



# MINUTES

## BOARD OF ZONING APPEALS

### REGULAR MEETING

Thursday, June 8, 2023 - 4:00 p.m.  
Greenville City Hall Council Chambers

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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, 2023 (and revised on April 13, 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.

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**1. Call to Order**

Chairman Chris Price called the meeting to order at 4:00 PM.

**2. Welcome and Opening Remarks from the Chair**

Chairman Chris Price welcomed attendees to the 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), Kenneth Betsch, Krish V. Patel, Mark Herro, Stephanie Gates and Lauren Rounsville

Absent: Seph Wunder (Vice Chair)

**4. Approval of Minutes**

**A. May 9, 2023 – Workshop**

**B. May 11, 2023 – Regular Meeting**

Ken Betsch motioned to approve as submitted. Stephanie Gates 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.

Stephanie Gates motioned to accept. Ken Betsch seconded the motion. The motion passed 6-0.

**7. Conflict of Interest Statement**

None

**8. OLD BUSINESS**

None

**9. NEW BUSINESS**

**A. S 23-343**

Application by David and Goliath, LLC (Geoff Cannada) dba The Radio Room for a **SPECIAL EXCEPTION** to establish a 'Nightclub' use operating after midnight in a C-3, Regional commercial district at **28 LIBERTY LN** (TM# 026600-01-01200)

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

Applicant Presentation

*Wes Gilliam, Partner of Radio Room, Greenville, SC*

- Explained business and entertainment goals and offered to answer any questions.
  - Board asked about music starting, live music timing, and whether doors are open through performances.
    - Applicant stated that doors are closed through live music performances. Typically, shows begin at 7 p.m. and end at midnight. Rarely do shows go past midnight.
  - Board asked about parking overflow plan.
    - Applicant stated that they inform patrons ahead of time of limited parking and suggest alternate modes of transportation.
  - Board asked about security or previous issues.
    - Applicant stated that security is on site, and no issues in past.

Public Comments

- None

Board Discussion

- Board asked staff about parking requirements per city ordinance.
  - Staff stated that building and site work will be required. This application is regarded as a nightclub use, requiring 1 parking space per 125 SF of tenant space. Parking lot will be restriped.
- Board asked for clarification on project upfits and surrounding complex remodels including parking lot improvements.
  - Staff stated that only the parking space required of the tenant will be fixed. The tenant is responsible for bringing the site into compliance. The landlord would be responsible for further improvements within the complex.

**\*Motion: Ken Betsch moved to approve special exception request S 23-343 with conditions. The motion was based on the findings that use is consistent with the Comprehensive Plan, the use would comply with the use-specific standards for the use, that the use is compatible with surrounding lands, and that the use does not have substantial adverse impacts. Conditions include:**

- 1. Operation of the facility shall be limited to a "nightclub" as defined by this Code, and shall substantially conform to the statements of the Applicant and the**

**content of the application. Modification of the facility's operation shall require the Applicant to seek a modification of the special exception permit. Operation of the business shall comply at all times with the provisions of the South Carolina Alcoholic Beverage Control Act and the regulations of the department of revenue.**

- 2. The Special Exception Permit is limited to the Applicant, David and Goliath, LLC (Geoff Cannada), and is not transferrable.**
- 3. The Special Exception Permit shall be recorded in the Greenville County Office of the Register of Deeds within 30 days 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 on the building and throughout the parking lot 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 and all its managers and employees responsible for serving any alcoholic beverage (current and future) shall participate in the merchant education/server training program offered by the Phoenix Center or comparable program offered by other vendors approved by the city police department. Evidence of satisfactory completion of this training for each employee shall be retained on-site and available for inspection by the administrator and the city police department. Current personnel shall receive training within 90 days of the date of the granting of a special exception permit and future personnel shall receive training within 30 days of hiring.**
- 10. Applicant shall retain a minimum of two security persons, of which at least one security person must be positioned outside the business, from the hours of 10:00 p.m. to 2:15 a.m. Additionally, when occupancy exceeds 200 persons occupying the premises, the Applicant shall retain a minimum ratio of one security person per one hundred persons occupying the premises from the hours of 10:00 p.m. to 2:15 a.m., as well as, 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. Repeated incidents requiring calls for service from law enforcement may be grounds for revocation of the permit.**
- 11. The Applicant shall designate staff at all ingress/egress points to be responsible for monitoring the flow of patrons and compliance with**

occupancy capacity. Monitoring of ingress/egress points may consist of the installation of emergency access/exit devices, as acceptable by the Fire Department, and in compliance with applicable building codes.

12. Interior sound amplification is prohibited except in areas specifically authorized on the approved floor plan and shall be directed away from the principal entrance or directed toward the interior of the building.
13. Outdoor live entertainment and exterior sound amplification is prohibited.
14. Exterior doors shall remain closed except to provide ingress and egress between the hours of 5:00 p.m. and 2:00 a.m. when interior music is amplified.
15. A copy of the special exception permit shall be maintained on the premises with other related inspection, licensing, and occupancy information.
16. Occupant capacity of the establishment shall comply with the life safety plan approved by the Building Codes Administrator.
17. The use shall comply with the Technical Advisory Committee findings and recommendations.

Seconded by Stephanie Gates.

The motion passed by a vote of 6-0.

**B. S 23-346**

Application by Pennoni Associates, Inc. (Jason Sheridan) on behalf of Driven Brands (Wilson Coor) dba Take 5 for a **SPECIAL EXCEPTION** to establish an 'Automobile wash' use in a C-3, Regional commercial district at **301 S PLEASANTBURG DR** (TM# 026600-01-01108, 026600-01-01121, 026600-01-01109)

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

Applicant Presentation

*Sean Faulkner, 2 West Washington Street, Greenville, SC*

- Spoke on behalf of Driven Brands, provided information on project area, Urban Node plans, neighboring businesses and why this use is compatible. Discussed topography and retaining wall, curb cuts and neighborhood requests from neighborhood meeting being met regarding Legrand Boulevard. The use is servicing both residential and businesses.
  - The Board asked about sound reduction proposal and about the presence of outside windows.
    - Jason Sheridan, project engineer, spoke to the proposed sound reduction plans with a 6 to 8 foot concrete wall around single equipment motor.
    - Micah Smith, project architect/COR3 Design – Sound reduction is not included in this design, but it has been done in other designs.

Public Comments

- Wiley Crittenden – Spoke against project with concerns about too many other car washes in the area as an owner of a self-serve car wash nearby.
- Mary Johnson, 10 Eastlan Drive - Lives across Laurens Road, and expressed concern that her house was going to be moved. Board chairman assured Murray that this project is not moving her home.

### Board Discussion

- The Board discussed uses of surrounding lands and how this use is appropriate for the area. Chris Price stated that the only concern was noise, but that was resolved upon discussion with Applicant. From the perspective of the Comprehensive Plan, this corner of the intersection would align better with the corridor classification than the urban node.

**\*Motion: Ken Betsch moved to approve the special exception request S 23-346 with conditions. The motion was based on the findings that use is consistent with the Comprehensive Plan, that the use will comply use-specific standards for the use, that the use is compatible with surrounding lands, and that the use does not have substantial adverse impacts. Conditions include:**

1. **The Special Exception Permit is limited to the Applicant, Driven Brands, and is not transferrable.**
2. **The use of the property shall substantially conform to the testimony of the applicant and the content of the application. Approval of this application does not constitute building and site approvals for the use. The provided architectural and civil plans will be reviewed for full compliance with the nonresidential design standards during the administrative permitting process.**
3. **The Special Exception Permit shall be recorded in the Greenville County Office of the Register of Deeds within 30 days upon execution by the Administrator.**
4. **A copy of the special exception permit shall be maintained on the premises with other related inspection, licensing, and occupancy information.**
5. **The Applicant shall take measures to ensure that noise associated with the use will comply with the City's noise ordinance.**
6. **The Applicant shall evaluate and provide cross-connectivity with the adjacent nonresidential property at 331 South Pleasantburg Drive (TM# 026600-01-01110).**

**Seconded by Stephanie Gates**

**The motion passed by a vote of 5-1.**

### **C. S 23-351**

Application by Satgalls Corporation (William Satterfield) dba Field House Downtown for a **SPECIAL EXCEPTION** to establish a 'Bar' use operating after midnight in a C-4, Central business district at **36 S MAIN ST** (TM# 000100-03-00700)

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

### Applicant Presentation

*William Satterfield, 644 North Main Street, Greenville, SC*

- Discussed reason for confusion surrounding single business having two addresses and the need to go through the proper processes. Applicant offered to answer questions from the Board.
  - Board asked about the smoking area 10 feet from customer entrance.
    - Applicant provided photo showing smoking area.

- Board asked about closing times and any previous bar issues and live music timing.
- Board asked about previous experience operating as a bar and if they encountered any issues.
  - Applicant stated that doors were closed at 10:00pm and that no issues were experienced. Applicant expressed willingness to close doors earlier in the event of live music.
- Board asked about TAC recommendations being met.
  - Applicant expressed willingness to comply with all TAC recommendations.

Public Comments

- None

Board Discussion

- None

**\*Motion: Stephanie Gates moved to approve the special exception request S 23-351 with 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. Operation of the facility shall be limited to a “bar” as defined by this Code, and shall substantially conform to the statements of the applicant and the content of the application. Modification of the facility's operation shall require the applicant to seek a modification of the special exception permit. Operation of the business shall comply at all times with the provisions of the South Carolina Alcoholic Beverage Control Act and the regulations of the department of revenue.
2. The special exception permit shall be limited to the applicant, Fieldhouse Downtown (Natalie Satterfield, William Satterfield, and/or Sattgals Corporation) and is not transferrable.
3. The Special Exception Permit shall be recorded in the Greenville County Office of the Register of Deeds within 30 days 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 on the building and throughout the parking lot 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 and all its managers and employees responsible for serving any alcoholic beverage (current and future) shall participate in the merchant education/server training program offered by the Phoenix Center or comparable program offered by other vendors approved by the city police department. Evidence of satisfactory completion of this training for each employee shall be retained on-site and available for inspection by the administrator and the city police department. Current personnel shall receive training within 90 days of the date of the granting of a special exception permit and future personnel shall receive training within 30 days of hiring.
  10. The Applicant shall retain a minimum of two (2) security persons of which at least one must be positioned outside the business from the hours of 10:00 p.m. to 1:15 a.m. Sunday through Thursday, and from the hours of 10:00 p.m. to 2:15 a.m. on Fridays and Saturdays, as well as, 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 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.
  11. The applicant shall designate staff at all ingress/egress points to be responsible for monitoring the flow of patrons and compliance with occupancy capacity. Monitoring of ingress/egress points may consist of the installation of emergency access/exit devices, as acceptable by the Fire Department, and in compliance with applicable building codes.
  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. Soundproofing measures shall be 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.
  13. Outdoor live entertainment and exterior sound amplification is prohibited.
  14. Exterior doors shall remain closed except to provide ingress and egress between the hours of 10:00 p.m. and 2:00 a.m.
  15. The Applicant shall confirm interior life safety design is conforming to building code and fire regulations through required permitting and inspections. Issuance of the special exception permit is contingent upon this condition being met.
  16. If outside queuing of patrons on the property and along public sidewalks occurs, the security person(s) shall ensure orderly behavior of patrons so as to not negatively impact surrounding lands and safe use of the public sidewalks.
  17. A copy of the special exception permit shall be maintained on the premises with other related inspection, licensing, and occupancy information.

18. **Occupant capacity of the establishment shall comply with the life safety plan approved by the Building Codes Administrator.**
19. **The existing covered patio area along South Main Street shall be closed by 12:00 midnight. When the existing covered patio area is open, the Applicant shall ensure that staff and security adequately monitor occupancy of all spaces and that alcohol consumption remains in compliance with the business' alcoholic beverage license.**

**Seconded by Lauren Rounsville.**

**The motion passed by a vote of 6-0.**

**D. S 23-358**

Application by HPM, LLC (Christopher Hogan) for a **SPECIAL EXCEPTION** to establish a 'Bed and breakfast inn' (short-term rental) use operating in a RM-2, Single-family and multifamily residential district at **319 GROVE RD** (TM# 021800-07-01300)

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

Applicant Presentation

*Christopher Hogan, 319 Grove Road, Greenville, SC*

- Provided background with history of owning rental properties and desire to use house as a bed and breakfast to help supplement income and upkeep of property. The primary concern at the neighborhood meeting was it would be a party house. Applicant made clear that rental would be owner occupied. The neighborhood had no further concerns. No more than six people would be staying on the property at one time. Applicant discussed how previously denied nearby bed and breakfast application differs from his property and operation. Applicant noted that property is the last residential lot before it transitions to commercial areas. Under new zoning, the downgraded classification will negatively impact the value of property.

Public Comments

- None

Board Discussion

- The Board discussed proximity to commercial nodes, uniqueness of this application, and the functionality with parameters of the code. Concern was expressed due to the residential area surrounding the property regardless of high intensity traffic on Grove Road. The Board asked about illegal short-term rentals operating around Grove Road.
  - Staff stated that no new complaints surrounding short term rentals on Grove Road have been noted.
- Board discussed ambiguity around the GVL 2040 Comprehensive Plan map.
  - Assistant City Manager Shannon Lavrin explained the intentional ambiguity of map to allow for flexibility and interpretation.

**\*Motion: Ken Betsch moved to deny the special exception request S 23-358. The motion was based on the findings that the use is consistent with the Comprehensive Plan, that the use will comply with the use-specific standards, that**



**the commercial use is not compatible with surrounding residential lands, and that the use does not have substantial adverse impacts. Conditions include:**

- 1. The Special Exception Permit shall be limited to the Applicant, HPM, LLC and Christopher Hogan, and shall not be transferrable.**
- 2. The Special Exception Permit shall be recorded in the Greenville County Office of the Register of Deeds within 30 days upon execution by the Administrator.**
- 3. The use of the property shall substantially conform to the testimony of the Applicant and the content of the application and submitted documents.**
- 4. Loading, unloading, and parking for short term rental guests shall be limited to the off-street parking locations identified in the application. The Applicant shall take measures to ensure that short term rental guests are informed of this requirement.**
- 5. The Applicant shall monitor noise associated with the use and shall comply with the City's noise ordinance. If a noise violation or similar violation occurs at the property due to a short-term rental guest, the Applicant shall notify the Planning Department in writing of the incident. A pattern of noise ordinance violations shall be grounds for revocation of the Special Exception Permit.**
- 6. The number of short-term rental guests occupying the subject property shall not exceed six (6) persons.**

**Seconded by Mark Herro.**

**The motion failed by a vote of 2-4. Gates, Patel, Price, and Rounsville voted against the motion.**

**\*Motion: Stephanie Gates moved to approve the special exception request S 23-358 with 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 Special Exception Permit shall be limited to the Applicant, HPM, LLC and Christopher Hogan, and shall not be transferrable.**
- 2. The Special Exception Permit shall be recorded in the Greenville County Office of the Register of Deeds within 30 days upon execution by the Administrator.**
- 3. The use of the property shall substantially conform to the testimony of the Applicant and the content of the application and submitted documents.**
- 4. Loading, unloading, and parking for short term rental guests shall be limited to the off-street parking locations identified in the application. The Applicant shall take measures to ensure that short term rental guests are informed of this requirement.**
- 5. The Applicant shall monitor noise associated with the use and shall comply with the City's noise ordinance. If a noise violation or similar violation occurs at the property due to a short-term rental guest, the Applicant shall notify the Planning Department in writing of the incident. A pattern of noise ordinance violations shall be grounds for revocation of the Special Exception Permit.**
- 6. The number of short-term rental guests occupying the subject property shall not exceed six (6) persons.**

7. **The Applicant shall maintain existing hedges surrounding the property to provide a buffer to neighboring residences.**

**Seconded by Laurens Rounsville.**

**The motion passes by a vote of 4-2. Betsch and Herro voted against the motion.**

## **10. Other Business**

### **A. Staff update on current planning projects**

Kristopher Kurjiaka, Principal Development Planner, provided an update on the new Development Code.

## **11. Adjournment**

The meeting adjourned at 5:47 p.m.

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

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**Minutes prepared by Sharon Key, Amanda Oler, and Ross Zelenske.**