

Board of Zoning Appeals

Official Agenda



AGENDA

BOARD OF ZONING APPEALS

A G E N D A

Regular Meeting

February 9, 2023

4:00 PM

The City of Greenville Board of Zoning Appeals will hold an in-person Public Hearing for the following items on Thursday, February 9, 2023 at 4:00 PM at the Greenville City Hall, Council Chambers, 10th Floor at 206 South Main Street. Those wishing to provide comment on an item may either provide written comment to staff or attend the in-person meeting.

Citizens may also view the meeting at the following web address:

[HTTPS://WWW.GREENVILLES.CGOV/1694/ONLINE-MEETINGS](https://www.greenvillesc.gov/1694/online-meetings)

1. **Call to Order**
2. **Welcome and Opening Remarks from the Chair**
3. **Roll Call**
4. **Approval of Minutes**
 - A. January 10, 2023 – Workshop
 - B. January 12, 2023 – Regular Meeting
 - C. January 25, 2023 – Joint Training Workshop
5. **Call for Public Notice Affidavit from Applicants**

6. **Acceptance of Agenda**

7. **Conflict of Interest Statement**

8. **OLD BUSINESS**

9. **NEW BUSINESS**

A. **S 21-781M**

Application by Group Therapy Pub & Playground, LLC (Matthew Hubbard) to modify a **SPECIAL EXCEPTION** to a expand a 'Bar' and 'Indoor entertainment facility' use in a C-4, Central business district at **320 FALLS ST STE G** (TM# 006100-03-04114, 006100-03-04115)

Documents:

[21-0781 S 21-781M AGENDA PACKET.PDF](#)

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B. **S 22-990**

Application by Bernard Peter Robichau II for a **SPECIAL EXCEPTION** to establish a 'Hotel' (short-term rental) use in an OD, Office and institutional district at **801 E NORTH ST UNIT 8** (TM# 004000-01-01208)

Documents:

[22-0990 S 22-990 AGENDA PACKET.PDF](#)

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C. **S 22-993**

Application by Suite Retreat, LLC (Jill Blume) for a **SPECIAL EXCEPTION** to establish a 'Hotel' (short-term rental) use in an OD, Office and institutional district at **15 WHITSETT ST** (TM# 004600-01-00700)

Documents:

[22-0993 S 22-993 AGENDA PACKET.PDF](#)

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D. **S 23-032**

Application by Weston Moore for a **SPECIAL EXCEPTION** to establish a 'Bed and breakfast inn' (short-term rental) use in a R-6, Single family residential district at **221 GROVE RD** (TM# 021800-02-01600)

Documents:

[23-0032 S 23-032 AGENDA PACKET.PDF](#)

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E. S 23-033

Application by Whistler Restaurant Group, LLC (Jessica Kearns) dba Reys for a **SPECIAL EXCEPTION** to operate a 'Restaurant, with indoor seating only' use after midnight in a C-4, Central business district at **20 N MAIN ST STE A** (TM# 000100-05-00200)

Documents:

[23-0033 S 23-033 AGENDA PACKET.PDF](#)

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10. OTHER BUSINESS

A. Staff update on current planning projects

B. Election of Chair and Vice Chair

11. Adjournment

Documents:

[02-09-2023 - BZA REGULAR MEETING AGENDA.PDF](#)



**Planning Staff Report to
Board of Zoning Appeals
February 4, 2023**
for the February 9, 2023 Public Hearing

Docket Number:	S 21-781M
Applicant:	Group Therapy Pub & Playground (Matthew Hubbard)
Property Owner:	CAP Camperdown Retail, LLC
Property Location:	320 Falls Street, Suite G
Tax Map Number:	006100-03-04114; 006100-03-04115
Acreage:	2.1
Zoning:	C-4, Central Business District
Proposal:	SPECIAL EXCEPTION to modify a 'Bar' use and 'Indoor entertainment facility' use, with operation after midnight

Applicable Sections of the City of Greenville Code of Ordinances:

Sec.19-2.1.3 (A) (1), *Board of Zoning Appeals/Powers and Duties/Special Exceptions*

Sec.19-2.3.5, *Special exception permit*

Sec.19-4.1, *Table of uses*

Sec. 19-4.3.3 (A), *Use-specific standards, Commercial uses, General*

Sec. 19-4.3.3 (F) (10), *Nightclub or bar*

Staff Recommendation: Approve with Conditions

Staff concludes that the Application complies with the standards to grant a Special Exception Permit as an **'Indoor entertainment facility'** and **'Bar', with operation after midnight**. If the Board decides to grant the Permit, Staff suggests the following conditions (conditions modified from the previous special exception are underlined):

1. The Special Exception Permit is limited to the applicant, Group Therapy Pub & Playground (Matthew Hubbard), and is not transferrable.
2. Operation of the facility shall be limited to a "nightclub/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 always comply with the provisions of the South Carolina Alcoholic Beverage Control Act and the regulations of the department of revenue.
3. Delivery, waste collection, and similar commercial traffic is prohibited between the hours of 12:00 midnight and 7:00 a.m.
4. Loitering, solicitation, and disorderly conduct is always prohibited. 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.
5. Exterior sound amplification and outdoor music is prohibited.

6. 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.
7. Exterior doors shall remain closed except to provide ingress and egress between the hours of 10:00 p.m. and 5:00 a.m.
8. 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.
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 approval of a special exception permit and future personnel shall receive training within 30 days of hire.
10. The applicant shall retain a minimum of two (2) security guards, of which one (1) shall be off-duty sworn law enforcement officer positioned outside the business on Fridays and Saturdays between the hours of 10:00 PM and 2:15 AM 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.
11. Occupant capacity of the establishment shall be established by the city building codes administrator. The applicant shall designate staff at all ingress/egress points as responsible to monitor the flow of patrons.
12. 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.
13. The applicant shall provide executed shared parking agreements, with the owners of the parking garages and any valet service parking site, cited in the applicant's testimony, that provide the required number of parking spaces indicated by the Land Management Ordinance for the use, on or before the time of the request for a Certificate of Occupancy (CO).
14. A copy of the special exception permit shall be maintained on premises with other related inspection, licensing, and occupancy information.
15. The Special Exception Permit shall be recorded in the Greenville County Office of the Register of Deeds upon execution by the Administrator.
16. The applicant shall work with a licensed architect to revise the current life safety plan to include the patio area. The life safety plan shall be signed and sealed by a licensed architect and comply with the South Carolina State Building and Fire Codes. The revised life safety plan shall be provided to the city's Building Codes and Fire Prevention Divisions as part of an updated occupancy permit.
17. The addition of an outdoor bar or the use of an alcoholic beverage cart to serve the outdoor patio area is prohibited, except when permitted through a temporary use permit.

18. When the outdoor patio area is open, the applicant shall ensure that security guards and staff remain capable of adequately monitoring occupancy of all spaces and that alcohol consumption remains in compliance with the business' alcoholic beverage license.
19. The applicant shall take measures to ensure all outdoor games played in the patio area are soundproofed to the maximum extent practical, comply with the city's noise ordinance, and cease by 10:00 p.m. A pattern of founded noise violations related to the outdoor games may result in the required removal of such games.

Staff Analysis:

The Applicant, Matthew Hubbard, with Group Therapy Pub & Playground, requests a modification of his existing special exception permit for an 'indoor entertainment facility' and 'bar' use operating after midnight in a C-4, Central business district. The subject site is located at 320 Falls Street, Suite G, with its main entry at the rear corner of the plaza, within the retail section of the Camperdown development.

Per Sections 19-4.1 (*Table of Uses*) and 19-4.3.3(A) and (F)(10) (*Use-specific standards for Commercial, General and Nightclubs or Bars*), a special exception permit is required for indoor entertainment facilities, bars, and any business in the C-4 district, with operations after midnight.

The establishment was reviewed and approved by the Board of Zoning Appeals in 2021, through special exception application S 21-781, and currently includes restaurant space, a bar area for beer, wine, and cocktails, an entertainment and game area, including mini golf, axe throwing, ice curling, ping pong. The business also features trivia, karaoke, and bingo nights. No changes to the inside of the business are proposed as part of this modification request.

The special exception modification would add an outdoor seating and play area within a defined portion of the plaza in front of the business on the existing plaza. The outdoor area would be fenced using planters or a similar barrier. A variety of layouts are proposed for the space. The area would feature a seating area with tables and chairs for patrons to enjoy food and drinks outside, heaters and fireplaces, and an alcoholic beverage cart that would be manned by a bartender. Outdoor games planned include Connect Four, Jenga, ladder ball, and cornhole.

The Applicant has indicated the business would continue to operate up to seven days a week with a closing time of 2:00 a.m., however the proposed outdoor patio area will cease operations after 10:00 p.m.

The Applicant has previously utilized the outside space for seating and outdoor games without proper approvals. Zoning enforcement staff contacted the Applicant to inform him that such change would need to be approved through a Certificate of Appropriateness and through a modified Special Exception Permit. A Certificate of Appropriateness has since been obtained.

The Technical Advisory Committee (TAC) met with the Applicant on January 23, 2023, and recommended approval of the special exception permit with updated conditions. These recommended conditions are listed at the end of this report.

The scope of review for this application is limited to the proposed changes to the use. The Board should avoid re-evaluating existing, unchanged conditions unless related to the modification. Should the Board deny the request, the business would continue operating under the original special exception.

A Special Exception Permit shall be approved only upon finding that the applicant demonstrates ***all*** the following are met:

1. The Use Is Consistent with the Comprehensive Plan(s):

The GVL2040 Comprehensive Plan identifies the subject property in the 'Center City' classification as part of the future land use map.

The 'Center City' classification is described as Greenville's downtown central business district. It contains a mix of land uses including but not limited to office, service, retail, entertainment, cultural,

government, civic, light manufacturing, and residential. Development is expected to be pedestrian-oriented and designed to actively engage streets, parks, plazas, the riverfront, and other public spaces.

The proposed 'bar' and 'indoor entertainment' aligns directly with the desired "entertainment" use in the Center City future land use classification and will bring additional pedestrian traffic through the plaza constructed as part of the Camperdown development.

Staff finds that the proposed use is consistent with the GVL 2040 Comprehensive Plan.

2. The Use Will Comply with the Use Specific Standards:

Use-specific standards for commercial uses and 'Bars', open after midnight, are listed below:

19-4.3.3. Commercial uses.

(A) General.

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- (2) *Commercial uses located within the OD, C-1, C-2, C-4, RDV, and PD districts open to the public between the hours of 12 midnight and 5:00 a.m. require a special exception permit, except when a conditional use permit is required, and, at a minimum, are subject to the following standards:*
 - (a) *The standards for granting a special exception permit.*
 - (b) *On-site traffic shall be directed away from abutting residential uses or residential districts between the hours of 12:00 midnight and 5:00 a.m.*
 - (c) *Delivery, waste collection, and similar commercial traffic is prohibited between the hours of 12:00 midnight and 5:00 a.m.*
 - (d) *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 and shall be enforced by the proprietors.*
 - (e) *Exterior sound amplification is prohibited except in areas specifically authorized on the approved site plan and/or floor plan; all amplified sound shall be directed inward toward the facility and away from any adjoining use or public property. No exterior amplified sound shall be permitted between the hours of 10:00 p.m. and 11:00 a.m. 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.*
 - (f) *Drive-through facilities shall be closed between the hours of 12:00 midnight and 5:00 a.m.*
 - (g) *Exterior doors shall remain closed except to provide ingress and egress between the hours of 10:00 p.m. and 5:00 a.m.*
 - (h) *The required permit, either special exception permit or conditional use permit, shall be limited to the applicant and shall not be transferrable. Copy of the special exception permit or the conditional use permit shall be maintained on the premises with other related inspection, licensing, and occupancy information.*

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(F) Retail sales and service.

(10) Nightclub or bar. In addition to complying with the standards for granting a special exception, such use shall comply with the location standards established by the state and:

- (a) *A conditional use permit shall be limited to the applicant or a legal entity authorized to be represented by the applicant, and shall not be transferrable.*
- (b) *Operation of the facility shall be limited to a "nightclub/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 conditional use 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.

- (c) At all times during its occupancy, the applicant shall assign a manager on the premises who shall ensure compliance with the terms of the conditional use permit, this Code, and the applicable S.C. Code of Laws and Regulations.*
- (d) The applicant and all of 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 conditional use permit and future personnel shall receive training within 30 days of hiring.*
- (e) As may be recommended by the technical advisory committee, the administrator may require the applicant to retain outdoor security persons during operation of the establishment. The security persons must possess a security officer registration certificate pursuant to S.C. Code 1976, title 40, chapter 18, 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.*
- (f) Occupant capacity of the establishment shall be established by the city building codes administrator. The applicant shall designate staff at all ingress/egress points to be responsible for monitoring the flow of patrons.*
- (g) Exterior sound amplification shall be prohibited except in areas specifically authorized on the approved site plan; all amplified sound shall be directed inward toward the facility and away from any adjoining use or public property. Specified hours of exterior sound amplification shall be limited by the permit.*
- (h) Interior sound amplification shall be located only as reflected on the approved floor plan and shall be directed away from the principal entrance or directed toward the interior of the building. Except to provide ingress and egress, exterior doors and windows shall remain closed after 10:00 p.m.*
- (i) Rooftop decks shall have perimeter guard railing above table surfaces.*
- (j) Loitering, solicitation, and disorderly conduct is prohibited at all times; rules consistent with the provisions of this Code shall be posted in conspicuous locations on the building and throughout the parking lot and shall be enforced by the proprietors.*
- (k) The application shall comply with city noise, smoking, and encroachment ordinances.*
- (l) A copy of the conditional use permit shall be maintained on the premises with other related inspection, licensing, and occupancy information.*
- (m) The administrator may attach additional conditions to the conditional use permit which will protect nearby uses from any adverse impacts reasonably expected to occur as a result of the operation of the nightclub/bar.*

The Applicant has stated their intent to comply with the use-specific criteria within their application.

Upon discussion with the Technical Advisory Committee, the Applicant displayed awareness of past noise complaints related to the outdoor activities and business in general from nearby residents. The Applicant stated they will monitor noise levels to ensure they remain in compliance with the City's noise ordinance and that they were exploring modifications to the outdoor games to reduce noise impacts. The Applicant confirmed that games in the patio area would cease by 10:00 p.m. and that the doors in the business would be closed at that time.

The Applicant discussed awareness of past issues related to alcohol staying on-premises and security needs. The Applicant stated that security guards and off-duty police will continue to be retained. A plan was in place for security to monitor patrons taking beverages outside.

The Applicant confirmed that the plan was not to increase occupancy count with this additional seating area and that he would provide updates to all plans to ensure life safety compliance.

Staff recommends formal incorporation of TAC's recommended conditions, listed at the end of this report, into any motion for approval. Staff also recommends the incorporation of the applicable use specific standards as conditions of approval.

Staff finds, with appropriate conditions, the use complies with the specific use standards of the Land Management Ordinance.

3. The Use Is Compatible with the Character of Surrounding Lands:

Adjacent property is used (and zoned) as follows:

East:	Multifamily residential, retail, and offices (C-4, Central business district)
North:	Plaza, hotel, office, and surface parking (C-4)
West:	Office and performing arts center (C-4)
South:	Greenway, park, and structured parking (C-4)

The subject property is in the Camperdown development and is surrounded by C-4, Central business district zoning. Adjacent uses, within the development, include office to the west, multifamily residential to the east, a parking garage to the south, and the plaza, a hotel, and entry to the facility to the north. There is no second story to the Applicant's area of use. The building area above the area of use is covered primarily with the chillers for the office use and a pool for the multifamily section of the development. Other adjacent uses to the overall development are office, retail, and park/open space.

Although the use is located within a mixed-use environment, the proximity to residential and hotel uses warrants conditions and design considerations to ensure land use compatibility.

Staff finds, with appropriate conditions, the use is compatible with surrounding lands.

4. The Design Does Not Have Substantial Adverse Impact:

The Applicant has indicated that the only exterior changes will be to create a defined outdoor seating and game area. No exterior alterations to the building itself are proposed. No adverse visual or glare impacts are anticipated.

Parking for the use is expected to come from the Camperdown parking garage, other parking garages and surface lots within a five-minute walk, and on-street parking. Patrons should also be able to utilize the existing valet service already available at Camperdown.

Japanese Dogwood Lane functions as the primary service area for uses within the Camperdown development. Common loading/unloading and trash collection for the use will occur from this area. An on-street loading and unloading zone is also available on South Main Street. No adverse impacts are anticipated regarding delivery, parking, loading, and odors.

Live music and entertainment will continue to occur inside of the venue. The only outdoor activities included in the application are backyard games. Concerns have been expressed by residents of the nearby DECA apartments about past noise violations related to the games and venue itself.

Potential negative impacts of the use should be manageable if exterior doors remain closed, outdoor games are limited to 10:00 p.m., and Group Therapy security and staff monitor occupancy and noise levels during the later hours of the night. No substantial adverse noise and vibration impacts are anticipated nor is the use anticipated to create a public nuisance.

To minimize detrimental impacts on adjacent residential land uses, staff recommends approval of the special exception permit be conditioned upon the findings and recommendations of TAC, listed at the end of this report and within the Staff Recommendation.

Staff finds, with appropriate conditions, the design will not have substantial adverse impacts.

TAC Findings and Recommendation

Findings and recommendations are changed from the previous TAC report are underlined.

FINDINGS OF THE COMMITTEE:

1. The application, including the Application for Special Exception, Zoning Compliance Application, and all other documents submitted supplemental to those applications and received as part of the Board of Zoning Appeals files for this case prior to the Technical Advisory Committee review, is hereby incorporated and made a part of the findings of this Committee.
2. The applicant indicates the intent to operate an indoor entertainment facility, bar, and restaurant that will include an outdoor patio area.
3. The applicant indicates expected hours of operation of Monday thru Sunday, 11 am to 2 am, and age restricted to 21 years old and over after 7 pm. The patio area will operate until 10 pm.
4. The applicant indicates the layout of the business will include restaurant seating on one side, games on the other side, and bar services throughout, with dedicated spaces for private, VIP, or corporate functions. A patio area outside the main entrance will feature outdoor seating and games.
5. The applicant indicates weekday programming will include dedicated karaoke nights, bingo, and trivia nights, that begin approximately 5pm - 6pm, and end 2 am, or close of business, if there is insufficient demand.
6. The applicant indicates on weekends including Friday and Saturday nights, live entertainment will be available, which includes DJ's, bands, musicians, and singers, and additional karaoke opportunities that begin as early as 5 pm to close on Fridays, and from time of open to time of close on Saturdays and Sundays.
7. The applicant indicates that security will be provided by CAP Camperdown LLC, as provided for all tenants in the Camperdown development. The initial plan indoors is to have no in house security Sunday – Thursday open to close; Friday and Saturday from 7 pm till close there will be one security guard at the front door dedicated to security, checking ID's, and occupancy control during transition to 21+ only. In accordance with the current special exception permit, one off duty police officer is also positioned outside of the business from 9 pm till close on Friday and Saturday nights. Adjustments are made to the security plan depending on anticipated business volume.
8. The applicant indicates that parking is available in the parking garage directly below the business, the adjacent garage connected by breezeway, and through valet service off Falls Street, with most of the parking made available when the office uses on site vacate spaces.
9. The applicant indicates that occupancy maximums are anticipated to remain at the same levels with the addition of the outdoor patio. Changes will be made inside the space as required by code.
10. The applicant indicates that noise levels associated with the business and patio area will be monitored for compliance with the city's noise ordinance.

11. The applicant indicates that televisions will not be used in the outdoor patio area.
12. The applicant indicates that beer golf cart in the patio area will be staffed by an employee who has the necessary training in safe alcohol sales.
13. The applicant indicates that security staff will monitor occupancy levels at the door and will ensure that patrons understood where alcohol consumption can and cannot occur.

RECOMMENDATIONS OF THE COMMITTEE:

1. This Committee recommends that the Board of Zoning Appeals **approve** the application for a Special Exception Use Permit.
2. In order to prevent and/or minimize any potential adverse effects from the Applicant's business on surrounding uses, this Committee recommends that the Board of Zoning Appeals make the following recommendations a condition or conditions of the permit. These conditions are related in type and scale to the impact the proposed use would have on the public and surrounding land uses and are in addition to the standard requirements outlined in Section 19-4.3.3(F) of the Land Management Ordinance:
 - a. This Committee recommends the Applicant maintain hours of operation that are substantially consistent with those stated by the applicant.
 - b. This Committee recommends that all interior amplification be located only as reflected on the approved floor plan and be directed away from the principal entrance or directed toward the interior of the building.
 - c. This Committee recommends that, except to provide ingress and egress, exterior doors and windows shall remain closed after 10:00 pm.
 - d. This Committee recommends that any exterior sound amplification is prohibited except in areas specifically authorized on an approved site plan and/or floor plan; all amplified sound shall be directed inward toward the facility and away from any adjoining use or public property. No exterior amplified sound shall be permitted between the hours of 10:00 pm and 11:00 am.
 - e. This Committee recommends that the Applicant 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, adequate patron parking and applicable neighborhood parking restrictions.
 - f. This Committee recommends that 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.
 - g. This Committee recommends that the applicant and all of 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 conditional use permit and future personnel shall receive training within 30 days of hiring.

- h. This Committee recommends that the applicant shall retain a minimum of two (2) security guards, of which one (1) shall be off-duty sworn law enforcement officers positioned outside the business on Fridays and Saturdays from the hours of 10:00 PM and 2:15 AM and at any time while open for business, when it is reasonably anticipated that a larger-than-average number of patrons will 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.
- i. This Committee recommends the applicant work with a licensed architect to revise the current life safety plan to include the patio area. The life safety plan shall be signed and sealed by a licensed architect and comply with the South Carolina State Building and Fire Codes. The revised life safety plan shall be provided to the city's Building Codes and Fire Prevention Divisions as part of an updated occupancy permit.
- j. This Committee recommends that the addition of an outdoor bar or the use of an alcoholic beverage cart to serve the outdoor patio area is prohibited, except when permitted through a temporary use permit.
- k. This Committee recommends that when the outdoor patio area is open, the applicant ensure that security guards and staff remain capable of adequately monitoring occupancy of all spaces and that alcohol consumption remains in compliance with the business' alcoholic beverage license.
- l. This Committee recommends that the applicant take measures to ensure all outdoor games played in the patio area are soundproofed to the maximum extent practical and cease by 10:00 p.m. A pattern of founded noise violations related to the outdoor games may result in the required removal of such games.

Staff Comments

Fire Department Comments

Comments:

Outdoor layout not pending additional approvals shall be submitted if application is approved to FM office for further life safety approvals-may require permits. This will be because of heaters and potential fire pits.

Outdoor layout cannot interfere with the egress of the any of the spaces-no blocked exit doors.

Occupancy count needs to be decided to show the total number of occupants to include outdoor patio or will this receive an exclusive occupancy number that can be verified upon request.

City Engineer Comments

Comments:

No comments at time of staff report posting.

Civil Engineer Comments

Comments:

No comments.

Environmental Engineer Comments

Comments:

No comments.

Traffic Engineer Comments

Comments:

No comments at time of staff report posting.



Office Use Only:

Application# _____ Fees Paid _____

Date Received _____ Accepted By _____

APPLICATION FOR SPECIAL EXCEPTION CITY OF GREENVILLE, SOUTH CAROLINA

APPLICANT / PERMITTEE* Matthew Hubbard Group Therapy Pub & Playground / Owner

* _____
Name Title / Organization
permit may be limited to this entity. _____

APPLICANT'S REPRESENTATIVE: _____
(Optional) Name Title / Organization

MAILING ADDRESS: P.O. Box 731 Greenville, SC 29601

PHONE: 7066141758 EMAIL: matt@grouptherapy.fun

PROPERTY OWNER: CAP Camperdown Retail, LLC

MAILING ADDRESS: 12 East Broad St Greenville, SC 29601

PHONE: 8645173782 EMAIL: courtney.walters@cbre.com

PROPERTY INFORMATION

STREET ADDRESS: 320 Falls Street Ste G Greenville, SC 29601

TAX PARCEL #: 006100-03-04114; 0061 ACREAGE: 2.1 ZONING DESIGNATION: C-4, Central B

REQUEST

Refer to Article 19-4, Use Regulations, of the Land Management Ordinance (www.municode.com/library/)

DESCRIPTION OF PROPOSED LAND USE:

Property will be used as a restaurant serving food, alcohol and entertainment both indoors and outdoors on our patio staying open until 2am. Patio will close at 10PM

INSTRUCTIONS

1. The application and fee, **made payable to the City of Greenville**, must be received by the planning and development office no later than 5:00 pm of the date reflected on the attached schedule.

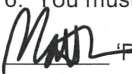
2. The applicant/owner must respond to the "standards" questions on page 2 of this application (you must answer "why" you believe the application meets the tests for the granting of a special exception). See also **Section 19-2.3.5, Special Exception Permit**, for additional information. You may attach a separate sheet addressing these questions.

3. You must attach a scaled drawing of the property that reflects, at a minimum, the following: (a) property lines, existing buildings, and other relevant site improvements; (b) the nature (and dimensions) of the proposed development (activity); (c) existing buildings and other relevant site improvements on adjacent properties; and, (d) topographic, natural features, etc. relevant to the requested special exception.

4. You must attach the required application fee: \$250.00

5. The administrator will review the application for "sufficiency" pursuant to **Section 19-2.2.6, Determination of Sufficiency**, prior to placing the application on the BZA agenda. If the application is determined to be "insufficient", the administrator will contact the applicant to request that the applicant resolve the deficiencies. **You are encouraged to schedule an application conference with a planner, who will review your application for "sufficiency" at the time it is submitted. Call (864) 467-4476 to schedule an appointment.**

6. You must post the subject property at least 15 days (but not more than 18 days) prior to the scheduled hearing date.

 'Public Hearing' signs are acknowledged as received by the applicant

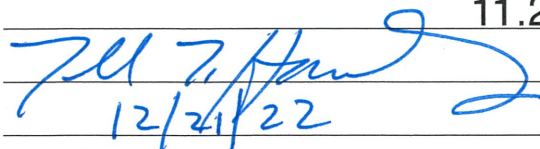

Applicant Signature

7. **Please read carefully:** The applicant and property owner affirm that all information submitted with this application; including any/all supplemental information is true and correct to the best of their knowledge and they have provided full disclosure of the relevant facts.

In addition the applicant affirms that the applicant or someone acting on the applicant's behalf has made a reasonable effort to determine whether a deed or other document places one or more restrictions on the property that preclude or impede the intended use and has found no record of such a restriction.

If the planning office by separate inquiry determines that such a restriction exists, it shall notify the applicant. If the applicant does not withdraw or modify the application in a timely manner, or act to have the restriction terminated or waived, then the planning office will indicate in its report to the Board of Zoning Appeals that granting the requested change would not likely result in the benefit the applicant seeks.

To that end, the applicant hereby affirms that the tract or parcel of land subject of the attached application is ☐ or is not ☒ restricted by any recorded covenant that is contrary to, conflicts with, or prohibits the requested activity.

	APPLICANT / REPRESENTATIVE SIGNATURE
11.20.22	DATE
	PROPERTY OWNER SIGNATURE
12/21/22	DATE

APPLICANT RESPONSE TO
SECTION 19-2.3.5(D)(1), STANDARDS – SPECIAL EXCEPTION

(YOU MAY ATTACH A SEPARATE SHEET)

1. DESCRIBE THE WAYS IN WHICH THE PROPOSED SPECIAL EXCEPTION IS CONSISTENT WITH THE COMPREHENSIVE PLAN.

offer.

2. DESCRIBE THE WAYS IN WHICH THE REQUEST WILL COMPLY WITH THE STANDARDS IN **SECTION 19-4.3, USE SPECIFIC STANDARDS.**

We will comply with the uses stated in section 19-4.3

3. DESCRIBE THE WAYS IN WHICH THE REQUEST IS APPROPRIATE FOR ITS LOCATION AND IS COMPATIBLE WITH THE CHARACTER OF EXISTING AND PERMITTED USES OF SURROUNDING LANDS AND WILL NOT REDUCE THE PROPERTY VALUES THEREOF.

4. DESCRIBE THE WAYS IN WHICH THE REQUEST WILL MINIMIZE ADVERSE EFFECTS ON ADJACENT LANDS INCLUDING: VISUAL IMPACTS; SERVICE DELIVERY; PARKING AND LOADING; ODORS; NOISE; GLARE; AND, VIBRATION. DESCRIBE THE WAYS IN WHICH THE REQUEST WILL NOT CREATE A NUISANCE.

7/16

APPLICANT RESPONSE TO
SECTION 19-2.3.5(D)(2), STANDARDS – CHANGE IN NONCONFORMING USE

(YOU MAY ATTACH A SEPARATE SHEET)

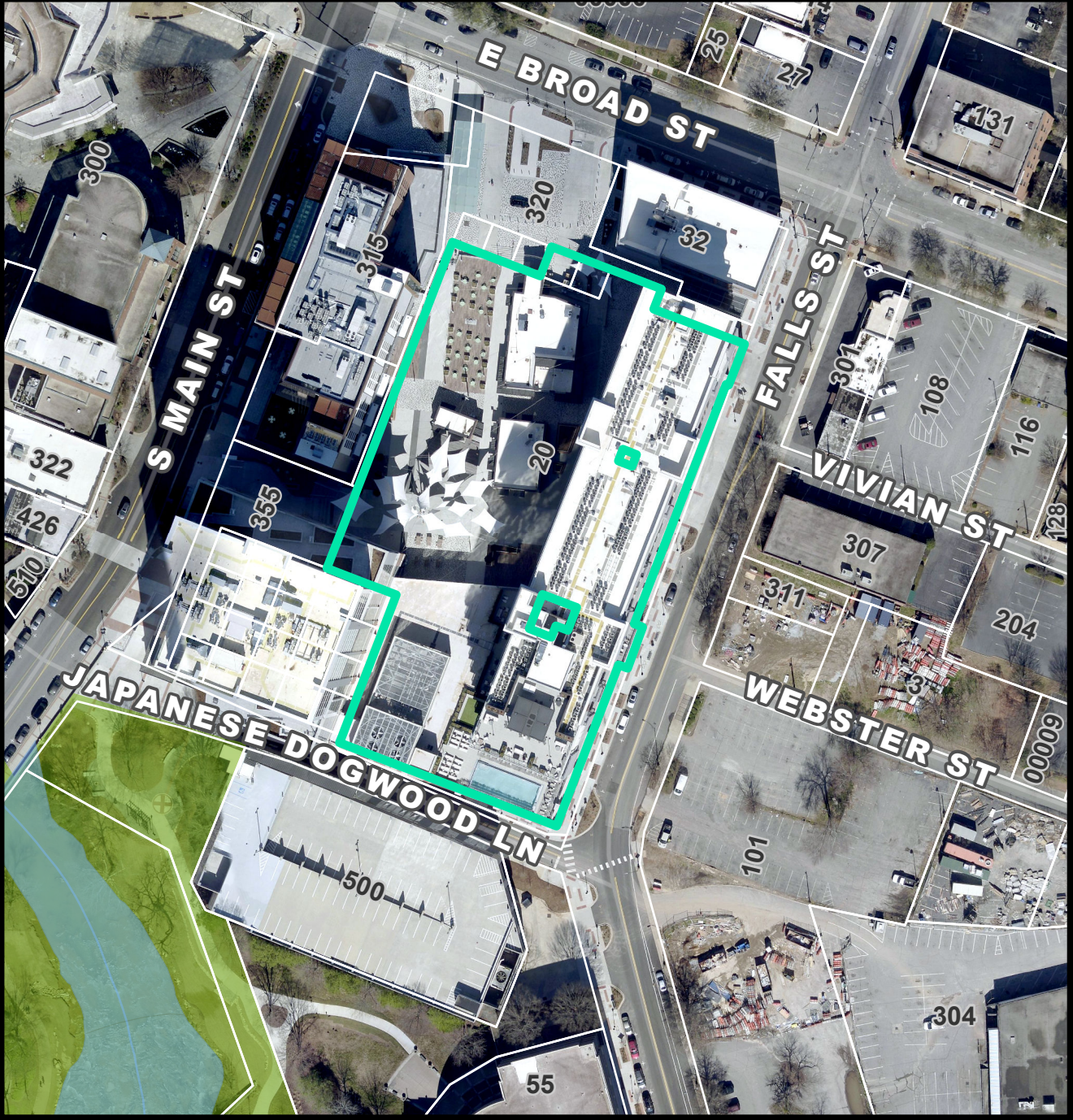
1. DESCRIBE THE WAYS IN WHICH THE PROPOSED NONCONFORMING USE IS MORE IN CHARACTER WITH, OR EQUAL TO, THE USES OTHERWISE PERMITTED IN THE ZONING DISTRICT THAN THE EXISTING OR PRIOR NONCONFORMING USES.

2. DESCRIBE THE WAYS IN WHICH THE PROPOSED NONCONFORMING USE WILL NOT SUBSTANTIALLY AND PERMANENTLY INJURE THE USE OF NEIGHBORING PROPERTY FOR THOSE USES PERMITTED WITHIN THE RELEVANT ZONING DISTRICT(S).

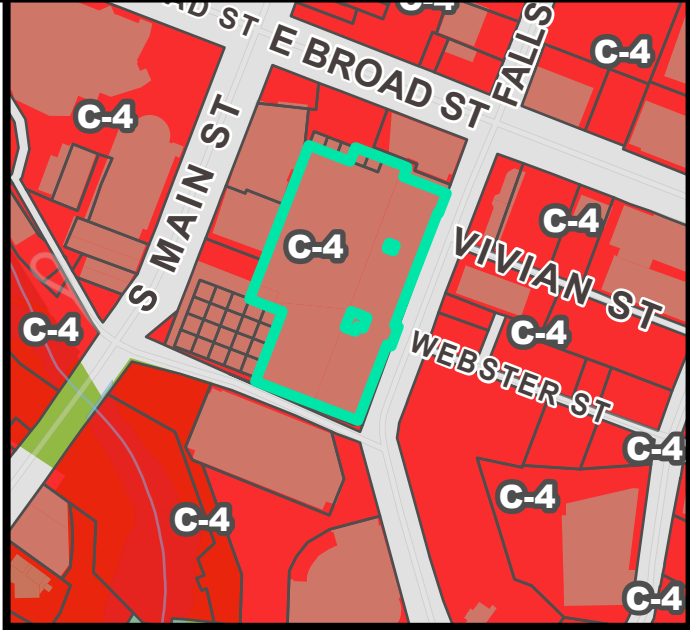
3. IS ADEQUATE INFRASTRUCTURE CAPACITY AVAILABLE TO SERVE THE PROPOSED NONCONFORMING USE?

4. IS THE PROPOSED USE ONE THAT IS OTHERWISE PERMISSIBLE IN ANOTHER ZONING DISTRICT WITHIN THE CITY?

AERIAL VIEW



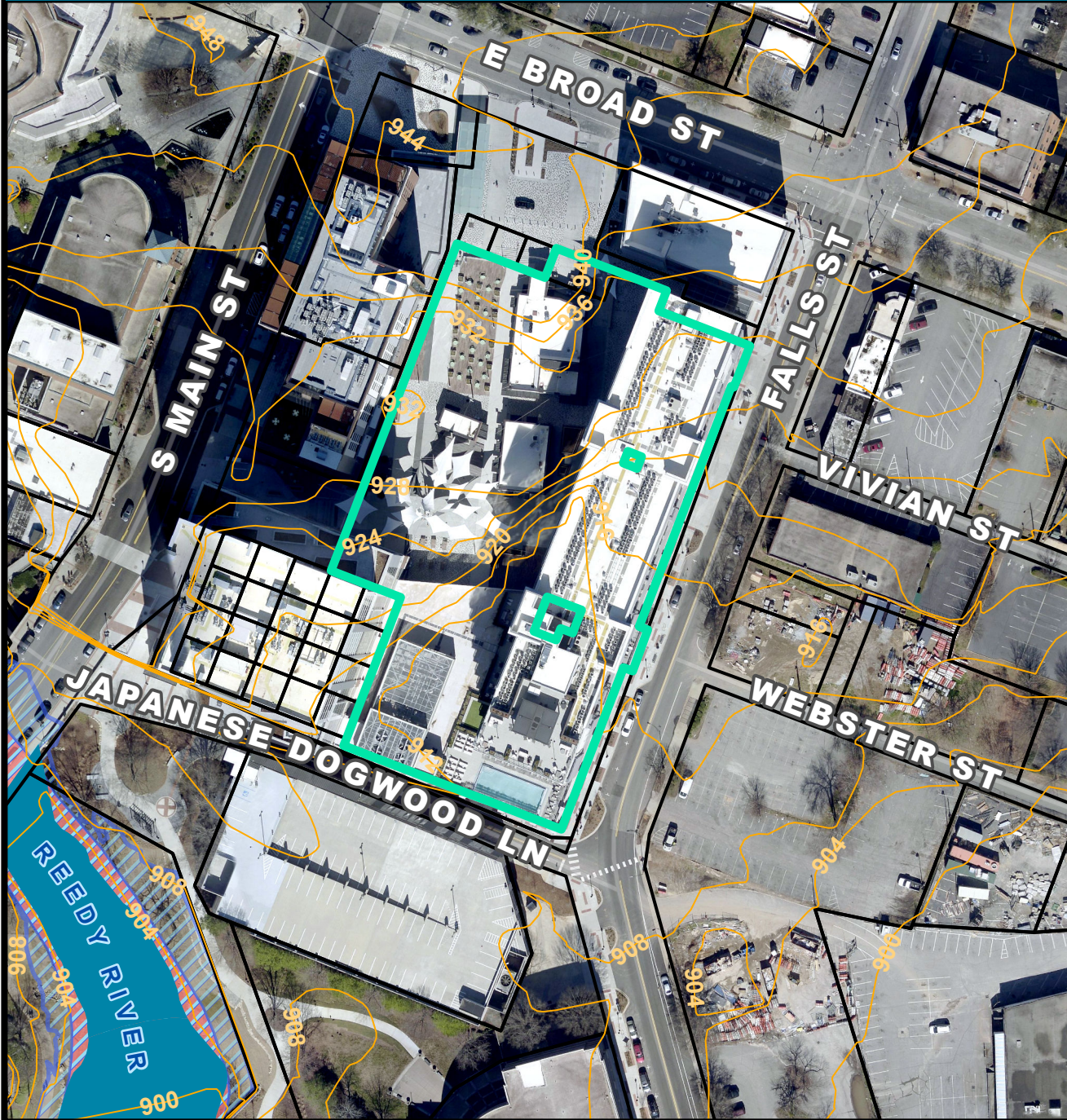
CURRENT ZONING



FUTURE LAND USE



NATURAL / ENVIRONMENTAL FEATURES



SPECIAL EMPHASIS NEIGHBORHOODS



PRESERVATION OVERLAYS





city of greenville

Zoning Compliance Application

Establishments Serving Beer, Wine, Or Liquor

Applicant

Name Matthew Hubbard Phone 7066141758

Mailing Address P.O. Box 731 Greenville, SC 29601

Email Matt@grouptherapy.fun

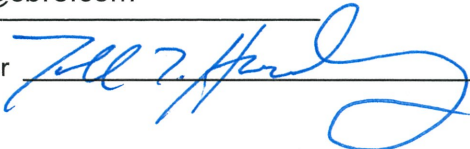
Signature of Applicant  Date 11/20/22

Property Owner

Name CAP Camperdown Retail, LLC Phone 8645173782

Mailing Address 1 12 East Broad St Greenville, SC 29601
Greenville, SC 29601 G

Email courtney.walters@cbre.com

Signature of Property Owner  Date 12/21/22

Property Information

Address 320 Falls Street Ste G Greenville, SC 29601

TMS# 006100-03-04114; 0 Zoning District Designation C-4, Central Business District

Description of Proposed Use

Provide details for each of the following, as applicable, on a separate sheet:

Operating Plan

1. Type of Use (Restaurant, Nightclub, Event Venue, Etc.)
2. Days and Hours of Operation
3. Staffing Schedule
4. Kitchen Equipment Schedule
5. Menu and Hours of Food Service
6. Parking for Customers and Employees
7. Designated Smoking Area
8. Type of Entertainment and Duration
9. Closing / "Last Call" Procedures

Security Procedures

1. Number and Type of Designated Security Staff
2. Training / Certification of Staff
3. Specific Duties / Responsibilities of Staff
4. Entry / Exit / Re-Entry Procedures
5. Crowd Management
6. Crime Prevention through Environmental Design (CPTED)

Seating Plan

1. Provide a floor plan, drawn to scale, by a registered South Carolina architect. The plan must demonstrate the proposed occupancy with calculations based on the current adopted building code.
2. Schedule a feasibility inspection of the property: 864.467.4457

Business Plan

1. Business Plan Summary: Target Audience, Theme, Objectives / Goals
2. Projected Revenue: % Alcohol Vs. Food Sales
3. Fees For Entry / Membership / Entertainment
4. Status Of City Business License Application
5. Status Of SCDHEC 'Retail Food Establishment' Permit, If Applicable
6. Status Of Abl-901 Application To SC Department Of Revenue
7. Provide Documentation That Sled Requirements Have Been Met



Provide a response for each of the following:

1. Describe the ways in which the proposed use is consistent with the comprehensive plan.

Group Therapy Pub & Playground will bring to downtown Greenville a new restaurant, bar, and entertainment serving both indoor and outdoors on our patio. We will feature traditional pub food, beer, wine, cocktails, and games. Games include mini golf, axe throwing, ice curling, ping pong, and outdoor cornhole, ladder golf, beer pong, and other outdoor games. We will also have nights with a DJ for dancing, karaoke, leagues and tournament nights. Trivia and bingo will be other programming we offer.

2. Describe the ways in which the request is appropriate for its location and is compatible with the character of existing and permitted uses of surrounding lands and will not reduce the property values thereof.

The proposed use matches the mix of retail and restaurants adjacent to our restaurant including CAMP and Juniper. This concept is of the highest quality finishes. This will help greatly increase the value of offerings to downtown Greenville, for its locals and visitors and increase traffic to other businesses.

3. Describe the ways in which the request will minimize adverse effects on adjacent lands including: visual impacts; service delivery; parking and loading; odors; noise; glare; and, vibration. Describe the ways in which the request will not create a nuisance.

Group Therapy will be located within the Camperdown development which has a dedicated parking garage, space for loading and deliveries, its own trash shoot, and many of our interior design features and equipment will rid of all odors, noise, glare, and vibrations from neighboring retail and office spaces.

Meet With the Technical Advisory Committee

Applications for Zoning Compliance will be reviewed by the Technical Advisory Committee (TAC), a City Staff committee comprised of representatives from the following City Departments and appointed by the City Manager:

Building Codes and Inspections
Business Licensing
Economic Development
Public Information and Events

Police
Fire
Planning
Legal

The Technical Advisory Committee convenes once-a-month to meet with Applicants and review Conditional Use Permit applications that may be granted by the Zoning Administrator. This process promotes a more comprehensive understanding of the Applicant's proposal, which in turn conveys a more comprehensive understanding of the multiple Departments' operating requirements and expectations.

The Applicant, Business Owner, and Property Owner (if different) are required to attend a regularly scheduled TAC meeting prior to granting a Conditional Use Permit. Managers and anyone involved in operating the business are also encouraged to attend. The meeting date, time, and exact location within City Hall will be confirmed upon submittal of this application to the Planning and Development office on the 5th floor of City Hall.

Group Therapy Technical Advisory Committee Application

Operating Plan

1. **Type of use:** Full service restaurant, bar, and entertainment venue serving food, beer, wine, alcohol and games such as but not limited to outdoor back yard games like corn hole, ladder golf, can-jam, giant dumpster pong, big jenga, connect 4, fowling, and indoor mini golf, axe throwing, ping pong, beer pong, video games, ice curling.
2. **Hours of operation:** Sunday - Thursday 11am to 10pm & Friday & Saturday 11am - 2am. Hours could change seasonally based on demand but will never extend past 11am or 2am.
3. **Staffing schedule:** Afternoon from 9am - 4pm and evening from 4pm to 2am.
4. **Kitchen equipment schedule:** See exhibit A.
5. **Menu and hours of food service:** See exhibit B. Our food service hours will be consistent with the hours we are open but on Friday and Saturday the kitchen will close at 12:30pm.
6. **Parking for customers and employees:** The Building and Lease offer no dedicated parking for either customers or employees and the establishment will rely on public parking. The Camperdown development has two nearby parking garages and valet service directly underneath and adjacent to the location. There is also Falls Tower garage parking adjacent to the Camperdown development available next to Group Therapy.
7. **Designated smoking area:** N/A
8. **Type of entertainment and duration:** Weekday programming will include dedicated karaoke nights on Fridays from 9pm till 1am, music bingo on Thursdays from 7-9pm, and trivia nights on Tuesdays from 7-9pm. On weekends including Friday and Saturday nights, we will include live DJ's, live bands, musicians, and singers, and additional karaoke opportunities. These programs will be consistent with demand and could start as early as 5pm - close on Fridays, and open to close on Saturdays and Sundays. Mini Golf, Synthetic Ice Curling, Ping Pong, and Axe Throwing will also be available 7 days a week, open to close.

It is important to note that all back yard games will be brought inside and put away at no later than 10 pm to ensure all noise from any games are eliminated from the plaza area.

9. **Closing / last call procedures:** An announcement over our sound system will

announce the last call which will be at 9:45 on weekdays and 1:45am on weekends with all the customers gone from the building by 10pm on weekdays and 2am on weekends.

Security Procedures

1. **Number and type of designated security staff:** The Camperdown development provides all tenants a 24/7 onsite security personnel. The initial plan for Group Therapy indoors is to have no in house security Sunday – Thursday open to close. Friday and Saturday from 7pm till close there will be one approved security officer at the front door dedicated to security, checking ID's, and occupancy control as we transition to 21+ only. We also have an off duty police officer from 9pm till close on Friday and Saturday nights consistent with the SPEX already given to be a nightclub/bar. We will make adjustments to this plan as we see the need if in advance we know of a large crowd we will have additional security.
2. **Training / certification of the staff:** We plan to train each employee to whatever the required level or certification may be for that role which may include but not limited to ServSafe, TIPS, and other restaurant and bar industry training.

3. **Specific duties / responsibilities of staff:**

Bartender – The Bartenders will be the primary customer service contact and will have the majority of the floor responsibilities. Make and serve drinks, take food orders, countdown cash and credit card receipts every night. Clean the bar at the end of the night and prepare the restaurant for the next shift.

Barback – Keep the bar and surrounding area clean and free for movement, keep all needed items stocked and easily reachable for the bartenders, and to handle random issues that may occur. Clean the bar at the end of the night and prepare the restaurant for the next shift.

Kitchen Staff – Prep food for cooking, cook orders, keep the kitchen clean during and after shift and to keep the kitchen in compliance with all relevant laws and codes.

Security – Check ID's for legal drinking age, maintain the order and safety of everyone in the venue, crowd management and occupancy enforcement, help clean and prepare the restaurant for the next shift at the end of the night.

Assistant Managers - They will float from different areas of the venue to assist as

needed. They will also handle all customer service complaints and issues.

Kitchen and Bar Managers - They will oversee the kitchen, waiter, bartender staff to ensure compliance with all applicable laws and codes. Hold staff accountable for their duties and responsibilities. Provide support in other areas as needed.

General Manager - They will oversee all operations of the business and provide support as needed including the day to day operations.

Event Manager - Responsible for booking events, parties, and team builders and setting up these events as they happen.

4. Entry / exit and re-entry procedures. The front door will act as the primary entrance and exit for normal hours of operation. When security is needed all ID's will be checked at the front door and occupancy number will be counted continually. In the case of an emergency all of the patrons will be directed to leave via the front door/main entrance or other closest exit. The restaurant will be in compliance with all state and local laws in regards to Exit Signs and maintaining each exit.

5. Crowd management - When necessary there will be staff security located at the front door continually counting for occupancy to maintain crowd control and manage the occupancy numbers. Should the venue reach occupancy capacity a line will be formed down in front of the venue with stanchion lines. There is plenty of Camperdown plaza space in this area and there is no other business in operation.

6. Crime prevention through environmental design - The venue has been designed in such a way that almost every area is open and can be observed by security and employees at a single glance. The primary entrance being the only viable method of entry or exit unless there is an emergency and the kitchen exit needs to be used makes controlling who comes in and out of the venue possible.

Operating Plan

- 1. Seating plan** - See exhibit C.
- 2. Schedule a feasibility inspection of the property** - We will schedule the inspection and be available to reply with any reasonable request made by the inspector.

Business Plan

- 1. Business Plan Summary: Target Audience, Theme, Objectives / Goals** - Our

target audience is young professionals aging from 18 - 40. Our theme is to redefine and create a new modern take on therapy by providing a fun atmosphere for all ages to have fun, eat, and play. Our objective and goal is to bring to downtown Greenville their first entertainment concept and to inspire play through community with others.

2. Projected revenue % alcohol vs. food sales - 50% Games, 25% beer wine and alcohol, and 25% food.

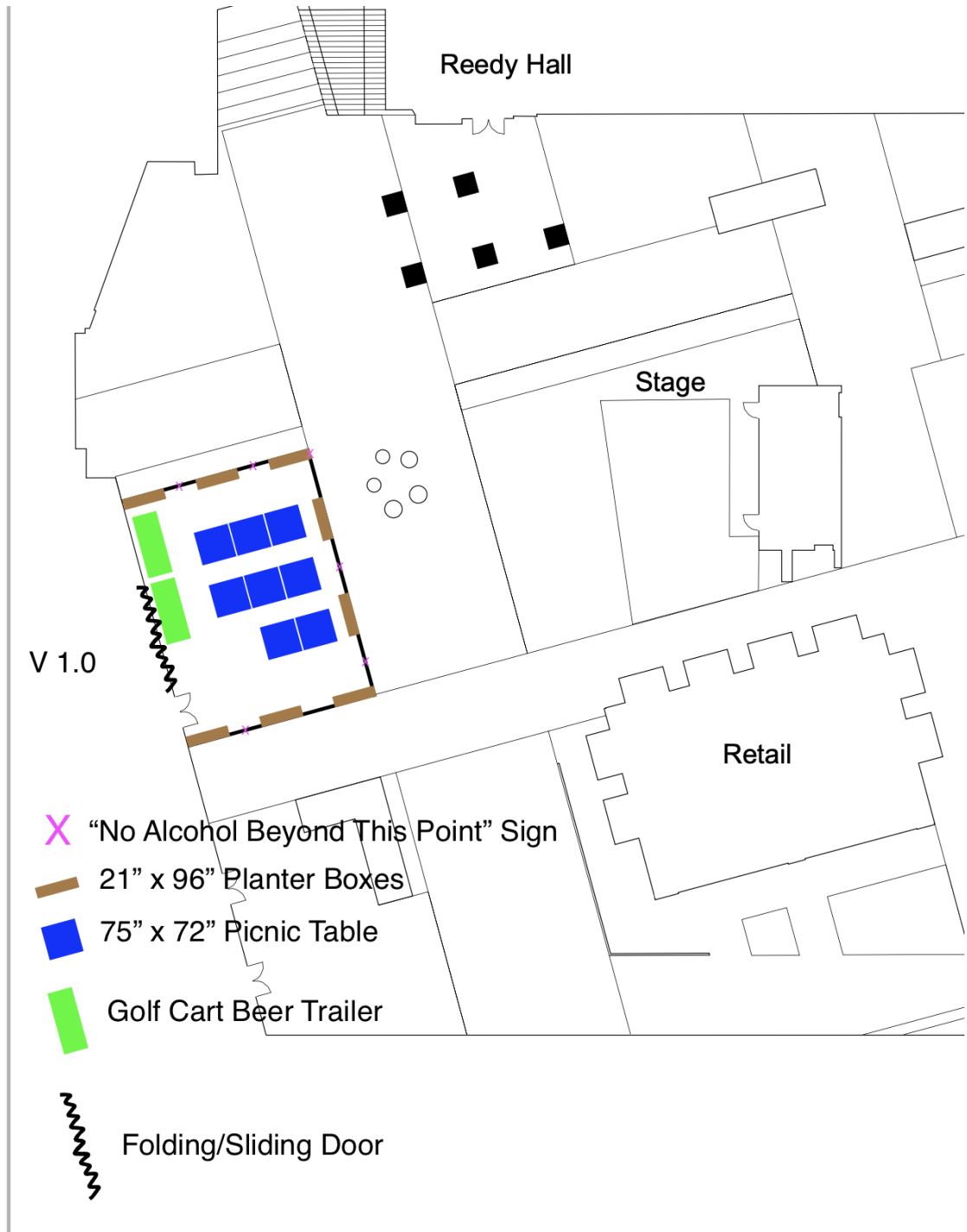
3. Fees for entry / membership / entertainment - There will not be a fee for entry. We are considering memberships, but not immediately when we open. Since we will offer various entertainment options within our venue those will be priced per person. Mini golf is \$25 per person, ice curling is \$20 per person, axe throwing is \$25 per person, and ping pong is \$10 per person. Backyard games are free to anyone enjoying food and drink until 10pm.

4. Status of city business license application - Approved and issued.

5. Status of SCDHEC retail establishment permit if applicable - Approved and issues with A+ 100 rating.

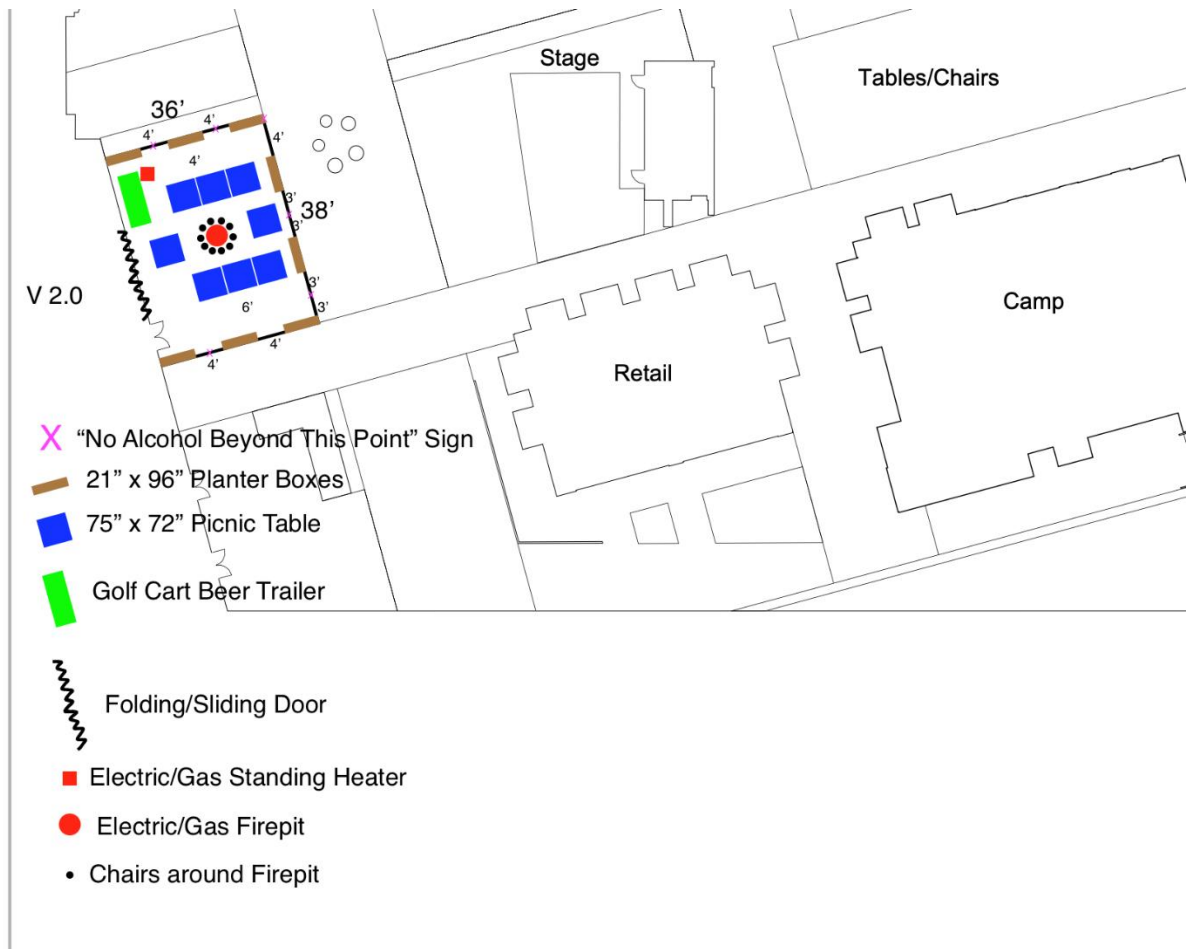
6. Status of ABL-901 application to SC department of revenue - Approved and issued for both indoor and outdoor sales and service.

7. Provide documentation that SLED requirements have been met - See exhibit D of background checks. Please do not publish these as they include sensitive personal information.











**Planning Staff Report to
Board of Zoning Appeals
February 4, 2023**
for the February 9, 2023 Public Hearing

Docket Number:	S 22-990
Applicant:	Bernard Peter Robichau II
Property Owner:	Bernard Peter Robichau II
Property Location:	801 East North Street Unit 8
Tax Map Number:	004000-01-01208
Acreage:	0.01 (Condominium unit)
Zoning:	OD, Office & Institutional District
Proposal:	SPECIAL EXCEPTION to establish a ‘Hotel/motel’ (short-term rental) use

Applicable Sections of the City of Greenville Code of Ordinances:

Sec. 19-2.1.3 (A) (1), *Board of Zoning Appeals/Powers and Duties/Special Exceptions*

Sec. 19-2.3.5, *Special Exception Permit*

Sec. 19-4.1, *Table of Uses*

Sec. 19-4.2.4(H), *Visitor Accommodations*

Sec. 19-6.1, *Off-street parking and loading*

Staff Recommendation: Deny

Staff concludes that the application does not comply with standards to grant a Special Exception Permit for a ‘Hotel/motel’ use.

If the Board decides to grant the Permit, Staff recommends the following conditions:

1. The Special Exception Permit shall be limited to the Applicant, Bernard Peter Robichau II, and shall not be transferrable.
2. The Special Exception Permit shall be recorded in the Greenville County Office of the Register of Deeds 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. The Applicant shall obtain a parking agreement for at least two off-street parking spaces for short term rental guests. The parking agreement and the location of these parking spaces shall comply with the standards of the Land Management Ordinance Section 19-6.1. Loading and unloading for short term rental guests shall occur within these parking spaces. Parking and loading/unloading shall not occur within the Lavinia Avenue or East North Street right-of-way. The Applicant shall notify short term rental guests 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 dwelling unit shall not exceed four (4) persons.

Staff Analysis:

The Applicant and Owner, B. Peter Robichau II, seeks to use the condominium unit located at 801 East North Street Unit 8, for a visitor accommodation use (less than 30 days). The property is zoned OD, Office & Institutional District. According to subsection 19-4.2.4(H), *Visitor Accommodations*, dwelling units arranged for short-term stays of less than 30 days for rent, lease, or interval occupancy are classified as such, with designated examples including bed and breakfast inns, motels, and hotels. According to Table 19-4.1-2, *Table of Uses*, a hotel or motel use may be permitted by approval of special exception within the OD Zoning District.

The subject property is part of the Lennox condominium development, a 12-unit apartment building. The subject property is located on the second floor on the building and is accessed through a common stairwell. The property is subject to the associated private deed restrictions for the Lennox. The Applicant has indicated that no conflicts between the proposed use and the deed restrictions exist. The Applicant also indicated he is a board member of the property owners association.

In April 1996, the Board of Zoning Adjustments (predecessor of the Board of Zoning Appeals) approved a special exception permit, SPEX 96-03, to convert the building from a 12-unit multifamily rental use to a 12-unit hotel use. Although the application was approved, the building was never converted to a hotel. The property owner opted instead to create a horizontal property regime and each unit was sold.

In December 2022, the Board of Zoning Appeals denied a special exception permit, S 22-835, for the owner of Unit 1 at the Lennox to use his unit as a hotel (short-term rental). The Board found the use to be incompatible with surrounding lands and that the proposed use would have had adverse impacts to surrounding lands.

No occupancy permits nor special exception permits have been secured for hotel short term rentals at the Lennox. Any current or previous activity has been unpermitted. According to city short term rental tracking software, this unit has not been listed. This application was not the result of city enforcement action and no zoning complaints have been filed against the property.

A neighborhood meeting was not required for this application and was not held by the Applicant.

A Special Exception Permit shall be approved only upon finding that the applicant demonstrates all the following are met:

1. Consistent with the Comprehensive Plan

The Future Land Use Map of the City's GVL 2040 Comprehensive Plan identifies this property as part of the 'Neighborhood Mixed-use' classification.

'Neighborhood Mixed-Use' is a classification described as typically in compact urban areas with a combination of vertical and horizontal mixed-use developments that includes small retail and commercial uses along with a variety of residential types. These areas are pedestrian friendly and in close proximity to downtown. It is anticipated that single uses will not exceed 10,000 square feet and "drive-thrus" are restricted due to the close proximity to downtown and adjacent neighborhoods.

A short-term rental is classified as a commercial use which aligns with the future land use classification in the GVL 2040 Comprehensive Plan.

Staff finds that the proposed use is consistent with the GVL2040 Comprehensive Plan.

2. Complies with use specific standards

The Land Management Ordinance does not contain use-specific standards for hotel/motel use, per Sec. 19-4.3.3(H).

Staff finds that the proposed use complies with specific use standards of the Land Management Ordinance.

3. Compatibility with the surrounding lands

Adjacent property is used (and zoned) as follows:

East: Bail bonds (OD, Office and institutional)
North: Office (OD)
West: Office (OD)
South: Office (OD)

The proposed use is located within a larger, mixed-use area zoned OD, Office & Institutional. Adjacent properties include a bail bonds office, a consulting firm, and law offices.

The property is part of an existing 12-unit residential condominium development known as the Lennox. No occupancy permits nor special exception permits have been secured for short term rental activity within the Lennox. Any current or previous activity has been unpermitted.

When factoring in the residential units within the building as well as past findings on similar applications by the Board of Zoning Appeals, staff does not believe the use is compatible with the surrounding lands.

Staff finds that the proposed use is not compatible with surrounding lands.

4. Design does not have substantial adverse impacts

Although the Applicant will remain a resident of the unit, the unit will not be owner occupied or have an on-site manager when in use as a short-term rental.

The unit and Lennox building will retain the existing residential character from the exterior, as no changes to the site and the structure's exterior are proposed. Any future changes would be required to meet the design standards for multifamily properties. No adverse visual impacts are anticipated from the use.

The Lennox Property Owners Association should be made aware that if more than 50 percent of the condominium building is converted into short term rentals, the occupancy classification would change and would require an analysis of building and fire code compliance. Accessibility, life safety, and other code related improvements should be expected.

The Lennox does not have an on-site or off-site parking area. Instead, residents must park on Lavinia Avenue. On-street parking on Lavinia Avenue is regulated by the City of Greenville Parking Services Division through a permit program. The program would allow for short term rental guests to obtain a guest parking pass. The city's Parking Services Division was briefed on the application but did not find that the short-term rental use would worsen the existing street parking situation.

There are nearby privately owned parking lots, but these lots were not indicated as available for Lennox resident or guest use.

Per the application submission, the unit is a two-bedroom unit. The minimum parking ratio for hotel/motel uses is 0.75 spaces per guest room. A total of two parking spaces would be required for a two-bedroom unit.

With no off-site parking or on-site loading/unloading area, short term rental guests would be required to load/unload from the Lavinia Avenue right-of-way.

Land Management Ordinance Section 19-6.1 regulates off-street parking and loading requirements. The Land Management Ordinance states that “existing on-street parking spaces may be accepted by the administrator to meet the minimum parking requirements of this section.”

Although on-street parking can be considered, staff believes that the proposed use would result in adverse parking and loading/unloading impacts without an off-site parking agreement.

No noise monitoring measures are proposed by the Applicant. The Applicant has provided statements from the owners of the two immediately abutting units, Unit 4 on the 1st floor and Unit 12 on the 3rd floor, in response to noise considerations. The Applicant also indicates that noise is not introduced by short term rental activity, but by activities created by the Bon Secours Wellness Arena.

The application does not indicate any outside monitoring devices. The application does not provide any commentary on trash disposal, but a common dumpster exists at the rear of the property.

Although the parking conditions are existing, staff believes that an improved parking and loading/unloading plan is necessary given the change of use. Additionally, staff believes that noise mitigation efforts are needed to ensure short term rental guests do not disturb other Lennox residents.

Staff finds that the proposed use will have substantial adverse impacts on surrounding lands.

Staff Comments and Conditions

Fire Department Comments

Comments:

No comments.

City Engineer Comments

Comments:

Application review approval is subject to the applicant satisfying all conditions and requirements of the engineering divisions.

Civil Engineer Comments

Comments:

No comments.

Environmental Engineer Comments

Comments:

No comments.

Traffic Engineer Comments

Comments:

No comments.

Exhibit A

Email and letter from the Applicant to Planning staff where members of the Board of Zoning Appeals were blind carbon copied.

Ross Zelenske

From: Peter Robichau <bpr@robichau.com>
Sent: Friday, February 3, 2023 10:50 AM
To: Ross Zelenske
Subject: Re: Preparation for Public Hearing 2/9

Follow Up Flag: Follow up
Flag Status: Flagged

CAUTION: This email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or opening attachments.

Hi Ross,

As noted, the intention of my letter (indeed blind copied) was to raise awareness of flaws in the process as implemented, "*The end goal of this letter is to ensure that the board considers the consistency and objectivity in the civic process and applies standards consistently and fairly.*" I hope it is clear that my main concern is the ambiguity in the process and its application, and that I addressed not my case (you have not issued your opinion there yet), but the previous case. My case, I assume, will have its own set of observations/recommendations.

Again, we'll see where this goes. I do hope that whatever the outcome, your office can address the inconsistencies and ambiguities in the process.

Thank you,
Peter

On Fri, Feb 3, 2023 at 10:21 AM Ross Zelenske <rzelenske@greenvillesc.gov> wrote:

Peter,

I cannot modify to your application after sign posting/public notice occurs (this is in accordance to LMO Section 19-2.2.12). That is why I stated earlier if you wish to amend your application, you can request a deferral. Since you seek to remain on the docket, you can incorporate this as part of your applicant presentation to the Board Thursday. Applicant presentation is the opportunity for you to provide evidence and testimony in support of your application and to provide any corrections or critiques of staff's findings. The Board may also opt to give you additional time to rebut any general public testimony at the hearing.

From what I have gathered, you blind carbon copied multiple Board of Zoning Appeals members to this email chain. Understand that an applicant discussing or attempting to discuss an application with Board of Zoning Appeals members prior to the public hearing is considered ex parte communication. Ex parte communication is inappropriate and can be grounds for an appeal by a party that opposes your application. If you have comments, questions, or concerns you can

converse with Planning staff or can wait to discuss with the Board during the hearing in an open setting for all parties to witness.

I will include this email chain and your letter as part of the staff report so this information is available to all parties. I will send you the final staff report at the end of the day today.



Ross Zelenske

Senior Development Planner | Planning & Development Services
rzelenske@greenvillesc.gov | www.greenvillesc.gov

Phone: 864-467-4251

[Review the proposed Development Code and Zoning Map](#) | [Provide feedback](#)

From: Peter Robichau <bpr@robichau.com>
Sent: Tuesday, January 31, 2023 6:02 PM
To: Ross Zelenske <rzelenske@greenvillesc.gov>
Cc: Kris Kurjiaka <kkurjiaka@greenvillesc.gov>
Subject: Re: Preparation for Public Hearing 2/9

CAUTION: This email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or opening attachments.

Hi Ross,

I don't intend to defer my request. Let's let the cards fall where they may and push through this process.

Please, however, include the attached letter (PDF) to the board of zoning appeals in the final materials associated with my application.

I will be there for the hearing on February 9.

Best,

Peter

On Tue, Jan 31, 2023 at 2:43 PM Ross Zelenske <rzelenske@greenvillesc.gov> wrote:

Peter,

You appear to have a misunderstanding of building code and zoning code and are mixing the two up. The property is zoned OD, office and institution district according to the city's zoning map. Within each zoning district, a number of uses are permitted. You can find the use table [here](#). In that table you will find that a hotel or motel use type is classified under commercial uses in the visitor accommodations use category. The use is permitted by special exception in the OD district.

All uses are subject to minimum off-street parking requirements. There are some exceptions, but none for this property and use. The current setup at the Lennox is nonconforming. An apartment building generally requires 1.5 parking spaces per dwelling unit. Hotels are 0.75 parking spaces per unit. The decision making body can consider on-street parking as an alternative, however staff has not supported that for previous short term rental applications as one of the special exception criteria is adverse impacts to surrounding lands, which includes parking impacts. Given the nonconforming situation and that street parking conditions could change in the long term future according to Parking Services, it is something that warrants addressing. Staff will defer to the Board's findings.

The building code generally classifies an apartment building as an R-2 occupancy. Hotels are generally regulated as R-1 occupancies. The zoning ordinance does not require an on-site manager for hotel/motel uses. That may be a requirement from another entity for traditional hotels, but is not a zoning condition. The reference to on-site manager in the staff report is to explain to the Board who and how the property will be managed. It also supports why the use is being classified as a hotel/motel. Some applicants choose to have the property managed by a company.

Based on past reviews by the Board, the Board has had concern about the introduction of short term rentals, a commercial use type, into established multifamily, single family attached, and/or single family detached residential uses. That change in character can result in negative impacts the Board must be mindful of. Support from neighboring units is something some of the Board has considered. Others have concern with the principal of the matter. Each decision is made on a case by case basis.

When it comes to noise, the application is evaluating noise created by the short term rental and not by existing roadways or arenas.

Staff evaluates the immediately abutting properties and the property itself as part of Criteria 3, although nearby uses can be considered.

You are welcome to defer your request prior to the hearing if you wish to make revisions to your application. I will need that request via email. The request will have to be approved by the Board, but they are usually receptive for one time deferrals.



Ross Zelenske

Senior Development Planner | Planning & Development Services

zelenske@greenvillesc.gov | www.greenvillesc.gov

Phone: 864-467-4251

[Review the proposed Development Code and Zoning Map](#) | [Provide feedback](#)

From: Peter Robichau <bpr@robichau.com>
Sent: Monday, January 30, 2023 6:07 PM
To: Ross Zelenske <zelenske@greenvillesc.gov>
Cc: Kris Kurjiaka <kkurjiaka@greenvillesc.gov>
Subject: Re: Preparation for Public Hearing 2/9

CAUTION: This email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or opening attachments.

Hi Ross, thank you for this.

I do hope that my expectation of engaging with the municipality and its civil servants as advocates / helpers through a clear and transparent process of applying objective and clear zoning criteria was not naive on my part. There are STR processes in place, and I would hope the city would want to help its residents to determine how and if they can properly comply with these. The report on #1 would certainly have been more helpful to me immediately after I submitted my request instead of a few days before you issue your final recommendation.

At any rate, regarding your emphasis on #3 and #4 in #1's report...

RE: Adverse impact - #4

-please clarify the parking note regarding hotel requirements = .75, when the building is zoned R2, and not R1 (hotel)

-please clarify on-site manager references as in any way applying an R2 zoned property? (I lived in the West End "Mint House" ... zoned R1, and full of AirBnBs ... and there was no on site property manager).

-please clarify how a properly acquired guest pass for my residential use of the unit would not be an appropriate use of a guest pass

-please clarify "nuisance" or adverse impact when all of the property owners adjacent to my unit (above, below, across the hall and upstairs across the hall) have no problem with my use of the unit for STR?

-please clarify adverse impact (RE: noise) when the wellness arena is across the way, and the city allows thousands of cars to park in adjacent, private lots, blare their stereos and make all sorts of noise (consistent with a city) late into the evening ... not to mention unit #1's comment that 385 is a noise producer itself.

RE: Inconsistent with the "district" use ... #3

-please clarify why your report only mentions bail bondsmen, a consulting firm and law offices when there are plenty of people living in the neighborhood (and the city seems to be promoting the addition of new residential uses).

And, here are some of my actual neighbors who I have come to call friends, enjoying food and drinks on a patio on Lavinia Street?

Please address and help me to understand and address these issues before a similar staff recommendation to deny my application is put before the council.

I would also appreciate your further clarifications about additional concerns that you might be planning to include in your report that I might not have any way to anticipate. Please let me know, also, if my comments above still leave grounds for you to assert the same, why or why not.

Sincerely,

Bernard Peter Robichau

800 East North Street, #8

On Mon, Jan 30, 2023 at 8:26 AM Ross Zelenske <rzelenske@greenvillesc.gov> wrote:

Peter,

I plan to post the staff report this Friday that we will cover staff's assessment of your application. I don't have anything to share at this time since it hasn't been completed. If you haven't already, I would encourage you to review the previous report for Unit 1 [here](#). Staff had concern with Criteria 3 and Criteria 4.



Ross Zelenske

Senior Development Planner | Planning & Development Services
rzelenske@greenvillesc.gov | www.greenvillesc.gov

Phone: 864-467-4251

[Review the proposed Development Code and Zoning Map](#) | [Provide feedback](#)

From: Peter Robichau <bpr@robichau.com>
Sent: Friday, January 27, 2023 5:11 PM
To: Ross Zelenske <rzelenske@greenvillesc.gov>
Cc: Kris Kurjiaka <kkurjiaka@greenvillesc.gov>
Subject: Preparation for Public Hearing 2/9

CAUTION: This email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or opening attachments.

Hi Ross,

I preparation for my 2/9 public hearing to consider my request to allow short term rentals, I wanted to be sure that I was clear on the items of concern to your office. Based on our conversations to date, I understand these to be ...

- 1) Availability of parking / concerns about parking on Lavinia
- 2) Ambiguity in the restrictive covenants surrounding whether STRs are actually permitted
- 3) Conducting an activity that might be/become a nuisance to my neighbors.
- 4) Potential zoning issues if the number of units being used for STRs exceeds 50%

Is there anything else that I am missing here?

Thanks,

(Bernard) Peter Robichau

801 East North Street #8

Greenville, SC 29601

910-7953140



FROM THE DESK OF
BERNARD PETER ROBICHAU

801 EAST NORTH STREET APARTMENT #8
GREENVILLE, SC 29601

bpr@robichau.com

Board of Zoning Appeals
Council Members

City of Greenville
206 S. Main Street
Greenville, SC 29601

31 February 2023

RE: Case S 22-990 February 9, 2023

Dear Honorable Councilmen and Councilwomen,

I am writing to you in advance of my hearing before the Board of Zoning Appeals, scheduled for February 9, 2023. Perhaps there is some fatigue regarding “yet another” special exception request for short term rental permission, and what’s more, it is a request originating from the same building where a request was denied during your December meeting (The Lennox at 801 East North Street). This time you will be considering a request from me, the owner of unit #8 at the opposite end of the building and up one floor.

In preparing for my presentation to you, I was provided (yesterday) with a copy of the zoning staff recommendations regarding the similar request from Unit #1. The most recent communications I have from the zoning office perhaps indicates a likely recommendation for rejection of my request. Further, there was language there that indicates the board’s likely decision in advance of my hearing, indicating that the board generally sees use of an R-2 multi-family dwelling for STRs as likely leading to “negative impacts.”

In the absence of the final “opinion” (yet) in my case, I assume that I am safe to conclude that the same logic will convey to my request. I intend to show why the arguments made in the case of Unit #1 are not consistent in their conclusions (though they might seem to bolster existing opinions against applications such as mine that already exist). I do not intend to respond differently, in writing, when the final recommendation in my case is released.

The end goal of this letter is to ensure that the board considers the consistency and objectivity in the civic process and applies standards consistently and fairly.

COMMENTS ON THE APPLICATION / REQUEST OF THE OWNER OF UNIT #1

In the comments on the request ([docket S 22-835](#)), the document notes that the request must demonstrate following four requirements, and I would like to offer comments on each of these.

1. Consistent with the Comprehensive Plan:

The staff finding here was that the request is consistent with the comprehensive plan, and I assume that this will be the case with my request. What I would like to point out for the record is that planning staff state that, “A short-term rental is classified as a commercial use, which aligns with the future land use classification [mixed use].” While this finding would be true whether short-term rentals are considered residential or business. Granting the fact that the City of Greenville may choose to request all short-term rentals collect business taxes and obtain a business permit, I would like to point out that rental of a personally owned piece of

property for 3 days, 15 days or 45 days is still (I believe) *residential use*. It seems that the City of Greenville is justified in setting the bar for “short term” rentals at 30 days (or any reasonable number it decides), but the distinction between residential use and business use in this matter is not clear to me.

2. Complies with use specific standards:

Here is another area where staff findings in the case of Unit #1’s request show the request consistent with the *Land Management Ordinance*. However, as a point of clarity and for the record, the inclusion of language implying that the request is for hotel/motel use is a matter with which I take issue. The city of Greenville may choose to practically consider this request hotel/motel use for revenue/regulatory purposes, but the request itself does not (properly and legally) make the building a hotel for my intended, residential use request.

3. Compatibility with surrounding lands:

This is one of the two staff recommendations in Unit #1’s request that I would like to draw your attention to as you consider my request on February 9. Particularly, the staff notes here, “Adjacent properties include a bail bonds office, a consulting firm, and law offices,” before concluding, “Staff finds that the proposed use is not compatible with surrounding lands.”

This characterization that glosses the actual use of a not-insignificant number of properties in the area for residential purposes (to include owner-occupied and rental properties) is an unfair characterization that could easily mislead the reader of the findings.

I am friends with other property owners/residents on Lavinia Street who do not live in my building and have no objections to my request. What would satisfy the requirement here is entirely unclear. Do I reference the allusion to “hotel use” (see my previous comments here) and note that there are no hotels in the immediate area? Again, my request is not to run a hotel regardless of how it is taxed. The city has placed my condominium in the Pettigru Historic District, and there *are* other, permitted AirBnB/VRBO short-term rentals there – does crossing the street to get to these approved properties negate the validity of my request?

I would ask the Board of Zoning Appeals to step back from the comments about incompatibility with the surrounding area and consider the relevant (and contradictory) factors that were omitted from the staff’s observations and recommendations on the request in docket S 22-835.

4. Design does not have substantial adverse impacts:

This item in the December request from the owner of Unit #1, like the previous one, contains statements and findings to which I would like to draw your attention. I will address the items here (which are presumably part of the basis for Unit #1’s denial) line by line:

1. No “on site manager” – there is no reference here to applicability, the requirement is ambiguous, irrelevant to my request and seems as if it was added as an included hurdle that would be nearly impossible to overcome.
 2. Reference to “future changes would be required to meet the design standards for multifamily properties.” – there is no context here, and this seems irrelevant to the request.
 3. “The Lennox Homeowners Association should be made aware that if more than 50 percent of the condominium building is converted into short term rentals, the occupancy classification would change and would require an analysis of building and fire code
-

compliance. Accessibility, life safety, and other code related improvements should be expected.”

... this statement could be misleading (and seems to setup an ominous eventual hurdle) since this threshold might trigger a review of the building by a certified architect that would not be deterministic.

These *changes* which are ominously implied as inevitable in the findings would need to be considered against many factors before imposing draconian structural changes to a historic building that could not reasonably accommodate all possible R1 accessibility requirements that *would* be applied to new construction.

4. On-site parking: This matter has received a lot of attention, and the use of the building for full-time residential (longer term) rentals would aggravate any existing parking problems in the area. It is **not** clear to me how a legitimately issued visitor parking pass is not permitted to be used by “visitors” to a short-term rental. It should also be noted that the approval of short-term rentals in this building will **help to** alleviate any existing parking issues in the area by decreasing the number of cars per unit *and* the number of days that parking on street would be needed.

To put this “claim” out there without clarity adds confusion, as if this statement was self-evident and clear. **(see ADDENDUM A)**

5. Minimum parking ration for a 2 BR unit is .75 spaces per guest room implies that this is a hotel, and this is not settled. The observation is presented as if the barrier was clear and self-evident. It is not, and does not apply here.
6. Reference to Land Management Ordinance Section 19-6.1: **This one is helpful, in that the objections above note the validity of available on-street parking may “meet the minimum parking requirements.”** I think that this one requires extra attention if the parking situation is truly a concern for the city since the use of these units as short-term rentals will statistically (and significantly) alleviate a parking problem that would be dramatically worse in the case of owner-occupied and longer-term residential use of the building.
7. “Adverse parking and loading/unloading impacts” - Immediately after noting the propriety of on street parking as a documented option, the staff observations go on to claim that the use of the units for short term rentals will create an adverse condition, “without an offsite parking agreement,” and this is unfounded and unsubstantiated.

This assertion is simply not backed up by fact, and flies in the face of the fact (as noted before) that the alternative (currently approved R2 use at capacity) would create an adverse condition – short term rentals are actually and provably a means to avoid an adverse condition here.

8. “Noise Monitoring Measures” – this is one that is, again, words that sound like a problem, but it is perhaps only a concern in search of a problem. The building is in the middle of a city. The building is on North Street, which is loud. The building is surrounded by parking areas that are used to accommodate concert and event goers at the Bon Secours Wellness Arena multiple times each week (and they are loud).
-

What is perhaps most important here is the assumption that “noise monitoring measures” are needed at all. Have we established that short term renters are any more of a “noise problem” than full time residents?

I recently opened this unit up for use (without fee) by a graduate school seminary intern who was completing a month-long internship in town with his family at a local church. The five-year-old and the 2-year-old in the building, running, playing with blocks etc. certainly make “noise,” but does this require “noise monitoring measures?”

Without anything to back the statement this assertion as if it were a real concern and problem, let alone clarifying what noise monitoring measures are (or why they are required), is another conclusion not backed by fact. Certainly, any landlord who rents his apartment would ask renters (short or long term) to abide by standards of common courtesy, and there will certainly be times when renters (or owners) might be make some noise.

Here, it is important to recognize that all my adjacent neighbors have indicated that they support my request to use the unit for short term rental.

9. “Improved parking and loading/unloading plan is necessary” – again, the focus on parking as an adverse impact. This is reiterated toward the end of the request review, but is stated as if it were true without foundation (c.f. addendum re: STRs and parking v. the alternative, which, in theory, the city zoning office favors ... but would lead to a real problem)?
- 10. Staff finds that the proposed use will have substantial adverse impacts on surrounding lands.** The staff might “found” this, but the assertion is unfounded, unsubstantiated and included after using a lot of words to argue a point that is never unambiguously made.

I used this letter to address the merits of Unit #1’s request because it is what I can address now, despite whatever future recommendations regarding my application might be made. When I went to the zoning office with my application in hand, I was told by a staff member, “We just denied an application in this building, are you sure you want to do this?” It was as if I was being encouraged to turn around and leave ... the results being already determined – fait accompli.

Aside from the decision is the process I have gone through toward what seems like a foregone conclusion. I feel like the goal post kept moving as I went through the application process. This has been my experience.

There is a documented process. There are codes as envisioned by the South Carolina Land Plan act. The Zoning Board is supposed to make measured decisions based on documented criteria. My concern is that the application of these codes is a “black box” for residents who wish to navigate the approved process for a short-term rental request in a district where it is permitted. In the end, there seems to be lots of smoke and mirrors accompanied by lots of words that (taken together) don’t make a solid case, but do make it seem as if the request is unreasonable due to the fact that there are simply so many of them.

As a resident and citizen of Greenville, it should be my reasonable expectation that the city would take its documented codes and walk residents through a clear process. Instead, I found that I was going to be provided only as much information as I was able to “ferret out” during the process and was only given extra hints and clues to assist in my application process if I knew the magic words (and in those cases, the city has certainly been willing to provide additional information).

The codes are intended to be clear, unambiguous, and navigable, but I don’t recognize any of these characteristics in the process that I have participated in. Instead, while maintaining outward appearances of having an open process, I have experienced a gauntlet and “moving goal posts” that I can (unfortunately) best describe as adversarial in nature. This should never be the case in matters of legitimate civic engagement.

I was told, “You are welcome to defer your request prior to the hearing if you wish to make revisions to your application. I will need that request via email. The request will have to be approved by the Board, but they are usually receptive for one time deferrals.”

I appreciate this, but I am weary of the process, and look forward to making my case to the board regardless of zoning staff findings.

I suspect (and I hope that I am wrong) that the zoning staff will likewise find grounds to recommend the denial of my request later this week using perhaps different “words” that might or might not have a firm foundation.

Being allowed to use my residential apartment for rentals of less than 30 days is something I believe that I should be permitted to do. Any restriction on my use of this property must be founded in express terms or by plain and unmistakable implication, and all restrictions must be strictly construed, with any ambiguity resolved in favor of my free use of the property that I own.

What I hope is that the logic applied to my case would be consistent with existing code and any assertion of negative impact or improper use be carefully articulated so that the reasoning for the decision will be clear when a decision is made.

Sincerely,



B. Peter Robichau

ADDENDUM A

Data and Studies Related to the Parking at the Lennox

(c.f. Bernard Robichau - Special Exception Request for 801 East North St. #8)

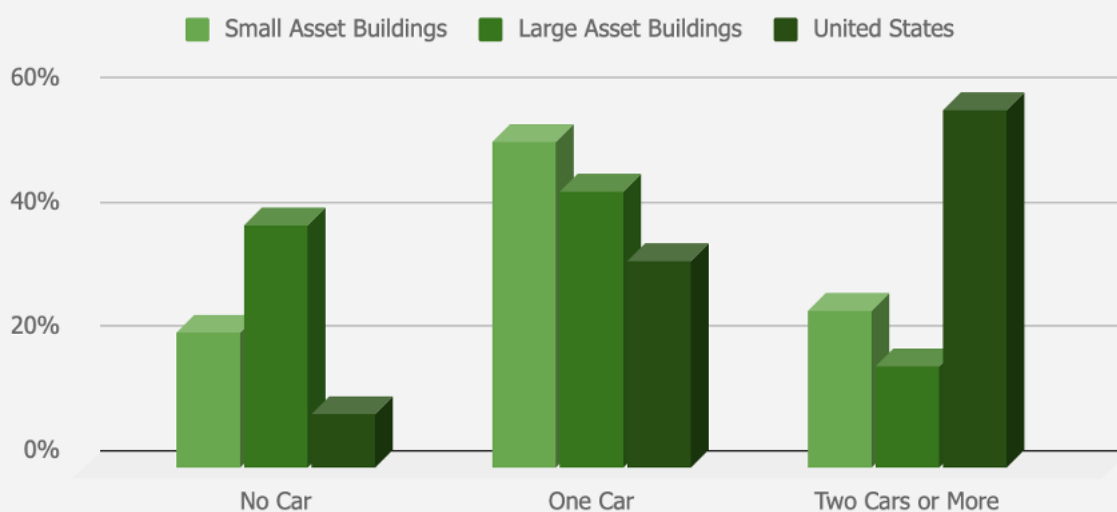
Regarding my assertion that the parking situation on Lavinia Avenue (which is not bad at present) would be worse in a truly owner-occupied or long-term lease scenario, I provide the following two references backing my claim.

The first is related to statistics on car ownership in American multi-family buildings (a.k.a. “apartments”). As seen in this study here: <https://arbor.com/blog/vehicle-ownership-small-building-renters/>, there is data on the car ownership / parking at apartment buildings, and it indicates that a fully occupied building (I presume this is what the City of Greenville envisions by denying AirBnB use requests based on “parking concerns”) would yield a congested parking scenario. Using the 2015 data set from Chandan Economics, the Lennox, fully occupied by residents, would see 18 tenant cars (or 17.88 precisely, but there is no such thing as a .88 of a vehicle).

AVG. CARS	TOTAL UNITS	12	FORMULA	# CARS / UNIT	TOTAL CARS
0	9%	no car	1.08	0	17.88
1	33%	one car	3.96	3.96	
2	58%	two cars	6.96	13.92	

Car Ownership by Building Size

Households Living in Apartment Buildings



Source: Chandan Economics, American Community Survey, 2015

Moving on to the assertion that AirBnB customers yield fewer cars per unit, this is backed by the fact that occupancy rate is an estimated 45% - c.f. <https://data.rabbu.com/> (compared to 100% for a traditional apartment)

801 E North St, Greenville, SC 29601

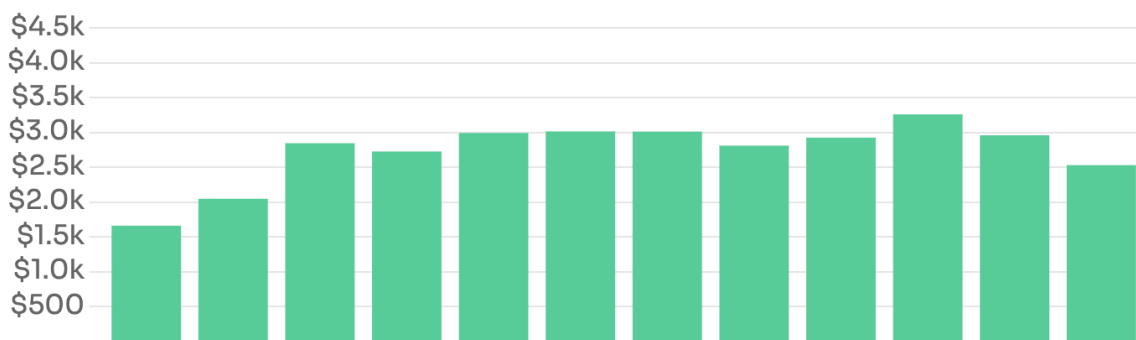
Seasonalized Revenue Projection ⓘ

\$2,727/moAnnual revenue of **\$32,726/yr**ADR ⓘ
\$160Occupancy ⓘ
45%RevPAN ⓘ
\$90

25th %

Average

75th %

**\$2,727/mo**

Seasonalized Revenue Projection

\$90

RevPAN

45% of the 17.88 cars that would statistically be at a traditional 12 unit apartment building is 8.04 - or approximately 8 cars for the building, on average.

Finally, there is direct correlation between the type of consumer that uses AirBnB and users of other “sharing economy” services, such as Uber/Lyft. This would further reduce the number of cars (statistically), at least some. What I find (observationally) is that most of the AirBnB guests come in a single car (not multiples), taking the average “8 cars average” (at 45% occupancy) down every further. Bottom line, if Greenville is truly concerned about parking on Lavinia, short-term rentals would be part of a solution, not a problem. I would like to see data to the contrary.



Office Use Only:

Application# _____ Fees Paid _____

Date Received _____ Accepted By _____

APPLICATION FOR SPECIAL EXCEPTION CITY OF GREENVILLE, SOUTH CAROLINA

APPLICANT / PERMITTEE*: Bernard Peter Robichau II **Property Owner**
* _____ **Name** _____ **Title / Organization** _____
permit may be limited to this entity. Bernard Peter Robichau II

APPLICANT'S REPRESENTATIVE: N/A
(Optional) _____ **Name** _____ **Title / Organization** _____

MAILING ADDRESS: 801 East North Street, Apartment #8 Greenville, SC 29601

PHONE: 910-795-3140 **EMAIL:** bpr@robichau.com

PROPERTY OWNER: Bernard Peter Robichau II

MAILING ADDRESS: 801 East North St. Apartment 8 Greenville, SC 29601

PHONE: 910-795-3140 **EMAIL:** bpr@robichau.com

PROPERTY INFORMATION

STREET ADDRESS: 801 East North St. Apartment 8 Greenville, SC 29601

TAX PARCEL #: 0040000101208 **ACREAGE:** 0 **ZONING DESIGNATION:** OD

REQUEST

Refer to Article 19-4, Use Regulations, of the Land Management Ordinance (www.municode.com/library/)

DESCRIPTION OF PROPOSED LAND USE:

Approval to use Unit #8 @ 801 East North for short term rentals (when the owner is not using the unit for his own family who splits their time between Greenville and Landrum).

INSTRUCTIONS

1. The application and fee, **made payable to the City of Greenville**, must be received by the planning and development office no later than 5:00 pm of the date reflected on the attached schedule.

2. The applicant/owner must respond to the "standards" questions on page 2 of this application (you must answer "why" you believe the application meets the tests for the granting of a special exception). See also **Section 19-2.3.5, Special Exception Permit**, for additional information. You may attach a separate sheet addressing these questions.

3. You must attach a scaled drawing of the property that reflects, at a minimum, the following: (a) property lines, existing buildings, and other relevant site improvements; (b) the nature (and dimensions) of the proposed development (activity); (c) existing buildings and other relevant site improvements on adjacent properties; and, (d) topographic, natural features, etc. relevant to the requested special exception.

4. You must attach the required application fee: \$250.00

5. The administrator will review the application for "sufficiency" pursuant to **Section 19-2.2.6, Determination of Sufficiency**, prior to placing the application on the BZA agenda. If the application is determined to be "insufficient", the administrator will contact the applicant to request that the applicant resolve the deficiencies. **You are encouraged to schedule an application conference with a planner, who will review your application for "sufficiency" at the time it is submitted. Call (864) 467-4476 to schedule an appointment.**

6. You must post the subject property at least 15 days (but not more than 18 days) prior to the scheduled hearing date.

_____ 'Public Hearing' signs are acknowledged as received by the applicant

Applicant Signature

7. **Please read carefully:** The applicant and property owner affirm that all information submitted with this application; including any/all supplemental information is true and correct to the best of their knowledge and they have provided full disclosure of the relevant facts.

In addition the applicant affirms that the applicant or someone acting on the applicant's behalf has made a reasonable effort to determine whether a deed or other document places one or more restrictions on the property that preclude or impede the intended use and has found no record of such a restriction.

If the planning office by separate inquiry determines that such a restriction exists, it shall notify the applicant. If the applicant does not withdraw or modify the application in a timely manner, or act to have the restriction terminated or waived, then the planning office will indicate in its report to the Board of Zoning Appeals that granting the requested change would not likely result in the benefit the applicant seeks.

To that end, the applicant hereby affirms that the tract or parcel of land subject of the attached application is ☐ or is not ☒ restricted by any recorded covenant that is contrary to, conflicts with, or prohibits the requested activity. ☐

Bernard P. Robinson II

APPLICANT / REPRESENTATIVE SIGNATURE

12-22-22

DATE

Bernard P. Robinson II

PROPERTY OWNER SIGNATURE

12-22-22

DATE

APPLICANT RESPONSE TO
SECTION 19-2.3.5(D)(1), STANDARDS – SPECIAL EXCEPTION

(YOU MAY ATTACH A SEPARATE SHEET)

1. DESCRIBE THE WAYS IN WHICH THE PROPOSED SPECIAL EXCEPTION IS CONSISTENT WITH THE COMPREHENSIVE PLAN.

See Personal Statement (Addendum A) - well appointed, short term rentals are a valuable tool to GROW Greenville Downtown as a place to live (not just visit) by recruiting new residents - GVL should promote STRs here to recruit downtown residents.

2. DESCRIBE THE WAYS IN WHICH THE REQUEST WILL COMPLY WITH THE STANDARDS IN **SECTION 19-4.3, USE SPECIFIC STANDARDS.**

Unit is existing (19-4.3) 2BR condo in three-story, multi-family bldg ca. ~1940, renovated in 2021. Unit will be rented to one person/group at a time (c.f. 19-4.2.4(H)(2)) - Adequate on street parking presently permitted @ 3 residents & 2 visitors

3. DESCRIBE THE WAYS IN WHICH THE REQUEST IS APPROPRIATE FOR ITS LOCATION AND IS COMPATIBLE WITH THE CHARACTER OF EXISTING AND PERMITTED USES OF SURROUNDING LANDS AND WILL NOT REDUCE THE PROPERTY VALUES THEREOF.

See Addendum A (Separate Sheet)

4. DESCRIBE THE WAYS IN WHICH THE REQUEST WILL MINIMIZE ADVERSE EFFECTS ON ADJACENT LANDS INCLUDING: VISUAL IMPACTS; SERVICE DELIVERY; PARKING AND LOADING; ODORS; NOISE; GLARE; AND, VIBRATION. DESCRIBE THE WAYS IN WHICH THE REQUEST WILL NOT CREATE A NUISANCE.

See Addendum A (Separate Sheet)

APPLICANT RESPONSE TO
SECTION 19-2.3.5(D)(2), STANDARDS – CHANGE IN NONCONFORMING USE

(YOU MAY ATTACH A SEPARATE SHEET)

1. DESCRIBE THE WAYS IN WHICH THE PROPOSED NONCONFORMING USE IS MORE IN CHARACTER WITH, OR EQUAL TO, THE USES OTHERWISE PERMITTED IN THE ZONING DISTRICT THAN THE EXISTING OR PRIOR NONCONFORMING USES.

This humble spot is a gem in the city, and when short-term renters stay there, they get a feel for Greenville in a way that staying in a small hotel room does not allow - it shows people that "Greenville can be a wonderful home." It's free marketing.

2. DESCRIBE THE WAYS IN WHICH THE PROPOSED NONCONFORMING USE WILL NOT SUBSTANTIALLY AND PERMANENTLY INJURE THE USE OF NEIGHBORING PROPERTY FOR THOSE USES PERMITTED WITHIN THE RELEVANT ZONING DISTRICT(S).

Not only will a short-term rental here serve the city of Greenville well, it decreases the traffic and parking footprint posed by full-time residents in the building (and it leads to less wear and tear on the building / units themselves).

3. IS ADEQUATE INFRASTRUCTURE CAPACITY AVAILABLE TO SERVE THE PROPOSED NONCONFORMING USE?

Certainly - as noted above (and in my personal statement - Addendum A),

4. IS THE PROPOSED USE ONE THAT IS OTHERWISE PERMISSIBLE IN ANOTHER ZONING DISTRICT WITHIN THE CITY?

Yes

ADDENDUM A

APPLICANT RESPONSE TO SECTION 19-2.3.5(D)(1), STANDARDS – SPECIAL EXCEPTION

3. DESCRIBE THE WAYS IN WHICH THE REQUEST IS APPROPRIATE FOR ITS LOCATION AND IS COMPATIBLE WITH THE CHARACTER OF EXISTING AND PERMITTED USES OF SURROUNDING LANDS AND WILL NOT REDUCE THE PROPERTY VALUES THEREOF.

Having one more Short-Term rental in this building, beautifully furnished and appointed with original works of art – so close to everything Greenville has to offer, is one of the best marketing tools that Greenville has to offer. Full time residents will add more wear and tear to the building, the surrounding infrastructure and will have a greater (negative) impact on parking in the area.

4. DESCRIBE THE WAYS IN WHICH THE REQUEST WILL MINIMIZE ADVERSE EFFECTS ON ADJACENT LANDS INCLUDING: VISUAL IMPACTS; SERVICE DELIVERY; PARKING AND LOADING; ODORS; NOISE; GLARE; AND, VIBRATION. DESCRIBE THE WAYS IN WHICH THE REQUEST WILL NOT CREATE A NUISANCE.

Short term renters do not order Amazon Prime, have fewer (even zero) vehicles per unit (and they are not a constant presence), and at the price point these units demand, they are respectful clientele here to enjoy our wonderful city. The noise in the area is introduced, not by short term renters, but by the jam-packed event parking lots and the intoxicated attendees leaving "The Well."

PERSONAL STATEMENT:

Hotels in downtown tell outsiders, "Downtown is a great place to visit." A well-appointed and comfortable downtown Short-Term Rental tells outsiders that downtown Greenville is indeed a great place to live.

I lost my business in the pandemic, sold my "forever home" (on the water, at the beach in NC), and we had two objectives – find an affordable senior living community for my elderly mother (there was nothing affordable in Wilmington, NC), and to find a community we loved living in. My mother and I came to Greenville and stayed in the Airbnb property at 801 East North Street, #4 (previous owner rented the unit). It was this experience, so close to Main Street, in a place that was comfortable for my mother as we pushed through this difficult phase of forced change. She lives in a lovely apartment at Overture Greenville (55+) on Woodruff Road now.

The next order of business was to find a temporary home for my family (of 4) while we tried to find something permanent. 3 Bedrooms and pet friendly was an impossible criterion (none of the communities we looked at had anything), until I turned again to Airbnb. We moved into a lovely place in the Hughes Investments owned building in the West End, above Rick Erwin's Deli. From there my 16-year-old son walked to Greenville High School daily, and I worked out of 101 Main St. in the Openworks Coworking space. We searched for houses in a tough market, but when 801 East North Street, #8 (directly above our Airbnb in the same building) showed up on Realtor.com, I made an offer on it the day it listed (above asking price). Airbnb introduced me to downtown Greenville. Airbnb found me a home in the West End when all the apartment complexes in the Suburbs had no availability, and so I bought a unit in the building where my mother and I fell in love with Greenville. I thought to myself, "I am going to hold onto this condo forever, and when we find the right single-family home, I am going to rent the condo to other people who need to discover Greenville."

Since I moved in with my wife, son, and daughter (when she was home on the weekend from Clemson where she studies education), I have joined the board of the building and serve as VP of the Property Owners Association. I have worked tirelessly to ensure that we are making the building a better place by ensuring structural repairs are completed – re-sealing all the windows, fixing the plumbing shutoffs and helping to craft a long-term plan to keep the momentum up. I developed true friendships with my neighbors on Lavinia Street. Bruce the appraiser/consultant and Mr. Clifton the developer became friends, and we shared many conversations on the porch over a glass of wine.

When we found our single-family home (we split our time now between that house and the condo), we offered our condo (free of charge) to a seminary intern from New York who will be moving to Greenville in 2023 because he loves the city and church community so much. We let my sister-in-law from Savannah stay in the condo (free of charge) when her children were in a swim meet at the Greenville Aquatic Center. We have been true evangelists for the city and we keep many copies of "Yeah, that Greenville!" in the condo for all who visit.

Now, it's time for us to keep up our investment in the city we have grown to love by renting in as a short-term rental when we are not staying in it.

"But the parking!" you say.

Believe me – I watch other Airbnb guests come and go (they all love the building and are respectful – when the building demands a premium, you tend to filter out the riff raff). Short term rentals help with the parking. When they arrive, it's either by Uber or in a single vehicle. When my family lived there, we had three, sometimes four cars of our own in the street (parking we are entitled to as owners), and more when we had guests.

Short term renters – zero, maybe one car at a time. If you want to talk about a nuisance the parking all around the building during Bon Secours events is a nuisance to the property owners, the short-term renters bother nobody.

I'm open to hearing how another short term rental in 801 East North is **not** a good thing but in my personal experience, it will generate so much good will. See how invested I am now it wouldn't have happened without Airbnb and that building).

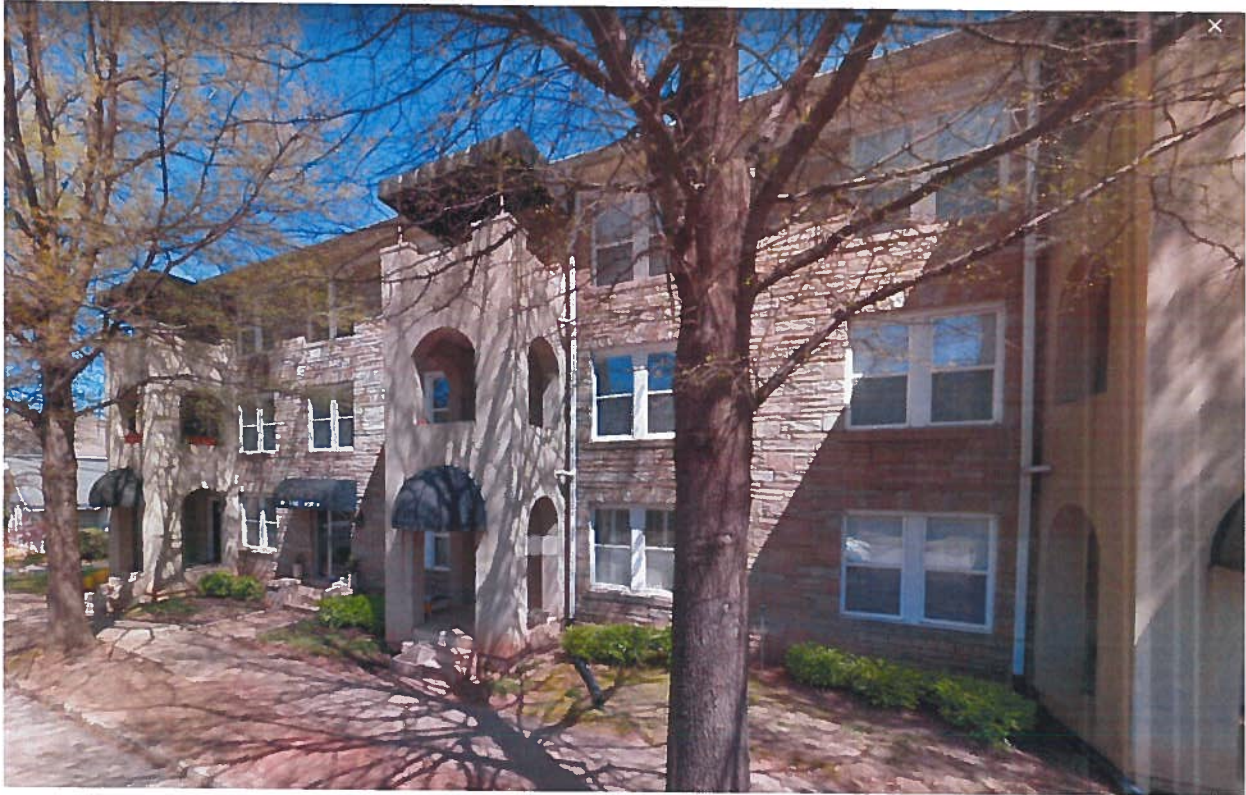
-Bernard Peter Robichau
Special Request Applicant
801 East North Street #8



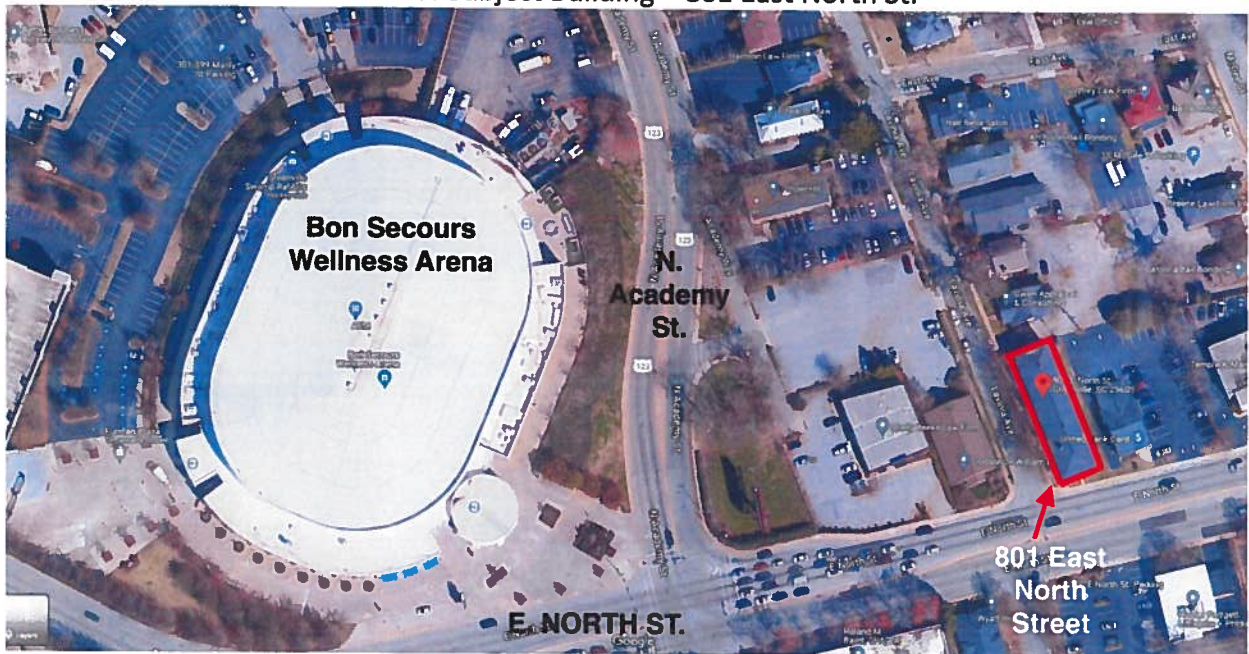
Living Room Interior appointed with thousands of dollars of original fine art, copies of all local marketing magazines and a 5 foot tall historic map of Greenville County – we are “selling” the wonderful gem that is “Greenville!”

ADDENDUM B

Drawing of the property and surrounding area.



Front of Subject Building – 801 East North St.



Geographical Surroundings (building in red)

Data and Studies Related to the Parking at the Lennox

(c.f. Bernard Robichau – Special Exception Request for 801 East North St. #8)

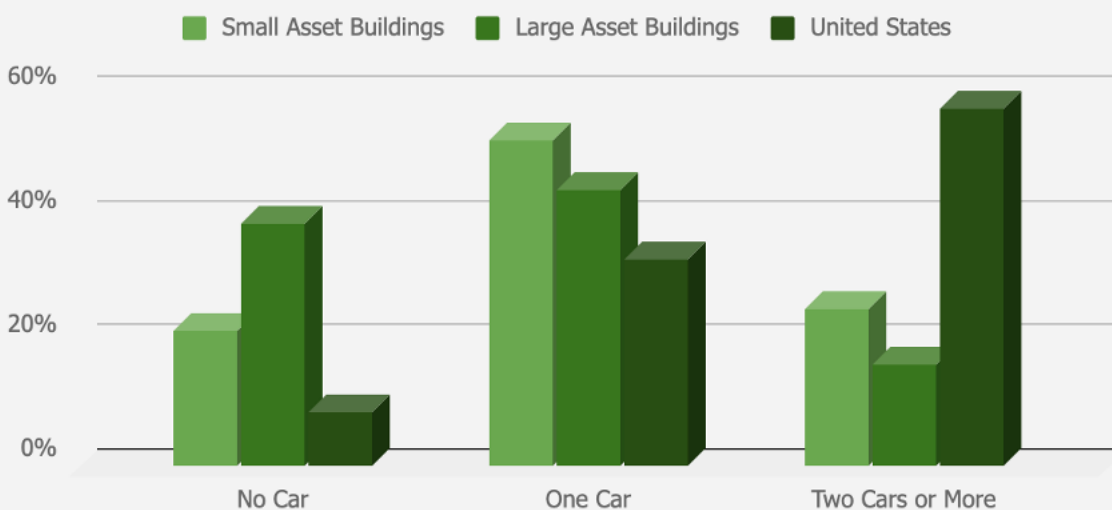
Regarding my assertion that the parking situation on Lavinia Avenue (which is not bad at present) would be worse in a truly owner-occupied or long-term lease scenario, I provide the following two references backing my claim.

The first is related to statistics on car ownership in American multi-family buildings (a.k.a. “apartments”). As seen in this study here: <https://arbor.com/blog/vehicle-ownership-small-building-renters/>, there is data on the car ownership / parking at apartment buildings, and it indicates that a fully occupied building (I presume this is what the City of Greenville envisions by denying AirBnB use requests based on “parking concerns”) would yield a congested parking scenario. Using the 2015 data set from Chandan Economics, the Lennox, fully occupied by residents, would see 18 tenant cars (or 17.88 precisely, but there is no such thing as a .88 of a vehicle).

AVG. CARS	TOTAL UNITS	12	FORMULA	# CARS / UNIT	TOTAL CARS
0	9%	no car	1.08	0	17.88
1	33%	one car	3.96	3.96	
2	58%	two cars	6.96	13.92	

Car Ownership by Building Size

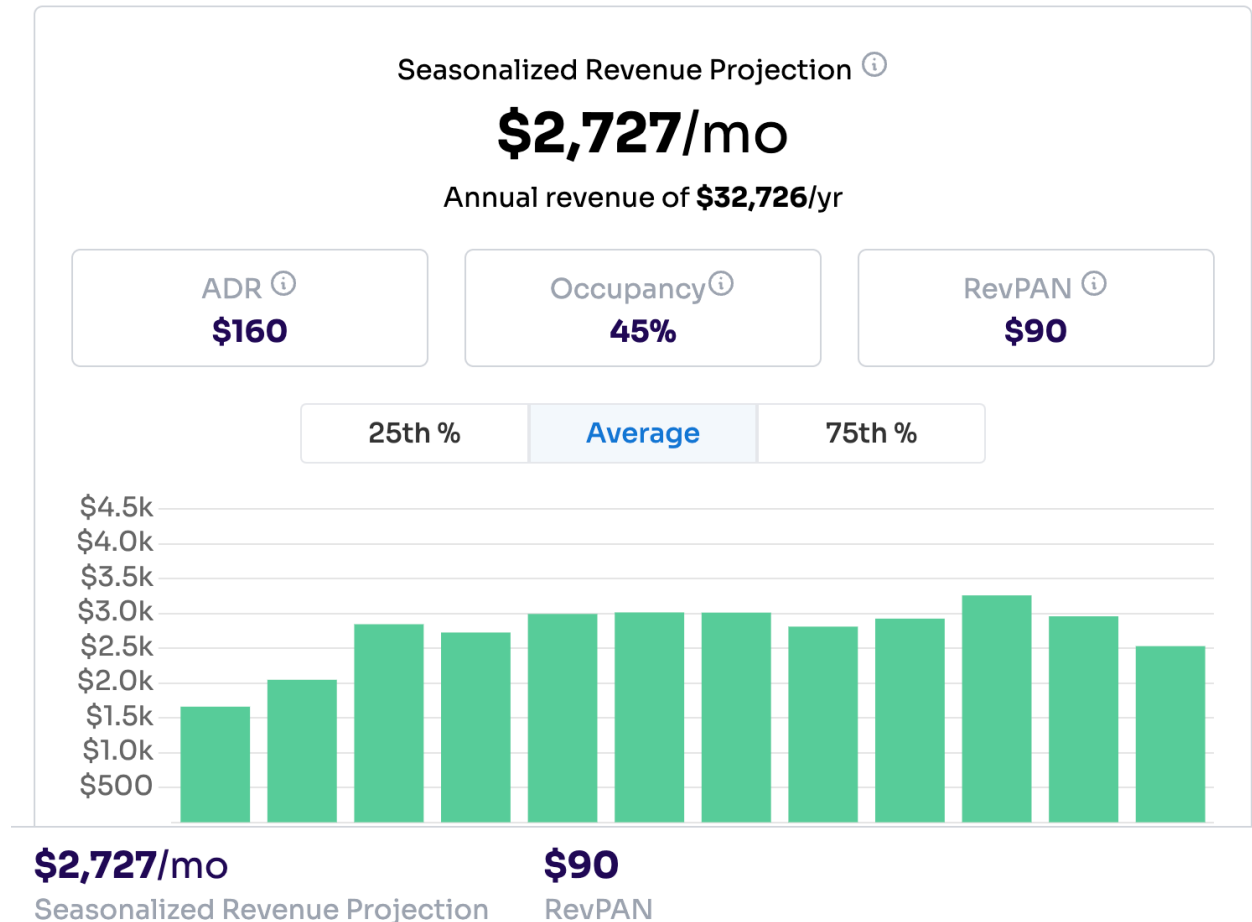
Households Living in Apartment Buildings



Source: Chandan Economics, American Community Survey, 2015

Moving on to the assertion that AirBnB customers yield fewer cars per unit, this is backed by the fact that occupancy rate is an estimated 45% - c.f. <https://data.rabbu.com/> (compared to 100% for a traditional apartment)

801 E North St, Greenville, SC 29601



45% of the 17.88 cars that would statistically be at a traditional 12 unit apartment building is 8.04 – or approximately 8 cars for the building, on average.

Finally, there is direct correlation between the type of consumer that uses AirBnB and users of other “sharing economy” services, such as Uber/Lyft. This would further reduce the number of cars (statistically), at least some. What I find (observationally) is that most of the AirBnB guests come in a single car (not multiples), taking the average “8 cars average” (at 45% occupancy) down even further. Bottom line, if Greenville is truly concerned about parking on Lavinia, short-term rentals would be part of a solution, not a problem. I would like to see data to the contrary.

SUPPORTING DOCUMENTATION

Special Exception Application – 801 East North Street #8 (STR use)

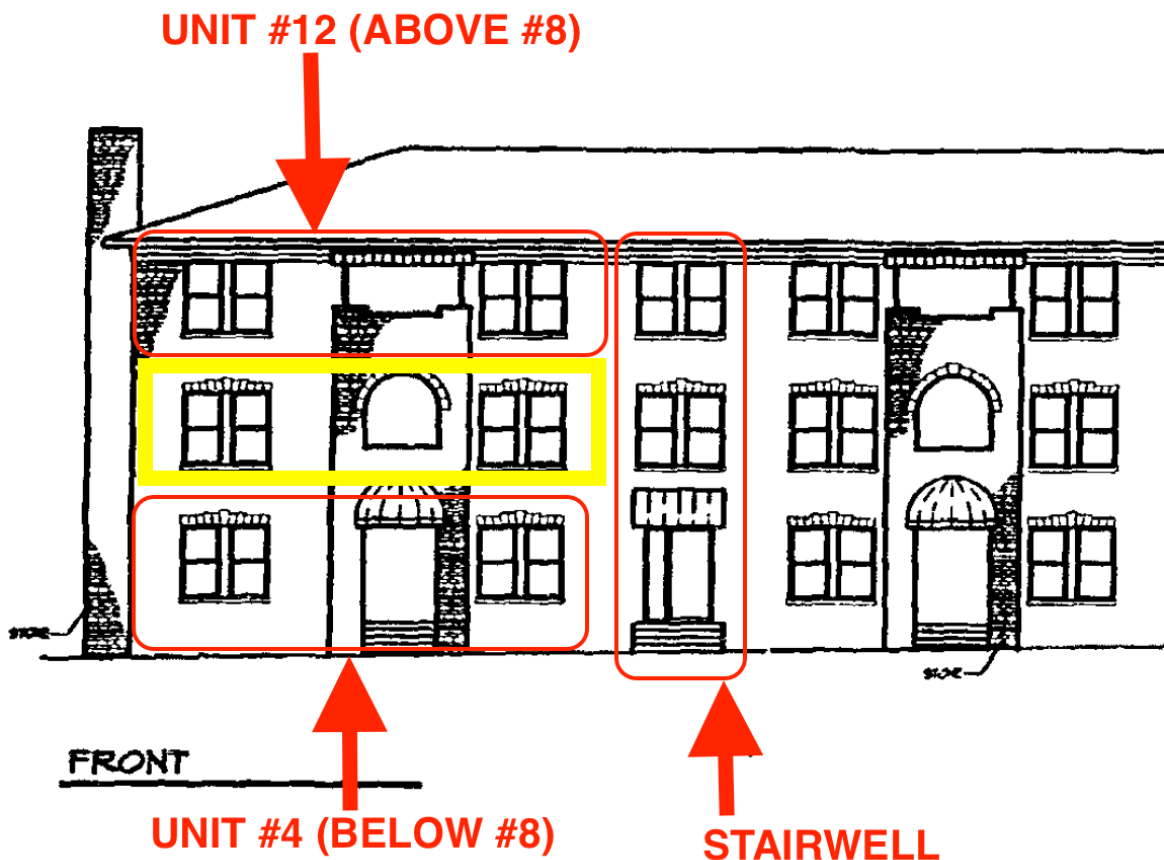
REGARDING:

Potential concern of other owners regarding the potential for noise resulting from short term renters in unit #8.

COMMENTS:

Regarding the potential objection of adjacent property owners at the Lennox related to the use of my property (#8) for short term rentals, please note that the only two units immediately adjacent to unit #8 are: #12 and #4. Please find, included in this document, communication from the owners of each of these units indicating their support for my Special Exception Request.

-Bernard Peter Robichau



NOTE OF SUPPORT FROM LENNOX OWNER #4



Peter Robichau

to Adam, bcc: me

5:58 PM (1 minute ago)

Thanks!

On Tue, Dec 27, 2022 at 5:49 PM Adam Page <adamcpage@gmail.com> wrote:
Hi Peter,

Thank you for reaching out.

We do not have any concerns or reservations at all as your adjacent property owner. I support your efforts and ability for a short term rental at your property.

Respectfully,
Adam and Ellie Page

On Tue, Dec 27, 2022 at 10:07 AM Peter Robichau <bpr@robichau.com> wrote:
Hi Adam,

I am currently submitting a waiver request to the City of Greenville for use of my unit as a short-term rental. Would you be willing as my "downstairs neighbor" to send me an email **sharing any concerns you have about the use of #8** (my unit) **as a short-term rental** so that I can understand these in advance.

Or, let me know if you would like to chat about this over the phone - 910-795-3140.

Thanks, and have a wonderful holiday season!!

Peter Robichau
#8

--

Adam C. Page
864-809-1897

**COMMUNICATION FROM 801 East North Street, #12 Owner
re: USE OF 801 East North Street #8 AS A SHORT-TERM RENTAL**

↩ ▾ [Michael Evette \(gmail.com\)](#)

Thanks, Michael.]

On Fri, Dec 23, 2022 at 2:02 PM Michael Evette <michael.evette@gmail.com> wrote:

In regards to Peter Robichau requesting permission from the City of Greenville to host short-term (less than 30 days) rentals in his condo #8 at The Lennox building, as the owner of #12 in the Lennox (directly above and adjacent to #8), I have no reservations or concerns about having short term rentals anywhere in the Lennox Building.

Michael Evette
Executive Vice President, Caissa VI, LLC

On Fri, Dec 23, 2022 at 1:57 PM Michael Evette <michael.evette@gmail.com> wrote:

> Would you be willing as my "upstairs neighbor" to send me an email sharing any concerns you have about the use of #8 (my unit) as a short term rental so that I can understand these in advance.

> >

> > Or, if you have no concerns, a signed letter / email of support sharing that you have no reservations / concerns as the (upstairs adjacent) property owner would be great.

> >

> > You can send either of these emails to me at bpr@robichau.com.

> >

> > Thanks, and have a wonderful holiday season!!

> >

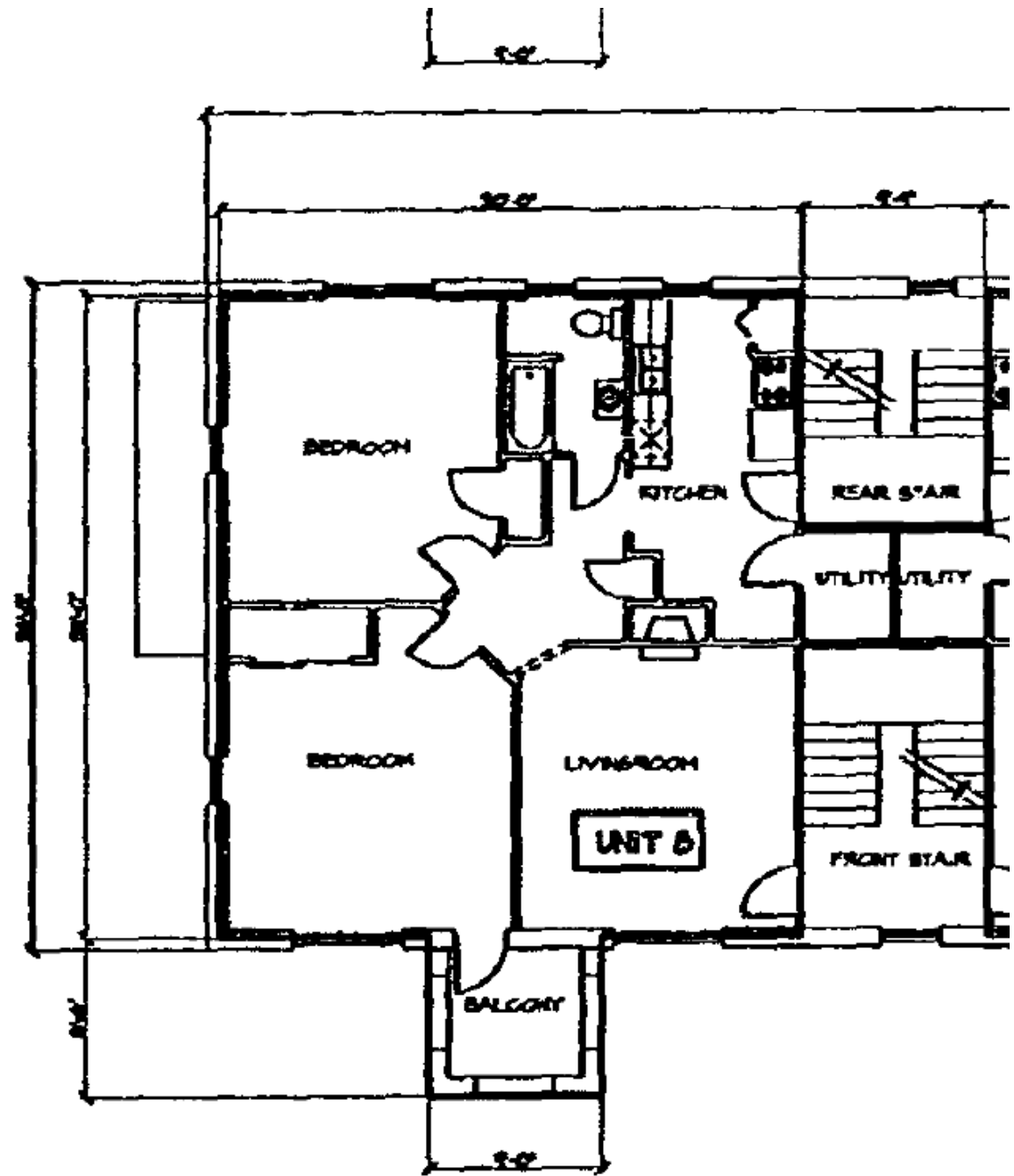
> > Peter Robichau

> > #8

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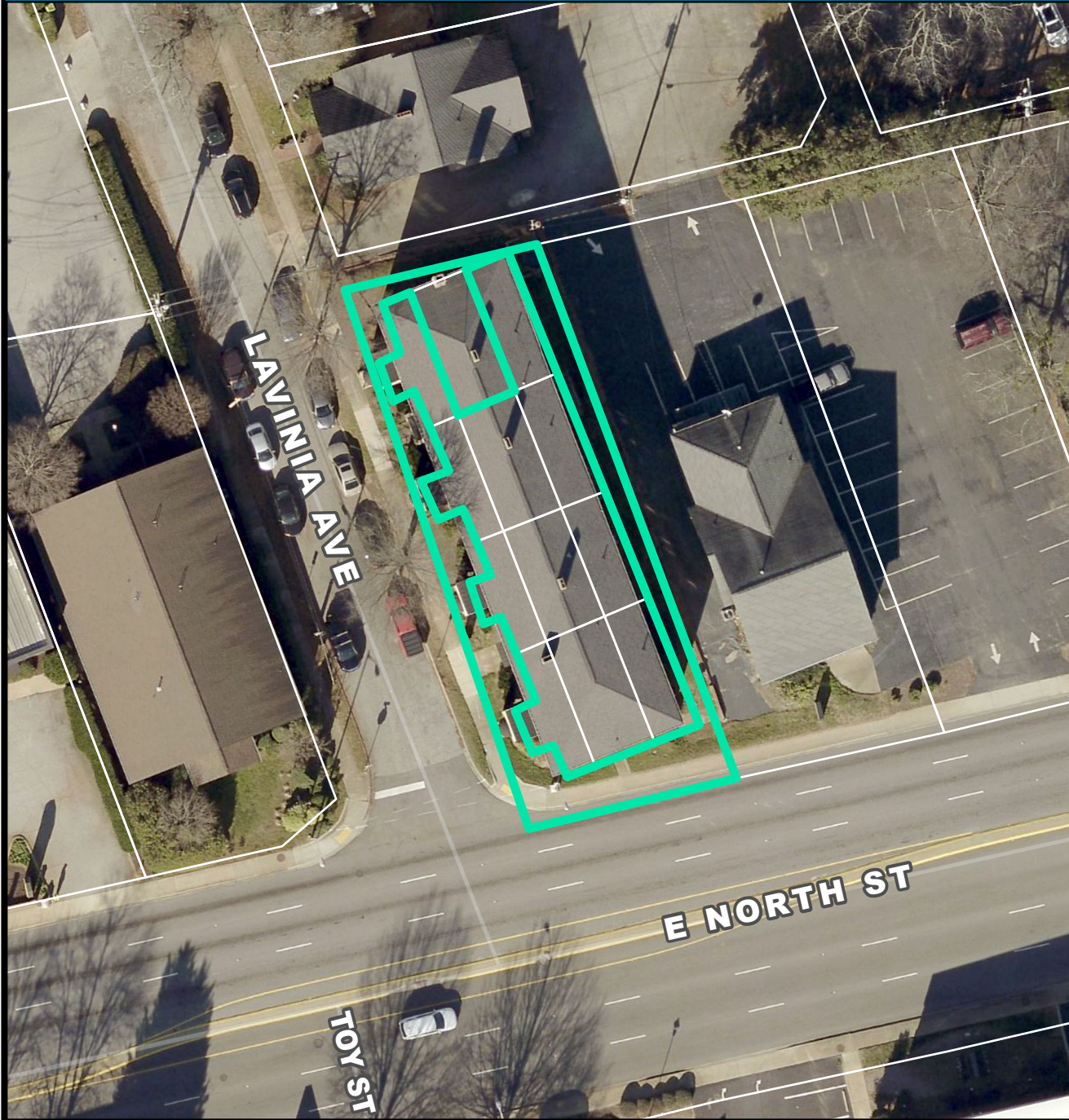
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SECOND FLOOR

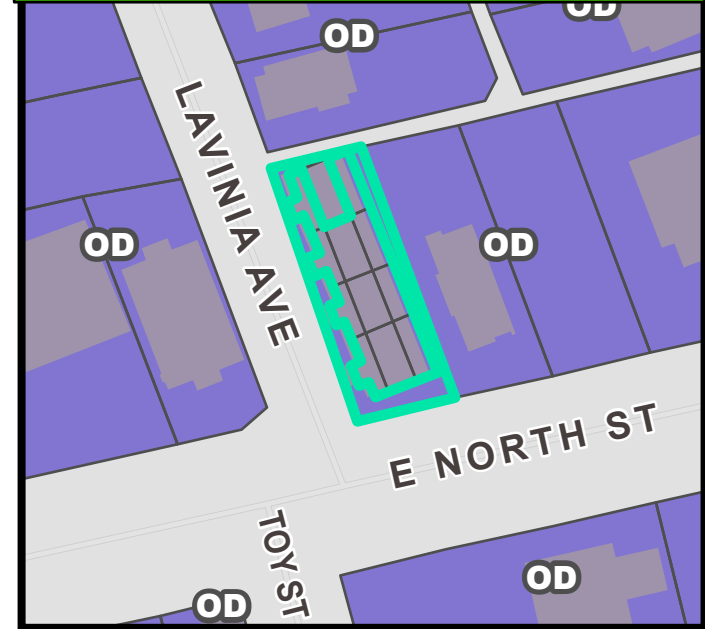


Floor Plan – 800 East North Street Greenville, SC 29601 - Unit #8 (Bernard Peter Robichau II – Owner)
For inclusion with the packet “Application for Special Exception to the City of Greenville” Dated 12-22-2022

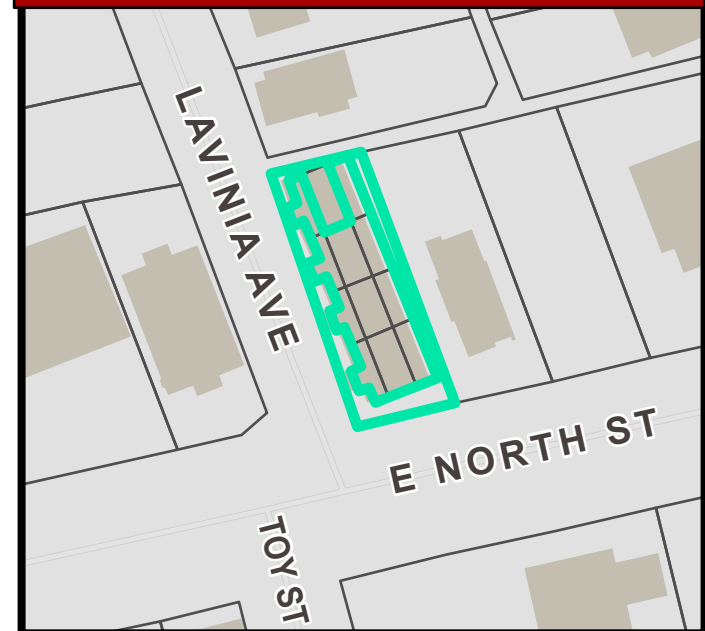
AERIAL VIEW



CURRENT ZONING



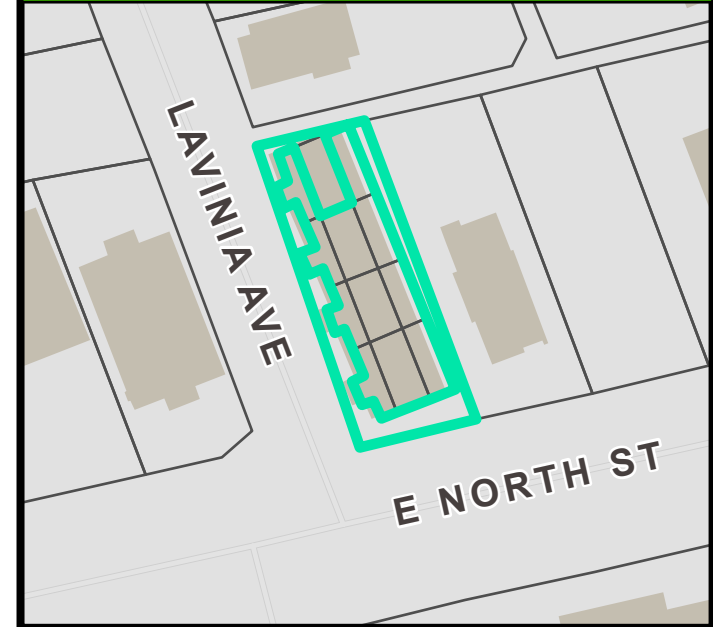
FUTURE LAND USE



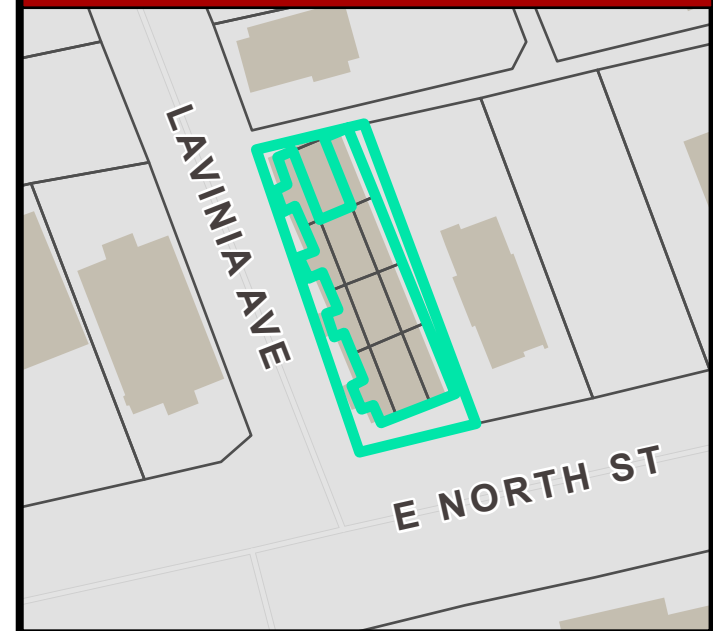
NATURAL / ENVIRONMENTAL FEATURES



SPECIAL EMPHASIS NEIGHBORHOODS



PRESERVATION OVERLAYS





**Planning Staff Report to
Board of Zoning Appeals
February 4, 2023**
for the February 9, 2023 Public Hearing

Docket Number:	S 22-993
Applicant:	Suite Retreat, LLC (Jill Blume)
Property Owner:	Bankline Mortgage Corporation (Jill Blume)
Property Location:	15 Whitsett Street
Tax Map Number:	004600-01-00700
Acreage:	0.19
Zoning:	OD, Office & Institutional District PO, Preservation Overlay District (Pettigru Street)
Proposal:	SPECIAL EXCEPTION to establish a ‘Hotel/motel’ (short-term rental) use

Applicable Sections of the City of Greenville Code of Ordinances:

Sec. 19-2.1.3 (A) (1), *Board of Zoning Appeals/Powers and Duties/Special Exceptions*
Sec. 19-2.3.5, *Special exception permit*
Sec. 19-4.1, *Table of uses*
Sec. 19-4.2.4 (H), *Visitor accommodations*
Sec. 19-6.1, *Off-street parking and loading*

Staff Recommendation: Approve with conditions

Staff concludes that the application complies with standards to grant a Special Exception Permit for a ‘Hotel/motel’ use. If the Board decides to grant the Permit, Staff recommends the following conditions:

1. The Special Exception Permit shall be limited to the Applicant, Suite Retreat, LLC (Jill Blume) and shall not be transferrable.
2. The Special Exception Permit shall be recorded in the Greenville County Office of the Register of Deeds 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 four (4) persons.

7. The Applicant shall work with the city's Building Codes and Fire Prevention staff to ensure that the proposed use will comply the South Carolina Building and Fire Codes.
8. The Applicant shall work with the city's Environmental Engineering staff to ensure the basement unit is properly plumbed and connected to City Sanitary sewer main located within Whitsett Street.

Staff Analysis:

The Applicant and Owner, Jill Blume, proposes to use the basement level suite in an existing mixed-use building (originally constructed as a detached single-family dwelling) for a visitor accommodation use (less than 30 days). The property is zoned OD, Office & Institutional District, and is located within the Pettigru Street Preservation Overlay District. According to subsection 19-4.2.4(H), *Visitor Accommodations*, dwelling units arranged for short-term stays of less than 30 days for rent, lease, or interval occupancy are classified as such, with designated examples including bed and breakfast inns, motels, and hotels. According to Table 19-4.1-2, *Table of Uses*, a hotel or motel use may be permitted by approval of special exception within the OD Zoning District.

No previous special exception permits have been granted for the property. Any current or previous short-term rental activity has been unpermitted. According to city short term rental tracking software, this unit has been listed since 2018 and is actively listed. This application was not the result of city enforcement action and no zoning complaints have been filed against the property.

A neighborhood meeting was not required for this application, but was held by the Applicant on January 17, 2023, in person, on-site at 15 Whitsett Street. A summary and sign-in sheet for this meeting are included as part of the application.

A Special Exception Permit shall be approved only upon finding that the applicant demonstrates **all** the following are met:

1. Consistent with the comprehensive plan

The Future Land Use Map of the City's GVL2040 Comprehensive Plan identifies this property as part of the *'Neighborhood Mixed-Use'* classification.

'Neighborhood Mixed-Use' is a classification described as typically in compact urban areas with a combination of vertical and horizontal mixed-use developments that includes small retail and commercial uses along with a variety of residential types. These areas are pedestrian friendly and in close proximity to downtown. It is anticipated that single uses will not exceed 10,000 square feet and "drive-thrus" are restricted due to the close proximity to downtown and adjacent neighborhoods.

A short-term rental is classified as a commercial use which aligns with the future land use classification in the GVL 2040 Comprehensive Plan. Similar visitor accommodation uses exist within the Pettigru Street area and have been approved by the Board in the past.

Staff finds that the proposed use is consistent with the GVL2040 Comprehensive Plan.

2. Complies with use specific standards

The Land Management Ordinance does not contain use-specific standards for hotel/motel use, per Sec. 19-4.3.3(H).

Staff finds that the proposed use complies with specific use standards of the Land Management Ordinance.

3. Compatibility with the surrounding lands

Adjacent property is used (and zoned) as follows:

East: Office (OD, Office and institutional)
North: Office (OD)
West: Office (OD)
South: Office (OD)

The proposed use is located within a larger, mixed-use area zoned OD, Office & Institutional. Like many properties in Pettigru, the property has been converted from its original single family residential use to a nonresidential use. Adjacent properties to the use are all law offices. The closest single family residential uses appear to be at 3 and 4 Whitsett Street. A multifamily building exists at 5 Whitsett. Permitted short term rentals in the area include 106, 107, and 110 Whitsett Street.



Figure 1: Known property use from GIS records. Red - Nonresidential; Yellow - Single Family Residential; Green - Multi Family Residential

Staff finds that the proposed use, with appropriate conditions, is compatible with surrounding lands.

4. Design does not have substantial adverse impacts

The unit will not be owner occupied or have an on-site manager when in use as a short-term rental, however the business space on the main level will remain in operation and is associated with the Applicant. Space on the building's second floor will remain nonresidential in nature. Short-term rental guests will not have access to the upper levels and will utilize an existing separate entrance.

The structures will retain the existing residential character from the exterior. No changes to the structure's exterior or the site are proposed. Any future changes to the exterior of the property would be required to meet the design standards for properties within a historic preservation overlay. No adverse visual impacts are anticipated from the use.

The Applicant has been informed that a short-term rental occupancy permit will be required. Although the property has a history as a mixed occupancy, an analysis of building and fire code compliance may still be required by the Building Codes Division.

Although minimum parking requirements are waived for properties in the historic preservation overlay, the property has accommodations for a total of nine parking spaces – all spaces are located behind the building and accessed from Boyce Avenue. On-street parking is available but

is regulated by the City of Greenville Parking Services through a permit program. The Applicant has stated that no on-street parking would be utilized by short term rental guests.

The existing off-street parking spaces complies with the typical minimum parking ratio for hotel/motel and office uses (0.75 spaces per guest room; a total of one parking space would be required for a one-bedroom unit; and 1 space per 600 square feet of gross floor area would be required for an office). No adverse parking and loading/unloading impacts are anticipated from the use.

The Applicant has indicated that she will be responsible for managing the property.

The Applicant has indicated interest in installing a noise monitoring device to ensure noise levels do not create a nuisance, but a system is not currently existing. No plans for exterior video monitoring were noted.

According to the application, guests will be responsible for emptying garbage prior to leaving. The property currently uses and will continue to use rollouts like nearby office and residential uses. The Applicant will be responsible for ensuring that the rollouts will be placed at the curb and returned to an inconspicuous location on the property.

The Applicant has indicated an awareness of the need to ensure compliance with the city noise ordinance and of the neighborhood concerns that the property has the potential to become a "party house" for short-rental guests, which is not acceptable. The aforementioned measures proposed by the Applicant should ensure that no adverse impacts related to noise, odor, glare, vibration are created and that the use does not create a nuisance.

Staff finds that the proposed use, with appropriate conditions, will not have substantial adverse impacts.

Staff Comments and Conditions

Fire Department Comments

Comments:

None

City Engineer Comments

Comments:

Application review approval is subject to the applicant satisfying all conditions and requirements of the engineering divisions.

Civil Engineer Comments

Comments:

None

Environmental Engineer Comments

Comments:

1. Owner to confirm basement is properly plumbed and connected to City Sanitary sewer main located within Whitsett Street.

Traffic Engineer Comments

Comments:

S 22-993
15 Whitsett Street

None



Office Use Only:

Application# _____ Fees Paid _____

Date Received _____ Accepted By _____

APPLICATION FOR SPECIAL EXCEPTION CITY OF GREENVILLE, SOUTH CAROLINA

APPLICANT / PERMITTEE*: Jill E Blume Owner/Suite Retreat, LLC
* _____ Name Title / Organization

permit may be limited to this entity. _____

APPLICANT'S REPRESENTATIVE: Jill E Blume, Single Member/Owner
(Optional) _____ Name Title / Organization

MAILING ADDRESS: 15 Whitsett Street, Greenville, SC 29601

PHONE: 864-313-2361 **EMAIL:** jblume@dhlmortgage.com _or_ jmeblume@gmail.com

PROPERTY OWNER: BankLine Mortgage Corporation / Jill E Blume

MAILING ADDRESS: 15 Whitsett Street, Greenville, SC 29601

PHONE: 864-313-2361 **EMAIL:** jmeblume@gmail.com

PROPERTY INFORMATION

STREET ADDRESS: 15 Whitsett Street, Suite A, Basement Level Greenville, SC 29601

TAX PARCEL #: 0046000100700 **ACREAGE:** 0.207 **ZONING DESIGNATION:** O-D

REQUEST

Refer to Article 19-4, Use Regulations, of the Land Management Ordinance (www.municode.com/library/)

DESCRIPTION OF PROPOSED LAND USE:

AirBnB / Short-Term Rental in the Basement Level of the existing Commercial Property. We actually started the AirBnB in 2018 before the Short Term Exception Permit was required. We assumed we were "grandfathered" and did not apply. We were...

INSTRUCTIONS

1. The application and fee, **made payable to the City of Greenville**, must be received by the planning and development office no later than 5:00 pm of the date reflected on the attached schedule.

2. The applicant/owner must respond to the "standards" questions on page 2 of this application (you must answer "why" you believe the application meets the tests for the granting of a special exception). See also **Section 19-2.3.5, Special Exception Permit**, for additional information. You may attach a separate sheet addressing these questions.

3. You must attach a scaled drawing of the property that reflects, at a minimum, the following: (a) property lines, existing buildings, and other relevant site improvements; (b) the nature (and dimensions) of the proposed development (activity); (c) existing buildings and other relevant site improvements on adjacent properties; and, (d) topographic, natural features, etc. relevant to the requested special exception.

4. You must attach the required application fee: \$250.00

5. The administrator will review the application for "sufficiency" pursuant to **Section 19-2.2.6, Determination of Sufficiency**, prior to placing the application on the BZA agenda. If the application is determined to be "insufficient", the administrator will contact the applicant to request that the applicant resolve the deficiencies. **You are encouraged to schedule an application conference with a planner, who will review your application for "sufficiency" at the time it is submitted. Call (864) 467-4476 to schedule an appointment.**

6. You must post the subject property at least 15 days (but not more than 18 days) prior to the scheduled hearing date.



'Public Hearing' signs are acknowledged as received by the applicant

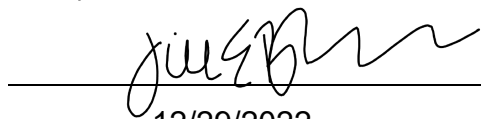

Applicant Signature

7. **Please read carefully:** The applicant and property owner affirm that all information submitted with this application; including any/all supplemental information is true and correct to the best of their knowledge and they have provided full disclosure of the relevant facts.

In addition the applicant affirms that the applicant or someone acting on the applicant's behalf has made a reasonable effort to determine whether a deed or other document places one or more restrictions on the property that preclude or impede the intended use and has found no record of such a restriction.

If the planning office by separate inquiry determines that such a restriction exists, it shall notify the applicant. If the applicant does not withdraw or modify the application in a timely manner, or act to have the restriction terminated or waived, then the planning office will indicate in its report to the Board of Zoning Appeals that granting the requested change would not likely result in the benefit the applicant seeks.

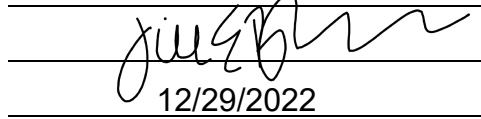
To that end, the applicant hereby affirms that the tract or parcel of land subject of the attached application is ☐ or is not ☒ restricted by any recorded covenant that is contrary to, conflicts with, or prohibits the requested activity.



12/29/2022

APPLICANT / REPRESENTATIVE SIGNATURE

DATE



12/29/2022

PROPERTY OWNER SIGNATURE

DATE

APPLICANT RESPONSE TO
SECTION 19-2.3.5(D)(1), STANDARDS – SPECIAL EXCEPTION

(YOU MAY ATTACH A SEPARATE SHEET)

1. DESCRIBE THE WAYS IN WHICH THE PROPOSED SPECIAL EXCEPTION IS CONSISTENT WITH THE COMPREHENSIVE PLAN.

See attached.

2. DESCRIBE THE WAYS IN WHICH THE REQUEST WILL COMPLY WITH THE STANDARDS IN **SECTION 19-4.3, USE SPECIFIC STANDARDS.**

Hotel and motel are not subject to Specific Use Standards.

3. DESCRIBE THE WAYS IN WHICH THE REQUEST IS APPROPRIATE FOR ITS LOCATION AND IS COMPATIBLE WITH THE CHARACTER OF EXISTING AND PERMITTED USES OF SURROUNDING LANDS AND WILL NOT REDUCE THE PROPERTY VALUES THEREOF.

See attached.

4. DESCRIBE THE WAYS IN WHICH THE REQUEST WILL MINIMIZE ADVERSE EFFECTS ON ADJACENT LANDS INCLUDING: VISUAL IMPACTS; SERVICE DELIVERY; PARKING AND LOADING; ODORS; NOISE; GLARE; AND, VIBRATION. DESCRIBE THE WAYS IN WHICH THE REQUEST WILL NOT CREATE A NUISANCE.

See attached.

Description of Proposed Land:

AirBnB / Short-Term Rental in the Basement Level of the existing Commercial Property.

We actually started the AirBnB profile in 2018 before the Short Term Exception Permit was required. We assumed we were "grandfathered" and did not apply. We were recently told by a mortgage client that there were not exceptions to this permit. We went to City Hall and let them know our circumstances. We paid all fees and penalties applicable to the Greenville City License in accordance with our tax return gross profits from 2019 – 2022. We simultaneously applied for and were issued a SHORT TERM RNTL permit [attached]. We just found out that the permit had been issued in error. Therefore, we are now going through the Office of Zoning for the correct license/permit. We blocked our AirBnB website calendar as of December 11th and it will remain blocked until we are officially permitted to resume business. We respectfully apologize for this error.

1. The GVL2040 future plan is seeking to further develop downtown and the I-385 E-North Street entrance into our City. By increasing short-term rentals in the Pettigru District, we are giving visitors a taste of the walkability and safe surroundings offered by a life in the downtown area. Lodging options such as AirBnb and other short-term rentals give families and professionals who are looking to move here a greater sense of this community. Their visit becomes more about the fabric and heart of Greenville as they enjoy the oak lined streets, sidewalks and amenities near Whitsett Street. All these things play a large role in the important future development of *#yeahthatgreenville!!*
2. Hotel and motel are not subject to Specific Use Standards.
3. The subject property has been considered a mixed-use property since I purchased it in the mid-late 90's. There are three floors. My mortgage company has occupied the top two floors since that time. The structure is considered an....Owner Occupied Commercial Space. The walk-out basement level [our Subject AirBnB; Suite Retreat] has been rented to a hair salon, a massage therapist, and residential long-term tenants. Most of the other single-family dwellings on Whitsett Street also house commercial businesses.
Specifically, 15 Whitsett Street is on the corner of Boyce and Whitsett so that public streets are in front of and to the South of the property. Directly behind us is a service alley and a law firm. Additionally, all adjacent neighbors in every direction are commercial entities. The Bon Secours Wellness Arena and other event venues are also close by giving Whitsett and Boyce Streets a variety of mixed-use activities throughout the weekdays and weekends, around the clock. Our AirBnB is nestled right in the center of all this activity and fits right in. There is not a foreseeable reduction to any of the surrounding property's values, as several neighboring dwellings also have approved short-term rentals either attached or within their walls!

4. **Visual Impacts:** All existing visual characteristics are consistent with the historic nature of the Pettigru district. There will not be any changes made to the property's exterior for the purposes of the AirBnB without approval from the Design Review Board staff.

Service Delivery: The delivery services are currently only related to my mortgage company; DHL Mortgage for items like Office Supplies, FedEx and USPS. We do not anticipate any need for delivery services for the AirBnB. Cleaning services are done after business hours and the janitorial staff uses the parking lot.

Parking and Loading: The basement level [our Subject AirBnB; Suite Retreat] is accessible only from the parking lot. We have 10 regular parking spaces to accommodate the entire structure, including the AirBnB. Our written instructions to guests are to use ONLY the parking lot during their stay, so as not to interfere with any street parking of the neighboring businesses.

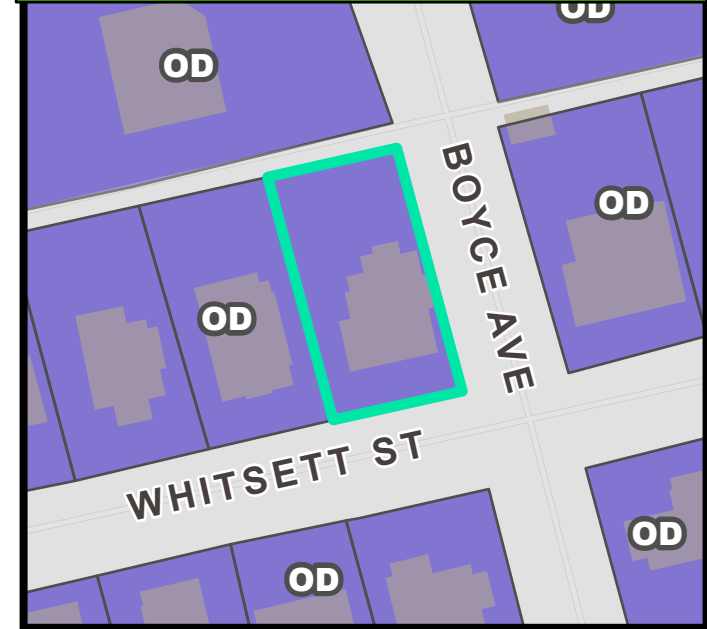
Odors: Our dwelling has a roll-away trash bin in the parking lot. All guests are required to empty their trash at the end of their stay into this outside bin. The trash is picked up weekly by an outside service. Yard maintenance is also done twice a week so that the sidewalks and parking lot remain tidy!

Noise, Glare, or Vibrations: This property is a one-bedroom dwelling with a sleeper sofa. There will not be rentals to more than 4 occupants. We have never had an issue with noise to date and do not anticipate any issues in the future. However, we are looking into getting a noise detector on site in accordance with AirBnB policies to ensure compliance with the City's noise ordinance. Additionally, our house rules state "No Loud Music or Parties". Fortunately, I am personally on site 7-10 hours a day during the week and many times will stop by on the weekends due to job duties. I plan to continue trying to meet guests personally as a matter of customer service to go over House Rules and ensure everyone is on the same page!

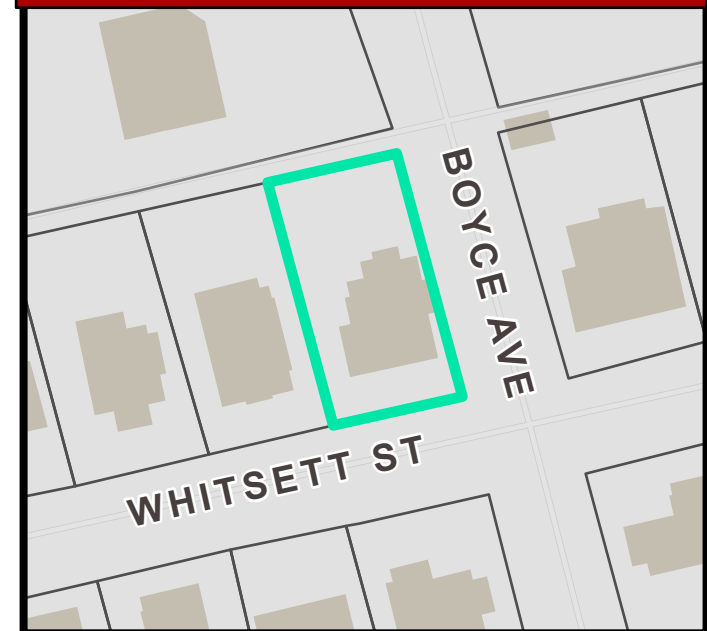
AERIAL VIEW



CURRENT ZONING



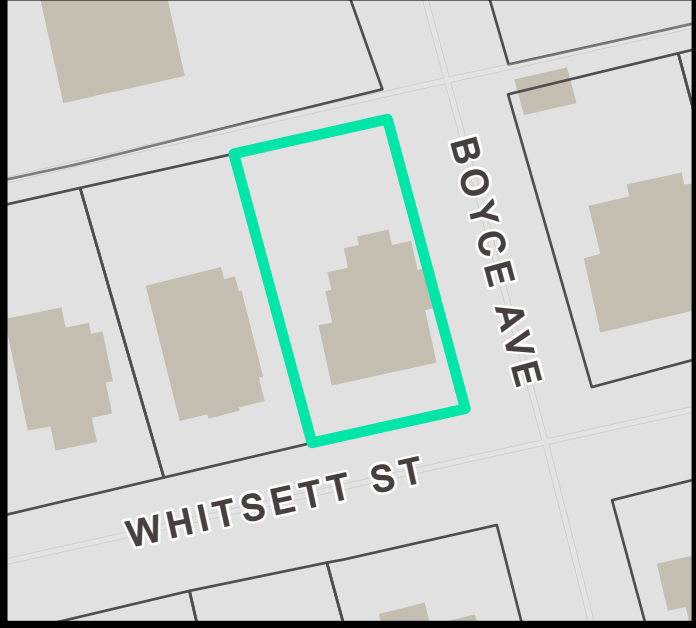
FUTURE LAND USE



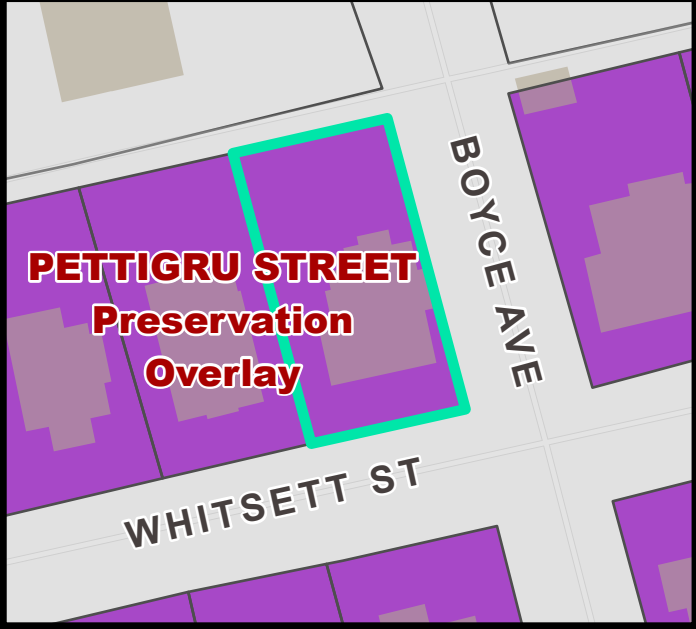
NATURAL / ENVIRONMENTAL FEATURES



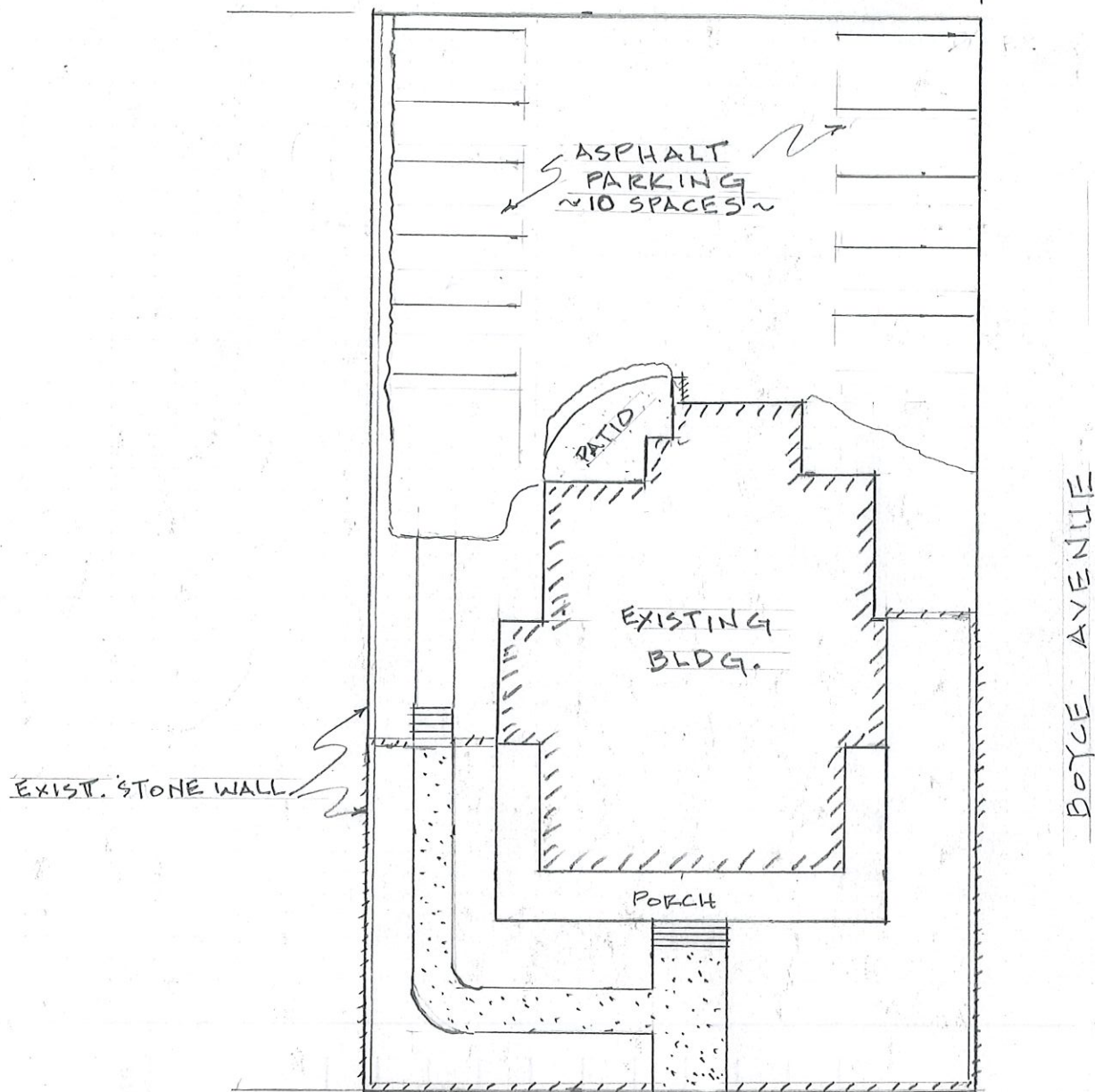
SPECIAL EMPHASIS NEIGHBORHOODS



PRESERVATION OVERLAYS



EXISTING ALLEY



WHITSETT STREET

EXISTING SITE PLAN FOR :
15 WHITSETT STREET
GREENVILLE, SC 29601
APPROX. SCALE : 1" = 20'

SKETCH AREA/TABLE ADDENDA

File No. 7218

Property Address 15 Whitsett Street

City Greenville

County Greenville

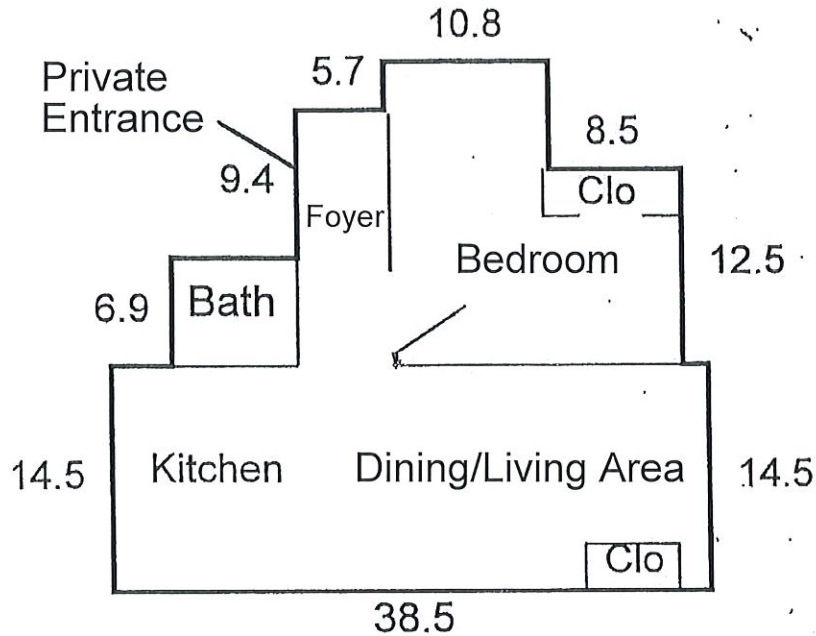
State SC

Zip Code

Borrower

Lender/Client American Federal Bank FSB

Appraiser



Scale: 1 = 1'

AREA CALCULATIONS SUMMARY

Area	Name of Area	Size	Totals
BSMT	Basement	1021.1	1021.1

AREA BREAKDOWN

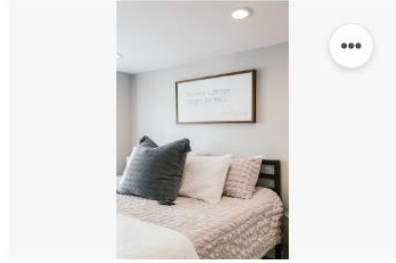
Breakdown	Subtotals
0 Areas Total (rounded)	0



King Bed in private bedroom already ... [Edit](#)



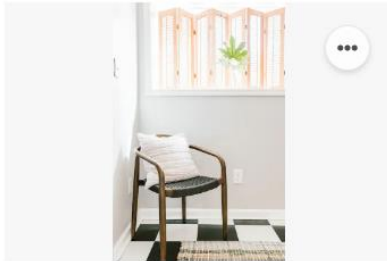
Private Bedroom with changing area ... [Edit](#)



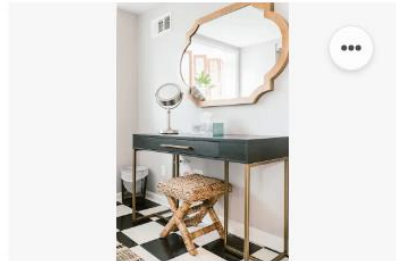
[Add caption](#)



Changing area off the Private Bedroo... [Edit](#)



[Add caption](#)



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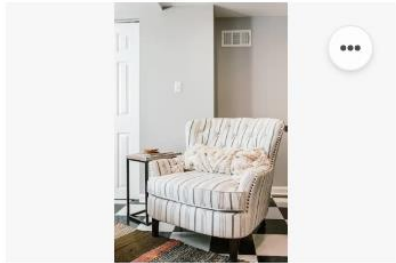
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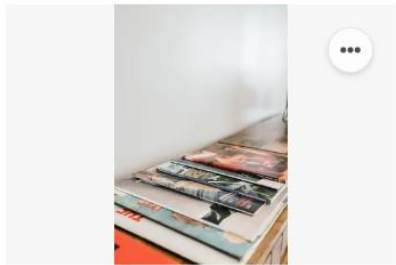
Add caption



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Neighborhood Meeting

Project Name:

SUITE RETREAT

Location:

15 WHITSETT STREET, GREENVILLE, SC 29601

Time of the meeting:

6pm

Date:

1-17-23

Representative holding meeting:

JILL E. BLUME

Name	Street Address	Email
1 ROSS ZELENSKE	206 S Main St Greenville	rzeleuske@greenvillesc.gov
2 Michael O Hallman	16 Williams St Greenville 29601	mohallman123@gmail.com
3 KRISTOPHER KURJAKA	131 FALLS ST	kkurjiaka@greenvillesc.gov
4 Carolyn Phillips	15 Whitsett St Gville 29601	cphillips@dhlmortgage.com
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Neighborhood Meeting Minutes

January 17, 2023

Held from 6:00pm – 7:05pm

Host: Jill E. Blume

City Representatives: Ross Zelenske
Kristopher Kurjiaka

Attendees: Michael O. Hallman

Mr. Hallman and the City Representatives arrived at approximately the same time, around 6:05pm.

Mr. Hallman was there to oppose the AirBnB and the continued “creeping” of such short-term rentals into the Pettigru District. He seemed to be mainly concerned about entire houses that could have large groups of tenants and potential “party house” issues.

I explained that my property was for couples visiting our area for anniversaries, birthdays, and a number of families that were seeking more information about our city with the potential to move here.

I am a mortgage banker and we also discussed the advantage my AirBnB gives my mortgage business. In addition to regular AirBnB clientele, I assist Realtors with housing for clients that are looking to move to the area. The location is perfect for showcasing the downtown area, its walkability, safety and events.

After about 15min Mr. Hallman left. We waited for any other participants to arrive.

At 7:05pm we decided to adjourn.

Jill E Blume, Owner
Suite Retreat



**Planning Staff Report to
Board of Zoning Appeals
February 4, 2023**
for the February 9, 2023 Public Hearing

Docket Number:	S 23-032
Applicant:	Weston Moore
Property Owner:	Weston and Julia Moore
Property Location:	221 Grove Road
Tax Map Number:	021800-02-01600
Acreage:	0.20
Zoning:	R-6, Single-Family Residential District
Proposal:	SPECIAL EXCEPTION to establish a Bed and breakfast inn

Applicable Sections of the City of Greenville Code of Ordinances:

Sec. 19-2.1.3 (A) (1), *Board of Zoning Appeals/Powers and Duties/Special Exceptions*

Sec. 19-2.3.5, *Special exception permit*

Sec. 19-4.1, *Table of uses*

Sec. 19-4.2.4 (H), *Visitor accommodations*

Sec. 19-4.3.3 (H), *Use-specific standards, Commercial uses, Bed and breakfast inn*

Sec. 19-6.1, *Off-street parking and loading*

Staff Recommendation: Deny

Staff concludes that the application does not comply with the standards for granting a Special Exception Permit for a '**bed and breakfast inn**' use. If the Board decides to grant the permit, staff recommends the following conditions:

1. The Special Exception Permit shall be limited to the Applicant, Weston Moore, and shall not be transferrable.
2. The Special Exception Permit shall be recorded in the Greenville County Office of the Register of Deeds 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 two (2) persons.

7. The Applicant shall work with the city's Building Codes staff to ensure that the proposed use will comply the South Carolina Building and Fire Codes.

Staff Analysis:

The Applicant and Owner, Weston Moore, proposes to convert his existing single-family residence into a bed and breakfast inn to allow the short-term rental of an above-garage bedroom. The house will remain the primary residence of the Applicant and his family.

According to subsection 19-4.2.4(H), *Visitor Accommodations*, dwelling units arranged for short-term stays of less than 30 days for rent, lease, or interval occupancy are classified as such, with designated examples including bed and breakfast inns, motels, and hotels. According to Table 19-4.1-2, *Table of Uses*, a 'bed and breakfast inn' use may be permitted by approval of special exception within the R-6 Zoning District.

No previous special exception permits have been granted for the property. Any current or previous short-term rental activity has been unpermitted. According to city short term rental tracking software, this unit has been listed since 2018 and is actively listed. This application was the result of city enforcement action; however, no zoning complaints have been filed against the property. The enforcement action was initiated as part of a neighborhood-wide sweep against unpermitted short-term rental activity.

A neighborhood meeting was required for this application and was held by the Applicant on December 27, 2022, in person at the Greenville County Augusta Road Library. A summary and sign-in sheet for this meeting are included as part of the application. Staff was not able to attend this meeting.

A Special Exception Permit shall be approved only upon finding that the applicant demonstrates **all** the following are met:

- 1. *Consistent with the comprehensive plan***

The Future Land Use Map of the City's GVL 2040 Comprehensive Plan identifies this property between the '*Urban Residential*' and '*Sub-Urban Residential*' classifications and within the '*Areas Suitable for Missing Middle Housing*' designation.

The '*Urban Residential*' classification is a mixture of low-density and medium-density housing types, including multifamily units, townhouses, single-family detached, and single-family attached dwellings. Urban Residential neighborhoods are in close proximity to the downtown area and pockets east of Laurens Road. This classification allows for a density of 10-20 units per acre and is intended to allow compact development within Greenville's historic and traditional neighborhoods with smaller lots and walkable streets. Complementary uses customarily found in residential districts, such as community recreation facilities, places of worship, and schools, may be allowed.

The '*Sub-Urban Residential*' classification is largely comprised of single-family homes, with a range of 5-8 housing units per acre. Lots are generally larger than what is in Urban Residential areas and many streets do not have sidewalks or streetlights. Complementary uses customarily found in residential districts, such as community recreation facilities, places of worship, and schools, may be allowed in areas adjacent to Corridors and Urban Nodes.

The '*Areas Suitable for Missing Middle Housing*' designation refers to areas are suitable for a variety of housing types as identified in the Missing Middle Housing Study for Greenville City and County. The identified areas are 5 minute / $\frac{1}{4}$ mile walksheds around key centers of activity that include downtown, urban centers/downtown transition areas, neighborhood main streets, and key medical/institutional facilities.

Both future land use classifications indicate that complementary, non-residential uses can be in residential districts. The complementary uses described in the classification descriptions would be classified as institutional uses. Bed and breakfast inns are classified as commercial uses. Staff

finds that commercial uses in the city's residential future land use classifications may be appropriate when a transition toward mixed-use classifications is taking place, however, the location of this property is not within such transition area.

Staff finds that the proposed use is not consistent with the comprehensive plan.

2. Complies with use specific standards

Use-specific standards for bed and breakfast inns are found in Section 19-4.3.3 (H).

19-4.3.3. Commercial uses.

(H) Bed and breakfast inn.

(1) Generally.

- (a) *Bed and breakfast inns are limited to ten guest rooms. In residentially-zoned districts bed and breakfast inns are limited to four guest rooms, unless the board of zoning appeals finds that additional rooms will not be detrimental to the residential character of the district.*
- (b) *The inn must be operated by the owner occupant of the property or by members of owner occupant's family also residing on the premises.*
- (c) *Cooking facilities shall be prohibited in guest rooms.*
- (d) *Guest rooms shall not be located in accessory structures.*
- (e) *Exterior alterations to the structure shall be approved by the design review board, through an application for certificate of appropriateness. Guest rooms shall not have individual exterior entrances.*

(2) *Neighborhood meeting required. A neighborhood meeting shall be required to be conducted prior to submission of a special exception application for a bed and breakfast inn.*

(3) Site standards.

- (a) *When located in a district zoned residential, single-family, a bed and breakfast inn shall only be located on a street with average daily trips of 2,200 or greater.*
- (b) *Bed and breakfast inns in residential districts shall not be located within 200 feet of another bed and breakfast inn or group living facility.*
- (c) *Parking for a bed and breakfast inn shall not be located in the front yard of the facility, except when stacked in a typical residential driveway, and may be approved as turf or a pervious pavement system.*

The property will be limited to only one guest room, when below the maximum four rooms allowed for bed and breakfast inns in residential districts.

The use will be operated by the owner occupant of the property when in use as a short-term rental.

There are no cooking facilities, specifically a cooking range and oven, in the guest room, however the application noted that a microwave oven is present. Planning staff have generally discouraged microwaves but have not interpreted them to be a violation of this provision.

The guest room is located above an attached garage that was constructed in 2018. The garage is not considered an accessory structure as it is connected to the house by heated floor space.

No exterior alterations to the house are proposed as part of the application. Guests can access the guest room through a door on the side of the garage and then walk up a flight of stairs to the unit.

A neighborhood meeting was held as required. A summary is attached to the staff report. Concerns were expressed by attendees that the meeting was held too close to the Christmas holiday, that Planning staff was not present, and that approval of this bed and breakfast inn request could lead to additional short term rental activity in the neighborhood. Planning staff approved the Applicant's meeting date as it was not on a holiday and complied with the Land Management Ordinance requirements. The Planning staff member assigned to the meeting was unable to attend due to a last minute, unexpected matter.

The property is located at the corner of Grove Road and Elsie Avenue. Although vehicles access the bed and breakfast inn from the driveway on Elsie Avenue, which does not meet the standard, the property fronts and is addressed from Grove Road. Grove Road is classified as an arterial road and sees an average daily traffic count of more than 7,000 vehicles.

Parking for the use will occur in the driveway and garage. The driveway is located along the side street frontage and not within the front yard off Grove Road. The currently existing gravel areas shall not be used for parking purposes.

Staff finds that the proposed use complies with specific use standards of the Land Management Ordinance.

3. **Compatibility with the surrounding lands**

Adjacent property is used (and zoned) as follows:

- East:** Single-family detached residential (R-6)
- North:** Single-family detached residential (R-6)
- West:** Single-family detached residential (R-6)
- South:** Duplexes and Single-family detached residential (R-6)



Figure 1: Known property use from GIS records. Red - Nonresidential; Yellow - Single Family Residential; Green - Multi Family Residential

The property fronts Grove Road, a four-lane road, but the surrounding area consists of only one- and two-family residential dwellings. There are no other bed and breakfast inns or other non-residential uses along Grove Road until you reach Augusta Street (approximately 1,300 feet away) and the Prisma Greenville Memorial campus (approximately 1,400 feet away). Grove Road is the dividing line between the West Prentiss and Aberdeen Village neighborhoods. There are no non-residential uses within these neighborhoods until you get close to Mills Avenue or Augusta

Street. As such, the use is in the center of a purely residential area and is not near a neighborhood transitional area, where such use may be more compatible.

Staff believes the use is not compatible with the surrounding lands.

4. Design does not have substantial adverse impact

The dwelling will continue to be owner occupied when the guest room is rented out as a short-term rental. The Applicant will continue to be responsible for managing and maintaining the property.

The structure will retain the existing residential character from the exterior. No changes to the structure's exterior or the site are proposed. No adverse visual impacts are anticipated from the use.

A short-term rental occupancy permit and business license will be required. Although the property has been used for short-term rental purposes in the past, a building permit will be required to formally finish and use the space for living purposes.

A total of three parking spaces – one located in the garage and two in the driveway from Elsie Avenue – are available and existing for the use. The property also features some gravel areas along the driveway that have functioned as overflow parking areas. The use of gravel for parking is generally not permitted. On-street parking on Elsie Avenue is possible. The Applicant has stated that on-street parking could be utilized by short term rental guests.

The existing off-street parking spaces complies with the minimum parking ratio for bed and breakfast inn uses (0.5 per guest room plus two for permanent residence; a total of three parking spaces would be required for this property). Planning staff discourages the use of Elsie Avenue for regular on-street parking for short-term rental guests as Elsie Avenue does not have the appropriate width to adequately accommodate street parking and two-way traffic. With conditions, no adverse parking and loading/unloading impacts are anticipated from the use.

Noise monitoring devices or exterior cameras were not indicated in the application. The presence of the property owner on site should ensure noise levels do not create a nuisance and are quickly addressed, if so.

The property currently uses and will continue to use rollouts like nearby residential uses. The Applicant will be responsible for ensuring that the rollouts will be placed at the curb and returned to an inconspicuous location on the property.

The measures taken by the Applicant should ensure that no adverse impacts related to noise, odor, glare, vibration are created and that the use does not create a nuisance.

Staff finds that the proposed use, with appropriate conditions, will not have substantial adverse impact.

Staff Comments and Conditions

Fire Department Comments

Comments:

Less than 50 people confirmed. Any more would kick in additional requirements

City Engineer Comments

Comments:

Application review approval is subject to the applicant satisfying all conditions and requirements of the engineering divisions.

Civil Engineer Comments

Comments:

No comments.

Environmental Engineer Comments

Comments:

No comments.

Traffic Engineer Comments

Comments:

No comments.



Office Use Only:

Application# _____ Fees Paid _____

Date Received _____ Accepted By _____

APPLICATION FOR SPECIAL EXCEPTION CITY OF GREENVILLE, SOUTH CAROLINA

APPLICANT / PERMITTEE*: Weston Moore

* _____ Name _____ Title / Organization _____
permit may be limited to this entity. _____

APPLICANT'S REPRESENTATIVE: N/a
(Optional)

_____ Name _____ Title / Organization _____

MAILING ADDRESS: 221 Grove Road Greenville, SC 29605

PHONE: 864-934-6142 EMAIL: westonmoore711@gmail.com

PROPERTY OWNER: Weston Moore

MAILING ADDRESS: 221 Grove Road Greenville, SC 29605

PHONE: 864-934-6142 EMAIL: westonmoore711@gmail.com

PROPERTY INFORMATION

STREET ADDRESS: 221 Grove Road Greenville, SC 29605

TAX PARCEL #: 0218000201600 ACREAGE: .195 ZONING DESIGNATION: R-6

REQUEST

Refer to Article 19-4, Use Regulations, of the Land Management Ordinance (www.municode.com/library/)

DESCRIPTION OF PROPOSED LAND USE:

Special exception for bed and breakfast under section 19-4.3.3H

INSTRUCTIONS

1. The application and fee, **made payable to the City of Greenville**, must be received by the planning and development office no later than 5:00 pm of the date reflected on the attached schedule.

2. The applicant/owner must respond to the "standards" questions on page 2 of this application (you must answer "why" you believe the application meets the tests for the granting of a special exception). See also **Section 19-2.3.5, Special Exception Permit**, for additional information. You may attach a separate sheet addressing these questions.

3. You must attach a scaled drawing of the property that reflects, at a minimum, the following: (a) property lines, existing buildings, and other relevant site improvements; (b) the nature (and dimensions) of the proposed development (activity); (c) existing buildings and other relevant site improvements on adjacent properties; and, (d) topographic, natural features, etc. relevant to the requested special exception.

4. You must attach the required application fee: \$250.00

5. The administrator will review the application for "sufficiency" pursuant to **Section 19-2.2.6, Determination of Sufficiency**, prior to placing the application on the BZA agenda. If the application is determined to be "insufficient", the administrator will contact the applicant to request that the applicant resolve the deficiencies. **You are encouraged to schedule an application conference with a planner, who will review your application for "sufficiency" at the time it is submitted. Call (864) 467-4476 to schedule an appointment.**

6. You must post the subject property at least 15 days (but not more than 18 days) prior to the scheduled hearing date.

_____ 'Public Hearing' signs are acknowledged as received by the applicant

Applicant Signature

7. **Please read carefully:** The applicant and property owner affirm that all information submitted with this application; including any/all supplemental information is true and correct to the best of their knowledge and they have provided full disclosure of the relevant facts.

In addition the applicant affirms that the applicant or someone acting on the applicant's behalf has made a reasonable effort to determine whether a deed or other document places one or more restrictions on the property that preclude or impede the intended use and has found no record of such a restriction.

If the planning office by separate inquiry determines that such a restriction exists, it shall notify the applicant. If the applicant does not withdraw or modify the application in a timely manner, or act to have the restriction terminated or waived, then the planning office will indicate in its report to the Board of Zoning Appeals that granting the requested change would not likely result in the benefit the applicant seeks.

To that end, the applicant hereby affirms that the tract or parcel of land subject of the attached application is ☐ or is not ☒ restricted by any recorded covenant that is contrary to, conflicts with, or prohibits the requested activity.



APPLICANT / REPRESENTATIVE SIGNATURE

12-31-22

DATE



PROPERTY OWNER SIGNATURE

12-31-22

DATE

APPLICANT RESPONSE TO
SECTION 19-2.3.5(D)(1), STANDARDS – SPECIAL EXCEPTION

(YOU MAY ATTACH A SEPARATE SHEET)

1. DESCRIBE THE WAYS IN WHICH THE PROPOSED SPECIAL EXCEPTION IS CONSISTENT WITH THE COMPREHENSIVE PLAN.

See attached word document

2. DESCRIBE THE WAYS IN WHICH THE REQUEST WILL COMPLY WITH THE STANDARDS IN **SECTION 19-4.3, USE SPECIFIC STANDARDS.**

See attached word document

3. DESCRIBE THE WAYS IN WHICH THE REQUEST IS APPROPRIATE FOR ITS LOCATION AND IS COMPATIBLE WITH THE CHARACTER OF EXISTING AND PERMITTED USES OF SURROUNDING LANDS AND WILL NOT REDUCE THE PROPERTY VALUES THEREOF.

See attached word document

4. DESCRIBE THE WAYS IN WHICH THE REQUEST WILL MINIMIZE ADVERSE EFFECTS ON ADJACENT LANDS INCLUDING: VISUAL IMPACTS; SERVICE DELIVERY; PARKING AND LOADING; ODORS; NOISE; GLARE; AND, VIBRATION. DESCRIBE THE WAYS IN WHICH THE REQUEST WILL NOT CREATE A NUISANCE.

See attached word document

1. DESCRIBE THE WAYS IN WHICH THE PROPOSED SPECIAL EXCEPTION IS CONSISTENT WITH THE COMPREHENSIVE PLAN.

The use of our property and house has been and always will remain primarily residential in nature. Our family of four resides in the home that is connected to this space, and we are the primary users of the property. As we only have a single space for bed and breakfast purposes, and the maximum number of people in the space is two, there will be an extremely limited impact to the residential character of the property. The presence of people visiting and staying in our bed and breakfast space does not have any negative affect on the residential character of the neighborhood.

Prior to discovering that we were not appropriately zoned, we hosted on Airbnb for multiple years. Over that time, we did not receive a single complaint from our neighbors about our rental activity, and we have always been upfront with all of our neighbors about this activity. Upon notification from the city of inappropriate zoning, we immediately ceased rental activity and sought this special exception route to do things the right way. Over the years that we previously hosted, we averaged a 4.98 out of 5.00 stars on our reviews. Hosting our guests in this excellent manner represents Greenville extremely well and it gives us great joy to do so. We have a shown history of creating a great space for guests to stay, without causing any disturbance to our neighbors, and that will continue should this special exception be granted.

The nature of the guests that we host are extremely compatible with the character of our existing neighborhood. In our experience, we attract hospital employees, couples waiting on home construction to complete, and people who want to explore Greenville for the potential of moving here. We even frequently hosted family members and friends of our neighbors that love having a place to stay within walking distance of their own home. Everyone that stays with us is interested in obtaining a “neighborhood” feel from their stay, and that is what we deliver. We always give our guests recommendations to local small businesses for eating out and shopping. While our guests are with us, we think of them and treat them much more as temporary residents of Greenville than as guests or tourists, and they treat our property and neighbors in the same manner. Because of that, our guests are fully compatible with the residential nature of our neighborhood.

There is a clear need in the market for rentals of this nature in Greenville. Over the years that we rented out the space prior to discovering the zoning non-conformance, we have hosted such a wide variety of people in our space that have needed a lower cost, convenient, and private place to stay. We’ve hosted a stressed mom that needed a night away to herself, a single mom that was unexpectedly without a place to stay, travel nurses, medical residents, family visiting loved ones at the hospital, couples searching for a neighborhood they want to move to, and the list goes on and on. The availability of spaces like ours increases the short-term and long-term housing supply, as we accept the full spectrum length of stays, from one night stays up to as long as a person would want to stay with us without limit. We primarily attract people that want to receive a true “feel” of Greenville, from the perspective of a resident.

Because of all of these factors, the exception for our space to be a bed and breakfast is fully compatible with the comprehensive plan and the residential character of the neighborhood.

2. DESCRIBE THE WAYS IN WHICH THE REQUEST WILL COMPLY WITH THE STANDARDS IN **SECTION 19-4.3, USE SPECIFIC STANDARDS.**

Citing from City of Greenville Code of Ordinances: 19-4.3.3H

(1) Generally.

(a) Bed and breakfast inns are limited to ten guest rooms. In residentially-zoned districts bed and breakfast inns are limited to four guest rooms, unless the board of zoning appeals finds that additional rooms will not be detrimental to the residential character of the district.

RESPONSE: We will only have a single guest room that will contain a maximum of two guests occupying the single space, meeting this requirement.

(b) The inn must be operated by the owner occupant of the property or by members of owner occupant's family also residing on the premises.

RESPONSE: My wife and I, the owners and occupants of the property, fully manage the property, from bookings to communications to cleanings.

(c) Cooking facilities shall be prohibited in quest rooms.

RESPONSE: No cooking facilities are included in the guest room, with the highest level of such being a microwave. See space layout attachment.

(d) Guest rooms shall not be located in accessory structures.

RESPONSE: The room is located within the primary structure of our home, fully attached via connected heated and cooled space. See space layout attachment.

(e) Exterior alterations to the structure shall be approved by the design review board, through an application for certificate of appropriateness. Guest rooms shall not have individual exterior entrances.

RESPONSE: No exterior alterations will be required with the granting of this exception. Guest room does not have an individual exterior entrance. Guest exterior entrance and exit is used by both guests and ourselves as occupants of the house. See space layout attachment.

(2) Neighborhood meeting required. A neighborhood meeting shall be required to be conducted prior to submission of a special exception application for a bed and breakfast inn. (See section 19-2.2.4 neighborhood meetings.)

RESPONSE: Neighborhood meeting held in compliance with this standard on December 27, 2022 at 7:30PM at Augusta Road Branch of the Greenville County Library System. Sign in sheet and all comments were submitted to Ross Zelenske via email on December 28, 2022, and this application has taken all such comments and concerns raised during the meeting into consideration.

(3) Site standards.

(a) When located in a district zoned residential, single-family, a bed and breakfast inn shall only be located on a street with average daily trips of 2,200 or greater.

RESPONSE: Our property is located on Grove Road, which meets this standard.

(b) Bed and breakfast inns in residential districts shall not to be located within 200 feet of another bed and breakfast inn or group living facility.

RESPONSE: Our property is not located within 200 feet of any other bed and breakfast (to my knowledge).

(c) Parking for a bed and breakfast inn shall not be located in the front yard of the facility, except when stacked in a typical residential driveway, and may be approved as turf or a pervious pavement system.

RESPONSE: Parking is located in the rear of the property, with a single concrete driveway space reserved for guests, meeting this requirement.

3. DESCRIBE THE WAYS IN WHICH THE REQUEST IS APPROPRIATE FOR ITS LOCATION AND IS COMPATIBLE WITH THE CHARACTER OF EXISTING AND PERMITTED USES OF SURROUNDING LANDS AND WILL NOT REDUCE THE PROPERTY VALUES THEREOF.

The use of our property and house has been and always will remain primarily residential in nature. Our family of four resides in the home that is connected to this space, and we are the primary users of the property. As we only have a single space for bed and breakfast purposes, and the maximum number of people in the space is two, there will be an extremely limited impact to the residential character of the property. The presence of people visiting and staying in our bed and breakfast space does not have any negative affect on the residential character of the neighborhood.

Prior to discovering that we were not appropriately zoned, we hosted on Airbnb for multiple years. Over that time, we did not receive a single complaint from our neighbors about our rental activity, and we have always been upfront with all of our neighbors about this activity. Upon notification from the city of inappropriate zoning, we immediately ceased rental activity and sought this special exception route to do things the right way. Over the years that we previously hosted, we averaged a 4.98 out of 5.00 stars on our reviews. Hosting our guests in this excellent manner represents Greenville extremely well and it gives us great joy to do so. We have a shown history of creating a great space for guests to stay, without causing any disturbance to our neighbors, and that will continue should this special exception be granted.

The nature of the guests that we host are extremely compatible with the character of our existing neighborhood. In our experience, we attract hospital employees, couples waiting on home construction to complete, and people who want to explore Greenville for the potential of moving here. We even frequently host family members and friends of our neighbors that love having a place to stay within walking distance of their own home. Everyone that stays with us is interested in obtaining a "neighborhood" feel from their stay, and that is what we deliver. We always give our guests recommendations to local small businesses for eating out and shopping. While our guests are with us, we think of them and treat them much more as temporary residents of Greenville than as guests or tourists, and they treat our property and neighbors in the same manner. Because of that, our guests are fully compatible with the residential nature of our neighborhood.

If there would be any negative impact to the residential character of the neighborhood, it would have been noticed during the four years that we previously rented. Clearly, the previous rental activity either had so little of an affect on the character that it was not noticed by neighbors, or, if neighbors were aware of the rental activity, they did not object to the fact that it was occurring, indicating agreement or at least indifference about the impact of the activity on the residential character. The fact that no one had any complaints during that entire period is evidence that the rental activity is compatible with the neighborhood.

Because of all of these factors, the existence of our space as a bed and breakfast has no effect on property values of surrounding lands, and does not denigrate the residential character of our neighborhood. I would even argue that a majority of our neighbors would prefer for us to be in existence so that they have a nearby option for family and friends to stay.

4. DESCRIBE THE WAYS IN WHICH THE REQUEST WILL MINIMIZE ADVERSE EFFECTS ON ADJACENT LANDS INCLUDING: VISUAL IMPACTS; SERVICE DELIVERY; PARKING AND LOADING; ODORS; NOISE; GLARE; AND, VIBRATION. DESCRIBE THE WAYS IN WHICH THE REQUEST WILL NOT CREATE A NUISANCE.

We will minimize adverse effects on adjacent land primarily through the rules that we set on Airbnb. With us having our family with two children under 3 years old in a space so close to our guests, we care about the adherence to these rules for our own safety and comfort just as much as our neighbors, and we will ensure that they are all followed.

- We require all guests to have their identity verified via Airbnb. The only non-Airbnb guests we host are either people we have previously hosted via Airbnb, or the guests have come directly recommended from a neighbor.
- Our quiet hours begin at 8PM.
- Our guests communicate with us their specific arrival and departure plans.
- We do not allow more than 2 people in the space without our approval.
- No smoking is allowed anywhere on property (inside or outside).
- We do not allow any events or parties.
- We do not host guests while we are not there ourselves overnight.
- No commercial photography or filming is allowed.
- No pets are allowed.

The space is already constructed, and thus will have no adverse visual impact on adjacent land. The only visual impact would be an additional vehicle being parked on the exterior of the property, which is not an adverse affect.

There is no service delivery, as we fully service the space ourselves.

We have a designated on-driveway parking space designated for our Airbnb guests. In the event that two people staying with us bring two separate vehicles, there is available on-street parking. This does not create a new adverse effect, as anytime we have family or friends visiting us, they utilize the street parking already, so it is already commonly used. The street is a wide road that two cars can still easily pass by each other with a car parked on the street in the uncommon circumstance that occurs.

No new odors will be created via this request. We do not allow smoking indoors or outdoors from our guests.

As noted above, our guest quiet hours begin at 8PM. We especially care about this rule with our two young children having early bed-times, and do not take any exceptions to this rule. We also do not allow parties, and do not have great outdoor spaces for guests to spend significant amounts of time outside. As such, this significantly limits the adverse impact of any noise.

There is no glare or vibration to adjacent lands that will be caused by this request.

Prior to discovering that we were not appropriately zoned, we hosted on Airbnb for multiple years. Over that time, we did not receive a single complaint from our neighbors about our rental activity, and we have always been upfront with all of our neighbors about this activity. As such, the granting of this special exception would not create a new activity or potential adverse impacts that had not already been taking place, and no one had taken exception to.

APPLICANT RESPONSE TO
SECTION 19-2.3.5(D)(2), STANDARDS – CHANGE IN NONCONFORMING USE

(YOU MAY ATTACH A SEPARATE SHEET)

1. DESCRIBE THE WAYS IN WHICH THE PROPOSED NONCONFORMING USE IS MORE IN CHARACTER WITH, OR EQUAL TO, THE USES OTHERWISE PERMITTED IN THE ZONING DISTRICT THAN THE EXISTING OR PRIOR NONCONFORMING USES.

N/a

2. DESCRIBE THE WAYS IN WHICH THE PROPOSED NONCONFORMING USE WILL NOT SUBSTANTIALLY AND PERMANENTLY INJURE THE USE OF NEIGHBORING PROPERTY FOR THOSE USES PERMITTED WITHIN THE RELEVANT ZONING DISTRICT(S).

N/a

3. IS ADEQUATE INFRASTRUCTURE CAPACITY AVAILABLE TO SERVE THE PROPOSED NONCONFORMING USE?

N/a

4. IS THE PROPOSED USE ONE THAT IS OTHERWISE PERMISSIBLE IN ANOTHER ZONING DISTRICT WITHIN THE CITY?

N/a

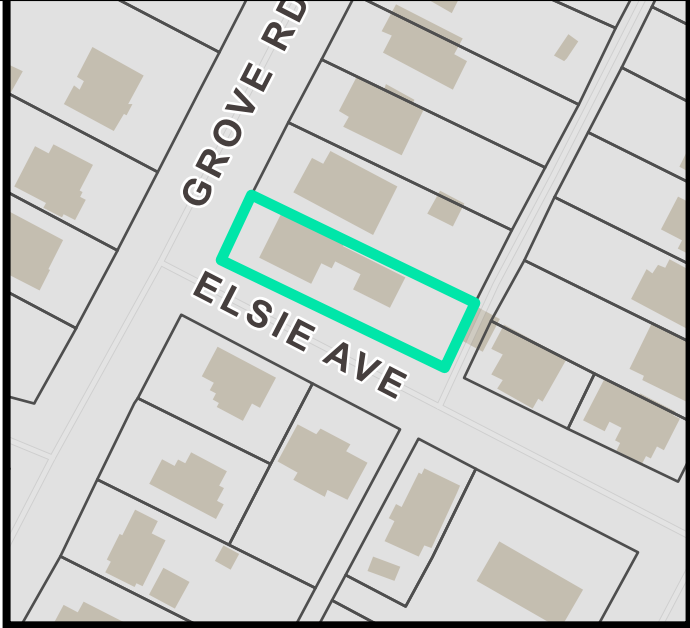
AERIAL VIEW



CURRENT ZONING



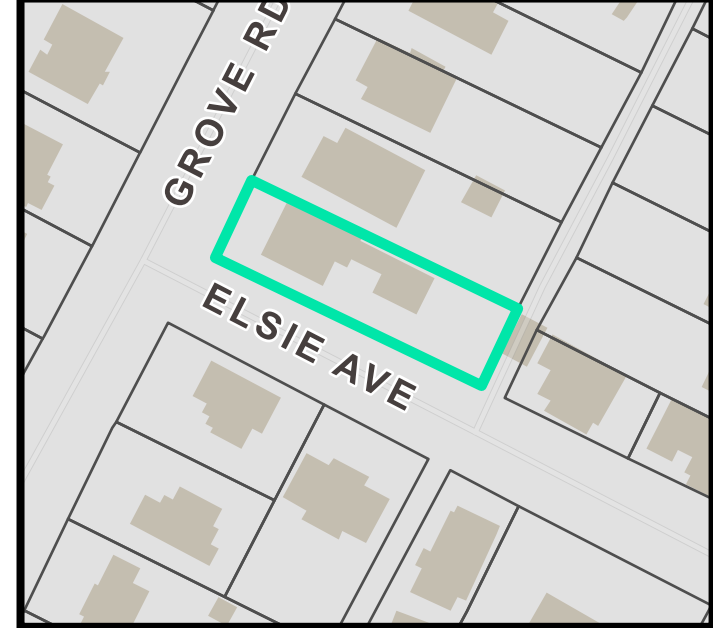
FUTURE LAND USE



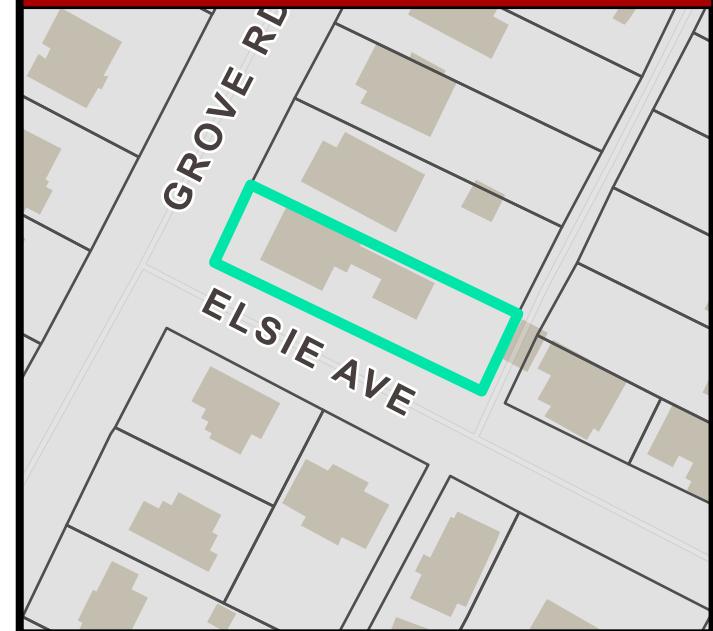
NATURAL / ENVIRONMENTAL FEATURES



SPECIAL EMPHASIS NEIGHBORHOODS



PRESERVATION OVERLAYS



NOTE: EXCEPT AS SPECIFICALLY STATED OR SHOWN ON THIS PLAT, THIS SURVEY DOES NOT PURPORT TO REFLECT ANY OF THE FOLLOWING WHICH MAY BE APPLICABLE TO THE SUBJECT REAL ESTATE: RIGHTS-OF-WAY, EASEMENTS, OTHER THAN POSSIBLE EASEMENTS THAT WERE VISIBLE AT THE TIME OF MAKING THIS SURVEY; BUILDING SETBACK LINES; RESTRICTIVE COVENANTS; SUBDIVISION RESTRICTIONS; ZONING OR OTHER LAND USE REGULATIONS AND ANY OTHER FACTS THAT AN ACCURATE AND CURRENT TITLE SEARCH MAY DISCLOSE.

THIS SURVEY DOES NOT CONSTITUTE A TITLE RESEARCH, FLOOD STUDY, WETLAND DELINEATION OR ENVIRONMENTAL INSPECTION BY SURVEYOR.



City of Greenville Building Division
www.greenvillesc.gov | (864) 467-4550

Plans Reviewed for Code Compliance.

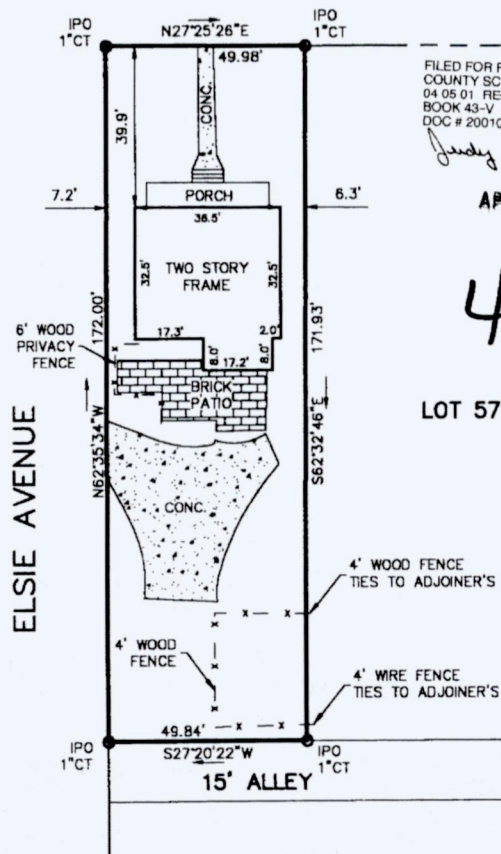
"CONTRACTOR'S COPY MUST BE KEPT ON JOBSITE AT ALL TIMES"

- Any review or acceptance by this department does not relieve the contractor from meeting code or ordinance requirements.
- Inspections will not be made unless permit and approved drawings are on job site. Penalty will be a \$40 re-inspection fee.

Permit #: 18-661
Date: 3/20/2018

LOT 56
CHEROKEE PARK
8,582 SQ. FT.
0.20 ACRES

GROVE ROAD

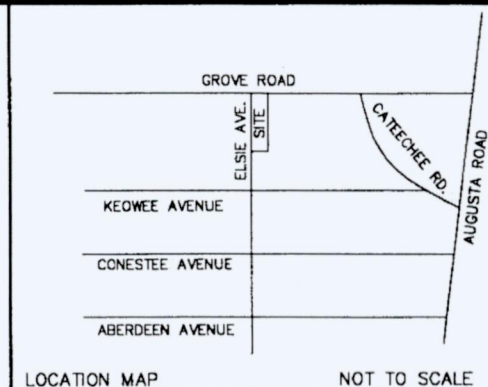
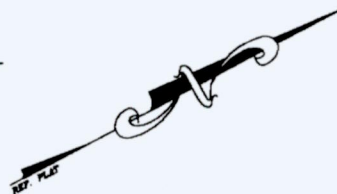


FILED FOR RECORD IN GREENVILLE
COUNTY SC R.O.D. OFFICE AT 03:21 PM
04 05 01 RECORDED IN PLAT
BOOK 43-V PAGE 0091 THRU 0000
DOC # 2001029140

APR 5 - 2001

43-V-91
29140

LOT 57



I HEREBY STATE TO THE BEST OF MY KNOWLEDGE, INFORMATION, AND BELIEF, THE SURVEY SHOWN HEREON WAS MADE IN ACCORDANCE WITH THE REQUIREMENTS OF THE MINIMUM STANDARDS MANUAL FOR THE PRACTICE OF LAND SURVEYING IN SOUTH CAROLINA, AND MEETS OR EXCEEDS THE REQUIREMENTS FOR A CLASS B SURVEY AS SPECIFIED THEREIN. ALSO THERE ARE NO KNOWN VISIBLE ENCROACHMENTS OR PROJECTIONS AFFECTING THE PROPERTY OTHER THAN THOSE SHOWN. THIS STRUCTURE IS NOT LOCATED IN A DESIGNATED F.I.R.M. FLOOD HAZARD AREA.

THE PROPERTY SHOWN IS KNOWN AS LOT 56, CHEROKEE PARK
RECORDED IN PLAT BOOK C, PAGE 96, OFFICE OF R.O.D., GREENVILLE COUNTY, S.C.
ALSO PLAT BOOK 16N, PAGE 28.
ALSO PLAT ENTITLED "PROPERTY OF DIANA L. OSBORN," PREPARED BY SITE DESIGN, INC., DATED 8-28-92.

JOE F. GOSNELL, P.L.S.
S.C. REG. NO. 16501

LEGEND

BL BUILDING LINE	SD STORM DRAIN	MHSD MANHOLE (SD)
CMP CORRUGATED METAL PIPE	SS SANITARY SEWER	MHSS MANHOLE (SS)
CT CRIMP TOP	SSE SS EASEMENT	PP POWER POLE
DE DRAINAGE EASEMENT	VCP VITRIFIED CLAY PIPE	TEL TELEPHONE
EP EDGE OF PAVEMENT	CB CATCH BASIN	—X— CHAIN LINK FENCE
IPO IRON PIN OLD	DI DROP INLET	—FOC— FIBER OPTIC CABLE
IPS IRON PIN SET	ELEC TRANS	—OHP— OVERHEAD POWER
N&C NAIL & CAP	ELEVATION	—OHT— OVERHEAD TELEPHONE
OT OPEN TOP	—ELEV— ELEVATION	—SD— STORM DRAIN
RB REBAR	—ELEV— ELEVATION	—SS— SANITARY SEWER
RCR REINFORCED CONC PIPE	—ELEV— ELEVATION	
R/W RIGHT OF WAY	—ELEV— ELEVATION	

SURVEY FOR DENNIS H. CHAPMAN

GREENVILLE COUNTY, SOUTH CAROLINA

SCALE 1" = 30'	PROPERTY ADDRESS 221 GROVE ROAD	TAX MAP NO. 218-2-16
DATE 3/22/01	30 0 30 60	FIELD BOOK TW
		DRAWN BY AL

SDI
SITE DESIGN, INC.

CIVIL ENGINEERS AND SURVEYORS
800 EAST WASHINGTON STREET, SUITE B
GREENVILLE, SOUTH CAROLINA, 29601 (864) 271-0496

SD10214\SD10214L.DWG



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Plans Reviewed for Code Compliance.

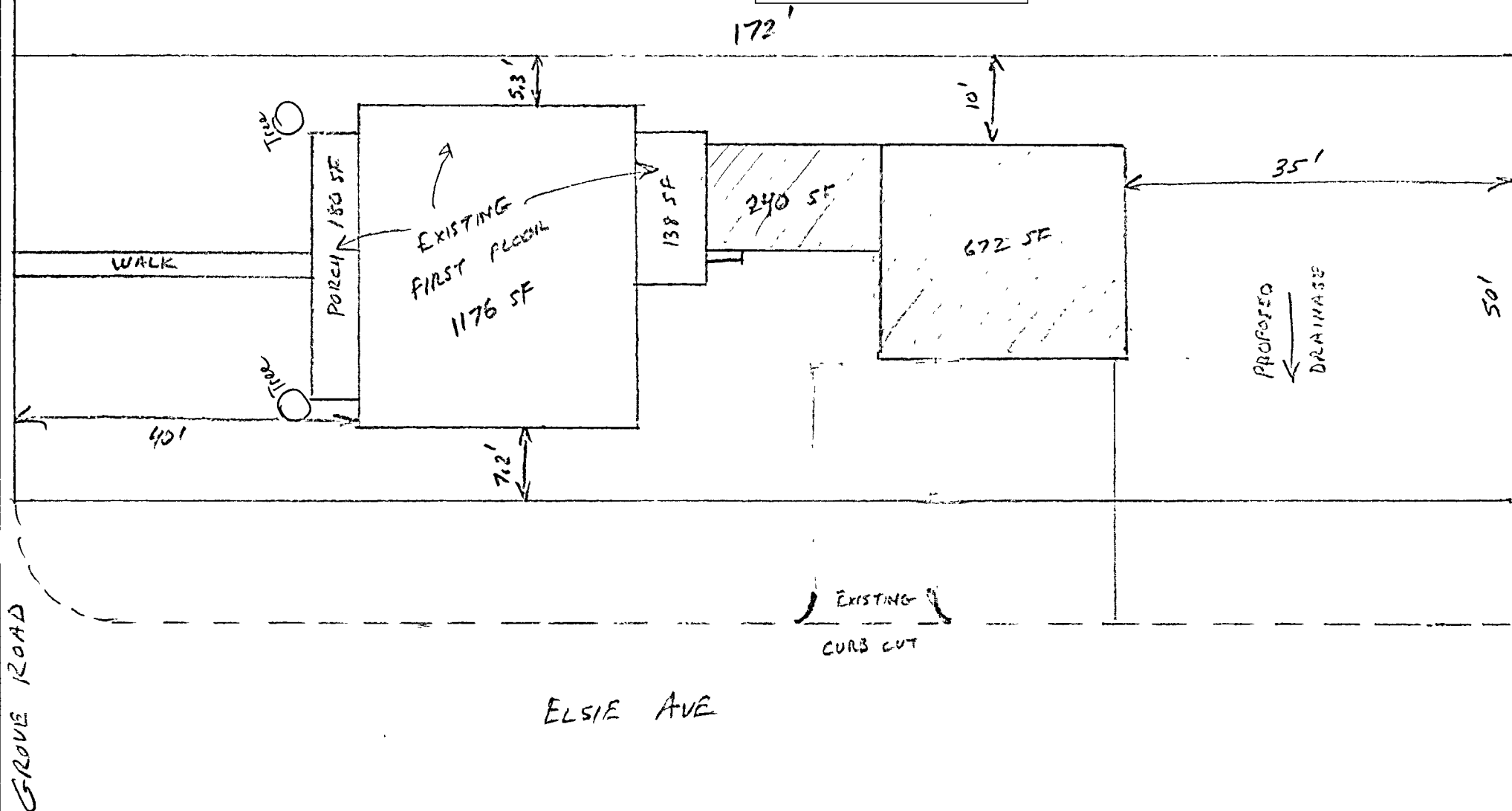
**"CONTRACTOR'S COPY MUST BE KEPT ON
JOBSITE AT ALL TIMES"**

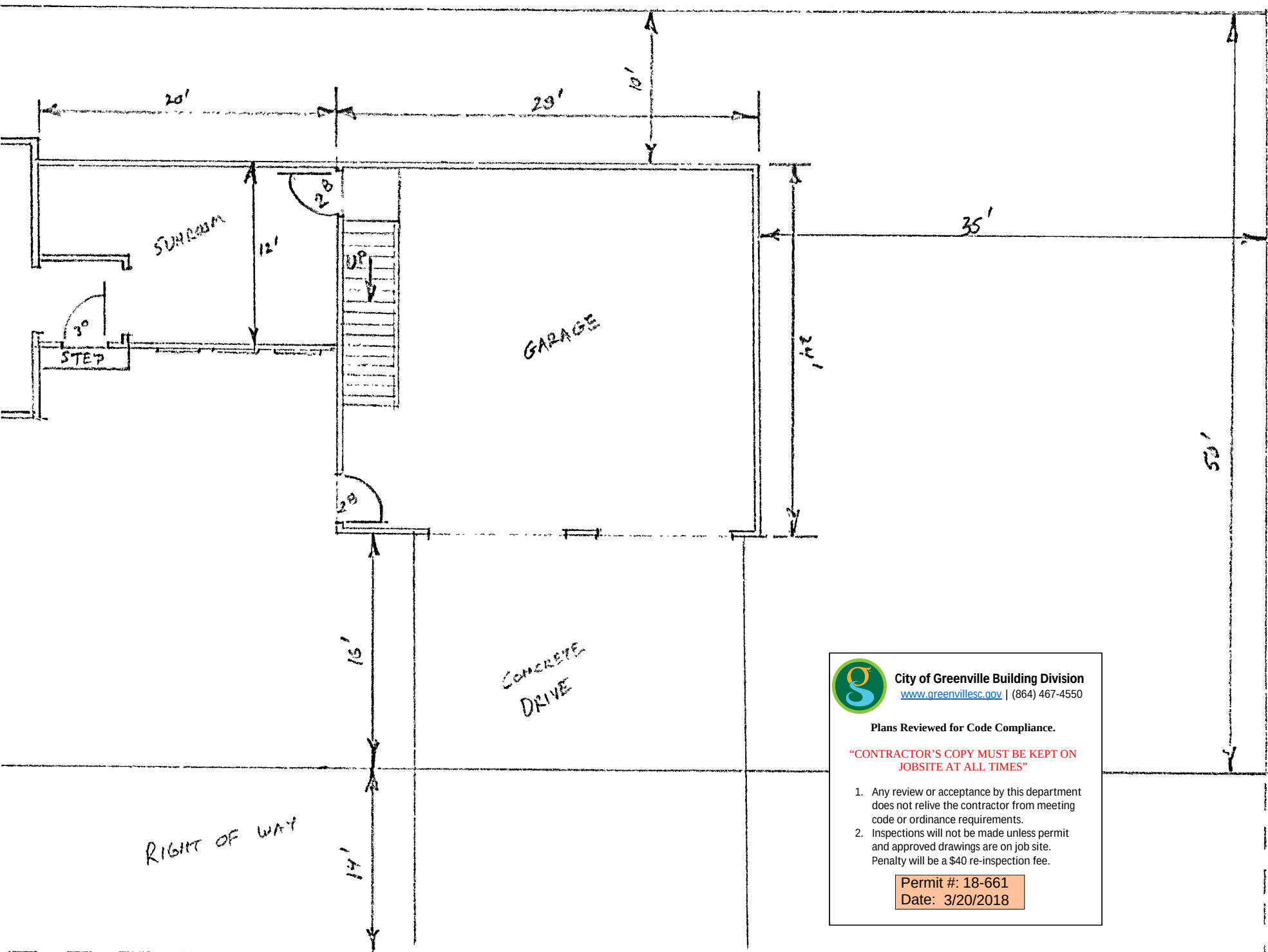
1. Any review or acceptance by this department does not relieve the contractor from meeting code or ordinance requirements.
2. Inspections will not be made unless permit and approved drawings are on job site. Penalty will be a \$40 re-inspection fee.

Permit #: 18-661
Date: 3/20/2018



SUNROOM +
GARAGE ADDITION





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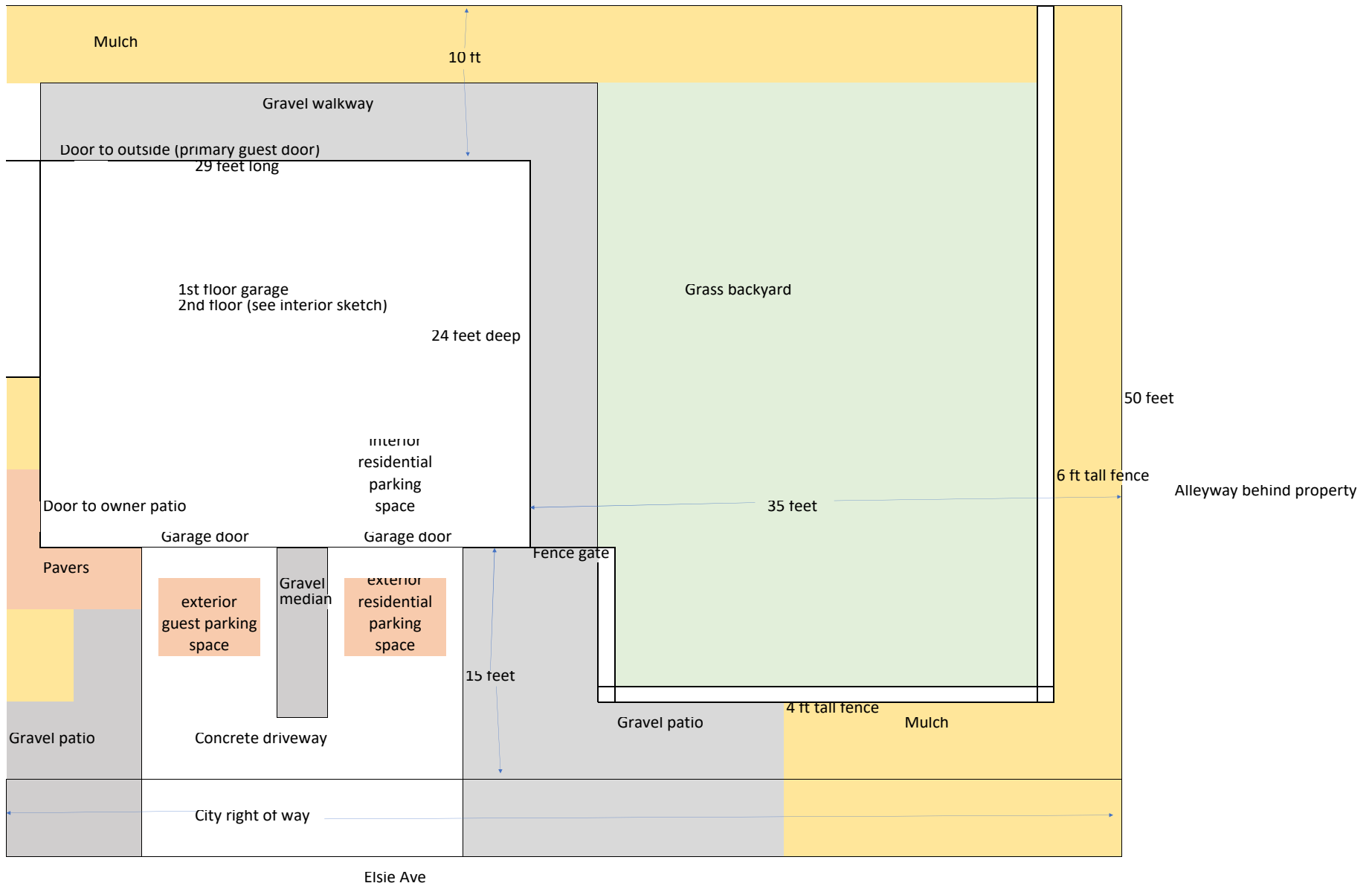
Plans Reviewed for Code Compliance.

**"CONTRACTOR'S COPY MUST BE KEPT ON
JOBSITE AT ALL TIMES"**

1. Any review or acceptance by this department does not relieve the contractor from meeting code or ordinance requirements.
2. Inspections will not be made unless permit and approved drawings are on job site. Penalty will be a \$40 re-inspection fee.

Permit #: 18-661
Date: 3/20/2018

Exterior border is our property line (other than city right of way at bottom)



Door to owner sunroom



24 feet

29 feet

Neighborhood Meeting**Project Name:** 221 Grove Rd - Bed+Breakfast Special Exception**Location:** Greenville County Library - Augusta Rd Branch**Time of the meeting:** 7:30 PM**Date:** 12/27/2022**Representative holding meeting:** Weston Moore

Name	Street Address	Email
1 Kathryn Beezer	100 Lewis Drive Apt 12C	klbgul@yahoo.com
2 Karen Tannenbaum	160 Aberdeen Dr.	ktannen@hotmail.com
3 Aron Tannenbaum	" " "	aron.tannenbaum@gmail.com
4 Linora / Stephen Wimborne	116 Grove Rd.	wimbo2@sbcglobal.net
5 Georgia & Ken Ansell	201 First Ave	georgia@metelink.com
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Meeting notes:

- Of the over 360 letters that were sent out to owners/occupants, there were three households in attendance, plus an additional one that was not included in the mail out, as they were outside of the 1,000 foot buffer; 7 total people in attendance other than us
- Called meeting to order at 7:35
- See attached PowerPoint presentation for presentation
 - o Introduced ourselves and our family
 - o Gave a history of the property – purchased, renovated and Airbnb'ed for four years
 - o Built specifically to function as an Airbnb
 - o Shared pictures of exterior of property
 - o Shared our rules for guests and why adherence to these rules is so important
 - o Shared pictures of interior of property
- Questions/concerns raised from those in attendance
 - o What is the difference between what we have been doing versus what the exception would grant us?
 - Clarified that we were previously not in compliance with zoning, and that this would bring us into compliance, with no changes in operations resulting from this
 - o How does the BNB exception fit with Airbnb?
 - Clarified that the primary function of the BNB exception is to allow stays of less than 30 days, whereas 30 days and more fall into an entirely different category
 - o Question was raised why we don't do a 30 day long term rental.
 - Answered that it is more financially viable for short term rentals
 - o Concern was raised about:
 - The impact this would have to the residential character of the neighborhood; no specific instances in which it would do so were given
 - No one knew we had been Airbnb'ing for the last four years
 - The precedent this would set for future development/zoning plans in the area
 - Any potential impact there may be to home values in the area; no specific negative attributes were given that would cause this
 - Particularly residents were complimentary of our space and agree that we are conducting ourselves in the correct manner, but their primary concern is that because of the approval of this first special exception, that many more would follow, along with additional commercial development
 - o Question was asked as to what next steps were in the process.
 - I gave them Ross Zelenske's contact information to voice any concerns they have ahead of the BZA meeting on 2/9
 - o Concern was raised about the timing of the meeting being 2 days after Christmas
 - I noted that in order to stay on track for the 2/9 BZA meeting, the meeting had to occur before 1/4/23
 - o Concern was raised that no one from the city was in attendance at the meeting
- Closed meeting at 8:20

Abstract geometric lines in the top left corner of the page, consisting of several overlapping, irregular polygons and lines that create a complex, layered effect.

SPECIAL EXCEPTION PERMIT
BED AND BREAKFAST
221 GROVE RD

MEET US















OUR RULES

- We require all guests to have their identity verified via Airbnb. The only non-Airbnb guests we host are either people we have previously hosted via Airbnb, or the guests have come directly recommended from a neighbor.
- Our quiet hours begin at 8PM.
- Our guests communicate with us their specific arrival and departure plans.
- We do not allow more than 2 people in the space without our approval.
- No smoking is allowed anywhere on property (inside or outside).
- We do not allow any events or parties.
- We do not host guests while we are not present at home.
- No commercial photography or filming is allowed.
- No pets are allowed.



























QUESTIONS?

Weston and Julia Moore

westonmoore711@gmail.com

864-934-6142



**Planning Staff Report to
Board of Zoning Appeals
February 4, 2023**
for the February 9, 2023 Public Hearing

Docket Number:	S 23-033
Applicant:	Whistler Restaurant Group, LLC (Jessica Kearns) dba Reys
Property Owner:	20 North Main Street, LLC
Property Location:	20 North Main Street Suite A
Tax Map Number:	000100-05-00200
Acreage:	0.08
Zoning:	C-4, Central Business District
Proposal:	SPECIAL EXCEPTION to establish a 'Restaurant, indoor only' use with operation after midnight

Applicable Sections of the City of Greenville Code of Ordinances:

Sec.19-2.1.3 (A) (1), *Board of Zoning Appeals/Powers and Duties/Special Exceptions*

Sec.19-2.3.5, *Special exception permit*

Sec.19-4.1, *Table of uses*

Sec.19-4.3.3 (A), *Use-specific standards, Commercial uses, General*

Sec.19-4.3.3 (C), *Use-specific standards, Commercial uses, Eating Establishments*

Staff Recommendation: Approve with Conditions

Staff concludes that the Application complies with the standards to grant a Special Exception Permit as a **'Restaurant, with indoor seating only'** permitted to operate after midnight. If the Board decides to grant the Permit, Staff suggests the following conditions:

1. The operation of the establishment shall substantially conform to the testimony of the Applicant, Whistler Restaurant Group, LLC (Jessica Kearns), the property (TM #000100-05-00200), and the content of the application.
2. The special exception permit shall be limited to the applicant and shall not be transferrable. Copy of the special exception permit shall be maintained on the premises with other related inspection, licensing, and occupancy information.
3. The Special Exception Permit shall be recorded in the Greenville County Office of the Register of Deeds 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. Food service shall be available during all operating hours.
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 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. Applicant shall retain a minimum of two (2) security guards, positioned outside the business on Thursdays, Fridays and Saturdays from the hours of 10:00 PM and 2:15 AM 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.
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. Outdoor live entertainment and exterior sound amplification is prohibited.
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.
13. Exterior doors shall remain closed except to provide ingress and egress between the hours of 10:00 p.m. and 5:00 a.m.
14. The Applicant shall obtain all required permits for the new kitchen equipment and shall work with a licensed architect to revise the proposed life safety plan. The life safety plan shall be signed and sealed by a licensed architect and comply with the South Carolina State Building and Fire Codes. The revised life safety plan shall be provided to the city's Building Codes and Fire Prevention Divisions as part of an updated occupancy permit.
15. The Applicant shall confirm that the existing grease trap complies with Renewable Water Resources (ReWa) standards.

Staff Analysis:

The Applicant, Whistler Restaurant Group, LLC (Jessica Kearns), requests a special exception to establish a 'restaurant, indoor only' use with operation after midnight in downtown Greenville. The property is currently in use as a restaurant with operation after midnight under the same business name. An ownership change is occurring, which is prompting the special exception. Some interior renovations and a change of menu will also occur as part of the ownership transition.

Per Sections 19-4.1 (*Table of Uses*) and 19-4.3.3(A), a special exception permit is required for commercial uses that are open to the public between the hours of 12 midnight at 5:00am. The proposed use falls within the '*eating establishments*' commercial use category in Section 19-4.1 and the business intends to operate until 2:00 a.m.

The Applicant has indicated the business will operate up to seven days a week from 4:00 p.m. until 2:00 a.m. and eventually expand hours to open at 11:00 a.m. once renovations to the kitchen are completed.

The business will feature a full-service kitchen and serve beer, wine, and liquor by the drink. Alcohol sales will account for approximately 40 percent of all revenues, while food and non-alcoholic drink sales will account for the remaining 60 percent of revenues. Food sales will be available during all operating hours according to the application.

The Technical Advisory Committee (TAC) met with the Applicant on January 23, 2023, and recommended approval of the Special Exception Permit with conditions; these recommended conditions are listed at the end of this report.

No special exception permits or conditional use permits have previously applied to the property. The Board of Zoning Appeals did hear an Appeal of Administrative Decision case, A 09-37, about the business in 2009. Zoning and law enforcement staff determined that the use had changed its business model to a bar use approximately six months after opening and therefore was in violation of the zoning ordinance and certificate of occupancy. The Board reversed staff's decision and allowed the business to continue to operate as a restaurant.

A Special Exception Permit shall be approved only upon finding that the Applicant demonstrates **all** the following are met:

1. The Use Is Consistent with the Comprehensive Plan(s):

The GVL2040 Comprehensive Plan identifies the subject property in the 'Center City' classification as part of the future land use map.

The 'Center City' classification is described as Greenville's downtown central business district. It contains a mix of land uses including but not limited to office, service, retail, entertainment, cultural, government, civic, light manufacturing, and residential. Development is expected to be pedestrian-oriented and designed to actively engage streets, parks, plazas, the riverfront, and other public spaces.

The proposed 'restaurant' use maintains the blend of service, entertainment, and other commercial uses in the Center City and will engage the street.

Staff finds that the proposed use is consistent with the GVL 2040 Comprehensive Plan.

2. The Use Will Comply with the Use Specific Standards:

Use-specific standards for commercial uses open after midnight and for eating establishments are located in Section 19-4.3.3 and are listed below:

19-4.3.3. Commercial uses.

(A) General.

...

(2) Commercial uses located within the OD, C-1, C-2, C-3, C-4, S-1, RDV, and PD districts open to the public between the hours of 12 midnight and 5:00 a.m. require a special exception permit, except when a conditional use permit is required, and, at a minimum, are subject to the following standards:

(a) The standards for granting a special exception permit.

(b) On-site traffic shall be directed away from abutting residential uses or residential districts between the hours of 12:00 midnight and 5:00 a.m.

(c) Delivery, waste collection, and similar commercial traffic is prohibited between the hours of 12:00 midnight and 7:00 a.m.

(d) 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 and shall be enforced by the proprietors.

(e) Exterior sound amplification is prohibited except in areas specifically authorized on the approved site plan and/or floor plan; all amplified sound shall be directed inward toward the facility and away from any adjoining use or public property. No exterior amplified sound shall be permitted between the hours of 10:00 p.m. and 11:00 a.m. 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.

(f) Drive-through facilities shall be closed between the hours of 12:00 midnight and 5:00 a.m.

(g) Exterior doors shall remain closed except to provide ingress and egress between the hours of 10:00 p.m. and 5:00 a.m.

(h) The required permit, either special exception permit or conditional use permit, shall be limited to the applicant and shall not be transferrable. Copy of the special exception permit or the conditional use permit shall be maintained on the premises with other related inspection, licensing, and occupancy information.

...

(C) Eating establishments.

(1) General.

(a) Eating establishments that encroach onto public property shall comply with the city's outdoor displays and cafes ordinance (see chapter 8, article VIII, of this Code).

(b) Eating establishments on private property shall comply with the following standards:

1. The eating establishment shall not obstruct the movement of pedestrians along adjoining sidewalks, or through other areas intended for public usage, ingress, or egress.

2. Outdoor live entertainment shall not be allowed, unless separate approval is obtained for an outdoor entertainment use.

3. In approving eating establishments, the decision-making body may impose conditions relating to the location, configuration, and operational aspects (including hours of operation, noise, and lighting) to ensure that eating establishments will be compatible with surrounding uses and will be maintained in an attractive manner.

The Applicant has stated their intent to comply with the use-specific criteria within their application.

Upon discussion with the Technical Advisory Committee, the Applicant displayed awareness of potential issues about noise, security, and the need for training of management and staff. The Applicant stated the use would be a restaurant and not a night club. No live entertainment is proposed.

Staff recommends formal incorporation of TAC's recommended conditions, listed at the end of this report, into any motion for approval. Staff also recommends the incorporation of the applicable use specific standards as conditions of approval.

Staff finds, with appropriate conditions, the use complies with the specific use standards of the Land Management Ordinance.

3. The Use Is Compatible with the Character of Surrounding Lands:

Adjacent property is used (and zoned) as follows:

East:	Restaurant, operating after midnight (C-4, Central business district)
North:	Restaurant (C-4)
West:	Office, retail, bank, and restaurant (C-4)
South:	Office, restaurant, and residential (C-4)

The property is located in downtown Greenville and is zoned C-4, Central Business District. The subject property is a three-story, downtown row building. The use will occupy the ground floor suite, which includes access to a basement level. The subject space has been in use as a restaurant after

midnight since 2009. The suites on the second and third floors of the building are believed to be vacant.

Surrounding properties are also zoned C-4 and are used for non-residential or mixed-use purposes, and include retail, restaurants, office, and apartments. Known residential uses within the immediate vicinity of the use appear to be located at 18 and 102 N Main Street. These residences are located in upper levels of mixed-use buildings.

The Applicant has stated the business will close at 2:00 a.m., which is the same closing time as the current restaurant. Similar uses in the area, such as Society, also close at 2:00 a.m. The overnight business hours are not anticipated to create a conflict with other neighboring businesses.

Staff finds, with appropriate conditions, the use is compatible with surrounding lands.

4. The Design Does Not Have Substantial Adverse Impact:

The proposed use is located within an existing commercial building. No changes are proposed to the exterior of the building or to the site. No visual impacts are anticipated from the use.

Parking for the use is expected to come from on-street parking, public parking garages and surface lots within a five-minute walk. An updated parking plan will be expected during occupancy permitting.

An alleyway off East Coffee Street functions as a service area for uses within the building. Common loading/unloading and trash collection for the use will occur from this area. An on-street loading and unloading zone is also available on East Coffee Street. No adverse impacts are anticipated regarding delivery, parking, loading, and odors.

The application states that no live music will be performed at the restaurant. Only background music will be played through the existing speaker system. No substantial adverse noise and vibration impacts are anticipated nor is the use anticipated to create a public nuisance.

To minimize detrimental impacts on adjacent land uses, staff recommends that approval of the Special Exception Permit be conditioned upon the findings and recommendations of TAC, listed at the end of this report and within the Staff Recommendation.

Staff finds, with appropriate conditions, the use and its design will not have substantial adverse impacts.

TAC Findings and Recommendation

FINDINGS OF THE COMMITTEE:

1. The application, including the Application for Special Exception, Zoning Compliance Application, and all other documents submitted supplemental to those applications and received as part of the Board of Zoning Appeals files for this case prior to the Technical Advisory Committee review, is hereby incorporated and made a part of the findings of this Committee.
2. The Applicant indicates the intent to operate as a restaurant with hours of operation of Saturday-Sunday from 4:00 p.m. to 2:00 a.m. Expanded hours of operation from 11:00 a.m. to 2:00 a.m. are anticipated in the future.
3. The Applicant indicates that staff will be trained in all applicable manners relating to alcohol service and will obtain ServSafe certification.
4. The Applicant indicates that 5:9 Security has been retained to provide security services for the business. The applicant indicates that one security guard would be on duty after 9:00 p.m. Sunday

through Thursday and that two security guards would be one duty after 9:00 p.m. Friday and Saturday. The applicant indicated that all security guards would have SLED certification.

5. The Applicant, based on the proposed life safety plan, indicates that maximum occupancy on the overall tenant premises is expected to be 169 occupants. The current occupancy of the space is approved at 152 occupants.
6. The Applicant indicates that no live music or entertainment will occur on site.

RECOMMENDATIONS OF THE COMMITTEE:

1. This Committee recommends that the Board of Zoning Appeals **approve** the application for a Special Exception Use Permit.
2. In order to prevent and/or minimize any potential adverse effects from the Applicant's business on adjacent uses, this Committee recommends that the Board of Zoning Appeals make the following recommendations a condition or conditions of the permit. These conditions are related in type and scale to the impact the proposed use would have on the public and surrounding land uses, and are in addition to the standard requirements outlined in Section 19-4.3.3(C) of the Land Management Ordinance:
 - a. This Committee recommends the Applicant maintain hours of operation that are substantially consistent with those stated by the Applicant.
 - b. This Committee recommends that occupant capacity on the life safety plan be re-evaluated by a licensed architect to ensure the occupancy counts are correct and all required life safety measures are taken. The amended life safety plan shall be in close keeping to the currently approved occupancy count of 152.
 - c. This Committee recommends that the Applicant 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, adequate patron parking and applicable neighborhood parking restrictions.
 - i. In particular, this Committee recommends the Applicant ensure that staff and patrons are aware of and comply with the city's smoking ordinances.
 - d. This Committee recommends that 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 use permit, this Code, and the applicable S.C. Code of Laws and Regulations.
 - e. This Committee recommends that 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 90 days of the date of the granting of a conditional use permit and future personnel shall receive training within 30 days of hire.

- f. This Committee recommends that the Applicant shall retain a minimum of two (2) security guards, positioned outside the business on Thursdays, Fridays and Saturdays from the hours of 10:00 PM and 2:15 AM 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.
- g. This Committee recommends that 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.

Staff Comments and Conditions

Fire Department Comments

Comments:

Life safety plan shows a private dining area that was not used for that application originally. The life safety plan needs to be updated and stamped by an approved architect showing the new use and all the required life safety considerations-including egress and sprinkler requirements if applicable.

City Engineer Comments

Comments:

Application review approval is subject to the applicant satisfying all conditions and requirements of the engineering divisions.

Civil Engineer Comments

Comments:

No comments.

Environmental Engineer Comments

Comments:

1. Confirm that the existing grease trap for the restaurant is in compliance with ReWa

Traffic Engineer Comments

Comments:

No comments.



Office Use Only:

Application# _____ Fees Paid _____

Date Received _____ Accepted By _____

**APPLICATION FOR SPECIAL EXCEPTION
CITY OF GREENVILLE, SOUTH CAROLINA**

APPLICANT / PERMITTEE*: Whistler Restaurant Group LLC
* Name Title / Organization

permit may be limited to this entity. _____

APPLICANT'S REPRESENTATIVE: Jessica Kearns - Member
(Optional) Name Title / Organization

MAILING ADDRESS: 20 North Main St. Suite A Greenville, SC 29601

PHONE: 864-991-5574 **EMAIL:** reysgr@gmail.com

PROPERTY OWNER: 20 North Main St LLC - Cheng Yap

MAILING ADDRESS: 4 South Main St., Greenville SC 29601

PHONE: 864-201-9113 **EMAIL:** _____

PROPERTY INFORMATION

STREET ADDRESS: 20 North Main St., Suite A Greenville SC 29601

TAX PARCEL #: 0001000 500200 **ACREAGE:** .07 **ZONING DESIGNATION:** C4

REQUEST

Refer to Article 19-4, Use Regulations, of the Land Management Ordinance (www.municode.com/library/)

DESCRIPTION OF PROPOSED LAND USE:

Property will be used as a restaurant that serves food, non-alcoholic drinks, and alcoholic drinks and stays open until 2 AM.

INSTRUCTIONS

1. The application and fee, **made payable to the City of Greenville**, must be received by the planning and development office no later than 5:00 pm of the date reflected on the attached schedule.

2. The applicant/owner must respond to the "standards" questions on page 2 of this application (you must answer "why" you believe the application meets the tests for the granting of a special exception). See also **Section 19-2.3.5, Special Exception Permit**, for additional information. You may attach a separate sheet addressing these questions.

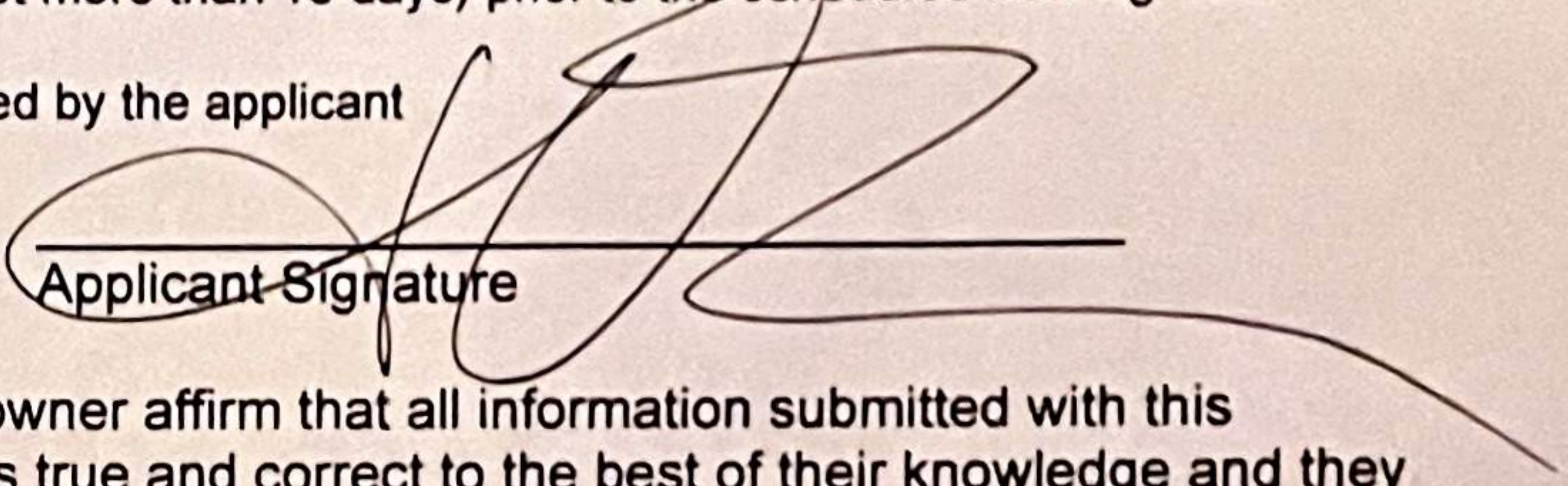
3. You must attach a scaled drawing of the property that reflects, at a minimum, the following: (a) property lines, existing buildings, and other relevant site improvements; (b) the nature (and dimensions) of the proposed development (activity); (c) existing buildings and other relevant site improvements on adjacent properties; and, (d) topographic, natural features, etc. relevant to the requested special exception.

4. You must attach the required application fee: \$250.00

5. The administrator will review the application for "sufficiency" pursuant to **Section 19-2.2.6, Determination of Sufficiency**, prior to placing the application on the BZA agenda. If the application is determined to be "insufficient", the administrator will contact the applicant to request that the applicant resolve the deficiencies. **You are encouraged to schedule an application conference with a planner, who will review your application for "sufficiency" at the time it is submitted. Call (864) 467-4476 to schedule an appointment.**

6. You must post the subject property at least 15 days (but not more than 18 days) prior to the scheduled hearing date.

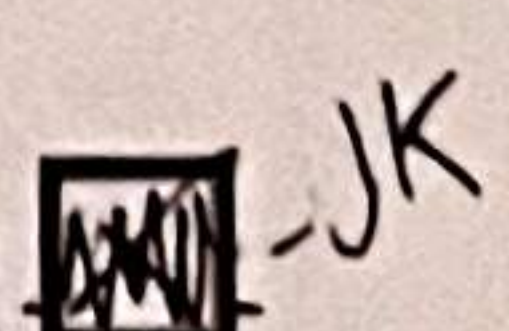
_____ 'Public Hearing' signs are acknowledged as received by the applicant

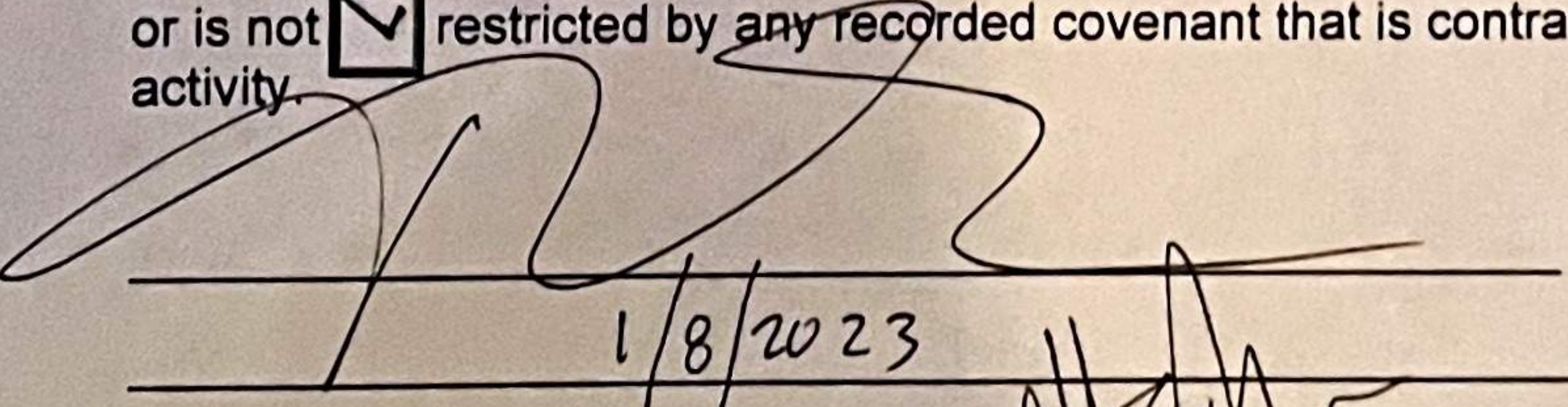

Applicant Signature

7. **Please read carefully:** The applicant and property owner affirm that all information submitted with this application; including any/all supplemental information is true and correct to the best of their knowledge and they have provided full disclosure of the relevant facts.

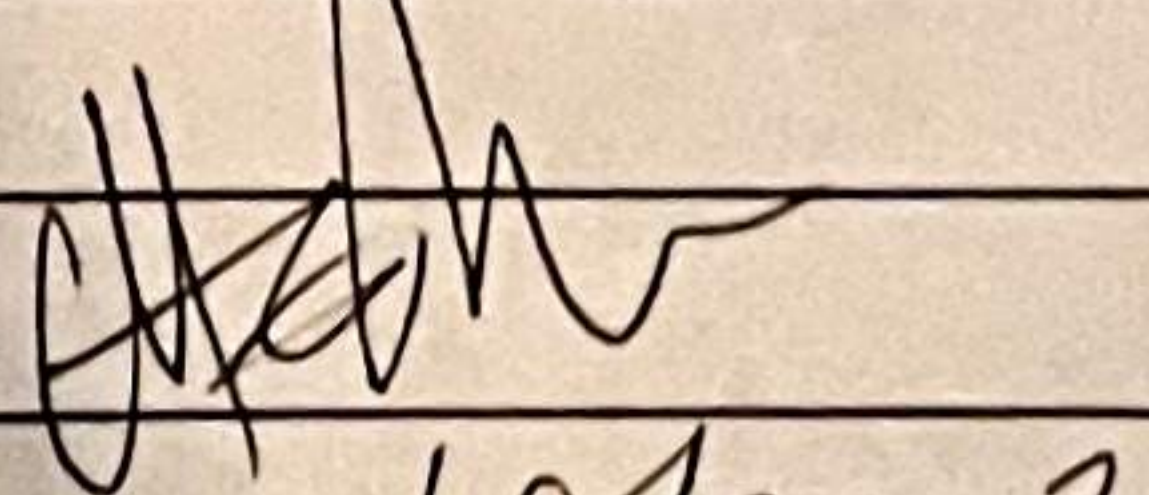
In addition the applicant affirms that the applicant or someone acting on the applicant's behalf has made a reasonable effort to determine whether a deed or other document places one or more restrictions on the property that preclude or impede the intended use and has found no record of such a restriction.

If the planning office by separate inquiry determines that such a restriction exists, it shall notify the applicant. If the applicant does not withdraw or modify the application in a timely manner, or act to have the restriction terminated or waived, then the planning office will indicate in its report to the Board of Zoning Appeals that granting the requested change would not likely result in the benefit the applicant seeks.

To that end, the applicant hereby affirms that the tract or parcel of land subject of the attached application is ☒ or is not ☐ restricted by any recorded covenant that is contrary to, conflicts with, or prohibits the requested activity. 


APPLICANT / REPRESENTATIVE SIGNATURE

DATE


PROPERTY OWNER SIGNATURE

DATE

**APPLICANT RESPONSE TO
SECTION 19-2.3.5(D)(1), STANDARDS – SPECIAL EXCEPTION**

(YOU MAY ATTACH A SEPARATE SHEET)

1. DESCRIBE THE WAYS IN WHICH THE PROPOSED SPECIAL EXCEPTION IS CONSISTENT WITH THE COMPREHENSIVE PLAN.

There will be no deviation from the current footprint, street view, or functionality of the property. Our plan is only to change the menu which will develop the culture appropriately to the plan.

2. DESCRIBE THE WAYS IN WHICH THE REQUEST WILL COMPLY WITH THE STANDARDS IN SECTION 19-4.3, USE SPECIFIC STANDARDS.

We will have policies in place to control and direct noise, safely handle any disorderly conduct, close doors at appropriate times, and staff sufficiently to safely control high customer volumes.

3. DESCRIBE THE WAYS IN WHICH THE REQUEST IS APPROPRIATE FOR ITS LOCATION AND IS COMPATIBLE WITH THE CHARACTER OF EXISTING AND PERMITTED USES OF SURROUNDING LANDS AND WILL NOT REDUCE THE PROPERTY VALUES THEREOF.

The requested use has been in place with the current business since 2009 and is a staple of Main St. We are not deviating from the previous business owners business hours; therefore there will be no extra burden on any of the existing infrastructure.

4. DESCRIBE THE WAYS IN WHICH THE REQUEST WILL MINIMIZE ADVERSE EFFECTS ON ADJACENT LANDS INCLUDING: VISUAL IMPACTS; SERVICE DELIVERY; PARKING AND LOADING; ODORS; NOISE; GLARE; AND, VIBRATION. DESCRIBE THE WAYS IN WHICH THE REQUEST WILL NOT CREATE A NUISANCE.

We are not changing any external aspects of the building and will remain consistent with the current layout of the operating business. With new ownership - we will put in place and enforce more strict noise control policies with our staff as well.

**APPLICANT RESPONSE TO
SECTION 19-2.3.5(D)(2), STANDARDS – CHANGE IN NONCONFORMING USE**

(YOU MAY ATTACH A SEPARATE SHEET)

1. DESCRIBE THE WAYS IN WHICH THE PROPOSED NONCONFORMING USE IS MORE IN CHARACTER WITH, OR EQUAL TO, THE USES OTHERWISE PERMITTED IN THE ZONING DISTRICT THAN THE EXISTING OR PRIOR NONCONFORMING USES.

The current operating business has been zoned this way since 2009. We are not deviating from the operating plan in that way.

2. DESCRIBE THE WAYS IN WHICH THE PROPOSED NONCONFORMING USE WILL NOT SUBSTANTIALLY AND PERMANENTLY INJURE THE USE OF NEIGHBORING PROPERTY FOR THOSE USES PERMITTED WITHIN THE RELEVANT ZONING DISTRICT(S).

The current operating business has the same special exception hours that we are requesting. Many neighboring businesses also have the same hours, so it will not be a deviation from the normal in our location.

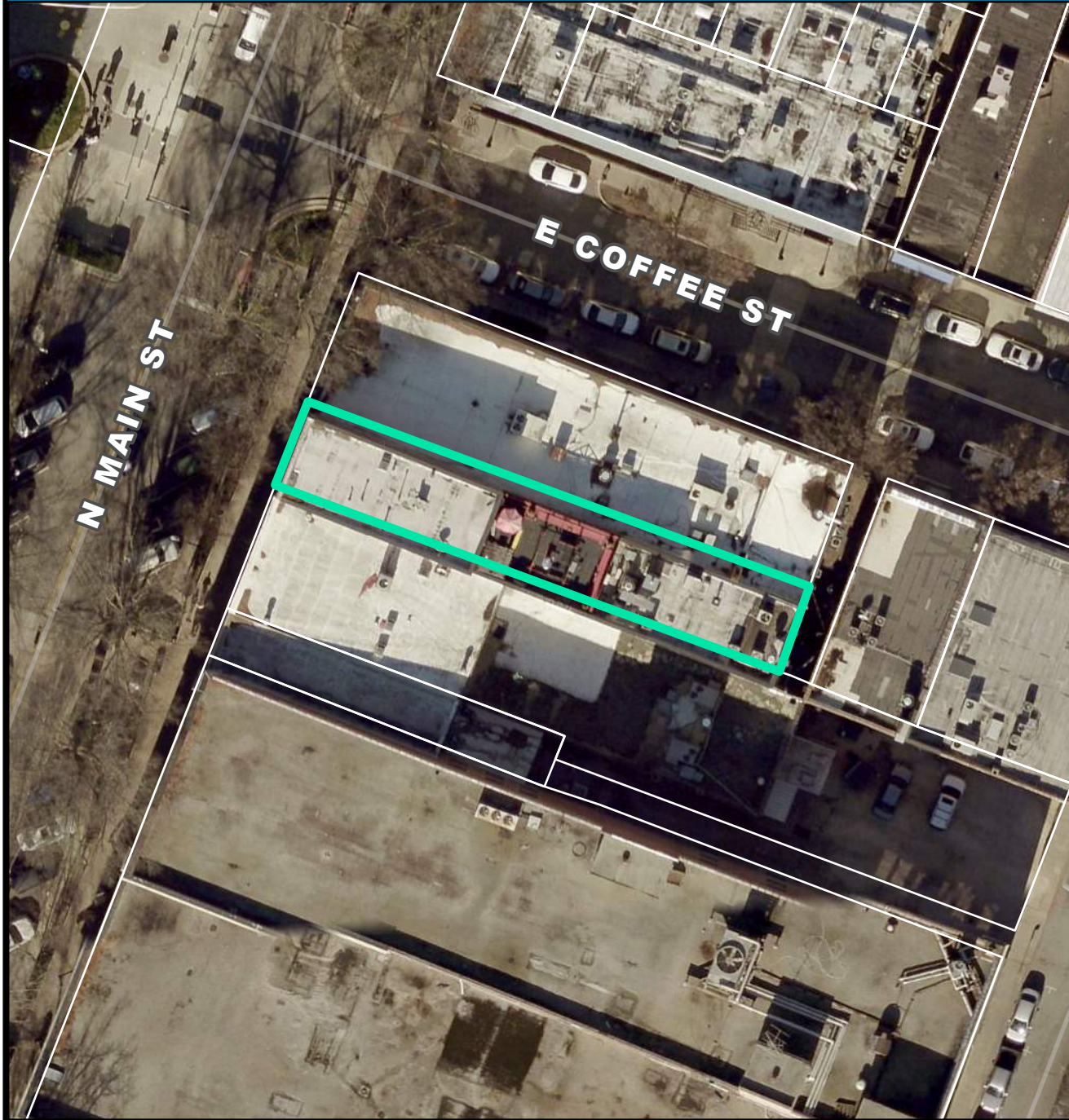
3. IS ADEQUATE INFRASTRUCTURE CAPACITY AVAILABLE TO SERVE THE PROPOSED NONCONFORMING USE?

Yes

4. IS THE PROPOSED USE ONE THAT IS OTHERWISE PERMISSIBLE IN ANOTHER ZONING DISTRICT WITHIN THE CITY?

Yes

AERIAL VIEW



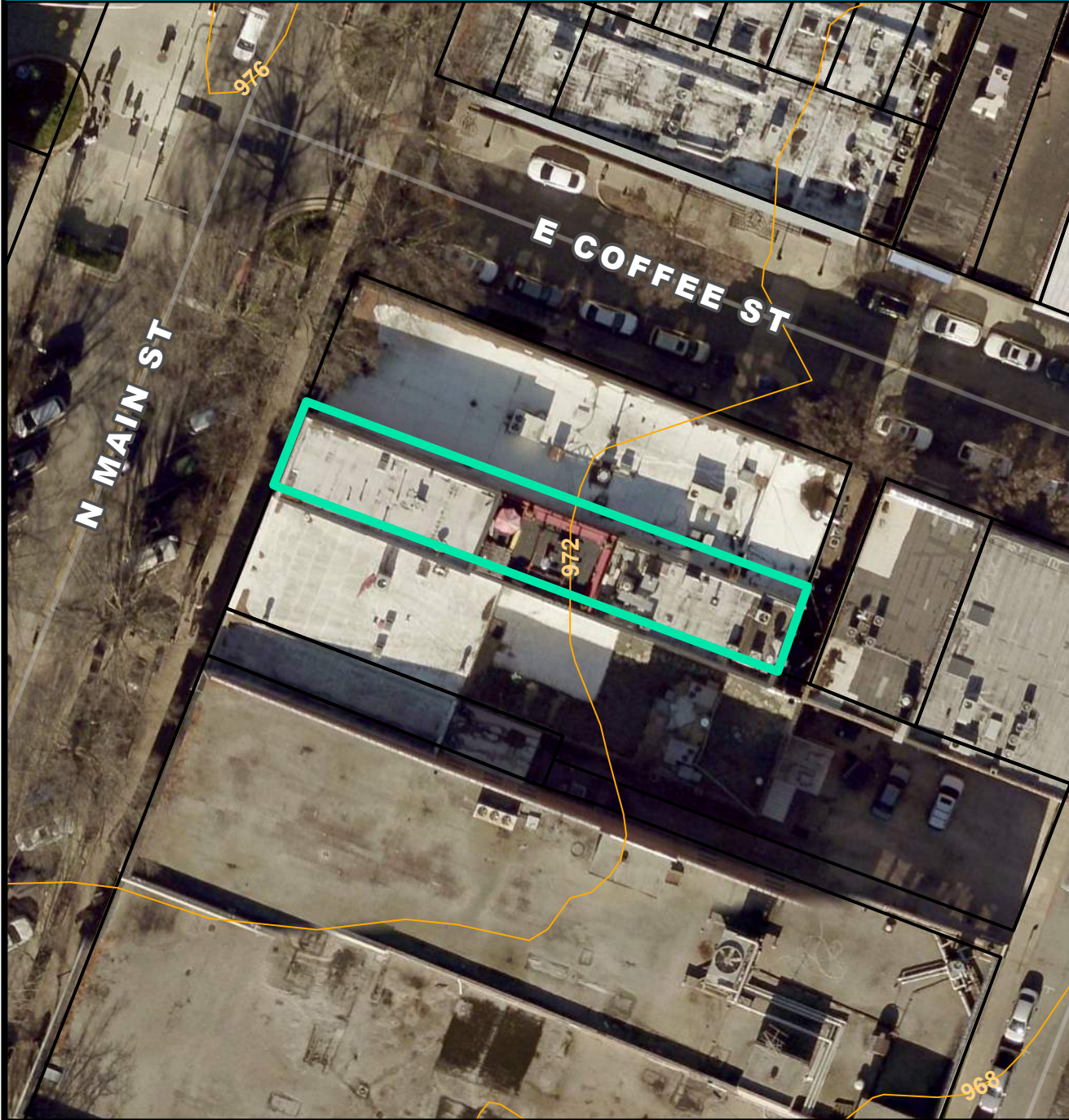
CURRENT ZONING



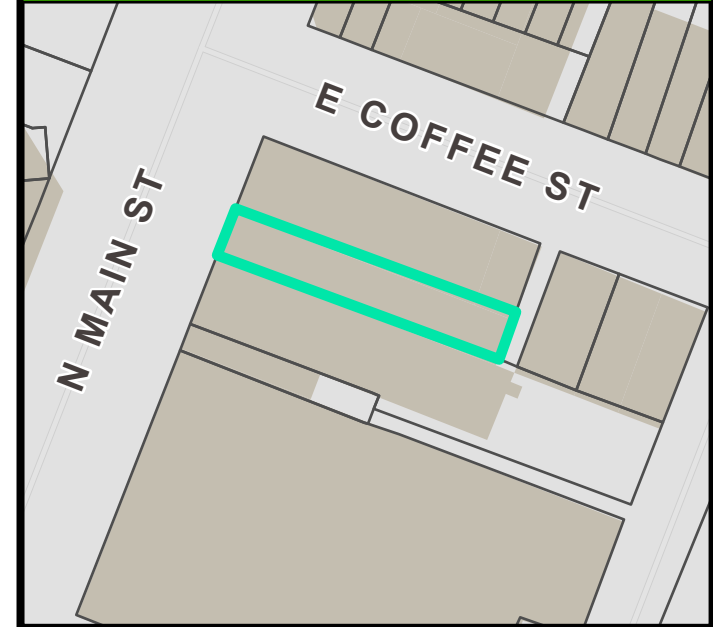
FUTURE LAND USE



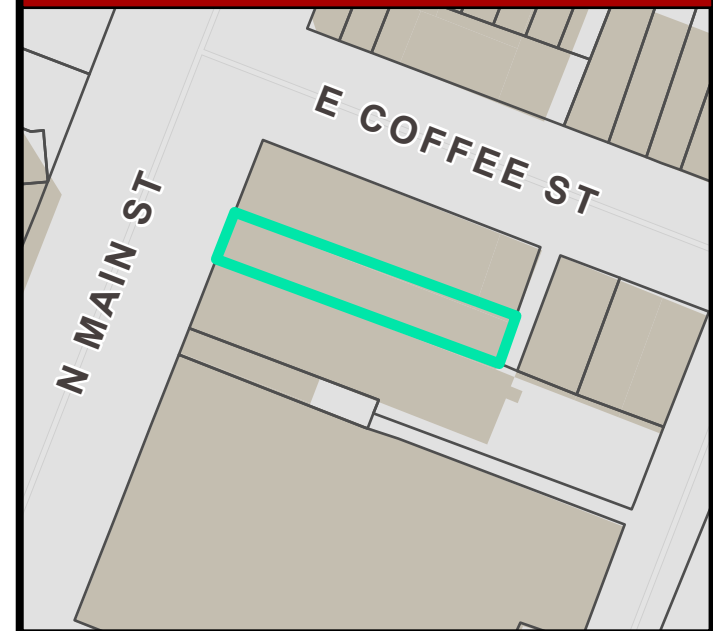
NATURAL / ENVIRONMENTAL FEATURES



SPECIAL EMPHASIS NEIGHBORHOODS



PRESERVATION OVERLAYS





city of greenville

Zoning Compliance Application

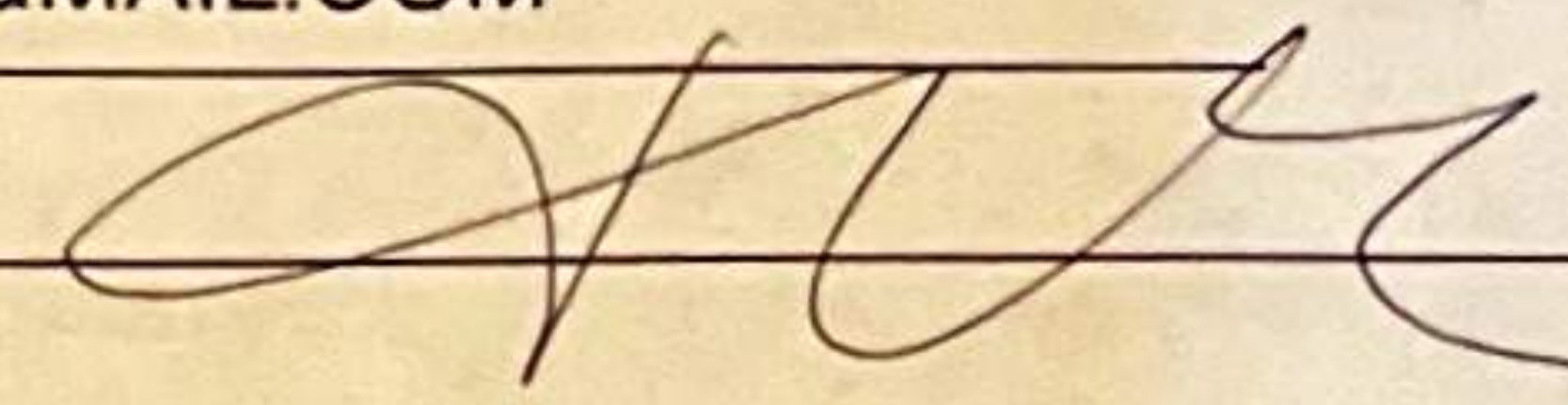
Establishments Serving Beer, Wine, Or Liquor

Applicant

Name JESSICA KEARNS Phone 864-991-5574

Mailing Address 20 NORTH MAIN ST GREENVILLE SC 29601

Email REYSGVL@GMAIL.COM

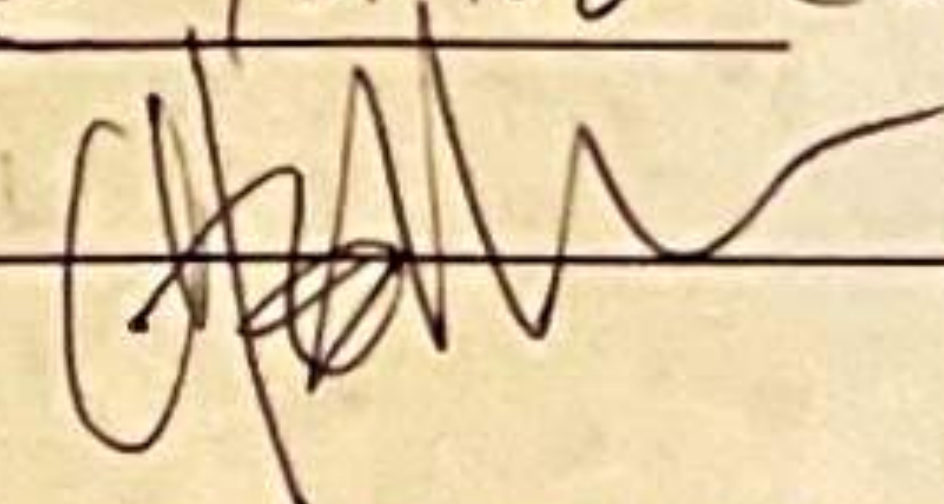
Signature of Applicant  Date 1/8/23

Property Owner

Name 20 NORTH MAIN ST LLC Phone 864-201-9113

Mailing Address 1 4 SOUTH MAIN ST GREENVILLE SC 29601

Email JLMU039@yahoo.com

Signature of Property Owner  Date 1/8/23

Property Information

Address 20 NORTH MAIN ST GREENVILLE SC 29601

TMS# 0001000500200 Zoning District Designation C-4

Description of Proposed Use

Provide details for each of the following, as applicable, on a separate sheet:

Operating Plan

1. Type of Use (Restaurant, Nightclub, Event Venue, Etc.)
2. Days and Hours of Operation
3. Staffing Schedule
4. Kitchen Equipment Schedule
5. Menu and Hours of Food Service
6. Parking for Customers and Employees
7. Designated Smoking Area
8. Type of Entertainment and Duration
9. Closing / "Last Call" Procedures

Security Procedures

1. Number and Type of Designated Security Staff
2. Training / Certification of Staff
3. Specific Duties / Responsibilities of Staff
4. Entry / Exit / Re-Entry Procedures
5. Crowd Management
6. Crime Prevention through Environmental Design (CPTED)

Seating Plan

1. Provide a floor plan, drawn to scale, by a registered South Carolina architect. The plan must demonstrate the proposed occupancy with calculations based on the current adopted building code.
2. Schedule a feasibility inspection of the property: 864.467.4457

Business Plan

1. Business Plan Summary: Target Audience, Theme, Objectives / Goals
2. Projected Revenue: % Alcohol Vs. Food Sales
3. Fees For Entry / Membership / Entertainment
4. Status Of City Business License Application
5. Status Of SCDHEC 'Retail Food Establishment' Permit, If Applicable
6. Status Of Abl-901 Application To SC Department Of Revenue
7. Provide Documentation That Sled Requirements Have Been Met



city of greenville

Provide a response for each of the following:

1. Describe the ways in which the proposed use is consistent with the comprehensive plan.
There will be no deviation from the current footprint, street view, or
functionality of the property
2. Describe the ways in which the request is appropriate for its location and is compatible with the character of existing and permitted uses of surrounding lands and will not reduce the property values thereof.
The requested use is in line with the way the business has been
run and permitted since 2009. The establishment has been
a staple of Main St since then. We're not deviating from ~~the~~
the current businesses hours therefore there will be no extra
burden on any of the existing infrastructure.
3. Describe the ways in which the request will minimize adverse effects on adjacent lands including: visual impacts; service delivery; parking and loading; odors; noise; glare; and, vibration. Describe the ways in which the request will not create a nuisance.
We are not changing any external aspects of the building and will
remain consistent with the current layout of the operating
business. With new ownership - we will put in place more strict
noise control policies for staff as well. We also will not
play outdoor music and will ensure doors are closed by 10PM.

Meet With the Technical Advisory Committee

Applications for Zoning Compliance will be reviewed by the Technical Advisory Committee (TAC), a City Staff committee comprised of representatives from the following City Departments and appointed by the City Manager:

Building Codes and Inspections
Business Licensing
Economic Development
Public Information and Events

Police
Fire
Planning
Legal

The Technical Advisory Committee convenes once-a-month to meet with Applicants and review Conditional Use Permit applications that may be granted by the Zoning Administrator. This process promotes a more comprehensive understanding of the Applicant's proposal, which in turn conveys a more comprehensive understanding of the multiple Departments' operating requirements and expectations.

The Applicant, Business Owner, and Property Owner (if different) are required to attend a regularly scheduled TAC meeting prior to granting a Conditional Use Permit. Managers and anyone involved in operating the business are also encouraged to attend. The meeting date, time, and exact location within City Hall will be confirmed upon submittal of this application to the Planning and Development office on the 5th floor of City Hall.

Whistler Restaurant Group LLC DBA Reys is proposing a new ownership for the business Reys located at 20 N Main Street. With this transition, we plan to maintain the historically valuable name and face of “Reys” while uplifting the business model and operating plans to reflect a newer and better version of the “Reys” that has been such a staple of Downtown Greenville for well over a decade. Our proposal will include a menu shift to focus on unique pizzas and wings, as well as a huge non alcoholic cocktail initiative. We also are updating the former employer’s employee manuals to reflect a safer and strictly compliant staff with all city rules and regulations.

Operating Plan

1. **Type of Use** Restaurant
2. **Days and Hours of Operation** Will follow current businesses hours of operations in the beginning. 4PM - 2AM Sunday-Saturday. Will open for lunch once our new kitchen is rolling and hours will become 11AM - 2AM Sunday-Saturday
3. **Staffing Schedule:**
 1. We will match the current businesses schedule in the beginning. Opener at 3PM and then next shift starts at 7 PM with security arriving between 9 PM and 10 PM depending on the busyness of the night. On the weekends we add 3-5 employees based on necessity with a manager always on duty. Then when we transition to open for lunch we will develop an afternoon and evening shift schedule. Afternoon will be 11AM to 6PM and evening will be 6PM to 2AM. We always will maintain an on site manager each night as well as security each night.
4. **Kitchen Equipment Schedule** See *attached Exhibit A*
5. **Menu and Hours of Food Service**
 1. Food will be served during all open hours. See *attached Exhibit B for Current Menu and proposed menu*. We will maintain the current menu and staff until we are able to hire and train new staff to run the new menu.
6. **Parking for Customers and Employees**
 1. There is on street parking and 4 parking garages within a short walking distance (Richardson St., Spring St., One City Garage, and Washington Parking Deck)
7. **Designated Smoking Area**
 1. There will be no smoking or designated smoking area and we will adhere to the current city codes for smoking outside
8. **Type of Entertainment and Duration**
 1. No live music will be performed, and only background music will be played through the speaker system current installed speaker system.
9. **Closing / “Last Call” Procedures**
 1. We will close no later than 2 AM every night and the last call will be no later than 1:45 AM.

Security Procedures

1. Number and Type of Designated Security Staff

1. We will maintain the current businesses model and have 1 security guard on Sundays-Thursdays and 2 security guards on Friday and Saturdays starting at 9 PM. All security guards are SLED certified and are hired to maintain crowd control inside, outside, and ensure only permitted age persons are allowed in at night.

2. Training/Certification of Staff

1. We have hired 5:9 Security to handle our security needs. Their staff are all SLED certified and regularly trained. Each employee including all management and servers will have the required certification and training for their role.

3. Specific Duties/Responsibilities of Staff

1. Manager: manage the day to day tasks as well as scheduling, inventory ordering and management, special events, and hiring, training, and enforcing company procedures and protocols.
2. Assistant Manager: Manages the specific duties of their day, developing new menu items, assisting in marketing material
3. Bartender/Server: Making drinks and serving customers, Follows all safety protocols to maintain a safe and fun environment for customers.
4. Chef/Line cook: cooking food items and plating. Maintaining a clean and safe kitchen environment. Following all food safety requirements.
5. Barback/busser: Stocking shelves and coolers, maintaining a clean and tidy restaurant and restrooms. Restocking inventory. Clearing tables of food and drinks.

4. Entry/Exit/Re-Entry Procedures

1. Our only customer entrance will be through the front door. We maintain an emergency exit at the rear of the establishment that has a fire alarm on it that stays engaged while in business hours, and we have 3 doors at the front of the building however only one is advertised as the entrance and exit unless an emergency were to arise. Security is stationed at this primary entrance and ensures that only permitted aged persons are allowed inside of the business during designated night time hours. The restaurant will be in compliance with all state and local laws in regards to Exit Signs and maintaining each Exit.

5. Crowd Management

1. Security along with the on site manager will manage the door and ensure capacity is maintained appropriately during busy hours and that safety is a priority for our staff and customers. We will have an interior security officer that maintains crowd control as well as the on site manager while the exterior security controls the entrance/exit.

6. Crime Prevention through Environmental Design (CPTED)

1. Our building is a straight "shotgun style" restaurant meaning that you can see all the way to the rear and back fire exit from the front door without any rooms or walls to divide the space. We also will make sure to properly light any dim areas and strategically place mirrors to allow for easy vantage points for managers and security to control the space. Our on site manager will be trained on crime prevention and ensuring a safe environment for all at all times.

Seating Plan

1. Seating Plan

See attached Exhibit C

2. Schedule a Feasibility Inspection of the property

We will schedule the inspection if deemed necessary and be available to reply with any reasonable request made by the inspector.

Business Plan

1. Business Plan Summary:

1. Our target audience will be primarily young professionals. Our theme will be a unique pizzeria with funky and fun pizzas featuring styles not found in the Upstate. We will bring unique flavor combinations for our customers to enjoy.

2. Projected Revenue: % Alcohol VS Food Sales

1. 60% food and 40% alcohol

3. Fees for Entry/Membership/Entertainment

1. No cover charge or membership will be taken. No live entertainment is planned, only background music through the in house speaker system.

4. Status of City Business License Application

1. Business license has been applied for

5. Status of SCDHEC Retail Food Establishment Permit

1. Current grade A with DHEC in current running business that is to be taken over. Applied for a new permit with DHEC

6. Status of ABL 901 Application to SC Department of Revenue

1. 120 day liquor license is approved and we are pending approval for final with SCDOR and SLED

7. Provide Documentation that SLED Requirements have been met

1. Meeting with Jeremy Benjamin from SLED on January 23rd to conduct interview. Documentation must be submitted by January 23rd per their request in email.
 1. *See attached Exhibit D*

Exhibit A

Current Kitchen Equipment

Flat top Grill/Oven Combo - US Range - Kitchen
Ice Maker - Manitowoc - Kitchen
Deep Fryer - Entree - 40 LB - Kitchen
Prep Station - Migali - Kitchen
Dishwasher - CMA Dish Machines- Bar
Kitchen Freezer - GE - Kitchen
Kitchen Freezer - Holiday - Kitchen
Freezer - Hotpoint - Basement
Walk in cooler - Vollrath - Basement
Sliding Glass Beer Cooler - TurboAir - Bar
Lay Down Cooler - TurboAir - Bar
3 Compartment Sink - Kitchen
Hand Wash sinks - Kitchen and bars
Racks and storage shelves - Kitchen

Proposed Kitchen Equipment List

Pizza Oven
Dough Mixer
Dough Sheeter
Ice Maker
3 Compartment Sink
Hand wash sink(s)
Walk in freezer
Walk in refrigerator
Gas range with flattop
Deep fryer
8' hood
Microwaves
Freezers and refrigerators
Food prep surfaces
Food prep equipment:

- Knives
- Cutting boards
- Pizza paddles
- Pots and pans
- Mixing bowls
- Food processors
- Storage containers and shelving

Compartment Sinks
Disposal Sinks
Hand Washing sinks
Restaurant POS system
Kitchen Display System
Serviceware

Exhibit B

Current Menu



FOOD

SMALL BITES

FRENCH FRIES \$5 Basket of classic cut fries seasoned to perfection. Add Parmesan shaves \$1	PRETZEL BITES \$3 Flavorful dusted mini pretzels. Buffalo Ranch or Jalapeño Cheddar.	PORK RINDS \$3 Popping hot and seasoned to perfection!
TATER TOTS \$5 Basket of hot and salty potato deliciousness. Add Parmesan shaves \$1	EMPANADAS \$6 Authentic Colombian beef empanadas served with Mild aji dipping sauce. 2 per order.	DOUGHNUT \$3 Fried doughnut, Chocolate or Raspberry bourbon drizzle, powdered sugar.

THE GOODS

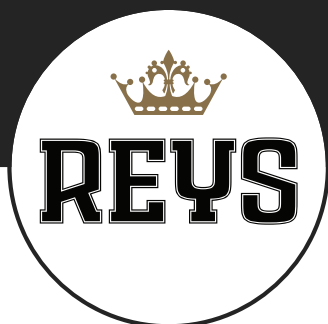
CHICKEN LOLLIPOPS \$8 / \$15 6 OR 12 PER ORDER Chicken wings just got fancier! Fried chicken wings lollipop-style, tossed in sauce of your choice & one side. Sauces: Kickin' Bourbon, Mango Habanero, Korean BBQ, Jamaican Jerk or Buffalo.	CLASSIC CHEESEBURGER \$10 1/2 lb. Beef patty, cheddar cheese, mayo, lettuce, tomato, onion & one side. Add Bacon or Egg \$1
FRIED CHICKEN TACOS \$8 2 PER ORDER Fried juicy chicken breast topped with cilantro lime red slaw, monterey jack, secret sauce, flour tortillas & one side. - Swap slaw for lettuce, onion, tomatoes	3 CHEESE GRILLED CHEESE \$8 Golden brown sourdough, smoked gouda, cheddar, monterey jack & one side. Add Bacon or Egg \$1
	FRIED CHICKEN SANDWICH \$10 Fried chicken breast, smoked gouda, mayo, lettuce, onion, tomato & one side. Add Bacon or Egg \$1

SIDES

- Tater Tots
- French Fries (Classic Cut)
- Cilantro - Lime Red Slaw
- House Salad (Lettuce, Tomato, Onions, Parmesan)

DRESSINGS

- Balsamic, Italian Ranch, Honey Mustard, Blue cheese.



COCKTAILS

HOUSE CREATIONS

REYSMOPOLITAN Ketel Peach Orange Blossom, Cointreau, Peach Schnapps, Lime Juice, Cranberry Juice, Pineapple Juice	\$8	MOCHA MARTINI Van Goh Double Espresso, Godiva Dark Chocolate, Half & half	\$8	SOMETHING FRUITY Cruzan Strawberry, Malibu, Peach Schnapps, Sprite, Lime, Cranberry, Orange, and Pineapple Juice	\$8
MEZCALITA Mezcal, Triple Sec, Lime and Orange Juice, Sour, Hot Sauce, Salted Rim	\$10	BEACH PLEASE Mt. Gay Eclipse Rum, Monks Secret, Lime and Orange Juice, Pineapple Juice,	\$8	FUN DIP Pomegranate Liquor, Absolut Mango, Blue Curacao, Triple Sec, Pineapple Juice	\$8

CLASSIC COCKTAILS

LONG ISLAND ICE TEA Vodka, Rum, Gin, Tequila, Triple Sec, Sour Mix, Pepsi	\$7*	NEGRONI Gin, Campari, Sweet Vermouth	\$7*	COSMOPOLITAN Vodka, Cranberry Juice, Triple Sec, Lime Juice	\$7*
MARTINIS Vodka Or Gin	\$7*	BLOODY MARY Vodka, Bloody Mary Mix	\$7*	TOM COLLINS Gin, Simple Syrup, Soda Water, Lemon Wedge	\$7*
SALTY DOG Vodka Or Gin, Grapefruit Juice, Salted Rim	\$7*	MARGARITA Tequila, Sour Mix, Splash OJ, Triple Sec	\$7*	MOJITO Rum, Simple Syrup, Lime Juice, Soda Water, Mint	\$7*
OLD FASHIONED Whiskey Or Bourbon, Bitters, Simple Syrup, Orange And Cherry	\$7*	DARK AND STORMY Ginger Beer, Rum (Traditionally Dark Rum)	\$7*	GIMLET Gin, Lime Juice	\$7*
MANHATTAN Choice Of Whiskey Or Bourbon, Bitters, Sweet Vermouth	\$7*	WHISKEY SOUR Whiskey, Sour Mix	\$7*	TEQUILA SUNRISE Tequila, Orange Juice, Grenadine	\$7*
		MOSCOW MULE Vodka, Fresh Squeezed Lime, Ginger Beer	\$7*		

*All classic cocktail are priced with house liquor; please note there is an upcharge for mid and top shelf products.

SHOTS

CHOCOLATE CAKE Vanilla Vodka, Frangelico, Sugared Lemon	\$7	JOLLY RANCHER Peach Schnapps, Sour Apple Schnapps, Cranberry	\$6	THREE WISEMEN Jack Daniel's, Jim Beam, Johnnie Walker	\$6
GIRL SCOUT COOKIE Kahlua, Brady's, Rumpleminze	\$6	KAMIKAZE Vodka, Triple Sec, Lime Juice	\$6	WASHINGTON APPLE Crown Royal, Sour Apple Schnapps, Cranberry	\$6
WHITE GUMMY BEAR Raspberry Vodka, Sour Mix, Peach Schnapps, Sprite	\$6	MELON BALL Melon Liqueur, Vodka, Pineapple Juice	\$6	WATER MOCCASIN Whiskey, Peach Schnapps, Triple Sec, Lime Juice, Simple Syrup	\$6
MIND ERASER Vodka, Kahlua, Soda	\$7	PURPLE HOOTER Vodka, Blackberry Liqueur, Lime Juice	\$6	BABY BEER Licor 43, Heavy Cream	\$7
PINEAPPLE UPSIDE-DOWN Vodka, Pineapple Juice, Grenadine	\$6	ALABAMA SLAMMER Southern Comfort, Amaretto, Sloe Gin, Orange Juice	\$6	B52 Kahlua, Brady's, Grand Marnier	\$6

REYS HELPS THE ENVIRONMENT BY USING COMPOSTABLE STRAWS

@reysgvl



BEER

DRAFT FLIGHT \$8.
4 Draft samples of your choice.

IPA	ABV	PRICE
Dogfish- 90 Min IPA	9%	\$6
New Belgium- Imp Voodoo	9%	\$5
Terrapin- Hopsecutioner	7.20%	\$5
Bells- Two Hearted	7%	\$5
Highland- Rising Haze (Hazy)	7%	\$5
Wicked Weed- Pernicious	6.90%	\$6
Westbrook- IPA	6.80%	\$5
Bells- Official (Hazy)	6.40%	\$7
Lagunitas- IPA	6.20%	\$5
Sweetwater- G13	6%	\$4

BELGIAN	ABV	PRICE
Gulden Draak	10.50%	\$9
Chimay Blue	9%	\$10
Delerium- Tremens	8.50%	\$10
Duvel	8.50%	\$8

PORTER	ABV	PRICE
Foothills- Peoples Porter	5.80%	\$5

GOSE & SOUR	ABV	PRICE
Dogfish- superBIGHT	5.30%	\$6
Dogfish- Seaquenchale	4.90%	\$6
Anderson Valley- Rotating Gose		\$5
Westbrook- Gose	4%	\$5
Westbrook- Key Lime Pie	4%	\$7

CERVEZA	ABV	PRICE
Dos Equis- Ambar	4.70%	\$4
Corona Extra	4.60%	\$4
Pacifico Clara	4.50%	\$4
Modelo Especial	4.50%	\$4
Corona Light	4.10%	\$4

CIDERS	ABV	PRICE
Blakes- Triple Jam	6.50%	\$5
Angry Orchard	5%	\$4
Bold Rock- Carolina Apple	4.70%	\$4

LAGER	ABV	PRICE
Peroni	5.10%	\$4
Molson Canadian	5%	\$3
Heineken	5%	\$4
Sam Adams- Boston Lager	5%	\$4
Stella Artois	5%	\$4
Red Stripe	4.70%	\$4
Kona- Longboard	4.60%	\$5
Yuengling	4.50%	\$3
Abita- Purple Haze	4.20%	\$5
Tusker	4.20%	\$6
Amstel Light	3.50%	\$4

PALE	ABV	PRICE
Rogue- Dead Guy	6.80%	\$6
Oskar Blues- Dales Pale Ale	6.50%	\$4
Sweetwater- 420	5.70%	\$4
Sierra Nevada- Pale Ale	5.60%	\$4

EVERYTHING ELSE	ABV	PRICE
Highland- Gaelic Ale	5.50%	\$5
Westbrook- One Claw	5.50%	\$5
Schneider Weisse	5.40%	\$8
White Claw- Mango	5%	\$5
White Claw- Black Cherry	5%	\$5
Reisdorf- Kolsch	4.80%	\$7
Shiner Bock	4.40%	\$4

STOUTS	ABV	PRICE
New Holland- Dragons Milk	11%	\$9
New Holland- Dragon White	6%	\$6
Left Hand- Nitro Milk Stout	6%	\$6

DRAFTS	ABV	PRICE
River Rat- Broad Red	5.30%	\$6
Sam Adams- Rotating Seasonal		\$5
Catawba- White Zombie	5%	\$7
Founders- All Day IPA	4.70%	\$5
Elysian- Space Dust	8.20%	\$5
DuClaw- Sweet Baby Jesus	6.20%	\$5
Austin Eastciders- Blood Orange	5%	\$5
Victory- Sour Monkey	9.50%	\$5
Steel Hands- Coffee Lager	4.50%	\$5
Edmunds Oast- Something Cold	5%	\$5
Foothills- Torched Pilsner	5.30%	\$5
Guinness Draught	4.20%	\$5

AMBER/RED/BROWN	ABV	PRICE
Thomas Creek- River Red Ale	6.20%	\$4
Rogue- Hazelnut Brown Nectar	5.60%	\$6
New Belgium- Fat Tire	5.20%	\$5
Newcastle	4.70%	\$4

WHEAT	ABV	PRICE
Avery- White Rascal	5.60%	\$5
Blue Moon	5.40%	\$4
Allagash- White	5.20%	\$5
Revelry- Hotel Rendevous	5%	\$6
Hoegaarden	4.90%	\$4

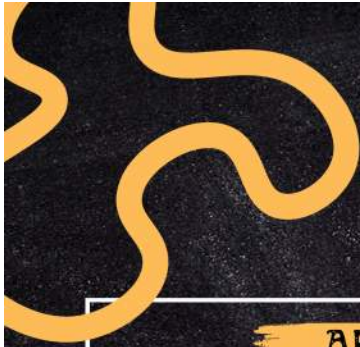
DOMESTICS	ABV	PRICE
Budweiser	5.00%	\$3
Pabst Blue Ribbon	4.80%	\$3
Bud Light	4.20%	\$3
Michelob Ultra	4.20%	\$3
Miller Lite	4.20%	\$3
Coors Light	4.20%	\$3

NON- ALCOHOLIC		
Heineken 0.0	0.00%	\$5

REYS HELPS THE ENVIRONMENT BY USING COMPOSTABLE STRAWS

@reysgvl

Future Proposed Menu



FOOD



APPS

GARLIC KNOTS	5
freshly made dough knots covered in butter and garlic, served with marinara for dipping.	
FIESTY FRIED CHICKEN SALAD	9
romaine, spicy fried chicken, sour dill pickles, smoked mozzarella, slaw, creamy dill dressing	
STANDARD SALAD S'IT	5/7
romaine and all the greens and things	
dressings: ranch, balsamic vinegar, french and creamy dill dressing	



WINGS

LEMON PEPPER	7/12
lemon pepper and pecorino 6ct/12 ct	
BUFFALO SOLDIER	7/12
mild, or spicy 6ct/12 ct	
GENERAL TSAOS CRUNCH	7/12
mongolian tso's sauce, sesame seed, hot honey, crispy wonton 6ct/12 ct	



all wings come with celery slices and your choice of blue cheese or ranch

PIZZAS

	CHICKEN AND WAFFLES	15
buttermilk waffles with fried chicken, smoked bacon, dry aged & smoked mozzarella, and hot honey		
	SHROOMIES	15
truffle cream, cremini mushrooms, fresh mozzarella, salted ricotta, parsley		
	MAC ATTACK	15
buffalo chicken with mac n' cheese, smoked bacon & ranch		
THE USUAL		12
marinara, mozz and pepperoni		

All pizzas are 10" single serve

BYOP

BUILD YOUR OWN PIZZA 12

12 for one topping pizza, .75 cents per additional topping

bases: marinara, white truffle cream, garlic pesto
cheeses: parmesan, fresh mozz, smoked mozz
veggies: spinach, green pep, roasted red pep, onions, caramelized onion, pickled jalapenos, broccoli, tomatoes, mushrooms.
meats: pepperoni, sausage, bacon, fried chicken

DRINKS

PEPSI PRODUCTS	2.5
LEMONADE	2.5
RED BULL	5
SUGAR FREE RED BULL	5
LIQUID DEATH SPARKLING WATER	5

SWEETS

SEASONAL CHURROS	5
CANNOLI	3
ICE CREAM	3



BEER

HAPPY
HOUR
4PM TO 7PM

DRAFTS

PBR 4.8%	3
MICHELOB ULTRA 4.2%	3
GUINNESS 4.2%	7
ELYSIAN SPACE DUST 8.2%	7
SAM ADAMS' SEASONAL	6

*ASK ABOUT OUR OTHER ROTATING DRAFTS

DOMESTICS

PABST BLUE RIBBON 4.8%	2
BUDWEISER 5%	3.5
BUD LIGHT 5%	3.5
COORS LIGHT 4.2%	3.5
MILLER LITE 4.2%	3.5
YUENGLING 4.5%	3.5

LAGERS

ABITA PURPLE HAZE 4.2%	5
AMSTEL LIGHT 4%	4.5
COORS BANQUET 5%	4.5
DEVILS BACKBONE VIENNA LAGER 5.2%	5
HEINEKEN 5%	5
MILLER HIGH LIFE 4.6%	4.5
MOLSON CANADIAN 5%	4.5
PERONI 5.1%	4.5
RED STRIPE 4.7%	4.5
SAM ADAMS BOSTON LAGER 5%	4.5
STELLA 5%	4.5
STONE BUENAVEZA 4.7%	5

WHEATS

ALLAGASH- WHITE 5.2%	5
BLUE MOON 5.4%	4.5
HOEGARDEN 4.9%	4.5
REVELRY HOTEL RENDEZVOUS 5%	6
SCHNEIDER WEISSE 5.4%	8
VICTORY GOLDEN MONKEY 9.5%	6

STOUTS

BELLS DOUBLE CREAM 6.1%	6
LEFT HAND- NITRO MILK STOUT 6%	6
NEW HOLLAND DRAGONS MILK 11%	9
NEW HOLLAND DRAGONS MILK WHITE 6%	6

PALES

OSCAR BLUES- DALES PALE ALE 6.5%	4.5
ROGUE- DEAD GUY 6.8%	5
SIERRA NEVADA - PALE ALE 5.6%	4.5
SWEETWATER- 420 5.7%	4.5
WESTBROOK- ONE CLAW 5.5%	7

CERVEZAS

CORONA EXTRA 4.6%	4.5
CORONA LIGHT 4%	4.5
DOS EQUIS- AMBAR 4.2%	4.5
MODELO ESPECIAL 4.4%	4.5
TECATE 4.5%	4.5

IPAS

BELLS TWO HEARTED 7%	6
DOGFISH 90 MINUTE 9%	6
LAGUNITAS IPA 9%	5
NEW BELGIUM VOOODOO RANGER 7%	5
SWEETWATER G13 6%	4.5
WESTBROOK IPA 6.8%	5
WICKED WEED PERNICIOUS 7.3%	6

BELGIANS

CHIMAY- BLUE 9%	10
DELERIUM- TREMENS 8.5%	10
DUVEL 8.5%	8
GULDEN DRAAK 10.5%	9

AMBERS

HIGHLAND- GAELIC ALE 5.5%	5
NEW BELGIUM- FAT TIRE 5.2%	5
NEWCASTLE 4.7%	
ROGUE- HAZELNUT BROWN NECTAR 5.6%	6
THOMAS CREEK- RIVER FALLS RED ALE 5.65%	4.5

CIDERS

ANGRY ORCHARD 5%	4.5
BLAKES- TRIPLE JAM 6.5%	5
BOLD ROCK- CAROLINA APPLE 4.7%	4.5

GOSE

ANDERSON VALLEY- ROTATING 4.2%	5
DOGFISH- SEAQUENCH ALE 4.9%	6
WESTBROOK- GOSE 4%	5

PORTERS

BRECKENRIDGE- VANILLA PORTER 5.4%	6
FOOTHILLS- PEOPLES PORTER 5.8%	6

NON ALCOHOLIC

HEINEKEN 0.0%	5
ATHLETIC BREWING RUN WILD IPA 0.5%	5
ATHLETIC BREWING UPSIDE DAWN 0.5%	5

COCKTAILS

HOUSE SPECIALS

PEACH DREAM

Tito's Vodka, peach puree, pineapple and orange juice with a splash of strawberry puree and a mint garnish

-created by Carlie

DARK POMEGRANATE

Pama Pomegranate liqueur, black raspberry liqueur, and finished off with Casamigos

Resposado

-created by Eric

BAJA BLAST

Malibu rum, melon liqueur, blue curacao, lime and pineapple juice and topped with soda

-created by Jesse

CHAI OF THE TIGER

Earl Grey Tanqueray, allspice dram, with a splash of cinnamon clove simple syrup and topped with fresh cream

-created by Jesse

GLEE-LIME PIE

Bacardi rum, Orgeat, Cointreau, Liquor 43 and finished with lime juice

-created by Jake

POPPIN' CHERRIES

Effen black cherry vodka, Pearl vanilla vodka, Liquor 43, a splash of grenadine and topped with cherries and soda

-created by Quincy

NON ALCOHOLIC

All of our Non Alcoholic Cocktails include specialty spiritless drinks and have 0.0% alcohol, but 100% of the flavor

NOT SO OLD FASHIONED

Spiritless Kentucky 74, simple syrup, spiced bitters, finished with an orange slice and a cherry

CITY GIRL

Amethyst Lemon Cucumber Serano, muddled limes, simple syrup, and cranberry and pineapple juice

SWEET HEART

Amethyst Blueberry Ginger, fresh lime and orange, agave and topped with pink grapefruit

SPIRITLESS PALOMA

Jalisco spiritless 55, pink grapefruit juice and a splash of simple syrup

BLUBERRY MULE

Amethyst blueberry ginger, freshly squeezed lime, topped with ginger beer

KENTUCKY PINEAPPLE SOUR

Spiritless Kentucky 74, freshly squeezed lime juice with a splash of pineapple juice

JALISCO MARGARITA

Spiritless Jalisco 55, agave, fresh lime juice, non alcoholic triple sec, and finished with freshly squeezed orange

HARD SELTZERS

HIGH NOON 4.5%	7
VOLLEY LIME TEQUILA 5.25%	8
THE FINNISH LONG DRINK 5.5%	7
WHITE CLAW	5

HAPPY HOUR

4 PM - 7 PM
DAILY

ask your server for today's special

Exhibit C Seating Plans

OCCUPANCY CALCULATIONS - RESTAURANT

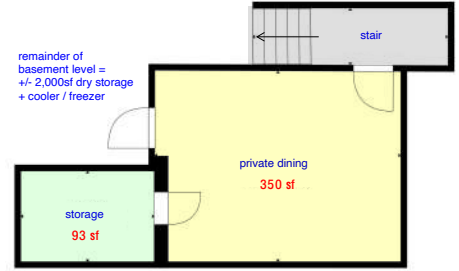
Kitchen / Bar Areas	200sf / person = 5 occupants
Seating Areas (Tables & Chairs)	15sf / person = 93 occupants
+31 bar seats = 124 occupants	
Restroom Areas	0 occupants
Storage Areas	300 sf / person = 10 occupants
Egress	0 occupants

Seating Count	
Bar Counters	31 seats
High-Tops	24 seats
Booths	36 seats
Lounge	12 seats
General Floor	51 occupants
Including Basement	(15sf / occ)
Other Occupants	15 occupants

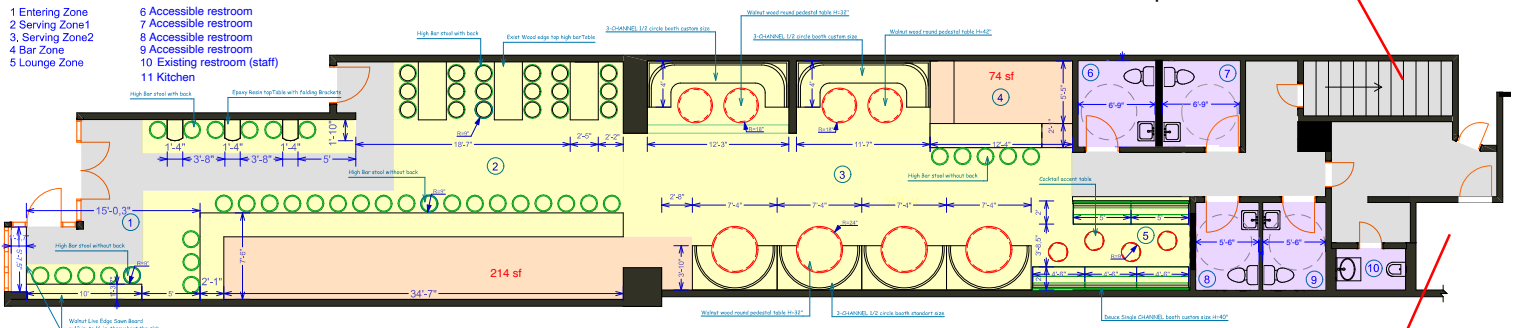
Restroom Count	
169 occupants	
85 men / 85 women	
Restaurant requirement = 1 / 75	
Required = 4	
Provided = 4 + 1	

Total Occupants (Area Method) = 139 occupants

Total Occupants (Seating Method) = 169 occupants



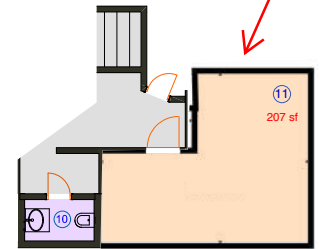
basement plan



scale = 1/8" : 1'-0"



20 N Main Street
Floor Plan / Occupancy Plan
January 9, 2023



rear of first floor plan

Exhibit D

See below for email attachment sent from SLED showing submittal request date

SLED Agent: Jeremy Benjamin

Agent e-mail: jbenjamin@sled.sc.gov

Agent phone number: 803-605-0972

Documentation due date: January 23, 2023

Please read below and follow the instructions.

The documents with an "x" are being requested as part of the investigation into your alcohol application. To complete your report, submitting these documents in a timely manner is essential. Failure to submit the requested documentation may delay the submission of your report or give cause for a denial by SCDOR for failing to submit requested documentation. A copy is needed either by e-mail (preferable) in a PDF format or hard copy which can be taken. Please do not provide copies you need back.

☒ If any officers/principals listed on the alcohol application have ownership in another business in the state of South Carolina that holds an alcohol license, please provide a list of the entities (LLC, Inc, sole proprietor) and the type of alcohol license each holds.

☒ Signed lease if the entity/sole proprietor is leasing the property. Title/Deed if the entity/sole proprietor owns the property. HUD Loan Applications/Statements if HUD was utilized to acquire the property.

☒ Articles of Organization or Articles of Incorporation from the Secretary of State office.

☒ Operating Agreement (if the entity has one)

☐ By-laws for the corporation.

☒ Sketch / blueprint of the property to show where alcohol consumption will occur. This sketch will be utilized to show SCDOR where you would like alcohol consumption to occur and what you define as your "licensed premise". Include all rooms within your premise labeled including storage closets, restrooms, etc. A hand drawn sketch is ok if it is legible. If you submit an architectural blueprint, be sure everything is still completed and legible. If you want outdoor liquor consumption, please clarify specifically where this will occur. Please make sure all outdoor and indoor consumption areas are labeled where you want to allow alcohol consumption. Failure to label the rooms and/or outdoor spaces you would like to have outdoor space on your sketch will result in this being returned to you for resubmission.



AGENDA

BOARD OF ZONING APPEALS REGULAR MEETING

Thursday, February 9, 2023 - 4:00 p.m.

Meeting Location:
Greenville City Hall, Council Chambers, 10th Floor
206 South 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
 2. Welcome and Opening Remarks from the Chair
 3. Roll Call
 4. Approval of Minutes
 - A. January 10, 2023 – Workshop
 - B. January 12, 2023 – Regular Meeting
 - C. January 25, 2023 – Joint Training Workshop
 5. Call for Public Notice Affidavit from Applicants
 6. Acceptance of Agenda
 7. Conflict of Interest Statement
 8. OLD BUSINESS
 9. NEW BUSINESS
 - A. **S 21-781M**
Application by Group Therapy Pub & Playground, LLC (Matthew Hubbard) to modify a **SPECIAL EXCEPTION** to a expand a 'Bar' and 'Indoor entertainment facility' use in a C-4, Central business district at **320 FALLS ST STE G** (TM# 006100-03-04114, 006100-03-04115)
 - B. **S 22-990**
Application by Bernard Peter Robichau II for a **SPECIAL EXCEPTION** to establish a 'Hotel' (short-term rental) use in an OD, Office and institutional district at **801 E NORTH ST UNIT 8** (TM# 004000-01-01208)
 - C. **S 22-993**
Application by Suite Retreat, LLC (Jill Blume) for a **SPECIAL EXCEPTION** to establish a 'Hotel' (short-term rental) use in an OD, Office and institutional district at **15 WHITSETT ST** (TM# 004600-01-00700)
 - D. **S 23-032**
Application by Weston Moore for a **SPECIAL EXCEPTION** to establish a 'Bed and breakfast inn' (short-term rental) use in a R-6, Single family residential district at **221 GROVE RD** (TM# 021800-02-01600)

E. S 23-033

Application by Whistler Restaurant Group, LLC (Jessica Kearns) dba Reys for a **SPECIAL EXCEPTION** to operate a 'Restaurant, with indoor seating only' use after midnight in a C-4, Central business district at **20 N MAIN ST STE A** (TM# 000100-05-00200)

10. OTHER BUSINESS

- A. Staff update on current planning projects**
- B. Election of Chair and Vice Chair**

11. Adjournment