



Board of Zoning Appeals  
Minutes  
February 5, 2019

I. Call to order

The regular meeting of the Board of Zoning Appeals was called to order on February 5, 2019 at 5:30 p.m. in the City Hall Conference Room, 1207 Palm Boulevard. Members present were Elizabeth Campsen, Carolyn Holscher, Glenn Thornburg and Pete Doherty; also, secretary Douglas Kerr was present. Arnold Karig was absent.

Mr. Kerr acknowledged that the meeting had been advertised in compliance with State law and the properties had been posted.

II. Nomination and election of Chairman and Vice Chairman

Mr. Thornburg stated that the next item on the agenda was the nomination and election of Chairman and Vice Chairman. Mr. Doherty explained that he understood that Mr. Karig may not want to continue as the Chairman, but he stated that he would still like for him to participate in the process of choosing a new Chairman and asked if it would be okay to delay until Mr. Karig is able to attend.

The group agreed to delay and asked that Mr. Thornburg chair the meetings until an election takes place.

III. Approval of minutes

The next item on the agenda was the review of the minutes of the December 4, 2018 meeting. Mr. Doherty made a motion to approve the minutes and Ms. Holscher seconded the motion. The vote was unanimous in favor of the motion.

IV. Special Exceptions

Mr. Thornburg explained that the Board acted as a quasi-judicial body and all comments made were treated in the same manner as court testimony; therefore, any person who would like to speak to the Board should be sworn in. He then swore in all members of the audience that would be speaking.

**13 Morgan's Cover Court**

Mr. Kerr explained that the request was to establish a residential roofing and exteriors contracting business in the home at 13 Morgan's Cove Court. He explained that the home would be used for office work only and there would be no business-related traffic coming to the house and no exterior evidence of a business.

Ms. Holscher asked if there would be any vehicle signs visible at the house. The applicant, Mr. Chance Nyman, answered no, that he did have a sign on his truck, but it would always be parked under the house and not visible.

Ms. Campsen made a motion to approve the request and Ms. Holscher seconded the motion. The vote was unanimous in favor of the motion.

### **1130 Ocean Boulevard**

Mr. Kerr explained that the next request was for a special exception to allow the outdoor sales of food and drink on a ground level patio and deck at a future restaurant at 1130 Ocean Boulevard. He explained that the prior restaurant used the area in a similar fashion with 81 outdoor seats, but the area will be modified and changed during the reconstruction of the new restaurant, which necessitates the request coming back before the Board of Zoning Appeals for approval of a special exception.

He stated that the property is located in the GC2 zoning district and Section 5-4-38(5)(a) of the City's zoning code specifies the conditions of when the Board can approve the sale of food or beverage in the district (see complete section below). He read Section 5-4-38(5)(a):

Outdoor sale of food or beverage, in whole or in part, in the GC-2 district more than two hundred feet (200') seaward of the right-of-way of Ocean Boulevard is strictly prohibited. Outdoor sale of food or beverage, in whole or in part, in the GC-2 district within two hundred feet (200') seaward of the right-of-way of Ocean Boulevard is permitted only by special exception pursuant to section 5-4-5. Outdoor sale of food or beverage, in whole or in part, in the GC-3 district is permitted only by special exception pursuant to section 5-4-5. Outdoor sale or rental of other tangible personal property, in whole or in part, in the GC-2 and GC-3 districts is strictly prohibited. All activity associated with outdoor sale of food or beverage in the GC-2 and GC-3 districts must occur within the footprint of a permitted permanent structure. Any use of a mobile or temporary unit, including, but not limited to, food trucks, vehicles, trailers, and carts, is prohibited, except as provided in section(5)(c) and 5-4-38(5)(d).

He explained that the proposed area is approximately 2,800 square feet (40'x70'), has a rear boundary limit approximately 170 feet seaward of the right-of-way of Ocean Boulevard, and is located on the ground floor. He stated that the applicant claims that the standards for the special exception will be satisfied because the area has been used in a similar fashion for many years without incident and the seating capacity of the new area will be no more than the prior capacity.

Ms. Holscher asked if the prior restaurant had 81 seats and this request was for me seating or less. The applicant, Mr. Frank Moses, explained that they would have less at 75.

Mr. Doherty asked if they intended to have live music outside. Mr. Moses answered that this is not currently in their plan, but they might like to do it in the future, but they would never have anything like Coconut Joes or the Windjammer.

Mr. Doherty asked what would happen in the rear area labeled as recreation area. Mr. Moses answered that this area would be yard games like cornhole, bocce or horse shoes.

Ms. Campsen asked if the applicant could live with a condition of no amplified music. Mr. Moses answered that they would like to have a stereo with music, which would be technically amplified, but never a full electric band.

Ms. Holscher asked if the illumination would be in compliance with the City's turtle lighting ordinance. Mr. Moses answered yes, it would have to be, and they understood this.

Ms. Campsen stated that they have requested 75 seats and she would like for one of the conditions to be a limit on the outdoor seating and asked if the group thought that a limit equal to what had previously been used, 81, would be reasonable. The group generally agreed.

Ms. Campsen made a motion to approve the request with the conditions that the outdoor seating not exceed 81, and that the outdoor live music be limited to acoustic acts only, with minimal amplification. Mr. Doherty seconded the motion and the vote was unanimous in favor of the motion.

#### V. Miscellaneous business

Mr. Doherty asked if the Board would be receiving the legal briefing that they used to receive. Mr. Kerr explained that he would look into this and report back.

#### VI. Adjournment

With no other business, the meeting was adjourned at 6:10 PM.

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**Appeal Number:** 19-03

**Applicant:** Justin Garraux

**Address:** 601 Carolina Boulevard

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**Request:**

The applicant is requesting a special exception to allow the establishment of a hot sauce business in his home. He has indicated that the products will be produced and shipped from a location other than the home. He has indicated that there may be a limited amount of drop shipping occurring from his residence, but that there will be no business-related traffic coming to the residence and that there will be no employees working in the residence. The business is classified in Table B1 as 7389- office work for business services not elsewhere classified.

Board of Zoning Appeals  
Information Sheet  
City of Isle of Palms

Date Filed: 3/6/19

Appeal Number 19.03

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 601 CAROLINA BLVD

Lot      Block      TMS     

Area of Lot      Zoning Classification     

Applicant(s) Name JUSTIN GARRAUX

Address ~~601~~ CAROLINA BLVD

Telephone 843-259-6270

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

Owner(s) (if different from applicant)     

Name     

Address     

Telephone     

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

Justin Garraux ; 3/6/19  
Applicant signature/date

Justin Garraux ; 3/6/19  
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): SELLING HOT SAUCE & APPAREL/ACCESSORIES

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

MAY HOLD SOME FINISH PRODUCT & SHIP BUT MOSTLY WILL BE DROP SHIPPING

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 ✓ (NOT YET ☺)

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 KINDA No            If yes, explain: GOING TO USE A CO PACKER TO PACKAGE, SO THERE, & CLOTHING & ACCESSORIES WILL MOSTLY BE DROP SHIPPING FROM THE ONLINE STORE

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: I WILL BE USING

A CO-PACKER TO PRODUCE THE BOTTLES OF HOT SAUCE SO ONLY  
PRODUCTION IN HOME WOULD BE ONLINE MARKETING & FINANCING/LOGISTICS  
& PROTOTYPING OF HOTSAUCE. SOMETIMES MAY HOLD PRODUCT  
LIKE CLOTHING, EXCESSORIES, OR BOTTLES IN HOUSE, BUT SINCE  
THIS WILL BE SOLD ONLINE & SHIPPED VIA DROP SHIPPING  
FROM PRODUCERS LOCATION, IT WILL BE MINIMAL IN HOUSE

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.

 3/6/19  
\_\_\_\_\_  
Signature of applicant & date

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**Appeal Number:** 19-04

**Applicant:** James Brastauskas

**Address:** 10 Oyster Row

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**Request:**

The applicant is requesting a special exception to allow the establishment of a business and technical consulting service in his home. The applicant has indicated that the home will be used for office work only and there would be no business-related traffic coming to the house or exterior evidence of a business. The business is classified in Table B1 as 7389- office work for business services not elsewhere classified.

Board of Zoning Appeals  
Information Sheet  
City of Isle of Palms

Date Filed: MAR. 7, 2019

Appeal Number 19.04

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 10 OYSTER ROW, ISLE OF PALMS SC

Lot 10 Block L TMS TRACK A, WILD DANCES, IOP

Area of Lot ABOUT 14,000 FT<sup>2</sup> Zoning Classification RESIDENTIAL

Applicant(s) Name JAMES P BRASTAUSKAS

Address 10 OYSTER ROW, ISLE OF PALMS SC 29451

Telephone 513-767-8011

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

Owner(s) (if different from applicant) SAME AS APPLICANT

Name \_\_\_\_\_

Address \_\_\_\_\_

Telephone \_\_\_\_\_

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

James P Brastauskas MAR 7, 2019  
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): BUSINESS AND TECHNICAL CONSULTING SERVICES

2. Will there be any work other than office work (i.e. use of phone, computer, fax, etc.) occurring at this residence? Yes \_\_\_\_\_ No X. 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 X 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 X

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

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

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 X

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

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

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 X

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

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

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: I AM AN

ENGINEER WITH 37 YEARS OF EXPERIENCE IN THE

US NAVY AND PRIVATE INDUSTRY. I INTEND TO

WORK PART TIME AS CONSULTANT ON BUSINESS

DEVELOPMENT AND TECHNICAL PROBLEMS WHILE

I WILL TRAVEL TO CUSTOMERS, I WILL ALSO WORK FROM HOME

VIA CONFERENCE CALLS, AND COMPUTER BASED PROPOSALS, SPECIFICATION,  
ACCOUNTING, AND OTHER OFFICE ACTIVITIES

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.

James P. Brantley MAR 7, 2019  
Signature of applicant & date