

**MINUTES OF THE  
SUMMERFIELD BOARD OF ADJUSTMENT  
REGULAR MEETING  
SUMMERFIELD COMMUNITY CENTER  
MARCH 24, 2011  
6:30 PM**

**NOTE: The official minutes are a CD recording of the meeting. The following is a summary of the events of the meeting.**

The meeting was called to order at 6:34 pm by Gene Grubb. Staff and the Board members introduced themselves. Mr. Grubb reviewed the Board of Adjustments procedures.

**PRESENT:**

Gene Grubb, Chair  
James Brady  
William North  
Ron Willis

Will Rozell, Town Attorney

Minutes were considered. The Agenda was accepted as printed. There no comments on the January 27 minutes, so they stand approved. There were no comments on the February 24 minutes, so they stand approved.

**Appeal Case – John Stratton – appeal of decision to call a wine bar a bar**

Staff reviewed a staff memorandum that outlined the decision to categorize a wine bar as a bar for the permitted use table.

Mr. John Stratton, 2704 Lawndale Avenue, Greensboro, NC (business), 2 Elmridge Lane (home) spoke. He has 2 shopping centers in Summerfield, another at Church Street and 150. He is an advocate of bringing business to Summerfield and additional services to the community. He noted that there are two regulatory agencies for the State concerning alcohol sales, ALE, Alcohol Law Enforcement which enforces rules with existing establishments, and the ABC Board, which issues permits. He reviewed rules to obtain permits, and he said that he would have to serve food, to qualify as an eating establishment. He shared some existing wine bars in Greensboro. Rioja, serves snacks and appetizers. Also, 1618 which has no kitchen, has a menu that serves a light fare. These are called wine bars, and they are still an eating establishment. He is not wanting to have a pool hall, or a beer hall.

Mr. Brady said that there is no percentage of the amount of food sold indicated. He asked what is the primary function of the proposed business? Mr. Stratton said that the proposal would be a gathering place, to have a glass of wine or purchase a bottle of wine to take home. Mr. Stratton guessed that 85 percent of sales would be from the sale of wine. Mr. North noted that in a January 7 email, the name of the place of business was Cork's from Willoughby Ohio, and asked if this was a franchise? Mr. Rozell asked if Mr. Stratton would be the owner, and he responded that he would not, that he owns and operates Hillsdale Village, a shopping center. Mr. Stratton noted that the business might also sell exotic beers.

Mr. Stratton gave an overview of the zoning approval, granted in 2005. One of the conditions offered by the applicant, Mr. Stratton, was to eliminate the permitted use of a bar. Mr. Stratton noted that according to the ABC and their definition, a wine bar is an eating establishment.

Mr. Willis asked a hypothetical question, wherein if the proposal was to open a restaurant and applied for a wine permit, there would be no question about the permitted use.

Mr. Brady asked how the Board should evaluate the question. Staff and the attorney clarified the question as simply, is a wine bar a bar?

Lorri Chestnutt, of 210 Cheshire Drive, Summerfield spoke. She is not opposed to the wine bar. She reviewed her business plan for a wine bar, and noted that in the past, she has asked staff and other agencies, if it would be possible to open a wine bar. Ms. Chestnutt noted that in the past she has been told that a wine bar equals a bar, and now that determination was in question. She also noted that an eating establishment requires 50 percent of sales to be in food. She cited the ABC Board rules.

Mr. Grubb closed the public hearing, and started Board discussion. Mr. Brady clarified that the case is to determine if a wine bar is a bar, noting the Staff memo and the Greensboro definition of bar. He noted that the proposal seems to fit as a bar. Mr. North noted that the memo points out that according to ABC, it is an eating establishment, or an eating establishment that sells wine and maybe beer. Mr. Willis noted that his feeling is there is no difference, that they are all bars. Either Mr. Stratton would need to re-change the zoning or add a definition for wine bar. Mr. Rozell noted another consideration could be that a wine bar might have many definitions.

Mr. Grubb requested a motion from the Board. Mr. Rozell noted that the Board would need to establish findings of fact. Mr. Brady made a motion that the Board consider that a wine bar does indeed act as a bar, that it would fall under the definition of a bar, seconded by Mr. Willis. Mr. Brady, Mr. Willis and Mr. North voted in favor, with Mr. Grubb voting against. Mr. Brady made the following findings of fact: 1. That 85 percent of sales and consumption as proposed is similar to a bar, 2. The definition of a bar from the City of Greensboro is as cited in the Staff memo dated February 9, 2011, 3. The examples of wine bars were presented for demonstration, not what would be operated at Hillsdale Village, 4. That Vickie West is from the ABC, 5. The permitted use of a bar was eliminated from the condition of zoning for Hillsdale Village, 6. The Town Planner made the determination that a wine bar is the equivalent of a bar for zoning purposes, and 7. The Town Development Ordinance allows for bars in various zoning districts in the permitted use table. Mr. Rozell summarized the findings of fact as 1. The Board received testimony that the proposal would have the primary purpose of the sale and consumption of wine, 2. Greensboro's definition of a bar as cited in the Town Planner's Memo dated 2.9.11, 3. When the property was rezoned to General Business, a condition was agreed to that bars would not be permitted, 4. The Town Planner made a determination that a wine bar is a bar under the Summerfield Development Ordinance, and 5. The Town Development ordinance permits bars in General Business zoning absent conditional zoning requirements.

Mr. Brady made a motion to withdraw his previous motion, seconded by Mr. North. Mr. Brady made motion, based on the findings of fact, a wine bar equals a bar, seconded by Mr. North, with all members voting affirmatively.

With no further business before the Board, William North made a motion to adjourn at 8:26 pm. The motion was seconded by Ron Willis and carried unanimously.

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Gene Grubb, Chair

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Chris Anderson, Town Planner