

BOARD OF ZONING APPEALS
January 5, 2021

Virtual Meeting Due to COVID-19 Pandemic

The public may view the public meeting at:
www.youtube.com/user/cityofisleofpalms

Public Comment: Citizens may provide public comment here:
<https://www.iop.net/public-comment-form>

AGENDA

The Isle of Palms Board of Zoning Appeals will hold its regularly scheduled meeting on January 5, 2021 virtually at **4:30pm**.

- A. Call to order
- B. Acknowledgement that the meeting has been advertised in compliance with State law
- C. Nomination and election of Chair and Vice Chair
- D. Approval of minutes of previous meeting: July 7, 2020
- E. Swearing of any person giving testimony
- F. Home Occupations: 139 Sparrow Drive
 63 Twin Oaks Lane
 106 Carolina Boulevard
 9000 Palmetto Drive, Apt. 304D
- G. Special Exceptions: 624 Palm Boulevard
 #80- 41st Avenue
- H. Miscellaneous business
- I. Adjournment



BOARD OF ZONING APPEALS

Tuesday, July 7, 2020

Virtual Meeting via Zoom call due to COVID-19 Pandemic
broadcasted live on YouTube: <https://www.youtube.com/user/cityofisleofpalms>

MINUTES

1. Call to order

Present: Glenn Thornburg, Elizabeth Campsen, Arnold Karig, Carolyn Holscher, Pete Doherty and Douglas Kerr, Director of Planning

2. Acknowledgement that the meeting has been advertised according to State law.

3. Approval of Previous Meeting's Minutes

Ms. Holscher made a motion to approve the minutes of the March 3, 2020 meeting as presented, and Mr. Thornburg seconded the motion. The minutes were approved unanimously

4. Swearing in of applicants

Ms. Campsen swore in Mr. Wade Alexander of 3009 Cameron Boulevard.

5. Home Occupations

A. 3009 Cameron Boulevard

Director Kerr said the applicant, Wade Alexander, is requesting a special exception for the establishment of a lawn care business. The space would be used for office work only and there would be no business-related traffic or employees coming to the home. Mr. Alexander added there will be no signage on the enclosed trailer that will house the lawn care equipment.

MOTION: Mr. Doherty made a motion to approve Mr. Alexander's request, and Mr. Thornburg seconded the motion. The motion passed unanimously.

B. 805 Carolina Boulevard

Director Kerr said the applicant, Ann Wyman, who was not present, is requesting a special exception for the establishment of a real estate appraisal business in her home. The space would be used for office work only and there would be no business-related traffic or employees coming to the home. There will be no exterior evidence of a business.

MOTION: Ms. Holscher made a motion to approve Ms. Wyman's request, and Mr. Thornburg seconded the motion. The motion passed unanimously.

6. Miscellaneous Business

Board members briefly discussed the possible interest in the triangular lot and its parameters.

Director Kerr reported that an offer had been made to settle on a recent court case involving the BOZA, but no final action has yet been taken.

7. Adjournment

Ms. Holscher made a motion to adjourn, and Mr. Thornburg seconded the motion. The meeting was adjourned at approximately 4:48pm.

Respectfully submitted,

Nicole DeNeane
City Clerk

Board of Zoning Appeals
Information Sheet
City of Isle of Palms

Date Filed 9-16-20
Number 20-11

Appeal

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

63 Twin Oaks LN Isle of Palms, SC 29451

Lot _____ Block _____ TMS

Area of Lot _____ Zoning
Classification _____

Applicant(s) Name

Marion H Martens

Address

63 Twin Oaks LN Isle of Palms, SC 29451

Telephone

843-478-3710

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

Owner

Owner(s) (if different from applicant)

Name

Marion H. Martens

Address

63 Twin Oaks Ln

Telephone

843-478-3710

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



9/16/20

Applicant Signature/Date

Owner Signature (if different from applicant)/Date

Board of Zoning Appeals
Information Sheet
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):

second home + rental inspection

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 NO

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.

Only Computer work & phone calls
will be done in the home.

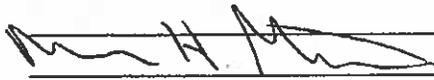
Any meetings with home owners will
at the home owner's residence.

Please refer to the Home National Home Litch
Associates web site

to better understand how & what this
business works

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 the 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.

 9/16/20
Signature of Applicant & Date

**APPLICANT MUST ATTEND BOARD OF ZONING APPEALS
FOR APPLICATION TO BE HEARD**

Board of Zoning Appeals
Information Sheet
City of Isle of Palms

Date Filed: Sept. 29, 2020

Appeal Number 20-10

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 139 Sparrow Dr. Isle of Palms

Lot _____ Block _____ TMS _____

Area of Lot _____ Zoning Classification _____

Applicant(s) Name Alice Turnage PMIC # 118965

Address 139 Sparrow Dr.

Telephone 843.224.8800

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

Owner(s) (if different from applicant) _____

Name Alice B. Turnage

Address _____

Telephone _____

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

Alice B. Turnage
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): Vacation Rental Management
(Property Management)

2. Will there be any work other than office work (i.e. use of phone, computer, fax, etc.) occurring at this residence? Yes _____ No 1 ✓. 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 1 ✓. 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 1 ✓

5. Will there be any business related traffic coming to this residence? Yes _____ No 1 ✓. If yes, please explain and give frequency: _____

6. Will there be any employees working in this residence other than family members? Yes _____ No 1 ✓

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 1 ✓

8. Will any merchandise or articles be stored at any location other than inside this residence? Yes _____ No 1 ✓. If yes, explain: _____

9. Will more than 25% of the floor of this residence be devoted to the occupation? Yes _____ No 1 ✓

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 1 ✓

11. Will the occupation generate any noise, vibration, heat, glare, smoke, odor, or dust perceptible to your neighbors? Yes _____ No 1 ✓

12. Are there currently any other home occupations operating at this residence? Yes 1 ✓ 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: _____

Business is for Property Management of short term rentals. Only work done in home will be office, computer and phone 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.

Alice B. Turner
Signature of applicant & date

Board of Zoning Appeals
Information Sheet
City of Isle of Palms

Date Filed 9-16-20
Number 20-11

Appeal

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

63 Twin Oaks LN Isle of Palms, SC 29451

Lot _____ Block _____ TMS

Area of Lot _____ Zoning _____
Classification _____

Applicant(s) Name

Marion H Martens

Address

63 Twin Oaks LN Isle of Palms, SC 29451

Telephone

843-478-3710

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

Owner

Owner(s) (if different from applicant)

Name

Marion H. Martens

Address

63 Twin Oaks Ln

Telephone

843-478-3710

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



9/16/20

Applicant Signature/Date

Owner Signature (if different from applicant)/Date

Board of Zoning Appeals
Information Sheet
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):

Second Home + Rental Inspection

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.

Only Computer work + phone calls
will be done in the home.

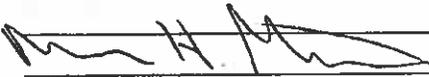
Any meetings with home owners will
at the home owners residence.

Please refer to the Home National Home Litch
Associates web site

to better understand how + what this
business works

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 the
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.

 9/16/20
Signature of Applicant & Date

**APPLICANT MUST ATTEND BOARD OF ZONING APPEALS
FOR APPLICATION TO BE HEARD**



Status: **Reviewed**

Entry #: 721

Date Submitted: 9/15/2020 3:26 PM

Business

Name of Owner
Marion Martens

Name of Business
Barrier Island Home Watch LLC

Address Of Owner
63 Twin Oaks Ln, Isle of Palms, South Carolina 29451

Type of Business
HOMe check business

Email
barrierislandhomewatch@gmail.com

Mailing Address of Business
PO Box 45, Isle of Palms, South Carolina 29451

Phone
(184) 347-8371 x0

Social Security Number OR Federal Tax ID number

██████████

Ownership
Proprietorship

Is this a New License Application or a Renewal License Application
New License

Estimated Gross Receipts for New Business for IOP
\$25,000.00

Contractor License Number

Contractor License Expiration Date

Applicant Signature

Date
10/1/2020



Board of Zoning Appeals
Information Sheet
City of Isle of Palms

Date Filed: 11-14-20

Appeal Number 20-12

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 106 CAROLINA Blvd

Lot _____ Block _____ TMS _____

Area of Lot _____ Zoning Classification Residential

Applicant(s) Name JEAN CARDOCK

Address 106 CAROLINA Blvd

Telephone 843-532-2443

Interest (i.e. Owner, Owner's attorney, Architect, etc.) Home Office for Lazy Days Vacatn

Owner(s) (if different from applicant) _____

Name _____

Address _____

Telephone _____

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

[Signature] 11/14/20
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): Property Management - Home Office

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

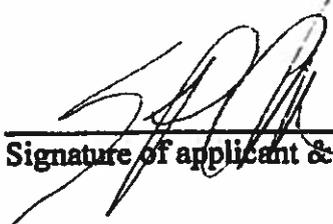
12. Are there currently any other home occupations operating at this residence? Yes _____ No

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: _____

vacation property management -
My in home office work involves
taking phone calls and computer work.
There will be no customer traffic
at my 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. Seq., 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

11/14/20

Status: **Reviewed**

Entry #: 564

Date Submitted: 7/28/2020 9:14 AM

Business

Name of Owner
Sean Cradock

Name of Business
Lazy Days Vacations

Address Of Owner
108 Carolina Blvd, Isle of Palms, South Carolina
29451

Type of Business
Property management

Email
sean@cradock.com

Mailing Address of Business
108 Carolina Blvd, Isle of Palms, South Carolina 29451

Phone
(832) 532-2443

Social Security Number OR Federal Tax ID number

Ownership
Proprietorship

Is this a New License Application or a Renewal License Application
New License

Estimated Gross Receipts for New Business for IOP
~~005,000.00~~

Contractor License Number

Contractor License Expiration Date

Applicant Signature

Date
12/15/2020



Board of Zoning Appeals
Information Sheet
City of Isle Palms

Date Filed: 12/11/20

Appeal Number 20-13

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 9000 Palmetto Dr Apt 304D Isle of Palms 29451

Lot _____ Block _____ TMS _____

Area of Lot _____ Zoning Classification _____

Applicant(s) Name Kate E. Matthews

Address 9000 Palmetto Dr Apt 304D Isle of Palms 29451

Telephone 512 954 3221

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.

Kate E. Matthews
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): Software Development Consulting
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: _____

Coding of software on a computer

Phone 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.

*Kate E. Matthews **

Signature of applicant & date

Status: **Reviewed**

Entry #: 903

Date Submitted: 12/11/2020 12:59 PM

Business

Name of Owner
Kate Matthews

Name of Business
KaTech Consulting LLC

Address Of Owner
9000 Palmetto Dr Apt 304D, Isle of Palms, South
Carolina 29451-4804

Type of Business
Software Development

Email
kematthews47@gmail.com

Mailing Address of Business
9000 Palmetto Dr Apt 304D, Isle of Palms, South Carolina 29451-4804

Phone
(512) 954-3221

Social Security Number OR Federal Tax ID number

[REDACTED]

Ownership
Corporation

Is this a New License Application or a Renewal License Application
New License

Estimated Gross Receipts for New Business for IOP
\$100,000.00

Contractor License Number

Contractor License Expiration Date

Applicant Signature

Date
12/11/2020

Kate E Matthews

BOZ A

Board of Zoning Appeals

**Information Sheet
City of Isle of Palms**

Date Filed: 12/14/2020

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 0 Palm Blvd.

Lot 17 Block 19 TMS 5681000168

Area of Lot 0.1964 acres Zoning Classification SR-1

Applicant(s) Name Commissioners of Public Works of the City of Isle of Palms

Address 1300 Palm Blvd

Telephone 843-886-6148

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

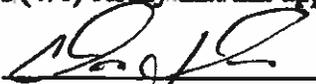
Owner(s) [If different from applicant]

Name The Beach Company

Address 736 Coleman Blvd Suite 200, Mount Pleasant, SC 29464

Telephone 843-270-5454

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

 ISLE OF PALMS WATER AND SEWER COMM.
Applicant Signature/Date

DocuSigned by:
 12/14/2020
Owner Signature (if different from applicant)/Date

**Zoning Board of Adjustment
Special Exception Application**

City of Isle of Palms

Form - 4

Date Filed: 12-14-2020

Appeal Number: 20-14

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: Future sewer pump station

which is a permitted special exception under the district regulation in Section 5-4-32 (9)(a.)(iii) 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: If sewer service is extended in this area the Commission will meet or exceed the conditions in the special exception

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

4. The following documents are submitted in support of this application: Plans of 0 Palm Blvd.

and renderings of the future pump station

[A plot plan must be submitted.]

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.



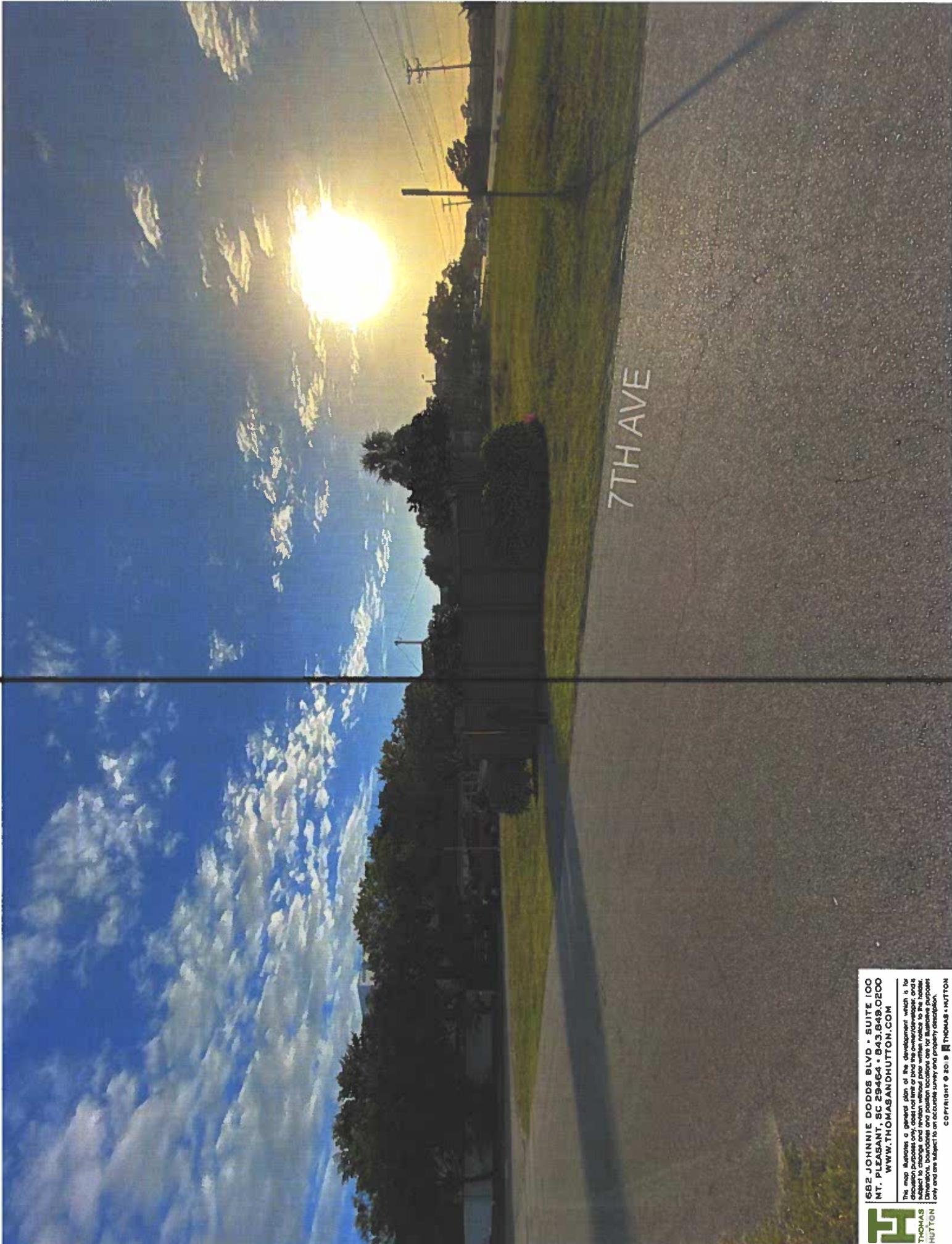
STATE RD S-10-340

682 JOHNNIE DODDS BLVD • SUITE 100
MT. PLEASANT, SC 29564 • 843.849.0500
WWW.THOMASANDHUTTON.COM



This map assumes a general plan of the development which is for discussion purposes only, does not limit or bind the owner/developer, and is subject to change and revision without prior written notice to the holder. This map is not intended to be used for any other purpose, and is provided only and is subject to an accurate survey and property description.

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7TH AVE

682 JOHNNIE DODDS BLVD • SUITE 100
MT. PLEASANT, SC 29464 • 843.849.0200
WWW.THOMASANDHUTTON.COM



The map illustrates a general plan of the development which is for illustrative purposes only and is not intended to be used for any other purpose. Dimensions, boundaries and position locations are for illustrative purposes only and are subject to an accurate survey and property description.

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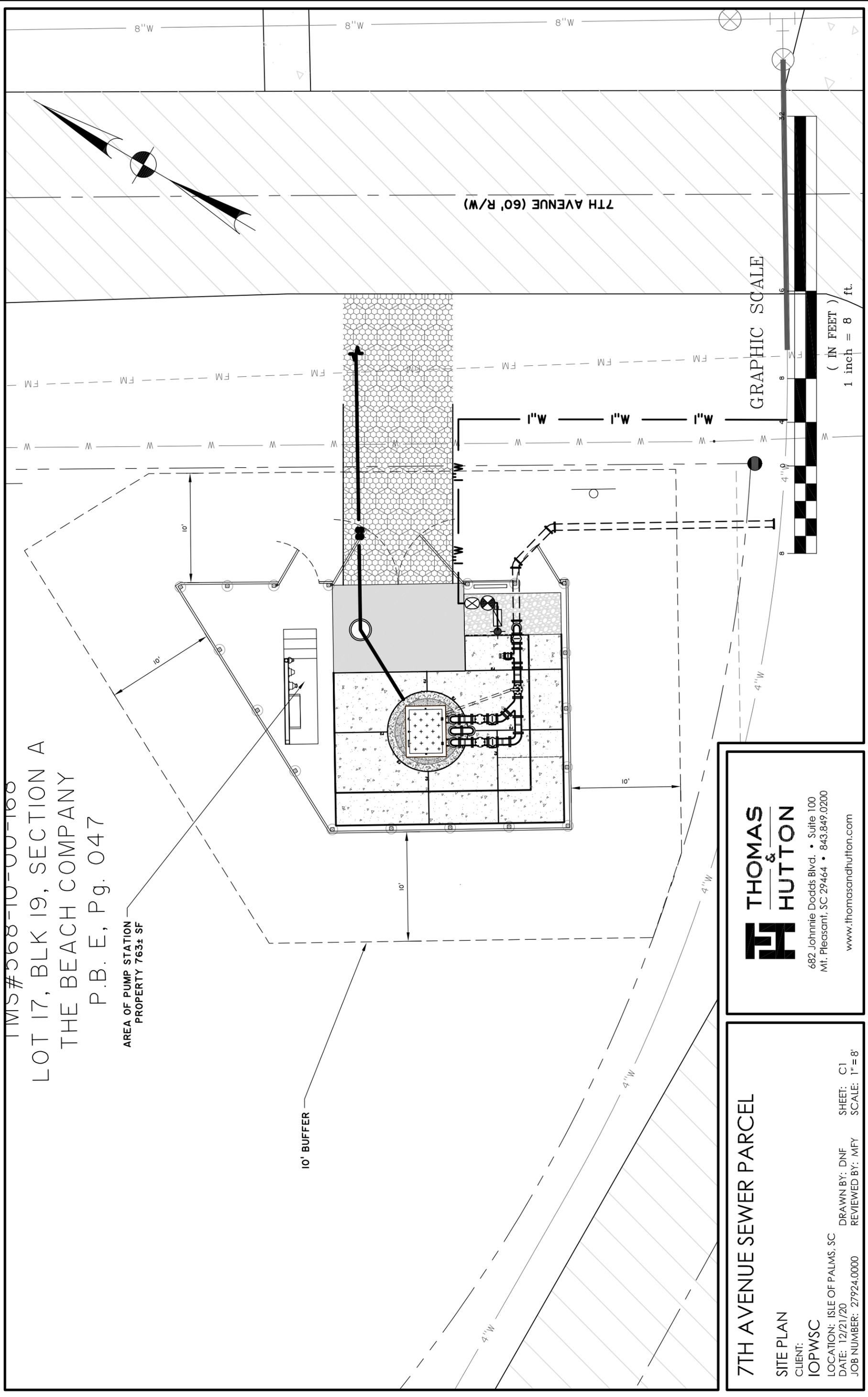
7TH AVE

682 JOHNNIE DODDS BLVD • SUITE 100
MT. PLEASANT, SC 29464 • 843.849.0200
WWW.THOMASANDRUTTON.COM



The map illustrates a general plan of the development which is for discussion purposes only, does not limit or bind the owner/developer and is subject to change and revision without prior written notice to the holder. Dimensions, boundaries and location locations are for illustrative purposes only and are subject to all applicable laws and regulations.

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TMS# 368-10-00-160
 LOT 17, BLK 19, SECTION A
 THE BEACH COMPANY
 P.B. E, Pg. 047

AREA OF PUMP STATION
 PROPERTY 763± SF

10' BUFFER

7TH AVENUE (60' R/W)

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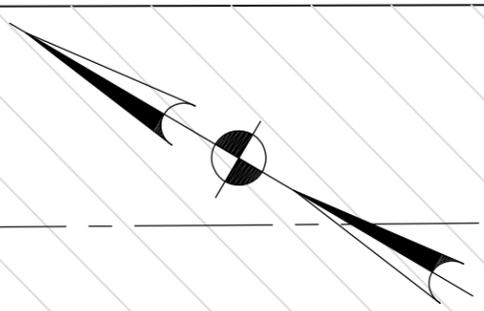
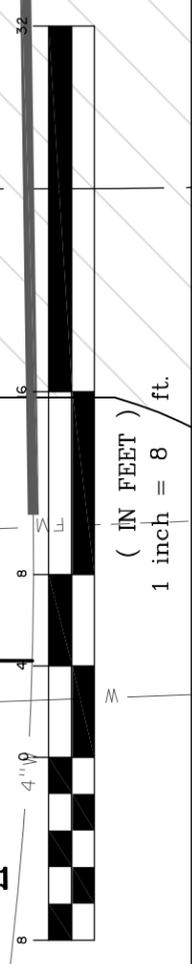
7TH AVENUE SEWER PARCEL

SITE PLAN
 CLIENT: IOPWSC
 LOCATION: ISLE OF PALMS, SC
 DATE: 12/21/20
 JOB NUMBER: 27924.0000

DRAWN BY: DNF
 REVIEWED BY: MFY

SHEET: C1
 SCALE: 1" = 8'

GRAPHIC SCALE



LEGEND

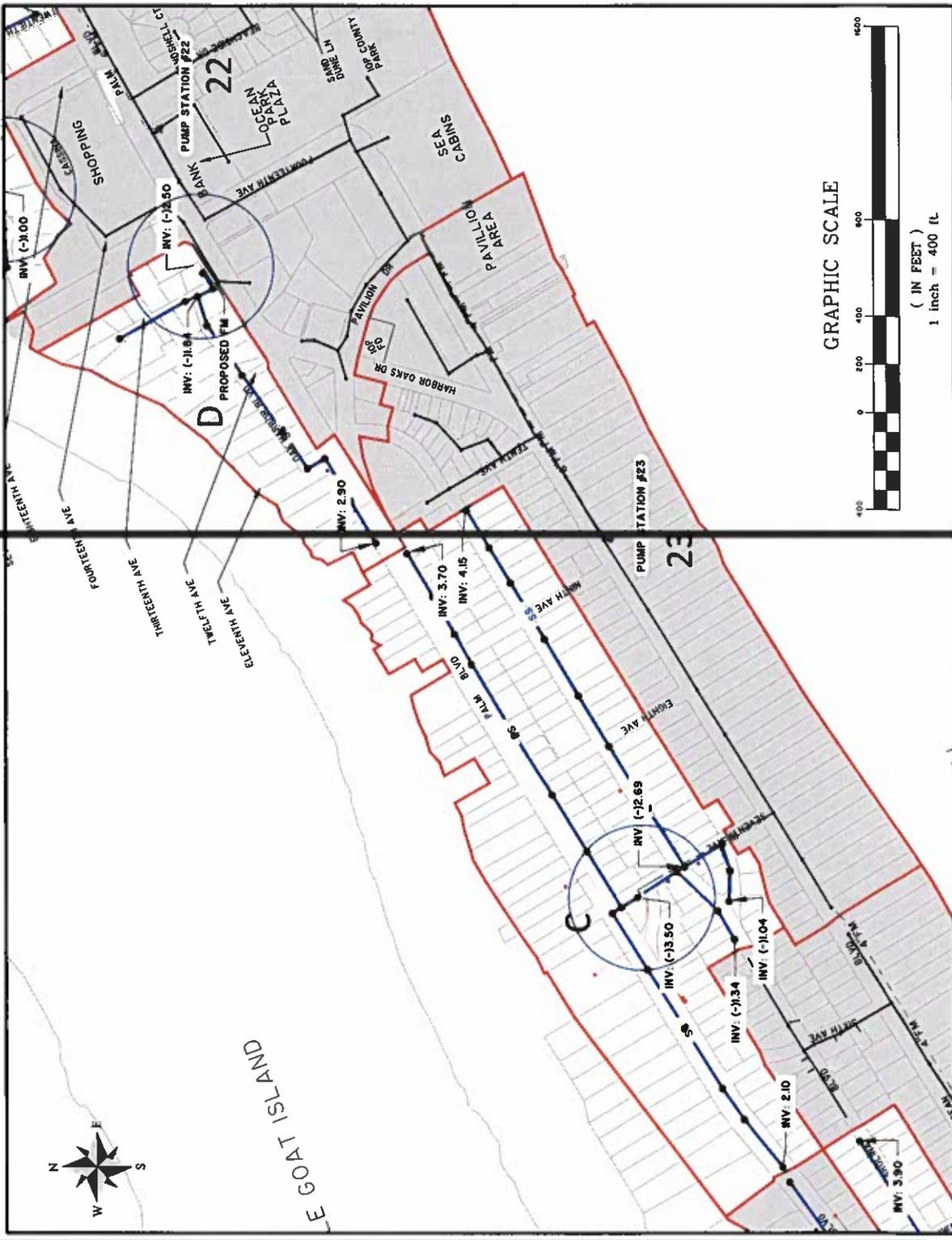
- SEWERED AREA (MATCH)
- EXISTING RESIDENTIAL / COMMERCIAL UNDER PUMP SYSTEM INTO FORCE MAIN
- EXISTING GRAVITY SEWER
- EXISTING FORCE MAIN
- EXISTING PUMP STATION
- PROPOSED GRAVITY SEWER
- PROPOSED FORCE MAIN
- PROPOSED PUMP STATION VICINITY
- PS SERVICE AREA

IOPWSC SEWER MASTER
PLAN UPDATE
Basin Exhibit

CLIENT: IOPWSC
 LOCATION: CHARLESTON COUNTY, SC
 DATE: 12/19/18 Rev.01 JOB NUMBER: 27294/27529
 DRAWN BY: CGB SHEET: 2 OF 6
 REVIEWED BY: MPY SCALE: 1" = 400'

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ORDINANCE 2020-10

AN ORDINANCE AMENDING TITLE 5, PLANNING AND DEVELOPMENT, CHAPTER 4, ARTICLE 2, DISTRICT REGULATIONS, SECTION 5-4-32, SR-1 SINGLE-FAMILY RESIDENTIAL DISTRICT

WHEREAS, the Isle of Palms Council is empowered with the authority to make substantive amendments to the Isle of Palms Code, including amending Chapters, and now wishes to do so;

WHEREAS, the Isle of Palms Council now desires to amend Chapter 4, Article 2, District Regulations, Section 5-4-32, SR-1 Single Family Residential District;

BE IT ORDAINED AND ENACTED BY THE MAYOR AND COUNCIL MEMBERS OF THE CITY OF ISLE OF PALMS, SOUTH CAROLINA, IN CITY COUNCIL ASSEMBLED:

SECTION 1: That Title 5, Planning and Development, Chapter 4, Zoning, Article 2, be amended by adding Subsection 5-4-32 (9)(a)(iii) to read as follows:

(iii) The Board of Zoning Appeals may approve construction or alteration of a sewer pump station in a residential zoning district as a special exception subject to the requirements of section 5-4-5(c) and upon a finding that the following additional conditions are met:

1. The facility, excluding the required buffer, has a footprint of one thousand (1,000) square feet or less;
2. The facility shall be equipped with an odor control device, that makes odor undetectable from all residentially used property and eliminate at least 98% of the hydrogen sulfide or other odors generated by the system;
3. All wastewater components are screened from view with either a solid eight (8) foot tall fence or a fully enclosed, roofed structure;
4. The minimum buffer along all property lines is ten feet (10') wide with at least six (6) canopy trees, twelve (12) understory trees, and one-hundred (100) three-gallon shrubs per one-hundred (100) linear feet of property line; with each species approved by the Zoning Administrator based on its ability to provide screening and drought tolerance;
5. All lighting shall be shielded from view from residences and shall be controlled by a switch to only be used when someone is actively working within the facility;
6. All backup power generators should be stored offsite and only brought to the facility when necessary for power;

7. The maximum height of any components associated with the lift station shall be twelve (12) feet, excluding an enclosure, which shall be no taller than sixteen (16) feet.
8. Adequate provisions shall be made to protect adjacent properties from adverse impact of the proposed use, such as noise, vibration, dust, glare and similar factors.

SECTION 2. Should any part of this Ordinance be held invalid by a Court of competent jurisdiction, the remaining parts shall be severable therefrom and shall continue to be in full force and effect.

SECTION 3. That all ordinances or parts of ordinances conflicting with the provisions of this Ordinance are hereby repealed insofar as the same affect this Ordinance.

SECTION 4. That this Ordinance take effect immediately upon approval by Council.

PASSED AND APPROVED BY THE CITY COUNCIL FOR THE CITY OF ISLE OF PALMS, ON THE _____ DAY OF _____, 2020.

Jimmy Carroll, Mayor

(Seal)

Attest:

Nicole DeNeane, City Clerk

First Reading: _____

Public Hearing: _____

Second Reading: _____

Ratification: _____

Board Zoning Appeals

Information Sheet
City of Isle of Palms

Date Filed 12-17-20

Appeal Number 20-15

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 80 41st Avenue, IOP, SC

Lot N/A Block N/A TMS 571-08-00-007

Area of Lot 5.12 acres Zoning Classification GC-1

Applicant Name(s) Jon Bushnell, Dave Lorenz

Address 27 26th Ave, IOP 29451

Telephone 843-224-2882

Interest [i.e. owner, owner's attorney, architect, etc.] Tenant/operator

Owner(s) [if different from applicant] City of IOP

Name DAVE LORENZ Jon Bushnell

Address 27 26th Ave IOP, SC 29451

Telephone 843-224-2882

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

Applicant Signature/Date

Owner Signature (if different from applicant)/Date

[Signature] 12/16/20 [Signature] 12-16-20
[Signature] 12/17/2020

**Zoning Board of Adjustment
Special Exception Application**

City of Isle of Palms

Form - 4

Date Filed _____

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: **we plan to serve food and drink to patrons outside of this restaurant in the areas identified on the exhibits attached.**

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

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

(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. **We are using the same amount of property as previous tenant. New landscaping is planned as well as increase pedestrian movement along perimeter.**

(2) Vehicular traffic and pedestrian movement on adjacent roads must not be hindered or endangered. ~~No change to vehicular nor pedestrian movement~~
- increase in pedestrian walk along perimeter.

(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. **Agreed to previously with Town.**

(4) The proposed use must not adversely affect the property values, the general character or the general welfare of the surrounding vicinity. **Enhancing the building in multiple ways; accessibility, egress, aesthetics, etc. We have a net loss of occupants/seats at this location. We are swapping inside eating areas for outdoor eating areas.**

3. Applicant suggests that the following conditions be imposed to meet the standards in the Zoning Ordinance: **Same hours of operation, standards of music, etc. from previous tenant.**

4. The following documents are submitted in support of this application: **SK2.1 & SK2.2 Attached.**

[A plot plan must be submitted.]

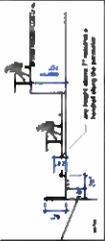
 12/16/20  12-16-20
Applicant Signature & Date

Section 5-4-5 Special Exception

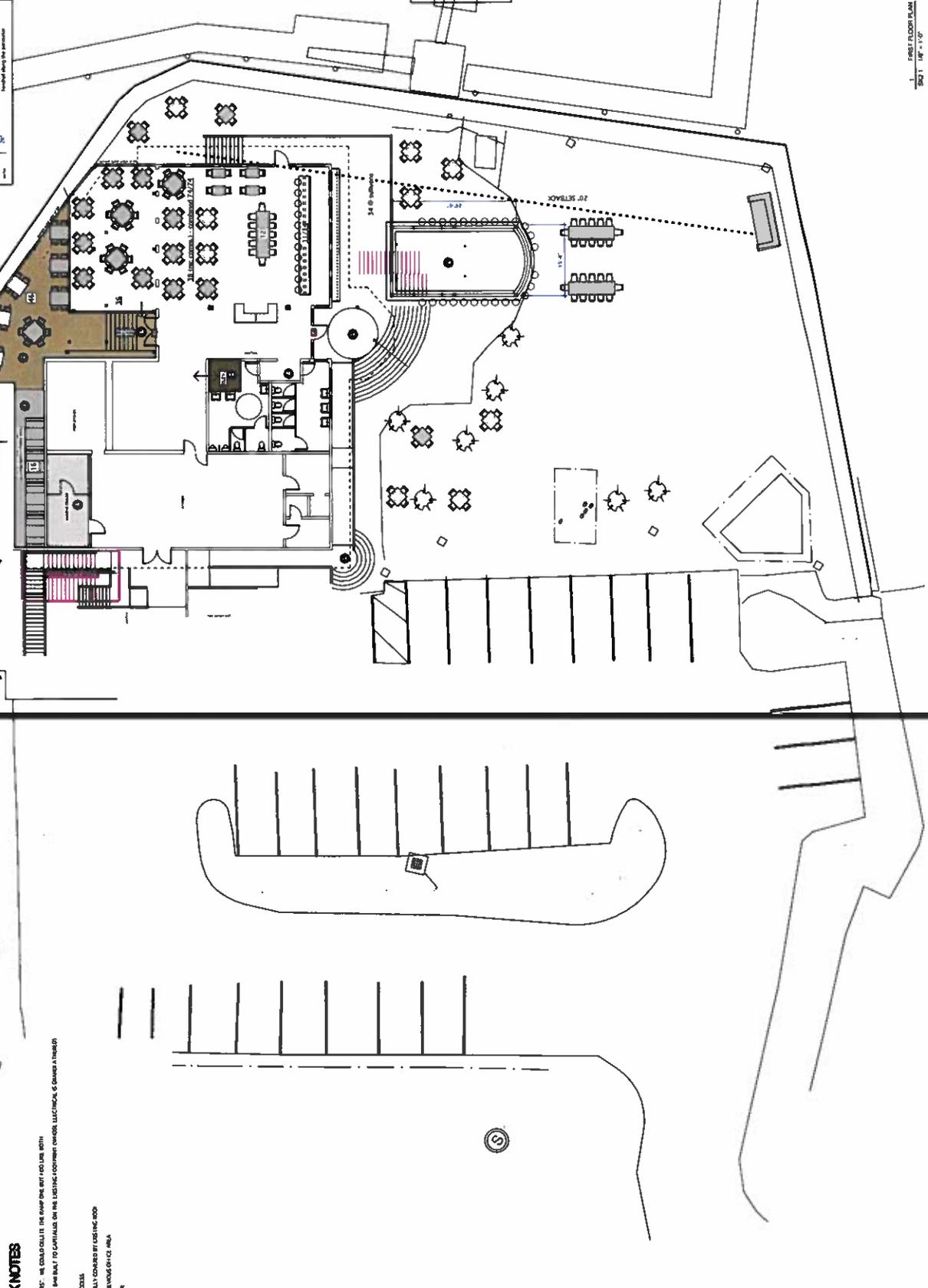
(c) **Special Exceptions.** Upon written application filed with the Zoning Administrator, the Board of Adjustment may grant as a special exception any use specified as a special exception in the district regulations. In addition to the conditions required by district regulations, the Board shall apply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

SECTION THROUGH TAN RAISED DECK



NOTE: SEE SHEET SK2.1 FOR DETAILS OF THE TANK RAISED DECK. THIS SECTION IS FOR INFORMATION ONLY.



SCOPE OF WORK NOTES

- A. NEW OCEAN TONGUE STAIRS - WE WOULD BUILD THE OCEAN ONE WAY AND USE BOTH
- B. NEW EXTENSION OF EXISTING BAR BACK TO CANTILEVER ON THE EXISTING FOOTING UNDER ELECTRICAL & DAMAGED TRUSS
- C. NEW TAN RAISED DECK
- D. NEW TAN BAR VENTHOSE
- E. NEW TAN BAR DECK LITTERBOX ACCESS
- F. NEW TAN BAR ONE WAY DECK FULLY COVERED BY EXISTING WOOD
- G. NEW EXTENSION SLABING IN PREVIOUS SHED AREA
- H. FINISH TO MATCH COLORS
- I. ELEVATION

Sec. 5-4-38. - Table of permitted uses in commercial districts.

- (1) *General application.* Uses permitted in the LC, GC-1, GC-2 and GC-3 districts shall be only as set forth in Table B-1, and as modified, limited or restricted by special provisions, exceptions and conditions contained in this section and chapter.
 - (a) Symbols used in Table B-1 are as follows:
 - "x" means the indicated use is permitted.
 - "e" means the indicated use is permitted as a special exception if granted by the Board of Zoning Appeals pursuant to section 5-4-5.
 - "c" means the indicated use is permitted as a conditional use.
 - (b) Any use not specifically allowed in Table B-1 is expressly prohibited.
 - (c) A Code section reference following the use category in Table B-1 means that the use is allowed if it meets the requirements of such section.
 - (d) The Zoning Administrator may use the Standard Industrial Classification Manual (SIC) or similar reference to make interpretations regarding uses allowed in Table B-1.
- (2) *Adult uses.* Adult uses are expressly prohibited within the City, except as a special exception in the GC-2 district subject to section 5-4-5, and the following conditions: The property on which the adult use is located must be at least one thousand feet (1,000') from property on which a school, church, or park is located, or from any property which is zoned residential.
- (3) *Drive-through service windows.* Drive-through service windows are permitted only in GC-1 and GC-3 districts as a special exception subject to section 5-4-5 upon a finding by the Board of Zoning Appeals that the facility provides adequate space for the stacking of vehicles based upon the number of drive-through vehicles projected during the peak fifteen (15) minute period, the service time involved in processing customers' orders, and the window time necessary to complete the transaction. Drive-through service window facilities, or uses thereof, existing on June 22, 1993, and located in the GC-1 district, shall not be altered or enlarged without approval of a special exception subject to section 5-4-5 and the criteria stated in this subsection.
- (4) *Hours of operation.* Within the LC district, any use which conducts regular business operations between the hours of 8:00 p.m. and 7:00 a.m. is permitted only as a special exception pursuant to section 5-4-5.
- (5) *Outdoor sale or rental of personal property, including food and beverage; public events.*
 - (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 5-4-38(5)(c) and 5-4-38(5)(d).
 - (b) Outdoor sale or rental of tangible personal property, in whole or in part, in the LC or GC-1 district is permitted only by special exception pursuant to section 5-4-5; provided, however, that outdoor sale or rental of any tangible personal property, including food and beverage, in whole or in part in the LC or GC-1 district within one hundred sixty feet of the OCRM baseline established along the beach of the Atlantic Ocean is strictly prohibited. All activity associated with outdoor sales or rentals in the LC and GC-1 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 5-4-38(5)(c) and 5-4-38(5)(d).

- (c) No sale or rental of property, in whole or in part, or any public event shall be conducted on beaches, public streets or public property without a permit for use of public property issued by the City Council.
 - (d) Notwithstanding any other provision contained in this chapter to the contrary, outdoor sale or rental of tangible personal property, in whole or in part, in the LC or GC-1 district by vendors approved in advance by City Council shall be temporarily permitted during City-hosted, -sponsored or -sanctioned special events. Such vendors shall submit a written application for a special events permit on a form prescribed and dispensed by the Zoning Administrator upon such terms as indicated on the temporary permit.
- (6) *Telephone communication, electric, gas, sanitary or other utility service facilities.* Utility service facilities, except for communication towers and antennae which may be permitted pursuant to section 5-4-20, may be permitted as special exceptions subject to section 5-4-5 upon a finding by the Board of Zoning Appeals that the facilities will be adequately screened from public rights-of-way and adjacent properties by landscaping, plants, walls, screens, or fencing, or a combination thereof.
- (7) *Eating places, fast food.* Fast food eating establishments may be permitted subject to section 5-4-5 in zoning districts indicated in Table B-1 as special exceptions.

Board of Zoning Appeals
Minutes
October 12, 1999

I. Call to Order

Chairperson Gabbie Porter called the regular meeting of the City of Isle of Palms' Board of Zoning Appeals to order on October 12, 1999 at 5:30PM in the Council Chambers at City Hall, 1207 Palm Blvd. Members present were Charlie Yawn, Kathy Carroll, Guy Taylor, and Russ Stemke as well as the Zoning Administrator, Douglas Kerr.

II. Review of Minutes

Mr. Taylor made a motion to approve the minutes of the August 10th, 1999. Mr. Yawn seconded the motion, and the vote was unanimous in favor of the motion.

III. Variances, Appeals, and Special Exceptions

4002 Cameron Boulevard

Ms. Porter welcomed the audience and swore in everyone planning to give testimony. She explained that the first application on the agenda was for 4002 Cameron Boulevard. Mr. Kerr explained that the applicant has requested a special exception to allow the establishment of an office for her physical fitness business. He explained that the applicant would conduct office work only at the home and that she would meet with her classes in the commercial district. Mr. Yawn asked the applicant if there would be any change in the residential nature of the neighborhood. Ms. Miller answered no. Mr. Yawn made a motion to approve the application, and Ms. Carroll seconded the motion. The vote was unanimous in favor of the motion.

#31-31st Avenue

The second case on the agenda was for a home occupation at #31-31st Avenue. Mr. Kerr gave a brief introduction to the case, explaining that the applicant would conduct his office work only at the home for a mobile marine repair business. Mr. Reynolds would conduct all repair work at marinas or boatyards. Mr. Reynolds added that he would only do his book keeping and office work at the house, and that he would not bring any parts to his home to be worked on. Mr. Taylor made a motion to approve the application. Mr. Yawn seconded the motion, and the vote was unanimous in favor of the motion.

230 Forest Trail

The next case on the agenda was for a home occupation at 230 Forest Trail. Mr. Kerr explained that the applicant is requesting approval to allow the establishment of a pottery studio. The applicant would create pottery at the house and then take the pieces to galleries and art festivals for sale. She would not have people coming by in connection

with the business. The applicant explained that she had an extra storage room that would be used as a studio. Mr. Yawn made a motion to approve the application. Ms. Carroll seconded the motion, and the vote was unanimous in favor of the motion.

406 Palm Boulevard

The next case on the agenda was for a home occupation at 406 Palm Boulevard. Mr. Kerr explained that the applicant is requesting approval to allow the applicant to establish a dental consulting business at her house. The applicant would do office work at the house a couple of days a week, but the majority of her work would be in dentists' offices training their staff. She would not have people coming to the house in connection with the business. Mr. Yawn asked the applicant if there were any other employees involved in the business. The applicant answered no. Mr. Yawn asked if there would be any change to the residential nature of the neighborhood. The applicant answered no. Ms. Porter made a motion to approve the application. Mr. Stemke seconded the motion, and the vote was unanimous in favor of the motion.

1903 Waterway Boulevard

The next case on the agenda was for a home occupation at 1903 Waterway Boulevard. Mr. Kerr explained that the applicant is requesting approval to allow the establishment of a real estate business. He explained that the applicant included on her application that there would be no clients coming to the house in connection with the business. Ms. Ross added that she would meet clients on site or she would pick them up to look at property. She stated that the only thing that she would be doing at the house is computer and phone work. Mr. Taylor asked what kind of real estate office this was and if it would meet the state requirements, including the requirement for a sign. Ms. Ross answered that it would meet state requirements and that the state has changed the requirement for a sign.

Ms. Porter asked if there were any members of the audience that would like to address the Board. Mr. George Campsen stated that he lived near the applicant and that he was there to represent his family's interests as well as other property owners in the area. He presented a petition that had been passed around with over 40 signatures. He explained that because of the nature of a real estate business, it was impossible to operate such a business in compliance with the City's zoning ordinance. He explained that in the ordinance there is a requirement that the work be carried out entirely within the primary residence on the property. He further explained that the applicant has indicated on her application that the business would not be carried out entirely within the primary residence. Therefore, he explained, the Board should deny the request.

Ms. Porter asked Mr. Kerr if he would explain how this section of the ordinance had been interpreted in the past. Mr. Kerr explained that the ordinance did require all business activity to be carried out inside the principal dwelling unit, but that this requirement was specific only to the business being done at the home. This would not prohibit someone from conducting business activities outside the home. He explained that this Board had

approved many applications for people doing work outside the house like the consultants and travelling salesmen.

Mr. Dave Johnson addressed the Board, and explained that he was opposed to any commercialization of property in this neighborhood. He said that he felt that such a business would damage the residential character of his neighborhood. Foster Clark addressed the Board and explained that he lived across the street from the applicant, and that he did not see any problems with the application as long as the applicant abided by all applicable codes. Mr. Eddie Sheppard addressed the Board and asked how she would sign contracts. Ms. Ross answered that many of them would be handled on Dewees and others would be signed in various places away from the home. Mr. Sheppard stated that he felt that the Board should vote no. Ms. Carol Ann Allison addressed the Board and explained that she worked in a real estate office and people get too busy to set up meetings so they will drop things by the applicant's house.

Mr. Yawn explained to members of the audience that the Board members were there only to interpret the laws adopted by City Council and that the Board has to consider whether or not an application will harm the residential nature of a neighborhood. He stated that as far as he could tell if there is no traffic from the house, then it should not harm the residential nature of the neighborhood and that it met all other provisions of the ordinance. He therefore made a motion to approve the application with the stipulation that there be no business related traffic coming to the house.

Mayor Bunch addressed the Board and stated that there is already one business being operated out of the house. Ms. Ross stated that his business was operated from the Carroll's building at Breach Inlet. Mr. Campsen addressed the Board again and explained that the applicant had admitted on her application that business could not be conducted entirely in the house, and therefore the application did not meet the requirements of the ordinance and should be denied.

Mr. Taylor explained that since he had been on this Board, he has seen many similar applications. And that when the last time a request was made for a real estate office, he contacted the state, and that they said that they discouraged brokers working out of their house, but they could not prohibit it. He stated that many similar requests have been previously approved and that he felt he would be acting hypocritically if he denied this one application. Mr. Stemke added that he felt that some of the problems might be alleviated if the applicant was not allowed to conduct property management business. Mr. Yawn stated that he would amend his motion to include the stipulations that no business related traffic come to the house and no property management business is conducted. Mr. Taylor seconded the motion, and the vote was unanimous in favor of the motion. Ms. Carroll added that she felt that people effected by this should push for their Council to encourage more regulations governing real estate offices at the state level.

617 Carolina Boulevard

The next case on the agenda was for a home occupation at 617 Carolina Boulevard. Mr. Kerr explained that the applicant is requesting approval to allow the establishment of a boat chartering business. He explained that the applicant would do the majority of his work on two boats at the Charleston Harbor Marina in Mt. Pleasant. He explained that the applicant had distributed some literature with his Isle of Palms address and phone number displayed and upon notification that he needed a business license, he made application. Mr. Murray addressed the Board and explained that he did the majority of his work on his boats, but that we did some office work at his home. Mr. Yawn asked if the business would have any impact on the residential nature of his neighborhood. Mr. Murray answered no. Mr. Stemke asked if he would ever bring the boats home. Mr. Murray answered no that they are too large to bring home. Mr. Stemke made a motion to approve the application. Ms. Carroll seconded the motion, and the vote was unanimous in favor of the motion.

#16-21st Avenue

The next application on the agenda was for a special exception to allow the First United Methodist Church to use the property of #16-21st Avenue for parking. Mr. Kerr explained that currently there is a house used as a single-family residence on the property. He explained that the church planned to allow the current owner to live in the house until she left and when the house became vacant they would demolish it and use the lot solely for parking. He explained that prior to the church using the property they would have to be approved by this Board as well as install a vegetative buffer, a fence, and parking stops. Mr. Lipscomb explained that he was present to represent the church, but the church primarily wanted to be sure that they could use the property before they bought it. Mr. Taylor stated that he did not want to open the door for undesirable uses for the house, and that he would make a motion to approve the application with the stipulation that no one other than the current owner and her family could live in the house. Mr. Yawn seconded the motion, and the vote was unanimous in favor of the application, with Mr. Stemke abstaining.

#80-41st Avenue

The next application on the agenda was for a special exception to allow the Bay Café to have additional outdoor seating at #80-41st Avenue. Mr. Kerr explained that the restaurant currently had an area designated for outdoor seating, but that the applicant would like to increase that area to allow for the construction of a tiki bar. He further explained that outdoor sales were allowed only as a special exception and that any expansion of a use allowed as a special exception has to be approved by the Board. Mr. Herwood addressed the Board representing the Bay Café. He explained that he felt that the addition would enhance the appeal of the restaurant and draw more customers. Ms. Porter stated that she felt that the restaurant already had ample outdoor seating, and that additional seating would inhibit pedestrian walkways on the property. Mr. Yawn asked if there would be music in association with the bar. Mr. Herwood answered that there may be acoustic performances, but that it would be no more than what the restaurant currently does. Mr. Taylor stated that the owner must not have any objections, noting that the City

Administrator had signed the application, and therefore made a motion to approve the application. Ms. Carroll seconded the motion. Mr. Stemke stated that he did not feel comfortable with the City's noise ordinance being the only control over noise levels created by outdoor events. Ms. Porter stated that she also felt that it would impede traffic. ~~Mr. Stemke echoed her concern and stated that there already seems to be a~~ problem in parking at the site. Mr. Kerr explained that the overall site does have enough parking spaces to meet the ordinance's requirements, but that a lot of spaces are taken up with trailers in the summer months.

A board member called for a vote on the motion to approve the application. The motion was approved by a two to three vote, with Mr. Stemke and Ms. Porter voting against the motion and Mr. Taylor, Mr. Yawn, and Ms. Carroll voting for the motion.

#2-48th Avenue

The next application on the agenda was a request for front and rear setback variances for a proposed structure at #2-48th Avenue. Mr. Kerr explained that the subject lot was oriented with the narrow end towards the ocean and the wider dimension oriented towards the street right-of-way. However, the City's code required that the front setback be measured from the street right-of-way and the rear setback be measured from the opposite property line leaving the applicant with a long and narrow building envelope. The applicant was requesting a six-foot front setback to allow the house to be 18 feet from the street and a 14-foot rear setback to allow the house to be ten feet from the rear property line.

The applicant, Mr. Krawcheck, addressed the Board and explained that the subject lot was very unusual because of its orientation and proximity to the street right-of-way and the ocean. He explained that he felt that this was a classic case for a zoning variance. He explained that he was not aware of any ocean front lot with a house not oriented towards the ocean. He explained that if the zoning variance was not granted, the owner would suffer a hardship because his exposure to the ocean would be greatly diminished.

Mr. Charles Shaw, the owner of #6-48th Avenue, addressed the Board and explained that 48th Avenue had many problems already and that he was opposed to the approval of any variances. Ms. Shaw addressed the Board and explained that they had bought their lot with the understanding that the adjacent ocean front lot was a very narrow lot and that any house built on the lot would have to be very narrow. Mr. Jack Dunn addressed the Board and explained the problems with 48th Avenue were multifaceted and that it is impossible to separate one problem from the others and that he was opposed to any variances being issued on the street.

Mr. Ed Childress addressed the Board and explained that he owned the adjacent ocean front property and that he also understood that there were many problems associated with 48th Avenue. He stated that he felt that it was easy to take frustrations about 48th Avenue out on the Cade's, but that it would not fix the problems. The real issue is the orientation of the house and he was in favor of the proposed variance.

Ms. Porter asked Mr. Cade if he was not aware of the setback requirements when he purchased the lot. Mr. Cade answered that he never imagined that the street would be the front of the lot. Mr. Gouge, the owner's architect, addressed the Board and explained that he never imagined that the ocean would not be considered the front of the lot. Mr. Boehm explained that he was present to represent the Childress', and that if the variance was not granted it would be extremely detrimental to the Childress'. He explained that if the variance was not granted, the Cade's would be allowed to construct a house almost 40 feet seaward of the Chilress' house, which would inhibit their views and exposure to the ocean.

Mr. Yawn stated that he would like to call for a vote. He explained that he felt that the application met the standards necessary for a variance and made a motion to approve the application. Mr. Taylor stated that he felt that the Board would benefit from some additional research and moved to table the application until the next meeting. Ms. Porter seconded the motion. The vote was unanimous in favor of the motion to table the application.

49 Seagrass Lane

The next application on the agenda was for a variance to allow the construction of an impervious vehicular surface two feet from an OCRM critical area. The applicant, Ron Denton, addressed the Board and explained that a driveway had been designed several different ways and then constructed two feet from a critical area. The owners of the property had the areas of the drive within 20 feet of the critical area removed and replaced with pervious gravel in order to get a Certificate of Occupancy. They now would like this variance to be granted to allow them to replace the areas of the driveway that have been removed. Mr. Yawn stated that he had been to the site and that he saw that currently there is a driveway constructed of gravel that meets the requirements of the ordinance. Mr. Taylor made a motion to deny the application. Mr. Yawn seconded the application. The vote was unanimous in favor of the motion.

2202 Palm Boulevard

The next application on the agenda was for a setback variance from the rear setback requirement for 2202 Palm Boulevard. Mr. Kerr explained that this lot was adjacent to an unbuildable oceanfront lot that was created in 1991. The applicant was requesting a variance to allow him to construct a house with rear stairs eight feet and a deck 16 feet from the rear property line, which he claims will be in line with the adjacent houses. Mr. Rowell addressed the Board and explained that he was requesting this variance to allow him to line up with the adjacent house. Ms. Porter explained that since she has been on the Board they have made an effort to ensure that these structures would be in line. Mr. Yawn made a motion to approve the variance with the stipulation that the roofline of the proposed house be no farther seaward than the roofline of the adjacent house to the east and that the deck of the proposed structure be no farther seaward than the deck of the

adjacent house to the east. Ms. Carroll seconded the motion. The vote was unanimous in favor of the motion.

IV. Miscellaneous Business

Mr. Yawn made a motion to defer discussion on the Rules of Procedure until next month. Mr. Stemke seconded the motion and the vote was unanimous in favor of the motion. The Board discussed concerns about the wording of the application regarding business activity being conducted entirely within the house. Mr. Kerr said that he would reword the question on the application and bring it before the Board at their next meeting for consideration.

V. Adjournment

With no further business, a motion was made and seconded to adjourn. The motion was unanimously approved by voice vote. The meeting was adjourned at 8:15 PM.