

**Cherokee County Zoning Board of Appeals  
Public Hearing Agenda Minutes  
Thursday, December 1, 2011  
6:30 PM**

**Approved 1/05/2012**

The Cherokee County Zoning Board of Appeals held its regularly scheduled meeting on December 1, 2011 in Cherokee Hall at the Cherokee County Administration Building. In attendance for the Zoning Board of Appeals were Chairman Roy Taylor, Elizabeth Semler, Viviane Decker, Cynthia Castello and Lanette Shaw. In attendance for Cherokee County Staff were Vicki Taylor Lee, Zoning Administrator, Tamala Davis, Planning Technician and Paul Frickey, County Attorney.

The meeting was called to order by Chairman Roy Taylor at 6:30 p.m.

Mr. Taylor stated he would like to amend the agenda to take care of other items first and move the one case to the end since the applicant was not yet present.

Ms. Semler made a motion to amend the agenda. Seconded by Ms. Castello. Unanimous approval.

The first item to discuss was an old case, Case #10-10-017V Brian Keith Andrews. Ms. Lee gave the Board the latest comments from the applicant. Discussion ensued between the Board members.

Mr. Taylor would like a report from the Building Inspector.

The second item was the approval of the November 3, 2011 Minutes. Ms. Castello made a motion to approve the minutes. Seconded by Ms. Semler. Unanimous approval.

The next item was the approval of the 2012 ZBA Public Hearing Schedule. Ms. Shaw made a motion to accept the 2012 schedule. Seconded by Ms. Decker. Unanimous approval.

At this point the meeting was suspended while waiting on applicant to arrive.

Ms. Vicki Taylor Lee presented the case of **Ashley Johnson/Elsa Johnson/Charles Johnson Case #11-12-012V** requesting a variance to Article 7, Section 7.7-24. Applicant is requesting a variance to acreage and the number of livestock. This property is located at 2445 Westland Way in Land Lot 963 of the 21<sup>st</sup> District and further described as Cherokee County Tax Map 21N11A, Parcel 125.

Ms. Lee stated that our office did not receive any letters in support or opposition. She discussed staff comments and recommendation along with surrounding properties.

Ms. Ashley Johnson represented this case. Ms. Johnson stated that she did originally have nine (9) goats and she has recently sold two (2) of them. She stated that they have fenced in their yard so the neighbors could not see or hear them. Ms. Johnson stated they are very small, sweet and she considers them as pets. She stated that she went ahead and got rid of two (2) of them since she thought the Board would not approve her to have so many. Ms. Johnson stated that they keep them well fed and are not keeping them for any other purpose than as pets and entertainment.

Mr. Taylor asked if there was anyone to speak in favor or against.

Pamela Clemmer spoke in opposition. Ms. Clemmer stated that she owns the property at 2444 Westland Way and is trying to keep the value of the property up. She stated that she has no problems with cats or dogs but does not think livestock should be allowed in the subdivision.

Christopher Ehlbeck spoke in opposition. Mr. Ehlbeck stated that he resides at 2457 Westland Way and has lived there since 1988 being one of the original home owners in this subdivision. He stated that he would not want 9 goats on a ½ acre residential lot and that Cherokee County has other rural properties zoned properly to keep livestock. He stated that if we allow them to have goats in a subdivision, what is to stop him from coming back later on and requesting to keep other livestock. Mr. Ehlbeck stated that there was another home that had two (2) goats but they don't appear to be there anymore. He stated that he doesn't feel that goats are domesticated pets suitable for a residential area in a subdivision.

Ms. Johnson spoke in rebuttal. She stated that she has spoken with her next door neighbor and he has no problem with her having goats. Ms. Johnson stated that it is okay for people to have nine (9) dogs or nine (9) cats but it is not okay to have her goats. She stated that she does not see what kind of problem they are causing.

Ms. Lee stated for the record that the maximum number is eight (8) dogs or cats.

Mr. Taylor closed the public hearing.

Ms. Lee discussed with the Board the regulations on chickens, Vietnamese pot-bellied pigs, dogs and cats.

Ms. Shaw stated that she drove by there and she saw the fence and could not see in. Ms. Shaw asked Ms. Johnson if she had the nine (9) goats when she moved in or did she accumulate them over time. Ms. Shaw also asked if this is something that had been brought up due to the covenants in the neighborhood.

Ms. Johnson stated that she believes someone saw her move in with the goats and felt they did not like it. She stated that when she first moved in there was another property inside the subdivision that had two (2) goats inside a chain link fence however, they are no longer there.

Ms. Castello asked how long has Ms. Johnson lived at this residence. Ms. Johnson stated since June of this year.

Ms. Semler asked Ms. Johnson how she is controlling the population. Ms. Johnson stated that they are mainly male goats, two (2) are female but they are older goats and not breeding.

Ms. Decker asked Ms. Johnson if there were any covenants for this subdivision. Ms. Johnson stated that she is not aware of any covenants.

Ms. Decker stated that there are covenants and did the applicant not receive a copy. Ms. Johnson stated that she did not receive any covenants.

Ms. Semler asked Ms. Johnson what other type of animals she has. Ms. Johnson stated six (6) chickens and two (2) cats.

Ms. Semler asked Ms. Johnson how many males and females did she say she had. Ms. Johnson stated five (5) males and two (2) females.

Ms. Semler asked Ms. Johnson have any of them been fixed or altered. Ms. Johnson stated no.

Ms. Semler asked Ms. Johnson did she use any of the products from the goats. Ms. Johnson stated no.

Mr. Taylor asked Ms. Johnson if there is a homeowner's association. Ms. Johnson stated that she does not pay a homeowner's association fee and is not aware of an association.

Mr. Taylor discussed with Staff the covenants. Ms. Lee stated that when she wrote her report she was not aware that they were still in effect.

Mr. Frickey stated that the Board's decision would not in any way overrule the covenants that are in place.

Ms. Semler stated that goats do breed no matter what age they are and you have very harsh problems when this happens.

Ms. Semler suggests that she has one or the other not both.

Ms. Decker asked Ms. Johnson how long has she had the goats and how long has she lived there. Ms. Johnson stated that she has had the goats for about 3 to 4 months and she has lived there since June.

Ms. Semler asked Mr. Ehlbeck if there is an active homeowners association. Mr. Ehlbeck stated it was a voluntary homeowners association but he has no idea if it is still in existence.

Ms. Semler asked Mr. Ehlbeck how long the other neighbors had the goats. Mr. Ehlbeck stated since Spring and he has not seen them since the variance signs have went up.

The Board discussed among themselves and with staff.

Ms. Semler asked Ms. Clemmer and Mr. Ehlbeck would they have a problem with any goats on this property. Mr. Ehlbeck and Ms. Clemmer stated they would have a problem with any goats.

Mr. Taylor made a motion to accept two (2) pygmy goats that are either fixed or of the same sex, properly fenced and visually screened from the neighborhood and kept as pets to a standard that animal control would accept.

Ms. Castello seconded the motion. Approved 4-1. Ms. Decker opposed.

Ms. Decker made a motion to adjourn. Seconded by Mr. Taylor. All was in favor. The meeting adjourned at 7:52 p.m.