

**STAFF REPORT  
FOR THE  
FLORENCE COUNTY BOARD OF ZONING APPEALS  
October 4, 2011  
BZA#2011-04**

**Subject:**                    **An appeal by Dale A. and Amy E. Gray of 912 Derby Drive, Florence of the interpretation made by the Zoning Administrator concerning the allowable animals by definition of Domestic Animal Shelter of the Florence County Code of Ordinances.**

**Issue:**

The applicant is requesting an appeal to the interpretation of the Zoning Ordinance for the definition of domestic animal shelters.

**Background:**

The property located at 912 Derby Drive is currently occupied by a single-family residence and a fenced in area containing four goats and zoned R-1, Single-Family Residential District.

August 9, 2011-The Planning Department received a complaint of a possible zoning violation for the goats currently existing on the property.

August 10, 2011-The Codes Enforcement Division made a site visit and verified that four goats exist on the property.

August 18, 2011-The property owners/applicants were notified by letter of the result of the site review and that the goats are not allowed on the property in the R-1 zoning district.

August 26, 2011-The property owners/applicants met with staff on the issue.

August 29, 2011- The property owners/applicants submitted an application for an appeal to the Planning Department for appearance before the Board of Zoning Appeals.

**Appeal:**

The following information is included as submitted by the applicant on the actual application:

1. Applicant hereby appeals to the Board of Zoning Appeals from the action of the Zoning Official affecting the property located at **912 Derby Drive, Florence County** on the grounds that:

Denial of an application for a permit to **allow goats to stay on property** was erroneous and contrary to provisions of Chapter 30-Zoning Ordinance in **Article X. Sec. 30-311. - Definitions**; or other action or decision of the Zoning Official was erroneous as follows:

**There is no harm by having these goats on our land. We have had goats for four years.**

2. Applicant is aggrieved by the action or decision in that:

**We need to remove goats from land. They are our pets and they harm no one or no thing.**

3. Applicant contends that the correct interpretation of the Zoning Ordinance as applied to the property is:

**Per the County, I now know that we shouldn't have goats there. However, there is no covenant in our neighborhood that won't allow the goats to stay.**

4. Applicant requests the following relief:

**Allow our goats to stay. They are our children's pets.**

**Staff Analysis:**

Chapter 30-Zoning Ordinance:

1. Sec. 30-28.-Table I-Schedule of permitted and conditional uses and off-street parking requirements for residential districts permits domestic animal shelters in the R-1, Single-Family Residential District.

2. Sec. 30-311.- Definitions defines domestic animal shelter as follows:

A pen, shelter, or structure where no more than three dogs or small domestic animals, not to include horses, cows, goats, swine including potbellied pigs, sheep, ponies, grazing animals, and fowl of any kind, are boarded and kept.

3. Sec. 30-293.-Board of Zoning Appeals-(a)(1)

- a) Powers of board of appeals; variances; special exceptions; remand; stay; hearing; decisions and orders. The board of appeals has the following powers:

(1)To hear and decide appeals where it is alleged there is error in an order, requirement, decision, or determination made by an administrative official in the enforcement of the zoning ordinance;

4. Additionally, the Comprehensive Planning Enabling Guide for Local Governments establishes that in such cases, the Board may reverse or affirm, wholly or in part, or may modify the order, requirements, decision or determination of the zoning administrator. The board has all the powers of the zoning administrator in such cases and may issue or direct the issuance of a permit.

When deciding an administrative appeal from a decision of the zoning administrator, the board is not bound by the conclusion or reasoning of the zoning administrator and may consider and apply the appropriate provisions of the zoning ordinance as dictated by the facts before it.

**Attachments:**

1. Location map
2. Zoning map
3. Aerial map