07-2024	06-17-2024	06-24-2024
08-06-2024	07-08-2024	07-12-2024	07-22-2024	07-29-2024
09-03-2024	08-05-2024	08-09-2024	08-19-2024	08-26-2024
10-01-2024	09-02-2024	09-06-2024	09-16-2024	09-23-2024
11-05-2024	10-07-2024	10-11-2024	10-21-2024	10-28-2024
12-03-2024	11-04-2024	11-08-2024	11-18-2024	11-25-2024
1-07-2025	12-09-2024	12-13-2024	12-23-2024	12-30-2024



Board of Zoning Appeals Application

Date Submitted: 12/1/2023 Project Number: SEO1-01-02-24

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): Sosa Manto & Company & Christine Sosa Manto
Address: 415 Rocky Ramp Dne, Chapin SC 29036 Phone: _____

Owner(s) if other than Applicant: Kenneth Monte
Address: 1249 B Holy Trinity Church Rd Phone: 803-206-0481
Little Mountain, SC 29075

Property Address: _____ Tax Map Number: 737-48
Plat Book: D271 Page Number: 1 Zoning District Classification: R2

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

Date: 12-1-2023 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: 12-1-2023 Owner: [Signature]
Owner: _____

Reviewed for completeness by Zoning Official: Kati S. Werts



**Board of Zoning Appeals
SPECIAL EXCEPTION APPLICATION
FORM 4**

Date Submitted: 12/1/2023

Project Number: SE 01-01-02-24

1. Applicant hereby appeals to the Board of Zoning Appeals to the Board of Zoning Appeals for a special exception for use of the property described in the Board of Zoning Appeals Application as:

R2-Rural District Special Exceptions

which is a permitted special exception under the district regulations in Section 153.137 & 153.089 of the Newberry County Zoning Ordinance.

2. Applicant will meet the standards in Section's 153.089 & 153.137 of the Zoning Ordinance which are applicable to the proposed special exception in the following manner:

must meet all of the standards in the above referenced sections.
see copy attached

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

must meet all of the standards in the above referenced sections

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

Exhibit A: Plat Plat

Exhibit B: Staff Report

Exhibit C: GIS Aerial

Exhibit D: Department Photographs

Exhibit E: Copy of Section 153.089

Exhibit F: Copy of Section 153.137

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.

12/1/23
Date

Christina Sara Manzo
Applicant Signature

Applicant Signature

Exhibit A

GEODETIC AND SC STATE GRID POINT DATA
 HORIZONTAL DATUM: NAD83 (2011)
 VERTICAL DATUM: NAVD 88
 POINT NUMBER: 713
 SC GRID COORDINATES
 EAST: 1 889 311.64
 NORTH: 862 951.51
 GEODETIC COORDINATES:
 LATITUDE: N 34°12'04.3081"
 LONGITUDE: W 81°21'56.0097"
 POINT NUMBER: 201
 SC GRID COORDINATES
 EAST: 1 889 427.54
 NORTH: 862 945.45
 GEODETIC COORDINATES:
 LATITUDE: N 34°12'16.5712"
 LONGITUDE: W 81°21'56.6620"
 POINT NUMBER: 204
 SC GRID COORDINATES
 EAST: 1 889 951.80
 NORTH: 862 951.51
 GEODETIC COORDINATES:
 LATITUDE: N 34°12'17.0004"
 LONGITUDE: W 81°21'57.1581"
 POINT NUMBER: 207
 SC GRID COORDINATES
 EAST: 1 889 967.47
 NORTH: 862 967.47
 GEODETIC COORDINATES:
 LATITUDE: N 34°12'16.7633"
 LONGITUDE: W 81°22'05.0687"
COORDINATE DERIVATION: GNSS
 MEASUREMENTS SHOWN ARE FIELD MEASUREMENTS.
 NOTE: THIS THE DATA TO BE USED FOR LOCATION ONLY.

TRACT 200 ACRES
 (INCLUDES 0.002 ACRE IN DOMINION ENERGY SOUTH CAROLINA, INC. R/W)

PT-PT	BEARING	DISTANCE
201-102	S 89°42'38" W	97.38'
102-105	S 87°27'25" E	864.81'
105-211	S 40°25'26" W	122.88'
211-208	N 57°19'16" W	1,087.69'
208-206	N 19°02'22" W	268.08'
206-204	N 05°34'26" W	301.06'
204-202	N 05°34'26" W	301.06'
202-201	N 05°34'26" W	301.06'
201-102	S 89°42'38" W	97.38'

TRACT 200 ACRES
 (INCLUDES 0.002 ACRE IN DOMINION ENERGY SOUTH CAROLINA, INC. R/W)

PT-PT	BEARING	DISTANCE
209-200	S 05°34'26" W	304.51'
200-211	S 52°45'29" E	918.91'
211-208	S 40°25'26" W	122.88'
208-206	N 57°19'16" W	1,087.69'
206-204	N 19°02'22" W	268.08'
204-202	N 05°34'26" W	301.06'
202-201	N 05°34'26" W	301.06'
201-102	S 89°42'38" W	97.38'

TRACT 200 ACRES
 (INCLUDES 0.002 ACRE IN DOMINION ENERGY SOUTH CAROLINA, INC. R/W)

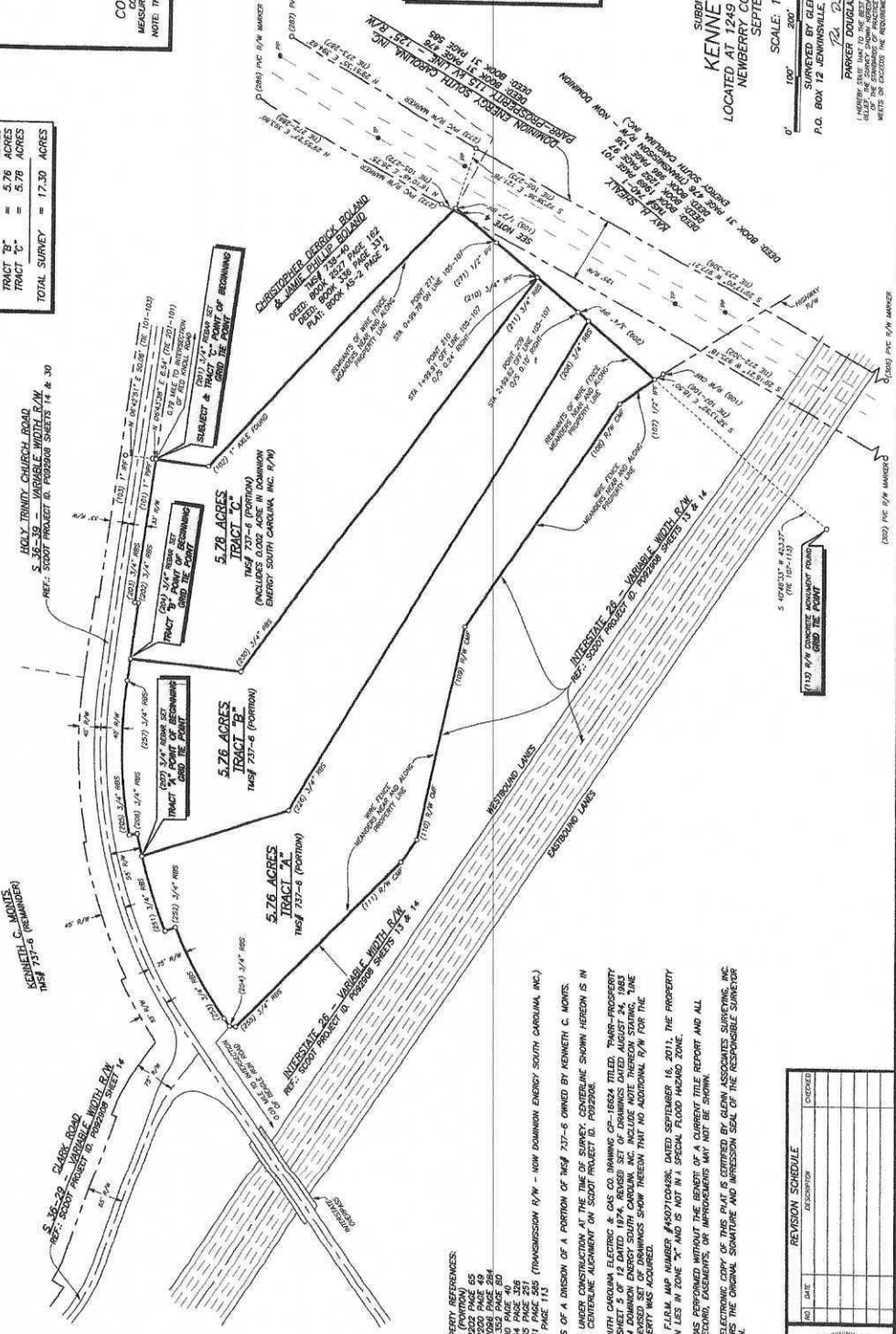
PT-PT	BEARING	DISTANCE
207-206	S 15°02'22" E	285.36'
206-204	S 59°19'16" E	1,087.69'
204-202	S 40°25'26" W	122.88'
202-201	N 57°19'16" W	1,087.69'
108-109	N 36°13'17" W	78.44'
109-110	N 05°10'42" W	503.55'
110-111	N 77°53'49" W	403.55'
111-205	N 05°47'17" E	114.41'
205-204	N 05°47'17" E	114.41'
204-202	N 05°47'17" E	114.41'
202-201	N 05°47'17" E	114.41'
201-102	S 89°42'38" W	97.38'

CURVE TABLE

PT-PT	CHORD BEARING	CHORD LENGTH	AREA	ARC LENGTH
201-102	N 61°37'33" E	190.87'	017207.15'	880.09'
201-105	N 73°50'45" E	198.17'	017200.00'	880.10'
201-108	N 89°50'45" E	266.81'	018900.01'	916.10'
201-111	N 72°28'15" E	140.34'	009154.42'	145.50'
201-205	N 78°28'15" E	43.02'	002444.18'	500.10'

STATE GRID NORTH
 FROM SCRS
 BY GNSS
 MABS (2011)

AREA SUMMARY
 TRACT "A" = 5.78 ACRES
 TRACT "B" = 5.78 ACRES
 TRACT "C" = 5.78 ACRES
 TOTAL SURVEY = 17.30 ACRES



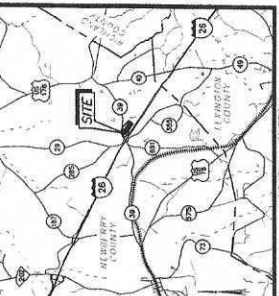
LEGEND

- PROPERTY LINE
- ADJOINING PROPERTY LINE
- R/W
- ROAD C/L
- REBAR SET
- IRON PIPE FOUND
- PAV FINISHED IRON PIPE FOUND
- CONCRETE MONUMENT FOUND
- POWER/TRANSMISSION POLE
- PROPERTY/EASEMENT CORNER

I hereby certify that the lot lines shown on this plat were measured in accordance with the requirements of the South Carolina Code of Laws, Title 46, Chapter 15, Section 46-15-100.
 Planning No. 17-01-0023
 Date

SUBDIVISION SURVEY FOR
KENNETH C. MONTS
 LOCATED AT 1249 HOLY TRINITY CHURCH ROAD
 NEWBERRY COUNTY, SOUTH CAROLINA
 SEPTEMBER 27, 2023
 SCALE: 1 INCH = 100 FEET

SURVEYED BY GLENN ASSOCIATES SURVEYING, INC.
 P.O. BOX 12 DENNINGVILLE, S.C. 29008 Telephone (803) 345-5287
 722 24 1-1
 PROJECT: DOUGLAS LESLIE SCPLS # 39659
 I HEREBY STATE THAT THIS SURVEY WAS MADE IN ACCORDANCE WITH THE REQUIREMENTS OF THE SOUTH CAROLINA CODE OF LAWS, TITLE 46, CHAPTER 15, SECTION 46-15-100. I MEET OR EXCEED THE REQUIREMENTS FOR A CLASS "B" SURVEY AS SPECIFIED THEREIN.



SUBJECT PROPERTY
 (INCLUDES 0.002 ACRE IN DOMINION ENERGY SOUTH CAROLINA, INC. R/W)

PT-PT	BEARING	DISTANCE
201-102	S 05°41'38" W	97.38'
102-105	S 87°27'25" E	864.81'
105-107	S 40°25'26" W	122.88'
107-108	N 36°13'17" W	78.44'
108-109	N 05°10'42" W	503.55'
109-110	N 77°53'49" W	403.55'
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111-205	N 05°47'17" E	114.41'
205-204	N 05°47'17" E	114.41'
204-202	N 05°47'17" E	114.41'
202-201	N 05°47'17" E	114.41'
201-102	S 05°41'38" W	97.38'

- NOTES:**
- SUBJECT PROPERTY REFERENCES:
 1. THIS 737-6 (PORTION)
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Exhibit B

STAFF REPORT
BOARD OF ZONING APPEALS
January 2, 2024
Case No.: SE01-01-02-24

Applicant: Sosa Manzo & Company & Christine Sosa Manzo
Property Address: 1249 B Holly Trinity Church Rd., Little Mountain, SC
Tax Map #: 737-48

Nature of Appeal: This is a Special Exception request for a new business with a 4000 sq. ft. enclosed pole building.

Proposed Use: Commercial Services Storage and Office.

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:

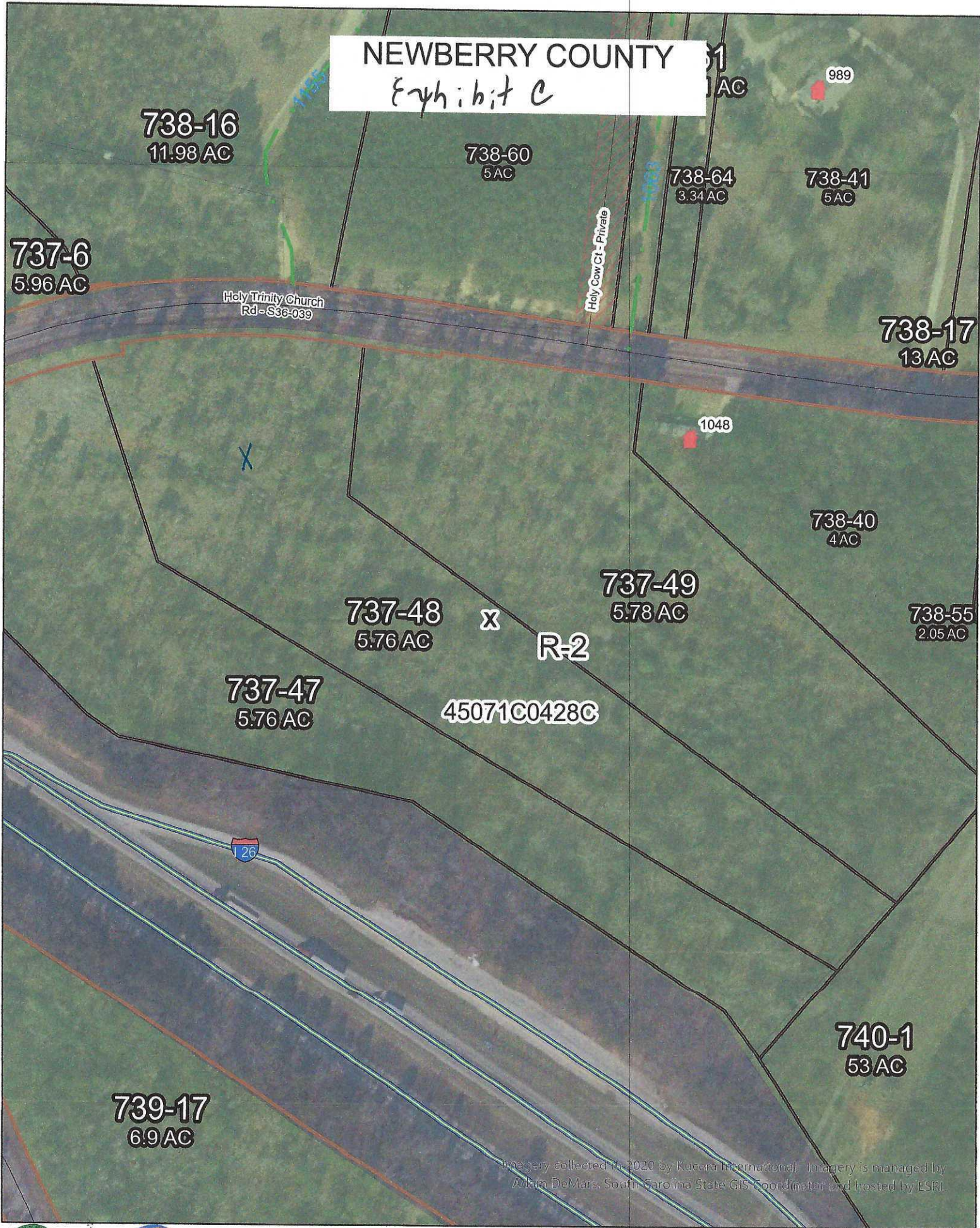
- 1) The use will not materially endanger the public health or safety if located, designed, and proposed to be operated according to the information submitted.
- 2) The use complies with all regulations and standards of this ordinance.
- 3) The use will not substantially injure the value of adjoining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

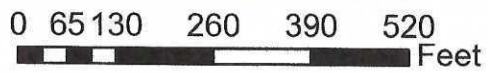
And conditions as written in sections 153.089 and 153.137 of the Newberry County Zoning Ordinance:

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.





Newberry
County
GEORGIA

ZONING

WHAT HAPPENS SPECIAL DISTRICTS
APPLICANT'S ADDRESS: _____
PROPERTY ADDRESS: _____
TAX MAP # _____
BOARD OF ZONING APPEALS
 RESIDENTS' BOARD
 COUNTY COMMISSIONERS' BOARD
TIME: 8:00 AM
DATE: 30th JUNE 2011
PLACE FOR MEASUREMENT: _____

HEARING
INFO. 321-2166

RESIDENTS' BOARD
COUNTY COMMISSIONERS' BOARD
SURVEY MARKER

§ 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. and 9:00 p.m. pursuant to a current building permit issued by Newberry County.

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

Exhibit f

§ 153.137 R2 RURAL DISTRICT SPECIAL EXCEPTIONS.

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 conditions as listed in § [153.089](#) - R2 Rural Conditional Uses are met. If the single structure or combination of structures to be included in the proposed non-residential use exceeds 3,000 square feet in gross floor area, it must be permitted by special exception, provided the Board of Zoning Appeals finds that the conditions provided in § [153.089](#) - R2 Rural District Conditional Uses are met, in addition to applicable considerations as provided in division (A).

- (A) Additional considerations for approval by special exception shall include, but are not limited to:
- (1) Proposed size of the structure;
 - (2) Proposed location of the structure;
 - (3) Type of and classification of use proposed;
 - (4) Distance to existing residences or residentially zoned properties;
 - (5) Hours of operation, to include deliveries and shipping;
 - (6) Projected number of employees for largest shift.
 - (7) Probable sensory impacts to neighboring properties including, but not limited to: noise, odor, vibration, light and glare;
 - (8) Primary vehicular access on a paved arterial or collector road; and
 - (9) Traffic impacts including, but not limited to: deliveries, shipping, customers, and workers.

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



Board of Zoning Appeals Application

Date Submitted: 12/7/23 Project Number: VA01-01-02-24

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): Sergio & Carolyn Khomyak

Address: 508 Chalet Road, Prosperity, SC Phone: 704-390-6607

→ Mailing Address 10011 Southmoor Lane, Fort Mill, SC 29707
Owner(s) if other than Applicant: _____

Address: _____ Phone: _____

Property Address: 508 Chalet Rd, Prosperity Tax Map Number: 053-3-37-4

Plat Book: B43 Page Number: 2 Zoning District Classification: RS

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

Date: 12/7/23 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: _____



Board of Zoning Appeals
VARIANCE APPLICATION
FORM 3

Date Submitted: 12/7/2023 Project Number: VA01-01-02-24

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:

The zoning code requires the setback from the 360-foot contour to be the average of the adjacent properties principal structures.

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 relief from the 50-foot contour to be 35-foot from Lake Murray for an Addition to the existing 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 House is existing

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 proposed addition 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 addition is for residential use

STAFF REPORT
BOARD OF ZONING APPEALS
January 2, 2024
Case No. VA01-01-02-24

Applicant: Sergio & Carolyn Khomyak
Property Address: 508 Chalet Rd., Prosperity, SC
Tax Map #: 653-3-37-4

Nature of Appeal: A Variance request for the relief of the 50-foot required setback from the 360-contour of Lake Murray, to be 25-feet from the 360-contour.

Proposed Use: A addition to an 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

Lake Murray

Chapel Rd
-
COUNTY

499

653-3-37-1

653-3-37-3

488

RS

653-3-37-2

507

508

653-3-37-4

50'

50'

35'

360

15' variance

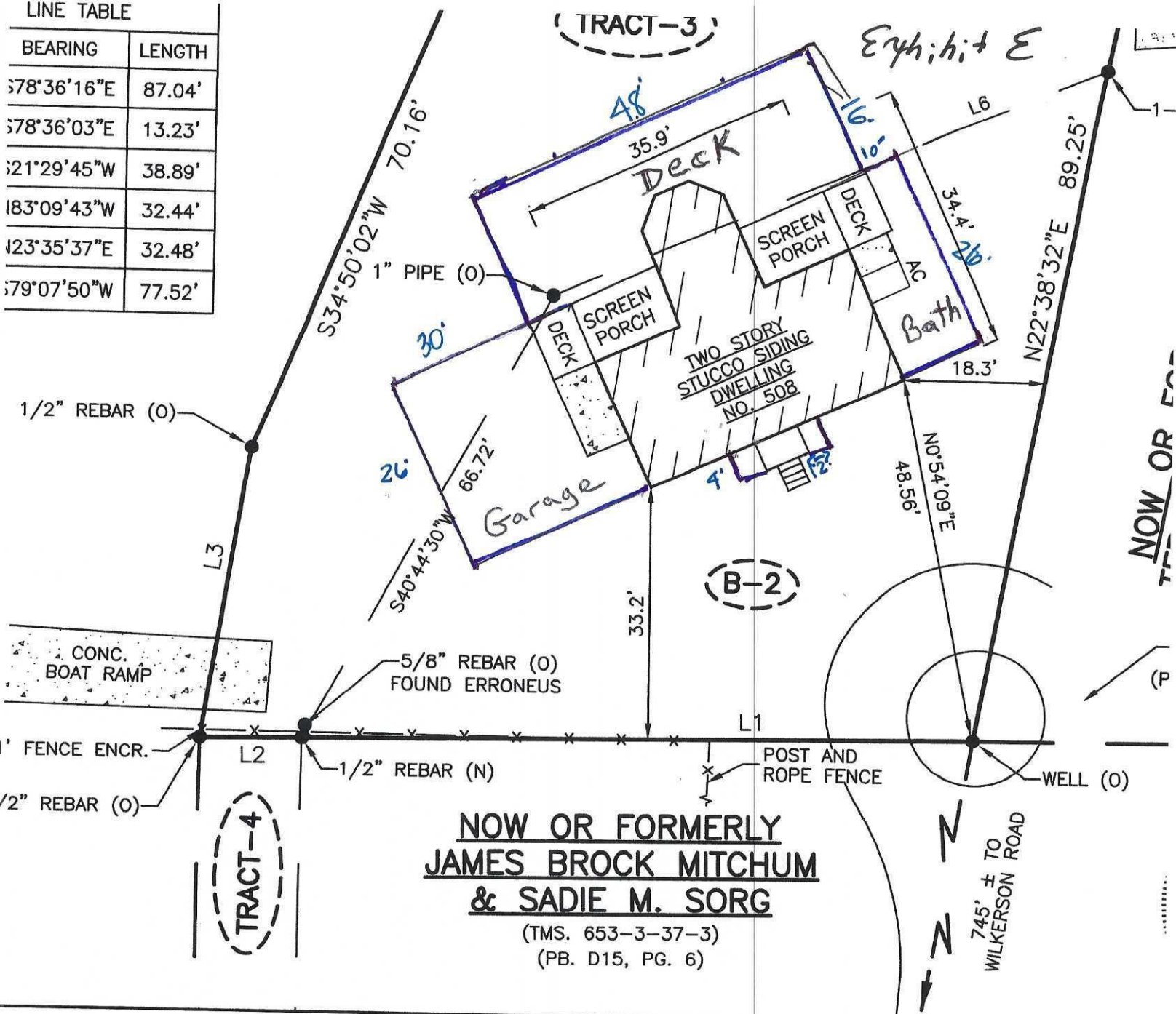


0 65 130 260 390 520
Feet



Exhibit D

LINE TABLE	
BEARING	LENGTH
S78°36'16"E	87.04'
S78°36'03"E	13.23'
S21°29'45"W	38.89'
S83°09'43"W	32.44'
N23°35'37"E	32.48'
S79°07'50"W	77.52'



**NOW OR FORMERLY
JAMES BROCK MITCHUM
& SADIE M. SORG**
(TMS. 653-3-37-3)
(PB. D15, PG. 6)

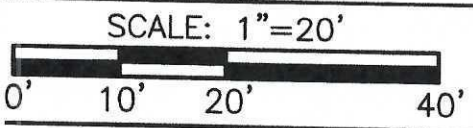
PLAT PREPARED FOR:

SERGIO KHOMYAK & CAROLYN KHOMYAK

NEWBERRY COUNTY, NEAR PROSPERITY, SOUTH CAROLINA

DATE: SEPTEMBER 12, 2023

PROJECT NO.: 2309005



TOTAL COMBINED AREA = 0.25 ACRE
RATIO OF PRECISION = 1/10,000
AREA BY COORDINATE METHOD

I HEREBY STATE UNDER OATH AND BELIEF, THAT THIS SURVEY WAS MADE IN ACCORDANCE WITH THE REQUIREMENTS OF THE PRACTICE ACT OF 1968, SOUTH CAROLINA. THE REQUIREMENTS OF THE SURVEY AS STATED IN THIS PLAT OR PROJECT.

BEING SHOWN AND DESIGNATED AS TRACTS 3 & B-2, ON A PLAT PREPARED FOR SOUTH CAROLINA ELECTRIC & GAS COMPANY BY ASSOCIATED ENGINEERS AND SURVEYORS INC., DATED DECEMBER 8, 1994 AND RECORDED IN THE CLERK OF NEWBERRY COUNTY IN PLAT BOOK B-36, PAGE 10.

PROPERTY IS POSSIBLY SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD NOT SHOWN HEREON