



MINUTES

BOARD OF ZONING APPEALS

REGULAR MEETING

Thursday, October 13, 2022 - 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, 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 called the meeting to order at 4:01 PM.

2. Welcome and Opening Remarks from the Chair

Chairman Chris Price welcomed attendees to the October 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), Frederick Turner, Stephanie Gates, Lauren Rounsville and Krish V. Patel

Absent: Kenneth Betsch

4. Approval of Minutes

A. September 6, 2022 – Workshop

Approved as submitted.

B. September 8, 2022 – Regular Meeting

Approved as submitted.

Seph Wunder 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.

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

7. Conflict of Interest Statement

Lauren Rounsville states that she has a conflict regarding application S 22-663. A conflict-of-interest form was completed and is on file with the Planning office.

8. OLD BUSINESS

A. S 22-408 *Application withdrawn*

Application by Dodd Caldwell for a **SPECIAL EXCEPTION** to establish a 'Hotel' (short-term rental) use in an OD, Office and institutional district at **18 WILLIAMS ST** (TM# 004500-02-00500)

***Motion: Seph Wunder moved to accept the withdrawal of application S 22-408. Stephanie Gates seconded the motion. The motion passed 6-0.**

9. NEW BUSINESS

A. S 22-662 *Applicant requests deferral to the November 10, 2022 meeting*

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: Seph Wunder moved to accept the withdrawal of application S 22-662. Stephanie Gates seconded the motion. The motion passed 6-0.**

Due to a conflict of interest on New Business Item B, Lauren Rounsville exited the meeting.

B. S 22-663

Application by Casteddu LLC (Joseph DelGuidice) for a **SPECIAL EXCEPTION** to establish a 'Hotel' (short-term rental) use in an OD, Office and institutional district at **205 PETTIGRU ST** (TM# 004600-03-01500)

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

- Board asks what the occupancy limit of the two structures would be for this use.
 - The building code indicates two possible ways to calculate maximum occupancy.

Applicant Presentation

Joseph DelGuidice, Property Owner, 205 Pettigru Street, Greenville SC

- Presented project details.
- Provided personal information on living and working in California and owning properties in South Carolina.
- Discussed target guests as families and business professionals.
- Provided details on management company ratings and good standing.
- Addressed some of the community meeting issues such as parking and noise.
- Stated expected maximum occupancy for rear house is 2 people and front house is 10.

Public Comments

Mimi Hallman, 16 Williams Street, Greenville SC

- Opposed the request and discussed the history of the Pettigru district and that business buildings are turning back into houses. Approval would halt this turn around.

John Boyanoski, 10 Toy Street, Greenville, SC

- Opposed the request and discussed GVL 2040 plans and conflicts between STRs this application. Provided to board members a newspaper Op-Ed he wrote.

Lori Donaldson, 302 Pettigru Street, Greenville SC

- Opposed the request. As an Air Bed & Breakfast owner and how she/her business would be adversely affected. Stated there is only 1 other Air BnB that sleeps 12 people. Passed out information on why party houses are bad for neighborhoods. Discussed other cities around the country working to limit Air BnB in their cities.

Crystal Adamson, 13 Toy Street, Greenville SC

- Opposed the request, citing noise complaints. Ms. Adams played a video of how loud noise is from a neighboring Air BnB from 404 Pettigru St., a STR that has noise monitors.

Lori Williams, 116 Manly Street, Greenville SC

- Supported the request. Stated that as a realtor for 37 years and did not see a problem with the use at this location. If it's managed properly there won't be problems.

Fran Emmel, 10 Manly Street, Virginia Condominiums, Greenville SC

- Opposed the request, stating that her complex has outlawed Air BnBs. The property is within walking distance to downtown, and the noise and issued from people walking from the bars, drinking and walking back is a problem.

Michael Hallman, 16 Williams Street, Greenville SC

- Opposed the request and asked to discuss textual matter that was sent to staff about future land use map. The Pettigru district and subject property is not on the map and this application should be in line with GVL 2040. Stated that when the planners directed this to hotel/motel instead of bed and breakfast, that decision ran the application off the rails. This is a technical matter that needs to be evaluated. In this district a bed and breakfast would have been approved without a special exception. Discussed what amount of money this could generate as a rental in a year.

Joe Farmer, 207 Alpine Way, Greenville, SC

- Opposed the request, stating that the location of the subject property in a historic area necessitates the use of the property for residential. Individually, these businesses are not bad, but collectively they run residents out. Stated that the owner can still rent it as it is currently listed for \$5,000 a month.

Renee Chastain, 613 Cleveland Street, Greenville SC

- Supported the request, as a property manager for Westbrook. She there are multiple listings that sleeping 12 people in Greenville on AirBnB. She stated AirBnB helps share all we love about our City with our guests. Invited

accountability that people check in on how it is doing. Stated other interested buyers said they did not want this property because it's not residential enough.

Applicant Rebuttal
Joseph DeGuidice

- Provides feedback that this neighborhood is not 50/50 residential and this house lacks the DNA for a party house. The Poinsett Club is a party location across the street. Previous owner testified in terms of noise there is the Poinsett Club and other nearby venues. Discussed people posting how this house is unsuitable as residential.

Board Discussion

- Asked staff about OD zoning district definition and when Pettigru was originally zoned under this designation.
- Discussed location of the subject property and that it is completely surrounded by businesses.
- Discussed the bed and breakfast aspect and that the owner occupancy provision is what separates the requested use from a bed and breakfast.
- Clarified that each dwelling unit be rented as a whole, and not by the individual bedrooms.
- Discussed limitations on occupancy and the applicant's intention to allow 10 guests in the main structure and 2 guests in space above the detached garage.
- Discussed other incident reports to police on AirBnB in the area. There has been one in the last year.
- Discussed the revocation process, should the use become a nuisance.

***Motion: Seph Wunder moved to approve the special exception request S 22-663 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 not considered to be at street level, 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, Casteddu LLC (Joseph DeGuidice), 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. **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.**
4. **The Applicant shall take measures to ensure that noise associated with the use will comply with the City's noise ordinance. A pattern of noise ordinance violations shall be grounds for revocation of the Special Exception Permit. The noise mitigation and monitoring measures taken shall conform to the testimony of the Applicant.**
5. **The number of short-term rental guests occupying the property shall not exceed two (2) persons in the accessory dwelling unit and ten (10) persons in the principal dwelling unit. The principal dwelling unit shall only be rented out as a whole unit and not by individual room.**

6. **The Applicant, or his hired property management company, shall submit a report to the Planning Department if a noise violation or related incident occurs on the property, regardless of origin.**

Seconded by Stephanie Gates.

The motion passed by a vote of 5-0.

Lauren Rounsville rejoined meeting.

10. Other Business

A. Staff update on current planning projects.

- a. Kristopher Kurjiaka, Principal Development Planner, presents an update on Development Code.

B. Meeting location

- a. The Board discussed changing the preferred meeting to City Hall moving forward.

***Motion: Seph Wunder moved to request that future Board of Zoning Appeals meetings be held at Greenville City Council Chambers as the first priority location, the Greenville Convention Center as the second priority location, and Unity Park Welcome Center as the third priority location.**

Seconded by Stephanie Gates.

The motion passed by a vote of 6-0.

11. Adjournment

The meeting adjourned at 5:43 p.m.

Staff Present: Leigh Poletti, City Attorney; Mary Douglas Hirsch, Planning Administrator; Kristopher Kurjiaka, Principal Development Planner; Ross Zelenske, Senior Development Planner; Sharon Key, Planning Coordinator, Ben Abdo, Development Planner

Minutes prepared by Sharon Key.