

BOARD OF ZONING APPEALS
February 4th, 2025

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 4th, 2025, at **4:00pm** in City Hall **Upstairs Conference Room**, 1207 Palm Boulevard

- A. Call to order and roll call
- 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: January 7th, 2025
- E. Swearing of any person giving testimony
- F. Special Exceptions: 1202 Palm Boulevard
 1 14th Avenue
- G. Variances: 2 Sand Dollar Drive
- H. Executive session to receive legal advice protected by the attorney client privilege (S.C. Code Ann. 34-4-70-(a)(2)) concerning BOZA Special Exception and Variance.
- I. Return to regulation session.
- J. Public deliberations and vote on matters before the BOZA.
- K. Adjournment



BOARD OF ZONING APPEALS
4:00pm, Tuesday, January 7, 2025
1207 Palm Boulevard, Isle of Palms, SC

MINUTES

1. Call to order

Present: Glenn Thornburg, Ellen Gower, Susie Wheeler, Ted McKnight, and
Zoning Director Simms

Absent: Robert Miller

2. Nomination and election of Chair and Vice Chair

MOTION: Mr. McKnight made a motion to defer the nomination and election of Chair and Vice Chair to the February meeting when all members are present. Ms. Wheeler seconded the motion. The motion passed unanimously.

3. Approval of Previous Meeting's Minutes

MOTION: Mr. McKnight made a motion to approve the minutes of the December 3, 2024 meeting, and Ms. Gower seconded the motion. The minutes passed unanimously.

3. Swearing in of applicants

Mr. Thornburg swore in the applicants and other members of the public.

4. Special Exceptions

A. 4000 Waterway Boulevard

Zoning Administrator Simms said the applicant, Christopher Kyle Clark, is requesting a special exception to allow the establishment of a property management business at their home. The applicant has indicated that the home will be used for office work only, there will be no business-related traffic coming to the residence, there will be no evidence of a business outside the house, and there will be no employees working in the residence other than family members that live in the home.

Ms. DeNeane, City Clerk, read a comment received from Dr. Linda Bradley McKee via the City's online public comment forum opposing commercial activity in residential areas of the island.

Tara Clark, wife of the applicant, said there will be no commercial traffic coming to the home. The only vehicles are the ones they already own. She said they were considering a magnet

advertising the business for their truck, but Board members told her that would not be permitted. Mr. McKnight reminded her that there can be no signs of commercial activity on the property.

MOTION: Mr. McKnight made a motion to approve the special exception, and Ms. Gower seconded the motion. The motion passed unanimously.

B. 208 Palm Boulevard

Zoning Administrator Simms said the applicant, Suzanne Bonds, is requesting a special exception to allow the establishment of a cleaning service business at their home. The applicant has indicated that the home will be used for office work only, there will be no business-related traffic coming to the residence, there will be no evidence of a business outside the house, and there will be no employees working in the residence other than family members that live in the home.

Davis Bonds, Ms. Bonds's son, spoke on her behalf as she was traveling. He said his mother has purchased a cleaning franchise, and the employees will not be coming to the home. There will be no signage at the home. He said the business is operated remotely and all business is conducted online.

Ms. Bonds's application mentioned the placement of an ice vending machine inside the County park. Zoning Administrator Simms said Ms. Bonds would need to submit a separate application for that business.

MOTION: Mr. McKnight made a motion to approve the request for a special exception for the cleaning business subject to the mention of the ice vending machine on the application be stricken. Ms. Wheeler seconded the motion. The motion passed unanimously.

C. 1202 Palm Boulevard

Zoning Administrator Simms said the applicant, Amine Houti, is requesting a special exception to allow the outdoor sales of food and drink in the front patio area of 1202 Palm Boulevard. Mr. Houti said he would like to make the space in which customers already eat and drink in an "official" part of the dining establishment in which he is permitted to take orders. He said the owner is in favor of the request. Mr. Houti is in the process of securing a liquor license to sell mixed drinks at the restaurant. He shared the new hours of the restaurant.

Mr. McKnight expressed concern about the new dining area's proximity to traffic as well as possible noise impacts on the surrounding neighbors. Mr. Houti explained the restaurant closes at 10pm, and the closest neighbors are condominiums, who have not expressed concern about the plans for outdoor expansion.

Karen and Sharon Johnson, local business owners, asked for clarity about Mr. Houti's request. Zoning Administrator Simms explained, "What the Board is approving here is that Amine is proposing is the sale of food or beverage or tangible personal property within his footprint to outside. He cannot have a food truck. They are banned island wide. So that cannot be allowed

anywhere. That is not what they are approving. They are approving anything that is sold within Amine's business. He can take orders, but he cannot have a cart or anything outside."

Mr. McKnight again expressed his concern about allowing this special exception. He noted that the ordinance states "the proposed use must not adversely affect the property values," and he does not believe Mr. Houti has provided anything supporting his claim that the change will not affect property values.

Zoning Administrator Simms pointed out that the setback and parking requirements have been met.

Mr. Houti explained the layout and boundaries of the proposed dining area.

Mr. McKnight proposed an onsite visit by the Board to understand the space in question better.

MOTION: Ms. Wheeler made a motion to defer further action on this request until the Board makes an onsite visit. Ms. Gower seconded the motion. The motion passed unanimously.

Following some discussion, the Board agreed to meet at 1202 Palm Boulevard on Wednesday, January 15, 2025 at 12:30pm.

6. Adjournment

Ms. Gower made a motion to adjourn, and Ms. Wheeler seconded the motion. The meeting was adjourned at 4:52pm.

Respectfully submitted,

Nicole DeNeane
City Clerk



BOARD OF ZONING APPEALS
12:30, Wednesday, January 15, 2025
onsite at 1202 Palm Boulevard, Isle of Palms, SC

MINUTES

1. Call to order

Present: Glenn Thornburg, Ellen Gower, Susie Wheeler, Ted McKnight, and
Zoning Director Simms

Absent: Robert Miller

2. Swearing in of applicants

Mr. Thornburg swore in the applicant.

3. Special Exception – 1202 Palm Boulevard

Zoning Administrator Simms reminded the Board members that the applicant, Amine Houti, is requesting a special exception to allow the outdoor sales of food and drink in the front patio area of 1202 Palm Boulevard.

Board members then asked Mr. Houti numerous questions about the plans for the space to better understand the request. Mr. Houti said the area in question measures 30' x 12' and encompasses the space currently within the planters. He would like to extend the fence line on both sides of the space to accommodate a sunshade over most of the area.

Mr. Thornburg said he would like a diagram of the area with measurements showing the depth of the planter boundary and where the fence will be. Ms. Wheeler and Mr. McKnight expressed concern about waiting people in the parking lot area. Mr. Houti said the planters cannot go out into the parking lot any further than they already are. He said they are not permanent but will be more stabilized, adding that they are very heavy. Mr. Houti agreed to adding another planter to enclosed the space as well as posting signage during the season warning people of car movement. He noted that the rest of the shops are not open at the times they are proposing (after 4pm), so there will be less traffic in the lot.

Mr. Houti said the grassy area where children are permitted to play cannot be fenced in, but the driveway's owner allows them to play in the space. He said there have been no issues with the children playing there in the 8 years they have been opened.

MOTION: Ms. Gower made a motion to continue the discussion of Mr. Houti's request to the February 4 meeting after receipt of the diagram as discussed. Ms. Wheeler seconded the motion. The motion passed unanimously.

4. **Adjournment**

Ms. Wheeler made a motion to adjourn, and Mr. McKnight seconded the motion. The meeting was adjourned at 12:50pm.

Respectfully submitted,

Nicole DeNeane
City Clerk

Appeal Number: 25-03

Applicant: Amine Houti

Address: 1202 Palm Boulevard

Request:

The applicant is requesting a special exception to allow the outdoor sales of food and drink in the front patio area of 1202 Palm Boulevard

The property is located in the GC-1 zoning district and Section 5-4-38(5)(b) of the City's zoning code specifies the conditions of when the Board can approve the sale of food or beverage in the district (see complete section below).

The applicant claims that the standards for the special exception in Section 5-4-5(c) are met.

Pertinent Zoning Code Sections:

Section 5-4-38(5)(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).

Section 5-4-5 (c):

(c) *Special exceptions.*

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

Board of Zoning Appeals

**Information Sheet
City of Isle of Palms**

Date Filed: 12/4/24

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 1202 Palm Blvd

Lot A Block _____ TMS _____

Area of Lot _____ Zoning Classification _____

Applicant(s) Name Amine Houti

Address 1430 jefferson rd. MP, SC, 29466

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

Owner(s) [If different from applicant]

Name Amine Houti

Address 1430 jefferson rd., MP, SC, 29466

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

amine Houti 12/4/24
Applicant Signature/Date

Amine houti 12/4/24
Owner Signature (if different from applicant)/Date

Zoning Board of Adjustment Special Exception Application

City of Isle of Palms

Form - 4

Date Filed: 12/4/24

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: Selling liquor beverage outdoors / outside

which is a permitted special exception under the district regulation in Section _____ 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: We will

not block traffic and have our own parking spaces.

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

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

[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.



5681200317 568
5681200314 568
5681200323 5681
5681200325 56812
5681200330 5681200

Appeal Number: 25-04

Applicant: Charleston County Park and Recreation Commission

Address: 1 14th Avenue

Request:

The applicant is requesting a special exception to allow the outdoor sales of food and drink in a proposed permanent structure at 1 14th Avenue. Charleston County Parks and Recreation Commission (CCPRC) has an existing Special Exception that allows the outdoor sale and rental of tangible goods that are sold from mobile carts in a specified 25' by 20' area on the site (see the attached 2002 Special Exception Order). CCPRC also has a Special Exception for a mobile food truck (see the attached May 5th, 2015 Board of Zoning Appeals Minutes). This Special Exception request would consolidate and replace the mobile carts into one proposed permanent structure. The proposed structure would be approximately 180' from the OCRM baseline (see the attached location map).

The property is located in the GC-1 zoning district and Section 5-4-38(5)(b) of the City's zoning code specifies the conditions of when the Board can approve the outdoor sale and rental of tangible goods in the district (see complete section below).

The applicant claims that the special exception standards set forth in Section 5-4-38(5)(b) and Section 5-4-5(c) are met.

Pertinent Zoning Code Sections:

Section 5-4-38(5)(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).

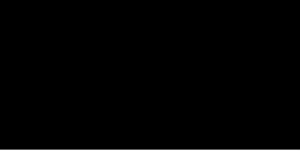
Section 5-4-5(c) - Special exceptions:

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



January 20, 2025

Mr. Matt Simms
Zoning Administrator



Dear Matt,

The Charleston County Park and Recreation Commission (CCPRC) is submitting a Special Exception Application, as allowed under its GC1 zoning, for Ordinance 5-4-38 (5)(b) which regulates the "outdoor sale or rental of personal property, including food and beverage; public events".

We currently sell a small collection of sundry items, non-alcoholic drinks, ice cream and other pre-packaged snack food and rent chairs and umbrellas from several mobile carts under a Special Exception that was approved in July 2002. We would like to replace these carts that we move in and out daily with a permanent unit.

This pre-fabricated unit will be operated with CCPRC employees in the same location we currently use, alongside the park's primary sidewalk. It will be professional in design, construction and appearance and operate in accordance with all applicable SC DHEC regulations. I have attached a conceptual plan of how it might be built and laid out.

Upon review of Section 5-4-5(c), we believe we have met the following standards

- 1) Adequate provisions were made for setbacks, fences, and buffering when the park was originally created to accommodate the proposed use.
- 2) Vehicular traffic and pedestrian movement on adjacent roads will not be hindered because all activity associated with the Special Exception will take place on the interior of the property.
- 3) Off-street parking, loading areas, entrances and exits for the use are adequate in terms of location, number, design and construction to serve the use without adverse impact on adjacent properties
- 4) The general character and property values of the surrounding area including the beach will not be adversely affected because all sales and rental activity will be conducted in a limited area more than 160 feet landward of the OCRM baseline.

Consolidating our current mobile carts into one permanent unit will improve aesthetics and efficiency and will allow us to better meet the needs and expectations of our guests including increased ADA accessibility.

Thank you for your consideration and please don't hesitate to contact me if further information is needed before the upcoming Board of Zoning Appeals meeting.

Sincerely,

A handwritten signature in black ink, appearing to read "Eric Stewart", with a long horizontal line extending to the right.

Eric Stewart

Board of Zoning Appeals

**Information Sheet
City of Isle of Palms**

Date Filed: 1/20/2025

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 1 14th Avenue, Isle of Palms SC 29451

Lot 023 Block 1200 TMS 568-12-00-023

Area of Lot 9.28 acres Zoning Classification GC1

Applicant(s) Name Eric Stewart

Address 861 Riverland Drive, Charleston SC 29412

Interest [i.e. owner, owner's attorney, architect, etc] Director of Parks

Owner(s) [If different from applicant]

Name Charleston County Park and Recreation Commission

Address 861 Riverland Drive, Charleston, SC 29412

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

[Signature] 1/14/25
Applicant Signature/Date

Owner Signature (if different from applicant)/Date

Zoning Board of Adjustment Special Exception Application

City of Isle of Palms

Form - 4

Date Filed: 1/20/25

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: sale of sundry items, bottled drinks, snacks, prepackaged ice cream and rental of chairs and umbrellas from an approximately 8'x20' pre-fabricated unit which is a permitted special exception under the district regulation in Section 5-4-5(c) and 5-4-38 (5)(b) 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: Yes. See attachment
_____ for additional information

3. Applicant suggests that the following conditions be imposed to meet the standards in the Zoning Ordinance: We do not think any special conditions need to be imposed

4. The following documents are submitted in support of this application: Supporting information,
plot and conceptual design.

[A plot plan must be submitted.]

 1/14/25
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.

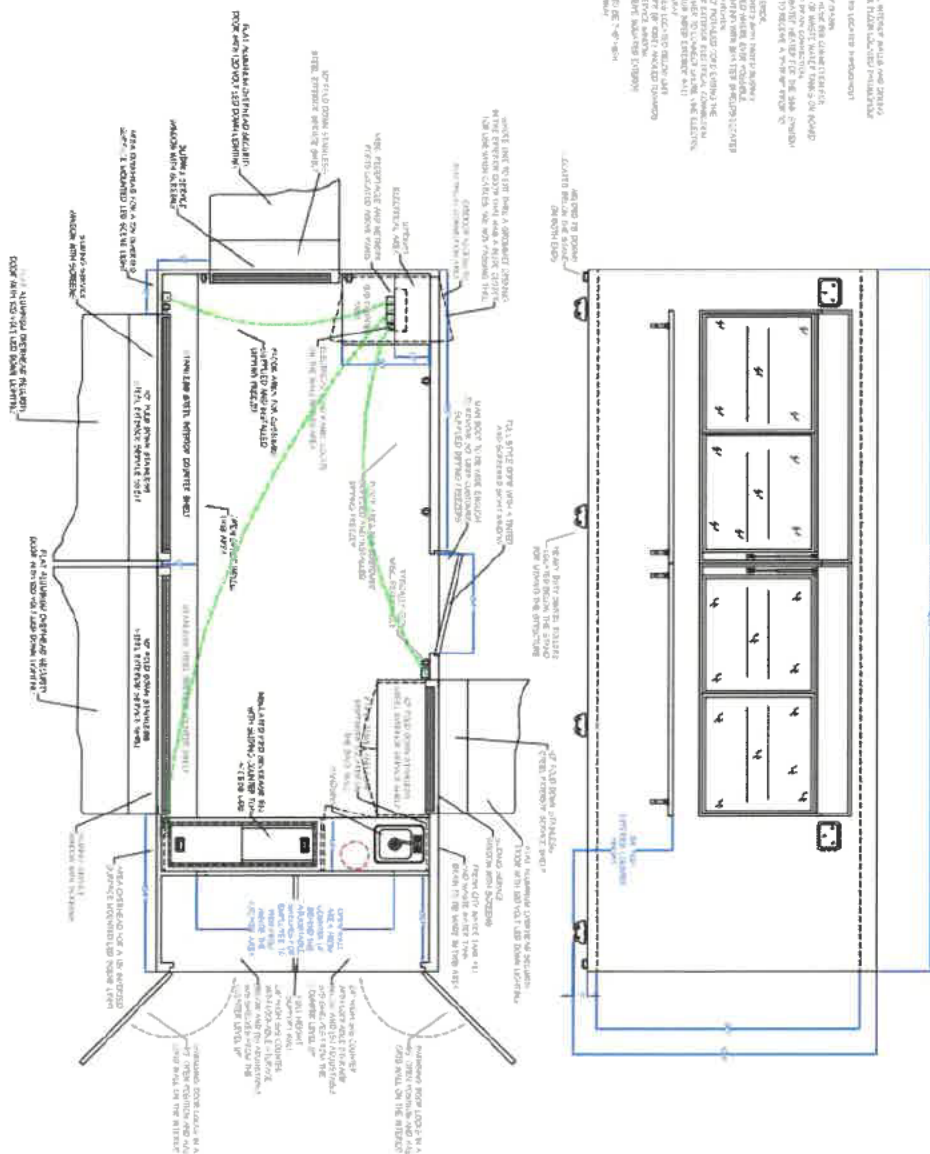
(2) Vehicular traffic and pedestrian movement on adjacent roads must not be hindered or endangered.

(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.

8' x 20' CUSTOM STAND

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DATE: _____
ANY ADDITIONS TO THIS DESIGN WILL
WARRANT AN INCREASE IN PRICE.
ALL DESIGNS, SPECIFICATIONS AND INVOICES
PRIOR TO THIS DRAWING ARE NULL AND VOID



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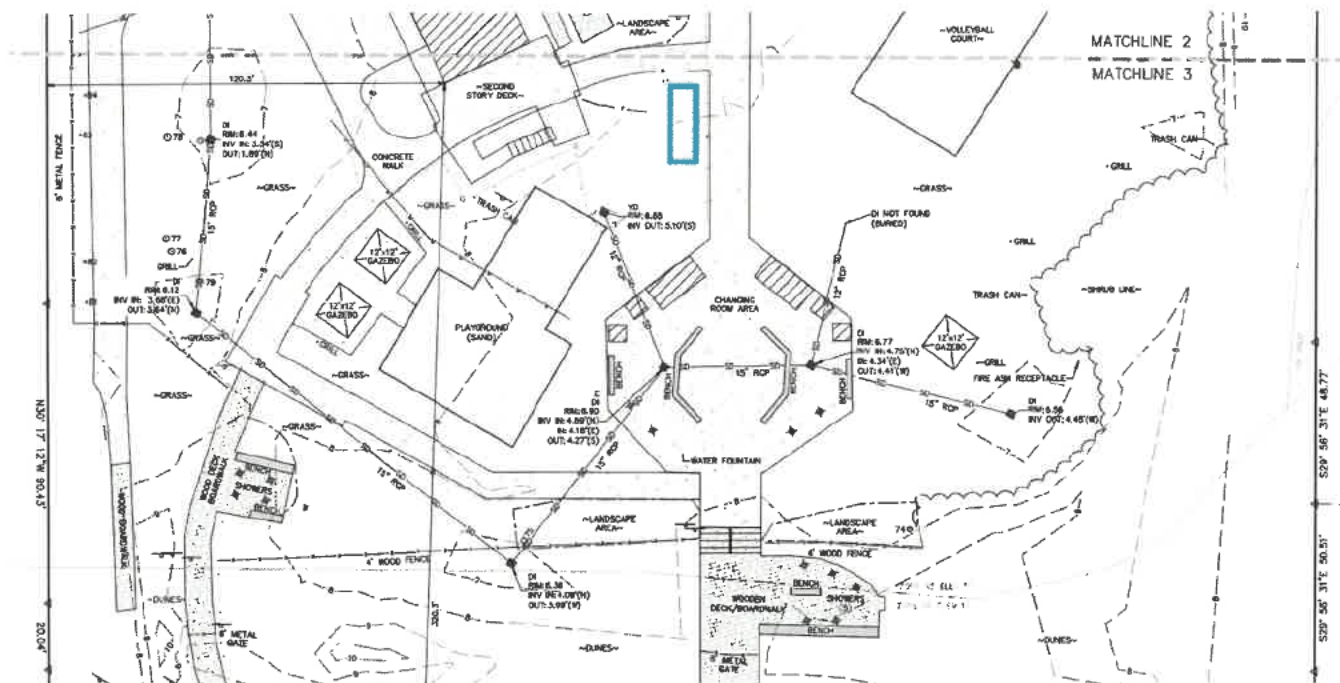
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SERVICE INC.**
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Hammonton, NJ 08037
609-561-6800
www.foodcart.com

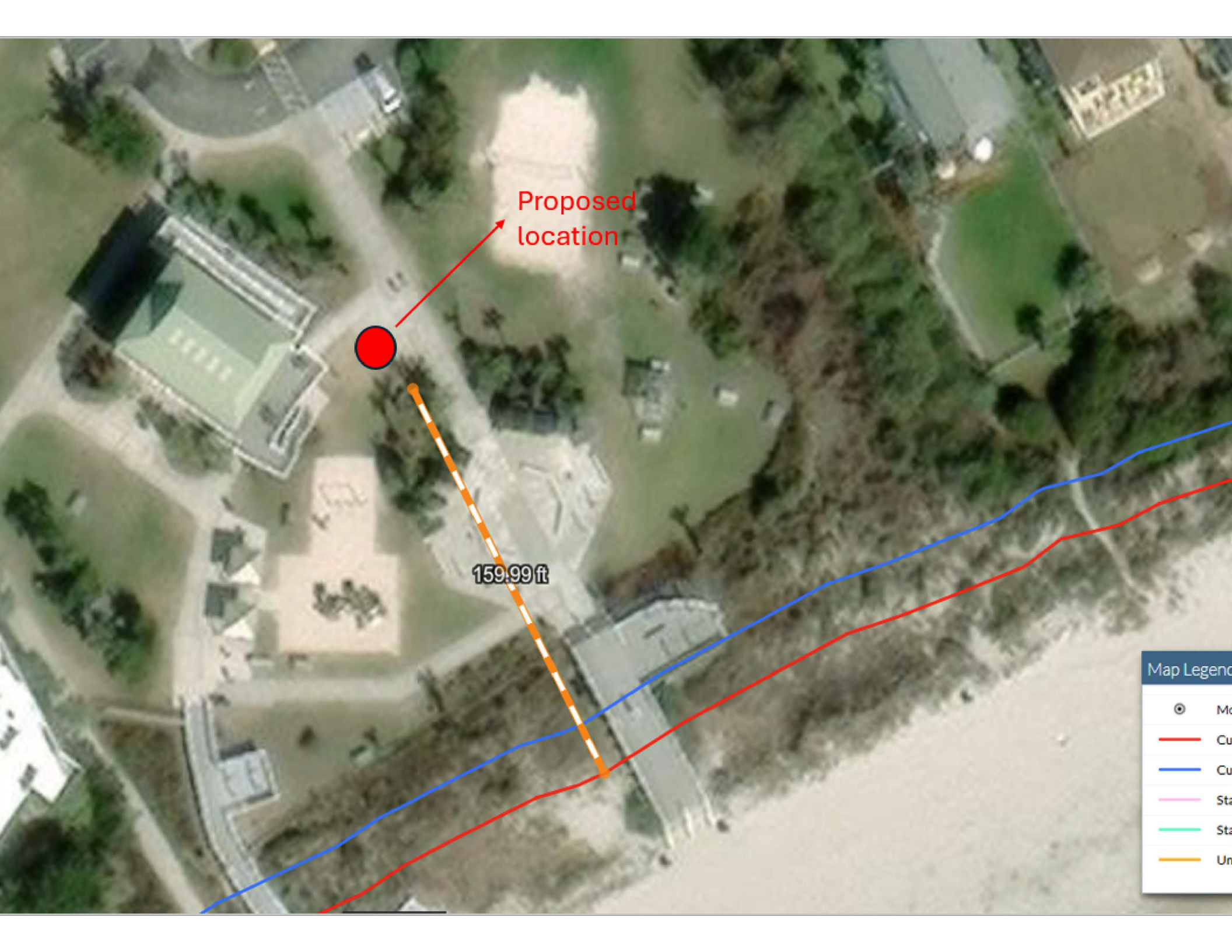
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INVESTIGATION OF HEALTH, RISK AND ZONING CODES SHOULD BE COMPLETED BY THE CUSTOMER PRIOR TO ORDERING.

DATE: 1-10-25
DRAWING #: 9008
DRAWN BY: J. C.
CHECKED BY: J. C.
REVISIONS:





Proposed
location

159.99 ft

Map Legend

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

Date Filed: March 18, 2002

Appeal Number: 02-07

The Board of Zoning Appeals held a public hearing on June 11, 2002 to consider the appeal of the Charleston County Parks and Recreation Committee for a Special Exception which may be granted by the Board pursuant to Section 5-4-5 and 5-4-37(5)(b) of the Zoning Ordinance as set forth on Form-4 for the property described on Form-1 to allow the outdoor sale and rental of tangible goods in the GC1 zoning district.

After consideration of the evidence and arguments presented, the Board concludes that the standards in Section 5-4-5 and 5-4-37 of the Zoning Ordinance which are applicable to the proposed Special Exception have been met based on the following findings of fact and conclusion.

1. Adequate provisions were made for setbacks, fences and buffering when the park was originally created to accommodate the proposed use.
2. Vehicular traffic and pedestrian movement on adjacent roads will not be hindered because all activity associated with the Special Exception will take place on the interior of the property.
3. Off-street parking, loading areas, entrances and exits for the use are adequate in terms of location, number, design and construction to serve the use without adverse impact on adjacent properties.
4. The general character and property values of the surrounding area including the beaches will not be adversely affected because all sales and rentals and activity incidental thereto will be conducted in a limited area located more than 160 feet landward of the OCRM baseline.

THE BOARD, THEREFORE, ORDERS that the Special Exception be **granted**, subject to the following conditions: the items sold or rented be limited to those items listed in the second paragraph of Ms. Donna Guelndner's letter addressed to the Board of Zoning Appeals dated March 18, 2002 including non-alcoholic drinks, ice cream products, a small collection of sundry items and the rental of umbrellas, chairs, and boogie boards; the area of the outdoor sales and rentals, including the delivery of items, be limited to that area indicated on site plan submitted with the original application alongside the primary concrete walkway, approximately 180 feet landward of the OCRM baseline, being in the rough shape of an oval and measuring approximately 25 feet by 20 feet; and the vendors be limited to Charleston County PRC employees.

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Board of Zoning Appeals
Order on Appeal 02-07

Date issued: July 9, 2002

Date mailed to applicant: ~~June 24, 2002~~

5/19/02


Chairperson


Secretary

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

Board of Zoning Appeals
Minutes
May 5, 2015

I. Call to order

The regular meeting of the Board of Zoning Appeals was called to order on May 5, 2015 at 5:30p.m. in the City Hall Conference Room, 1207 Palm Boulevard. Members present were Carolyn Holscher, Jay Leigh and Glenn Thornburg; also Secretary Douglas Kerr was present. Pete Doherty and Arnold Karig were absent.

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

II. Approval of minutes

The next item on the agenda was the review of the minutes of the March 3, 2015 meeting. Mr. Leigh made a motion to approve the minutes as amended and Ms. Holscher seconded the motion. The vote was unanimous in favor of the motion.

III. Special Exception

Mr. Thornburg 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.

#1- 14th Avenue, Charleston County Park

Mr. Kerr explained that the applicant was requesting a special exception to allow the outdoor sales of food and drink at the Charleston County Park. He explained that food would be served from a mobile food truck from 11am to 4pm on Wednesdays through Sundays during the months of April through September. He stated that the property is in the GC1 zoning district and Section 5-4-36(5)(b) of the City's zoning code specifies that:

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 (160') of the OCRM baseline established along the beach of the Atlantic Ocean is strictly prohibited.

Mr. Kerr read Section 5-4-5 (c) of the zoning code, which specifies the standards that the Board must apply in deciding special exception applications. He stated that the applicant claims that the standards in the ordinance will be met by satisfying all setback, screening,

loading and parking requirements and that the applicant has stated on the application that the proposed use will not adversely affect adjacent properties.

Ms. Holscher asked the applicant if the purpose of adding the food truck was to generate revenue for the park or if there was another motive. Mr. Phil Macchia of the County Park answered that one of the reasons for the request is to generate revenue for the park and that additionally the food truck would clean up the food operation that is currently operating out of small carts in the park.

Ms. Holscher asked the applicant if the request would impact surrounding businesses. Mr. Macchia answered that he did not believe it would because the menu of the food truck would be very limited and it would be replacing the food that is already offered at the park. He stated that food from the truck would be things like sandwiches, which are really taking the place of items that a patron may have forgotten, it is not replacing a dining experience.

Ms. Holscher asked if the other County Parks had food trucks. Mr. Macchia answered no, but the truck that is being built for the Isle of Palms park will travel to other parks when it is not on the Isle of Palms.

Mr. Leigh asked if the truck being proposed would only be the County Park truck, not outside vendors. Mr. Macchia answered yes, it would only be the County Park truck and he distributed a graphic showing a conceptual rendering of the truck.

Mr. Leigh asked how and where the preparation of the food would occur. Mr. Macchia answered that the truck would be permanently stored at a different park and it would be cleaned and stocked at a different park and then driven to the Isle of Palms ready to sell food.

Mr. Thornburg asked how the County Park planned to deal with the additional trash generated by the truck. Mr. Macchia stated that the County staff would handle the trash. He stated that they were not anticipating much more than what is currently generated, but that they would be monitoring the trash and react accordingly.

Mr. Thornburg stated that he felt the existing businesses in the front beach area struggle all winter and pay rent year round and he felt that to approve this request may be damaging to their business and that to allow it to occur in a mobile truck may be giving the County Park an unfair advantage over the existing businesses.

Mr. Leigh stated that as he understood the request, the County Park patrons already have the option of buying their food within the park and he doubted that the fact that it is being done from a truck rather than a cart would have a meaningful impact to the area. He stated that he

saw the request as a way for the County Park to make an existing service they are already providing cleaner and more efficient.

Ms. Holscher explained that she was also concerned about the potential impact on the existing businesses in the area.

Mr. Leigh asked what food items are currently being offered. Mr. Macchia answered primarily hotdogs and prepackaged items.

Mr. Thornburg asked if the Board would be able to grant a continuance for the case to allow the business owners in the area to give their input on the request.

Mr. Kerr answered that to his knowledge the Board has never done this, but he thought it would be allowable.

Mr. Leigh asked if the Board could impose conditions on their approval. Mr. Kerr answered yes.

Mr. Thornburg asked if there were tables at the park that patrons would use. Cynthia Wilson with the County Park answered yes there were existing picnic tables that would be used.

Mr. Leigh made a motion to approve the request with the conditions that operation of the food truck be limited to the times, days of the week, and months identified in the application (11am to 4pm on Wednesdays through Sundays during the months of April through September) and that no additional amenities be added beyond what exist currently. Ms. Holscher seconded the motion and the vote was unanimous in favor of the motion.

IV. Adjournment

With no other business, the meeting was adjourned at 6:10 PM.

Appeal Number: 25-05

Applicant: Thomas and Sue Cotton

Address: 2 Sand Dollar Drive

Request:

The applicant is requesting a variance to allow a raised pool to encroach 7' into the front setback off Sand Dollar Drive. The required setback is 24' from the property line and the pool is proposed to be located 17' from the property line.

The applicant claims the lot is extraordinary and exceptional due to the presence of multiple live oaks in front yard, the water and sewer lines in the side yard, and a drainage easement in the side yard that restricts the construction of a pool.

The applicant claims the application of the ordinance would effectively prohibit or unreasonably restrict the utilization of the property. Due to the live oaks and drainage easement, the applicant claims the only remaining space is the backyard where all utilities are located.

The applicant claims the conditions that are peculiar to this property that are not to the surrounding properties include the location of the house on the lot, the side yard drainage easement, and the 24' setbacks off Wildwood Drive and Sand Dollar Drive. Additionally, under the City's code previously allowed corner lots to designate one street side as the front yard and the other as the side yard. However, the current City code requires the lot's front yard setbacks to be met on both street sides and the lot's side yard setback requirements must be met on all other sides of the lot. Consequently, the applicant claims the current regulations are peculiar to this property as the neighboring corner lot residences were constructed under the former City code requirements for corner lots.

The applicant claims the authorization of this variance will not be of substantial detriment to adjacent properties or to the public good.

Pertinent Zoning Code Sections:

Section 5-4-32(6) – SR-1 single-family residential district:

Minimum yard requirements. Minimum yard requirements in the SR-1 single-family residential district are as follows:

- a. Front yard: thirty feet (30').
- b. Side yard: ten feet (10').
- c. Rear yard: thirty feet (30').

Exception: minimum yard requirements for lots with an area less than seventeen thousand five hundred (17,500) square feet.

- a. Front yard: twenty-four feet (24').
- b. Side yard: ten feet (10').
- c. Rear yard: twenty-four feet (24').

Section 5-4-12(h) – Additional regulations:

Where a lot abuts on two (2) streets (either a corner lot or a double frontage lot), the lot's front yard setback requirements must be met on both street sides and the lot's side yard setback requirements must be met on all other sides of the lot.

Section 5-4-5 (b) – Variances:

Pursuant to S.C. Code 1976, § 6-29-800, upon written application filed with the Zoning Administrator, the Board may authorize in specific cases a variance from the terms of the ordinances contained in this chapter when strict application of the provisions of the ordinance would result in unnecessary hardship. Filing fees set by resolution of City Council from time to time must be paid by the applicant at the time of filing of an application for a variance. Such application shall contain information addressing each of the statutory requirements for variances stated in S.C. Code 1976, § 6-29-800, as amended, all of which must be met. A variance may be granted in an individual case of unnecessary hardship if the Board makes and explains in writing the following findings:

- (1) There are extraordinary and exceptional conditions pertaining to the particular piece of property;
- (2) Such conditions do not generally apply to other property in the vicinity;

(3) Because with these conditions, the application of the ordinance or resolution of the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property;

(4) The authorization of a variance will not be of substantial detriment to an adjacent property or to the public good, and the character of the district will not be harmed by the granting of the variance.

The Board may not grant a variance which has the effect of allowing the establishment of a use not otherwise permitted in a zoning district, to physically extend a nonconforming use, or to change the zoning district boundaries shown on the official zoning map. The fact that property may be utilized more profitably if a variance were granted shall not be considered as a ground for a variance. A claim of unnecessary hardship cannot be based on conditions created by the applicant. A claim of unnecessary hardship cannot be based on financial hardship of the applicant.

In granting a variance, the Board may attach to it such conditions regarding the location, character, or other features of the proposed building, structure, or use as the Board may consider advisable to protect established property values in the surrounding area, or to promote the public health, safety, or general welfare.

Board of Zoning Appeals

Information Sheet

City of Isle of Palms

Date Filed: _____

Appeal Number: _____

Instructions:

This form must be completed for a hearing or 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: 2 Sand Dollar Drive Lot 39 Block TMS 571-06-0014

Area of Lot 8704 Sq Ft Zoning Classification SR1

Applicant (s) Name Thomas and Sue Cotton

Address 2 Sand Dollar Dr Isle Of Palms, SC

Interest (ie Owner, Owner's attorney, Architect, etc.) _____

Owner(s) (if different from applicant) _____

Name _____

Address _____

Telephone _____

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

Thomas E Cotton A Cotton 1-15-25

Applicant signature/date

Owner signature (if different from applicant)/date

**Board of Zoning Appeals
Variance Application
City of Isle of Palms
Form 3**

Date Filed: 1-16-2025 Appeal Number: 25-05

1. Applicant hereby appeals to the Board of Zoning Appeals for a variance from the strict application to the property described in the Notice of Appeal (Form 1) of the following provisions of the Zoning Ordinance (Section Number): 5-4-32 so that a zoning permit may be issued to allow use of the property in a manner shown on the attached plot plan. Described as follows:

Raised swimming pool placement on 2 Sand Dollar corner lot, requires a 7-foot variance from current Sand Dollar setback. There will still be a 17 ft setback should the 7ft variance be granted. Furthermore, the plan includes moving the main entry from Sand Dollar Dr to Wildwood Ave , for which a permit has been denied by a zoning official on the grounds that the proposal would be in violation of the Zoning Ordinance. See **Photos A and B**

2. What are the extraordinary and exceptional conditions pertaining to this piece of property because of its size, share or topography?

The residence was constructed to the far corner of the property, flanked by live oak trees on 3 sides. There is also a drainage right of way on the Southeast side of the property and utilities (water and sewer) run through the backyard. Therefore, both sides and the rear of the home are not viable for a pool construct. See **Photos C and D**

3. What unnecessary hardship will result when the standards of the ordinance are met?

Given the live oak trees and the drainage right of way are protected, the remaining space is limited to the backyard and the area where we have requested a variance. Moving the utilities (electric, water, sewer) from the backyard would be a tremendous financial hardship and doesn't make logical sense, when the vast majority of open space on our property is where we are requesting the variance. While there is a covered porch, it would not be a viable space for the pool as it is too small, would not allow entry into our garage and would not allow safe access from the exterior of the residence and is cost prohibitive. See **photo E**

4. What conditions are peculiar to this piece of property and not to surrounding properties?

Our lot has a great deal of unused space due to its corner lot location, the 10 ft drainage right of way on the SE side and 24 ft property setbacks from both Sand Dollar Dr and

Wildwood Ave. Furthermore, many of our neighbors' porches (examples: 6 Sand Dollar and 1 Live Oak (also on a corner lot) are 10-15 ft from the property line. Both examples are residences closest to our home. When we purchased 2 Sand Dollar, we were assured that the previous owner had already checked into a pool installation in the very place we are requesting our variance. The previous owner indicated because the home was located on a corner lot, the owner had the ability to choose a front and a side entry. The side setback was 10-15 feet off the property line, which aligns with both of our neighbors' examples. Since we began the variance process, we've now been told the corner lot residences are no longer able to choose a front and a side, thereby, again making more of our lot unusable.

5. The authorization of the variance will not be of substantial detriment to adjacent property or to the public good, and the character of the district will not be harmed by the granting of the variance for the following reasons:

Given we are fulltime residents, we know and enjoy many friendships in our neighborhood. As such, we have shared our proposed pool plans with many of our neighbors and they are supportive of our variance request. Furthermore, our residence is one of the first visible as you enter into the Wildwood neighborhood. As such, we have designed a pool area that is aesthetically pleasing and makes a great first impression. Our hope is to update the exterior of our home and add a modest, but beautiful pool, which should increase home values within our neighborhood.

6. Is this use permitted according to the Zoning Ordinance?

Yes, a pool is a permitted use in this zoning district.

Photo Attachments A and B



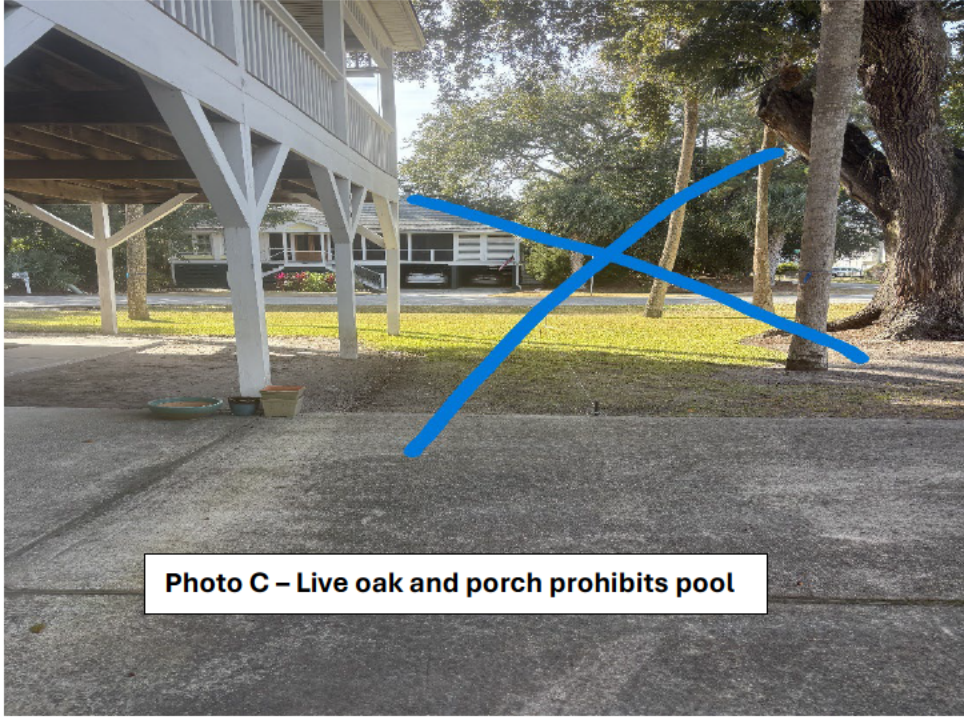


Photo C – Live oak and porch prohibits pool



Photo D – Drainage easement prohibits pool



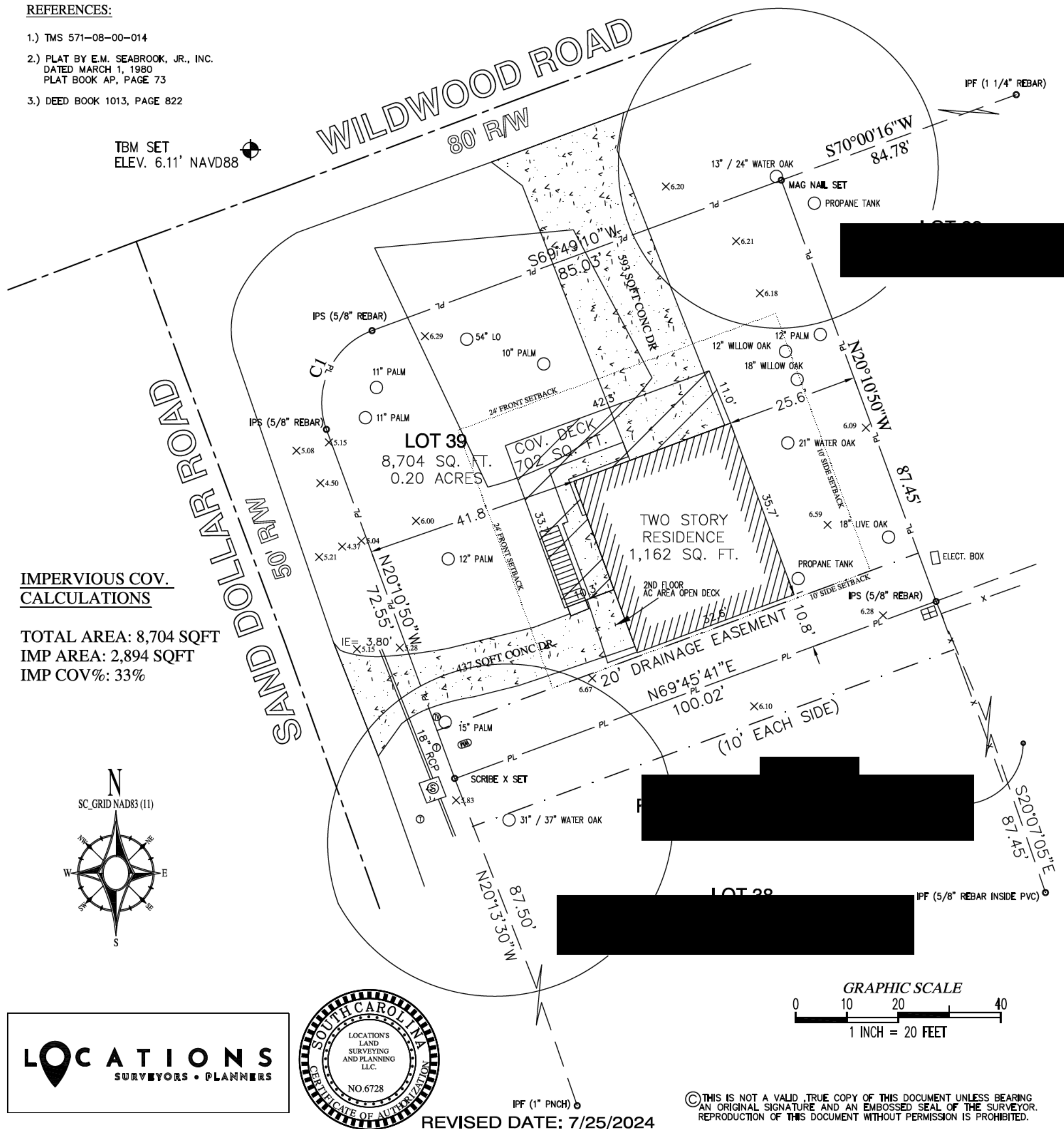
**Photo E – Electric, Water
and Sewer in back yard**

- 1.) THIS PLAT REPRESENTS A SURVEY BASED ON THE LISTED REFERENCES AND IS NOT THE RESULT OF A TITLE SEARCH.
- 2.) THIS IS NOT A VALID, TRUE COPY OF THIS DOCUMENT UNLESS IT BEARS THE ORIGINAL SIGNATURE, SIGNATURE, DATE AND THE EMBOSSED SEAL OF THE SURVEY NOTED HEREON.
- 3.) THIS PROPERTY MAY BE SUBJECT TO VARIOUS EASEMENTS THAT WERE NOT NOTED EITHER IN THE REFERENCE DEED OR REFERENCE PLATS LISTED. THE UTILITIES SHOWN HEREON ARE BASED ON FIELD SURFACE OBSERVATIONS APPARENT AT THE TIME OF THE FIELD SURVEY.
- 4.) ACCORDING TO F.E.M.A. FIRM COMMUNITY PANEL 45019C0542K, THIS SITE IS LOCATED IN FLOOD ZONE AE (EL 10) MAP EFFECTIVE DATE JANUARY 29, 2021.
- 5.) AREA CALCULATED BY THE COORDINATE METHOD. DISTANCES SHOWN HEREON ARE IN GROUND DISTANCES.
- 6.) THE PARCEL SHOWN HEREON IS SERVICED BY ISLE OF PALMS WATER SEWER COMMISSION.
- 7.) THE PROPERTY CORNERS SHOWN HEREON ARE 3/4" REBAR SET UNLESS OTHERWISE SHOWN.
- 8.) THIS PARCEL IS ZONED SR-1 BY IOP ZONING AND PLANNING TYPICAL SETBACKS: FRONT: 24' REAR: 24' SIDE COMBO: 20' SIDE INDIVIDUAL 10' HEIGHT 40'
- 9.) CHECK WITH LOCAL BUILDING OFFICIALS AND ANY APPLICABLE REVIEW BOARD PRIOR TO BEGINNING CONSTRUCTION OF ANY KIND TO VERIFY PROPER SETBACKS ARE MET.

	PROPERTY CORNER (AS NOTED)
	CALCULATED POINT (NO MARKER SET)
	CONCRETE MONUMENT
_____	ROAD RIGHT OF WAY
_____ PL _____	PROPERTY LINE
_____	PROPERTY LINE--ADJOINERS
_____	PROPERTY LINE TIES
_____	EASEMENT LINE
_____	ROAD CENTERLINE
_____ X _____ X _____	FENCELINE
_____	CENTERLINE OF DITCH
_____ TOB _____	TOP OF DITCH
_____	ROAD EDGE
--- (D) --- (S) ---	DRAINAGE PIPE/BOX/MANHOLE
--- (S) --- (T) ---	OVERHEAD UTILITY LINES/POLES
_____	SETBACK LINE
_____	CONTOURS
_____ x 0.00	ELEVATION GROUND SHOT (NAVD 88)

CURVE TABLE				
CURVE	ARC	RADIUS	CHRD BRG	CHORD
C1	23.56	15.00	S24°49'09.97"W	21.21

- 1.) TMS 571-08-00-014
- 2.) PLAT BY E.M. SEABROOK, JR., INC.
DATED MARCH 1, 1980
PLAT BOOK AP, PAGE 73
- 3.) DEED BOOK 1013, PAGE 822



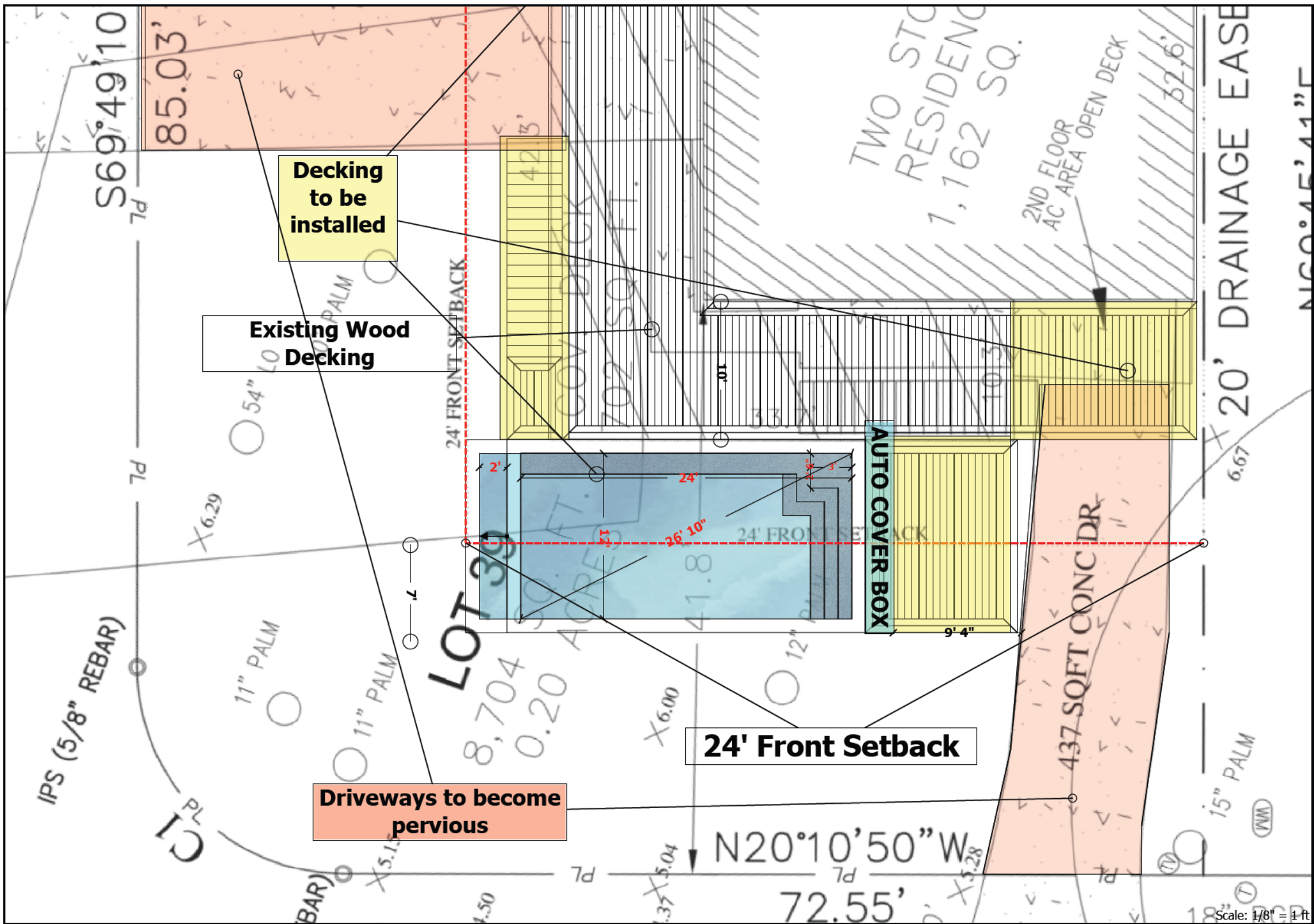
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AN ORIGINAL SIGNATURE AND AN EMBOSSED SEAL OF THE SURVEYOR.
REPRODUCTION OF THIS DOCUMENT WITHOUT PERMISSION IS PROHIBITED.

AS-BUILT PLAT SHOWING
2 SAND DOLLAR ROAD
LOT 39, WILDWOOD SUBDIVISION
OWNED BY THOMAS COTTON & SUE COTTON
LOCATED IN THE CITY OF ISLE OF PALMS
CHARLESTON COUNTY, SOUTH CAROLINA
DATE: JUNE 19, 2024

I HEREBY STATE THAT TO THE BEST OF MY KNOWLEDGE, INFORMATION, AND BELIEF, THE SURVEY SHOWN HEREON WAS MADE IN ACCORDANCE WITH THE REQUIREMENTS OF THE MINIMUM STANDARDS MANUAL FOR THE PRACTICE OF LAND SURVEYING IN SOUTH CAROLINA, AND MEETS OR EXCEEDS THE REQUIREMENTS FOR A CLASS A SURVEY AS SPECIFIED THEREIN; ALSO THERE ARE NO VISIBLE ENCROACHMENTS OR PROJECTIONS OTHER THAN SHOWN OR STATED.

7/25/2024





Catch Basin

Perimeter: 28'

Area: 24 ft²

Int Surface Area: 147.77 ft²

Volume: 449 gallons

Envelope: 12' x 2'

Coping Area: 18 ft²

Main Pool

Perimeter: 72'

Area: 288 ft²

Int Surface Area: 538.97 ft²

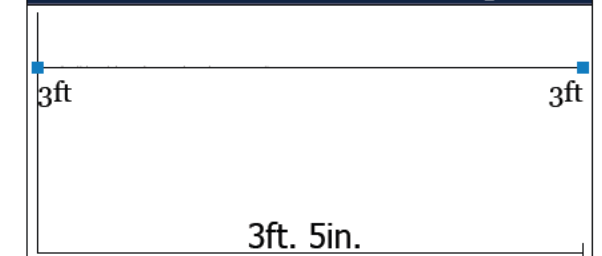
Volume: 6,297 gallons

Envelope: 24' x 12'

Depth: 3' to 4' to 5'

Spillover Length(s): 12'

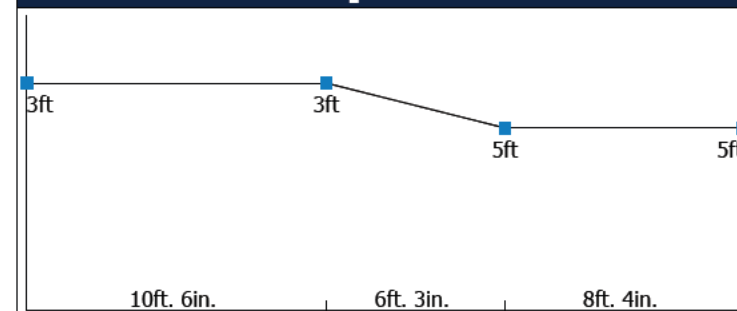
Catch Basin Depth



24' Front Setback

Driveways to become
pervious

Pool Depth Profile



Designer: Devin S. Dockery

Project Info

Project Name: Cotton Residence

Client Name: Thomas & Sue Cotton

Address: 2 Sand Dollar Drive

City: Isle of Palms

State/Province: SC

Zip/Postal Code: 29451



Emily Karafa
(843) 484-4228



Current Owner:
COTTON THOMAS, COTTON SUE
2 SAND DOLLAR DR
ISLE OF PALMS SC 29451

Property ID5710800014
Physical Address2SAND DOLLAR DR
Property Class101 - RESID-SFR
Plat Book/Page
Neighborhood112105 AK05 42nd Ave. to Wild
Dunes
Deed Acres0.0000

