



**MINUTES
BOARD OF ZONING APPEALS
REGULAR MEETING**

**Thursday, February 9, 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), Seph Wunder (Vice Chair), Stephanie Gates, and Krish V. Patel, Kenneth Betsch, and Lauren Rounsville

Absent: Frederick Turner

4. Approval of Minutes

A. January 10, 2023 – Agenda Workshop

B. January 12, 2023 – Regular Meeting

C. January 25, 2023 – Joint Training Workshop

Ken Betsch motioned to approve all minutes 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.

Stephanie Gates motioned to accept. Seph Wonder seconded the motion. The motion passed 6-0.

7. Conflict of Interest Statement

Chris Price has conflict regarding S 21-781M and noted he had submitted a conflict-of-interest statement to staff.

8. OLD BUSINESS

A. None

9. NEW BUSINESS

Chris Price left the meeting due to his conflict of interest. Seph Wunder assumed chair duties.

A. S 21-781M

Application by Group Therapy Pub & Playground, LLC (Matthew Hubbard) to modify a **SPECIAL EXCEPTION** to a expand a 'Bar' and 'Indoor entertainment facility' use in a C-4, Central business district at **320 FALLS ST STE G** (TM# 006100-03-04114, 006100-03-04115)

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

- The Board asked for clarification regarding bar/activities after 10:00pm.

Applicant Presentation

Matthew Hubbard, 320 Falls Street, Greenville

- Requested the modification of staff's recommended condition, condition 17, regarding the prohibition on the permanent placement of an outdoor beverage cart. He provided information on outdoor uses and security measures. Offered to answer any questions.
 - The Board asked what main purpose of this outdoor area and what is necessity of outdoor bar?
 - Applicant provided clarity and noted ability for quicker service
 - The Board asked about necessity of outdoor games when business already offers indoor games.
 - The Board asked about status of landlord approval related to the use of patio and if the Applicant was aware of complaints related to noise.
 - Applicant stated he is aware of complaints and provided details on resolutions. He noted that his lease allows for outdoor games.

Public Comments

- Phillips Workman, 1 North Main Street – Spoke on behalf of landlord, CAP Camperdown Retail. Explained terms of the lease. Noted that outside firepits were not yet reviewed and/or approved by landlord.
- George London, 320 Falls Street Unit 307 (DECA Apartments) – Spoke in opposition. Explained that outdoor games create an inability to enjoy their apartment balcony due to noise.
- Brock Fankhauser, 320 Falls Street (DECA Apartments) – Spoke in opposition. Explained that cornhole outdoor games create an echo and are very disruptive. Requested addition approval condition that requires the cornhole board design to minimize sound.
 - The Board asked about noise complaints.
 - Had no complaint regarding inside noise
- John McClinden (sp?) 320 Falls Street Unit 513 (DECA apartments) – Spoke in favor of application.
 - The Board asked if his apartment faces the courtyard.
 - He replied it does.

- Daniel Lovelace, 7 Staten Lane, Taylors – Spoke in favor. He noted he is contracted by Group Therapy and explained the importance of an active downtown. Align brand of Group Therapy with an active downtown.

Applicant Rebuttal

- The Applicant explained efforts to minimize noise and other concerns related to corn hole and outdoor games.

Board Discussion

Discussed the need for outdoor activation of plaza. No issues with expanding dinning, but concerns regarding noise need to be addressed.

Discussed the beverage cart and whether outdoor alcohol sales is a concern or not. After questioning by the Board, staff explained the TAC concern and recommended condition.

***Motion: Ken Betsch moved to approve the special exception request S 21-781M with conditions. The motion was based on the findings that use is consistent with the Comprehensive Plan, that the use will comply with the use-specific standards, that the use is compatible with surrounding lands, and that the use does not have substantial adverse impacts. Conditions include:**

1. The Special Exception Permit is limited to the applicant, Group Therapy Pub & Playground (Matthew Hubbard), and is not transferrable.
2. Operation of the facility shall be limited to a "nightclub/bar," as defined by this Code, and shall substantially conform to the statements of the applicant and the content of the application. Modification of the facility's operation shall require the applicant to seek a modification of the special exception permit. Operation of the business shall always comply with the provisions of the South Carolina Alcoholic Beverage Control Act and the regulations of the department of revenue.
3. Delivery, waste collection, and similar commercial traffic is prohibited between the hours of 12:00 midnight and 7:00 a.m.
4. Loitering, solicitation, and disorderly conduct is always prohibited. Rules, consistent with the provisions of the Greenville Code of Ordinances, shall be posted in conspicuous locations on the building and throughout the parking lot and shall be enforced by the proprietors.
5. Exterior sound amplification and outdoor music is prohibited.
6. Interior sound amplification shall be located only as reflected on an approved floor plan and shall be directed away from the principal entrance or directed toward the interior of the building.
7. Exterior doors shall remain closed except to provide ingress and egress between the hours of 10:00 p.m. and 5:00 a.m.
8. At all times during its occupancy, the applicant shall assign a manager on the premises who shall ensure compliance with the terms of the special exception permit, this Code, and the applicable S.C. Code of Laws and Regulations.
9. 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 approval of a special exception permit and future personnel shall receive training within 30 days of hire.

10. The applicant shall retain a minimum of two (2) security guards, of which one (1) shall be off-duty sworn law enforcement officer positioned outside the business on Fridays and Saturdays between the hours of 10:00 PM and 2:15 AM and at any time, while open for business, when it is reasonably anticipated that a larger-than-average number of patrons may occupy the premises. The security person(s) must possess a "Security Officer Registration Certificate" pursuant to Chapter 18 of Title 40 of the SC Code of Laws, or as an alternative, may be an off duty sworn law enforcement officer. No other employee may serve in the capacity of a security person unless so certified.
11. Occupant capacity of the establishment shall be established by the city building codes administrator. The applicant shall designate staff at all ingress/egress points as responsible to monitor the flow of patrons.
12. 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, smoking, encroachment ordinances, adequate patron parking and applicable parking restrictions.
13. The applicant shall provide executed shared parking agreements, with the owners of the parking garages and any valet service parking site, cited in the applicant's testimony, that provide the required number of parking spaces indicated by the Land Management Ordinance for the use, on or before the time of the request for a Certificate of Occupancy (CO).
14. A copy of the special exception permit shall be maintained on premises with other related inspection, licensing, and occupancy information.
15. The Special Exception Permit shall be recorded in the Greenville County Office of the Register of Deeds upon execution by the Administrator.
16. The applicant shall work with a licensed architect to revise the current life safety plan to include the patio area. The life safety plan shall be signed and sealed by a licensed architect and comply with the South Carolina State Building and Fire Codes. The revised life safety plan shall be provided to the city's Building Codes and Fire Prevention Divisions as part of an updated occupancy permit.
17. The addition of an outdoor bar or the use of an alcoholic beverage cart to serve the outdoor patio area is permitted, but the alcoholic beverage cart must remain on premises.
18. When the outdoor patio area is open, the applicant shall ensure that security guards and staff remain capable of adequately monitoring occupancy of all spaces and that alcohol consumption remains in compliance with the business' alcoholic beverage license.
19. The applicant shall take measures to ensure all outdoor games played in the patio area cease after 7:00 p.m.

Seconded by Krish Patel.

The motion passed by a vote of 5-0.

Chris Price returned to the meeting.

B. S 22-990

Application by Bernard Peter Robichau II for a **SPECIAL EXCEPTION** to establish a 'Hotel' (short-term rental) use in an OD, Office and institutional district at **801 E NORTH ST UNIT 8** (TM# 004000-01-01208)

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

Applicant Presentation

Bernard Peter Robichau II, 801 East North Street Unit 8, Greenville

- He expressed concerns about the lack of transparency in the permitting process. He challenged staff findings regarding incompatibility with surrounding lands and substantial adverse impact on surrounding lands. He noted that there are residential uses and short-term rental uses in the area that were not accounted for in the staff report. He pointed out that the central business district is less than 300 feet away. He noted that the city's report failed to demonstrate any specific adverse impacts. He noted that a meeting was held with owners of condominiums within the Lennox. No notable objections were made. He noted that the regulations allow for on-street parking to be considered and that this existing condition would not be worsened by the change. He pointed to data provided to the Board by email. He challenged that the city has not shown that noise would be worsened by short term rentals. He discussed normal noise for the area. He stated the Board must approve this application as all standards have been met and that he would be willing to consider conditions to address noise mitigation and obtaining a private parking space, but stated only one space is appropriate.
 - The Board asked the reason for conversion to short term rental?
 - Explained reason for purchase. Split time between this unit and other property. Long term rental would not permit sharing time in unit.
 - How many units are owner occupied verses long term rentals?
 - He estimated that short term rental accounted 30 to 40 percent owner occupied and 30 to 40 percent long term rentals.
 - The Board asked if the Applicant understood that this is considered a commercial use by the city zoning code.
 - He responded that this is not viewed as a commercial use. This is not the same as a hairdresser. Did not object to how the city would tax the use. It does not conflict with deed restrictions.
 - The Board asked if during the Lennox property owner meeting if additional units becoming short-term rentals was discussed.
 - He stated yes. The owners were open to evaluating the impacts of the change in use and building occupancy classification with an architect and attorney.
 - The Board asked about obtaining a parking agreement.
 - He responded that he could secure one space. He thought that the need for two spaces was excessive.

- In response to further commentary, he was agreeable to reducing the unit to a one bedroom.
- In response to commentary by the Applicant, the Board provided clarity on noise violation and noise monitoring.

Public Comments

- Jason Scott, 801 E North Street Unit 1, Greenville - Spoke in favor. Explained that loading and parking is a non-issue and the same goes for noise monitoring.
- Joe Farmer, 207 Alpine Way, Greenville – Spoke in opposition. He noted this was a simple decision. It all comes down to previous precedent set on short term rentals. Must deny based on past decisions for Davenport condominiums, Howe Street townhouses, and this building previously.
- Michael Hallman, 16 Williams Street, Greenville – Spoke in opposition. Agreed with Mr. Farmer. Parking is a problem. Discussed it being a connected unit and should not be approved. Asked where all the neighbors supposedly in favor are because they are not speaking in favor.

Applicant Rebuttal

Provided the community meeting minutes to the Board showing support of application. Explained how parking would work and was open to a one-bedroom approval if needed.

Board Discussion

Ken Betsch noted a short-term rental use is a commercial use and is not appropriate within a residential building is not allowed.

Chris Price noted this is sandwiched between first and third floors. Expressed similar concerns about granting approval for a commercial use in a residential building.

Seph Wunder explained that he was supportive of VRBO and short-term rentals where appropriate. Argued this use can be appropriate in OD, but this would go against past precedent with similar Board actions. Support from neighbors was noted.

***Motion: Ken Betsch moved to deny the special exception request S 22-990. The motion was based on the findings that the use is consistent with the Comprehensive Plan, that the use would comply with the use-specific standards for the use, that the use is not compatible with surrounding lands as a short-rental use is not compatible with the existing residential building, and that the use will have substantial adverse impacts associated with off-site parking.**

Seconded by Seph Wonder.

The motion passed by a vote of 6-0.

C. S 22-993

Application by Suite Retreat, LLC (Jill Blume) for a **SPECIAL EXCEPTION** to establish a 'Hotel' (short-term rental) use in an OD, Office and institutional district at **15 WHITSETT ST** (TM# 004600-01-00700)

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

Applicant Presentation

Jill Blume, 44 Flintwood Drive, Simpsonville

- Provided details on property history and offered to answer questions. Stated she does have an office at the property and works out of location.
 - The Board asked about how many floors and how many of those floors does she occupy?
 - She responded that there are three floors, one floor is commercial use, which her business occupies, the upper floor is commercial, but is vacant, and the basement is the proposed hotel use.

Public Comments

- Michael Hallman, 16 Williams Street, Greenville – Spoke in opposition. He saying the goal is to slow the short-term rental take over in effort for homeowners/renters and the demand for space for those people
- Joe Farmer, 207 Alpine Way, Greenville – Spoke in opposition. Discussed the existing land use map (from the staff report) showing area homes and how short-term rentals would not be allowed under the new draft zoning code.

Applicant Rebuttal

Explained that when she bought the property in the 1990's it had been a drug house. She noted that she was asked to invest in this neighborhood all those years ago. This is not a new change. This area has been nonresidential.

Board Discussion

Ken Betsch pointed out compared to S 22-990 this location is already nonresidential and the surrounding area is nonresidential. No change is really occurring.

Seph Wunder noted that the transition from residential to nonresidential to this area happened already and this was not the same.

Ken Betsch agreed and that a denial of this application would not change that character.

***Motion: Seph Wunder moved to approve the special exception request S 22-993 with conditions. 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 compatible with surrounding lands, and that the use does not have substantial adverse impacts. Conditions include:**

1. The Special Exception Permit shall be limited to the Applicant, Suite Retreat, LLC (Jill Blume) and shall not be transferrable.
2. The Special Exception Permit shall be recorded in the Greenville County Office of the Register of Deeds upon execution by the Administrator.
3. The use of the property shall substantially conform to the testimony of the Applicant and the content of the application and submitted documents.
4. Loading, unloading, and parking for short term rental guests shall be limited to the off-street parking locations identified in the application. The Applicant shall take measures to ensure that short term rental guests are informed of this requirement.
5. The Applicant shall monitor noise associated with the use and shall comply with the City's noise ordinance. If a noise violation or similar violation occurs at the

property due to a short-term rental guest, the Applicant shall notify the Planning Department in writing of the incident. A pattern of noise ordinance violations shall be grounds for revocation of the Special Exception Permit.

6. The number of short-term rental guests occupying the subject property shall not exceed four (4) persons.
7. The Applicant shall work with the city's Building Codes and Fire Prevention staff to ensure that the proposed use will comply the South Carolina Building and Fire Codes.
8. The Applicant shall work with the city's Environmental Engineering staff to ensure the basement unit is properly plumbed and connected to City Sanitary sewer main located within Whitsett Street.

Seconded by Lauren Rounsville.

The motion passed by a vote of 6-0.

D. S 23-032

Application by Weston Moore for a **SPECIAL EXCEPTION** to establish a 'Bed and breakfast inn' (short-term rental) use in a R-6, Single family residential district at **221 GROVE RD** (TM# 021800-02-01600)

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

- After questioning by the Board, staff provided clarification on how the zoning ordinance handles short-term rentals. Staff explained the differences between bed and breakfast inn and hotel or motel use types.

Applicant Presentation

Weston Moore, 221 Grove Road, Greenville

- Focused on the criteria not being met according to the staff report. He noted the report doesn't properly define compatibility. Acknowledged being surrounded by residential. Reminded the Board that Bed and breakfast inns are eligible in R-6 zones. Uses can still be different and compatible. Have been renting since 2018 and that their next-door neighbors provided written statements to the Board in support for this use. He noted that there have not been any previous complaints during the time they operated. Approval would provide benefits to neighborhood.
 - The Board asked about the reason for change.
 - Explained that short-term rental provided additional means of income and creates more flexibility than long-term rental.
 - The Board asked about number of stays/short term rentals a year and how long in duration and do you interact with each guest?
 - Average 100-150 stays in a year with
 - The Board asked what the typical length of stays is.
 - weekend stays being most popular.
 - The Board asked how many stays are related to the hospital?
 - Estimate about 10 to 15 percent.
 - The Board asked if you and your family interact with guests?
 - Generally, only 20 to 25 percent. They have access to a key box. Many prefer a contactless stay.

Public Comments

- Karen Tannenbaum, 100 Aberdeen Drive, Greenville – Spoke in opposition. Said most in the area do not know about this application happening. Discussed neighborhood meeting. Meeting after Christmas was concerning. Stated the couple for the application are good neighbors and they have managed the use well over the years, but this not compatible with the neighborhood and is not a precedent we want to create for our area. Noted traffic concerns on Elsie Street. This is not off Grove Road.
- Joe Farmer, 207 Alpine Way, Greenville - Spoke in opposition. Said this is where the paper cut starts letting this start and turning over our neighborhoods. This was approved as a garage. This is not a bed and breakfast; this is a short-term rental in disguise. We all know it's a short-term rental and we need to protect our neighborhoods.
- Michael Hallman, 16 Williams Street, Greenville – Spoke in opposition. Agreed with Mr. Farmer's points. This area is all residential. This is not a bed and breakfast inn. If you approve this, this could lead to more applications.

Applicant Rebuttal

Operation would not change if approved. Mailed about 500 letters to neighborhood. Have not done anything in secret, it was just that unnoticeable. Agree that timing of neighborhood meeting was not ideal, but timing was limited. Did have another neighborhood meeting related to new draft code and this application was discussed. New code is taking away from this option in the future. Existing standards prevent spread due to 200 feet distance requirement.

Board Discussion

Ken Betsch discussed concerns with allowing this in a completely residential area.

Stephanie Gates points out that use standards would help limit impacts and spread.

Seph Wunder noted that he agreed with most of staff's findings. He believed that the use would be compatible with surrounding lands, but that the compatibility with the comprehensive plan was a challenge to meet. Is there anywhere this could be allowed?

Ken Betsch stated there could be concerns with change in property values. Who would be the next person wanting this?

Chris Price noted they did an excellent job managing the use, but this a clearly residential area. Adding 100+ persons a year due to the use in this area. Agreed that this fronts Grove Road but impacts to side street which should be a concern.

Seph Wunder asked would this application be treated differently if this was not a corner lot?

Stephanie asked if this was located toward one of the ends of Grove Road, would this be appropriate? She stated she was struggling with the comprehensive plan consistency criteria. Staff found that a commercial use could be allowed in a transition area. Grove Road is clearly residential here, but there is commercial on both ends of the road and this is only for a one-bedroom rental and not something larger.

***Motion:** Ken Betsch moved to deny the special exception request S 23-032. The motion was based on the findings that the use is not consistent with the Comprehensive Plan as a short-rental use is a commercial use which is not a complementary use to the residential as the property is not located within a transitional area, that the use would comply with the use-specific standards for the use, that the use is compatible with surrounding lands, and that the use would not have substantial adverse impacts to surrounding lands.

Seconded by Seph Wunder.

The motion passed by a vote of 5-1. Stephanie Gates voted against the motion.

E. S 23-033

Application by Whistler Restaurant Group, LLC (Jessica Kearns) dba Reys for a **SPECIAL EXCEPTION** to operate a 'Restaurant, with indoor seating only' use after midnight in a C-4, Central business district at **20 N MAIN ST STE A** (TM# 000100-05-00200)

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

Applicant Presentation

Jessica Kerns, 20 North Main Street, Greenville

- Explained she was agreeable to staff's recommended conditions but requested modifications to conditions 4 and 9. She requested that condition 4 be modified to allow last call for food service at 1:00 a.m. and that condition 9 be modified to not require a second security guard on Thursdays and when at least two security guards are working that security be allowed to be placed in areas best for the business such as one as a floater and one at the door.
 - The Board asked staff if anyone from the Technical Advisory Committee (TAC) is in attendance? Is the recommended condition language verbatim from the TAC meeting?
 - Staff responded that Planning staff and Legal staff present at the meeting are also members of TAC and could provide further insight.
 - Legal staff provided clarification from TAC and Greenville Police Department with this location. This location has had issues in the past. Recommendations are a result of past concerns.
 - The Board asked about getting TAC's input on the recommended changes.
 - After discussion, Legal staff indicated that the Board could give the applicant the ability to request a modification security condition could be adjusted from the Board to refer to TAC for reduction on the condition.
 - The Board asked the applicant to explain her relationship to business.
 - The Applicant explained that her brother-in-law owned the business for past 15 or so years. She has been working behind the scenes at Rey's for the past year.
 - The Board asked about clarity on food and drink serving timing or just taking orders?

- Legal staff noted that classification is based on the percentages generated from food compared to alcohol sales. The City is not likely to have an issue with special exception compliance if food was not able to be ordered within 10 to 20 minutes of closing.
- Officer Jonathan Cagle, City of Greenville Police – After prompting from the Board, he provided a law enforcement perspective regarding the potential change to allow security to float between inside and outside.

Public Comments

- Joe Farmer, 207 Alpine Way, Greenville – Reminded the Board that they had made changes from the TAC recommendation on previous applications and should be able to do that again for this application.

Board Discussion

Discussed positioning of security staff and whether to allow one to float inside. Discussed whether or not to require two on Thursdays based on TAC recommendation.

***Motion: Ken Betsch moved to approve the special exception request S 23-033 with conditions. The motion was based on the findings that use is consistent with the Comprehensive Plan, that the use will comply with the use-specific standards, 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, Whistler Restaurant Group, LLC (Jessica Kearns), the property (TM #000100-05-00200), and the content of the application.
2. The special exception permit shall be limited to the applicant and shall not be transferrable. Copy of the special exception permit shall be maintained on the premises with other related inspection, licensing, and occupancy information.
3. The Special Exception Permit shall be recorded in the Greenville County Office of the Register of Deeds upon execution by the Administrator.
4. Hours of operation shall be substantially consistent with those stated by the Applicant and not exceed past 2:00 a.m. Last call for food service shall occur no earlier than one hour before close and last call for alcoholic beverages as applicable under South Carolina law and regulations.
5. Delivery, waste collection, and similar commercial traffic is prohibited between the hours of 12:00 midnight and 7:00 a.m.
6. Loitering, solicitation, and disorderly conduct is prohibited at all times; rules consistent with the provisions of the Greenville Code of Ordinances shall be posted in conspicuous locations and shall be enforced by the proprietors.
7. At all times during its occupancy, the applicant shall assign a manager on the premises who shall ensure compliance with the terms of the special exception permit, this Code, and the applicable S.C. Code of Laws and Regulations.
8. 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, smoking, encroachment ordinances, adequate patron parking and applicable parking restrictions.

9. The Applicant shall retain a minimum of two (2) security guards, at least one of which shall always be positioned outside of the business, on Thursdays, Fridays, and Saturdays from the hours of 10:00 p.m. and 2:15 a.m. and at any time while open for business when it is reasonably anticipated that a larger-than-average number of patrons may occupy the premises. The security person(s) must possess a "Security Officer Registration Certificate" pursuant to Chapter 18 of Title 40 of the SC Code of Laws, or as an alternative, may be an off-duty sworn law enforcement officer. No other employee may serve in the capacity of a security person unless so certified. Upon request by the Applicant, the Technical Advisory Committee, at its discretion, may amend the security requirement from two security guards to one security guard on Thursdays between the hours of 10:00 p.m. and 2:15 a.m. without Board of Zoning Appeals re-review. However, the Technical Advisory Committee may still refer said modification back to the Board of Zoning Appeals for approval.
10. The Applicant shall designate staff at all ingress/egress points to be responsible for the monitor of flow of patrons and confirmation of compliance with allowable occupant capacity.
11. Outdoor live entertainment and exterior sound amplification is prohibited.
12. Interior sound amplification shall be located only as reflected on an approved floor plan and shall be directed away from the principal entrance or directed toward the interior of the building.
13. Exterior doors shall remain closed except to provide ingress and egress between the hours of 10:00 p.m. and 5:00 a.m.
14. The Applicant shall obtain all required permits for the new kitchen equipment and shall work with a licensed architect to revise the proposed life safety plan. The life safety plan shall be signed and sealed by a licensed architect and comply with the South Carolina State Building and Fire Codes. The revised life safety plan shall be provided to the city's Building Codes and Fire Prevention Divisions as part of an updated occupancy permit.
15. The Applicant shall confirm that the existing grease trap complies with Renewable Water Resources (ReWa) standards.

Seconded by Stephanie Gates

The motion passed by a vote of 6-0.

10. Other Business

- A. Staff update on current planning projects
- B. Election of Chair and Vice Chair
 - i. Nomination of Chris Price for Chair
 - ii. Seconded by Lauren Rounsville
 1. Passed
 - iii. Nomination of Seph Wunder for Vice Chair
 - iv. Seconded by Lauren Rounsville
 1. Passed

The Board asked staff to report on changing the Board's bylaws to amend the voting date from January to October of each year to coincide with new member appointments.

11. Adjournment

The meeting adjourned at 7:45 p.m.

Staff Present: Leigh Poletti, 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.

STATEMENT OF POTENTIAL CONFLICT OF INTEREST

TO: Chairperson or Presiding Officer of the Board of Zoning Appeals

FROM: **Christopher L. Price** _____

Pursuant to South Carolina Code Section 8-13-700(b), I make this statement concerning the matter described below, action or decision upon which will directly affect an economic interest as contemplated by the Ethics, Government Accountability Campaign Reform Act of 1991:

A. The matter requiring action or decision is as follows:

Meeting Date: **02-09-2023** _____

Agenda Item No.: **21-0781M** _____ Subject: **Group Therapy** _____

Agenda Item No.: _____ Subject: _____

Agenda Item No.: _____ Subject: _____

B. The nature of my potential conflict is as follows:

___ I have an economic interest which will be affected by the action.

___ A member of my immediate family has an economic interest which will be directly affected.

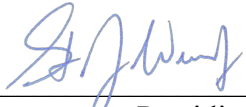
___ An individual with whom I am associated has an economic interest which will be affected.

A business with which I am associated has an economic interest which will be affected.

I hereby withdraw from any votes, deliberation or other actions on this matter and request that my disqualification and the grounds therefore be noted in the minutes.

Date: 02/09/2023 Signature:  _____

STAFF LIAISON SHALL NOTE THIS ABSTENTION AND THE ABOVE GROUNDS IN THE MINUTES. THIS STATEMENT SHALL BE ATTACHED TO THE MINUTES.



Chairperson or Presiding Officer