

**SPALDING COUNTY APPEALS BOARD**  
**Regular Meeting**  
**June 12, 2008**

The Spalding County Appeals Board held its regular monthly meeting on June 12, 2008 at 7:00 P.M. in Room 108 of the Spalding County Courthouse Annex. Members present were: Doug Hardwick, Chairman, presiding; Michelle Cannon; Richard Ingram; JoAnne Phinazee and Allan McCallum. Shawn Cain and Charles Perdue were not present.

Also present were: Charles Taylor, Community Development Director; Newton Galloway, Attorney and Yvonne Langford to record the minutes. Chad Jacobs, Senior Planner, was not present.

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 #08-08S:** The Highlands of Griffin, LLC, Owner – Nathan Purvis, Agent – Westmoreland Road (100.14 acres located in Land Lot 36 of the 3<sup>rd</sup> Land District) – requesting a Special Exception to allow one-acre lots (Traditional Design) in the proposed R-2 District.

Mr. Hardwick announced that this application was withdrawn by the applicant.

**Application #08-09S:** Stephen Whitaker, Owner – 3340 Newnan Road (2.8 acres located in Land Lots 14 and 15 of the 2<sup>nd</sup> Land District) – requesting a Special Exception to allow a Family Personal Care Home in the R-2 and AR-1 Districts.

Stephen Whitaker – 3340 Newnan Road

Mr. Whitaker said this application is so they can have a personal care home. The information from the County is that you have to have a minimum of 1500 SF, and they have 1331 SF but they want to consider special condition zoning for three patients if they cannot have four.

Mr. Taylor said the minimum square footage required to establish a personal care home is 1500 SF. If there is less square footage that does not mean that you can have less than four, it means that the house does not qualify to be used as a personal care home. The staff recommendation is for denial.

**MOTION**

Mr. McCallum made a motion to deny Application #08-09S. The motion passed on a second by Mr. Ingram with Ms. Cannon, Mr. Hardwick, Mr. Ingram, Ms. Phinazee and Mr. McCallum voting for the motion.

**Application #08-10S:** Sharon Reeves, Owner – 1645 North Second Street Extension (0.87 acres located in Land Lot 196 of the 3<sup>rd</sup> Land District) – requesting a Special Exception to allow a Family Personal Care Home in the R-1 District.

Sharon Reeves – 1645 North 2<sup>nd</sup> Street Extension

Ms. Reeves said she wants to open a personal care home to house two disabled people to live in her home. She is not committing to stay there permanently but right now that is what she wants

to do. She had a disabled daughter that she adopted. It is so hard to get assistance for disabled children or adults and that is one of the things she wants to do.

Misty Willis – 1659 North 2<sup>nd</sup> Street Extension

Ms. Willis said she is opposed to this proposal. Her concern is that the barrier between her property and Ms. Reeves' property is too close. She has a septic system in the front yard and she has concerns regarding the care of the people and them getting harmed on her property. Since this is a residential neighborhood, she opposes this. The septic tank is right on the line. There is no fence or anything that separates the two properties. Ms. Reeves keeps children and she is concerned about them being in the area because there are two tops right on the side.

Mr. Taylor said Ms. Willis mentioned that children are being kept at this home. He is not aware of any license for childcare at this location. That will have to be reviewed. The home does meet the minimum square footage for the personal care home requirements. It would allow for up to four residents living at this location. That includes the people that live there as caregivers as well as the patients that live there. They recommend conditional approval. The conditions are:

1. Proof of compliance with all DHR and other State regulations prior to application for business license.
2. No more than four residents shall be allowed per section 703.B.20.b.ii
3. One restroom within the dwelling shall be entirely dedicated for patient use only.

Mr. Taylor said that in-home childcare requires a license from the County. He is not aware of any license being issued by the County.

#### **MOTION**

Mr. Ingram made a motion to table until the County has a chance to investigate. The motion passed on a second by Ms. Phinazee with Ms. Cannon, Mr. Ingram and Ms. Phinazee voting for the motion and Mr. Hardwick and Mr. McCallum voting against.

**Application #08-11S:** Martha F. Cheeves (formerly Willis), Owner – 160 Davidson Drive (0.592 acres located in Land Lot 113 of the 4<sup>th</sup> Land District) – requesting a Special Exception to allow a Family Personal Care Home in the AR-1 District.

Martha F. Cheeves – 160 Davidson Drive

Ms. Cheeves said she has been at Spalding Regional Hospital for four years as a nursing assistant and she is aware of being around older adult patients and what they need for their care. There are so many that come it that have no where to go when they are ready to be dismissed. The nursing homes are full and they have to wait. She wants to establish a personal care home at this location. The patients will be able to take care of themselves with some assistance. She is not going to take any bedridden patients. They will take them to their appointments. They will be provided three meals per day. Housekeeping and laundry will be provided. The caregivers will not live there.

Ronald C. Anderson – 112 Davidson Drive

Mr. Anderson said he moved to this location in 1995. It was a residential area. He does not want any commercial businesses to come into his residential neighborhood.

Julian Graham – 192 Davidson Drive

Mr. Graham said he has been a resident at 192 Davidson Drive for 17 years. It was a residential area. He lives about 7 or 8 houses from this location, and there are a lot of young, small children in the area. The traffic in and out of shift work and the possibility of elderly people and

emergency vehicles in and out and transportation vehicles it would not be a safe environment for the children. The property value will go down.

Dan Lane – 137 Davidson Circle

Mr. Lane questioned the square footage of this home. He was advised that the house had 1508 square feet. He said he appreciates Ms. Cheeves for taking care of the aging part of the society. He is very concerned for the children in the neighborhood. The children frequent the cul-de-sac part of the neighborhood. He is concerned about the taking the meals to the house and taking the residents for their appointments, the increase in emergency traffic and vacationing. This will not be good for this area of the County and the residential community. He opposes this special exception.

Patricia Brown – 194 Davidson Circle

Ms. Brown said most of the residents have reported exactly what they are about and why they are opposing this situation. Ms. Reeves is a very good person and has a very nice personality and would be good for a personal care home, but it is not suitable in their neighborhood. She is raising her small grandchildren, and when they are out playing, she does not want to be worried about them. If this happens, they will have to find somewhere else for them to play.

Rhonda Steele – 167 Davidson Drive

Ms. Steele said she purchased her home three years ago. The reason she purchased was because it was a nice, small, close neighborhood where children can ride their bikes up and down the street, skate up and down the street and go from yard to yard playing with each other. She admires Ms. Cheeves for wanting to do this, but this is not the right location. Older people need more quiet. They are not going to want children running around everywhere. Even though she has 1500 SF or she has 1600, she cannot see putting that many people in that space. She is opposed to this. It does not belong in this neighborhood. There are no stores in the area, hospital is far away and the doctors are far away. What type of supervision are they going to provide? Are they licensed or certified or qualified? They did not get any information. They just saw the signs in the yard. It is going to affect their property values, insurance rates and the condition of the roads and the whole thing in the neighborhood with the kids because it is a nice family neighborhood.

Russ Harrell – 157 Davidson Drive

Mr. Harrell said he has three small children and his house is directly across the street from this house. His oldest likes to ride her bike in the cul-de-sac. The only traffic is from the people that live in the neighborhood. His main opposition is the safety of the children.

Linda Roberts – 149 Davidson Circle

Ms. Roberts said she has been in this location since 1994, and at that time, it was strictly owners, no renters. Now there are a lot of houses being rented. It was supposed to be houses built with garages and carports. Now the houses are being built without garages. She does not have any children that live there, but she has grandchildren that visit every week and play. They ride their bicycles. She has an elderly father that she looks after at his home. She applauds Ms. Cheeves for wanting to do this but she does not want to see a business in this neighborhood. If she had been living there all this time and they knew her, it might be different but she hasn't. She is opposed to the personal care home at this location. 1500 SF is not enough.

Helen Kendrick – 148 Davidson Drive

Ms. Kendrick said she applauds the applicant for what she is trying to do but she agrees with what the others have said. She moved all the way from Decatur, Georgia to this little area, and it

is residential and should not accommodate any businesses. What they are saying about the children is true. The children's lives are at risk. There are quite a few children in the area.

Jimmy Kendrick – 148 Davidson Circle

Mr. Kendrick said he agrees with the rest of the residents. They have grandchildren that visit regularly and they don't want them in danger. If you are going to make the taxes go up, he is opposed. He pays enough for high gas he can't afford anything else. They do not want a commercial business in the neighborhood.

Audrey Ogletree – 2337 Birdie Road

Ms. Ogletree said they live behind this property and she is opposed. Her grandchildren are at her house. She is opposed because if you start a commercial operation, there it will open the door for other businesses in the neighborhood. It is a quiet peaceful neighborhood and they want to keep it that way.

Buster Ogletree – 2337 Birdie Road

Mr. Ogletree asked if a personal care home was for elderly or kindergarten. He was advised that it was for elderly. He asked if this was for a home that was already standing or were they going to build one. He was advised that they would be using the home already on the property. How many people are living there now? How many are they going to add? Mr. Taylor said regardless of the number that live in the home now the total number of residents allowed in the home based on the square footage is four. If the staff lives at the house, they are included in the maximum number of four. Mr. Galloway said they can have four patients and have staff that comes in and out.

Rebekah Burnett – 183 Davison Drive

Ms. Burnett said she and her husband have lived in their house for nine years. They love the neighborhood. It is quiet. There are a lot of children. She applauds what Ms. Cheeves is trying to do. She herself works at a personal care home with 45 residents. She understands what it takes to make sure the seniors are taken care of. It is a 24-hour a day job. There will have to be rotating shifts of people in and out. She does not know what kind of turnover she will have. Emergency transportation will be increased in the neighborhood where there is none now. There will be family members coming in and out of the neighborhood. If she wants to make money, she has to keep the beds full so they will be rotation of patients. She is opposed to this.

Robby Lozano – 188 Davidson Drive

Mr. Lozano said everyone has covered the reasons he is opposed. He is worried about the property value, insurance and safety for the children.

Heath Autry – 180 Davidson Drive

Mr. Autry said he is concerned about insurance rates increasing, taxes and property values. A business opens the door for other businesses. This is a well-rounded community and they look after each other. This home has been empty for a long time and he is concerned that it will be turned into a business. It sounds like most of the people present feel the same way. They all look out for the children. He is concerned about emergency vehicles coming in for the elderly.

Steven Poss – 129 Davidson Circle

Mr. Poss said he heard something about 3 acres. Do they need three acres?

Mr. Hardwick said if they want to build a new place it would have to be three acres, but this location is grandfathered.

Mr. Poss said he has 1800 SF and only has three bedrooms. How many bedrooms does this house have? He was told it had three. He is concerned about the well-being of the patients. He has lived in his house for 10 years, and they have power outages all the time. All utilities are above ground. At least once a year, they are blowing transformers and the entire neighborhood is down. It is a family oriented neighborhood and everyone knows everyone. He works for Henry County Water Department, and he knows what it takes to get emergency services to these places and this is not a good neighborhood for this. He strongly opposes this.

Lynn Spencer – 186 Davidson Circle

Ms. Spencer said she does not know the applicant personally. She has lived in her house over nine years and has never seen Ms. Cheeves. The house sits unoccupied but with furniture. At one time it was rented but no one has lived here for six months. She is concerned because she has two children. This is a very quiet neighborhood. Her children can run in the street and she does not have to worry. If an ambulance or a fire truck comes into the subdivision, they get confused because of the layout. They will have the potential to come in more often and they will get confused. They will be riding the whole subdivision. She does not want any commercial business in the subdivision. There are better places than a residential neighborhood for them to go.

Jason Standard – 179 Davidson Drive

Mr. Standard said he has lived in his house since 2003. He has no children but there are several children that he has to watch for when he is driving in and out. If you get elderly patients, you will have to look out for them also. It is not the right place for this kind of facility. It will be too congested for emergency services. He opposes this.

Ms. Cheeves spoke again. She said she appreciates everyone present speaking their opinions. As far as the kids around, some say it is a noisy neighborhood and some say it is a quiet neighborhood. Patricia Brown's son rented from her. She tried renting and that did not work out. Things happened to your home. She decided to do something else. Older people sit on the porch and help watch kids and she does not feel that is a real problem. There will be no staff living at the residence. There will be shift changes. She visits the home to check on it, and she locked the storage door and when she returned, the door was unlocked. One time she went to check on it at 12:30 at night and as she was leaving, she felt threatened. Someone in the neighborhood came out and attacked her verbally. She had to call the sheriff because of that. When the sheriff arrived, he did not come out. No one has removed anything from her home.

Mr. Taylor said the house has 1508 SF and can accommodate up to four residents. They recommend conditional approval with the conditions as follows:

1. Proof of compliance with all DHR and other State regulations prior to application for business license.
2. No more than four residents shall be allowed per section 703.B.20.b.ii
3. One restroom within the dwelling shall be entirely dedicated for patient use only.

Mr. McCallum said a personal care home is a great idea and there are certain places they belong and there are certain places they do not belong. He has a problem with a personal care home in a residential home. They certainly do not belong in subdivisions. The personal care home is a commercial business.

**MOTION**

Mr. McCallum made a motion, seconded by Mr. Ingram, to deny Application #08-11S. The motion passed with Mr. Hardwick, Mr. Ingram and Mr. McCallum voting for, Ms. Phinazee voting against and Ms. Cannon abstaining.

Mr. Hardwick said he has a problem with a person setting up a business in someone else's neighborhood where they are not going to live.

Ms. Cannon said this came up a couple of months ago. A long-term decision needs to be made in the County whether this is something we want or we don't want. You do not want to put this in some neighborhoods and not others. If this is going to be passed for one neighborhood, we have to pass it for all. If we do not want these things in our home and our citizens are willing to tell us they do not want them in the neighborhoods, we have to listen to that and the Commissioners need to listen to that and change the ordinance. We cannot be asked to sit here month after month and say we will put one in one neighborhood but not in another. In my opinion, that is the wrong way to do business. The members are in a potentially difficult place with this ordinance.

Ms. Phinazee said those were her sentiments exactly. That is exactly what is being done. They are being put in some areas and not in others when the neighbors speak up and do not want it. If you don't put them everywhere, they should not be put anywhere.

Ms. Cannon said this is a recommending body and the Commissioners need to decide if this is what the residents want and what we want our County to look like. We all know there is a need, but it is either everybody in or everybody out because asking to pick and choose is just not appropriate.

**MINUTES**

Ms. Cannon made a motion, seconded by Ms. Phinazee, to approve the minutes of the May 8, 2008 meeting. The motion passed with Ms. Cannon, Mr. Hardwick, Ms. Phinazee and Mr. McCallum voting for the motion and Mr. Ingram 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. Ingram, Ms. Phinazee and Mr. McCallum voting for the motion.

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Doug Hardwick – Chairman

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Yvonne M. Langford - Recorder