

AGENDA
BOARD OF ZONING APPEALS
City of Aiken

Regular Meeting
Tuesday, April 23, 2024
5:30 p.m.

Aiken Municipal Building
111 Chesterfield Street, South
City Council Chambers, Upstairs Room 309

GUIDELINES FOR CITY OF AIKEN BOARD OF ZONING APPEALS MEETINGS

Meetings are public forums in which many opinions are expressed and the business of the City must be conducted. As such, disciplined, honorable and professional decorum is paramount. Courteous and respectful communication is required.

During Public hearings all questions and statements from the public shall be directed to the Chairman. If you wish to speak, raise your hand, and the Chairman will recognize you. Please approach the podium and state your name and address.

In order to allow an opportunity for everyone who wishes to address the Board of Zoning Appeals, speakers should limit their comments to the subject being discussed. Each speaker will be given five minutes to address an issue and may only address an issue once unless questions from the Board Members are posed to the speaker.

Agenda
Board of Zoning Appeals
April 23, 2024
5:30 p.m.
City Council Chambers, Room 309
111 Chesterfield Street, South, Aiken, SC

I. Approval of Minutes

Approval of the February 27, 2024 Regular Meeting Minutes

II. Old Business

Final Orders

III. New Business

- A. App#24-93009 – Variance request from Roger Hill to increase total floor area of accessory buildings on property located at 335 MIMOSA CIR. Zoned RS-15. TPN: 121-17-06-004.

- B. App#24-93010 – Variance request from Aiken County Board of Education to permit an additional readerboard sign on property located at 274 E PINE LOG RD. Zoned RS-10. TPN: 122-10-14-001.

IV. Adjournment

Notice to the public of the time, date, place, and agenda of the meeting was given by publishing a legal notice in the March 29, 2024 Aiken Standard. Notice to contiguous property owners was mailed and public notice signs posted on the properties where action by the Board was requested on or before March 29, 2024. Also notices of the meeting were sent on or by April 19, 2024, for posting on the City web page, and to the City Clerk for posting on the Municipal Building Notice Board at least 24 hours before the meeting. Agenda sheets were mailed or emailed to interested parties. It is unlawful for any person giving testimony to this Board to knowingly provide false information according to Section 22-9 of the Aiken Municipal Code. Each infraction is a separate offense with a penalty of up to 30 days in jail and/or a \$1,092.50 fine.

BOARD OF ZONING APPEALS

Minutes

February 27, 2024

Aiken, South Carolina

REGULAR MEETING

Members Present: Chairman Larry Ogletree, John Brecht, Bud Coward, Karen Daly, Nancy Dukes and Judy Turner

Members Absent: Brendan Doherty

Others Present: Planner Maxwell Plankey, Erica Sanders, Karl McMillan, Mike Mahoney, Tilden Hilderbrand, Brandon Kemp and other interested parties

Chairman Larry Ogletree called the meeting to order at 5:32 p.m. in the Council Chambers of the Municipal Building at 111 Chesterfield Street S., and announced notice of the meeting was published as a legal notice in the Aiken Standard and signs were posted on the affected properties. He briefly noted the meeting procedures and reminded those in attendance it is unlawful to knowingly provide false information according to Section 22-9 of the Aiken Municipal Code.

MINUTES

Chairman Ogletree asked the Board Members to consider the minutes from the January 23, 2024 meeting.

MOTION: Board Member Coward moved and Board Member Turner seconded a motion to approve the January 23, 2024 meeting minutes, as written.

The motion passed by a vote of 5-0, with Board Member Dukes abstaining due to absence.

SPECIAL EXCEPTION

Application: #24-92002

Applicant: Karl McMillan

Owner: Dawn & Michael Mahoney

Location: 456 Sumter Street, SE

Request: Permit two horses on the property

Zoning: Residential Single-Family Stable (RSS)

TP: #121-09-12-007

Chairman Ogletree introduced Application #24-92002 and asked Staff if it had been properly posted. Planner Max Plankey verified the application had been posted properly and stated the Planning Department had not received comments or inquiries about the application.

Mr. Plankey stated that Applicant Karl McMillan, representing property owners Dawn & Michael Mahoney, was requesting a Special Exception to allow two horses for personal use on property zoned Residential Single-Family/Stable (RSS) and generally located at 456 Sumter ST. SE. (TPN: 121-09-12-007), pursuant to Section 8.1.12. & Section 3.3.23.A. of the City Zoning Ordinance, the "Horse on Nonconforming Lots" & "Standards for Specific Uses: Stable, Pleasure". He noted that the subject property is approximately 0.69 acres in area and undeveloped.

Mr. Plankey displayed photos showing the location of the property and indicated which neighbors kept horses. He reviewed that properties in the vicinity to the north of Grace Avenue SE are zoned Residential Single-Family (RS-15), or Residential Single-Family/Stable (RSS), and properties to the south are zoned Residential Single-Family/Stable (RSS). Mr Plankey noted that numerous properties in the area appear to have horses on them including the adjacent lot directly to the east and several other lots located throughout the horse district. He also informed the Board that Hitchcock Woods is located approximately 4,000 ft. to the west of the subject property and Winthrop Polo field is located approximately 225 ft. to the south along Grace Ave. SE. Mr. Plankey stated that both areas are open to the public for equestrian use.

Mr. Plankey explained that there are two types of stables addressed in the City of Aiken Zoning Ordinance. He reviewed that Chapter 10 of the City's Zoning Ordinance defines a pleasure stable as a stable used to shelter horses, mules, burros, or ponies which are kept or ridden for the sole purpose of recreation or pleasure. Mr. Plankey informed the Board that the proposed use is classified as a Pleasure Stable in the Aiken Zoning Ordinance, which has special criteria described in Article 3, Chapter 3, and attached as Exhibit B.

Mr. Plankey informed the Board that the RSS district permits single-family residences, Type 1 Group Homes, City public projects, and minor utilities by right, but that stables for personal use on non-conforming lots are only permitted by Special Exception. He noted the current owner purchased the property in April of 2005 along with the neighboring property to the north and the site has remained undeveloped since that time. Mr. Plankey also noted that since the property is in the historic district, a certificate of appropriateness from the Design Review Board will be required prior to any building on the property.

Board Member Brecht asked for clarification on why the applicant needed approval for horses if the property was zoned RSS and requested information on neighbors with horses. Mr. Plankey explained that the Ordinance requires the property be at least one acre to allow horses by right and the property in question is 0.69 acres. He deferred to the Applicant for additional information about the neighbors with horses.

Applicant Karl McMillan, of 132 Dupree Place was present and responded regarding the neighbors with horses, pointing out each on the map. He explained that the lot is only a street over from Grace Avenue where the polo field is located, and pointed out a neighbor with a smaller lot that has horses. Mr. McMillan said he did not believe there will be any negative impact from the horses.

Mr. Plankey informed the Board that the neighbor mentioned with the smaller lot is supposed to apply for the special exception for horses after settling the issue they have with the covenants on their land, which does not allow horses.

Chairman Ogletree asked if there are any neighboring properties with horses on parcels that are smaller than an acre. Mr. McMillan replied that he believes there are at least six.

Board Member Dukes asked Mr. McMillan if he had spoken with the neighbors and gotten approval from them. Mr. McMillan said the signs had been posted for a month and that he had not been contacted. He noted that Mike Mahoney the property owner had spoken with some and he introduced him.

Mike Mahoney of 456 Sumter St., SE stated he had spoken with a neighbor on Grace Avenue, but none on the opposite side of the street, and that he had not received any negative comments. He said there are horses kept next door to him, behind him and across the street. Mr. Mahoney said he was under the impression horses would be allowed because of the RSS zoning.

Board Member Brecht affirmed that signs had been posted and that no negative comments had been received by the Planning Department.

Mr. Plankey added that there had been no response from the letters that were sent to notify contiguous property owners.

Board Member Dukes asked Mr. Mahoney if he currently owned horses, and whether or not he was aware that the stable could not be rented out. Mr. Mahoney replied that he did not currently own horses and that he understood the property could not be used for commercial purposes. Board Member Dukes also expressed concern about the runoff because the neighbor has a swimming pool.

Mr. McMillan addressed Board Member Dukes' concerns regarding manure removal and runoff by stating the impact of two horses on the neighborhood would be negligible. He explained that horses in the Horse District do not require larger grassy paddocks because they are fed grain and do not rely on grass to eat. Mr. McMillan stated the neighbor has no concern about the horses and was given the opportunity to purchase the land.

Board Member Coward confirmed that the neighboring properties all received notice of the application and the signs have been posted for 35 days.

Chairman Ogletree noted that the space for exercising the horse is still some distance from the property and explained to him that the Ordinance required an acre of land. He expressed concern about Hitchcock Woods being so far from the property for exercise. Mr. McMillan explained that the polo field is ideal for exercising the horses and is very close to the property. He said that if the field was ever closed, the conditions for riding would be too wet for riding anyway.

Board Member Daly asked if Mr. Mahoney would be joining any local equestrian activities and was told that he was only interested in pleasure riding.

MOTION: Board Member Daly moved and Board Member Coward seconded a motion to approve Application #24-92002 as follows:

- 1) A Special Exception pursuant to Section 8.1.12. & Section 3.3.23.A. is granted to permit horses on property zoned Residential Single-Family/Stable (RSS) and generally located at 456 Sumter ST. SE (TPN: 121-09-12-007);
- 2) No more than two (2) horses be kept on the property at any one time;
- 3) A primary residence meeting the Residential Design Standards of Chapter 4, Article 2 of the City Zoning Ordinance and all applicable Building Code requirements be built prior to the keeping of horses on the property;
- 4) The keeping of horses on the property shall not be for commercial purposes;
- 5) The Equine maintenance standards found in Section 3.3.23 shall be met; and
- 6) The Final Order is to run with the Land, and be recorded at the Aiken County ROD Office.

Board Member Daly stated that she is familiar with caring for horses and believes there should not be an issue with run off.

Board Member Coward indicated having similar knowledge and noted that ordinances are in place for the proper care of horses and that neighbors will be able to report it if there are issues.

Board Member Brecht noted that the property is within the RSS zone.

Board Member Dukes indicated she was not in favor of allowing horses due to the close proximity of the neighbors.

The motion was passed 5-1, with Board Member Dukes dissenting.

VARIANCE

Application: #24-93008

Applicant: Tilden Hilderbrand

Owner: Brandon Kemp

Location: 141 Greenville St. SW

Request: Permit a reduction in number of off-street parking spaces

Zoned: Limited Professional (LP)

TP: #105-28-10-008

Chairman Ogletree introduced Application #24-93008 and asked Staff if it had been properly posted. Planner Max Plankey verified the application had been posted properly and stated the Planning Department had received two phone inquiries regarding the application and that both were in support.

Mr. Plankey explained that Applicant Tilden Hilderbrand, representing owner Brandon Kemp, is requesting a Variance to Zoning Ordinance Section 4.5.1.A to permit a reduction in the required off-street parking spaces. He described the subject property, 141 Greenville St., SW, as a 0.29-acre undeveloped lot in the Olde Aiken neighborhood of the City of Aiken that is zoned Limited Professional (LP) and is located between Richland Ave., W to the north, and Hayne Ave. SW to the south. Mr. Plankey reviewed that the adjacent properties are zoned Residential Multifamily

Low-Density (RML), Limited Professional (LP), and Downtown Business (DB), and that developed properties in the immediate vicinity are a mix of residential, commercial, and institutional. He stated the purpose of the request to permit a reduction in the required number of off-street parking spaces from eight to zero is to allow for the construction of a new office building while preserving a preexisting grand tree on the site.

Mr. Plankey explained that pursuant to Section 4.5.1.A of the City's Zoning Ordinance, off-street parking in the City of Aiken for office structures and uses of land require 1 space per 300 square feet of gross floor area. He noted in contrast that Section 4.5.1.D.1 of the City's Zoning Ordinance did not require off-street parking for uses located in the Central Business District of the DB (Downtown Business) Zone District. To conclude, Mr. Plankey reviewed that based on the submitted site plan, compliance with the Zoning Ordinance would require that the property accommodate eight (8) off-street parking spaces, thus requiring a Variance. He noted that the Owner has stated the proposed structure will comply with all other requirements of the City's Zoning Ordinance regarding commercial design standards.

Board Member Daly asked for the zoning on the property to the rear and was told that it was Residential Multi-Family Low Density (RML).

Board Member Dukes asked why this property would need on-site parking if the parcel across the street does not require it. Mr. Plankey explained that the proposed use as office space required eight spaces, which is calculated based on the size of the building.

Board Member Turner clarified that the existing oak tree would remain.

Board Member Brecht noted that there was an office nearby on a smaller lot than the parcel in question that has on-site parking. Mr. Plankey explained that the office may have pre-dated the Ordinance and would be required to provide additional parking if something else was built on it.

Tilden Hilderbrand of 133 Greenville St., SW, was present and discussed the parking available on nearby parcels which all had space in the rear for off-street parking. He gave some of the history of the immediate area, spoke about the owner's proposed use, and said there was ample parking on the street.

Board Member Dukes asked if the previous office had off-street parking and was told it did not.

Board Member Brecht asked if the property would be sold and was told that it would be used for personal office use and would not be sold.

Brandon Kemp of 527 New Holland Road stated he is a contractor and that the building would be used as an office for himself and for personal use for his wife. He said he did not anticipate frequent visitors to the office. Mr. Kemp confirmed that there would be no large equipment kept on the property and said he was basically building back what was previously located on the lot.

Board Member Coward clarified with the Applicant that the plan does not include a driveway and that he would park his personal cars on the street.

Board Member Daly asked if the office was required to be handicapped accessible and have handicapped parking. It was suggested that the Board's approval could include consideration for handicapped accessibility.

The Board discussed options for ensuring that if the building was ever sold, the next owner would have to provide off-street parking as required by the Ordinance.

MOTION: Board Member Dukes moved and Board Member Turner seconded a motion to approve Application #24-93008 as follows:

- 1) Approval of a Variance to Zoning Ordinance Section 4.5.1.A to permit a reduction in the required off-street parking spaces from eight (8) to zero (0) on property zoned Limited Professional (LP), and generally located at 141 Greenville ST. SW. (TPN: 105-28-10-008);
- 2) all other applicable requirements of Chapter 4 of the City of Aiken Zoning Ordinance regarding commercial design standards are met;
- 3) any future redevelopment of the property shall require off-street parking pursuant to Section 4.5.1. of the City of Aiken Zoning Ordinance; and
- 4) the Final Order shall be recorded at the Aiken County ROD Office.

Board Member Brecht stated he does not think the Applicant has met all the criteria and that this will add to the congestion on the street. He suggested a compromise to reducing the number of required spaces, but not eliminating them. Mr. Brecht reviewed that Limited Professional zoning is supposed to provide a buffer between the downtown business and residential area.

Chairman Ogletree noted that the downtown business area has no off-street parking requirement.

Board Member Daly commented that there had been no negative comments from the surrounding property owners, regarding the parking.

The motion passed by a vote of 5-1, with Board Member Brecht dissenting.

ADJOURNMENT

Having no further Business to come before the Board, the Chairman adjourned the public meeting at 7:22 p.m.

Maxwell Plankey, Secretary



III
A

MEMORANDUM

TO: Board of Zoning Appeals
FROM: Max Plankey, Planner
DATE: April 19, 2024

TAX PARCEL: #121-17-06-004
APPLICATION: #24-93009
HEARING DATE: April 23, 2024

RE: Variance request from Roger Hill to permit a detached carport at 335 Mimosa Circle, Zoned RS-15, TPN: 121-17-06-004.

Request:

Applicant Roger Hill is requesting a Variance to Zoning Ordinance Sections 3.4.2.E. to permit a detached carport approximately 400 sq. ft. in area on property zoned Residential Single-Family (RS-15) and generally located at 335 Mimosa Circle (TPN: 121-17-06-004).

Background:

The subject property, 335 Mimosa Circle, is a 0.34-acre lot in the Woodland Estates neighborhood, located on the south side of the City between Whiskey Road and Two Notch Road. The property is zoned Residential Single-Family (RS-15).

Adjacent properties are zoned Residential Single-Family (RS-15) and are developed as single family residential dwellings.

The property is currently occupied by a detached single-family dwelling built in 1957 that is approximately 2,038 sq. ft. in area. The purpose of the request is to permit a single-story detached carport totaling approximately 400 sq. ft. in area in the front of the property for the storage of vehicles.

Pursuant to Section 3.4.2.E. of the Zoning Ordinance, all accessory buildings on a lot may not exceed 50 percent of the heated gross floor area of the principal building. Based on the size of the primary residence on the property and all preexisting accessory structures, compliance with the Zoning Ordinance would require that the total square footage of the detached garage not exceed 224 sq. ft., thus requiring a Variance.

The section of the Zoning Ordinance from which the Variance is requested, Section 3.4.2.E, reads:

Floor Area. The floor area of all accessory buildings on a lot may not exceed 50 percent of the heated gross floor area of the principal building.

The applicant has stated that the proposed structure will comply with all other requirements of Section 3.4.2. & Section 4.2.1. of the Zoning Ordinance regarding accessory structures including setback requirements, minimum building separation, and building height.

Staff Evaluation of Application Compliance with Review Criteria at Section 6.2.19.C

A Variance may be granted by the Board of Zoning Appeals if the Board concludes that the strict enforcement of any design or performance standard in the Ordinance would result in an unnecessary hardship to the applicant and that, by granting the Variance, the spirit of this Ordinance will be observed, public health, safety, and welfare will not be diminished, and substantial justice will be done. A Variance may be granted in an individual case of unnecessary hardship if the Board determines and expresses in writing that the criteria in Section 6.2.19.C. are met.

The Applicant's submittal letter responding to the six decision criteria of Section 6.2.19.C is attached as Exhibit A. To facilitate the Board's decision and motion, the Applicant's response and staff's response to the decision criteria are provided below:

1. There are Extraordinary and Exceptional Conditions Pertaining to this Particular Piece of Property.

Applicant's Response: "We recently moved to our new home on Mimosa Circle, a single-story home with good accessibility features, to better accommodate my wife, who is in her mid-seventies, and suffers from rheumatoid arthritis. This is a debilitating disease that presents physical and mobility challenges. While she already has difficulty walking and climbing stairs, this disease is progressive, and she will likely need a walker/wheelchair as her disease progresses. To enhance our home's accessibility, we are requesting to add a 20x20 carport to the left side of our residence closer to the residence's front door. It would be built on an existing driveway. The larger carport is not intended for a second car, but to accommodate the physically challenged person's increasing mobility needs. It would provide cover from the elements, provide a more laterally clear area for transitioning in/out of vehicles with walking aids, and would have a level walking surface, which will greatly assist her and her family in providing regular transport in vehicles and add to her quality of life, especially as her mobility continues to be impaired. This 20x20 carport will exceed the city's 50 % limit of current aggregate sq. ft. for accessory buildings by 8% or 176 sq. ft. (referenced to our home of 2038 square ft.). Accordingly, our variance request is for a variance of 176 sq. ft. (or 8%) to allow for a 20x20 carport."

Staff Response: The Zoning Ordinance, other than setback requirements, does not have a limitation on the footprint of a primary structure, inclusive of an attached garage. However, due to the configuration of the subject property and the location of the primary residence on the site with respect to a 10-foot side yard setback makes

the addition of an attached garage of this size on the side of the residence difficult. Existing vegetation on the property makes the addition of an attached garage of this size to the front of the primary residence difficult.

The relative square footage of this home in comparison to its lot directly impacts the size of accessory structures on the property pursuant to Section 3.4.2.E. The applicant has stated the accessory structure will serve as a carport for an individual with reduced mobility, thus the need for the increased square footage. The subject property is approximately 1.4 acres with minimal topography and generally irregular in shape. The lot is approximately 155 ft. wide and between 140 ft. and 155 ft. deep.

2. These Conditions Do Not Generally Apply to Other Properties in the Vicinity.

Applicant's response: "Self-explanatory. This location has an elderly physically challenged resident that would benefit from this variance while not impacting anyone else in the neighborhood, or anyone else around us in the broader community."

Staff Response: Some variation exists regarding the development of this single-family residential neighborhood. Development along Mimosa Circle generally consists of 1950's era single-family construction on lots deeper than they are wide, which are generally irregular in shape. Most homes in the area vary between around 1,500 sq. ft. to upwards of 2,500 sq. ft. County records indicate that several properties in the vicinity have detached accessory structures, but most properties in the immediate vicinity appear to conform to the 50% maximum ratio standard.

3. Due to These Conditions, the Application of the Ordinance to this Particular Piece of Property Would Effectively Prohibit or Unreasonably Restrict the Utilization of Property.

Applicant's Response: "To stay within the current standard, we can only build a narrow 11x20 carport which would be too small and narrow to solve our family member's accessibility issues, and a building of that size would also appear out-of-scale (architecturally narrow) on the lot as compared to the other structures. We have designed the carport to be aesthetically pleasing on the lot and show some sense of balance and symmetry.

Staff Response: The addition of an attached garage of the requested size to the side of the home would potentially conflict with the side yard setback requirement. The addition of an attached garage of the proposed size to the front of the home would be difficult given existing vegetation and landscaping. In order to conform to existing zoning requirements, the applicant would have to reduce the overall size of the additional detached structure by approximately 44% or 176 sq. ft. to a total area of 224 sq. ft.

4. The Conditions Are Not the Result of the Applicant's Own Actions.

Applicant's Response: "No. Self-explanatory. See (a)."

Staff Response: Not including changes to the landscaping and minor improvements, the property appears relatively unchanged from when the applicant bought it. There have been no significant changes to the primary structure that would have increased or decreased overall square footage. The applicant would have to increase the heated square footage of the primary structure by approximately 352 sq. ft. to permit an additional accessory structure of the proposed size.

5. Granting of the Variance Would Not Substantially Conflict with the Comprehensive Plan and the Purposes of the Zoning Ordinance.

Applicant's Response: "No. Cannot identify any impact. Does not change anything about lot character or usage compared to any other home in neighborhood. Does not diverge from neighborhood architectural standards. Does not impinge on other properties."

Staff Response: The Comprehensive Plan indicates the area of the subject property as "residential." The character and purpose of the RS-15 district is as follows in Section 2.4.1:

The Residential Single-Family Districts provide for low-density residential neighborhoods by prohibiting multifamily residential, commercial, industrial, and any other incompatible use of land. The district designations incorporate the minimum lot size for easy reference (for example, RS-15 has a 15,000-square-foot minimum lot size).

Generally, the accessory structure size limitation is designed to promote open space on a lot as well as to preserve the primary residence as the feature structure on a property.

6. The Authorization of the Variance Will Not Be of Substantial Detriment to Adjacent Property or the Public Good, and the Character of the District Will Not Be Harmed by the Granting of the Variance.

Applicant's Response: "No. No foreseeable impact to adjacent properties. All setbacks observed. Other homes remain comfortably separated from the front elevations. Architectural standards of home and neighborhood are observed."

Staff Response: Granting the Variance would permit an approximately 400 sq. ft. detached carport in the front yard of the property. Attached garages/carports are

generally more common in the area whereas detached garages or carports are less common. The proposed structure meets all applicable building separation and setback requirements. The applicant has stated the proposed accessory structure will be used for the personal storage of vehicles and that the lot will remain residential in use. The construction of the proposed structure is not anticipated to conflict with additional utilities nor to significantly alter drainage patterns.

Conclusion

The Board is considering a Variance application to permit a detached carport approximately 400 sq. ft. in area in the front yard of property zoned Residential Single-Family (RS-15) and generally located at 335 Mimosa Circle (TPN: 121-17-06-004). The Board should assess the six Variance criteria to determine if such a hardship exists for the granting of such a Variance.

If the Board finds all of the criteria are met, the following conditions to the Variance might be considered in the Board's deliberations:

- 1) Approval of a Variance to Section 3.4.2.E. of the Zoning Ordinance to permit an approximately 400 sq. ft. detached carport, on property zoned Residential Single-Family (RS-15) and generally located at 335 Mimosa Circle (TPN: 121-17-06-004).
- 2) the location and dimensions of the structure be consistent with the submitted site plan and drawings;
- 3) the total area of all accessory buildings on the property not exceed 59% of the heated gross floor area of the principal building,
- 4) all other applicable requirements of Section 3.4.2. & Section 4.2.1 regarding accessory structures are met;
- 5) the Final Order shall run with the land; and
- 6) the Final Order shall be recorded at the Aiken County ROD Office.

EXHIBITS

- A. Response to Variance criteria, narrative, and physician note (applicant submittal)
- B. Site Plan, and Building Details (applicant submittal)
- C. Vicinity, Surrounding Area, and Zoning Map
- D. Staff Photographs

cc: Roger Hill

EXHIBIT A

Variance Decision Criteria Questionnaire

a) What are the extraordinary and exceptional conditions that pertain to this particular piece of property?

We recently moved to our new home on Mimosa Circle, a single-story home with good accessibility features, to better accommodate my wife, who is in her mid-seventies, and suffers from rheumatoid arthritis. This is a debilitating disease that presents physical and mobility challenges. While she already has difficulty walking and climbing stairs, this disease is progressive, and she will likely need a walker/wheelchair as her disease progresses. To enhance our home's accessibility, we are requesting to add a 20x20 carport to the left side of our residence closer to the residence's front door. It would be built on an existing driveway. The larger carport is not intended for a second car, but to accommodate the physically challenged person's increasing mobility needs. It would provide cover from the elements, provide a more laterally clear area for transitioning in/out of vehicles with walking aids, and would have a level walking surface, which will greatly assist her and her family in providing regular transport in vehicles and add to her quality of life, especially as her mobility continues to be impaired. This 20x20 carport will exceed the city's 50 % limit of current aggregate sq ft for accessory buildings by 8% or 176 sq ft (referenced to our home of 2038 square ft). Accordingly, our variance request is for a variance of 176 sq ft (or 8%) to allow for a 20x20 carport.

b) Describe how these conditions do not generally apply to other properties in the vicinity.

Self explanatory. This location has an elderly physically challenged resident that would benefit from this variance while not impacting anyone else in the neighborhood, or anyone else around us in the broader community.

c) Describe how or why, because of these conditions, you cannot meet the Zoning Ordinance standard or that meeting the standard it would effectively prohibit or unreasonably restrict the use of property.

To stay within the current standard, we can only build a narrow 11x20 carport which would be too small and narrow to solve our family member's accessibility issues, and a building of that size would also appear out-of-scale (architecturally narrow) on the lot as compared to the other structures. We have designed the carport to be aesthetically pleasing on the lot and show some sense of balance and symmetry.

d) Are the conditions described in Question (a) above the result of your own actions?

No. Self explanatory. See (a).

e) Would granting this variance substantially conflict with the Comprehensive Plan and the purposes of the Zoning Ordinance?

No. Cannot identify any impact. Does not change anything about lot character or usage compared to any other home in neighborhood. Does not diverge from neighborhood architectural standards. Does not impinge on other properties.

f) If the variance is allowed, would there be a substantial detriment to adjacent property or the public good, and would the character of the district be harmed?

No. No foreseeable impact to adjacent properties. All setbacks observed. Other homes remain comfortably separated from the front elevations. Architectural standards of home and neighborhood are observed.

March 11, 2024

From: Roger D Hill, 335 Mimosa Circle, Aiken, SC 29801
To: City of Aiken Board of Zoning Appeals
Subj: Variance to City of Aiken Zoning Ordinance Section 3.4.2.(E)

Attch: (1) Variance Application Form
(2) Variance Decision Criteria Questionnaire
(3) Supplemental Drawings and Illustrations

We respectfully request a variance to City of Aiken Zoning Ordinance Section 3.4.2.(E) which states: "Floor Area. The floor area of all accessory buildings on a lot may not exceed 50 percent of the heated gross floor area of the principal building." Specifically, our variance request is for an additional 176 sq ft (or additional 8% floor space) for accessory buildings to allow a 20x20 carport addition.

We recently moved from a South Boundary Avenue address to our home at 335 Mimosa Circle in Aiken to help physically accommodate my wife, a senior in her 70's who has rheumatoid arthritis. As her disease has progressed, it became harder for her to deal with the many steps in our South Boundary Avenue home. We purchased a home on Mimosa Circle that has fewer steps, is open plan, is single-story, and the interior layout has wider passages. It also has a ramp into the back yard. It is much better suited for someone with mobility issues.

While my wife already has reduced mobility, this disease is progressive, and she will likely need a walker/wheelchair as her disease progresses. We are applying to add a 20 x 20 carport to our residence. A larger carport, which would provide more cover from rain, more laterally clear area for maneuvering in/out of vehicles, and a smooth walking surface, will greatly assist her and other family members in providing her routine daily transport in vehicles, and improve her quality of life as her disease progresses. Our new home on Mimosa Circle has 2038 sq ft of living space and existing accessory buildings total 795 sq ft. By City Ordinance, without a variance, we are allowed another 224 sq ft of accessory building, which would only allow a narrow single carport (approximately 11 x 20 - which is smaller than a normal single carport). This will be too narrow to meaningfully accommodate my wife's rheumatoid arthritis, as she has difficulty now getting into/out of vehicles in any single carport. A 20x20 carport will exceed the current City Ordinance by 176 sq ft, or 8% referenced to the main residence. Accordingly, our variance request is for an additional 176 sq ft (or 8%) to allow a 20x20 carport.

Attachment (3) has a lot plan and illustrations of the proposed carport. The carport will be properly permitted, will be built to all current construction codes, will meet all setback requirements, and will be architecturally sympathetic with the current home and neighborhood.

Thank you for your consideration.


Roger D Hill
928 276 2045
rogerinyuma@yahoo.com

March 14, 2024

RE: Diana M. Hill
335 Mimosa Circle
Aiken, SC 29801

Note: I am providing this information with the consent of my patient, Diana M. Hill

To Whom It May Concern:

Diana M. Hill, who lives at 335 Mimosa Circle, Aiken, SC, has been diagnosed with Rheumatoid Arthritis (RA), a progressive and debilitating autoimmune and inflammatory disease, which causes inflammation and painful swelling in the affected parts of the body usually in the joints. As the disease typically progresses, the patient suffers reduced mobility and dexterity, and finds it harder to perform routine tasks, such as walking, climbing stairs, entering, and exiting vehicles, using tools, ect. This is especially true of older patients.

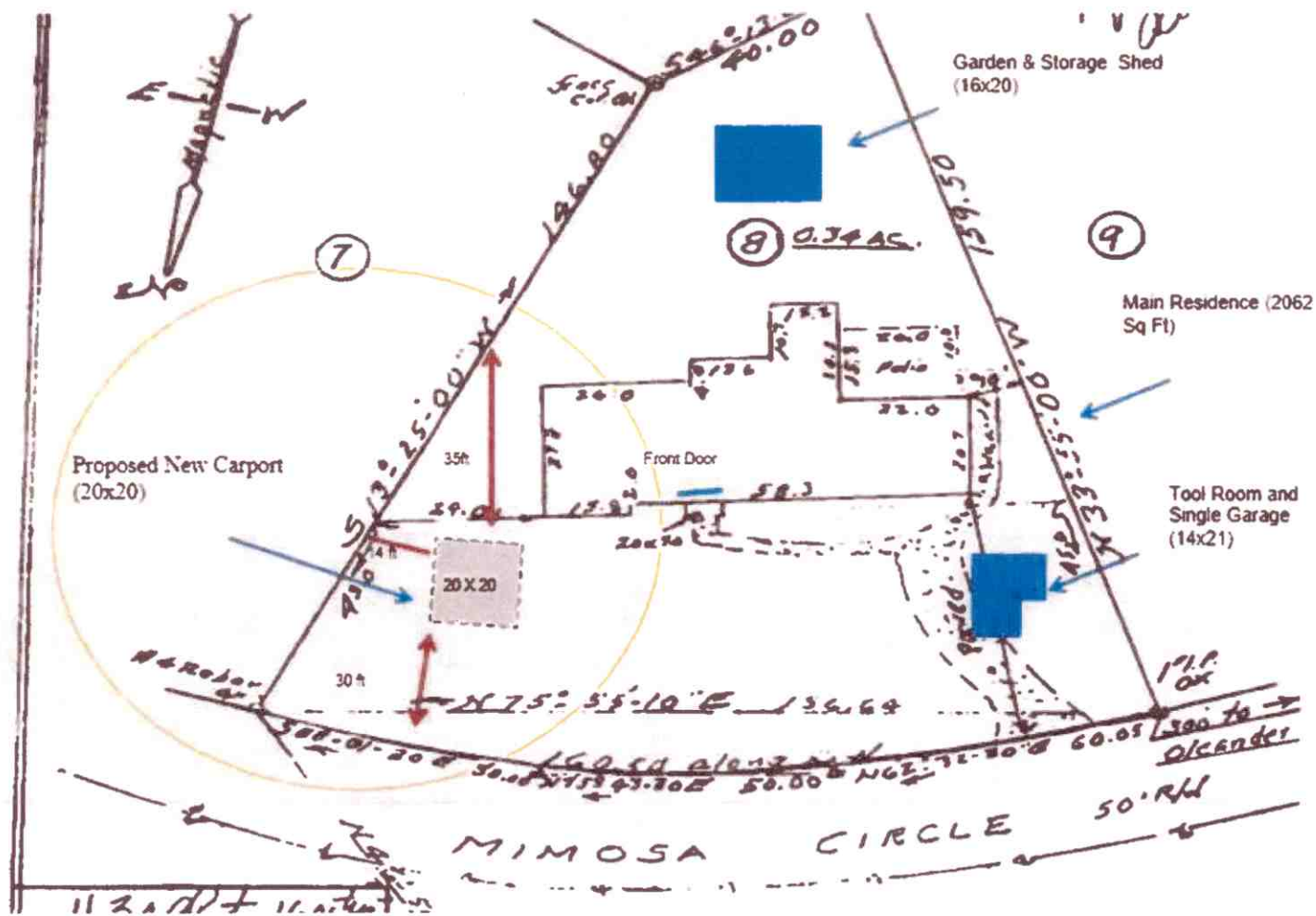
Ms. Hill has classic RA symptoms, which includes swelling of the joints in the hands and feet, and pain in her other major joints. She has difficulty in routine activities such as walking and climbing steps, entering/exiting vehicles and doing other routine physical tasks.

As with most RA patients, Ms. Hill's continued medical prognosis is uncertain, as it depends on many factors including genetics, success in treatment, diet, ect. However, RA does not currently have a cure. Most patients, especially older patients, should expect a continued degradation in their mobility and dexterity over time, with other potential complications.

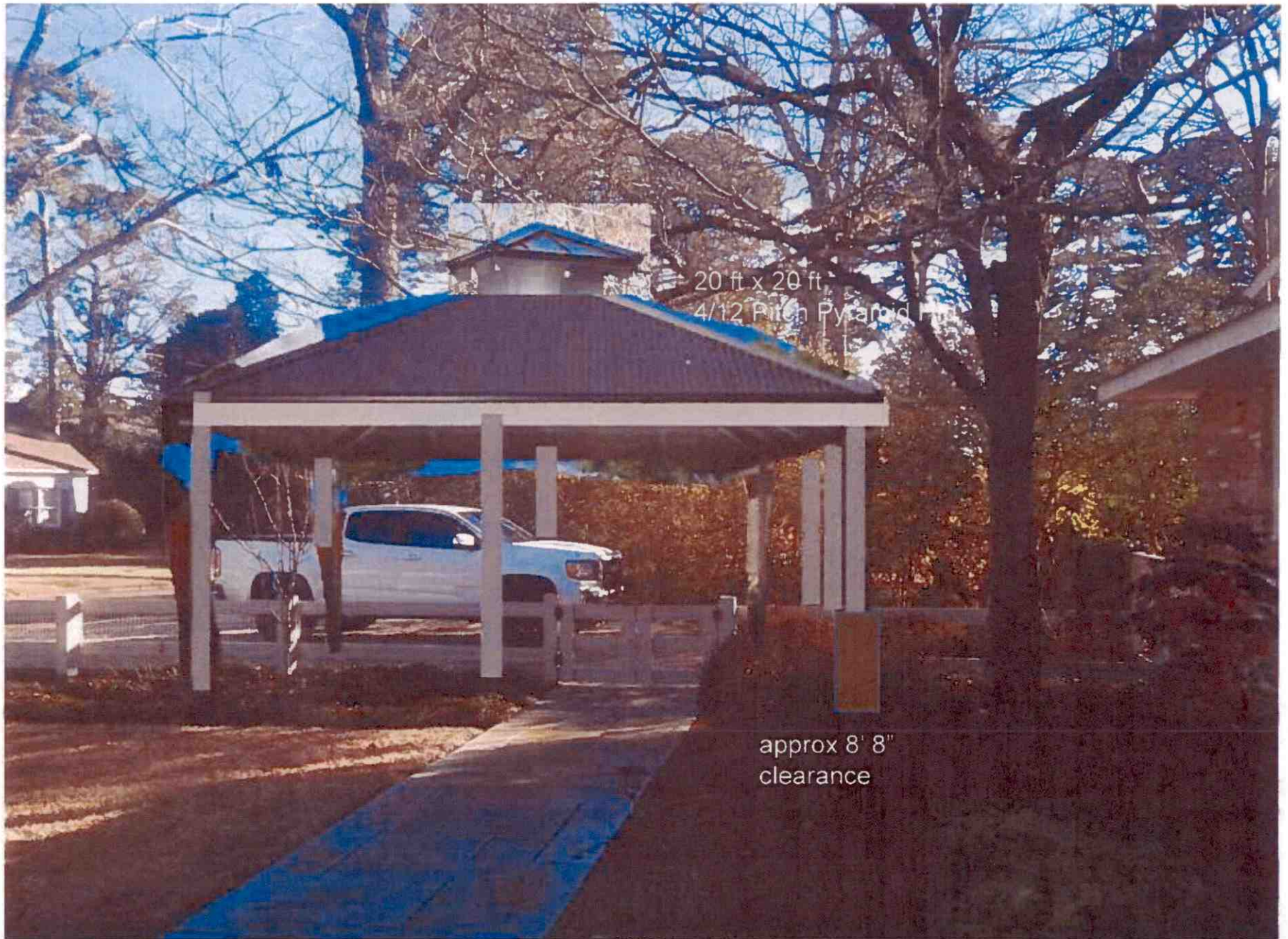


Dr. Alyssa M. Degnan

EXHIBIT B



NOTIONAL



NOTIONAL



approx 8' 8" vertical
clearance





20 x 20 pyramid hip
carport; 14' at peak

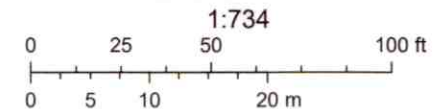
EXHIBIT C

335 Mimosa Circle - Vicinity Map



4/12/2024, 3:27:53 PM

Parcel Number  Buildings  Addresses
Address Points  Parcels
 City of Aiken



City of Aiken
Aiken County, Esri Community Maps Contributors, Aiken County




COA GIS Dept

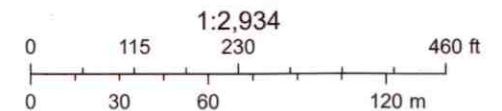
Data provided by multiple sources including City of Aiken, Aiken County, Federal Agencies and ESRI. Please contact respective entities regarding any restrictions on data use. All data provided as-is, with no warranty expressed or implied.

335 Mimosa Circle - Area Map



4/12/2024, 3:32:59 PM

Parcel Number Address Points  Parcels
 City of Aiken  Addresses



City of Aiken
Aiken County, Esri Community Maps Contributors, Aiken County

COA GIS Dept

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335 Mimosa Circle - Zoning Map



4/12/2024, 3:25:25 PM

Parcel Number Zoning Base
 Address Points
 City of Aiken
 RS-15 Single Family
 RSS Single Family/Stable
 Buildings
 Parcels
 Addresses

1:1,467
 0 55 110 220 ft
 0 15 30 60 m
 City of Aiken
 Aiken County, Esri Community Maps Contributors, Aiken County
 COA GIS Dept

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EXHIBIT D

PUBLIC HEARING

BOARD OF ZONING APPEALS

VARIANCE

**TOTAL FLOOR AREA OF
ACCESSORY BUILDINGS**

335 MIMOSA CIR.
(TPN: 121-17-06-004)

**April 23rd, 2024
5:30 PM**

CITY COUNCIL CHAMBERS
111 CHESTERFIELD STREET, SOUTH
AIKEN, SOUTH CAROLINA 29801
803-642-7608

DO NOT REMOVE UNDER PENALTY OF LAW









III
B

MEMORANDUM

TO: Board of Zoning Appeals
FROM: Max Plankey, Planner
DATE: April 19, 2024

TAX PARCEL: #122-10-14-001
APPLICATION: #24-93010
HEARING DATE: April 23, 2024

RE: Variance request from Aiken County School Board to permit an electronic readerboard sign at 232 East Pine Log Road (TPN: 122-10-14-001).

Request:

Aiken County School Board, represented by Ron Wade, is requesting a Variance to Zoning Ordinance Sections 4.4.7.B., 4.4.7.E.1., 4.4.7.E.2.a., 4.4.8.A, and 4.4.10.C. to permit an electronic readerboard sign on property zoned Residential Single-Family (RS-10) and generally located at 232 E Pine Log Road (TPN: 122-10-14-001).

Background

South Aiken High School is located on a parcel approximately 68.86 acres in size, off East Pine Log Road, between Whiskey Road and South Centennial Ave. The property currently has a monument sign to help identify the entrance to the site from Corporate Parkway on the western side of the property. However, in order to better identify the site and provide messages to students, parents, and the public, an additional freestanding readerboard sign is proposed. The proposed sign will be approximately 38 square feet in area, approximately 11 feet in height, and will include an electronic readerboard totaling approximately 61-62% of the area of the sign.

Adjacent land uses include a middle school and religious institution to the north, institutional and commercial uses to the south and west, and residential multifamily high-density to the east.

Section 4.4.7.B. of the Zoning Ordinance states that not more than one freestanding sign shall be permitted per lot, except where the lot fronts on two major arterials as determined by the Planning Director, in which case an additional freestanding sign may be permitted with no more than one such sign located along each arterial.

Section 4.4.7.E.1. of the Zoning Ordinance states up to 60 percent of the area of a freestanding sign may be a readerboard (with changeable copy).

Section 4.4.7.E.2. of the Zoning Ordinance states that a school, church, government entity, or tax-exempt entity in any residential zone may have one electronic readerboard as long as the sign is on a major arterial and complies with 4.4.7.C.

Section 4.4.8.A. of the Zoning Ordinance states that for subdivision entrance or identification signs or institutional signs for such uses as schools and churches, one single or double sign shall be permitted for each entrance to the project or use. If a double sign is proposed, the total area of the faces of both signs shall not exceed the maximum permitted sign area for a single sign. All such signs shall be ground-mounted, monument-type signs. If erected as an institutional sign, no additional freestanding sign shall be permitted. Where approved by the Planning Director, such signs may be located in a landscaped median in the right-of-way (see 4.4.5.7.e).

Section 4.4.10.C. of the Zoning Ordinance permits signs in RS-10 districts with a maximum sign area of 24 square feet with a maximum height of 8 feet.

In the Definitions section of the Ordinance, an arterial is defined as having at least 5,000 vehicle trips per day. While specific traffic counts along Corporate Parkway are not available in the vicinity of this location, it is not believed to meet the 5,000 trips/day threshold.

The proposed sign is larger in area and taller than those signs permitted by right in the RS-10 district. The sign is also not considered a monument sign based on its design and dimensions. Only one freestanding sign is permitted per lot. In addition, the proposed readerboard is larger than 60 percent of the total area of the freestanding sign. Finally, readerboards are only permitted in residential zones if the sign is on a major arterial, thus requiring a Variance.

Government, institutional, and religious uses are generally permitted entrance or identification signs at each entrance pursuant to Zoning Ordinance Section 4.4.8.

Staff Evaluation of Application Compliance with Review Criteria at Section 6.2.19.C

A Variance may be granted by the Board of Zoning Appeals if the Board concludes that the strict enforcement of any design or performance standard in the Ordinance would result in an unnecessary hardship to the applicant and that, by granting the Variance, the spirit of this Ordinance will be observed, public health, safety, and welfare will not be diminished, and substantial justice will be done. A Variance may be granted in an individual case of unnecessary hardship if the Board determines and expresses in writing that the criteria in Section 6.2.19.C are met.

The Applicant's submittal letter responding to the six decision criteria of Section 6.2.19.C is attached as Exhibit A. To facilitate the Board's decision and motion, the Applicant's response and staff's response to the decision criteria are provided below:

1. There are Extraordinary and Exceptional Conditions Pertaining to this Particular Piece of Property.

Applicant's Response: "The goal that the School District is trying to achieve, is for better communication with students, parents, and the public. One effective way is the use of LED Message Centers. Message Centers can be updated quickly, hold numerous messages, improve communications to all. This is vital in a very different world today. This configuration seems to be the best size, for readability of messages."

Staff Response: The Sign Ordinance regulates signage by intensity of district rather than use. Educational facilities are permitted in the RS-10 district by Special Exception. However, the high school predates the zoning district classification. Additionally, the primary entrance to the school is off the lesser-traveled Corporate Parkway. Since Corporate Parkway is not considered a main arterial, the sign cannot contain a readerboard by right, thus limiting the ability of the school to communicate messages to faculty, students, parents, and the public.

2. These Conditions Do Not Generally Apply to Other Properties in the Vicinity.

Applicant's response: "This configuration is what has been used at the schools since they are not in a business for profit, but need the message center to inform the students, parents and public about the school activities and alerts."

Staff Response: As depicted on the attached zoning map, there are a variety of zoning districts in the vicinity of the subject property, including General Business (GB), Residential Multi-family High Density (RMH), and Office (O). No other property in the immediate vicinity is as large as the subject property.

3. Due to These Conditions, the Application of the Ordinance to this Particular Piece of Property Would Effectively Prohibit or Unreasonably Restrict the Utilization of Property.

Applicant's Response: "All the signs have been the same size and configuration. All requests from different municipalities have accepted this configuration like the City of Aiken has also done."

Staff Response: The subject property is developed as a high school. Currently the school has no way of rapidly displaying messages to relevant parties with the existing signage. The applicant has stated that the school district wishes to increase safety and standardize all signage.

4. The Conditions Are Not the Result of the Applicant's Own Actions.

Applicant's Response: "Signs Unlimited of South Carolina, LLC. is the acting agent for South Aiken High School and Aiken County School Board. We are requesting a variance for the proposed sign to be accepted as is. Signs Unlimited of South Carolina has already installed five signs (with approved permits from the City of Aiken) at Chucker Creek Elementary, Schofield Middle School, Aiken Elementary (2), Aiken Intermediate School, and over thirty in Aiken County overall."

Staff Response: The site's development and use predate the current zoning district designation. The current zoning (RS-10) limits the size and sign typology in order to minimize the impact to surrounding residential districts. As previously stated, the zoning restrictions are based on zoning classification not intensity of use, which prohibits the installation of the proposed standardized sign in the district as zoned.

5. Granting of the Variance Would Not Substantially Conflict With the Comprehensive Plan and the Purposes of the Zoning Ordinance.

Applicant's Response: "Granting the variance would not substantially conflict with the Comprehensive Plan and the purposes of this Zoning Ordinance. The goal that the School District is trying to achieve, is for better communication with students, parents, and the public."

Staff Response: The Aiken Comprehensive Plan designates public/institutional uses for this area.

The character and purpose statement for the Residential Single-Family (RS-10) District in Section 2.2.1. is as follows:

The Residential Single-Family Districts provide for low-density residential neighborhoods by prohibiting multifamily residential, commercial, industrial, and any other incompatible use of land. The district designations incorporate the minimum lot size for easy reference (for example, RS-10 has a 10,000-square-foot minimum lot size).

The Comprehensive Plan also includes the following strategy that applies to community facilities:

Under the "Investment" Guiding Principle: *"Provide modern and efficient facilities for all municipal departments and their operations which are also designed to accommodate future growth."*

6. The Authorization of the Variance Will Not Be of Substantial Detriment to Adjacent Property or the Public Good, and the Character of the District Will Not Be Harmed by the Granting of the Variance.

Applicant's Response: "This configuration seems to be the best size, for readability of messages. The Signs are not 60/40 configuration. The school's name sign is 24" X 88" or 14.66 sq. ft. and the Electronic Message Center is 38" x 88" or 23.22 sq. ft. for a total square footage of 37.44 sq. ft. 38 / 62."

Staff Response: The proposed sign is larger in area and greater in height than permitted by right in the RS-10 district. The proposed sign is similar in size to the signs permitted at Millbrook Elementary School, Kennedy Middle School, and Schofield Middle School, as well as several other schools throughout the County, including the aforementioned schools located within the City of Aiken. City sign requirements require a photocell to cause the sign to dim in response to changes in ambient light. There are no residential uses adjacent to the proposed location of the new sign.

Conclusion

The Board is considering a Variance application from Aiken County School Board, represented by Ron Wade, for a freestanding readerboard sign at South Aiken High School. The applicant is seeking a Variance to Sections 4.4.7.B., 4.4.7.E.1., 4.4.7.E.2.a., 4.4.8.A., and 4.4.10.C. of the City Zoning Ordinance to permit an additional freestanding sign approximately 38 square feet in area, approximately 11 feet in height with an electronic readerboard totaling approximately 61-62% of the total sign area. The Board should assess the six Variance criteria to determine if such a hardship exists for the granting of such a Variance.

If the Board finds all of the criteria are met, the following conditions to the Variance might be considered in the Board's deliberations:

- 1) Variance to Sections 4.4.7.B., 4.4.7.E.1., 4.4.7.E.2.a., 4.4.8.A., and 4.4.10.C. of the Zoning Ordinance to permit a freestanding sign on property at 232 East Pine Log Road (TPN 122-10-14-001) in addition to the existing sign/s on the subject property;

- 2) the sign shall comply with all other requirements of Chapter 4, Article 4 of the Zoning Ordinance regarding signs;
- 3) the sign shall be consistent with the submitted design and dimensions;
- 4) the Final Order shall run with the land; and
- 5) The Final Order shall be recorded at the Aiken County ROD Office.

EXHIBITS

- A. Application for Variance (submitted by applicant)
- B. Site Plan & Proposed Location (submitted by applicant)
- C. Existing Signs & Proposed Sign (submitted by applicant)
- D. Vicinity, Area and Zoning Map
- E. Staff Photographs

cc: Ron Wade
Aiken County School Board

EXHIBIT A

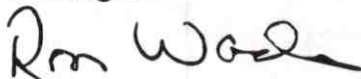
March 8, 2024

Signs Unlimited of South Carolina, LLC. is the acting agent for South Aiken High School and Aiken County School board. We are requesting a variance for the proposed sign to be accepted as is. Signs Unlimited of South Carolina has already installed five signs (with approved permits from the City of Aiken) at Chucker Creek Elementary, Schofield Middle School, Aiken Elementary (2), Aiken Intermediate School, and over thirty in Aiken County overall. All the signs have been the same size and configuration. All request from different municipalities have accepted this configuration like the City of Aiken has also done.

The goal that the School District is trying to achieve, is for better communication with students, parents, and the public. One effective way is the use of LED Message Centers. Messages Centers can be updated quickly, hold numerous messages, improve communications to all. This is vital in a very different world today. This configuration seems to be the best size, for readability of messages. The Signs are not 60/40 configuration. The school's name sign is 24" X 88" or 14.66 sq. ft. and the Electronic Message Center is 38" x 88" or 23.22 sq. ft. for a total square footage of 37.44 sq. ft. 38 / 62. This configuration is what has been used at the schools since they are not in a business for profit, but need the message center to inform the students, parents and public about the school activities and alerts.

We are asking that you continue with the acceptance of the proposed configuration.

Best regards



Ron Wade

Signs Unlimited of South Carolina, LLC

803-315-3755 Cell

803-438-1200 Office

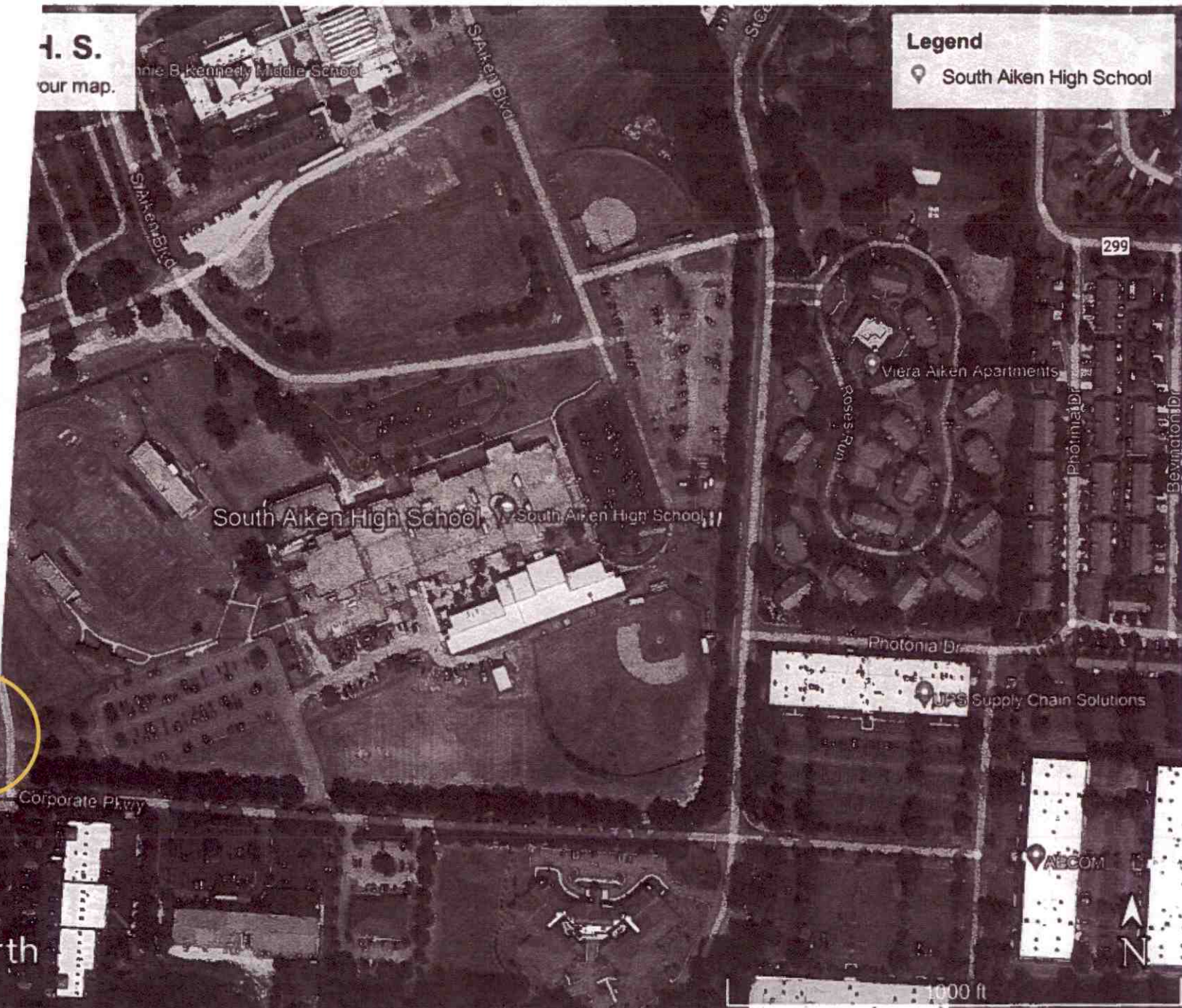
raskw@bellsouth.net

signss@gmail.com

EXHIBIT B

U.S.
your map.

Legend
📍 South Aiken High School



Google Earth

© 2023 Google







EXHIBIT C







Lugoff, SC 803-438-1200

HEADER, School Name and Logo

2'-0" x 7'-4" Header ID sign Double-Sided, Acrylic faces, full-color digital print with name and logos UV protection. Backlit with white LEDs. All aluminum construction cabinet with retainers.

MediaVisionLED

Full Color Video 10mm SMD
224x96 Real Pixel Matrix
Ultra Resolution

Full-Color LED with Video
Time and Temp Probe
Auto Dimming Sensors

Computer with Cloud Based Software
HD Wireless/Wifi Communication Line of Site
Double Sided Display 3'-2" X 7'-4" Cabinet Size
Front/ Rear Access LED Modules

On-Site training of computer operation and software
Standard Warranty 3 year parts, 1 year on labor.

Power to sign connection box supplied by others.
Requires (1) Circuit 30amp service

Face Colors, Logos, and artwork to be decided
by officials at school

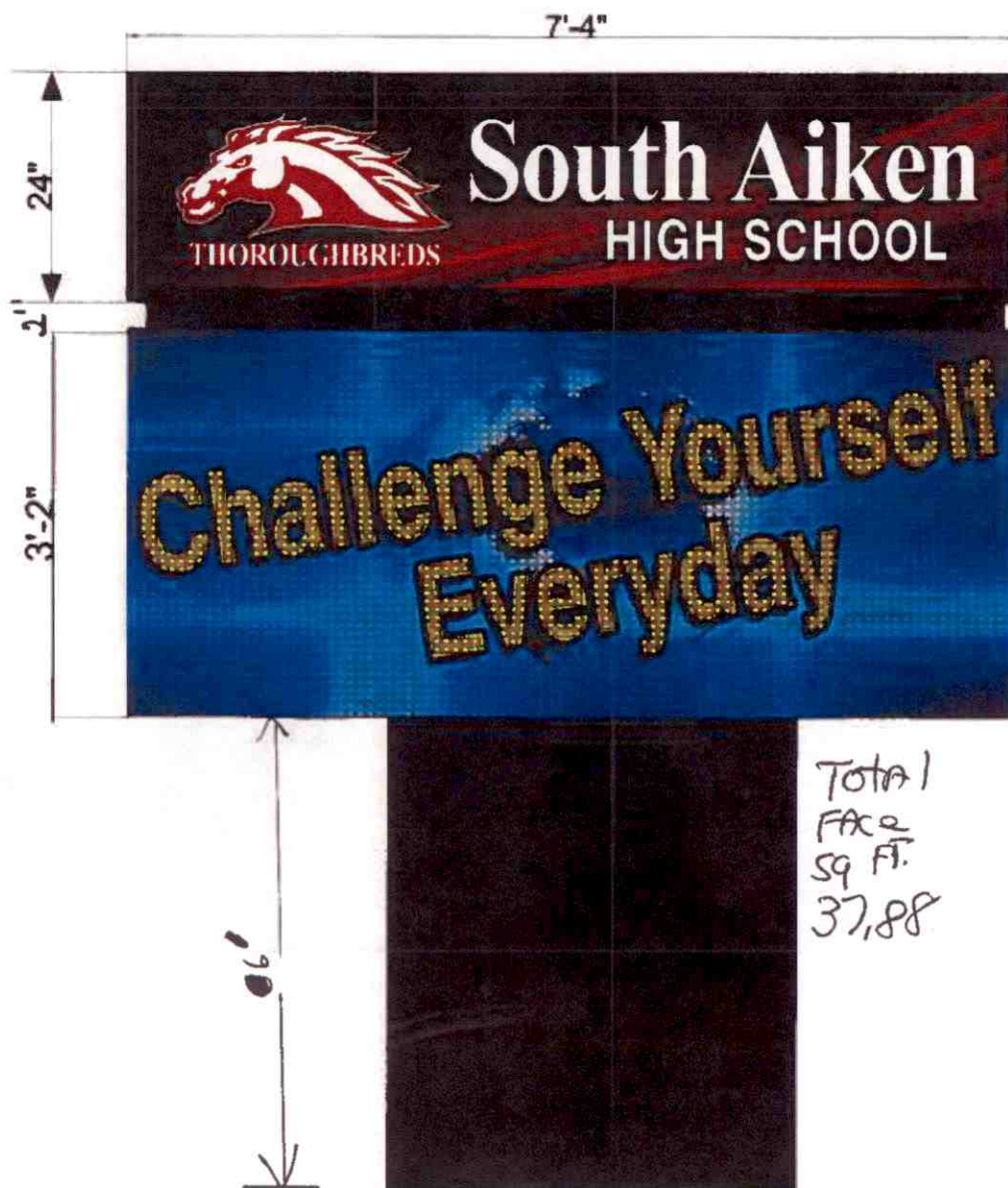


EXHIBIT D

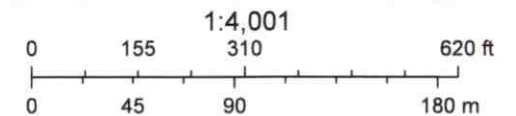
232 East Pine Log Road - Vicinity Map



4/16/2024, 3:33:28 PM

Override 1
 Parcel Number
● Addresses

Road Ownership
 Parcels



City of Aiken, Aiken County, Esri, Community Maps Contributors, Aiken County

COA GIS Dept

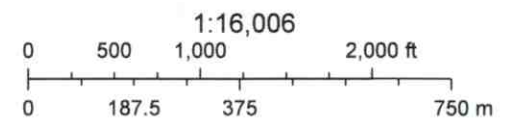
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232 East Pine Log Road - Area Map



4/16/2024, 3:34:59 PM

Road Ownership
Parks

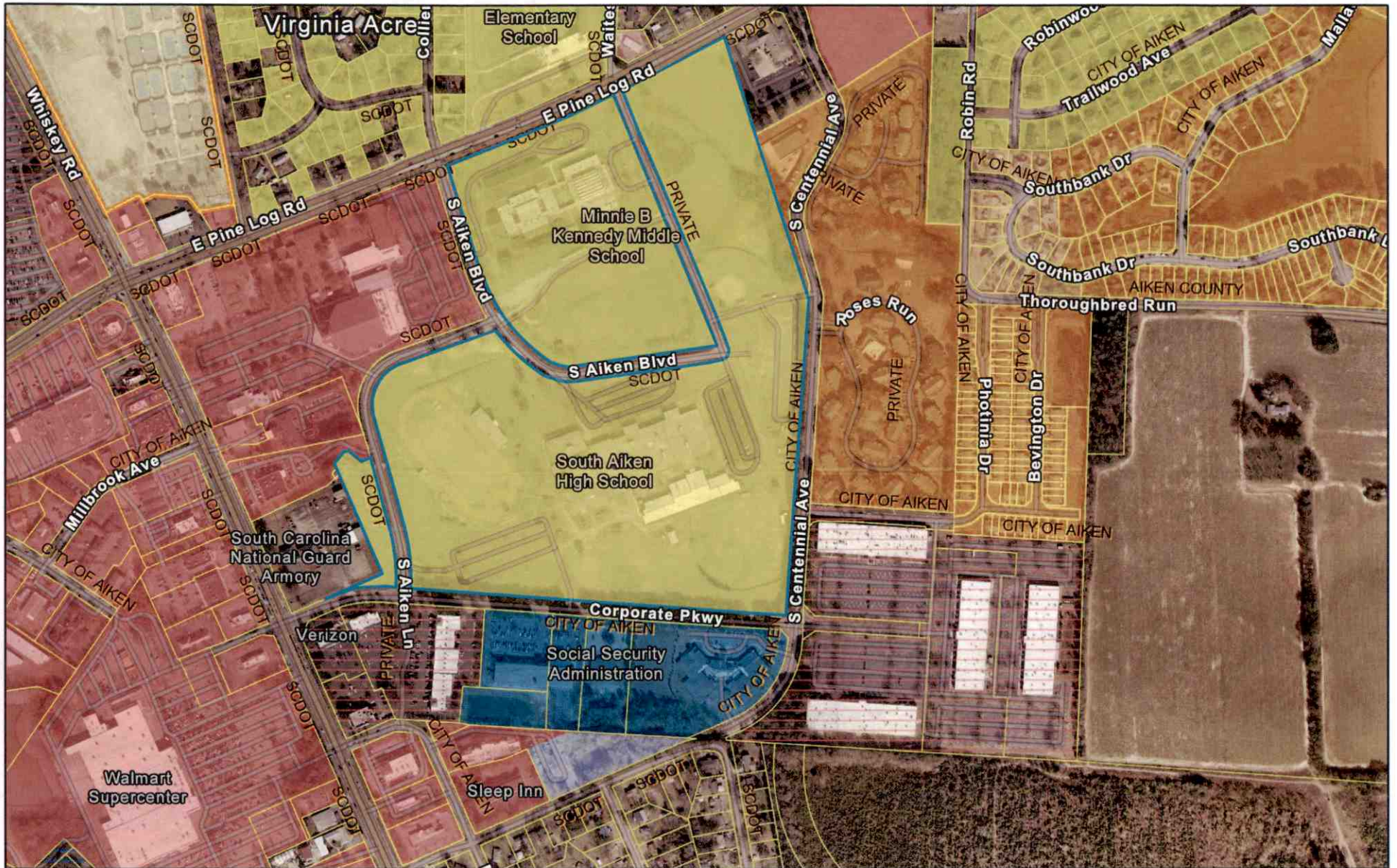


City of Aiken
Aiken County, Esri Community Maps Contributors, Aiken County

COA GIS Dept

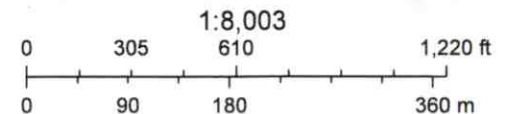
Data provided by multiple sources including City of Aiken, Aiken County, Federal Agencies and ESRI. Please contact respective entities regarding any restrictions on data use. All data provided as-is, with no warranty expressed or implied.

232 East Pine Log Road - Zoning Map



4/16/2024, 3:31:15 PM

Road Ownership	RS-8 Single Family	LB Limited Business	PR Planned Residential
Zoning Base	RS-10 Single Family	LP Limited Professional	
RML Multifamily Low-Density	RS-15 Single Family	O Office	Parks
RMH Multi-Family High-Density	GB General Business	PC Planned Commercial	Parcels



City of Aiken
Aiken County, Esri Community Maps Contributors, Aiken County

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EXHIBIT E

PUBLIC HEARING

BOARD OF ZONING APPEALS

VARIANCE

ELECTRONIC

READERBOARD SIGN

232 East Pine Log Rd.
(TPN: 122-10-14-001)

April 23rd, 2024

5:30 PM

CITY COUNCIL CHAMBERS
111 CHESTERFIELD STREET, SOUTH
AIKEN, SOUTH CAROLINA 29801
803-642-7608

DO NOT REMOVE UNDER PENALTY OF LAW



CORPORATE PT 31
100

SOUTH AIKEN HIGH



THOROUGHBREDS









PUBLIC HEARING
BOARD OF ZONING APPEALS
VARIANCE
ELECTRONIC
READERBOARD SIGN
211 East Main Ave. #2
(304) 343-0100
April 23rd, 2024
5:30 PM
OFFICE OF THE CLERK
211 EAST MAIN AVE. #2
APPEAL BOARD (APPEALS ONLY)
HARRISBURG, MD
DO NOT REMOVE UNDER PENALTY OF LAW