



**MINUTES  
BOARD OF ZONING APPEALS  
REGULAR MEETING**

**Thursday, March 9, 2023 - 4:00 p.m.  
Greenville City Hall Council Chambers**

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**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.

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**1. Call to Order**

Chairman Chris Price called the meeting to order at 4:04 PM.

**2. Welcome and Opening Remarks from the Chair**

Chairman Chris Price welcomed attendees to the March BZA 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, Kenneth Betsch, and Lauren Rounsville

Absent: Krish V. Patel

**4. Approval of Minutes**

**A. February 7, 2023 – Workshop**

**B. February 9, 2023 – Regular Meeting**

Ken Betsch motioned to approve as submitted.

Seph Wunder seconded. Motion passed 5-0.

**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.

Seph Wunder motioned to accept.

Stephanie Gates seconded the motion. The motion passed 5-0.

**7. Conflict of Interest Statement**

Chris Price stated he has a conflict of interest regarding S 21-634 and submitted statement to staff.

## 8. OLD BUSINESS

### A. None

## 9. NEW BUSINESS

Chris Price left the meeting due to his conflict with S 21-634. Seph Wunder assumed chair duties.

### A. S 21-634

Application by Eric Speckman for a one-year permit extension to a **SPECIAL EXCEPTION** to establish a 'Restaurant with drive-through' use in an RDV, Redevelopment district at **515 PENDLETON ST** (TM# 008000-05-00200, 008000-05-00300, 008000-05-00301, 008000-05-00400)

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

- The Board asked about applying the criteria to the extension request.

#### Applicant Presentation

*Akhil Singh, 601 South Cedar Street, Charlotte, NC*

- Speaking as the representative of the applicant, Mr. Singh explained that it will be same, local tenant and affirmed that traffic impacts will be mitigated. He offered to answer questions.
  - The Board asked if there are any changes from previous approved application.
    - No changes from previously approved application.

#### Public Comments

- None

**\*Motion: Stephanie Gates moved to approve a one-year extension to special exception request S 21-634. The motion was based on the findings that the extension met all requirements of Land Management Ordinance Section 19-6.2.2.4. This is the first of five potential extensions. The previous special exception permit approval conditions continue to apply:**

- 1. The drive-through window shall close no later than 10 p.m.**
- 2. The Applicant shall submit a sign permit application for the proposed menu board consistent with requirements in Land Management Ordinance Section 19-6.6.4(C)(4)(b).**
- 3. The menu board shall incorporate a photo-cell or similar technology that adjusts the brightness of the sign relative to outdoor ambient light.**
- 4. The pedestrian crosswalk at the drive through exit at Pendleton Street shall be raised and made prominent to ensure pedestrian visibility and safety. Appropriate features will be decided by mutual consent of the developer and City Planning and Engineering Staff.**
- 5. Drive-through vehicle queuing shall substantially conform to the plan provided within this application; vehicular queuing shall at no time act to obstruct the movement of pedestrians along adjoining sidewalks or obstruct other areas intended for public usage, circulation, ingress or egress.**

**6. The operation of the establishment shall substantially conform to the testimony of the Applicant and the content of the application and the approval shall be limited to Bridge City Coffee or an affiliate under common control.**

**7. The approval of the “Restaurant, with drive-through” use will not apply to the portion of the site zoned RM-2; however, a Conditional Use Permit may be sought to allow parking and driveways associated with this use to occur on this portion of the site.**

**Seconded by Lauren Rounsville.**

**The motion passed by a vote of 4-0.**

Chris Price rejoined the meeting after the vote at 4:18 p.m. and resumed chair duties.

**B. S 22-765**

Application by 916 E Washington, LLC (Tim Kearns) for a **SPECIAL EXCEPTION** to establish a ‘Hotel’ (short-term rental) use in an OD, Office and institutional district at **916 E WASHINGTON ST** (TM# 006500-01-00700)

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

- The Board asked about minimum parking spaces requirements for the short-term rental units.
  - Staff explained the minimum parking for each use.

Applicant Presentation

*Tim Kearns, 108 West Earle Street, Greenville*

- Explained that he had a client interested in buying the property and has a contract to sale the property. He asked to make approval of application transferable to future owner, Clayton Construction.

*Will Morrow, 102 Edisto Street, Greenville*

- Discussed future for the property. He indicated that his company would occupy the office space on the property and will have two short term rentals. They will work to ensure the parking will meet SCDOT and city requirements.
  - Ken Betsch asked about plans for top floor and ability to maintain parking requirements.
    - He explained the parking plan.
  - Chris Price asked what the new applicant’s name would be.
    - Clayton Construction Greenville, LLC
  - Ken Betsch asked to affirm the new applicant will comply with the application and plans.
    - Affirmed.
  - The Board asked to confirm that the only use change would be to have two rentals instead of three?
    - He confirmed this was correct.

Public Comments

- Joe Farmer, 207 Alpine Way – Spoke in opposition. Stated that the fact that the property will be used for a more profitable purpose is not grounds for approval. Asked the Board to defer this request for sixty (60) days until the new zoning

code is in place. Read a statement from Michael Hallman, who was not able to attend.

#### Commission Discusses

Ken Betsch indicated that this area is mostly office, and the Board should be consistent with previous applications.

Stephanie Gates stated that this location is on Washington Street, a major street.

**\*Motion: Ken Betsch moved to approve the special exception request S 22-765 with comments and 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, Clayton Construction Greenville, LLC, and shall not be transferrable.
2. The use of the property shall substantially conform to the testimony of the Applicant and the content of the application and submitted documents.
3. The Special Exception Permit shall be recorded in the Greenville County Office of the Register of Deeds upon execution by the Administrator.
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 each one-bedroom unit shall not exceed four (4) persons.
7. The Applicant shall work with the City of Greenville and South Carolina Department of Transportation to ensure the proposed parking lot improvements comply with all city and state requirements.

Seconded by Stephanie Gates.

The motion passed by a vote of 5-0.

#### **C. S 23-087**

Application by KEEL Concepts, Inc. (Adam Roberts, AIA) on behalf of Howard Dozier dba Cowboy Up for a **SPECIAL EXCEPTION** to establish a 'Bar' use operating after midnight in a C-4, Central Business district at **17 E COFFEE ST** (TM# 000100-06-00800)

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

- The Board asked about adjacent buildings with residential uses.

#### Applicant Presentation

*Howard Dozier, 101 Walnut Street, Greenville*

- Provided details on remodel, neighboring business/vacancies, and offered to answer questions.
  - Ken Betsch asked about life safety plan changes needed and about the single exit out of building.
    - Mr. Dozier stated that a sprinkler system will be installed, and they plan to remove two tables by window. He discussed working with the architect to reduce kitchen footprint to accommodate the changes.

Public Comments

- None

**\*Motion: Seph Wunder moved to approve the special exception request S 23-087 with comments and 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, Howard Dozier, the property (TM #000100-06-00800), and the content of the application.
2. The special exception permit shall be limited to the applicant, GVL Saloon, LLC (Howard Dozier), 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. Food service shall be available at least until midnight during operating hours.
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. Applicant shall retain a minimum of two (2) security guards, of which at least one must be positioned outside 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.

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 work with a licensed architect to revise the proposed life safety plan and floor plan to reflect the sprinkler and floor plan changes presented to the Technical Advisory Committee. The revised plans shall also account for the previous occupancy classification and occupancy load for the upstairs space as well as accessibility compliance as requested by the Building Codes and Fire Prevention Divisions. The revised plans shall be signed and sealed by a licensed architect and comply with the South Carolina State Building and Fire Codes. The revised plans shall be provided to the city's Building Codes and Fire Prevention Divisions as part of an updated occupancy permit and building alteration permit.

15. The Applicant shall confirm that any grease trap complies with Renewable Water Resources (ReWa) standards.

16. The Applicant shall determine a trash management plan that does not involve public right-of-way (streets or sidewalks).

17. If outside queueing of patrons on sidewalks occurs, the security guards shall ensure orderly behavior of patrons so as to not negatively impact surrounding lands. Should the City determine this to become a problem, then the Applicant shall return to Technical Advisory Committee for resolution. Additional action by the City may be needed to address any potential negative impacts related to noise or disruptive behavior.

18. While the proposed use in the application is not classified as a sexually oriented business, it is noted in this staff report that sexually oriented businesses are strictly prohibited in the C-4, Central Business District, which are defined by the Land Management Ordinance as an adult bookstore or adult video store, an adult cabaret, an adult motion picture theater, a semi-nude model studio, or a sex paraphernalia store as defined in section 8-442.

Seconded by Ken Betsch.

The motion passed by a vote of 5-0.

## 10. Other Business

### A. Staff update on current planning projects

- i. Kris Kurjiaka provided an update on the new Greenville Development Code.

**B. Follow up on Board bylaws modification request**

- i. **Ross Zelenske stated that the Clerk's Office recommended to hold off on any changes to the Board's bylaws since the new Greenville Development Code will require an update to all planning related board and commission bylaws.**

**11. Adjournment**

The meeting adjourned at 5:04 p.m.

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Staff Present: Leigh Poletti, Assistant 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

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**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: **03-09-2023** \_\_\_\_\_

Agenda Item No.: **21-634** \_\_\_\_\_ Subject: **Pendleton OZB, LLC** \_\_\_\_\_

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: **03-09-2023** 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