

**ZONING PUBLIC HEARING
MINUTES**

The Spalding County Board of Commissioners held their Zoning Public Hearing in Room 108 in the Courthouse Annex, Thursday, May 24, 2013, beginning at 6:00 p.m. with Vice Chairman Samuel Gardner presiding. Commissioners Raymond Ray, Rita Johnson and Bart Miller were present. Also present were Community Development Director Chad Jacobs, County Manager William P. Wilson, Jr., and County Clerk, Ex-Officio Ricky Clark to record the minutes. Zoning Attorney Newton Galloway was not present. Chairman Flowers-Taylor joined the meeting at 6:10 pm.

A. Call to Order.

Note: Persons desiring to speak must sign in for the appropriate application. When called, speakers must state their names and addresses and direct all comments to the Board only. Speakers will be allotted three (3) minutes to speak on their chosen topics and relate to matters pertinent to the jurisdiction of the Board of the Commissioners. No questions will be asked by any of the commissioners during citizen comments. Outbursts from the audience will not be tolerated. Common courtesy and civility are expected at all times during the meeting.

B. New Business:

1. **Application #13-05S:** Raymond E. Dender, Owner – 1300 Moore Road (19.24 acres located in Land Lot 176 of the 4th Land District) – requesting a Special Exception to allow a general home occupation excluding garage, repair garage and kennel in the AR-1 District.

Chad Jacobs, Community Development Director noted that this request is for a home occupation special exception. The applicant would like to utilize their back yard area for wedding receptions. The Fire Marshall and the Building Official have performed inspections and the Fire Marshall noted some minor issues with a bridge to the gazebo. Mr. Jacobs noted that this request satisfies the requirement for home occupation. The Board of Appeals recommends approval.

Commissioner Johnson questioned if this request was for a one-time wedding. Mr. Jacobs noted that this is a one-time request for a license; however, it will be an ongoing business.

Commissioner Ray questioned if the structure is appropriate for the usage requested. Mr. Jacobs noted that there is already a gazebo and a bridge. He doesn't think it was initially built for weddings. Additionally, Commissioner Ray questioned if this request will cover any additional buildings such as a chapel. Mr. Jacobs noted that this request does not cover any expansion.

Susan Dender- 1300 Moore Road, Griffin, GA

Ms. Dender noted that they are simply requesting permission to purchase a business license for the purpose of holding outdoor weddings. Additionally, she noted that they do intend to build any additional structures. The gazebo is already there and was constructed for their own benefit. Ms. Dender stated that several people have contacted them in the past to ask if they would allow weddings on their property. This gave them the idea.

Motion/Second by Johnson/Ray to approve Application #13-05S: Raymond E. Dender, Owner – 1300 Moore Road (19.24 acres located in Land Lot 176 of the 4th Land District) – requesting a Special Exception to allow a general home occupation excluding garage, repair garage and kennel in the AR-1 District. Motion carried by a vote of 4-0.

Chairman Flowers-Taylor joined the meeting at 6:10 p.m. Vice-Chairman Gardner continued to preside.

2. **Application #13-06S:** Milton Crawley, Jr., Owner – 755 Futral Road (3.03 acres located in Land Lot 213 of the 2nd Land District) – requesting a Special Exception to allow a Family Personal Care Home in the AR-1 District.

Mr. Jacobs stated that the applicant is requesting a personal care home at Mr. Crawley's residence. The applicant has met all requirements pursuant to our ordinance. The Building Official and Fire Marshall have performed their initial inspections. Mr. Jacobs advised that there were no major issues noted. Due to the size of the home and the number of restrooms, the applicant would be limited to no more than 6 residents.

In addition, Mr. Jacobs noted that the applicant would have to comply with the following conditions before issuance of business license:

- ◆ *Proof of compliance with all DHR and other State regulations prior to application of business license.*
- ◆ *Any issue noted during the inspections by both the Fire Marshal and Building Official shall be completed prior to issuance of license.*
- ◆ *No more than 6 residents shall be allowed per section 503.B.20.b.iii*
- ◆ *Driveway shall be improved for emergency access and the numbers on the mailbox improved for better visibility for emergency personnel. (Community Development Director Chad Jacobs noted that the applicant has already complied with this condition.)*

Commissioner Ray requested clarification of the six (6) residents. Mr. Jacobs noted that Mr. Crawley and his wife makes two (2) residents which only leaves 4 residents in the personal care home.

Commissioner Ray questioned if the restrooms were ADA compliant. Mr. Jacobs answered yes.

Commissioner Johnson questioned if there would be a certified nurse. Mr. Jacobs answered yes and advised that Mr. Crawley's wife is a certified nurse.

Kimberly & Milton Crawley- 755 Futral Road Griffin, Georgia

Mrs. Crawley stated that she is a LPN and has been doing this type of work for over 20 years. In addition, Mrs. Crawley advised that she has a love for caring for people and wishes to do it at home.

Motion/Second by Johnson/Miller to approve Application #13-06S: Milton Crawley, Jr., Owner – 755 Futral Road (3.03 acres located in Land Lot 213 of the 2nd Land District) – requesting a Special Exception to allow a Family Personal Care Home in the AR-1 District with the following conditions:

- a) *Proof of compliance with all DHR and other State regulations prior to application of business license.*
- b) *Any issue noted during the inspections by both the Fire Marshal and Building Official shall be completed prior to issuance of license.*
- c) *No more than 6 residents shall be allowed per section 503.B.20.b.iii*
- d) *Driveway shall be improved for emergency access and the numbers on the mailbox improved for better visibility for emergency personnel. (Community Development Director Chad Jacobs noted that the applicant has already complied with this condition.)*

Motion carried unanimously by all.

3. **Application #13-07S:** JLB Properties, LLC. Owner- Felecia Miller, Agent – 3100 Teamon Road (3.177 acres located in Land Lot 249 of the 3rd Land District) – requesting a Special Exception to allow a Family Personal Care Home in the AR-1 District.

Mr. Jacobs stated that the applicant is requesting a Special Exception to allow a Family Personal Care Home. Mr. Jacobs noted that the current dwelling do not meet the minimum square foot requirement of 1500. In addition, the applicant will be applying for a permit to enclose the garage to add additional heating space. This would be approximately 300 sq. feet. Mr. Jacobs advised that staff is recommending conditional approval.

Chairman Flowers-Taylor questioned what the current square footage of the dwelling is. Mr. Jacobs advised that currently it is 1419 square feet. Chairman Flowers-Taylor also questioned the amount of residents in the home. Mr. Jacobs advised that there are currently no residents.

Commissioner Ray questioned would the care giver is. Mr. Jacobs advised that a care giver has not be indicated but the applicant lives in McDonough and has advised there will be 24 hour care.

Chairman Flowers-Taylor stated that the applicant doesn't meet the requirement for a Family Personal Care Home because they do not live in the residence. Chairman Flowers-Taylor noted that she has heard several complaints because people will get personal care homes and get someone else to stay there. Furthermore, Chairman Flowers-Taylor stated that the goal is to help take care of the home, the yard and the neighborhood. Chairman Flowers-Taylor also stated that she seems to remember that there was an issue with residents being required to have their own bathroom. Mr. Jacobs stated that no more than 3 residents can occupy a bedroom/bathroom.

Alicia & Kevin Miller- 537 Coverwater Ln. McDonough, GA

Mrs. Miller stated that they have applied for a personal care home for only three (3) individuals. Furthermore, Ms. Miller stated that she is a licensed occupational therapist and has worked with developmental disability patients for about 20 years. Additionally, Mrs. Miller noted that the caregiver will have to be a certified CNA and be required to have a national background check performed in order to provide services. Mr. Miller stated that each staff member receives 40 hours of training each year. Mrs. Miller stated that they have three other homes and they also have live-in caregivers.

Chairman Flowers-Taylor stated that the state mandates the minimum requirement; however, ours are stricter. Furthermore, Chairman Flowers-Taylor stated that part of what the board decided, was because of issues. The Board decided that in order for someone to have a personal care home, they must establish residency or a member of their corporation. In addition, Chairman Flowers-Taylor advised the applicant that as a governing body, we want people that look after their homes, people that know the trash hasn't been taken to the road and that the grass hasn't been cut. We want people to be vested in the community.

Mr. Miller stated that they were not informed that you had to live in the residence.

Chairman Flowers-Taylor requested the item be tabled since there appears to be miscommunication between the applicant and staff.

Motion/Second by Flowers-Taylor/Miller to table Application #13-07S: JLB Properties, LLC. Owner- Felecia Miller, Agent – 3100 Teamon Road (3.177 acres located in Land Lot 249 of the 3rd Land District) – requesting a Special Exception to allow a Family Personal Care Home in the AR-1 District. Motion carried unanimously by all.

C. Other Business: NONE

D. Adjournment.

Motion/Second by Flowers-Taylor/Miller to adjourn at 6:30 p.m. Motion carried unanimously by all.

/s/ _____
Chairman

/s/ _____
County Clerk