



MINUTES

BOARD OF ZONING APPEALS

REGULAR MEETING

Thursday, April 14, 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), Seph Wunder (Vice Chair), Stephanie Gates, Ken Betsch, Lauren Rounsville, Krish Patel, Frederick Turner

Absent: **None**
4. **Approval of Minutes**
 - A. **March 8, 2022 – Workshop**
Approved as submitted
 - B. **March 10, 2021 – Regular Meeting**
Approved as submitted
 - C. **March 17, 2021 – Special Meeting**
Approved as submitted
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.
7. **Conflict of Interest Statement**
None
8. **OLD BUSINESS**
 - A. **S 22-130**

Application by Greenville County Schools (Jaime Benton) for a **SPECIAL EXCEPTION** to construct a 'School, Public' in a R-6, Single-family residential district at **61 ISBELL LA** (TM# 027200-01-01602)

(Presented by Principal Development Planner Kristopher Kurjiaka)

Applicant Presentation

Jamie Benton, 24 Heather Stone Court, Simpsonville, SC (Greenville County Schools)

- Presented updates on project from neighborhood meeting and resolutions to concerns.

Chris Swale, 20 Hewgford Circle, Simpsonville, SC (Greenville County Schools)

- Provided details on project and updates on layout.

Public Comments

David Harner, 34 Timrod Way, Greenville, SC

- Supported project as JL Mann athletics booster club member.
- Athletic fields at JL Mann tend to be better than other areas school districts.

Andrew McDaniel, 37 Isbell Lane, Greenville, SC

- Supported school as a good neighbor.

Susan Lineberger, 1 Parkins Place, Greenville, SC

- Major concerns over the traffic and the turn lane close to her house, and damage to her trees if the road is brought closer to her property.
- Doesn't believe the school zone will detour speeding traffic and asked if a traffic light will be installed at the school entrance.

Mills Gallivan, 230 E Parkins Mill Road, Greenville, SC

- Concerned over lack of planning and communications.
- Many changes have occurred in the neighborhoods since the high school was located there.
- The School System was pushed to do the neighborhood meeting and had a flawed traffic study.

Raoul Weinstein, 12 Isbell Lane, Greenville, SC

- Concerned about traffic on Isbell Lane and asks for more study to be done.

Matthew Miller, 27 Timrod Way, Greenville, SC

- Supported the school but has questions on the traffic study, if it includes the 88 townhomes proposed.
- Wanted confirmation on the bus navigation around the site.

Rebecca Freeman, 10 Parkins Place, Greenville, SC

- Concerned about traffic on Ridge Rd, reducing cut through traffic, and provision of crosswalks at the entrance of the school.

Ellie Navarro, 18 Orchard Meadow Lane, Greenville, SC

- Advocated for resolving issues related to lights, noise and water prior to approval.
- Concerned about the noise from the school after regular operation hours, currently and if the school is built.

David Hickerson, 19 Orchard Meadow Lane, Greenville, SC

- Concerned about the property value dropping and force-fitting the project onto this site when another site may be more suitable.

Selena Riddle, 14 Orchard Meadow Lane, Greenville, SC

- Concerned about traffic as a 22 years resident.
- Growth in the area is causing more traffic and noise.
- Spoke with JL Mann administration about the current level of noise from the athletic fields, and wonders the effect after an elementary school is added.

Caroline Van Hook, 803 Parkins Mill Road, Greenville, SC

- Concerns about traffic as it relates to start times of the various schools in the vicinity and the potential for an extended period of congestion.

Applicant Response

Phillip Davie, 36 Monsignor Way, Simpsonville (Greenville County Schools)

- Discussed the bus demand and circulation around the site, identifying 8 buses is the maximum number that would be need for the school. This is reflected in the bus stacking area off Isbell Lane.
- Stated that the elementary school principal will not allow noise to disrupt the students and that noise should be a minimal impact on adjacent properties.
 - Staff of JL Mann High School will need to address the noise issues from the athletic fields.
- Working on pedestrian connectivity between the apartments (across Ridge Road) and the school site.
- Attendance zones for the school are still being determined.
- Buffers will be installed to meet City's ordinance, and the School District will coordinate with the City to ensure that the adequate installation of buffer materials is achieved.
- Facilities provided on the site are necessary to accommodate all elementary school requirements and meet all athletic program needs.
- Traffic improvements will be installed based on the traffic study and discussions with SCDOT. This project will address impacts imposed on traffic from this request, and will not be able to fix all the cumulative effects of development over the past 20 years.

Board Discussion

Paul Dow, Interim City Engineer (City of Greenville)

- Discusses with Board about ongoing road projects, improvements and SCDOT connectivity.

Shannon Lavrin, Assistant City Manager (City of Greenville)

- Discusses processes City staff uses and provides details on requirements that are met through the processes.

Board discusses police and school assignments.

***Motion: Mr. Wunder moved to approve special exception request S 22-130 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 Greenville County School District and is not transferrable.**
2. **The Applicant shall adjust the drop-off and stacking route to retain and enhance existing buffer areas that will better insulate residences at the west side of the property from impacts of new vehicle traffic proposed in this application. This is specifically regarding the portion of the drop-off route that approaches TM#s 0271000300401 and 0271000302100.**
3. **Standards outlined in Land Management Ordinance Section 19-6.5, Design standards for nonresidential development, apply to this project and substantial compliance with this ordinance section must be confirmed prior to issuance of a Site Plan Permit.**
4. **The construction of the two-story elementary school and associated site improvements shall substantially conform to the testimony of the Applicant and the content of the application.**
5. **The City, in its administrative review, will use the most stringent restrictions to mitigate truck traffic on Ridge Road and Duvall Drive, to ensure provision of enhance buffers that provide maximum protection from visual and noise impacts for adjacent residences, require mitigation of noise from the school and athletic fields, and require traffic policing during peak hours of the school use.**
6. **And the applicant will provide notice to the community regarding status of the application and traffic study/mitigation results.**

Second by Ms. Gates.

The motion passes by a vote of 6-1.

9. NEW BUSINESS

A. A 22-172

Application by James White for an **Appeal from Decision of Administrator** to revoke Special Exception Permit S 19-720 at **124 N Leach Street** (TM# 007800-06-00100 & 007800-06-00200)

(Presented by Principal Development Planner Kristopher Kurjiaka)

Applicant Presentation

Jack Heckman, Esq., 136 Pearlview Lane, Greer, SC

- Stated that the administrator's decision was not considerate of equity issues, Covid delays and supply chain issues.
- The review comments for the site permit includes the parking lot requirements are over the top, requiring a bike rack, lighting and sidewalk additions. The improvements that were being required were outside of the scope of reason.

James White, 124 N Leach Street, Greenville, SC

- Provided details on the current use of the property.

Public Comments

Chris Daniel, 213 N Leach Street, Greenville, SC

- Supported revocation of Special Exception Permit.
- Property is in violation and all previous years it was used as a business. Refuted applicants claim that the property was not being used as a business currently, stating he drove by last week and there were 10 cars parked down the street.

- Parked vehicles were not supposed to be parked on the grass and there are vehicles and a box truck that never moves parked on the grass.
- Residents don't want the entrance to their neighborhood to look like a construction site.

Carl White, 5 Douglas Drive, Greenville, SC

- State applicant is the one who started the revitalization in that area.
- Office work is conducted on site, not construction.
- Troubled that a person who is a small business owner and started revitalization for the area is now facing his license is being revoked and wanted to note Mr. White has been a value to the community.

Gary Burgess, 209 N Leach Street, Greenville, SC

- Glad the area is being revitalized and not opposed to the home office use, or it being a residence.
- Opposed to construction vehicles parked on the property.

Applicant Rebuttal

James White

- Responded that he owns more real estate in the area and has been in the community longer than anyone in opposition to his business.
- Stated he recently sold his house, is in the process of building a house, and currently lives on-site.
- Initially had PODs on the property early on, but moved those once notified of the violation. No heavy machinery on site, but there is a box truck in the back.
- Stated he doesn't need the special exception at this time.

***Motion: Mr. Wunder moved to affirm the administrators decision for revocation of Special Exception Permit request S 19-720 based on Staff's findings as outlined in the Staff Report.**

Second by Ms. Rounsville

The motion passes by a vote of 7-0.

B. S 22-195

Application by Social Cigar Lounge (Adam Impson) for a **SPECIAL EXCEPTION** to operate a 'Bar' use in a C-3, Regional commercial district at **2603 N PLEASANTBURG DR** (TM# 018303-01-02700)

(Presented by Senior Development Planner Ross Zelenske)

Applicant Presentation

Adam Impson, 212 Belford Drive, Greenville, SC

- Discussed the use of the space as not being a night club, loud music and the definition for security guard.

Public Comments

None

***Motion: Mr. Wunder moved to approve special exception request S 22-195 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, Social Cigar Lounge (Adam Impson), 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 12:00 AM.
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. Exterior doors shall remain closed except to provide ingress and egress between the hours of 10:00 p.m. and 5:00 a.m.
9. 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.
10. 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 special exception permit and future personnel shall receive training within 30 days of hiring.
11. The applicant shall retain a minimum of one (1) security guard on premises starting at 10:00 PM and continuing until close or 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.
12. 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.

13. **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.**
14. **A copy of the special exception permit shall be maintained on the premises with other related inspection, licensing, and occupancy information.**

Second by Ms. Rounsville.

The motion passes by a vote of 7-0.

C. S 22-204

Application by Acuarus (Nastassia Rapley) for a **SPECIAL EXCEPTION** to operate a 'Nightclub' use after midnight in a C-3, Regional commercial district at **200 N PLEASANTBURG DR** (TM# 028200-03-000402)
(Presented by Principal Development Planner Kristopher Kurjiaka)

Applicant Presentation

Nastassia Rapley, 106 Clove Road, Greenville, SC (Acuarus)

- Stated she was available for questions.

Public Comments

None

***Motion: Mr. Wunder moved to approve special exception request S 22-204 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, Acuarus (Nastassia Rapley), and is not transferrable.**
2. **Operation of the facility shall be limited to a "nightclub," as defined by this Code, and shall substantially conform to the statements of the applicant and the content of the application. This application does not include any new improvements to the existing patio area at the rear of the property. 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 3:30 AM on Sunday morning, extending from the Saturday night business hours.**
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. Exterior doors shall remain closed except to provide ingress and egress between the hours of 10:00 p.m. and 5:00 a.m.
9. 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.
10. 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 special exception permit and future personnel shall receive training within 30 days of hiring.
11. The applicant shall retain a minimum of two (2) security guards, of which one (1) shall be off-duty sworn law enforcement officers positioned outside the business on Saturdays starting at 9:00 PM and continuing through 3:45 AM, or at least fifteen (15) minutes after closing of the business. Similar security shall be required 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.
12. Occupant capacity of the establishment shall not exceed 299 people, as requested and indicated on the floor plan provided with the application. 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.
13. 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.
14. A copy of the special exception permit shall be maintained on the premises with other related inspection, licensing, and occupancy information.

Second by Mr. Betsch.

The motion passed by a vote of 7-0.

10. Other Business

A. Staff update on current planning projects.

(Presented by Principal Development Planner Kristopher Kurjiaka)

11. Adjournment

The meeting adjourned at 7:48 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; Paul Dow, Interim City Engineer and Engineering Services Manager
