



**MINUTES
BOARD OF ZONING APPEALS
REGULAR MEETING**

**Thursday, April 13, 2023 - 3:00 p.m.
Greenville City Hall Council Chambers**

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, 2023 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 called the meeting to order at 3:03 PM.

2. Welcome and Opening Remarks from the Chair

Chairman Chris Price welcomed attendees to the March BZA meeting and invited other board members to introduce themselves. Price continued with standard remarks and explained the procedures for the Board of Zoning Appeals public hearing.

3. Roll Call

The following members of the Board of Zoning Appeals were in attendance: Chris Price (Chair), Seph Wunder (Vice Chair), Stephanie Gates, Kenneth Betsch, Krish V. Patel, and Lauren Rounsville

Absent: None

4. Approval of Minutes

A. March 7, 2023 – Workshop

B. March 9, 2023 – Regular Meeting

Seph Wunder motioned to approve as submitted.

Ken Betsch seconded. Motion passed 6-0.

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.

Seph Wunder motioned to accept.

Lauren Rounsville seconded the motion. The motion passed 6-0.

7. Conflict of Interest Statement

Krish Patel stated he has a conflict of interest regarding S 23-116 and submitted a statement to staff.

8. OLD BUSINESS

A. None

9. NEW BUSINESS

A. S 23-054

Application by Fox Rothschild, LLP (William B. Swent) on behalf of Anderson Laurens Road AA, LLC dba Fred Anderson Acura for a **SPECIAL EXCEPTION** to establish an 'Automobile sales' use in a C-3, Regional Commercial district at **2450 LAURENS RD** (TM# 026300-01-01001, 026300-01-01100, 026300-01-01106)

Application was presented by Ross Zelenske, Senior Development Planner, with staff recommending approval of the application with conditions. Mr. Zelenske entered the written staff report as part of the record and presentation.

Applicant Presentation

William Swent, 2 West Washington Street Suite 1100, Greenville

- Mr. Swent introduced himself as a member of Fox Rothschild, LLP and was present to speak on behalf of the Fred Anderson Group for this application and the following three applications. He expressed his appreciation of city staff, but felt he was compelled to object to the city's process getting here. Specifically, he objected to the city's requirement that a new special exception permit be obtained because of new ownership. He passed out information to the Board and reviewed relevant state statutes related to vested rights. He then discussed the City of Greenville's ordinances related to vested rights and automobile sales and services. He stated that he believes the zoning code condition that makes a special exception permit non-transferable for an automobile sales use that has vested is illegal. He discussed how the state requirements supersede the city code and how properties are vested.
 - Chris Price stated that the upcoming development code would no longer require a special exception for automobile sales uses which should address the concerns.
 - City Attorney Leigh Paoletti provided insight on the city's perspective on the case and why a special exception permit could not be avoided.
 - Ken Betsch asked about non-transferability.
 - City Attorney Leigh Paoletti stated that it is a use specific standard for automobile sales.
 - Seph Wunder discussed the matter and stated he would want to study this issue further.
 - Mr. Swent discussed the ordinance and the need for permitting in these instances. He discussed title insurance issues and private contract rights.
 - Ms. Paoletti responded that City Council is responsible for making code and this is a novelty issue that has not come up before in the motor mile.
 - Mr. Price noted that the Board cannot change the code.
 - Mr. Swent requested language to close this gap, so he isn't required to go through this process again if another property transaction occurs.

Public Comments

- None

Board Discussion

- Seph Wunder noted the applicant's concerns may be valid, but the Board cannot go against city code.
- Stephanie Gates agreed.
- Krish Patel asked if the new code requirements will follow the old approval process.
 - Chris Price and Stephanie Gates responded.
- Mr. Swent returned and asked about a permit being able to come off title when no longer applicable.
 - Chris Price responded.
 - Assistant City Manager Shannon Lavrin stated a letter issued by the Planning Department regarding the removal of the special exception requirement could be provided once the new code is in place.

***Motion: Seph Wunder moved to approve the special exception request S 23-054 with comments and conditions. The motion was based on the findings that use is consistent with the Comprehensive Plan, that the use will comply with the use-specific standards, that the use is compatible with surrounding lands, and that the use does not have substantial adverse impacts. Conditions 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, Anderson Laurens Road AA, LLC, and is not transferrable. The applicant's objection to this condition is acknowledged.
3. The Special Exception Permit shall be recorded in the Greenville County Office of the Register of Deeds upon execution by the Administrator.

Seconded by Ken Betsch.

The motion passed by a vote of 6-0.

B. S 23-055

Application by Fox Rothschild, LLP (William B. Swent) on behalf of Anderson Woodruff Road, LLC dba Fred Anderson Honda for a **SPECIAL EXCEPTION** to establish an 'Automobile sales' use in a S-1, Service district at **330 WOODRUFF RD** (TM# 0262000100103)

Application was presented by Ross Zelenske, Senior Development Planner, with staff recommending approval of the application with conditions. Mr. Zelenske entered the written staff report as part of the record and presentation.

- The Board did not have any questions for staff.

Applicant Presentation

William Swent, 2 West Washington Street Suite 1100, Greenville

- Mr. Swent indicated that he wished to apply his same objections and testimony from S 23-054 to this application as well.

Public Comments

- Debbie Wallace, 340 Rocky Slope Road Suite 300, Greenville

- Spoke in favor of the application. She indicated she was speaking on behalf of Verdae Development Inc. She provided history of previous agreed upon protections, including use limitations, between the use and Verdae. She informed the Board that the agreement with the new user and Verdae was recently signed.
- Seph Wunder asked for clarification on the location and specifics of the agreement.
- William Swent discussed amendment agreement conditions made with neighbor.
- Seph Wunder and Stephanie Gates responded to Mr. Swent's comments.

Board Discussion

- None

***Motion: Ken Betsch moved to approve the special exception request S 23-055 with comments and conditions. The motion was based on the findings that use is consistent with the Comprehensive Plan, that the use will comply with the use-specific standards, that the use is compatible with surrounding lands, and that the use does not have substantial adverse impacts. Conditions 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, Anderson Woodruff Road, LLC, and is not transferrable. The applicant's objection to this condition is acknowledged.**
3. **The Special Exception Permit shall be recorded in the Greenville County Office of the Register of Deeds upon execution by the Administrator.**

Seconded by Seph Wunder.

The motion passed by a vote of 6-0.

C. S 23-056

Application by Fox Rothschild, LLP (William B. Swent) on behalf of Anderson Laurens Road ZZ, LLC dba Fred Anderson Mazda for a **SPECIAL EXCEPTION** to establish an 'Automobile sales' use in a C-3, Regional Commercial district at **2512 LAURENS RD** (TM# 026300-01-01800)

Application was presented by Ross Zelenske, Senior Development Planner, with staff recommending approval of the application with conditions. Mr. Zelenske entered the written staff report as part of the record and presentation.

Applicant Presentation

William Swent, 2 West Washington Street Suite 1100, Greenville

- Mr. Swent indicated that he wished to apply his same objections and testimony from S 23-054 to this application as well.

Public Comments

- None

Board Discussion

- None

***Motion: Seph Wunder moved to approve the special exception request S 23-056 with comments and conditions. The motion was based on the findings that use is consistent with the Comprehensive Plan, that the use will comply with the use-specific standards, that the use is compatible with surrounding lands, and that the use does not have substantial adverse impacts. Conditions 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, Anderson Laurens Road ZZ, LLC, and is not transferrable. The applicant's objection to this condition is acknowledged.**
- 3. The Special Exception Permit shall be recorded in the Greenville County Office of the Register of Deeds upon execution by the Administrator.**

Seconded by Lauren Rounsville.

The motion passed by a vote of 6-0.

D. S 23-057

Application by Fox Rothschild, LLP (William B. Swent) on behalf of Anderson Laurens Road II, LLC dba Fred Anderson Infiniti for a **SPECIAL EXCEPTION** to establish an 'Automobile sales' use in a C-3, Regional Commercial district at **2600 LAURENS RD** (TM# 028200-01-00412)

Application was presented by Ross Zelenske, Senior Development Planner, with staff recommending approval of the application with conditions. Mr. Zelenske entered the written staff report as part of the record and presentation.

Applicant Presentation

William Swent, 2 West Washington Street Suite 1100, Greenville

- Mr. Swent indicated that he wished to apply his same objections and testimony from S 23-054 to this application as well.
- He asked whether the special exception permit could be issued to a future successor instead of the current applicant, Fred Anderson Group, to avoid another special exception application.
 - City staff responded that Mr. Swent could defer this application so that the future purchaser's information could be provided to the Board.
 - Mr. Swent decided he would rather have the Board act today then defer the application.

Public Comments

- None

Board Discussion

- None

***Motion: Seph Wunder moved to approve the special exception request S 23-057 with comments and conditions. The motion was based on the findings that use is consistent with the Comprehensive Plan, that the use will comply with the use-specific standards, that the use is compatible with surrounding lands, and that the use does not have substantial adverse impacts. Conditions 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, Anderson Laurens Road II, LLC, and is not transferrable. The applicant's objection to this condition is acknowledged.
3. The Special Exception Permit shall be recorded in the Greenville County Office of the Register of Deeds upon execution by the Administrator.

Seconded by Lauren Rounsville.

The motion passed by a vote of 6-0.

Krish Patel left the meeting due to a conflict of interest with S 23-116.

E. S 23-116

Application by Jack Brown's GVL, LLC (Jason Owenby) dba Jack Brown's Beer & Burger Joint for a **SPECIAL EXCEPTION** to establish a 'Restaurant, indoor seating only' use operating after midnight in a C-4, Central business district at **19 AUGUSTA ST** (TM# 008900-01-01800)

Application was presented by Ross Zelenske, Senior Development Planner, with staff recommending approval of the application with conditions.

Applicant Presentation

Scott Krezmer (address not provided)

- Stated he did not have any additional information to add.

Public Comments

- Joe Ranalletta, 121 Rhett Street, Greenville – Spoke in opposition to this application and the following application. He lives about a block away from this location. He asked if anyone on the Board lives near or understands what happens with bars after midnight. He discussed the night activities that happen. He had a major concern with the number of businesses that operate after midnight in a small area. He discussed previous issues the area has had. On behalf of locals, please reject this.
- Jim Scott, 155 Riverplace, Greenville – Stated he was the HOA President for his development and was representing all 36 owners in the development. He spoke in opposition to this application and the following application. He explained they already have issues with late night noise, fighting, and people piss all over everything. He stated that his city taxes pay for a nice place to live. He urged the Board to reject this application and the following application. With these late hours, these will be nightclubs, not restaurants.

Applicant Rebuttal:

- Scott Krezmer acknowledged the concerns raised. He stated the chain has 17 locations and that they all operate as a restaurant and not as nightclubs.
 - Ken Betsch asked what is the need to stay open until 2:00am?
 - Mr. Krezmer responded that there were not many locations in the area that provide good food late at night. Willing to close earlier on Sunday through Wednesday as a compromise.
 - Lauren Rounsville asked about last call and late-night demand.
 - Mr. Krezmer stated they had been operating until 2:00 a.m. before being informed by city staff that a special exception permit would be required. He noted there were not any issues during that time.

Board Discussion:

- Ken Betsch stated he was fine with the use, but had concerns about operating until 2:00 a.m.
- Stephanie Gates noted that the application is not for the use, but for the hours after midnight.
- Chris Price acknowledged the concerns about Gringo's. He noted there is process in place to hold the business to standards and revoking when needed and who holds the responsibility to enforce them as the public or police. He pointed out the closest residential is at least one block away.
- Seph Wunder noted that only one bad case could cause problems.
- Chris Price asked what businesses were open late near the subject property and about service reports on nearby businesses.
 - Mr. Zelenske responded that Velo Fellow was close to the use. He was not aware of any issues.
 - Ms. Paoletti responded she was not aware of notable issues either. She provided information about the TAC review process.

Staff asked the Chair for a short break to address audio issues on the WebEx livestream. The Board resumed the meeting after approximately five minutes.

***Motion: Ken Betsch moved to approve the special exception request S 23-116 with comments and conditions. The motion was based on the findings that use is consistent with the Comprehensive Plan, that the use will comply with the use-specific standards, that 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, Jack Brown's GVL, LLC, the property (TM #008900-01-01800), and the content of the application.**
- 2. The special exception permit shall be limited to the applicant and shall not be transferrable. Copy of the special exception permit shall be maintained on the premises with other related inspection, licensing, and occupancy information.**

3. The Special Exception Permit shall be recorded in the Greenville County Office of the Register of Deeds upon execution by the Administrator.
4. Hours of operation shall be substantially consistent with those stated by the Applicant and not exceed past 2:00 a.m. Food service shall be available during all operating hours, with an exception for last call, which may occur up to one hour before close.
5. Delivery, waste collection, and similar commercial traffic is prohibited between the hours of 12:00 midnight and 7:00 a.m.
6. 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 and shall be enforced by the proprietors.
7. 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.
8. 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.
9. If more than two incidents involving a police response to the business occur within a six-month period, the City of Greenville can then require up to two security guards be hired and that one of the required security guard positions be an off duty sworn law enforcement officer. One of the required security guards would be required to be positioned outside the business from the hours of 10:00 PM and 2:15 AM and 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.
10. The Applicant shall designate staff at all ingress/egress points to be responsible for the monitor of flow of patrons and confirmation of compliance with allowable occupant capacity.
11. Outdoor live entertainment and exterior sound amplification is prohibited.
12. 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.
13. Exterior doors shall remain closed except to provide ingress and egress between the hours of 10:00 p.m. and 5:00 a.m.
14. If outside queueing of patrons on sidewalks occurs, the manager shall ensure orderly behavior of patrons so as to not negatively impact surrounding lands. Should the City determine this to become a problem, then the Applicant shall return to Technical Advisory Committee for resolution. Additional action by the City may be needed to address any potential negative impacts related to noise or disruptive behavior.

Seconded by Stephanie Gates.

The motion passed by a vote of 5-0.

Krish Patel rejoined the meeting.

F. S 23-158

Application by Danielle Britt dba Ajay's Social & Cocktail Lounge for a **SPECIAL EXCEPTION** to establish a 'Restaurant, with indoor and outdoor seating' and 'Bar' use operating after midnight in a C-4, Central business district at **600 S MAIN ST SUITE 101** (TM# 007000-03-02800)

Application was presented by Ross Zelenske, Senior Development Planner, with staff recommending approval of the application with conditions.

- Chris Price asked for clarification on the condition requiring the outdoor dining area to close by 9:00 p.m.
 - Legal staff recommended that the applicant explain how they would handle that.
- Seph Wunder asked about the nightclub designation and standards being applied.
 - Ross Zelenske explained that the use was being classified as a bar based on the description of the business and other factors.
- Chris Price asked about restrictions on live music ending at a certain time in the downtown area.
 - Ross Zelenske stated he was not aware of any city requirement that live music/entertainment cease by a certain time. A time could be imposed by the Board if warranted.
 - Stephanie Gates noted that there is a noise ordinance.
 - Mr. Zelenske stated that is correct, which always applies.

Applicant Presentation

Danielle Britt, 309 Stallion Road, Greenville

- Provided background on the business and her career. She noted she was the operator of the Lounge and was the author of *Your Life. Your Career. Your Choice!* a top selling book on Amazon. She explained her desire to create a more posh, upscale bar. She discussed music decibels levels. She also explained her reasoning to stay open to 2:00 a.m., notably the limited late-night food options. She acknowledged the issues that Gringo's had. She stated there had only been one fight in two years at The Lounge. She will be hosting red carpet events every month and enforcing a strict dress code standard. She provided some details on her security team and past performance.
 - Chris Price asked about expectation on live music
 - Ms. Britt noted they will shut the doors by 10:00 p.m. She stated they would play until 2:00 a.m., but without amplified music.
 - Chris Price asked what closing the outside dining at 9:00 p.m. would look like.
 - Ms. Britt said she was considering mirroring Jianna's hours, which is located above.
 - City Attorney Leigh Paoletti provided clarification on TAC and staff's recommendation. Recommended seating the last person at 8:00 p.m.
 - Chris Price asked about trash management plans.

- Ms. Britt noted she would hire a company that comes twice a day and would considering purchasing a truck.

Public Comments

- Chris Price provided a brief summary of the previous public comments mentioned during the last application since Krish Patel was not present.
- Jim Scott, 155 Riverplace – Informed the Board earlier that the comments he made regarding S 23-116 also apply to this application.
 - Mr. Scott returned and asked about what closed doors means. Does that mean the doors will be open until 10:00pm so the music will be flowing out into the street?
 - Staff replied that the business' doors could be open until 10:00 p.m. After that hour, the doors could only be opened for ingress/egress purposes until the business closes.
 - Mr. Scott then asked if the city has a noise ordinance or not?
 - Ms. Paoletti indicated the city does have a noise ordinance and it applies 24 hours a day.
 - She affirmed that it applies to this business and all properties. Police is the responsible for enforcement. She noted there are decibel guidelines in the ordinance.
 - Mr. Scott then asked about the purpose of the security guards.
 - Ms. Paoletti explained they are intended to focus on issues with individuals that are leaving the business and may be causing issues. She noted that Police would still be responsible for nearby noise problems.
 - Asked about parking requirements and what say the public has.
 - Staff responded that parking will be handled through a staff review and that the public is not part of that review. Staff explained the process to review parking applications
 - Asked if alcohol is allowed in outdoor seating area?
 - Staff responded that alcohol is permitted in the seating area, but alcohol cannot leave the property.
- Joe Ranalletta, 121 Rhett Street, Greenville – Informed the Board earlier that the comments he made regarding S 23-116 also apply to this application.
 - Stated it was disingenuous to use Gringos as an example of the system working. Explained the number of complaints it took to close Gringos and how the public is one that has to police these businesses. He objected to garbage being placed in the back of a truck. Asked the city to reexamine this process in its entirety.

Applicant Rebuttal:

Ms. Britt discussed parking options. She has explored valet as well as using a private parking lot behind Foxcroft Wine Co. She plans to purchase five parking spaces in the Orange Theory parking lot for her staff to park in. She will work on educating customers where best to park. She affirmed that alcohol being served would remain on premises and would not be permitted off site.

After hearing the public comments, she agreed that leaving garbage in the back of a pickup truck and left on the street or in a parking space is not appropriate. She stated

that she would likely have staff come and take trash off site immediately. She appealed to the public to come and enjoy the food.

Board Discussion:

Chris Price discussed the Board's action on Gringo's. He noted the Board heard an appeal of staff's decision and affirmed their decision. The process only took one meeting. He also discussed the outdoor seating hours and trash pickup and felt those had been adequately

Ken Betsch asked about the condition on doors being open before 10:00 p.m.

- o Legal staff explained the city's zoning ordinance has that as a standard condition and that the noise ordinance still applies.

***Motion: Stephanie Gates moved to approve the special exception request S 23-158 with comments and conditions. The motion was based on the findings that use is consistent with the Comprehensive Plan, that the use will comply with the use-specific standards, that 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, Danielle Britt, the property (TM #007000-03-02800), and the content of the application.
2. The special exception permit shall be limited to the applicant, The Bougie Lounge (Danielle Britt), and shall not be transferrable. Copy of the special exception permit shall be maintained on the premises with other related inspection, licensing, and occupancy information.
3. The Special Exception Permit shall be recorded in the Greenville County Office of the Register of Deeds upon execution by the Administrator.
4. Hours of operation shall be substantially consistent with those stated by the Applicant and not exceed past 2:00 a.m.
5. Delivery, waste collection, and similar commercial traffic is prohibited between the hours of 12:00 midnight and 7:00 a.m.
6. 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 and shall be enforced by the proprietors.
7. 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.
8. 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.
9. The Applicant shall retain a minimum of two (2) security guards of which at least one must be positioned outside the business on Thursdays, Fridays, and Saturdays from the hours of 10:00 p.m. and 2:15 a.m. and 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. If more than two incidents involving a police response to the business occur within a six-month period, the City of Greenville can then require that one of the two required security guard positions be an off-duty sworn law enforcement officer. Repeated incidents requiring calls for service from law enforcement may be grounds for revocation of the permit.

10. The Applicant shall designate staff at all ingress/egress points to be responsible for the monitor of flow of patrons and confirmation of compliance with allowable occupant capacity.

11. Outdoor live entertainment and exterior sound amplification is prohibited.

12. 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.

13. Exterior doors shall remain closed except to provide ingress and egress between the hours of 9:00 p.m. and 5:00 a.m.

14. The Applicant shall ensure soundproofing measures are taken inside the space to reduce noise and vibration impacts from interior amplification. A pattern of noise complaints related to interior amplification from the business shall be grounds to require another meeting with the Technical Advisory Committee to evaluate soundproofing measures and a limitation on amplification. Repeated noise complaints may be grounds for revocation of the permit.

15. The outdoor dining area along Falls Park Drive shall stop seating patrons by 8:00 p.m. and shall be closed in its entirety by 9:00 p.m. When the outdoor dining area is open, the Applicant shall ensure that security guards and staff remain capable of adequately monitoring occupancy of all spaces and that alcohol consumption remains in compliance with the business' alcoholic beverage license.

16. The Applicant shall work with a licensed architect to revise the proposed life safety plan and floor plan to account for the existing outdoor dining area and the planned changes to the floor plan layout presented to the Technical Advisory Committee. The revised plans shall also ensure that all required life safety measures are taken and that the occupancy counts are correct and consider the existing restroom facilities. The revised plans shall be signed and sealed by a licensed architect and comply with the South Carolina State Building and Fire Codes. The revised plans shall be provided to the city's Building Codes and Fire Prevention Divisions as part of an updated occupancy permit.

17. The Applicant shall determine a trash management plan that does not involve public right-of-way (streets or sidewalks).

18. If outside queueing of patrons on sidewalks occurs, the security guards shall ensure orderly behavior of patrons so as to not negatively impact surrounding lands. Should the City determine this to become a problem, then the Applicant shall return to Technical Advisory Committee for resolution. Additional action by the City may be needed to address any potential negative impacts related to noise or disruptive behavior.

19. The Applicant shall, as part of the occupancy permit application, submit a parking plan that provides an estimate of the vehicular parking demand that use is expected to generate and an indication of where or how that parking will be provided.

20. While the proposed use in the application is not classified as a sexually oriented business, it is noted in this staff report that sexually oriented businesses are strictly

prohibited in the C-4, Central Business District, which are defined by the Land Management Ordinance as an adult bookstore or adult video store, an adult cabaret, an adult motion picture theater, a semi-nude model studio, or a sex paraphernalia store as defined in section 8-442.

Seconded by Lauren Rounsville.

The motion passed by a vote of 6-0.

G. S 23-166

Application by Justin Hughes dba Blind Tiger Tattoo Co. for a **SPECIAL EXCEPTION** to establish a 'Tattoo establishment' use in an RDV, Redevelopment district at **1278 PENDLETON ST** (TM# 012100-08-01300)

Application was presented by Ross Zelenske, Senior Development Planner, with staff recommending approval of the application with conditions.

- Chris Price asked about what the parking requirements for the Village area.
 - Staff responded with parking regulations for the RDV zone.

Applicant Presentation

Justin Hughes, 104 Planters Grove Drive, Mauldin

- Thanked the Board for their support and opportunity. Provided details on changes in the business name, location, and space. Discussed tattoo history and personal importance of it as a second-generation artist.
 - Ken Betsch about ground floor presence.
 - Ken Betsch about staying open until 10:00pm and if that is common?
 - Mr. Hughes noted they are typically finished by 7:00 p.m.

Public Comments

- None

Board Discussion:

***Motion: Seph Wunder moved to approve the special exception request S 23-166 with comments and conditions. The motion was based on the findings that use is consistent with the Comprehensive Plan, that the use will comply with the use-specific standards, that 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, Blind Tiger Tattoo Co. (Justin Walker Hughes), the property (TM #012100-08-01300), and the content of the application.
2. The special exception permit shall be limited to the applicant, Blind Tiger Tattoo Co. (Justin Walker Hughes), and shall not be transferrable. Copy of the special exception permit shall be maintained on the premises with other related inspection, licensing, and occupancy information.
3. The Special Exception Permit shall be recorded in the Greenville County Office of the Register of Deeds upon execution by the Administrator.

Seconded by Lauren Rounsville.

The motion passed by a vote of 6-0.

H. S 23-168

Application by Arbor Land Design (Austin Allen) on behalf of White Investments of Greenville County, LLC for a **SPECIAL EXCEPTION** to establish an 'Automobile sales' use in a C-3, Regional commercial district at **107 DUVALL DR** (TM# 027200-01-01401)

Application was presented by Ross Zelenske, Senior Development Planner, with staff recommending approval of the application with conditions.

Applicant Presentation

Austin Allen, 49 Greenland Drive, Greenville

- He provided an answer to the question raised at the agenda workshop regarding to stormwater. He stated that they will attempt to use a pond east of the site. He also noted that site landscaping will meet or exceed city standards. He offered to answer any questions.
 - Chris Price asked if the crosswalk on Duvall would be automated.
 - Mr. Allen stated he was not sure. He noted that the crossing would be used more for golf carts.

Public Comments

- None

Board Discussion:

- None

***Motion: Seph Wunder moved to approve the special exception request S 23-168 with comments and conditions. The motion was based on the findings that use is consistent with the Comprehensive Plan, that the use will comply with the use-specific standards, that the use is compatible with surrounding lands, and that the use does not have substantial adverse impacts. Conditions 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, White Investments of Greenville County, LLC, and is not transferrable.
3. The Special Exception Permit shall be recorded in the Greenville County Office of the Register of Deeds upon execution by the Administrator.

Seconded by Ken Betsch.

The motion passed by a vote of 6-0.

10. Other Business

A. Staff update on current planning projects

- i. Principal Development Planner Kris Kurjiaka provided an update on the new development code.

1. Ken Betsch mentioned there was a lot of discussion about accessory dwelling unit regulations under the new code.
2. Stephanie Gates asked about special exceptions and regulations for churches under the new code.
 - a. Mr. Kurjiaka explained the changes proposed. He noted that special exceptions for bars and nightclubs would not be required moving forward unless they were operating after midnight. He noted that special exceptions would no longer be used for automobile sales as well as short term rental rentals.
3. Chris Price asked about the recent text amendment regarding super majority voting.
 - a. a. Mr. Kurjiaka and Ms. Paoletti reported that the text amendment was not moving forward.

B. Revision to 2023 Board of Zoning Appeals calendar

- i. Senior Development Planner Ross Zelenske informed the Board that staff, with the approval of the Chair and Board, would be cancelling the July 2023 meeting. This cancellation is in alignment with cancellations of the July meetings for City Council, Planning Commission, and Design Review Board.
 1. Chris Price and the Board indicated their support for the July meeting cancellation.

11. Adjournment

The meeting adjourned at 6:01 p.m.

Staff Present: Leigh Poletti, Assistant City Attorney; Shannon Lavrin, Assistant City Manager; Kristopher Kurjiaka, Principal Development Planner; Ross Zelenske, Senior Development Planner; Mary Douglas Hirsch, Planning Administrator; Sharon Key, Planning Coordinator

Minutes prepared by Sharon Key and Ross Zelenske.

STATEMENT OF POTENTIAL CONFLICT OF INTEREST

TO: Chairperson or Presiding Officer of the Board of Zoning Appeals

FROM: Krish Patel

Pursuant to South Carolina Code Section 8-13-700(b), I make this statement concerning the matter described below, action or decision upon which will directly affect an economic interest as contemplated by the Ethics, Government Accountability Campaign Reform Act of 1991:

A. The matter requiring action or decision is as follows:

Meeting Date: 4/13/23

Agenda Item No.: S-23-116 Subject: SE

Agenda Item No.: _____ Subject: _____

Agenda Item No.: _____ Subject: _____

B. The nature of my potential conflict is as follows:

I have an economic interest which will be affected by the action.

A member of my immediate family has an economic interest which will be directly affected.

An individual with whom I am associated has an economic interest which will be affected.

A business with which I am associated has an economic interest which will be affected.

I hereby withdraw from any votes, deliberation or other actions on this matter and request that my disqualification and the grounds therefore be noted in the minutes.

Date: 4/13/23 Signature: [Signature]

STAFF LIAISON SHALL NOTE THIS ABSTENTION AND THE ABOVE GROUNDS IN THE MINUTES. THIS STATEMENT SHALL BE ATTACHED TO THE MINUTES.

[Signature]
Chairperson or Presiding Officer