

BOARD OF ZONING APPEALS
February 5, 2019

AGENDA

The Isle of Palms Board of Zoning Appeals will hold its regularly scheduled meeting on February 5, 2019 in the City Hall conference room, 2nd floor, 1207 Palm Boulevard, at 5:30pm.

- A. Call to order
- B. Acknowledgement that the meeting has been advertised in compliance with State law
- C. Nomination and election of Chairman and Vice Chairman
- D. Approval of minutes of previous meeting: December 4, 2018
- E. Swearing of any person giving testimony
- F. Home Occupations: 13 Morgan's Cove Court
- G. Special Exception: 1130 Ocean Boulevard- outdoor sales
- H. Miscellaneous business
- I. Adjournment

Board of Zoning Appeals
Minutes
December 4, 2018

I. Call to order

The regular meeting of the Board of Zoning Appeals was called to order on December 4, 2018 at 5:30 p.m. in the City Hall Conference Room, 1207 Palm Boulevard. Members present were Elizabeth Campsen, Glenn Thornburg, Arnold Karig and Pete Doherty; also, secretary Douglas Kerr was present. Carolyn Holscher was absent.

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

II. Approval of minutes

The next item on the agenda was the review of the minutes of the October 2, 2018 meeting. Mr. Thornburg made a motion to approve the minutes and Mr. Doherty seconded the motion. The vote was unanimous in favor of the motion.

III. Special Exceptions

Mr. Karig 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.

251 Forest Trail

Mr. Kerr explained that the request was to establish a business that involves handmaking jewelry in her home. The jewelry will be manufactured, packaged and shipped from the home. He explained that the applicant has indicated that there will be no exterior evidence of a business, no business-related traffic coming to the residence, no work done outside of the home, and that there will be no employees working in the residence business.

Mr. Karig asked the applicant if she had anything to add and the applicant, Ms. Jessica Adams, answered no, that the application seemed to cover everything. Mr. Karig asked if all marketing would be done via a website and Ms. Adams answered eventually it would, but the website is currently being designed.

Mr. Doherty asked if there would be a lot of delivery trucks coming to the house. Ms. Adams answer not more than a typical home as she would be taking all the items to a drop location for shipping and not having items picked up at the house.

Mr. Doherty asked if the applicant could explain what would be created at the house. Ms. Adams answered that the business would be called Indigo and Patina and she would make necklaces, earrings, and bracelets generally held together with wire.

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

IV. Variances

11 JC Long Boulevard

Mr. Kerr explained that the applicant for the next case had withdrawn the request, so no action was necessary.

V. Miscellaneous business

Mr. Kerr explained that the Board needed to organize a time for the members to receive the state required continuing education.

The group agreed to have the training session organized via email.

VI. Adjournment

With no other business, the meeting was adjourned at 5:50 PM.

Appeal Number: 19-01

Applicant: Chance Nyman d.b.a. Lowcountry Roofing and Exterior

Address: 13 Morgan Cove Court

Request:

The applicant is requesting a special exception to allow the establishment of a home roofing and exteriors contracting business in his home. He has indicated that the home will be used for office work only, 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: 11.29.18

Appeal Number 19.01

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 13 Morgans Cove Ct, Isle of Palms 29451

Lot _____ Block _____ TMS _____

Area of Lot _____ Zoning Classification _____

Applicant(s) Name Chance Nyman d.b.a. Lowcountry Roofing & Exterior

Address 13 Morgans Cove Ct., Isle of Palms 29451

Telephone 843-303-4080

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.

Chance Nyman

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): Roofing & Exteriors Contractor (Residential)

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 ☒

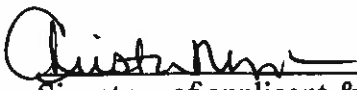
12. Are there currently any other home occupations operating at this residence? Yes _____ No ☒

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: _____

Administrative work for roofing and
exteriors company.

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

Appeal Number: 19-02

Applicant: Frank Moses, Contractor

Address: 1130 Ocean Boulevard (previously the One-Eyed Parrot)

Request:

The applicant is requesting 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. 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.

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).

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. 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.

Pertinent Zoning Code Sections:

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).

Section 5-4-5 (c):

(c) *Special exceptions.*

1. Upon written application filed with the Zoning Administrator, the Board may grant as a special exception any use specified as a special exception in the zoning district regulations. In addition to the conditions generally required by the applicable zoning district regulations, the Board shall apply the following standards in deciding special exception applications:
 - (1) Adequate provision shall be made for setbacks, fences, buffer or planting strips to protect adjacent properties from adverse impact of the proposed use, such as noise, vibration, dust, glare, odor, traffic congestion and similar factors.
 - (2) Vehicular traffic and pedestrian movement on adjacent roads must not be hindered or endangered.
 - (3) Off-street parking and loading areas and the entrances and exits for the use must be adequate in terms of location, number, design and construction to serve the use without adverse impact on adjacent properties.
 - (4) The proposed use must not adversely affect the property values, the general character or the general welfare of the surrounding vicinity.
2. In granting a special exception, the Board may attach to it such conditions regarding the location, size, character, or other features of the proposed use as the Board may consider advisable in order to promote public health, safety, or general welfare. No special exception use may be altered or enlarged without the prior approval of the Board.

Board of Zoning Appeals

**Information Sheet
City of Isle of Palms**

Date Filed: 1.8.19

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.

An accurate, legible plot plan, showing all property dimensions and locations of all structures and improvements must be attached.

Property Address 1130 Ocean Blvd.

Lot _____ Block _____ TMS _____

Area of Lot _____ Zoning Classification _____

Applicant(s) Name Frank Moses

Address 4 SANDWEGGE LN. 10P, SC 29451

Telephone 843-200-1853

Interest [i.e. owner, owner's attorney, architect, etc] CONTRACTOR

Owner(s) [If different from applicant]

Name John Derbyshire

Address 950 Meeting St Charleston SC 29403

Telephone 843-958-0340

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

Frank Moses 1/8/19
Applicant Signature/Date

[Signature]
Owner Signature (if different from applicant)/Date

**Zoning Board of Adjustment
Special Exception Application**

City of Isle of Palms

Form - 4

Date Filed: 1-8-19

Appeal Number: _____

1. Applicant hereby appeals to the Zoning Board of Adjustment for a special exception for use of the property described in the Notice of Appeals [Form 1] as: OUTDOOR SALE OF
Food & Beverage

which is a permitted special exception under the district regulation in Section 5-4-38 (5)(a) of the Zoning Ordinance.

2. Applicant will meet the standards in Section 5-4-5(c) of the Zoning Ordinance which are applicable to the proposed special exception in the following manner: REWORK

EXISTING BAR + Seating NOT TO EXCEED
AMOUNT OF EXISTING Seating THERE NOW (81)

3. Applicant suggests that the following conditions be imposed to meet the standards in the Zoning Ordinance: _____

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

9 SITE PLANS
[A plot plan must be submitted.]

Ah Moore 1/8/19
Applicant Signature & Date

Section 5-4-5 Special Exception

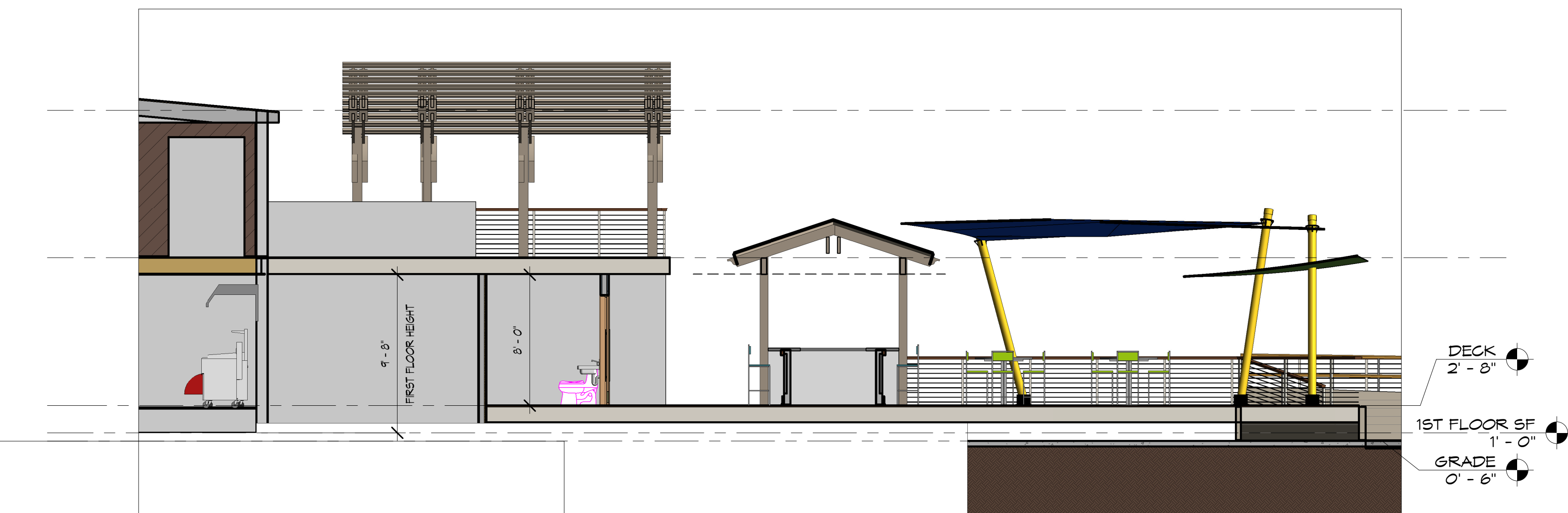
(c) **Special Exceptions.** Upon written application filed with the Zoning Administrator, the Board of Adjustment may grant as a special exception any use specified as a special exception in the district regulations. In addition to the conditions required by district regulations, the Board shall apply the following standards in granting special exceptions:

(1) Adequate provisions shall be made for setbacks, fences, buffer or planting strips to protect adjacent properties from adverse impact of the proposed use, such as noise, vibration, dust, glare, odor, traffic congestion and similar factors.

(2) Vehicular traffic and pedestrian movement on adjacent roads must not be hindered or endangered.

(3) Off-street parking and loading area and the entrances and exits for the use must be adequate in terms of location, number, design and construction to serve the use without adverse impact on adjacent properties.

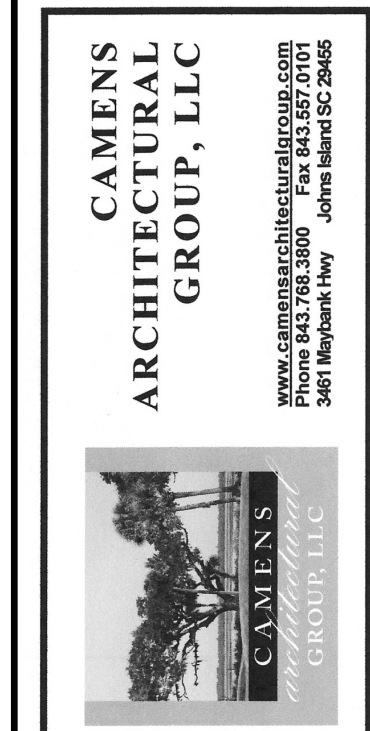
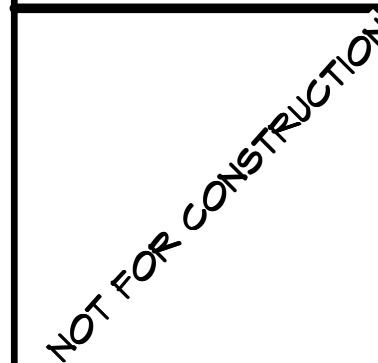
(4) The proposed use must not adversely affect the level of property values, the general character or general welfare of the nearby areas.



3 Section 15
3/16" = 1'-0"

Binkys- Oyster Bar	
OCCUPANCY CALCULATIONS-	
TOTAL SQUARE FEET	2086 SF
LOWER DECK	478 SF
OCCUPANCY PER SF	15 NET
MAX OCCUPANCY LOAD	31
ACTUAL OCCUPANCY	11

Binkys- Oyster Bar	
OCCUPANCY CALCULATIONS-	
TOTAL SQUARE FEET	2086 SF
KITCHEN	404 SF
TOILETS (2)	132 SF
RESTAURANT/BAR SF	1548 SF
TABLE SEATING 58	
BAR SEATING 13	
OCCUPANCY PER SF	15 NET
MAX. OCCUPANCY LOAD	103
ACTUAL OCCUPANCY	71
EXTERIOR OCCUPANCY	73



BINKYS OYSTER BAR
1130 OCEAN BOULEVARD
ILSE OF PALMS, SC 29451

PRELIMINARY PRICING

A1.3

DATE 01/24/2019

FURNITURE LAYOUT