



**City of Greenville  
Board of Zoning Appeals  
Minutes of the May 13<sup>th</sup>, 2021 Regular Meeting  
Virtual Meeting – City Hall 4:00 PM  
Meeting Notice Posted on April 28<sup>th</sup>, 2021  
Minutes prepared by Matt Lonnerstater**

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Members Present: Chris Price (Chair), Seph Wunder (Vice-Chair), Stephanie Gates, 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; Calin Owens, Mobility Coordinator; Michael Frixen, Assistant to the City Manager.

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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 4:01 PM.

**APPROVAL OF MINUTES:** The Board approved the minutes for the April 6<sup>th</sup>, 2021 Agenda Workshop and April 8<sup>th</sup>, 2021 Regular Meeting and Public Hearing.

**PUBLIC NOTICE AFFIDAVITS:** In order

**ACCEPTANCE OF AGENDA:** The Board approved the May 13<sup>th</sup>, 2021 agenda as presented.

**CONFLICT OF INTEREST:** None stated.

**NEW BUSINESS:**

**A. S 21-292**

Application by UPSTATESCICE, LLC dba Rita's Italian Ice & Frozen Custard for a **SPECIAL EXCEPTION** to establish a restaurant with a drive-through window at **409 MILLS AVE.** (TM# 021900-12-00400).

Staff report presented by Matthew 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: Approval with conditions.**

### Applicant presentation:

- Richard McFeely, applicant, 308 Ducktrap Ct., Simpsonville, SC 29681, stated a concern regarding the photo-cell condition and stated that the proposed menu board will not be a dynamic digital board, but rather illuminated via traditional interior lightbulbs and potentially a canopy light.
- Chairman Price asked staff if the proposed photo-cell condition is required per the Land Management Ordinance. Planner Lonnerstater clarified that the proposed condition is listed as a requirement for electronic message board, but is not an explicit requirement for menu boards. Planner Lonnerstater presented the rendering of the proposed menu board, which is proposed in the same location as the existing board.

### Public comments:

- Jennifer Driscoll, 332 West Prentiss Ave., stated that a previous tenant at this location featured a bright red sign that created a nuisance and asked the applicant to clarify their intent for signage.
  - Mr. McFeely responded that a new awning sign is proposed with a light that will shut off after business hours.

### Board Discussion

**\*Motion: Seph Wunder made a motion to approve special exception S 21-292 for a drive-through use at 409 Mills Ave. based on the findings outlined in the Staff Report and the testimony of the Applicant, with the following conditions: 1) The drive-through window shall close no later than 10 p.m.; 2) Menu board lighting shall be turned off no later than one-half (1/2) hour after the drive-through window closes.; 3) The Applicant shall submit a sign permit application for the proposed menu board and any subsequent modifications; 4) Staff shall have the authority to work with the Applicant to adjust the menu board lighting in a manner to reduce the brightness beyond the property lines; and 5) The operation of the establishment shall substantially conform to the testimony of the Applicant and the content of the application.**

**Stephanie Gates seconded the motion.**

**The motion was approved by a vote of 4-0.**

### **B. S 21-293**

Application by TAP Worldwide, LLC d/b/a 4 Wheel Parts (4WP) for a **SPECIAL EXCEPTION** to establish an automobile service use at **1018 WOODRUFF RD.** (TM# 054501-01-02507).

### 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: Approval, with conditions.**
- Frederick Turner asked staff to clarify the proposed business hours. Planner Lonnerstater deferred to the applicant.

### Applicant presentation:

- Matthew Huffman, 400 W. Artesis Blvd., Compton, CA 90220, Applicant, was available to answer any questions. Mr. Huffman provided a brief overview of the proposed business and clarified that the proposed business hours are Monday thru Friday 9 a.m. - 6 p.m. and Saturday 9 a.m. - 2 p.m.

### Public comments:

- No one from the public spoke in favor or against the application.

Board Discussion

**\*Motion:** Seph Wunder made a motion to approve special exception request S 21-293 for an automobile service use at 1018 Woodruff Rd. based on the findings outlined in the Staff Report and the testimony of the applicant, with the following conditions: 1) The operation of the establishment 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, TAP Worldwide, LLC dba 4 Wheel Parts, and shall not be transferrable.

Frederick Turner seconded the motion.

The motion was approved by a vote of 4-0.

**OTHER BUSINESS: None**

Meeting adjourned at 4:45 PM