



MINUTES

REGULAR MEETING OF BOARD OF ZONING APPEALS

THURSDAY, OCTOBER 9, 2025 - 4:00 PM

Greenville City Hall, Council Chambers, 10th Floor

206 S. Main Street

Greenville, South Carolina 29601

Citizens may access the meeting at the following web address:

<https://www.greenvillesc.gov/meeting>

1. Call to Order

Chair Ken Betsch called the meeting to order at 4:01 PM.

2. Welcome and Opening Remarks from the Chair

Chair Ken Betsch invited the other members to introduce themselves, provided normal beginning procedures for the meeting, explained the agenda, and outlined the rules for procedure.

3. Roll Call

Ross Zelenske moved on to roll call of board members in attendance.

Members Present:

Chair Ken Betsch, Tammy Johnson, Al Horrigan, and Sam Davis

Members Absent:

Vice Chair Lauren Rounsville, Matthew Praytor, and Mark Herro

Staff Present:

Mary Douglas Hirsch, Interim Planning Director; Kristopher Kurjiaka, Principal Development Planner; Ross Zelenske, Senior Development Planner; and Deanna Ensley, Planning Assistant

4. Approval of Minutes

A. Approval of Minutes for meeting on September 11, 2025

Sam Davis moved to approve the minutes. Al Horrigan seconded. The motion passed 4-0.

5. Call for Public Notice Affidavit from Applicants

Staff reported receiving all applicants' affidavits.

6. Acceptance of Agenda

Al Horrigan moved to approve the agenda. Sam Davis seconded. The motion passed 4-0.

7. Conflict of Interest Statement

None

8. OLD BUSINESS

A. **A 25-307 (Applicant has requested deferral to a date certain)**

Application by FMO Real Estate, LLC to **APPEAL** the administrator's decision to deny a permit to install a digital face on a billboard in a MX-D, Mixed Use Downtown district near the intersection of **N ACADEMY ST AND BUNCOMBE ST** (TM# 001400-05-00300)

Applicant has requested a deferral to the December 2025 meeting.

***MOTION:**

Tammy Johnson moved to accept deferral of A 25-307. Sam Davis seconded the motion. Motion passed 4-0.

9. NEW BUSINESS

A. **S 25-699**

Application by Nathanael Wilson Bennett dba Gaslight Bar and Grill for a **SPECIAL EXCEPTION** to operate a 'Bar or nightclub' use after midnight in a BG, Business General district at **600 KEITH DR** (TM# 028200-03-00200)

Staff report presented by Ross Zelenske. Staff recommends denial.

Questions to Staff:

Mr. Betsch asked about the applicant's request for sound amplification.

Mr. Zelenske stated that outside, the applicant was looking to keep speakers on the patio for background music, but no other music or performances, and that staff only asks those be turned off at midnight. He stated that inside, staff just asked for sound mitigation to ensure there weren't any noise violations and, as far as entertainment, staff didn't recommend approval of DJs, but live music was fine. When asked, he clarified that by live music, staff meant a single person with a microphone and maybe a guitar.

Mr. Betsch asked about the SLED officer for security requirements and was deferred to the applicant for response.

Mr. Davis asked for the reason for the application for a new permit.

Mr. Zelenske confirmed it was due to a change in ownership and that historically, they have been open past midnight.

Mr. Davis asked about the emergency call records being reviewed.

Mr. Zelenske stated that they reviewed the logs since the new owner took over and that the review found nothing and staff were not aware of anything prior either.

Mr. Betsch asked if the previous permit was to allow them to be open until 2 a.m. which was confirmed.

Ms. Johnson asked about the vote split.

Mr. Zelenske stated they would need a 2/3 majority vote to approve the application.

Mr. Horrigan asked for clarification on the live music and what the previous permit allowed.

Mr. Zelenske clarified live music allowances and stated he would have to review the previous permit in more detail to answer the question about the what was allowed in the previous permit and stated he'd look into that.

Ms. Johnson asked to clarify comments staff made about service delivery.

Mr. Zelenske confirmed they were referencing police and emergency response and how that impacts the 4th criteria about adverse effects to the surrounding community.

Ms. Hirsch stated a police Sergeant was present and available to answer specific

questions on policy reporting, but that the City's main concern was having officers pulled out of the downtown where there is a concentration of establishments.

Mr. Davis asked about the reference made to a recently established initiative on late night business and if there was an ordinance or any documents in writing on it and where the push for the initiative came from.

Ms. Hirsch clarified that was an internal task force to look at late-night businesses and Conditional Use and Special Exception permit holders compliance. She confirmed there were over 100 businesses with those permits, and with the various conditions possible for each, it can be hard to manage individually, so an interdepartmental task force spanning multiple departments was created to look at concerns and try to be more proactive about addressing those concerns. She stated the initiative was by staff and members within the City-manager's office and they are really looking to review best practices for the situation.

Mr. Betsch asked Sgt. Phillip Brown to speak on the concerns mentioned by Board members.

Sgt. Brown stated that there have been few calls for service for the location in question, but that there has been a felt increase in calls from midnight to 2 a.m. generally. He stated issues are bleeding over after last call until around 3 a.m. and largely are from having to pull resources from the road to keep order in the downtown area. He stated anecdotally, the business in question is not necessarily any kind of problem bar or business, and he pointed out that they have businesses in the same area where there is are large call volumes, but reiterated the concern is the calling of personnel from outside downtown.

Mr. Betsch asked if there has been an uptick in service calls over the last year generally, downtown or in general.

Sgt. Brown stated the crime data shows that there is a decrease in property and violent crimes, but there is the issue of an ever growing area of responsibility and seeing growing calls for service generally due to the growth of the city. He stated the dispatch system shows around 95k calls/year, and a 5-10k growth in call volume from last year alone.

Mr. Betsch asked if he felt the increase was directly related to expanding bar times from midnight to 2 a.m.

Sgt. Brown stated he couldn't comment on that, but pointed out a decrease in the number of bars elsewhere in Greenville County areas encouraging an increase in bars and nightclubs in Greenville, it's creating a situation where it's becoming a problem.

Ms. Johnson asked how the police department's budget was impacted by business licensing fees to help in addressing concerns and stated that ultimately, business license fees are revenue and if the City reduces the hours businesses can operate, it will also reduce the amount businesses can contribute in fees to staff resources.

Ms. Hirsch stated she did not have those figures available, but the board was looking at the appropriateness of the use for the late-night hours proposed and whether the application met the 4 criteria for getting a special exception.

Mr. Zelenske answered an earlier question by Mr. Horrigan on what kinds of entertainment were previously approved in the prior special exception, stating prior listed entertainment included TVs, jukebox, pool tables, and a golf game, but no information on music or DJs was listed so the new application would be a change from that entertainment use.

Mr. Horrigan asked about the hours of operations prior to the new applicant.

Mr. Zelenske stated the hours were Monday through Saturday being open until 2 a.m. and closing early on Sundays.

Applicants Present Project:

Nathanael Wilson Bennett, 1706 Winding Way, Taylors, SC

Mr. Bennett answered on the question related to security and SLED certification, he was in the process of working with companies that would be able to provide those certified officers.

Mr. Betsch asked if there was a reason for requesting to be open until 2 a.m.

Mr. Bennett stated he was trying to operate the business as it had been before he took over, He also stated that from the sales they make from 6-10 p.m., those sales are doubled within the next 2 hours, and the bulk of his business in during those late night hours, so largely its a revenue-based request.

Mr. Betsch asked for the plan for entertainment.

Mr. Bennett clarified that they had a karaoke DJ only and they were not looking to have a DJ for anything like dancing as there is no room for that in the business, only for karaoke. He also confirmed there is a touch tunes jukebox, but there are no other live bands or music and the only time the DJ plays music is when there is no one to sing along.

Ms. Johnson asked about other forms of entertainment in the business.

Mr. Bennett mentioned they have trivia and bingo a couple nights a week, but during the rest of week there aren't any special themes. He stated they'd tried other things like table-top games and drag shows, but neither of those really worked.

Mr. Horrigan asked about the staff recommendation of having the business only be open after midnight on Friday and Saturday.

Mr. Bennett stated they'd applied to be open until 2am just in case they decided to have any special events, but stated he really didn't have plans to be open until 2 a.m. outside of Fridays and Saturdays and special events.

Ms. Johnson asked about the ticketed events mentioned by staff and what those events might be.

Mr. Bennett stated that the requirement was unsolicited from them. He stated they'd done a bourbon tasting, but didn't think that was what was being referred to. He stated he thought it referred more to having outside entertainment come into the business and selling tickets for that, which Mr. Zelenske confirmed that it was purely for outside groups coming into the business.

Ms. Johnson asked if a cover charge was considered a ticketed event, which Mr. Zelenske confirmed it would not be.

Ms. Johnson asked about their age verification process.

Mr. Bennett stated they checked IDs at the bar counter or the door depending on the night and mentioned if he does get the special exception permit to operate until 2 a.m., he plans to get digital ID scanners.

Mr. Betsch asked if he had seen a big decrease in revenue when they were only open until midnight.

Mr. Bennett stated he didn't have the exact numbers, but yes as the sales after midnight were about an additional 30% of the sales up to midnight.

Ms. Johnson asked if he had been involved in the business before and if he'd had any service calls in the last months since buying the business.

Mr. Bennett stated he had only been involved as a guest prior, and there had not been any calls for service since he took over and believed on 2-3 in the 10 years since taking over.

Mr. Davis asked if he was okay with the 20 recommended staff conditions if approved.

Mr. Bennett confirmed he was, and that his only question was on not using DJs. He stated he just needed clarification on if his karaoke person is considered a DJ. Ms. Hirsch clarified that karaoke is fine, and that the issue is with DJs that can turn the music up really loud to incite a crowd. Mr. Bennett clarified that their downstairs patio speakers can be removed if that is a sticking point on the volume and that they were only connected to their jukebox, not to the DJ doing karaoke. Ms. Johnson asked if in doing karaoke it was encouraging an informal dance floor. Mr. Bennett confirmed people do dance, but only in a space the size of a couple tables as their building is too small for much else.

Public Comment:

None

Board/Commission Discussion:

Mr. Horrigan stated that it seems these requests are becoming a regular event and stated he hoped that City Council would address these concerns, but that he doesn't have a problem with it.

Ms. Johnson stated she was okay and thinks they should pass it, but stated she felt the condition referencing DJs needs to be cleaned up and that they needed to ensure the applicant has security on site. She pointed out that it is only going to get harder to find security that will do bars due to issues with finding insurance, but that they need to have coverage. She stated they needed to be clear that if they can't have security for a given night, they can't stay open past midnight.

Mr. Davis stated he was also okay to pass it and agreed with staff on their first 3 criteria findings, but on the 4th he didn't think staff's argument lines up with the role of BZA. He stated their role is to see how a use affects land nearby, and that even if it were to have a negative impact on downtown, that needs to be something that City Council addresses, not the Board.

Mr. Betsch stated he sees the issues downtown and recommends they go with the condition that it's just for Friday and Saturday nights. He stated he was encouraged by the applicant's demeanor and how he was not seeing the applicant trying to get around the rules and with its history and management in the past, he was fine with moving forward with the application. He pointed out they have asked for policy from City Council and need something for a long-term solution. He stated he would like to have them turn off the speakers on the patio as well.

***MOTION:**

Sam Davis moved to approve S 25-699 based on the following findings:

- a. The Proposed Special Exception Is Consistent with the Comprehensive Plan.**
- b. The Proposed Special Exception Complies With All Use Standards in Div. 19-3.4.**
- c. The Proposed Special Exception is Appropriate for its Location and Compatible with the Character of Surrounding Lands and the Uses Permitted in the Zoning Districts of Surrounding Lands, and Will Not Reduce Property Values of Surrounding Lands.**
- d. The Proposed Special Exception is Appropriate for its Location and Compatible with the Character of Surrounding Lands and the Uses**

Permitted in the Zoning Districts of Surrounding Lands, and Will Not Reduce Property Values of Surrounding Lands.

Conditions of the special exception include:

- 1. Operation of the facility shall be limited to a 'bar or nightclub' use, 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.**
- 2. The special exception permit is limited to the Applicant, Nathanael Wilson Bennett dba Gaslight Bar and Grill, and is not transferable.**
- 3. The business shall comply with the location standards established by the state. 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.**
- 4. Hours of operation shall not exceed past 2:00 a.m. on Friday and Saturday nights only. All other nights shall close by midnight. Food service shall be available until last call.**
- 5. 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.**
- 6. 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, prohibitions on smoking in violation of the City's smoking ordinance, adequate patron parking and applicable neighborhood parking restrictions.**
- 7. 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 30 days of the date of the issuance of the certificate of occupancy and future personnel shall receive training within 30 days of hiring.**
- 8. No person under the age of 21 shall be allowed on the premises after 10:00 p.m.**
- 9. The Applicant shall retain a minimum of two (2) security persons which must be positioned outside the business on 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 person positions be an off-duty sworn law enforcement officer. Repeated incidents requiring calls for service from law enforcement shall 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. Interior sound amplification must be located only as reflected on the approved floor plan and must be directed away from the principal entrance or directed toward the interior of the building. Sound baffling or other mitigation measures shall be taken to reduce noise and bass impacts to neighboring properties.
12. The establishment shall be prohibited from hosting or employing disc jockeys, with the clarification that karaoke operators are not understood to fall within this category.
13. The establishment shall be prohibited from hosting third-party ticketed events involving live music and similar types of entertainment. Examples of prohibited third-party ticketed events include, but are not limited to, comedians and musicians. In-house ticketed events shall be limited to up to four times a year.
14. Exterior doors and windows shall remain closed except to provide ingress and egress after 10:00 p.m.
15. Exterior sound amplification shall be prohibited and any existing speakers removed.
16. Outdoor entertainment shall be prohibited.
17. All outdoor dining and seating areas associated with the business shall be closed by 12:00 midnight. The Applicant shall take appropriate measures, such as fencing, signage, and staff management to ensure the outdoor dining and seating areas remain closed between these hours.
18. A pattern of noise complaints related to the business shall be grounds to require another meeting with the Technical Advisory Committee. Repeated noise violations may be grounds for revocation of the permit.
19. If outside queueing 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.
20. A copy of the special exception permit shall be maintained on the premises with other related inspection, licensing, and occupancy information.

Al Horrigan seconded the motion. Motion passed 4-0.

10. OTHER BUSINESS

A. Election of Chair and Vice-Chair

Sam Davis moved to defer item until November 2025. Motion second by Tammy Johnson. Motion approved 4-0.

B. Staff updates on Current Planning projects

None

11. Adjournment

Meeting adjourned at 5:00 PM.