



# MINUTES

## BOARD OF ZONING APPEALS

### REGULAR MEETING

Thursday, January 13, 2022 - 4:00 p.m.  
Greenville Convention Center, 1 Exposition Drive, Room 102

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**NOTICE OF MEETING:** Pursuant to Section 30-4-80 of the S.C. Code of Laws, annual notice of this Board's Meetings was provided on January 1, 2022 via the Greenville City Website. The Agenda for this Meeting was posted outside the meeting place and was emailed to all persons, organizations, and news media requesting notice. In addition, notice for public hearings was published in the Greenville News, posted on the properties subject of public hearing(s), mailed to all surrounding property owners, and emailed to all persons, organizations, and news media requesting notice pursuant to Section 6-29-760 of the S.C. Code of Laws and Section 19-2.2.9 of the Code of the City of Greenville.

A copy of staff reports and recommendations were posted with the meeting agenda.

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1. **Call to Order**  
Chairman Chris Price
2. **Welcome and Opening Remarks from the Chair**  
Chairman Chris Price
3. **Roll Call**  
The following member of the Board of Zoning Appeals were in attendance: Chris Price (Chair), Seph Wunder (Vice Chair), Stephanie Gates, Ken Betsch, Frederick Turner, Lauren Rounsville, Krish Patel  
  
Absent: **None**
4. **Approval of Minutes**
  - A. **December 7, 2021 – Workshop**  
Approved as submitted
  - B. **December 9, 2021 – Regular Meeting**  
Approved as submitted
5. **Call for Public Notice Affidavit from Applicants**  
Staff reported that all public notice affidavits were received.
6. **Acceptance of Agenda**  
The agenda was accepted as distributed to the Board.
7. **Conflict of Interest Statement**  
None
8. **OLD BUSINESS**
  - A. **S 21-795**

Application by ABW Greenville, LLC d/b/a New Realm Brewing Company (Brian McAlpine) for a **SPECIAL EXCEPTION** to establish an “Indoor entertainment facility” and “Outdoor entertainment” use in a C-4, Central business district at **912 S Main Street** (TM# 007200-02-01600, 007200-02-01700, 007200-02-01900 & 007200-02-02000)

*(Presented by Principal Development Planner Kristopher Kurjaka)*

#### Applicant Presentation

*Cary Perkins, Architect, McMillan Pazdan Smith, 400 Augusta St., Suite 200 Greenville, SC*

- Discussed project updates to the application since the November 2021 presentation to the Board. In particular, this addressed:
  - Noise – The location and direction of the stage and alternate layouts; the acoustical study and noise monitoring; and frequency of live music/outdoor entertainment;
  - Neighborhood meeting – Held to obtain additional input from residences and present New Realm Brewery’s operation/business plan and model;
  - Parking – Agreement for off-site parking provided.
- Ms. Perkins made herself available for questions.

*Jeff Ash, Food & Beverage Coordinator for New Realm Brewery, Franklin, TN*

- Discussed importance of the entertainment component to the function of the restaurant and that entertainment would typically be only once a week, occasionally more than that.

*Gary Falcon, CEO/Cofounder, New Realm Brewery*

- Stated that the intent is to be a responsible and active member of the community. The facility is a family entertainment facility, catering to all ages.

*Rivers Stillwell, Nelson Mullins*

- The applicant is looking to be a good member of the downtown community, not intending to add noise to the environment.

#### Public Comments

*Jeff Brown, 87 Parkins Lake Rd, Greenville, SC*

- Father built Greenville Drive and spoke in favor of project.

*Allison Stefanov, N. Markley St, Greenville, SC*

- Spoke in support of the project. She lived in Atlanta one of New Realm Brewery’s venues and saw the property values rise at that location.

*Amber Montoya, McDaniel Ave., Greenville, SC*

- Spoke in support of the project as a respected establishment.

#### Board Discussion

Board discussed ticketed events, use of design and orientation to limiting sound, and quantification of the types and frequency of music. Also discuss Staff recommended conditions and the reference to other business hours of operation, and incorporation of acoustical study to final design of the facility.

**\*Motion: Mr. Wunder moved to approve special exception request S 21-795 with conditions based on the findings that use is consistent with the Comprehensive Plan, the use is consistent with use-specific standards, the use is compatible with**

surrounding lands, and that the use does not have substantial adverse impacts. Conditions include:

- 1) Prior to issuance of any site or building permits, the Applicant shall provide a letter from an acoustic engineer to verify the methodology and results of the Acoustic Assessment Report, conducted by New Realm Brewing Company, are valid and the site(s) used for comparison are similar, as it relates to acoustical impact.
- 2) The Special Exception Permit shall be limited to ABW Greenville, LLC d/b/a New Realm Brewing Company, Brian McAlpine, and is not transferrable.
- 3) The Special Exception Permit shall be recorded in the Greenville County Office of the Register of Deeds upon execution by the Administrator. A copy of the Special Exception Permit shall be maintained with other posted occupancy information on the premises.
- 4) Operation of the establishment shall be limited to an 'Indoor entertainment facility' and 'Outdoor entertainment facility' as defined by the City Code and substantially conform to the testimony 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.
- 5) Exterior sound amplification is prohibited except in areas specifically authorized on the approved site plan and/or floor plan reviewed during permitting; 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. Direction of sound and stage orientation is subject to Design Review Board review and approval for conformance to Downtown Design Guidelines.
- 6) Site development plans and operations shall incorporate recommendations provided by Thornburn Associates in the New Realm Brewery Acoustical Review dated November 10, 2021, Revised December 20, 2021, with recommendations copied as follows:
  - (1)The venue must operate within the noise levels established by Section 16-100 of the City of Greenville Code of Ordinances limits noise levels, as measured 25-feet from the property, to 80dBA1 from 7:00 am to 10:00 pm, and 75dBA from 10:00 pm to 7:00 am.
  - (2)The sound level should be controlled to no louder than 80 dBA as well as 80 dBC2. The C weighted sound level (dBC) is more sensitive to low-frequency noise and vibration levels, addressing any concerns over ground vibration or the "thump, thump" type of sound heard from an adjacent car.
  - (3)Entertainers must use only the venue loudspeaker system, and may not bring their own loudspeakers. Using the venue loudspeaker system allows the system to be adjusted and controlled to ensure the City of Greenvilles maximum permitted sound levels are not exceeded.
  - (4)We have found that having a back wall and partial ceiling over the source of amplified sound will help direct the sound to the seating area and

**reduce sounds heard behind the stage area. A stage structure will reduce sounds from the stage to the east or in the direction of Wardlaw Street.**

- 7) The Applicant shall designate one (1) employee to monitor both decibel levels and low frequency (bass) noise coming from the facility nightly, both prior to and during any performance to ensure compliance with the City's noise ordinance.**
- 8) Exterior lighting shall be installed and directed in manner to minimize undue glare on adjacent residences.**
- 9) If any outside entity or individual engage the facility for private events, a manager shall be present at all times to be responsible to ensure compliance with these conditions.**
- 10) The Applicant shall designate a contact for the purposes of addressing complaints surrounding the operation of the venue by neighbors, law enforcement, codes enforcement, or any other department of the City. This contact shall, at the City's request, make him or herself available to meet in person to resolve any issues within a reasonable amount of time.**
- 11) 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 vendor(s) approved by the Greenville Police Department. Evidence of satisfactory completion of this training shall be retained for each employee on-site and available for inspection by the Administrator and the Greenville Police Department. Current personnel shall receive training within ninety (90) days of the date of the granting of this Permit and future personnel shall receive training within thirty (30) days of hiring.**
- 12) The Applicant shall comply with the Off-street Parking Requirements for an "indoor entertainment facility" and "outdoor entertainment facility". The Applicant shall provide a parking agreement(s) to secure and ensure sufficient parking will be provided for all events prior to issuance of a certificate of occupancy. The Applicant shall be responsible to maintain the parking agreement(s) as long as the business remains in operation.**
- 13) The Applicant shall incorporate Crime Prevention Through Environmental Design (CPTED).**
- 14) Occupant capacity of the establishment shall be established by the City Building Codes Administrator.**
- 15) 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 a conspicuous location on the building and in off-site parking areas and shall be enforced by the proprietors.**
- 16) At all times during its occupancy, the Applicant shall assign a manager to the premises that shall ensure compliance with the terms of this Permit, building occupancy capacity, the City Code, and the applicable SC Code of Laws and Regulations. Operation of the business shall comply at all times with the provisions of the State Alcoholic Beverage Control Act and the Regulations of the Department of Revenue.**

**Second by Ms. Gates.**

**The motion passed by a vote of 7-0.**

## **9. NEW BUSINESS**

### **A. S 21-962**

Application by Upstate Montessori Academy (Jennifer Kelly) for a **SPECIAL EXCEPTION** to expand a "School, private" use in an RDV, Redevelopment district at **109 N Leach Street** (TM# 007800-07-01400)

*(Presented by Principal Development Planner Kristopher Kurjiaka)*

#### Applicant Presentation

*Jennifer Kelly, North Main Area, Owner and Director*

- Discussed project updates and made herself available for questions.

#### Public Comments

None

**\*Motion: Mr. Betsch moved to approve special exception request S 21-962 with conditions based on the findings that use is consistent with the Comprehensive Plan, the use is consistent with use-specific standards, the use is compatible with surrounding lands, and that the use does not have substantial adverse impacts. Conditions include:**

- 1) The Special Exception Permit is limited to the Applicant and is not transferrable.**
- 2) The Applicant shall provide an appropriate parking plan and any applicable parking agreements to staff prior to issuance of building permits to satisfy parking requirements.**
- 3) The prior establishment and expansion of this private school use shall substantially conform to the testimony of the Applicant and the content of the application.**

**Second by Mr. Wunder.**

**The motion overturned by a vote of 7-0.**

## **10. Other Business**

### **A. Staff update on current planning projects.**

- West End Small Area Plan  
*(Presented by Assistant City Manager Shannon Lavrin)*
- Village of West Greenville Small Area Plan  
*(Presented by Development Planner Harold Evangelista)*
- Land Management Ordinance rewrite  
*(Presented by Principal Development Planner Kristopher Kurjiaka)*

### **B. Election of Chair and Vice-Chair**

- **Chair**

Mr. Wunder nominated Chris Price for Chair. Second by Mr. Betsch. **Board voted 6-0 to elect Chris Price as Board of Zoning Appeals Chairperson.** Chris Price abstained from voting.

- **Vice Chair**

Ms. Gates nominated Seph Wunder for Vice Chair. Second by Ms. Rounsville. **Board voted 6-0 to elect Seph Wunder as Board of Zoning Appeals Vice Chairperson.** Seph Wunder abstained from voting.

*The Board recognized Jonathan Graham, Planning & Development Services, and Courtney Powell, Planning Administrator, for their work with the City of Greenville and service to the community. Jonathan Graham announced his retirement effective February 11<sup>th</sup>. Courtney Powell announce her resignation and relocation out of the Greenville area effective February 4<sup>th</sup>.*

## 11. **Adjournment**

The meeting adjourned at 5:34 p.m.

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Staff Present: Leigh Paoletti, Assistant City Attorney; Shannon Lavrin, Assistant City Manager; Jonathan Graham, Planning and Development Services Director; Courtney Powell, Planning Administrator; Kristopher Kurjiaka, Principal Development Planner; Harold Evangelista, Development Planner

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