

SPALDING COUNTY APPEALS BOARD
Regular Meeting
April 10, 2008

The Spalding County Appeals Board held its regular monthly meeting on April 10, 2008 at 7:00 P.M. in Room 108 of the Spalding County Courthouse Annex. Members present were: Doug Hardwick, Chairman, presiding; Michelle Cannon; Charles Perdue; JoAnne Phinazee and Allan McCallum. Shawn Cain and Richard Ingram were not present.

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

Mr. Hardwick 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 #08-05S: Lisa A. Maddox, Owner – LaSandra Owens, Agent – 128 Henry Burch Drive (1.49 acres located in Land Lot 189 of the 3rd Land District) – requesting a Special Exception to allow a Family Personal Care Home in the R-4 District.

LaSandra Owens – 324 Atkinson

Ms. Owens said they are requesting this application to allow for a personal care home in the R-4 District. They intend to have paid staff and do not intend to have anyone other than the clients living at the premises.

Mr. Jacobs said the staff recommendation is for approval conditioned on proof of compliance with all DHR and other State regulations prior to the application for a business license and no more than four residents be allowed per 1003 B.5.b.ii.

Mr. Galloway reviewed the recent changes that have been made to the ordinance that apply to this application. Mr. McCallum questioned whether or not any consideration had been given to a minimum tract size in order to deal with any parking issues that might arise with the caregivers and visitors. Mr. Galloway said there had been no discussion regarding any lot sizes other than the ones that exist for the regular zoning.

MOTION

Mr. Hardwick made a motion to approve Application #08-05S conditioned on the applicant presenting proof of compliance with all DHR and other State regulations prior to the application for a business license and no more than four residents be allowed per 1003 B.5.b.ii. The motion passed on a second by Ms. Phinazee with Ms. Cannon, Mr. Hardwick, Mr. Perdue and Ms. Phinazee voting for the motion and Mr. McCallum voting against.

Application #08-06S: Timothy E. Mortimer and Glenda Mortimer, Owners – 1342 Tomochichi Road (10.027 acres located in Land Lot 10 of the 2nd Land District) – requesting a Special Exception to allow a Family Personal Care Home in the AR-1 District.

Timothy Elwood Mortimer and Glenda Mortimer– 1342 Tomochichi Road

Mr. Mortimer said they plan to have a personal care home with only two residents. They plan to live at the residence and will be the caregivers. They feel they meet the criteria for the special exception.

Mary Lynn Richardson – 260 Judson Way – Alpharetta, Georgia

Ms. Richardson said she owns the property across the street at 1221 Tomochichi Road. She asked what had to be done for the special exception

Mr. Galloway advised Ms. Richardson what was required for this special exception.

She said they have said they are going to have two people and she understood there would be four. She was advised the four includes Mr. and Mrs. Mortimer. She asked whether or not they would be able to add onto the facility and have more residents.

Mr. Galloway said the County could not prevent them from expanding their personal home, but if they want to expand the personal care home to have more than four people, they would have to make another special exception application.

Mr. Jacobs said the staff recommendation is for approval conditioned on proof of compliance with all DHR and other State regulations prior to the application for a business license and no more than four residents be allowed per 1003 B.5.b.ii.

Mr. McCallum said he has a problem with putting these in R Districts and in subdivisions, but he does not have a problem with them in AR Districts particularly with 10 acres. He feels that if they are on a ¼-acre lot, it can have an impact on the neighbors.

Mr. Galloway said he would assume that if there is a request for a personal care home in a house on a ¼-acre lot which would generate either a parking or a people density issue that the staff would take that into consideration with their recommendation.

Mr. Jacobs said there are not a lot of ¼-acre lots due to a sewer issue.

Mr. McCallum said if the caregiver lives on the premises then it is still a residence. He feels it is a business if the caregivers do not live on the premises.

MOTION

Ms. Cannon made a motion to approve Application #08-06S conditioned on the applicant presenting proof of compliance with all DHR and other State regulations prior to the application for a business license and no more than four residents be allowed per 1003 B.5.b.ii. The motion passed on a second by Ms. Phinazee with Ms. Cannon, Mr. Hardwick, Mr. Perdue, Ms. Phinazee and Mr. McCallum voting for the motion.

MINUTES

Ms. Cannon made a motion, seconded by Mr. Perdue, to approve the minutes of the March 13, 2008 meeting. The motion passed with Ms. Cannon, Mr. Hardwick, Mr. Perdue and Ms. Phinazee voting for the motion and Mr. McCallum abstaining because he was not present.

ADJOURN

The meeting was adjourned on a motion by Mr. McCallum and a second by Ms. Cannon with Ms. Cannon, Mr. Hardwick, Mr. Perdue, Ms. Phinazee and Mr. McCallum voting for the motion.

Doug Hardwick – Chairman

Yvonne M. Langford - Recorder