

CITY OF LILBURN
PUBLIC HEARING ITEM 1

Date:	05/04/2020	To: Mayor and Council	05/04/2020
From:	Joellen Wilson	Department:	Planning
Work Session Date Requested:	05/11/2020	Presenter:	Joellen Wilson, Planning Director
Agenda Title:	SUP-2020-02 – Tiffney Jackson. Special Use Permit for Personal Care Home in R-1 - 735 Jacksons Mill Rd		
Audio/Visual Requirements:		Deadline Date:	

Agenda Item (Background/History/Details):

The applicant intends to license and operate a small Personal Care Home, to provide housing and specific personal care to four (4) unrelated adults in a 1,317 square foot house at 735 Jacksons Mill Way. The property is zoned R-1, developed in 1982 as a 0.3 acre single family residential lot within the Jackson’s Mill Subdivision and the three bedroom dwelling has always been residential in nature. Staff review of *Zoning Article 14 definitions for family and personal care home and Section 715 Group Home* found the property meets all lot, parking and building criteria.

The applicant, who is the property owner, provided supplemental information just prior to Feb. 27 PC meeting to clarify that she does not intend to live in the home. While off-site management of a personal care home is not specifically prohibited in *definitions or supplemental conditions for Group Home*, Planning Commission tabled the case to review similar historic zoning cases and municipal licensing requirements. The April 23, 2020, summary of historic zoning actions on a personal care home in R-1, (SUP-01-96, SUP-09-06 and CIC-2014-03) indicates various zoning conditions of occupancy by the owner as caretaker or a relative of the owner, due to the nature of the business. Also significant, Lilburn municipal licensing criteria, under *Section 716 -Home Occupation*, require the SUP (Sec. 716-9) and the business owner to show proof of residency (716-6):

716-6. Employees. The home occupation shall be carried on only by a member or members of the family residing in the residence. Only occupants of the dwelling and one additional employee shall be authorized to work on the premises in connection with a home occupation.

All public notices were provided and there was no public comment on the proposal.

Staff Recommendations:

Staff and PC recommends a “**Motion to adopt Ordinance #2020-549 to approve SUP-2020-02 with Conditions as follows:**

- 1. There shall be no modifications or additions to the house without zoning review and permits.**
- 2. The SUP shall apply only to the current owner who is also the operator. SUP shall expire if the property is sold or otherwise transferred or leased, and void if managed by a party other than the property owner.**
- 3. The owner of the personal care home shall be required to reside in the home.**

Department Head Approval:	J. Wilson
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Mayor's Signature Required:	YES	NO
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List Attachments:
<ol style="list-style-type: none"> 1. SUP-2020-02 Application 2. Staff Analysis 2-27-2020 and Summary of Supplemental Information 4-23-2020 3. 2020-02-27 and 2020-04-23 Planning Commission Meeting Minutes draft 4. Ordinance #2020-549

Financial Information (For Financial Services Use Only)

Budgeted Yes/No	Fund Name & Code	Current Balance	Requested Allocation	City Manager's Initials