



MINUTES

REGULAR MEETING OF BOARD OF ZONING APPEALS

THURSDAY, NOVEMBER 13, 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

Lauren Rounsville called the meeting to order at 4:04 PM.

2. Welcome and Opening Remarks from the Chair

Lauren Rounsville 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:

Vice Chair Lauren Rounsville, Mark Herro, Tammy Johnson, Sam Davis, Sean Scoopmire

Members Absent:

Matthew Praytor, Al Horrigan

Staff Present:

Mike Spinelli, Assistant City Attorney; Kristopher Kurjiaka, Principal Development Planner; Ross Zelenske, Senior Development Planner; and Deanna Ensley, Planning Assistant

4. Approval of Minutes

A. Approval of Minutes for meetings held on October 2, 2025 and October 9, 2025

Sam Davis moved to amend the minutes for the October 2, 2025 Special Called Meeting with changes clarifying his summary comments. Mark Herro seconded. The motion passed 5-0.

Sam Davis moved to approve the amended minutes for the October 2, 2025 meeting. Mark Herro seconded. The motion passed 5-0.

Sam Davis moved to amend the minutes for the October 9, 2025 Regular Meeting to correct a spelling error and to update the specific date of deferral. Tammy Johnson seconded. The motion passed 4-0. Sean Scoopmire abstained.

Sam Davis moved to approve the amended minutes for the October 9, 2025 meeting.

Tammy Johnson seconded. The motion passed 4-0. Sean Scoopmire abstained.

5. Call for Public Notice Affidavit from Applicants

Staff reported receiving all applicants' affidavits.

6. Acceptance of Agenda

Mark Herro moved to approve the agenda. Tammy Johnson seconded. The motion passed 5-0.

7. Conflict of Interest Statement

Tammy Johnson expressed a conflict with item S 22-762M.
Lauren Rounsville expressed a conflict with item S 25-917.
Sean Scoopmire expressed a conflict with item S 25-917.

Formal conflict of interest forms were provided to staff.

8. OLD BUSINESS

A. **S 25-185** *Application Withdrawn*

Application by Richmond Towne LLC (Christina Moir) for a **SPECIAL EXCEPTION** to establish an accessory 'drive-thru' use as part of a 'General food and beverage (up to 6,000 SF)' use in an MX-2, Mixed Use 2 district at **494 S PLEASANTBURG DR** (TM# 026600-01-01103, 026600-01-01136)

Staff noted that the applicant has withdrawn their application for item S 25-185.

B. **A 25-307** *Applicant requests deferral to January 8, 2026 meeting*

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)

Staff informed the Board of the nature of the deferral and that no vote was needed since the deferral was properly advertised.

C. **S 23-033M**

Application by Whistler Restaurant Group, LLC (Jessica Kearns) dba Reys for a **SPECIAL EXCEPTION** to modify a 'General Food or Beverage' and 'Bar' use operating after midnight in an MXS-D, Shopfront Downtown district at **20 N MAIN ST** (TM# 000100-05-00200)

Staff reported the applicant had contacted them just prior to the beginning of the meeting expressing their desire to defer their application due to an emergency.

***MOTION:**

Mark Herro moved to defer item S 23-033M to a date certain. Tammy Johnson seconded the motion. Motion passed 5-0.

9. NEW BUSINESS

A. **S 22-762M**

Application by The Cocktail Company (Howard Dozier) for a **SPECIAL EXCEPTION**

to modify a 'Bar or nightclub' use operating after midnight in an MXS-D, Shopfront Downtown district at **355 S MAIN ST STE 30** (TM# 006100-03-04115, 006100-03-04116)

Tammy Johnson left the meeting at 4:18 PM.

Staff report presented by Ross Zelenske. Staff recommends denial.

Questions to Staff:

Mr. Davis asked if the application was denied if their previous special exception would still be in effect and to clarify the number of violations and other punitive measures that had been taken for them.

Mr. Zelenske confirmed the existing special exception would still be in effect if the application was denied and explained there had been written warnings in response to a fire code violation, but no fines or suspensions. He stated staff had a follow-up meeting with the applicant to talk through the conditions of their special exception, which is when they found additional violations, but did not issue citations and since the follow-up meeting with staff, they had been in full compliance.

Mark Herro asked about the length of business and any noise violations are complaints since.

Mr. Zelenske stated since they opened in 2022, staff have not received any confirmation of violations and the applicant has also stated they have never received any violations or complaints about noise.

Mr. Scoopmire asked about during the fire code violation, if there was an estimate on how many people were in the building which staff answered they were not aware and had no way to track.

Mr. Scoopmire asked about the various City department opinions on the use of DJs and how many special exception permit holders were allowed to have DJs.

Mr. Zelenske stated he couldn't speak for other departments, but that there were representatives of various departments on TAC, who made recommendations for or against applications on a case-by-case basis. He stated there wasn't as much concern for the application in question given its history, but that the Planning department had more concerns as they are taking a more cautious approach to such applications and trying to be equal for applicants and there is the issue of noise concerns for other establishments of the same type as well as concerns with crowds/crowding. He also explained that they did not have formal numbers available on the number approved for DJs, but there are a chunk that are allowed.

Mr. Scoopmire asked for clarification on types of incidents discussed in the staff report.

Mr. Zelenske explained there was nothing out of the ordinary and that there would always be some calls for service, but the police filter out ones that may not pertain to the special exception such as suspicious persons, dine and dash, etc. He stated usually calls for service that would have an impact on the Planning department are routed already to staff.

Ms. Rounsville asked about any public comment made on the application, which staff explained they had not received any up to the meeting.

Applicants Present Project:

Howard Dozier, 101 Walnut St

Mr. Dozier stated he was the permit holder and he understands the cities concern regarding the recent fight videos, but stated he did not feel they catered to that type of clientele. He stated they had been in business for 25 years and know what music draws what people. He stated the initial call to come to talk with the City was in regard to security and the company they use is the only company available downtown to use. He

stated they have been having problems with them and the person that night was not the same guy who is usually there and the ball was dropped. He stated he is now having to hire a new person to manage to protect his investment downtown, but that there is not a lot to choose from right now. He stated that in his initial special exception application he'd listed he didn't at the time have a plan to have DJs, but didn't realize that that statement would preclude his ability to have them in the future and after he was made aware that he was not allowed to have them, stopped immediately, which has also cause sales to to down 30% as the DJs are a revenue generator. He pointed out they have had no past issues and there was only one time they have ever been at capacity and it was on new years eve. He stated they never have to mitigate capacity issues and they are very heavy on paying security for a place that is not doing that well and DJs help pay the bills. He pointed out TAC approved of the change, they haven't had any police calls to the inside of their business or any noise complaints in their history, and that DJs can only plug into their house speakers. He stated they were really caught off guard, but understand the City's stance and want to be part of the plan to fix whatever is going on.

Questions to Applicant:

Mr. Scoopmire asked about drink specials after midnight, where DJs are from and how they perform, and entrances/egress through the building.

Mr. Dozier explained they do not have drink specials after midnight as the state was very clear on their regulations and they try to guard the 8-10 liquor licenses they have. He explained DJs are mostly local, and they don't bring a lot of people, with 60-70 being normal on a good night for capacity and that the space is too tight for DJs to try to get people up and dancing in a crowd. He explained for entering and exiting, they are required to have 2, and they have 3, including an emergency exit patrons could use, so they've never had a problem with that.

Mark Herro asked about the number of nights a DJ is present and noise complaints/violations.

Mr. Dozier stated they usually only have a DJ 2-3 nights per week and have not had any issues with the neighbors or the landlord and they have never had any calls to the police to his knowledge.

Mr. Davis asked about the vibration from DJ equipment.

Mr. Dozier stated at most DJs will bring in 1 speaker, but most of the sound is from the in-house sound system that has low base and the speaker the DJ brings is usually only to assist them in being able to hear themselves playing.

Public Comment:

None

Board/Commission Discussion:

Mr. Herro stated he remembered their original application and that there were concerns from the board about noise emanating from the facility and at the time they were assured it wouldn't be a problem and it hasn't been. He stated due to the history and TAC approval, he was in favor of approving the modification.

Ms. Rounsville stated she also remembered the application and the discussion about the speakers and the kind of entertainment that would be present and the type of clientele the establishment would have.

Mr. Davis stated he leaned towards disapproving. He stated he didn't agree with staff's argument about DJs and the problems they outline, but stated he felt a pre-requisite to asking for a modification is that you follow the rules of the 1st special exception and since

they had a clear violation, he didn't feel confident they would uphold any additional or new conditions.

Mr. Scoopmire pointed out the proven track record of the establishment and that the Board wouldn't have to speculate on the impacts of the use with the circumstances. He also stated he struggled to understand where the no DJ concept was incorporated into the permit as it was based on the applicant's testimony and doesn't state it clearly in the permit. He stated the permit is essentially silent on that issue. He also stated based on location and environment, he saw the risks presented by DJ entertainment as being limited in this location and he didn't see this as being a loud rowdy scene. He stated he leaned towards approving, but pointed out they could make a condition to have a 6-month review with the administrator for a check in.

Mr. Davis stated he agreed with Mr. Scoopmire's points but still worried about setting a precedent that City staff will catch someone violating conditions of their permit and then bail them out.

Ms. Rounsville stated she also had a hard time understanding why the Board allowed 1-2 live performers, but no DJs, and she was at the meeting. She brought up an option of regulating frequency and stated she could understand both sides of the argument.

Mr. Dozier stated he had no idea of the no DJ clause as he assumed where his permit specifically allows entertainment/live music that it included DJs.

Mr. Zelenske pointed out the condition of a permit holder being consistent with the content of the application as a condition as where the interpretation for no DJs comes from. He stated he comes down to an applicant being consistent doing what they say they are going to do on their application as that is what staff use to base an approval off of. He said for special events, that is a separate conversation, but that applicants must be consistent with the language on their application and if they need to make changes, they need to contact staff to work through any issues.

Mr. Herro asked to confirm if the prior special exception permit limits which days the business can be open past midnight, which was confirmed. He also pointed out the issue of not having the permit clearly state the requirements and stated if they were going to hold businesses to specific standards, they should be listed on the permit.

Mr. Kurjiaka stated for clarification the prior permit fell under the old Land Management Ordinance, so the special exception was specifically for the bar use, not the hours of operation and that for the sake of the permit, some things can't be captured in the permit due to length issues for conditions.

Ms. Rounsville stated she didn't want to get into a discussion on the hours and that what was in the application should stand, but stated she liked Mr. Scoopmire's suggestion to revisit the application in 6 months if approved.

***MOTION:**

Mark Herro moved to approve S 22-762M as he finds the application meets the following criteria:

- 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 Design of the Proposed Special Exception Minimizes Adverse Effects, Including Visual Impacts of the Proposed Use on Adjacent Lands; Furthermore, the Proposed Special Exception Does Not Impose Significant Adverse Impact on Surrounding Lands Regarding Service Delivery, Parking and Loading, Odors, Noise, Glare, Vibration, and Does Not Create a Nuisance.**

He made the motion to include the following conditions:

- 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. Should the Applicant change from the current owner (Howard Dozier), the new owner shall meet with the Technical Advisory Committee to review any changes to the proposed business plan and need for modifications to the special exception permit.**
- 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 be substantially consistent with those stated by the Applicant and not exceed past 2:00 a.m. Food service shall be available until last call.**
- 5. Per Greenville Development Code Section 19-3.2.1.B.3., delivery, waste collection, and similar commercial traffic is prohibited between the hours of 10:00 p.m. and 7:00 a.m.**
- 6. Loitering, solicitation, and disorderly conduct is prohibited at all times; rules consistent with the provisions of this Code must be posted in conspicuous locations on the building and must 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, prohibitions on smoking in violation of the City's smoking ordinance, and adequate patron parking.**
- 9. The Applicant and all its managers and employees responsible to serve 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.

10. No person under the age of 21 shall be allowed on the premises after 10:00 p.m.
11. The Applicant shall retain a minimum of one (1) security person, which shall be positioned outside the business, on Thursdays from the hours of 10:00 p.m. and 2:15 a.m. and a minimum of two (2) security persons, of which at least one shall 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 required security person positions to 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. If two or more incidents involve failure to comply with occupant capacity requirements on Thursdays, the City of Greenville can then require that an additional security person be retained on Thursdays.
12. The Applicant shall designate staff at all ingress/egress points to be responsible for monitoring the flow of patrons and confirmation of compliance with allowable occupant 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.
13. 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.
14. Exterior doors and windows shall remain closed except to provide ingress and egress after 10:00 p.m.
15. Exterior sound amplification is prohibited.
16. Operation and maintenance of the facility, regardless of the hours permitted to be open to the public, shall comply with the Noise Ordinance, Chapter 16, Article II, Division 3 of the City Code. 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.
17. 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.
18. A copy of the special exception permit shall be maintained on the premises with other related inspection, licensing, and occupancy information.
19. The use shall comply with the Technical Advisory Committee findings and

recommendations.

20. The Applicant shall have a follow-up meeting with the Administrator 6-months after issuance of the special exception permit to verify compliance of use. The Administrator shall provide the Board of Zoning Appeals a report on the meeting and any violations by June 2026.

Sean Scoopmire seconded the motion. Motion passed 3-1. Sam Davis voted no.

Tammy Johnson returned at 5:21 PM.

- B. **V 25-815** *Application administratively deferred to date certain*
Application by Raybrook Homes (Chad Tompson) for a **VARIANCE** to modify the front setback in a RH-C, House C district at **206 PRINCETON AV** (TM# 028000-02-18400)

Staff explained that item V 25-815 would be deferred to a date certain and that no vote was needed since the deferral was properly advertised.

- C. **S 25-917**
Application by McAdams (David Bergmark) on behalf of The Huntington National Bank (Nick Coventry) for a **SPECIAL EXCEPTION** to establish an accessory 'drive-thru' use as part of a 'General retail (up to 6,000 SF)' use in an MX-2, Mixed Use 2 district at **1601 LAURENS RD** (TM# 025700-08-00101)

Staff explained that item S 25-917 would need to be deferred to a date certain as quorum was not met for the discussion.

***MOTION:**

Mark Herro moved to defer item S 25-917 to a date certain. Sam Davis seconded the motion. Motion passed 3-0 with Lauren Rounsville and Sean Scoopmire abstaining.

10. OTHER BUSINESS

- A. Election of Chair and Vice-Chair

Mark Herro made a nomination for Lauren Rounsville to be Chair. Sam Davis seconded. Lauren Rounsville accepted the nomination. Motion approved 4-0. Lauren Rounsville abstained.

Sam Davis made a nomination for Mark Herro to be Vice Chair. Tammy Johnson seconded. Mark Herro accepted the nomination. Motion approved 4-0. Mark Herro abstained.

- B. Staff Updates

Staff provided updates on the entertainment district overlay proposal.

Ms. Rounsville asked about the bar and nightclub use impacts.

Mr. Zelenske stated it would only impact hours of operation and sidewalk encroachments after midnight and would not impact existing uses.

Mr. Davis asked about the sidewalk encroachments and since those are reviewed annually, if they could be impacted and asked staff to summarize the other modifications.

Mr. Kurjiaka stated there were still some points of discussion by City Council for the

sidewalk encroachments and Mr. Zelenske stated the only other point of discussion was a re-evaluation of the overlay district at the year mark, but there was not a sunset clause on it.

Ms. Johnson asked if modifications to existing businesses would be impacted and if there were any ongoing projects that may be impacted as they go through the process.

Staff stated it would allow for some modifications to existing businesses/permits, but would not allow the extension of hours of operation or changes to occupancy and that there were no ongoing projects staff was aware of that would be impacted, but there were some conversations of transferability mentioned unrelated to the overlay discussion.

Ross Zelenske gave an update on the upcoming Board calendar for 2026.

Staff reported that the bylaws approved by the Board last year were passed by City Council and were now in effect.

11. Adjournment

Meeting adjourned at 5:36 PM.