



MINUTES

BOARD OF ZONING APPEALS

REGULAR MEETING

Thursday, June 9, 2022 - 4:00 p.m.
Greenville Convention Center, 1 Exposition Drive

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, 2022 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

2. Welcome and Opening Remarks from the Chair

Chairman Chris Price

3. Roll Call

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

Absent: Seph Wunder (Vice Chair)

4. Approval of Minutes

A. May 10, 2022 – Workshop

Approved as submitted

B. May 12, 2022 – Regular Meeting

Approved as submitted

Stephanie Gates motioned to accept as written. Ken Bestch 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. Motion passed 6-0.

7. Conflict of Interest Statement

No conflicts.

8. OLD BUSINESS

A. None

9. NEW BUSINESS

A. S 22-265 *Applicant requests deferral to the July 14, 2022 meeting*

Application by James Kearns for a **SPECIAL EXCEPTION** to establish a 'Hotel' (short-term rental) use in a C-2, Local commercial district at **108 E STONE AV** (TM# 003400-02-03700)

B. S 22-302

Application by Ohana Cider Creations (Brian Burgess) for a **SPECIAL EXCEPTION** to establish a 'Winery' use in a S-1, Service district at **400 BIRNIE ST** (TM# 005500-03-01100)

(Presented by Senior Development Planner Ross Zelenske)

Applicant Presentation

Brian Burgess – 111 Pacolet Trail, Piedmont, SC (Ohana Cider Creations)

- Offered to answer questions.

Public Comments

- None

Board Discussion

***Motion: Ken Betsch moved to approve the special exception request S 22-302 with conditions based on the findings that use is consistent with the Comprehensive Plan, the use is consistent with use-specific standards, 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, Ohana Cider Creations (Brian Burgess), and is not transferrable.
2. The use of the property shall substantially conform to the testimony of the applicant and the content of the application. Approval of this application does not constitute building and site approvals for the use and will require a building permit obtained through administrative approval.

Second by Stephanie Gates.

The motion passes by a vote of 6-0.

C. S 22-342

Application by The People's Tap (Julia Belcher) for a **SPECIAL EXCEPTION** to establish a 'Bar' use in a C-4, Central business district at **250 RIVERPLACE** (TM# 006000-03-00300)

(Presented by Senior Development Planner Ross Zelenske)

Applicant Presentation

Julia Belcher, 408 Dunwoody Drive Simpsonville, SC

- Presented project and offered to answer questions
 - Frederick Turner asked for clarification on the potential location of the bicycle parking and outdoor dining.

- Ken Betsch asked for clarification on the location of the business in relation to the Embassy Suites.
- Mr. Betsch also asked about the long-term plans on the outside of the business.

Public Comments

- *None*

Board Discussion

***Motion: Ken Betsch moved to approve special exception request S 22-342 with conditions based on the findings that use is consistent with the Comprehensive Plan, the use is consistent with use-specific standards, 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, The People's Tap LLC (Julia Belcher), 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 comply at all times with the provisions of the South Carolina Alcoholic Beverage Control Act and the regulations of the department of revenue.**
3. **Hours of operation shall not exceed past 10:00 PM.**
4. **Delivery, waste collection, and similar commercial traffic is prohibited between the hours of 12:00 midnight and 7:00 a.m.**
5. **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 on the building and throughout the parking lot and shall be enforced by the proprietors.**
6. **Exterior sound amplification is prohibited.**
7. **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.**
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 the granting of a conditional use permit and future personnel shall receive training within 30 days of hiring.**
10. **The applicant shall designate staff at all ingress/egress points to be responsible for monitoring the flow of patrons and compliance with**

occupancy capacity. Monitoring of ingress/egress points may consist of the installation of emergency access/exit devices, as acceptable by the Fire Department, and in compliance with applicable building codes.

- 11. 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.**
- 12. A copy of the special exception permit shall be maintained on the premises with other related inspection, licensing, and occupancy information.**
- 13. Comply with the findings and recommendations of the Technical Advisory Committee.**

Second by Stephanie Gates.

The motion passed by a vote of 6-0.

10. Other Business

A. Staff update on current planning projects.

(Presented by Principal Development Planner Kristopher Kurjiaka)

11. Adjournment

The meeting adjourned at 4:40 p.m.

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