

**SPALDING COUNTY APPEALS BOARD**  
**Regular Meeting**  
**May 9, 2013**

The Spalding County Appeals Board held its regular monthly meeting on May 9, 2013 at 7:00 P.M. in Room 108 of the Spalding County Courthouse Annex. Members present were: Allan McCallum, Vice-Chairman, presiding; Ed Brown; Curtis Keys and Bill Slaughter.

Also present were: Chad Jacobs, Community Development Director; Newton Galloway, Zoning Attorney and Yvonne Langford to record the minutes.

Mr. McCallum called the meeting to order and invited anyone present that was not the applicant and wanted to address the Board on any of the applications to come forward and sign the request form.

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

Susan Dender and Raymond Dender  
1300 Moore Road

Ms. Dender said they want to purchase a business license to conduct outdoor weddings on their property. They will use only the backyard for this business. They have furnished all of the documentation to Spalding County. They have had two inspectors from the county to come and inspect the property. They are not aware of any objections from the neighbors to this application. The rear yard is completely open. The people using the property will furnish their own tents, tables and chairs.

Mr. Jacobs said in reviewing the application, the Fire Marshall made an inspection and found some minor issues that can be resolved easily and will have to be taken care of prior to the business license being issued. The staff recommendation is for approval.

**MOTION**

Mr. Keys made a motion to approve Application #13-05S. The motion passed on a second by Mr. Brown with Mr. Brown, Mr. Keys, Mr. McCallum and Mr. Slaughter voting for the motion.

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

Kim Crawley and Milton Crawley  
755 Futral Road

Ms. Crawley said they want to start a personal care home to help the needs of the people that are not quite ready for a nursing home but need supervision for meals and personal hygiene. She has been an LPN for over 20 years and has been taking care of people because that is what she enjoys. She would like to work for herself and still help people. She is an instructor at Griffin Technical College. This will be a 24 hour personal care home. She will have no more than 6 people. Their house is 3900 SF.

Mr. Jacobs said she will not be allowed to have more than six people living in the house at one time which includes Mr. and Mrs. Crawley and any children they have.

Patricia Reddy – 735 Futral Road

Ms. Reddy said she wanted to be certain what type people will be living on the property. She has young

girls at her house. She wanted to know how it was going to affect her property tax. Will this cause her property tax to increase? This house is right behind her house. Will they be able to contain their people? Her husband is disabled and is always in the yard. What if someone comes on her property and harms him because he is not able to defend himself? She attends school on Tuesday, Wednesday and Thursday and he is home by himself. She does not have any problem with them having a personal care home as long as they are contained. If they accidentally come on her property and get hurt, is she responsible?

Mr. McCallum said that is a legal question and he cannot answer. He feels they would probably have to have sufficient insurance to cover their losses to protect themselves. The property is not being rezoned so it should not impact her taxes.

Fred Allen – 214 Pinetree Circle

Mr. Allen said he is concerned about the taxes. Is this going to be rezoned and his taxes go up?

Mr. McCallum said the property is not going to be rezoned and it should not impact his taxes.

Mr. Jacobs said this application meets the minimums for acreage and house size. The Fire Marshall and Building Inspector conducted an inspection and found some minor things that need to be resolved. Their largest concern was access to the property and the visibility. Mr. Crawley addressed those issues. They recommend conditional approval with the following conditions:

1. Proof of compliance with DHR and other State regulations prior to application for business license.
2. Any issue noted during inspections by both the Fire Marshall and Building official shall be completed prior to issuance of license.
3. No more than six residents shall be allowed per section 503.B.20.b.iii
4. Driveway shall be improved for emergency access and the numbers on the mailbox improved for better visibility for emergency personnel.

#### **MOTION**

Mr. Slaughter made a motion to approve Application #13-06S with the conditions as recommended by staff. The motion passed on a second by Mr. Keys with Mr. Brown, Mr. Keys, Mr. McCallum and Mr. Slaughter voting for the motion.

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

Felicia Miller & Kelvin Miller – 537 Coldwater Lane - McDonough, Georgia

Mr. Miller said this application is for a Special Exception to allow a personal care home at 3100 Teamon Road. They have been providing residential and community services for people with disabilities since 2006. They have other locations throughout the State of Georgia. They also have host homes and serve roughly 60 people. They have a day care center for people with special needs in McDonough, two homes in Macon. All of the homes are staffed by personnel trained to work with people with disabilities. They do not have violent individuals that cause harm to the community.

Ms. Miller said she is a licensed occupational therapist and has worked with people with disabilities for 20 years. This home will be for three residents for 24 hour per day care. They have people that work 12-hour shifts so someone is with them for the entire day. They were renovating the house to comply with the square footage requirements when they found they would need a permit so they have put the renovation on hold until they get the permit.

Mr. Jacobs said the staff recommendation is for conditional approval with the conditions as follows:

1. Proof of compliance with DHR and other State regulations prior to application for business license.
2. Additional heated square footage shall be permitted and completed prior to issuance of a license.
3. No more than three residents shall be allowed per section 503.B.20.b.iii.
4. Compliance with all items noted on inspection reports by both the Fire Marshall and Building Officials.

Kris Renner – 3140 Teamon Road

Mr. Renner had a question regarding the setbacks as noted on the plat which Mr. Jacobs answered. Mr. Renner said there are several people that want to address this application and were unable to attend but will be at the County Commission meeting to speak at that time.

**MOTION**

Mr. McCallum made a motion to deny Application #13-07S. There was no second.

**MOTION**

Mr. Slaughter made a motion to approve Application #13-07S with the conditions as recommended by staff. The motion passed on a second by Mr. Brown with Mr. Brown, Mr. Keys and Mr. Slaughter voting for the motion and Mr. McCallum voting against.

**MINUTES**

Mr. Keys made a motion, seconded by Mr. Brown, to approve the minutes of the March 14, 2013 meeting. The motion passed with Mr. Brown, Mr. Keys, Mr. McCallum and Mr. Slaughter voting for the motion.

**ADJOURN**

The meeting was adjourned on a motion by Mr. Brown and a second by Mr. Slaughter with Mr. Brown, Mr. Keys, Mr. McCallum and Mr. Slaughter voting for the motion.

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Michelle Cannon – Chairman

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Yvonne M. Langford - Recorder