



**City of Greenville**  
**Board of Zoning Appeals**  
**Minutes of the January 14<sup>th</sup>, 2021 Regular Meeting**  
**Virtual Meeting – City Hall 4:00 PM**  
**Meeting Notice Posted on December 30<sup>th</sup>, 2020**  
Minutes prepared by Matt Lonnerstater

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Members Present: Chris Price (Chair), Seph Wunder (Vice-Chair), Stephanie Gates, Luis Martinez, Nika White, Frederick Turner

Members Absent: Ken Betsch

Staff Present: Kristopher Kurjiaka, Senior Development Planner; Leigh Paoletti, Assistant City Attorney; Jonathan Graham, Planning Director; Courtney Powell, Planning Administrator; Matthew Lonnerstater, Development Planner; Austin Rutherford, Development Planner; Harold Evangelista, Development Planner; Ross Zelenske, Development Planner

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**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 for the December 10, 2020 Regular Meeting and Public Hearing.

**PUBLIC NOTICE AFFIDAVITS:** In order

**ACCEPTANCE OF AGENDA:** The Board approved the January 14, 2021 agenda as presented.

**CONFLICT OF INTEREST:** None stated.

**NEW BUSINESS:**

**A. S 20-643**

Application by Debbie Campbell and Laurel Baptist Church for a **SPECIAL EXCEPTION** to allow an electronic message board on a proposed monument sign located at **2331 LAURENS RD** (TM# 026300-02-00100).

Staff report presented by Kristopher Kurjiaka

- Note: Full staff report is on file at the Planning Office and at [www.greenvillesc.gov/agendacenter](http://www.greenvillesc.gov/agendacenter)
- **Staff Recommendation: Recommend approval with conditions**

Applicant presentation:

- Mr. Steve Dyer, Leroy Dyer & Sons Signs, clarified that the sign features auto-dimming during the evening hours.

Public comments:

- None

## Board Discussion

**\*Motion: Seph Wunder made a motion to approve the Special Exception request S 20-643 for an electronic message board at 2331 Laurens Road based on the findings outlined in the Staff Report and the testimony of the applicant. Conditions of approval include:**

1. **The sign shall substantially conform to the testimony of the applicant and the content of the application.**

**Luis Martinez seconded the motion.**

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

## **B. S 20-799**

Application by Vivian Valdivia (McDonalds) for a **SPECIAL EXCEPTION** to operate a restaurant with drive-through located at **2200 AUGUSTA RD.** (TM# 021500-01-00401).

### Staff report presented by Kristopher Kurjiaka

- Note: Full staff report is on file at the Planning Office and at [www.greenvillesc.gov/agendacenter](http://www.greenvillesc.gov/agendacenter)
- **Staff Recommendation: Recommend approval with conditions**
- Luis Martinez asked staff to respond to written public concerns regarding exterior site lighting.
  - Allen Reid, Traffic Engineering, clarified that the site plan did not denote any changes to exterior site lighting.
- Chairman Price asked if the City has the authority to review non-conforming exterior lighting situations.
  - Allen Reid, Traffic Engineering, clarified that this application in and of itself would not trigger a photometric study.
- Chairman Price asked if a condition on site lighting could be provided in a motion.
  - Allen Reid, Traffic Engineering, clarified that he is a Traffic Engineer and not a lighting expert.
- Planner Kurjiaka clarified that the Board of Zoning Appeals can consider adding conditions to a special exception permit.

### Applicant presentation:

- John Connelly, Civil Engineer for the project, explained that the scope of the project is to split the existing drive-through into two ordering lanes. The drive-through modifications are part of a comprehensive update to the existing restaurant building. Mr. Connelly stated that two existing light poles are proposed to be removed from the site.
- Seph Wunder asked if the existing light poles at the rear of the property are located on the subject parcel or on an adjacent parcel.
  - Mr. Connelly stated that these poles are located on the McDonalds parcel.

### Public comments:

- None

## Board Discussion

- Chairman Price stated that he would be open to a condition that requires exterior site lighting to be brought into conformance with current city lighting standards.

**\*Motion: Seph Wunder made a motion to approve the Special Exception request S 20-799 for a restaurant with drive-through at 2200 Augusta Road based on the findings outlined in the Staff Report and the testimony of the applicant. Conditions of approval include:**

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, McDonald's, and is not transferrable.**
3. **A new lighting plan shall be submitted that is consistent with the current code and that all effort be made to shield any bleeding of the lights to the rear of the property.**

**Nika White seconded the motion.**

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

## C. V 20-808

Application by Paul Lawler (Bowman Consulting Group, Ltd.) on behalf of Circle K for a **VARIANCE** to rear setback requirements located at **429 WADE HAMPTON BLVD.** (TM# 018901-01-00800).

Staff report presented by Matt Lonnerstater

- Note: Full staff report is on file at the Planning Office and at [www.greenvillesc.gov/agendacenter](http://www.greenvillesc.gov/agendacenter)
- **Staff Recommendation: Denial**

Applicant presentation:

- Paul Lawler, applicant, stated that Circle K wishes to make a significant improvement to their existing store. Mr. Lawler stated that the development team had worked on alternative layouts but that the angled property line caused a pinch-point relating to the rear setback. Mr. Lawler stated that Circle K has strict standards regarding vehicular circulation and vehicular safety that impacts site layout.
- Chairman Price stated that if even one of the variance criteria is not satisfied, the Board of Zoning Appeals typically does not approve the variance request

Public comments:

- None

Board Discussion

**\*Motion:** Luis Martinez made a motion to deny the Variance request V 20-808 for a variance to rear setback requirements at 429 Wade Hampton Boulevard based on the findings outlined in the Staff Report, specifically the following findings: there are not extraordinary and exceptional conditions pertaining to the property; the special circumstances are the result of the actions of the applicant; the dimensional standards and measurements of the ordinance would not unreasonably restrict the utilization of the property; the variance is not necessary to make possible the reasonable use of the land; the authorization of the variance will result in a substantial detriment to the public good; and the granting of the variance will not be consistent with Sections 19-1.3.6, 19-1.3.7, 19-1.3.9, 19-1.3.11 and 19-1.3.16 of the Land Management Ordinance.

Nika White seconded the motion.

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

## OTHER BUSINESS:

### A. ELECTION OF CHAIR AND VICE-CHAIR

- Stephanie Gates moved to appoint Chris Price as Chair. Seconded by Seph Wunder. Motion approved 5-0. Chris Price abstained.
- Stephanie Gates moved to appoint Seph Wunder as Vice-Chair Seconded by Luis Martinez. Motion approved. Seph Wunder abstained.

Meeting adjourned at 4:51 PM