



**City of Greenville**  
**Board of Zoning Appeals**  
**Minutes of the August 13, 2020 Regular Meeting**  
**Virtual Meeting – City Hall 4:00 PM**  
**Meeting Notice Posted on July 29, 2020**  
Minutes prepared by Kristopher Kurjiaka

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Members Present: Chris Price (Chair), Seph Wunder (Vice-Chair), Keith Jones, Stephanie Gates, Ken Betsch, Luis Martinez, Nika White

Members Absent: None

Staff Present: Kristopher Kurjiaka, Development Planner; Leigh Paoletti, Assistant City Attorney; Jonathan Graham, Planning Director; Courtney Powell, Senior Development Planner; Matt Lonnerstater, Development Planner

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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, 2020 via the Greenville City Website. The Agenda for this Meeting was posted outside the meeting place (City Council Chambers in City Hall) 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.

**CALL TO ORDER:** Chairperson Price called the meeting to order at 4:04 PM.

**APPROVAL OF MINUTES:** The Board approved the Minutes of the July 9, 2020.

**ACCEPTANCE OF AGENDA:** The Board approved the August 13, 2020, agenda.

**CONFLICT OF INTEREST:** None.

**NEW BUSINESS:**

**A. S 20-392.**

Application by David Nocella for BELLADINA'S PIZZA for a **SPECIAL EXCEPTION** to allow a restaurant with outdoor seating located at **101 S HUDSON ST** (TM# 005100-02-00500)

Staff report presented by Kristopher Kurjiaka

- Note: Full staff report is on file at the Planning Office.
- **Staff Recommendation: Recommend approval with conditions**

Board questions for staff included the following:

- Ms. White – How does staff define a significant change in hours of operation?  
Staff – This would be any request to extend operating hours after midnight, consistent with ordinance requirements that call for a special exception or conditional use permit for operation between 12am and 5am.
- Mr. Price – Is there a standard that is associated with Crime Prevention Through Environmental Design?  
Staff – These are generally common sense standards dealing with increasing visibility to reduce crime. The police department would check this.

Applicant presentation:

- Patricio Leccese, business partner – Outdoor area on site includes spaces for bocce and cornhole.
- David Nocella, architect – Security issues for the courtyard area will likely be addressed through use of gates at the entrance to the courtyard.

Public comments:

- David Hanna, Miracle Hill Rescue Mission, 575 W. Washington St, stated Miracle Hill's mission and reputation for service in the community. Miracle Hill is opposed to any use including alcohol sales on this property. The applicant had contacted Miracle Hill to discuss ways to accommodate some of Miracle Hill's requests. Mr. Hanna stated that Miracle Hill would like the Board to consider conditions, as provided in a letter by Ken Kruithof dated 8/10/2020 and available in BZA records.
- Johnny Edwards, President, Park Place on Hudson HOA President, 100 S. Hudson St, stated all 38 owners at Park Place support approval of Belladina's request, per a letter provided 8/7/2020 and available in BZA records. During Unity Park rezoning process, the neighborhood came out in support of allowing restaurants with outdoor seating by special exception to provide an avenue for open discussion. The applicant had reached out to the HOA months ago and considered residents' concerns.
- Jonathan Hungerford, 8 Asbury Ave, stated that residents have been trying to get a family friendly tenant in this location. This tenant is a good addition to the area.
- Blaine Hart, property owner, stated his support for proposal. Broke off the plans for the previous approval of brewery in consideration of the residents. Excited about the concept and feel of the current project request and connection with the neighborhood.

Board Discussion

- Mr. Betsch stated that the seating on the front patio adds to the street appeal of the project. It does have some separation from the street. This contributes to the overall activity and helps achieve some of the goals of the Unity Park plan.
- Mr. Martinez stated that patio and outdoor seating is the only way right now restaurants can survive and does not want to cut off the path towards financial viability of an upstart restaurant.
- Mr. Betsch stated that the request to screen along Oscar Dr might help to reduce impact of outdoor dining from the Miracle Hill property.

**\*Motion: Betsch made a motion to approve the application with the following conditions:**

- 1. The Special Exception Permit shall be limited to Belladina's Restaurant, and is not transferrable.**
- 2. Operation of the establishment shall be limited to a "restaurant, with indoor and outdoor seating and food service areas" as defined by the City Code and substantially conform to the testimony of the Applicant and the content of the application. This use includes accessory uses as identified in this application and supplemental plans. Modification of the facility's operation shall require the Applicant to seek a modification of the Special Exception Permit.**
- 3. Hours of operation should be as follows: Monday-Saturday (11am-9pm) and Sunday (11am-5pm). Any significant change in hours of operation as determined by Staff shall require the applicant to seek a modification of the Special Exception Permit.**
- 4. Outdoor live entertainment shall not be allowed with this application. A separate approval is required for an outdoor entertainment.**
- 5. Exterior sound amplification is prohibited except in areas specifically authorized on the approved site plan and/or floor plan. Exterior sound amplification was not identified in the application and is not part of this request.**
- 6. The Applicant shall incorporate Crime Prevention Through Environmental Design (CPTED).**
- 7. 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 a conspicuous location on the building and shall be enforced by the proprietors.**
- 8. Parking requirements will be enforced at the time of permitting.**
- 9. Street trees be installed along the existing roadways to limit emission of light and noise to neighboring properties consistent with requirements in Land Management Ordinance Section 19-6.2.2.**

**Second by Martinez. The motion passed by a vote of 7-0.**

**OTHER BUSINESS:**

- Mr. Betsch – Asked if there was appropriate to be able to meet in person, with precautions for social distancing. Work could be done a little more effectively if we could see each other and have discussions.
- Mr. Price – Curious if there is a setup that will work for BZA similar to what the Mayor does at the convention center. With no clear end to the COVID situation, it would be good to consider having everyone together to meet.
- Staff – Would have to check in with Council to see if this is possible. Staff will report back to the Board.

Adjourned 4:54 PM