



City of Greenville
Board of Zoning Appeals
Minutes of the March 12, 2020 Regular Meeting
10th Floor City Council Chambers – City Hall 4:00 PM
Meeting Notice Posted on February 26, 2020
Minutes prepared by Brennan Williams

Members Present: Chris Price, Luis Martinez, Stephanie Gates, Ken Betsch, Nika White, Keith Jones, Seph Wunder
Members Absent: None
Staff Present: Brennan Williams, Development Planner; Leigh Paoletti, Assistant City Attorney; Ben Abdo, Development Planner

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 4:03 PM.

APPROVAL OF MINUTES: The Board approved the Minutes of the February 13, 2020 meeting.

ACCEPTANCE OF AGENDA: The Board approved the March 12, 2020, agenda.

CONFLICT OF INTEREST: None.

OLD BUSINESS:

A. S 20-004

Application by Northside Traders LLC for a **SPECIAL EXCEPTION** to establish visitor accommodations located at **510 S ACADEMY ST** (TM# 007400-03-00300)

Staff report presented by Brennan Williams

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

Applicant presentation by Tad Mallory

- Relocated the proposed use to the eastern portion of the parcel

Board asked about whether the applicant will live on the first floor. Applicant stated the property will likely be mix-use with office and possibly retail. The Board asked whether the second floor would be used as a visitor accommodations use. The Applicant stated that it would.

Public comments in support of application:

- None

Public comments opposed to application:

- Doug Camp, 437 North Markley Street, stated concerns about off-street parking, the transient nature of the use, and parking for contractors.

Board Discussion

- Whether other short term rental uses would be excluded within proximity to this use. Staff answered that prohibition only applies to Bed and Breakfast Inn uses.
- Stephanie Gates discussed that other uses proposed for the site could be granted by right without a public hearing.

***Motion: Betsch made a motion to approve the application with the conditions that 1) the use of the property shall substantially conform to the testimony of the applicant and the content of the application, and 2) the special exception permit shall be limited to the applicant, Northside Traders LLC, and is not transferrable. Second by Wunder. The motion passed by a vote of 7-0.**

NEW BUSINESS:

A. S 20-050

Application by BRADSHAW FAMILY LP for a **SPECIAL EXCEPTION** to construct a storage building located in rear of an existing automobile sales use located at **330 WOODRUFF RD** (TM# 026200-01-00103)

Staff report presented by Brennan Williams

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

Applicant presentation by Bill Donovan

- Applicant provided a presentation which is on file in the Planning Office.
- Provided the history of the proposed site, surrounding lands, and the easement between the applicant's property and the neighboring Bella Grove subdivision, and previous compromises between the applicant and Bella Grove.
- The applicant stated the Bella Grove residents offered a solution for the applicant to provide a 25 foot tall earthen berm on the applicant's property to offer immediate visual relief without vegetative screening. Verdae Development, at that time, offered \$25,000 to help with costs. The applicant agreed to investigate other options and meet again in the future.
- The applicant investigated relocating the proposed building closer to the berm. The applicant concluded it would be significantly more expensive since additional retaining walls and drainage systems were required.
- Verdae Development presented estimates for an 18 foot in height, 60 feet in width, and 270 feet long earthen berm. Ultimately, an agreement was not reached.
- Betsch asked about the screening requirement according to the easement. The applicant stated there is requirement only for the side buffer.
- Wunder asked whether the applicant's offer of the donation of land to Bella Grove was retracted. The applicant stated yes.

Public comments in support of application:

- None

Public comments opposed to application:

- Debbie Wallace, 340 Rocky Slope Road, provided a signed petition of the 51 property owners at Bella Grove. Stated the history of the easement in 2016. Applicant represented to Verdae Development that the building would be warehouse for family's personal cars. Provided three different solutions to the applicant: relocating the building, use similar materials that are using in Bella Grove, and an 18 foot in height berm. Ms. Wallace stated the community offered to be half of the costs. The community would build the berm, but it was necessary on Bradshaw's property which they were not willing to give up.
- Larry Myatt, 116 Jessen Drive, opposes for three reasons: the application does not conform to special exception requirements, it will have a material adverse effect on property values in the community, and the building will severely limit Verdae Development to develop Bella Grove consistently with the property values in the neighborhood.
- Andrew Frederick, 205 Verdae Boulevard, is concerned about the lack of an appraisal and information provided in the application.
- Hugh Moore, 108 Babbs Hollow, stated that the building would be seen from their lot and will lower the property values of the community.
- Kathy Cannon, 107 Jessen Drive, is concerned about safety and privacy living adjacent to the building.

Applicant rebuttal:

- Applicant stated the Bradshaw property actually backs up to Verdae Development property. There is no landscape easement adjacent to Lot 57, Ms. Cannon's property. There is industrial uses nearby. Only a small part of the Bella Grove subdivision will be impacted. Applicant has operated in good faith.

Board discussion

- Chairman Price asked how the architecture is addressed if the building is seen from the road. Staff responded the building will be required to meet the non-residential design standards.
- Wunder asked why the applicant revoked its offer. Wunder discussed smaller berm with plantings will accomplish the desired screening. Wunder asked whether applicant would consider allowing use of the land and proving dirt. Sixty feet of berm seems to be significant. The 30 foot sewer easement is an impediment. Wunder asked the applicant's engineer, Chip Fogleman, whether a berm could be constructed on a sewer easement. Fogleman responded no.
- Betsch asked about the color of the building, and whether the price of the dirt included moving it. The applicant responded the price included the dirt and relocating it.
- Chairman Price expressed the concern that any approved conditions would circumvent any code requirements for screening. Staff answered that a condition could be proposed where the stricter of the requirements would apply.
- Discussion whether the buffer requirements under the code would be adequate.
- Other uses are allowed by right in S-1 zoning districts.
- The 18 foot berm seems extreme. Possibly, a compromise could be reached with providing vegetation and slightly taller berm. The reasonableness to expect to obscure all of the existing automotive dealership.

***Motion: Wunder made a motion to approve the application with the conditions that 1) the use of the property shall substantially conform to the testimony of the applicant and the content of the application; 2) the special exception permit shall be limited to the applicant, Bradshaw Family, Limited Partnership, and is not transferable; 3) Bradshaw Family, Limited Partnership, shall make available or design a 30 foot wide, 9 foot high earthen berm with plantings sufficient to create substantial screen; 4) the building shall use colors to blend into the background; and, 5) the applicant shall communicate with the Bella Grove neighborhood to notify of progress made. Second by Betsch. The motion passed 7-0.**

Adjourned 5:20 PM