

BOARD OF ZONING APPEALS
July 10, 2018

AGENDA

The Isle of Palms Board of Zoning Appeals will hold its regularly scheduled meeting on July 10, 2018 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. Approval of minutes of previous meeting: May 1, 2018
- D. Swearing of any person giving testimony
- E. Home Occupations: 3805 Hartnett Boulevard
1 Tabby Lane
- F. Miscellaneous business
- G. Adjournment

Board of Zoning Appeals
Minutes
May 1, 2018

I. Call to order

The regular meeting of the Board of Zoning Appeals was called to order on May 1, 2018 at 5:30 p.m. in the City Hall Conference Room, 1207 Palm Boulevard. Members present were Elizabeth Campsen, Pete Doherty, Glenn Thornburg and Arnold Karig; 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 April 3, 2018 meeting. Mr. Doherty made a motion to approve the minutes and Mr. Thornburg seconded the motion. The vote was unanimous in favor of the motion.

IV. 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.

6 Intracoastal Court

Mr. Kerr explained that the request was to establish a home staging business at 6 Intracoastal Court. He explained that the applicant has indicated on her application that there would be some work other than office work at the house, but that there would be no exterior evidence of a business and no business-related traffic would be coming to the house.

Mr. Karig asked the applicant if she had anything to add to what has been presented already. Ms. Little answered no.

Ms. Campsen asked what work other than office work would take place at the house. Ms. Little answered that the business included a box truck that would typically be away from the house, but occasionally she would have the need to bring it home.

Mr. Kerr explained that having a commercial vehicle and having visible signs would violate the home occupation provisions of the City's zoning code.

Ms. Little explained that if this was a problem, she could keep the van at a location in North Charleston, but sometimes she needs to pick up her child from school in the van and bring her home.

Mr. Kerr explained that the code does not allow commercial vehicles or signage at the house and she would either need to alter her request or the Board would need to deny the request.

Mr. Doherty asked if any commercial vehicle with signage on the island that stayed in a residential district would violate the code.

Mr. Kerr answered no, the prohibition on exterior signs and only passenger vehicles is in the home occupation provisions of the code, so an employee of another business that has a work truck with a sign on it, does not violate the code. He said there are other provisions in the code that restricts commercial vehicles at homes, but it does not cover typical passenger vehicles with signs on the side.

Ms. Campsen asked if the applicant was able to get the vehicle into the garage, if that would solve the issue. Mr. Kerr answered no, the code limited vehicles for home occupations to typical passenger vehicles only and would not allow a box truck, even it was in the garage.

Ms. Little said that she did a lot of work on the island and she wanted to follow the rules and asked if it would be a problem if she just brought it home for ten minutes to drop off the kids or pick something up. Mr. Kerr said that it would violate the code to do this and she would need to avoid the box truck being at the house.

Ms. Campsen asked what changes to the application would be necessary for the Board to be able to approve the request. Mr. Kerr answered that the application would need to be amended to indicate that office work only would be occurring at the house and that there would be no commercial vehicles used in connection with the business.

Ms. Campsen asked the applicant if she was agreeable to amending the application as described. Ms. Little indicated that she was agreeable to the changes.

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

V. Miscellaneous business

Mr. Kerr indicated that at a recent Council meeting a Council member said that they were at a training session and the issue of special exceptions came up and the advice given was that cities should limit the number of special exceptions they are granting and if something becomes too routine, then probably the ordinance should be amended to address the situation.

The Councilmember expressed concern about the fact the City's code required that every home occupancy be approved as a special exception and therefore, the City was approving three or four special exceptions every month.

Mr. Kerr indicated that he reached out to the individual that gave this advice, Chip Bentley with the Appalachian Council of Governments, and explained to him that the reason the City's code is set up the way it is because Roy Bates, the MASC Attorney for years and the primary author of the SC Planning Legislation, recommended having it set up that way "because you might need it one day." He explained that Mr. Bates used to do legal briefings for the City's Board of Zoning Appeals and it would be asked of him if these could be approved at the staff level as a conditional use and Mr. Bates would respond that they could, but that it may be beneficial to have businesses operating in residential zoning districts openly vetted by the Board of Zoning Appeals. Mr. Bates also knew that the Isle of Palms was small enough that this could be done, in contrast to larger jurisdictions that might have hundreds of these requests annually.

Mr. Kerr indicated that he asked Mr. Bentley if something had changed since the time of Mr. Bates' advice or was there some other issue he perceived. Mr. Bentley answered that the primary reason he gave this advice was he has witnessed problems with Boards consistently and evenly applying the standards in their special exception decisions. He indicated that he realized it was not wrong or illegal to have a code set up this way, but he thought that it could lead to problems and therefore may not be the best practice.

Mr. Doherty indicated that he thought the City's Board has always been very consistent in applying the standards in the home occupancy regulations.

Mr. Thornburg stated that he felt that having applicants come into a meeting and have it reinforced under oath that they are agreeing to do office work only and not have people coming and going or signs visible helps to prevent problems with enforcement after-the-fact. He also stated that through the vetting of individual requests, things come up that the applicant's may not have disclosed in their application that are problematic and it keeps those problems from being established.

Mr. Doherty asked Mr. Kerr if he thought these should be handled at the staff level. Mr. Kerr answered that obviously the current method causes a lot more administrative work on the front end and if home occupations were handled by the staff, it would cut down on the number of meetings, minutes, and time spent approving requests. However, he was not convinced that the same amount of time, or maybe more, might not be spent on enforcement after-the-fact trying to get home occupations into compliance. Additionally, he stated that it served the Board well to meet regularly and to cut down to only a couple of meetings a year might cause consistency problems. So, he felt that as long as the Board felt like its work was worthwhile to the City and serving the City well, he was supportive of continuing to handle home occupancies the way they are currently handled.

Mr. Karig stated that he felt like it would be good idea for the Board to go on the record as supporting the method historically used and he made a motion to recommend that the Board to continue to review home occupations as special exceptions. Mr. Doherty seconded the motion and the vote was unanimous in favor of the motion.

VI. Adjournment

With no other business, the meeting was adjourned at 6:00 PM.

Appeal Number: 18-09

Applicant: Jane Hooper

Address: 3805 Hartnett Boulevard

Request:

The applicant is requesting a special exception to allow the establishment of a nursing business in her 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 applicant's husband also runs a home occupation at this residence, which is a computer consulting 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: 6.8.18

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 3805 Hartnett Blvd

10-~~Appt~~ Lot 3805 Block FT-Two TMS 571 110 0024

Area of Lot 0.31 acre Zoning Classification SR 1

Applicant(s) Name Jane Hooper

Address 3805 Hartnett Blvd

Telephone 843 886-8939 843 813 6977

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

Owner(s) (if different from applicant) _____

Name _____

Address _____

Telephone _____

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

Jane A. Hooper 6/8/18
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): In home nursing care

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: _____

Registered Nurse

Phone calls set up appointments
follow up calls

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.

Opus A. Hooper 6-8-18
Signature of applicant & date

Appeal Number: 18-10

Applicant: Mike Efremov

Address: 1 Tabby Lane

Request:

The applicant is requesting a special exception to allow the establishment of a home repair 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: 6.8.18

Appeal Number 18.40

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 1 TABBY LANE

Lot _____ Block _____ TMS _____

Area of Lot _____ Zoning Classification _____

Applicant(s) Name MIKE EFREMOV

Address 1 TABBY LANE, IOP, SC. 29451

Telephone (843) 693-7453

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.

M.E. / [Signature] 8 JUNE 2018
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): HOME REPAIR
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: _____

HOME WILL NOT BE USED IN ANY WAY
FOR THE BUSINESS. ALL WORK IS CONDUCTED
AT CUSTOMERS HOMES

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.

M. P. [Signature] 8 JUNE 2012
Signature of applicant & date