



City of Greenville
Board of Zoning Appeals
Minutes of the August 12th, 2021 Regular Meeting
Greenville Convention Center - 4:00 PM
Meeting Notice Posted on July 28th, 2021
Minutes prepared by Matt Lonnerstater and Sharon Key

Members Present: Chris Price (Chair), Stephanie Gates, Ken Betsch, Frederick Turner, Lauren Rounsville, Krish Patel

Members Absent: Seph Wunder (Vice Chair)

Staff Present: Leigh Paoletti, Assistant City Attorney; Shannon Lavrin, Assistant City Manager; Courtney Powell, Planning Administrator; Matthew Lonnerstater, Development Planner; Harold Evangelista, Development Planner; Ross Zelenske, Development Planner; Austin Rutherford Development Planner; Jordan Harris, Associate Planner; Hannah Slyce, Landscape Architect.

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 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 4:05 PM.

APPROVAL OF MINUTES: The Board approved the minutes for the July 6th, 2021 Agenda Workshop and July 8th, 2021 Regular Meeting and Public Hearing.

PUBLIC NOTICE AFFIDAVITS: In order

ACCEPTANCE OF AGENDA: The Board approved the August 12th, 2021 agenda as presented.

CONFLICT OF INTEREST: None stated.

NEW BUSINESS:

A. **S 21-562**

Application by Shawn Johnson dba Birds Fly South Ale Project for a **SPECIAL EXCEPTION** to establish a restaurant serving alcohol in a C-1, Neighborhood Commercial, zoning district at **1501 E. North St.** (TM# 019000-02-00700).

Staff report presented by Matthew Lonnerstater

- Note: Full staff report is on file at the Planning Office and at www.greenvillesc.gov/agendacenter
- **Staff Recommendation: Approval with conditions.**
- Ken Betsch asked staff if the applicant had presented a plan for live music. Staff advised that this question be directed toward the applicant.

- Frederick Turner asked if there was an intent to broadcast sports games. Staff advised that this question be directed toward the applicant.

Applicant presentation:

- Shawn Johnson, Applicant, Ashford Ave., was available to answer questions. Mr. Johnson clarified that the setup of the building does not allow for live outdoor music, and that there will be no televisions. The space will be a community-oriented establishment. Music amplification will be directed internally as recommended by TAC.
 - Ken Betsch asked the applicant to clarify if there will be outdoor music. Mr. Johnson replied that there will not be outdoor music. The overhead doors will remain open, weather permitting, during business hours.
 - Ken Betsch asked what other uses were planned in the development. Mr. Johnson replied that there is a fitness business and a health-based café, and that a new restaurant is planned for the other vacant space.
 - Krish Patel asked the applicant to clarify the parking plan. Mr. Johnson stated that the residential has underground parking. 108 spaces are provided for the commercial spaces.
 - Frederick Turner asked why the business is proposed to close at 9 rather than 10 p.m. Mr. Johnson stated that the proposed hours are consistent with their current location at Birds Fly South. No axe throwing is proposed.

Public comments:

- No one from the public spoke in favor or against the application.

Board Discussion

- Ken Betsch stated that the motion should include conditions related to outdoor music.
- Stephanie Gates stated that the conditional use application for the outdoor space may clarify conditions related to outdoor music.

***Motion: Ken Betsch made a motion to approve special exception request S 21-562 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 operation of the establishment shall substantially conform to the testimony of the Applicant and the content of the application;**
- 2) Hours of operation shall be substantially consistent with those stated by the applicant, closing no later than 10 p.m.;**
- 3) All interior amplification shall be located only as reflected on the approved floor plan and be directed away from the principal entrance or directed toward the interior of the building, and further that no outdoor sound amplification or outdoor music shall occur at this location;**
- 4) Except to provide ingress and egress, exterior doors and windows shall remain closed after 10 p.m.;**
- 5) 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 and applicable neighborhood parking restrictions;**
- 6) The occupancy loads and plumbing fixture numbers shall be adjusted upon building permit submittal to accurately reflect the maximum number of occupants for the restaurant; and**
- 7) Outdoor seating area(s) shall require approval of a separate Conditional Use permit.**

Second by Stephanie Gates.

The motion was approved by a vote of 6-0.

OTHER BUSINESS:

Update on Projects and Plans:

- Planner Austin Rutherford presented an update on the West End Small Area Plan.
- Planner Harold Evangelista presented an update on the Village of West Greenville Small Area Plan.
- Planning Administrator Courtney Powell presented an update on the Land Management Ordinance update.

Meeting adjourned at 4:40 PM