

Board of Zoning Appeals  
Minutes  
June 4, 2013

I. Call to order

Chairman Mike Layman called the regular meeting of the Board of Zoning Appeals to order on June 4, 2013 at 5:30 p.m. in the City Hall Conference Room, 1207 Palm Boulevard. Other members present were Arnold Karig and Glenn Thornburg; also Secretary Douglas Kerr was present. Frances Anderson and Scott Davidson were absent. Mr. Kerr explained that the meeting was advertised in compliance with the Freedom of Information Act.

II. Approval of minutes

The next item on the agenda was the review of the minutes of the April 2, 2013 meeting. Mr. Kerr explained that these minutes were deferred at the last meeting to allow additional information to be inserted. Mr. Karig made a motion to approve the minutes as revised and Mr. Thornburg seconded the motion. The vote was unanimous in favor of the motion.

The next item was the review of the minutes from the May 7, 2013 meeting. Mr. Thornburg made a motion to approve the minutes as revised and Mr. Karig seconded the motion. The vote was unanimous in favor of the motion.

III. Home Occupancies

Mr. Layman 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.

**25 Duneridge Lane**

Mr. Kerr explained that this case was continued from the last meeting; he had called the applicant, who did not respond, and she was not present. Mr. Layman explained that the case would be considered withdrawn.

**#25- 41<sup>st</sup> Avenue**

Mr. Kerr explained that the next case was a home occupation request to allow the establishment of a sewing business in her home at #25 41<sup>st</sup> Avenue. He explained that there would be office work and sewing and no business-related traffic would be coming to the house.

Mr. Layman asked the applicant if there was anything she would like to add. Ms. Amy Walls answered that she had nothing to add, but she would be happy to answer questions.

Mr. Karig explained that the request appeared to meet all of the criteria and made a motion to approve the application and Mr. Thornburg seconded the motion. The vote was unanimous in favor of the motion.

#### IV. Special Exception

##### **Municipal parking lot the corner of Ocean Boulevard and Pavilion Boulevard**

Mr. Kerr explained that the applicant is requesting a Special Exception to allow the temporary installation of two (2) cellular towers in the municipal parking lot behind the water tower. He explained that the site is a 3.2 acre parcel on the corner of Ocean Boulevard and Pavilion Drive that is used for parking during the summer; the zoning of the parcel is GC1 (General Commercial). The temporary structures ("COW's" – communication on wheels) will be 160 feet tall and located in the northern corner of the property closest to the existing water tower. The structures will be supported by guy wires reaching out approximately 70 feet from the base of the structures. The structures will be constructed to withstand the wind speed requirements of the applicable building code, which is 130 miles per hour.

The applicant claims that the structures will meet the standards required by Section 5-4-20(b) by virtue of the fact that the temporary poles will be adjacent to the existing poles and, therefore, meet the same standards.

Mr. Thornburg asked if it was necessary for the towers to be 160 feet tall or could they be less. The applicant, Mr. Jonathan Yates, explained that the height of the antennas is 150 feet tall, which matches the height of the current antennas, with ten feet above this to support the guy wires. He explained if they were anything less than this, the customers would see a diminution in service.

Mr. Thornburg asked the height of the existing water tank, and Mr. Yates answered 148 feet plus an additional coral on top with antennas.

Mr. Thornburg asked what the time frame would be. Mr. Jenkins, with the Isle of Palms Water and Sewer Commission, answered that they would like to begin staging in August and start work shortly after Labor Day. Mr. Layman asked if their scheduling included time for inclement weather. Mr. Jenkins answered that it was accounted for in the schedule.

Mr. Layman explained that, as he read the code, the application first had to meet the Zoning Administrator's approval criteria listed in subsection (a)(4), (5), (6), (7), (8), (9) and (10). He asked Mr. Kerr if it was his opinion that these criteria were met. Mr. Kerr answered yes.

Additionally, Mr. Layman said that he felt that the Board needed to make a finding on whether or not the tower's design, location and height of the communication tower and/or antenna will

substantially adversely impact the appearance of adjacent non-commercially zoned areas. He asked Mr. Kerr to describe the configuration of the zoning districts in this vicinity. Mr. Kerr stated that there was no non-commercially zoned areas adjacent to this site, but that the nearest non-commercially zoned areas would be the Seaside subdivision to the northeast and the houses on the southwest side of 10<sup>th</sup> Avenue. Mr. Thornburg explained that he had looked from these areas and felt that there would be no adverse impact to these areas given that a tower already exists at roughly the same height and that these towers will be temporary.

Mr. Karig stated that, based on the findings, the request meets the criteria included in the code and that no non-commercially zoned areas will be adversely impacted he made a motion to approve the request. Mr. Thornburg seconded the motion and the vote was unanimous in favor of the motion.

V. Variance

**20 Commons Court**

Mr. Kerr explained that the applicant is requesting a continuance until the next meeting to give him an opportunity to have the critical line recertified by OCRM. A motion was made, seconded and unanimously approved to grant a continuance until the next meeting.

VI. Adjournment

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