

BOARD OF ZONING APPEALS
February 2, 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 February 2, 2021 virtually at **4:30pm**.

- A. Call to order
- B. Acknowledgement that the meeting has been advertised in compliance with State law
- C. Approval of minutes of previous meeting: January 5, 2021
- D. Swearing of any person giving testimony
- E. Home Occupations: 625 Carolina Boulevard
- F. Review of prior orders for 624 Palm Blvd and #80- 41st Ave
- G. Miscellaneous business
- H. Adjournment



BOARD OF ZONING APPEALS

4:30pm, Tuesday, January 5, 2021

**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, Brian Abel, and Douglas Kerr, Director of Planning

2. Election of Chair and Vice Chair

Mr. Karing nominated Elizabeth Campsen for Chair of the Board of Zoning Appeals. Ms. Holscher seconded the nomination. There being no other nominations, the vote for Ms. Campsen to be Chair of the Board of Zoning Appeals was unanimous.

Ms. Campsen nominated Glenn Thornburg for Vice Chair of the Board of Zoning Appeals. Mr. Karig seconded the nomination. There being no other nominations, the vote for Mr. Thornburg to be Vice Chair of the Board of Zoning Appeals was unanimous.

3. Approval of Previous Meeting's Minutes

Mr. Karig made a motion to approve the minutes of the July 7, 2020 meeting as presented, and Mr. Thornburg seconded the motion. The minutes were approved unanimously.

4. Swearing in of applicants

Ms. Campsen swore in Chris Jordan, Jay Leigh, Mark Yodice, Dave Lorenz, and Jon Bushnell. Director Kerr stated that he did not request the applicants for the home occupation requests to attend the meeting unless the need arose.

5. Home Occupations

A. 139 Sparrow Drive

Director Kerr said the applicant, Alice Tumage, is requesting a special exception to run a vacation rental management company from her home. There will be no employees and no exterior signage for the business. The home will be used for office work only. Ms. Tumage's husband already operates a home business in this location.

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

B. 63 Twin Oaks Lane

Director Kerr said the applicant, Marion Martens, is requesting a special exception to run a second home and rental inspection business from her home. The home will be used for office work only, there will be no exterior signage. She will be inspecting rental homes as needed. There will be no employees.

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

C. 106 Carolina Boulevard

Director Kerr said the applicant, Sean Cradock, is requesting a special exception to run a home office for a vacation rental management company. The home office will be used for office work only. There will be no employees or exterior signage.

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

D. 9000 Palmetto Drive, Apt. 304D

Director Kerr said the applicant, Kate Matthews, is requesting a special exception to run a home office for a software coding and development business. There will be no employees and no exterior signage. The home office will be used for office work only.

MOTION: Ms. Campsen made a motion to approve the request, and Mr. Thornburg seconded the motion. The motion passed unanimously.

6. Special Exceptions

A. 624 Palm Boulevard

Director Kerr gave an overview of the zoning change request made by the Isle of Palms Water & Sewer Commission in order to purchase the lot at 624 Palm Boulevard as the site of a future sewer lift station. He reviewed the criteria necessary for approval from BOZA.

He then read a comment from Edward Park Williams, 701 Carolina Boulevard, who asked that the proposed location of the lift station on the property be reconsidered to a more neutral area further away from houses.

MOTION: Ms. Campsen made a motion to approve, and Ms. Holscher seconded the motion.

Mr. Leigh, Chairman of the Isle of Palms Water & Sewer Commission, said the lift station could be located anywhere on the property, and the current proposed location was chosen for safety and access reasons.

Board members considered the criteria needed for approval. Mr. Jordan, General Manager of the IOP Water & Sewer Commission, indicated this lift station would be approximately 6' in height

and surrounded by an 8' privacy fence. The required 10' vegetative buffer will need a break to allow for access.

There was extensive discussion about the future use of the remainder of the property and the importance of stipulating its use in the conditions for approval. Mr. Leigh stated that as a contingency of the sale nothing can be built on the property except for the lift station. The property is to be deed restricted for greenspace outside of the lift station. Proof of that deed restriction will need to be provided to the City. He also said that an additional beautification committee could be formed with the Water & Sewer Commission to deal with maintaining the property. He further suggested an advisory committee of City staff and members of the Garden Club could be helpful in deciding how to beautify the property. Mr. Leigh said it is the intent of the Water & Sewer Commission to keep the property better maintained than it is now.

Ms. Campsen made a motion to amend the approval with the condition that the residual space on the property become greenspace. Mr. Thornburg seconded the motion. The motion and second were later withdrawn so that all conditions could be added as one amendment.

Mr. Yodice, Engineer for Thomas & Hutton, indicated the location of the lift station could be moved on the property. He pointed out that future lift stations may not have that same amount of space allowing for such a relocation.

MOTION: Ms. Campsen made a motion to amend the approval to include the following conditions: any residual property not encumbered by the pump station or its footprint be deed restricted for public use or passive greenspace; the Water & Sewer Commission develop an interim maintenance and beautification plan from point of sale until the site is developed; and the location of the lift station is subject to relocation on that lot by the Water & Sewer Commission after consultation with the residential owners in the area. Mr. Thornburg seconded the motion. The motion to amend passed unanimously.

VOTE: The vote on the motion as amended passed unanimously.

B. #80-41st Avenue

Director Kerr explained the request for an alteration to an existing special exception “that allows for the outdoor sales of food and drink at that property. In the City zoning code, food and drink is allowed to be sold outdoors in the GC-1 District only when the Board of Zoning Appeals approves it.” The request for alteration is being made “to allow them to transform a portion of the building that is currently indoor dining to become outdoor dining.” The area would become a covered outdoor porch. The four criteria required for a special exception, reviewed by Director Kerr, have been addressed in the application.

Regarding amplified music, Mr. Lorenz and Mr. Bushnell explained that there will be multiple speakers at lower volumes pointed in towards the restaurant. The music will be more ambient in nature, but sometimes may include a two-piece acoustic team on the weekends. Ms. Campsen pointed out the restaurant will need a noise control agreement with the City.

Mr. Dan Sweeney, architect for the restaurant, provided additional details about the design and structure of the outdoor porch area. Designs provided to the Board are schematic designs, and Mr. Sweeney does not expect any significant changes to them prior to construction.

Discussion ensued about the number of seats in the outdoor area.

MOTION: Mr. Thornburg made a motion to amend the approval to include the following stipulations: the restaurant and outdoor seating area must be in compliance with the City's noise ordinance and the noise ordinance agreement be entered into as quickly as possible; and to allow for seating up to 64 seats as long as it complies with existing applicable codes. Ms. Campsen seconded the motion. The amendment passed unanimously.

VOTE: The vote on the amended motion passed unanimously.

6. Miscellaneous Business

Board members welcomed Mr. Abel to the Board. Director Kerr indicated the annual legal briefing will need to be scheduled in the near future. Ms. Campsen said she would like to have the applicants for home occupations participate in future Zoom meetings.

7. Adjournment

Ms. Holscher made a motion to adjourn, and Mr. Thornburg seconded the motion. The meeting was adjourned at approximately 6:09pm.

Respectfully submitted,

Nicole DeNeane
City Clerk

Appeal Number: 21-01

Applicant: Stephanie Pascarella

Address: 625 Carolina Boulevard

Request:

The applicant is requesting a special exception to allow the establishment of an e-commerce site for personal care products that will generate orders to be fulfilled in Chattanooga, Tennessee. The applicant has indicated that the home will be used for office work only and there would be no business-related traffic coming to the house or exterior evidence of a business. The business is classified in Table B1 as 7389- office work for business services not elsewhere classified.

Board of Zoning Appeals
Information Sheet
City of Isle of Palms

Date Filed 1-11-2021
Number 21-01

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

625 Carolina Boulevard
IOP

Lot _____ Block _____ TMS

Area of Lot _____ Zoning
Classification _____

Applicant(s) Name Stephanie Pascarella

Address 625 Carolina Boulevard
IOP

Telephone 843-609-6886
email: Stephanie@washwithwaterfamily.com

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

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.


Signature of Applicant & Date 01/12/21

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

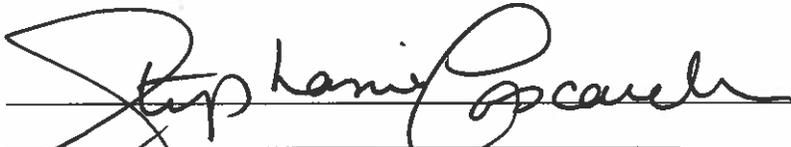
Owner(s) (if different from applicant)

Name

Address

Telephone

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



Applicant Signature/Date

01/12/21

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):

Wash with Water is an e-commerce site of personal care products for the family. www.washwithwatercare.com

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 X

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

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

I am the founder of Wash with Water. In 2021, I will work from home due to Covid.

My home office consists of a computer and phone. Our 3PL fulfillment occurs in Chattanooga, TN and our products are manufactured in a FDA regulated USDA organic, CGMP lab on Johns Island, SC.

www.washwithwatercare.com

Thank you!

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.

**Board of Zoning Appeals
Order on Special Exception
City of Isle of Palms**

Date filed: December 14, 2020

Appeal No. 20-14

The Board of Zoning Appeals held a public hearing on January 5, 2021 to consider the appeal of the Commissioners of Public Works of the City of Isle of Palms for a special exception to allow the construction of a future sewer pump station at 624 Palm Boulevard. Such use may be permitted by the Board pursuant to Sections 5-4-5(c) and 5-4-32(9)(a)(iii) of the zoning ordinance. This request is set forth on the application, which is attached as an exhibit to this order. After consideration of the evidence and arguments presented, the Board makes the following finding of fact and conclusion.

The Board concludes that the standards in Section 5-4-5(c) and 5-4-32(9)(a)(iii) of the zoning ordinance which are applicable to the proposed special exception have been met based on the following finding of fact:

1. The applicant has indicated that the facility will have a footprint of one thousand square feet or less.
2. The applicant has indicated that the facility will be equipped with an odor control device that will make odor undetectable from all residentially used properties.
3. The applicant has indicated that all components will be screened with a fence and a buffer meeting the standards of Section 5-4-32(9)(a)(iii)(4).
4. The Board concludes that the applicant has indicated that all conditions included in Section 5-4-32(9)(a)(iii) will be met.

THE BOARD, THEREFOR, ORDERS that the special exception is granted, subject to the following conditions:

1. The deed of the property includes a restriction indicating that the entire property will be used only as public greenspace as long as a sewer pump station is located on the property.
2. The property must be maintained to a reasonable level including keeping all vegetation cut and maintained to a level as to not be a hinderance to the public enjoyment of the property or to not be unsightly.

3. If a shift in the location of the pump stations is deemed appropriate by the property owner after consulting with the adjacent property owners, this approval shall not limit the owner from shifting the pump station and the Board of Zoning Appeals will not need to review the new location, as long as compliance with all applicable code sections is maintained.

Date issued: _____

Elizabeth Campsen, Chairman

Date mailed to
Interested parties: _____

Douglas Kerr, Secretary

Notice of appeal to Circuit Court must be filed within 30 days after this Order was mailed.

**Board of Zoning Appeals
Order on Special Exception
City of Isle of Palms**

Date filed: December 17, 2020

Appeal No. 20-15

The Board of Zoning Appeals held a public hearing on January 5, 2021 to consider the appeal of Jon Bushnell and Dave Lorenz for a special exception to allow for the outdoor service of food and drink, which may be permitted by the Board pursuant to Sections 5-4-5(c) and 5-4-38(5)(b) of the zoning ordinance as set forth on the application, which is attached as an exhibit to this order, for the property at #80- 41st Avenue. After consideration of the evidence and arguments presented, the Board makes the following finding of fact and conclusion.

The Board concludes that the standards in Section 5-4-5(c) and 5-4-38(5)(b) of the zoning ordinance which are applicable to the proposed special exception have been met based on the following finding of fact:

1. The existing restaurant is in the GC1 zoning district, which is a district that the City's Code authorizes the Board to grant a special exception to allow the outdoor sale of food and drink when certain conditions are met.
2. The Board concludes that prior restaurant operators have been granted special exceptions to allow for outdoor sale of food and drink.
3. The Board finds that the proposed special exception will be compatible with uses located on the subject property based on the fact that the subject property is a commercial marina with numerous outdoor activities.
4. The Board concludes that the proposed special exception will not substantially diminish value of adjacent property or property in the district based on the fact that the property has been historically used as a restaurant with outdoor seating including the outdoor service of food and drink.

THE BOARD, THEREFOR, ORDERS that the special exception is granted, subject to the following conditions:

1. The outdoor sale of food and drink be limited to no more than 64 seats or the maximum seating allowed by applicable codes on the open back deck, whichever is less.

2. The restaurant must operate in compliance with the City's noise ordinance including entering into a noise ordinance agreement, if loudspeakers are to be used.

Date issued: _____

Elizabeth Campsen, Chairman

Date mailed to
Interested parties: _____

Douglas Kerr, Secretary

Notice of appeal to Circuit Court must be filed within 30 days after this Order was mailed.