



**City of Greer**  
**Board of Zoning Appeals Minutes**  
**November 6, 2017**

**Members Present:** Allison Ringer, Chairman  
William Henry  
Lisa H. Lynn  
Glendora Massey  
Thomas McAbee

**Member(s) Absent:** Kevin Duncan, Vice Chairman  
Monica Ragin Hughey

**Staff Present:** Kelli McCormick, AICP, Planner  
Brandon McMahan, Zoning Coordinator  
Brandy Blake, Development Coordinator

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**I. Advisory Meeting**

a. Call to Order

Allison Ringer, Chairman, called the meeting to order.

Ms. Ringer recognized Kelli McCormick to speak.

Ms. McCormick advised the Board that William Henry was resigning from the Board and presented him with a gift of service. Mr. Henry stated that he was moving out of the city and enjoyed serving on the Board.

b. Opening Remarks

Ms. Ringer read the Opening Remarks

c. Approval of Minutes from August 7, 2017

Dr. McAbee made a motion to approve the minutes as submitted. Ms. Lynn seconded the motion. The motion carried with a vote of 4 to 0. Ms. Massey abstained from the vote. Dr. Hughey and Mr. Duncan were absent from the vote.

**II. Public Hearing**

November BZA Cases

Brandon McMahan presented the Staff Reports and PowerPoint presentations for the following cases to the Board:

1. BZ V 2017-29 107 Maryland Ave.

Lester Barrouk, applicant, spoke in favor of BZ V 2017-29. She stated that his family is growing and they would like to add a garage with a bonus room to the home to accommodate them.

Mr. Henry asked Mr. Barrouk to clarify the distance between the home to the right of Mr. Barrouk's house and the new addition he wanted to construct. Mr. McMahan advised that it is roughly 100 to 125 feet.

Dr. McAbee made a motion to approve BZ V 2017-29. Ms. Massey seconded the motion. The motion carried with a vote of 5 to 0.

2. BZ U 2017-30 701 S. Buncombe Rd

CJ Patel, applicant, spoke in favor of BZ U 2017-30. He stated that the portion of the existing store he would like to make a liquor store used to be a restaurant, and he would like to have the liquor store for additional income.

Mr. Henry asked if there were any liquor stores close to this location. Staff advised Mr. Henry that the closet one is located in the Lowe's food shopping center over a mile away that just opened.

Dr. McAbee asked staff to clarify the Ordinance number that refers to this special exception. Mr. McMahan advised Ordinance number 31-2016 was adopted in late 2016 and it allows liquor stores by use of special exception in C-2.

Ms. McCormick added, that liquor stores used to only be allowed in C-3 until this Ordinance was adopted.

Dr. McAbee asked if this was a City Ordinance then why was it being heard before the Board. Ms. McCormick advised that the ordinance change is for use by special exception for C-2 only. The use is not permitted by right in C-2, only by special exception granted by the Board.

Ms. Ringer stated that there are other business that are similar and are only granted by special exception. Ms. McCormick advised that there are about 20 businesses in the Zoning Ordinance that require approval by this Board.

Dr. McAbee asked Ms. McCormick what legal precedence would be set for future cases if the Board were to approve this request. Ms. McCormick stated it would not set a legal precedence to grant this special exception. She stated that this special exception would be for this use at this location only. She also stated that any other liquor store that wanted to operate in C-2, that came before the Board for approval, would have to stand alone on its own merit. She stated that each case would be evaluated on its location, proximity to schools, other liquor stores, and anything else that a liquor store could be detrimental to. She advised that state law would cover most of that as it states that a liquor store must be at least 500ft in the county and 300ft in the city away from certain types of uses.

Dr. McAbee stated that he has some concerns with this issue. Ms. McCormick advised that she could have the City Attorney, Mr. Hughes, come speak to the Board on this subject if they would like.

Dr. McAbee stated that in September 2015 the Board had some training with the City Attorney where he asked the question about the process of setting a legal precedence, and his understanding is that every time the Board grants approval on a case, if in the future, the Board denies a similar case,

and the applicant files an appeal with the circuit court, then the applicant's attorney can show that the Board's denial is capricious and arbitrary, giving grounds for a judge to overrule a denial by the Board. So by his understanding, every time the Board approves something, it is in fact, a legal precedence, if the applicants should appeal it at a circuit court, the burden would be upon the Board to show why that denial is not arbitrary and capricious. Therefore, every case the Board approves is a legal basis for future challenge if someone should seek it.

Ms. McCormick stated that everything Dr. McAbee stated is true, however, staffs analysis of this case is that it does meet the requirements of a special exception in C-2 at this location. She stated that there are other properties zoned C-2 within the city that staff would not recommend approval of this kind of request because it doesn't meet the scrutiny test of whether or not that was an appropriate location for that specific business. She stated that if the Board does choose to approve this request, they may want to add the specifics of the case, because of the location, because it's at an intersection, to the motion for clarity.

There being no further discussion. Mr. Henry made a motion to approve BZ U 2017-30. Ms. Lynn seconded the motion. The motion carried with a vote of 4 to 1. Dr. McAbee voted in opposition.

**III. Old Business -None**

**IV. New Business-**

2018 Calendar Dates Approval

Staff presented the Board with the proposed calendar dates for 2018.

Dr. McAbee made a motion to approve the 2018 Calendar dates. Ms. Lynn seconded the motion. The motion carried with a vote of 4 to 0. Mr. Henry abstained from the vote.

Ms. McCormick advised the Board that the City will offer one training session for required credit hours for the Board before the end of the year.

**V. Executive Session – None**

**VI. Adjourn**

Meeting adjourned at 5:52 p.m.