



MINUTES

BOARD OF ZONING APPEALS

REGULAR MEETING

Thursday, January 12, 2023 - 4:00 p.m.
Greenville City Hall Council Chambers

NOTICE OF MEETING: Pursuant to Section 30-4-80 of the S.C. Code of Laws, annual notice of this Board's Meetings was provided on January 1, 2023 via the Greenville City Website. The Agenda for this Meeting was posted outside the meeting place and was emailed to all persons, organizations, and news media requesting notice. In addition, notice for public hearings was published in the Greenville News, posted on the properties subject of public hearing(s), mailed to all surrounding property owners, and emailed to all persons, organizations, and news media requesting notice pursuant to Section 6-29-760 of the S.C. Code of Laws and Section 19-2.2.9 of the Code of the City of Greenville.

A copy of staff reports and recommendations were posted with the meeting agenda.

1. Call to Order

Chairman Chris Price called the meeting to order at 4:02 PM.

2. Welcome and Opening Remarks from the Chair

Chairman Chris Price welcomed attendees to the meeting and invited other board members to introduce themselves. Price continued with standard remarks and explained the procedures for the Board of Zoning Appeals public hearing.

3. Roll Call

The following members of the Board of Zoning Appeals were in attendance: Chris Price (Chair), Stephanie Gates, and Krish V. Patel, Kenneth Betsch, Frederick Turner and Lauren Rounsville

Absent: Seph Wunder (Vice Chair)

4. Approval of Minutes

A. December 6, 2022 – Workshop

Ken Betsch motioned to approve as submitted. Stephanie Gates seconded. Motion passed 6-0.

B. December 8, 2022 – Regular Meeting

Ken Betsch motioned to approve as submitted. Stephanie Gates seconded. Motion passed 6-0.

5. Call for Public Notice Affidavit from Applicants

Staff reported that all public notice affidavits were received.

6. Acceptance of Agenda

The agenda was accepted as distributed to the Board.

Ken Betsch motioned to accept. Stephanie Gates seconded the motion. The motion passed 6-0.

7. Conflict of Interest Statement

None

8. OLD BUSINESS

A. S 22-662 *Applicant Withdrawn*

Application by Jeffrey Pagliaro for a **SPECIAL EXCEPTION** to establish a 'Hotel' (short-term rental) use in an OD, Office and institutional district at **400 E WASHINGTON ST UNIT 8** (TM# 006301-04-00200)

***Motion: Stephanie Gates moved to accept withdraw of S 22-662. Second by Lauren Rounsville.**

The motion passed by a vote of 6-0.

9. NEW BUSINESS

A. S 22-939

Application by Silvercar, Inc. for a **SPECIAL EXCEPTION** to establish an 'Automobile rental' use in a C-3, Regional commercial district at **200 DUVALL DR** (TM# 027200-01-01500)

Application was presented by Ross Zelenske, Senior Development Planner, with staff recommending approval of the application with conditions.

Applicant Presentation

Austin Allen, Arbor Land Design, 49 Greenland Drive, Greenville, SC

- Agreed to conditions on staff report and offers to answer any questions.

Public Comments

- None

***Motion: Ken Betsch moved to approve the special exception request S 22-939 with comments and conditions. The motion was based on the findings that use is consistent with the Comprehensive Plan, the use would comply with the use-specific standards for the use, that the use is compatible with surrounding lands, and that the use does not have substantial adverse impacts. Conditions include:**

- 1. The use of the property shall substantially conform to the testimony of the applicant and the content of the application.**
- 2. The Special Exception Permit shall be limited to the Applicant, Silvercar, Inc., and is not transferrable.**

Seconded by Stephanie Gates.

The motion passed by a vote of 6-0.

B. S 22-940

Application by Randall Hiller, P.A. on behalf of William A. Taylor for a **SPECIAL EXCEPTION** to establish a 'Hotel' (short-term rental) use in an OD, Office and institutional district at **20 HOWE ST UNIT 6** (TM# 009001-01-00600)

Staff report presented by Ross Zelenske, Senior Development Planner, with staff recommending denial of the application.

- The Board asked if the single-family attached units would fall under the same rule applying to multifamily that requires occupancy of over 50% of the building by short-term rental use to update the entire building to building/fire code consistent with a hotel use classification.
 - Staff responded that it would depend on the building construction, but that it would not likely apply for this development.
- The Board asks about Northern property lot use.
 - Vacant Law Office

Applicant Presentation

Randall Hiller, 850 Wade Hampton Boulevard, Suite D, Greenville, SC

- The applicant's representative provided letters from neighboring property owners letters indicating approval for this request, stating that 8 of 13 neighbors were in favor of allowing short-term rental of this location.
- Discussed sound/noise, rental time frame and offered to answer questions.
 - The Board asked why the applicant want to make this change.
 - Mr. Hiller stated that STRs are more profitable than longer rentals.

Public Comments

Jeffrey Leshman, 1012 North Main Street, Greenville, SC

- Spoke first as a member of the West End Cottages Board of Directors and then in opposition as an owner of two units. Stated that the HOA has not approved or denied short term rentals and chooses to take no position on short term rentals. Read HOA document that discussed rental agreements. Long term rental tenants in the development believe this should remain residential area.
 - The Board asked how many renters are in the complex.
 - Mr. Leshman stated 4 or 5 full time residents with leases are occupy units in the complex.

Holly Douglas Schaumber, 101 Kenwood Lane, Greenville, SC

- Spoke in favor saying she currently rents her unit to renters who have been there two years. Being surrounded by commercial properties this use fits. The owner is very invested in the area, and she had no concern on the maintenance of the properties.

Hunter Moss, 20 Howe Street, Unit 11, Greenville, SC

- Spoke in favor as a long-term resident. Discussed the nearby train station, baseball stadium and EMS call center that all cause noise so he did not believe there would be any noise complaints.

Joe Farmer, 207 Alpine Way, Greenville, SC

- Spoke in opposition. Spoke about taking residential housing off the market and discussed the need for more residential housing. Spoke about what is best for the community and how short-term rental will continue to take residential homes out of the hands of people who need them. He pointed out they already admitted they were operating illegally; we are not Disneyland.

Michael Hallman, 16 Williams Street, Greenville, SC

- Spoke in opposition and applauded staff for recommending denial. Discussed differences on being approved or denied and statements being handed out that people in the public won't see.

Applicant Rebuttal

- Mr. Hiller discussed owners in favor and the HOA stance.
 - The Board asked what the nature of the vacancy of this unit has been over the last few years.
 - Mr. Hiller stated that he had never lived there, but it's unoccupied more than it is occupied.

Board Discussion

- None

***Motion: Ken Betsch moved to deny the special exception request S 22-940. The motion was based on the findings that use is consistent with the Comprehensive Plan, that there are no use-specific standards for the use, that the use is not compatible with surrounding lands as it is a commercial use in a residential development, and that the use will have substantial adverse impacts to the ability of the remaining residents to maintain their residences.**

Seconded by Lauren Rounsville.

The motion passed by a vote of 4-2. Krish Patel and Stephane Gates voted No.

C. S 22-941

Application by Randall Hiller, P.A. on behalf of Hunter M. Moss for a **SPECIAL EXCEPTION** to establish a 'Hotel' (short-term rental) use in an OD, Office and institutional district at **20 HOWE ST UNIT 11** (TM# 009001-01-01100)

Staff report presented by Ross Zelenske, Senior Development Planner, with staff recommending denial.

Applicant Presentation

Randall Hiller, 850 Wade Hampton Boulevard, Suite D, Greenville, SC

- Spoke as the agent. Discussed the covenants for the units and the legality of 30-day rentals.

Hunter Moss, 20 Howe Street, Unit 11, Greenville, SC

- The Board asked Mr. Moss about his living arrangements with this unit.
 - Mr. Moss said he did live in unit on occasion and discussed renting his home as he sees to supplement living.

Public Comments

Jeffrey Leshman, 1012 North Main Street, Greenville, SC

- Spoke in opposition, clarified that he was representing himself as owners of Unit 2 and Unit 8 and not speaking on behalf of the HOA. Pointed out that the rentals started in 2019 and the city never took action. The city needs to protect the minority.
 - Board member Krish Patel asked Mr. Leshman to confirm that he was an owner of two units that are rented and he is in opposition?

- Mr. Leshman stated yes, because these are business uses in a residential development.

Joe Farmer, 207 Alpine Way, Greenville, SC

- Spoke in opposition. Stated he was a 30-year Greenville resident and not an employee of the hotel industry. He discussed zoning regulations and the reason they are in place. There needs to be a transition between downtown and residential. He advocated for the need of a moratorium from Council and asked for denial.

Michael Hallman, 16 Williams Street, Greenville, SC

- Spoke in opposition. He confirmed that he did not reside in the area but discussed there not being a comparison of long-term tenants and Air BnB. He pointed out that some are using these units without approval as short-term rentals. Repeated that these applications are no longer a creep but leap into our neighborhoods.

Holly Douglas Schaumber, 101 Kenwood Lane, Greenville, SC

- Spoke in favor. She stated there has not been any adverse effects from units previously being used as short-term rentals. Believed the owner occupant should carry weight. Asked if HOA non-action makes any difference.

Applicant Rebuttal

Mr. Hiller discussed short term rental definition and the 30-day distinction. Asked the Board to consider if there really is a difference in impact.

Board Discussion

***Motion: Ken Betsch moved to deny the special exception request S 22-941. The motion was based on the findings that use is consistent with the Comprehensive Plan, that the use does not have use-specific standards for the use, that the use is not compatible with surrounding lands as a short-term rental is not compatible with the existing residential uses in the neighborhood, and that the use will have substantial adverse impacts to the residents who wish to maintain their residences in the development.**

Seconded by Fredrick Turner.

The motion passed by a vote of 4-2. Krish Patel and Stephanie Gates voted No.

D. S 22-942

Application by Harry's Hoagie Shoppe, LLC (Andrew Fallis) for a **SPECIAL EXCEPTION** to establish a 'Restaurant serving alcoholic beverages' use in a C-1, Neighborhood commercial district at **1700 E NORTH ST STE A** (TM# 019302-05-02000)

Staff report presented by Ross Zelenske, Senior Development Planner, with staff recommending approval of the application with comments and conditions.

Applicant Presentation

Andrew Fallis, 36 State Park Road, Greenville, SC

- The Applicant provided additional information about his business and the request for alcohol sales. He then asked about the staff recommended condition

for a 6:00 p.m. stop. Can that be later? He also asked about the bar related TIPS training and if this is necessary requirement.

Public Comments

- None

Board Discussion

- The Board asked the applicant how late the business stays open?
 - Mr. Fallis state that until 6:00pm usually and that they will not be staying open to serve alcohol to people without providing food.

***Motion: Stephanie Gates moved to approve special exception request S 22-942 with staff comments and conditions. The motion was based on the findings that use is consistent with the Comprehensive Plan, the use would comply with the use-specific standards for the use, that the use is compatible with surrounding lands, and that the use does not have substantial adverse impacts. Conditions include:**

1. The operation of the establishment shall substantially conform to the testimony of the Applicant and the content of the application.
2. Hours of operation shall be substantially consistent with those stated by the Applicant, closing no later than 10 p.m. Sale of alcoholic beverages shall cease at 10 p.m. or when food service ends, whichever occurs first.
3. Exterior sound amplification is prohibited.
4. All interior amplification shall be located only as reflected on the approved floor plan and be directed away from the principal entrance or directed toward the interior of the building.
5. The Applicant and all its managers and employees responsible for serving any alcoholic beverage (current and future) shall participate in the merchant education/server training program offered by the Phoenix Center or comparable program offered by other vendors approved by the city police department. Evidence of satisfactory completion of this training for each employee shall be retained on-site and available for inspection by the administrator and the city police department. Current personnel shall receive training within 90 days of the date of the granting of a conditional use permit and future personnel shall receive training within 30 days of hiring.
6. The Applicant shall take reasonable measures to ensure that the business and its patrons comply with City ordinances and State laws intended to preserve the public peace, safety and order, including but not limited to: occupancy loads, prohibitions on disorderly conduct and public intoxication, prohibitions on noise in violation of the City's noise ordinance and applicable neighborhood parking restrictions.
7. Outdoor seating area(s) shall require approval of a separate Conditional Use permit.

Seconded by Ken Betsch.

The motion passed by a vote of 6-0.

10. Other Business

A. Staff update on current planning projects.

- a. Kristopher Kurjiaka, Principal Development Planner, presented an update on the new Development Code.
- b. The Board asked about the ability to make recommendations on Code.

11. Adjournment

The meeting adjourned at 6:04 p.m.

Staff Present: Leigh Paoletti, City Attorney; Shannon Lavrin, Assistant City Manager; Kristopher Kurjiaka, Principal Development Planner; Ross Zelenske, Senior Development Planner; Mary Douglas Hirsch, Planning Administrator; Sharon Key, Planning Coordinator

Minutes prepared by Sharon Key and Ross Zelenske.