



City of Greenville
Board of Zoning Appeals
Minutes of the July 9, 2020 Regular Meeting
Virtual Meeting – City Hall 4:00 PM
Meeting Notice Posted on June 24, 2020
Minutes prepared by Kristopher Kurjiaka

Members Present: Chris Price, Seph Wunder, Keith Jones, Stephanie Gates, Ken Betsch, Luis Martinez, Nika White
Members Absent: None
Staff Present: Brennan Williams, Development Planner; Leigh Paoletti, Assistant City Attorney; Jonathan Graham, Planning Director; Courtney Powell, Senior Development Planner; Kristopher Kurjiaka, Development Planner; Matt Lonnerstater, Development Planner; 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 4:04 PM.

APPROVAL OF MINUTES: The Board approved the Minutes of the May 14, 2020 meeting.

ACCEPTANCE OF AGENDA: The Board approved the July 9, 2020, agenda.

CONFLICT OF INTEREST: None.

NEW BUSINESS:

A. S 20-50M

Application by BRADSHAW FAMILY LP to modify a **SPECIAL EXCEPTION** to allow automobile parts storage 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 the staff conditions**

Board questions for staff included what staff's preferred option would be for resolution of this case and clarification on staff's conditions to better define what "large plantings" and "near the sewer easement" means.

Applicant presentation by Bill Donovan, General Manager and part business owner; William Bradshaw, business owner.

- Breakaway Honda was established in its current location in 1992.
- A land swap was executed between Bradshaw Family Limited Partnership and Verdae Development Inc (VDI) so Verdae could gain access to sewer. At that time, setbacks, landscaping and buffering requirements were established between properties.
- Current landscaping satisfies existing landscape agreement. March BZA meeting decision exceeds buffering requirements as outlined in the existing property owners' agreement.
- The proposed placement of the building exceeds minimum requirements in the property owners' agreement.

- Requests that buffer requirements be reduced to be more consistent with the landscape agreement (Option 1) or that responsibility for installation of the berm and landscaping could be transferred to Verdae (Option 2). Option 2 would include the provision of dirt currently available across Woodruff Rd and the transfer of land for Verdae to construct the berm.
- Allows BZA to choose the color of the building to best blend with surroundings.
- Looking to get resolution on this issue to avoid extending a lease for parts storage at a remote location.

Board's initial questions for the applicant after their presentation included an inquiry into whether a meeting had occurred between property owners since the March BZA meeting and what the results of this meeting were.

Public comments in support of application:

- None

Public comments opposed to application:

- Debbie Wallace, 340 Rocky Slope Rd, stated that an agreement for the transfer of land was completed in 2016 to allow Bradshaw extra space for parking inventory. The landscaping proposed with that agreement was intended to buffer Bradshaw's and expansion of inventory from the future commercial. The agreement was not considerate of the new residential and did not anticipate construction of a new building. VDI is supportive of the BZA's March 12th decision and believes that Option 2 as presented could be achieved without a change in the decision. She requested the BZA to make no change to the previous approval and require that the berm be installed. VDI and Bradshaw had met by phone call the previous week but were not able to come to an agreement pertaining to responsibilities of constructing the berm.
- Hugh Moore & Ann Moore, 108 Babbs Hollow, stated that their lot is 200ft from the proposed location of the building. The building would be a significant change from the current vehicle storage lot. Mr. Moore stated that the March 12th decision was a reasonable compromise and requested that the Board maintain this decision.
- Larry Myatt, 116 Jessen Drive, stated that his home is the closest home to the new building site. He stated his support for the prior BZA decision for buffering the proposed building and asked that Bradshaw be responsible for completing construction of the berm.
- Barry Nocks, 109 Sunset Drive, stated that he has a home being built in Verdae. He stated that the Board's March 12th decision was reasonable and that he wanted to emphasize the importance of the Board maintaining that decision. He was disappointed in the applicants' communication with Verdae that could have helped avoid the need for an additional meeting.
- Andrew Frederick, 205 Verdae Boulevard, stated that allowing Bradshaw Family to construct a building without providing a buffer as previously agreed is a detriment to adjacent property values. Bella Grove is willing to negotiate with Bradshaw instead of dragging this out.

Applicant rebuttal:

- Bill Donovan stated that Bradshaw met with Bella Grove HOA and Debbie Wallace with Verdae on a Zoom meeting. During that meeting he proposed providing the dirt and property to build the berm and requested VDI to provide an email confirming the agreement discussed on the Zoom meeting. No email was received.
- William Bradshaw stated that he thought the Board's decision from March 12, 2020 was unfair because Bradshaw had a legal agreement with Verdae that addressed construction of a building and provision of landscaping and that the residents of Verdae were requesting more screening and landscaping. Bradshaw shouldn't have been responsible for this burden.

Chairman Price closed the public comment section for this agenda item.

Martinez made a motion to go into executive session per South Carolina code 30-4-70(a)(2) to receive legal advice regarding application S 20-50M. Motion seconded by Ken Betsch and approved 6-0. Seph Wunder had left the meeting previously at 5:30 pm and did not vote. The BZA went into Executive Session at 5:54 p.m.

The BZA returned from Executive Session at 6:31 p.m.

Chairman Price reopened the public comment section for this agenda item.

Chairman Price asked Mr. Bradshaw if he was okay with moving forward with Proposal 2 as shown in the staff presentation, similar to condition three in the March 12, 2020 BZA decision.

Mr. Bradshaw stated that he is willing to deed the property and provide the dirt to Verdae to get the berm constructed.

Chairman Price closed the public comment section for this agenda item.

Board Discussion

- Betsch stated he would prefer to have a decision at this meeting rather than hold for an agreement between Bradshaw and Verdae. The applicant is looking for more clarification on the third condition of the March 12th decision.
- Chairman Price stated that at the time of decision, there was some agreement that land and maybe some dirt was going to be donated to get the berm completed. If the Board is going to modify the condition, it needs to specify a timeframe for actions to take place.
- Betsch stated that this could be done by requiring Bradshaw to either convey the property and convey an agreement for the dirt within a certain period of time or build the berm concurrent with the completion of the building.
- Jones state that Bradshaw would also have to provide access to build the berm in case they begin to build the building and it blocks access to the area where the berm is to be built.

***Motion: Jones made a motion to modify special exception S-20-50M, specifically condition number three in the motion from the March 12, 2020 meeting to clarify that applicant Bradshaw Family Limited Partnership shall either: a) make available the dirt sufficient to build a thirty foot wide by nine foot high earthen berm and provide the land sufficient for such earthen berm through a quitclaim deed or deed to the Verdae Development, or b) build the berm themselves on their land in keeping with the prior decision. Bradshaw will provide access to construct the berm for a period up to a year after date of this decision. This motion is based on the Board's understanding that the applicant's testimony on the record in today's meeting shall act as a guide that the applicant will provide the deeded land over to Verdae Development and a legal document to allow Verdae to use and at no charge have the dirt available to them that is currently stored across Woodruff Road from the subject property. Seconded by Betsch. The motion passed 6-0.**

OTHER BUSINESS:

A. Proposed Amendment to By-Laws

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**

Staff was recently made aware that Board of Zoning Appeals By-Laws adopted in 2004 excluded electronic equipment as means to hold a public meeting. The current City Council emergency order allows the Board to conduct electronic meetings. However, an amendment to the by-laws removing the exclusion of meetings held with electronic equipment is necessary to allow meetings to occur by online meeting platforms in the future.

With Chairperson Price losing connection to the meeting and Vice Chairperson Wunder having previously left the meeting, duties of the Chair were delegated by the By-Laws to Keith Jones, the longest tenured member of the Board.

***Motion: Gates made a motion to amend the Board of Zoning Appeals By-Laws as written by staff. Seconded by Martinez. The motion passed 5-0.**

Staff expressed its gratitude to Brennan Williams for his work as Board of Zoning Appeals Liaison while he pursues new opportunities in the Community Development Department.

Adjourned 7:03 PM