

Board of Zoning Appeals
Information Sheet
City of Isle of Palms

Date Filed: _____

Appeal Number _____

Instructions:

This form must be completed for a hearing on appeal from action of a zoning official, application for a variance, or application for a special exception. Entries must be printed or typewritten. If the applicant is not the owner of the property, all must sign.

Property Address _____

Lot _____ Block _____ TMS _____

Area of Lot _____ Zoning Classification _____

Applicant(s) Name _____

Address _____

Telephone _____

Interest (i.e. Owner, Owner's attorney, Architect, etc.) _____

Owner(s) (if different from applicant) _____

Name _____

Address _____

Telephone _____

I (We) certify that this application and all supporting documents attached are correct.

Applicant signature/date

Owner signature (if different from applicant)/date

Board of Zoning Appeals
Special Exception Application
Home Occupation
City of Isle of Palms

1. Applicant hereby appeals to the Board of Zoning Appeals for a special exception for the use of the property described on the information sheet (page 1) as (give brief description of business): _____

2. Will there be any work other than office work (i.e. use of phone, computer, fax, etc.) occurring at this residence? Yes _____ No _____. If yes, please explain: _____

3. Will there be any evidence of a business from a visual inspection of the exterior of this residence? Yes _____ No _____ If yes, please explain: _____

4. Will any signs, merchandise, equipment or other articles be displayed in a manner that they are visible from the street? Yes _____ No _____

5. Will there be any business related traffic coming to this residence? Yes _____ No _____. If yes, please explain and give frequency: _____

6. Will there be any employees working in this residence other than family members? Yes _____ No _____

7. Will any business related activity be conducted on your property, but outside of the house (i.e. in a detached shed or in the yard)? Yes _____ No _____

8. Will any merchandise or articles be stored at any location other than inside this residence? Yes _____ No _____ If yes, explain: _____

9. Will more than 25% of the floor of this residence be devoted to the occupation? Yes _____ No _____

10. Will any equipment or materials that are not normal to a household be used or stored at this residence in connection with the occupation? Yes _____ No _____

11. Will the occupation generate any noise, vibration, heat, glare, smoke, odor, or dust perceptible to your neighbors? Yes _____ No _____

12. Are there currently any other home occupations operating at this residence? Yes _____ No _____

Describe in full the nature of your occupation, profession, or trade by listing all activities related to such occupation that will be undertaken in your home: _____

In applying for this special exception home occupation, I have answered the questions truthfully and have not omitted any information about my home occupation which, if disclosed, would result in a denial of this application in accordance to section 5-4-7 (a) (b) of the City of Isle of Palms Code of Ordinances.

I further acknowledge that, if granted, the special exception home occupation and business license issued under authority of that permit may be revoked if any of the information contained in this application is found to be untruthful or if I fail to meet the requirements of section 5-4-44 and 5-4-2(18): If I have failed to provide information fully describing the home occupation to be conducted on my premises, or at any time the conduct of my home occupation may constitute a nuisance as defined in section 5-4-44 or section 6-1-11, et. Esq., of the City of Isle of Palms Code of Ordinances. Any activity which adversely diminishes the residential character of my neighborhood may be cause for revocation of my home occupation. Outdoor advertising is not allowed under this license.

Signature of applicant & date

An accessory use customarily incident to an SR-1, SR-2 or MF district use shall be permitted in, respectively, an SR-1, SR-2 or MF district. In a residential district, a private garage permitted as an accessory use shall not provide storage for more than one (1) motor vehicle for each 2,000 square feet of the lot area. In a multi-family residential district, a private garage permitted as an accessory use shall not provide storage for more than one (1) motor vehicle for each 500 square feet of the lot area. No billboard, sign board or advertising shall be permitted as an accessory use, except "for sale" or "for rent" signs which comply with all applicable provisions of this Chapter. A store, trade or business shall not be permitted as an accessory use; except for a licensed home occupation. A garage apartment is permitted as an accessory use only in an MF District.

Sec. 5-4-44 Home Occupation

(A) A home occupation as defined in Section 5-4-2 may be permitted in a dwelling unit in any residential zoning district as a special exception granted by the Board of Zoning Appeals after consideration of the criteria contained in Section 5-4-5 and upon a finding by the board that all requirements and conditions set forth in this section are satisfied. In granting approval of a home occupation, the board may impose reasonable restrictions on the conduct and use of the home occupation, including a limit on the number of home occupation-related visitors per day and the frequency of product or material deliveries. There shall be no fee charged for a home occupation application. The requirements and conditions are as follows:

- (1) The occupation, profession or trade is a use allowed under Section 5-4-37, Table B-1, and is conducted wholly within the principal building of the lot.
- (2) Not more than 25 percent of the floor area of the principal building, or 750 square feet, whichever is less, shall be used for any part of the home occupation.
- (3) No accessory building or outside storage shall be used in connection with the home occupation.
- (4) No signs, merchandise or other articles shall be displayed for advertising purposes, or be visible from outside of the dwelling.
- (5) There shall be no alteration of the residential character of the building or premises.
- (6) The home occupation shall not generate greater vehicular or pedestrian traffic volume than that which normally occurs in the neighborhood. All parking generated by the home occupation shall be located solely within the boundaries of the property upon which the home occupation is conducted and shall not be located in the required front yard.
- (7) Only one home occupation shall be allowed per dwelling unit.
- (8) No electrical, mechanical, chemical or other equipment that is not a normal domestic or household equipment shall be allowed in connection with the home occupation and such occupation shall not generate noise, vibration, electrical interference, heat, glare, dust, smoke, odors, fumes, or unsafe conditions which are detectable to the normal human senses off of the lot or which adversely affect the health, safety or welfare of the neighborhood.
- (9) No home occupation shall be conducted using assistants or associates working in whole or in part within the home, except for family members living on the premises.

Code Adopted 4/26/94

(10) Only passenger vehicles shall be allowed in connection with the home occupation. For purposes of this section, passenger vehicles are limited to motorcycles, mopeds, automobiles, pickup trucks and vans.

B) Inspections. Home Occupation permittees shall allow reasonable, periodic inspections of the premises by any zoning or building official to determine compliance with the home occupation permit.

C) Any home occupation lawfully operating on October 27, 1998, and which is in violation of subsection (A) or (B) of this section shall be deemed a nonconforming use. The nonconforming use may continue for a period not to exceed three (3) years from October 27, 1998, unless sooner terminated for any reason or voluntarily discontinued for a period of one year or more. Such nonconforming uses shall not be increased, enlarged, extended or altered other than to a conforming use.

Sec. 5-4-45 Non-conforming lots, structures and uses, generally.

(a) The City recognizes that as a result of this chapter, some existing lots and structures will not comply with applicable zoning requirements. In addition, some existing uses will be made non-conforming by this Chapter; and some long-standing non-conforming uses will continue to be non-conforming.

(b) As a general policy, non-conformities in the use and development of land and buildings are discouraged; and should be brought into compliance with the applicable zoning requirements over time as the uses of land and structures change. However, with the limitations and exceptions set forth in this Chapter, it is the intent of The City that the lawful use of land and structures existing at the effective date of this chapter may continue, although such use does not conform to the provisions of this chapter.

(c) Any use, building or structure lawfully existing at the time of this chapter which does not conform with the provisions of said Chapter shall be deemed to be legal non-conforming uses, buildings or structures.

Sec. 5-4-46 Non-conforming lots.

(a) Subject to the limitations set forth in this Chapter, a non-conforming lot may continue to be used without change in boundaries.

(b) Any lot which is made conforming by combining with other lots shall be recognized as a conforming lot and shall fully comply with this chapter.

Sec. 5-4-47 Non-conforming structures.

(a) Except as allowed in this section, no structural alterations shall be made to a non-conforming structure other than those necessary to assure the safety of the building or structure.

(b) Subject to other applicable provisions of this Chapter and other City Ordinances, an existing structure, excluding stairs, which fails to meet the zoning district setback requirements of this chapter may be altered or enlarged so long as the encroachment of such structure, excluding stairs, into the required setback(s) is not increased. For purposes of illustration, if an existing structure has an actual five (5) foot sideyard setback including stairs and an eight (8) foot sideyard setback excluding stairs, and is located in a zoning district which requires a ten (10) foot sideyard setback, an alteration or addition to such structure is allowed if such alteration or addition is no closer than eight (8) feet to the side lot line, excluding stairs. Provided, however, that in connection with any such alteration or addition, no stair encroachment into the required setback(s) shall be increased.