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Staff Report & Recommendation  
Rezoning Case # SUP-2020-02  
Date of Report: February 21, 2020  
Report by: Joellen Wilson

Hearing Dates:

Planning Commission                      February 27, 2020  
Mayor and Council                         March 9, 2020

**GENERAL INFORMATION**

**Applicant:**                                      Tiffney Rayford Jackson  
**Owner:**                                         same  
**Size:**    0.3± acres  
**Location:**                                    735 Jacksons Mill Way, District 6, Land Lot 159, Parcel 161  
**Existing Zoning:**                            R-1 Residential  
**Proposed Zoning:**                         R-1 with Special Use Permit for Personal Care Home (small)

**EXISTING LAND USES & ZONING DISTRICTS**

To the North:	Residential	R-1
To the East:	Residential	R-1
To the South:	Residential	R-1
To the West:	Residential	R-1

**APPLICANT'S INTENT**

The owner 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 applicant does not intend to live in the home. See applicant's letter of intent for additional details.

**ZONING HISTORY**

The property is zoned R-1 for low density residential use. It was developed in 1982 as a single family residential lot within the Jackson's Mill Subdivision and the three bedroom dwelling has been residential in nature since it was built.

**ANALYSIS OF REZONING REQUEST**

Appendix A. Article 14 of the Lilburn Zoning Ordinance defines "Family" as *one or more persons related by blood, marriage, adoption, or guardianship; or not more than four persons not so related who live together in a dwelling unit as a single housekeeping unit under a common housekeeping management plan based on an intentionally structured relationship providing organization and stability; or not more than two unrelated persons and any minor children related to either of them.* The applicant proposes to accommodate four unrelated persons as well as an on-site manager.

Further, "Personal Care Home" is defined as *any dwelling, whether operated for profit or not, which undertakes through its ownership or management to provide or arrange for the provision of housing, food service, and one or more personal services for two or more adults who are not related to the owner or administrator by blood or marriage. Personal care tasks include assistance with bathing, toileting, grooming, shaving, dental care, dressing, and eating.*

According to City of Lilburn Zoning Ordinance, Article 6, a group home is categorized as a Public/Institutional Use and these *care facilities* are permitted with an SUP in various zoning districts, according to the number of persons receiving care (small or large) and supplemental conditions. In an R-1 Zoning District, only a small group home is permitted with a Special Use Permit. Furthermore, Section 603, Supplemental Conditions Table Section 715 describes conditions necessary to accommodate group homes as follows:

Section 715. Group Home

*715-1. Limit. Small group home serves 6 or fewer individuals. Large group home serves 7 to 12 individuals. **Maximum 4 adults in a single family residence in R-1 or MU district.** (per definition of family)*

*715-2. Full-time Care. Home provides care on a 24-hour basis.*

*715-3. Residential Character. All parts of the structure and property must be designed and maintained in a residential character equal to that found in the district.*

*715-4. Floor Area Requirements. To avoid unsafe or unhealthy conditions that may be produced by the overcrowding of persons living in these facilities, a minimum floor area per person shall be required below.*

*715-6. Total Interior Living Space. A minimum of 175 square feet of interior living space shall be provided per residing facility resident. Interior living space shall include sleeping space and all other interior space accessible on a regular basis to all facility residents.*

*715-7. Minimum Sleeping Areas. A minimum of 70 square feet shall be provided in each sleeping space for single occupancy. A minimum of 60 square feet of sleeping space shall be provided for each bed in a sleeping space for multiple occupancy.*

*715-8. Bathroom Facilities. One full bathroom with toilet, sink, and tub or shower per 5 residents plus an additional toilet and sink shall be provided for each additional group of 3 persons or less.*

*715-9. Density Limitation/Spacing. To avoid concentration of facilities, there shall be distance of at least 1200 linear feet as measured in a straight line from property line to property line separating each facility.*

*715-10. Lot and Building Requirements. Each facility shall meet the lot and building requirements of the district in which it is located. All applicable fire safety codes, building codes, and housing codes shall be met. The property shall be served by public sewer.*

*715-11. Off Street Parking. Minimum of 2 off-street parking spaces or 1 parking space per shift employee, plus 1 per number of permanent vehicles stored at the facility shall be provided, whichever is greater.*

*715-12. Authorization From State and County Agencies. It shall be the responsibility of the licensee to obtain all appropriate state or county licenses prior to issuance of a certificate of occupancy.*

*715-13. Licensing. All such facilities shall meet and comply with the applicable state, county and municipal rules and regulations and shall, where applicable, obtain state, county, and/or municipal licenses or evidence of eligibility for such licenses from the appropriate agencies prior to issuance of a building permit or occupation tax certificate.*

The house is currently vacant and undergoing aesthetic improvements to accommodate the proposed community living arrangement and licensing requirements. The applicant provided a sketch floor plan and statements to support adequate interior living and sleeping areas, bathroom facilities, distance to the nearest similar facility, and public sewer service as required, as well as two driveway parking spaces. Inspections and licensing is assumed to follow zoning approval. The proposed off-site management of the personal care home is not specifically prohibited in either of the definitions or supplemental conditions of group home. But without living in the home, the owners could lease the property to another management party and continue to operate as a business, which is not the intent of a permitted personal care home in the R-1 district.

## STANDARDS GOVERNING THE EXERCISE OF THE ZONING POWER

As part of the rezoning process, the Applicant; the Planning Staff, Planning Commission, and the Mayor and City Council of the City of Lilburn are to analyze the application with respect to each of the matters enumerated in **Section 1003-7. Criteria for amendments to official zoning map.**

*The mayor and council of the city find that the following standards are relevant in balancing the interest in promoting the public health, safety, morality, or general welfare against the right to the unrestricted use of property and shall govern the exercise of the zoning power.*

The Applicant's response is attached to the application. Staff's response is in italics below:

**A. Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby properties:**

*The adjacent and nearby properties are all residential in nature and a percentage may not be owner-occupied. There is no proposed development nearby. The proposed small group home and onsite manager arriving (in shifts) to insure 24 hr. supervision may change the character of the house slightly from one with permanent residents to one with somewhat transient residents and scheduled "visitors".*

**B. Whether the zoning proposal would adversely affect the existing use or usability of adjacent or nearby property:**

*The use of adjacent or nearby low density residential properties would not likely be adversely impacted by the special use permit. The personal care home would prevent another from being approved within 1200 linear feet, but the proposed number of residents and one employee per shift is not likely to change the character of the neighborhood.*

**C. Whether the property to be affected by the zoning proposal has a reasonable economic use as currently zoned:**

*Yes. The subject property has a reasonable economic use as currently zoned and the property value has increased over the last few years. Surrounding lots and existing dwellings in the area are of similar size and they are occupied though some are rental property.*

**D. Whether the zoning proposal will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools:**

*The proposed use is not likely to cause a burdensome use of infrastructure or services. Anticipated residents shall not require medical/nursing care and they are not driving or attending school. An insignificant change in traffic patterns may occur due to employee shifts, visitors, and occasional EMS calls.*

**E. Whether the rezoning proposal is in conformity with the policy and intent of the Land Use Plan:**

*The proposal conforms to the policy and intent of the 2019 Comprehensive Plan and Character Area Map which designates this area as Established Residential.*

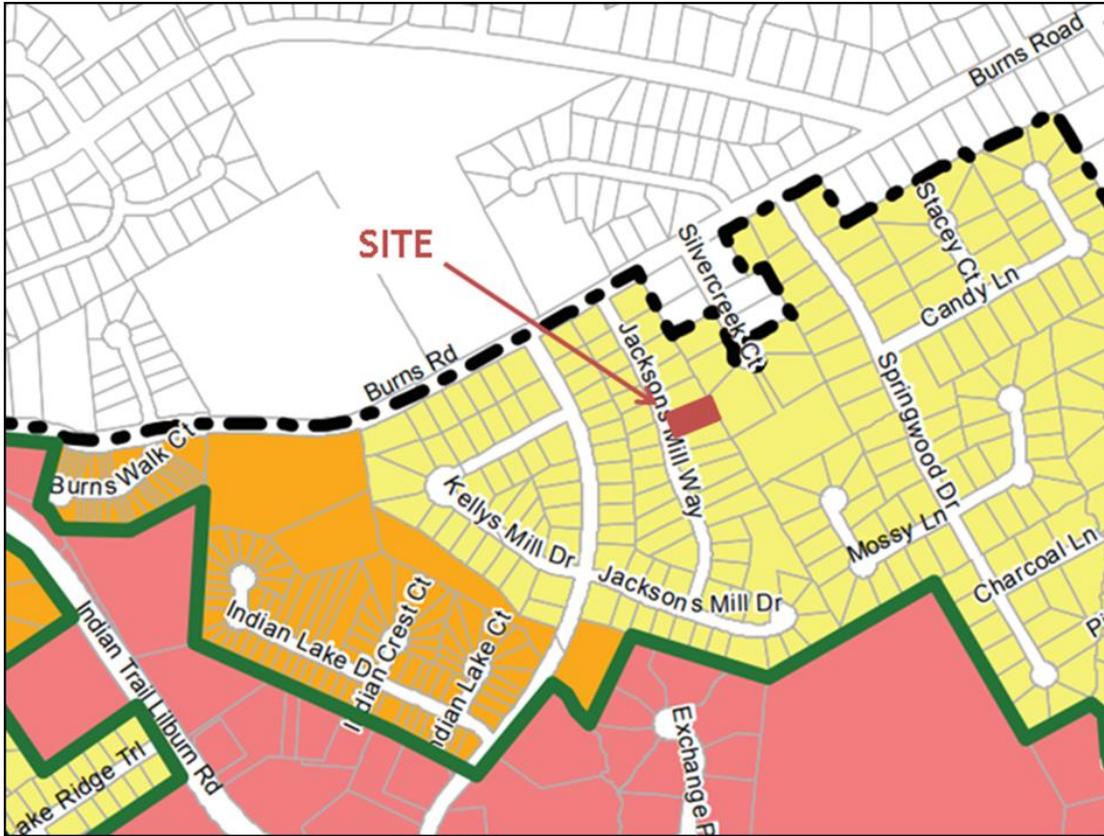
**F. Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the zoning proposal:**

*The City's 2019 Comprehensive Plan recognizes the demand for additional housing options, especially for seniors, and the zoning ordinance provides for a small personal care home limited to four unrelated adults in established residential neighborhoods with R-1 Zoning.*

Based on the above criteria, staff recommends **APPROVAL of the SUP with Conditions** as follows:

1. There shall be no modifications or additions to the house to accommodate additional guests without rezoning.
2. The SUP shall apply only to the current owner who is also the manager. The SUP shall be void if management is proposed by a party other than the owner or if the property is sold or otherwise transferred or leased.

**Zoning Map of subject area**  
*Site property Lines are approximate*



**Parcel Aerial Map with Sewer/Hydrology**

