



MINUTES

REGULAR MEETING OF BOARD OF ZONING APPEALS

THURSDAY, JANUARY 8, 2026 - 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 Lauren Rounsville called the meeting to order at 4:01 p.m.

2. Welcome and Opening Remarks from the Chair

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:

Chair Lauren Rounsville, Vice Chair Mark Herro, Matthew Praytor, Sam Davis, and Sean Scoopmire

Members Absent:

Tammy Johnson, Al Horrigan

Staff Present:

Steven Buckingham, Staff Legal Representation; Matthew Johnson, Official Appealed Legal Representation; Mary Douglas Hirsch, 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 December 11, 2025

Staff informed the Board that minutes for the December 11, 2025 regular meeting would be provided at the next regular meeting for review.

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 with the change of hearing New Business items before Old Business. Matthew Praytor seconded. The motion passed 5-0.

7. Conflict of Interest Statement

None

8. NEW BUSINESS

A. S 25-1004

Application by Michael Short 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 **430 WOODRUFF RD** (TM# 026200-01-00723)

Staff report presented by Ross Zelenske. Staff recommends approval.

Questions to Staff:

Mr. Herro asked staff to clarify staff comments on an escape lane.

Mr. Zelenske stated the idea of the escape lane was if someone was to accidentally enter the lane, they would be able to exit without being stuck. However he said in this case, the thought was if someone were to start going through accidentally, they could turn left instead of right and that adding another lane would make the pedestrian lane longer and less safe.

Ms. Rounsville asked if the only entrance was from Woodruff Road which staff stated they could enter from the Legacy Academy side, but the one from Woodruff would be the only direct entrance.

Mr. Davis asked about the angled parking comments and if it was appropriate for that to be discussed at the meeting.

Mr. Zelenske stated theoretically they could change it, but that there were already mechanisms to review those comments through administrative plan review and pointed out it didn't necessarily have anything to do with the drive-thru use in question.

Applicant Presentation:

Michael Roth, 26 Elmsley Road, Greenville, SC

Mr. Roth introduced himself and stated their engineer was present to answer questions as well. He stated they had a letter of support from Legacy Academy and were not looking to deviate from standard requirements. He stated they had no issues with staff comments and would adhere to all use standards. He clarified their ATM would have a virtual teller function that would operate within regular business hours, but other regular ATM functions would be open 24-hours a day. He stated they were familiar with the noise ordinance and would adhere to those requirements. He stated angled parking had been reviewed, but due to an access easement on the property they would be unable to install parking that way. He stated his only concern was in comments made about delivery and waste collection and confirmed that any current issues that were ongoing with that would not continue once they took ownership and asked if the current property owners were not adhering to City requirements, that the board not hold that against the applicant.

Questions to Applicant:

Mr. Herro asked if they would be subdividing the lot to separate out the bank from the existing structures on the site which was confirmed, and they explained there would be a shared parking agreement in place prior to doing that.

Public Comment:

Jeff Norton, Bella Grove Homeowners Association

Mr. Norton commented that there are current noise issues with garbage being collected outside regulated hours and concerns with increases to traffic volume. He asked the City to investigate traffic light/control options and suggested adding a right turn only at Bella Grove Drive as a solution.

Board/Commission Discussion:

Mr. Herro and Mr. Scoopmire commented that they were both fine with the project. Ms. Rounsville pointed out it would have a lower traffic impact than other businesses. Mr. Davis stated his objections were similar to what they were two years ago for a similar project and stated that a drive-thru use doesn't always make sense in a mixed-use area so close to urban residential where it should have higher level expectations to approve it and so for that reason, he would vote to say no.

***MOTION:**

Mark Herro moved to approve item S 25-1004 based on meeting 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 is 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.**

The motion was made 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.**
- 2. The proposed building with drive-thru must meet all dimensional standards for the zoning district, including setbacks and build-to requirements of the MX-2 zoning district.**
- 3. The drive-thru area shall install a frontage screen meeting the requirements of Section 19-4.8.3.**
- 4. Devices for the transmission or voices used as part of the drive-thru operation must comply with Section 19-3.5.2.B.7.**
- 5. Per 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.**

Sean Scoopmire seconded the motion. Motion passed 4-1, with Sam Davis dissenting.

9. OLD BUSINESS

A. A 25-307

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 report presented by Ross Zelenske.

The official appealed report was presented by Kris Kurjiaka.

Appellant Presentation:

Craig Justice, 528 Chunns Cove Road, Asheville, NC

Mr. Justice presented two affidavits regarding the events leading up to the appeal, one from a general manager of Lamar and another from a witness, Ben Switzer. He stated they'd intended to present in October but claimed the staff report had added another reason for denial that had not been included in previous documentation they'd received. He also handed out a supplemental affidavit from Dan Parsons. He stated the affidavits speak from the standpoint of those who would know the facts of the case and stated staff said things that are factually not accurate, such as saying there would be an animated video face that he stated was factually not right. He stated Lamar adheres to the industry standards for their billboards and South Carolina state law as it relates to their digital faces. He stated they are not screening video, so they are not animated and pointed out there are several signs in the city that employ digital technology, citing a sign outside the Bon Secours Wellness Arena specifically. He stated that sign was not any different than what they had proposed. He stated clear laws were the responsibility of the City, and if you believe the laws are ambiguous, there shouldn't have been a denial in the first place. He stated the City's denial only gave one reason, that the sign was being expanded, but that staff had added an additional reason in their report for the nonconforming sign changing. He discussed the definition of a sign used by staff and argued that the language used in the Code did not specify a prohibition on replacing parts of a nonconforming billboard. He stated there were regulations that applied to other types of signage, but not specifically for billboards and argued if the City intended to restrict billboards further, they would have used similar language to restrict them as they do other types of signage. He stated since there are different types of signs and they are regulated differently in the language of the code, they could not expect rules that apply to other types of signage to apply to billboards. He stated that after they had submitted an appeal, staff had changed the rules at it related to billboards to close the gap, which he argued supported his argument that they were right. He stated compared to the other digital signs in other areas of the City, including the City operated one at the Wellness Arena, the one they had proposed would have a much lower impact. In closing, he argued they were not expanding their sign, were not causing harm, and there was no proof their proposed sign would be brighter or cause harm.

Public Comment:

None

Questions by the Board:

Mr. Scoomire asked for specifications from the 2012 as-built plan, including language for future changes anticipated at the time, and dimensions, which Mr. Justice provided.

Mr. Scoomire asked if the digital panel was allowed, what use regulations in the code

would apply to that use.

Mr. Justice stated he was not aware of specific ones dealing with the digital face other than state standards that would apply.

Mr. Scoopmire asked about the first affidavit's mentioning of operational standards and best/business practices for illumination and commented that the Code doesn't seem to specify anything on that.

Mr. Justice clarified there were photocell dimmer provisions in the lighting section of the Code, but stated it was for on-premise signs so wouldn't apply and he was not sure there is anything specific to billboards outside of state laws.

Mr. Scoopmire commented that in some ways it seemed the operation standards are implied for new signs through the special exception process, but it doesn't apply in this case since this is an old sign and asked to clarify if their contention was this is not an electronic message board which was confirmed.

Mr. Scoopmire asked if the sign operated with computer generated messages, if it would be able to change copy, and would display via LED, which were all confirmed.

Mr. Scoopmire stated it would not be an outdoor video screen but asked if it would have the ability to display like one.

Mr. Justice stated it would not be considered an outdoor video screen or electronic message board and stated though it may be able to run like one, it would be illegal to do so in the context of videos and Lamar would not do so.

Mr. Scoopmire asked about the construction dates of other digital signs mentioned in the presentation.

Mr. Justice stated he believed between 2013 and 2018, mentioning additional information in one of the affidavits, but clarified City Code refers to them all as type 1 outdoor advertising signs.

Mr. Scoopmire asked to clarify that the signs would then have been installed prior to the current Development Code, which was confirmed.

Mr. Herro asked if LED signs generate more income.

Mr. Justice stated it's more about location, but since you can have more advertisements in a shorter period, then yes. He stated that it still would not meet the definition of expanding the signage just because you can do more, as he argued the code doesn't explicitly regulate intensity in how frequently messages are changed.

Mr. Herro asked to see the original 2013 permit issued for the billboard in question to see if the permit referenced anything about the face of the billboard.

Mr. Justice stated the original affidavit made reference to it and the approved construction plans had language on them referencing the ability to add a digital face.

Mr. Zelenske stated in pulling the materials from 2013, the construction plans referenced were not included in those files. He also stated the approval specifies it is for a static display in the plan review comments, even if comments for a digital display were listed on any construction documentation.

Mr. Davis asked if the administrator's decision was overturned. Would it mean the applicant would come back to the Board to seek approval for the application.

Mr. Zelenske clarified if the Board reversed the administrator's decision, it would just fully approve the application, and they would not have to come back to the Board for approval.

Mr. Herro asked if both sides of the sign were proposed to be updated.

Mr. Justice stated only one of the faces was proposed to be changed and if the appeal was upheld, there would be no way for them to move forward.

Mr. Scoopmire asked if the panel was replaced, how it would be affixed to the frame and if parts of the original sign would need to be removed.

Mr. Justice confirmed the original sign face would need to be removed and the new digital

one put in its place, and it would be installed directly onto the frame.

Ms. Hirsch clarified that there have been changes made to the City Code every 6 months since 2023 and the changes have been across the board. She stated the changes in August referenced were not just for outdoor advertising signage.

Mr. Scoopmire asked about the extent of changes to the code.

Mr. Justice pointed out several parts that had changed and claimed it appeared to be in time with meetings they'd had with the City.

Mr. Scoopmire and Mr. Herro discussed the changes made to the Code.

Ms. Hirsch pointed out that any changes to the Code would not impact the application in question as they had appealed and were under the rules prior to any changes.

Mr. Praytor asked to confirm if the rules on faceplates for nonconforming, freestanding signs were inapplicable due to the language of it being for single tenants, which was confirmed.

Mr. Herro asked in the case of this being nonconforming, and if it was destroyed by 50% or more and required to be torn down, would it be able to be rebuilt with the LEDs or if that would increase its value.

Mr. Zelenske stated he didn't have any evidence on increase in value.

Mr. Justice stated there is a South Carolina court case that spoke to a thing being judged as a part versus a whole of the thing in a damaged/destroyed situation and suggested the Court would argue the whole thing would need to be reviewed, not just a section.

Official Appealed Rebuttal:

Matthew Johnson (attorney acting on behalf of the official appealed)

Mr. Johnson stated on the question of what is a sign, even if you take parts off, it's still a sign. He stated in looking at it in terms of what is nonconforming, it clearly states there will not be changes and this application clearly makes a change. He stated it is an expansion and though they suggest it's not, why would they need to apply for review if they are only changing a sign face. He stated there was an expansion, to the use and the financial gain for the sign. He pointed out staff doesn't know specifically what type of sign will be there, how it would be illuminated, etc. but that they do know it will be illuminated outward, not inward as the current sign is. He stated for clarification, there are certain districts where a Type 1 sign is allowed, and they'd talked about a couple that are specifically allowed by the City's Code. He clarified that the sign at the Bon Secours Arena was not owned by the City and doesn't fall under the same section as it is not a Type 1 outdoor advertising sign, so it was not comparable. He stated the analysis of the situation should be kept to reviewing the ordinance as it relates to the topic under discussion. He stated it's a nonconforming sign and an attempt to change, expand, or replace is not allowed under the Code.

Appellant Rebuttal:

Mr. Justice stated that the South Carolina's court's precedent is to rule in favor of the appellants in cases where there is code ambiguity. He stated the definitions used by the City's code could use some clarity, showing there is ambiguity. He pointed to the Bon Secours sign and asked for clarity on how that is defined in the Code as it didn't appear to fit anywhere and though he said it may not be owned by the city; it's owned by some government entity. He stated that sign would be more impactful than what had been proposed and stated that changes made to the code mattered and argued it showed they were right all along. He argued that based on the language of the code, to affirm the administrator's decision would mean the appellant changed or replaced the sign with another non-conforming sign, but asked the Board to point out what that other was, or to

agree that the change was an expansion of the sign itself, but stated it would actually be a smaller sign than what was existing. Lastly, he pointed out that any modification required that you go through staff for approval and since there was nothing explicitly prohibiting what was proposed, it should have been approved.

Board Deliberation:

Mr. Scoopmire stated in reviewing this case it would help to go through the structure of the Code and how it's written. He pointed out there is a distinction in the code between proposed signs and existing non-conforming signs, and he believes the intent is to not allow digital panels without approval from the Board. He stated that on sign types, including the large/temporary signs, the Board wouldn't hear appeals on these as they're allowed by right through administrative approval and a freestanding sign is a type of sign under this section and panels apply in this case. He said in looking at the sign code, the sign types have their own specific regulations, including whether electronic messaging is allowed, but clarified that those were for on-premise signs. He pointed out that outdoor advertising signs have separate regulations and there are not those same types of use standards for digital features. He stated for new billboards, it would have been up to the Board's discretion to review a proposal under the previous Code, but in this case where an older sign was being reviewed the nonconforming signs standards would be most applicable. He pointed out that the idea behind most nonconforming sign regulations were to phase out nonconforming signs over time. He stated within the nonconforming signs section there were two subsections, one for normal maintenance and one for status quo, or to not have any changes. This being said, he claimed the Board's job was to determine where the line was in this case on the proposed change and stated he had a hard time thinking the Code would be more liberal in its interpretation for nonconforming signs for this distinction. On the point of defining an expansion, he stated he believed the proposal at issue would constitute an expansion in use or site feature which would make it more nonconforming and clearly would not have been approved without a special exception in the first place. He stated he felt it was a reasonable interpretation of "expanded" to include the features and impact in determining if a use was becoming more nonconforming. He stated at the end of the day when it came to swapping out panels, he asked himself if swapping the panels on a billboard were the same as swapping panels on a on-premise tenant sign at a strip mall, which is said was a clear no and stated he felt staff got their decision right. He stated he sympathized with the applicant in their mentioning of other existing signs and agreed that many do show off-premises content, but stated those signs were not what was before them to decide and it's possible that those were all constructed before the adoption of the current code and are themselves now nonconforming.

Mr. Herro stated he appreciated Mr. Scoopmire's in-depth analysis and stated his opinion was that the proposal was an expansion of the nonconforming use as it increased the number of ads. He likened it to the older style of flipping vinyl billboards and the extra number of faces it could have. He also pointed out that if there was the ability to have it in 2013 in a prior approval, the appellant didn't do it in 2013, they asked to do it in 2025 after a prolonged period of time had passed and overall, he agreed with the administrator's decision.

Mr. Davis and Mr. Praytor also agreed that the proposal constituted an expansion of the use.

***MOTION:**

Sean Scoopmire moved to affirm the administrator's decision for item A 25-307

based on the following findings:

- The sign was legally erected in 2013 as part of a legal settlement with Fairway Outdoor Advertising;
- The sign is classified as a Type I outdoor advertising sign and that Type I outdoor advertising signs are subject to the standards of Greenville Development Code Section 19-4.11.6.;
- At time of application, a Type I outdoor advertising sign was permitted only in BG, BH, IX, and IG districts, and in the MX-D district in only two locations, neither of which apply;
- The sign does not conform with the standards of Greenville Development Code Section 19-4.11.6.A.2. because the sign is located on a property zoned MX-D, which only permits Type I outdoor advertising signs at two specific locations, neither of which include the location of this appeal;
- That changing nonconforming Type I outdoor advertising signs must comply with Greenville Development Code Section 19-6.3.4.;
- The proposed change would be in violation of the nonconforming sign provisions of Greenville Development Code Section 19-6.3.4.A.1. which state a nonconforming sign “may continue in operation” if the sign will not be changed to or replaced with another nonconforming sign or expanded;
- That installation of a digital display face that is outwardly illuminated with regularly changing content is a change, replacement, or expansion of the existing nonconforming sign contrary to Section 19-6.3.4.A.1.;
- The Appellant submitted a sworn affidavit that the proposed replacement would be digital, with a proposed change rate of messages of one every eight seconds, rather than static (see, Affidavit of Daniel Parsons, paras. 8-9);
- The Appellant submitted a sworn affidavit that the proposed digital sign emit a direct light, as opposed to indirect or reflective light (see, Affidavit of Ben Switzer, para. 10);
- Moreover, Appellant’s affidavit plainly states traditionally illuminated billboards averages “closer to 265 nits” but is proposing decreasing “digital brightness to approximately 300 nits” at night, which Appellant argues appears “about the same” to the naked eye, but Appellant’s affidavits suggest increased digital brightness see, Affidavit of Ben Switzer, para. 10);
- That the Zoning plan reviewer correctly denied the application to change the sign as the sign is a nonconforming sign and that the change would violate the nonconforming sign provisions; and
- Although Appellant submitted three affidavits (see, Affidavit of Daniel Parsons, Supplemental Affidavit of Daniel Parsons, and Affidavit of Ben Switzer) and numerous exhibits in favor of its application and this appeal, the Appellant has not offered sufficient evidence or documentation to support their claim that the Administrator erred in denying the application.

Mark Herro seconded the motion. Motion passed 5-0.

B. **S 25-1005** *Application withdrawn*

Application by Pharos Land Design (Duane Ensor, P.E.) on behalf of Michnoff, LLC (Robert Blumenthal) 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-3, Mixed Use 3 district at **298 S PLEASANTBURG DR** (TM# 026600-01-01106)

Staff noted the application was withdrawn and no further action needed.

10. OTHER BUSINESS

None

11. Adjournment

Meeting adjourned at 6:40 p.m.