

**Staff Summary of Supplemental Information**  
**Rezoning Case # SUP-2020-02**  
**Date of Report: April 22, 2020**  
**Report by: Joellen Wilson**

**Hearing Dates:**

<b>Planning Commission</b>	<b>April 23, 2020</b>
<b>Mayor and Council</b>	<b>May 11, 2020</b>

**GENERAL INFORMATION**

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

**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. According to the applicant's letter of intent and presentation Feb. 27, she will own and manage the property but does not intend to live in the home.

**SUPPLEMENTAL ZONING CASE HISTORY**

The 3 personal care home zoning cases all apply to 186 Lockring Drive, zoned R-1 and operating as Elaine's Personal Care Home. The current owners bought the house in 2006 and applied for continuation of a personal care home originally approved as SUP-01-96. **SUP-09-06 was approved with Resolution #236-06 and conditions that required the applicant to reside at the location.** In 2015, the property owners requested zoning action **CIC-2014-03** to change conditions to allow them to move out of the house and operate the business from outside of Lilburn but have a relative move in, and add additional residents. The conditions were **changed in part, with Ordinance #2015-483; however, a condition remains to require "1 relative of the owners" to occupy the house** (see attached Historic Zoning Case Excerpts).

**SUPPLEMENTAL LICENSING REQUIREMENT**

Though off-site management of a personal care home is not specifically prohibited in definitions or supplemental conditions of group home, the proposed off-site management doesn't meet criteria for *Section 716 Home Occupation* applicable to the municipal Occupational Tax:

*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.*

Whereas the intent of the Special Use Permit is to set conditions for a particular use at a particular location, historically the City has required the owner or caretaker to manage and operate in the R-1 district as an occupant of the house, due to the nature of the business.

Based on case history and licensing requirements, staff revised recommendations to **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.
3. The owner of the personal care home shall be required to reside in the home.

**HISTORIC ZONING CASE EXCERPTS - FOR REFERENCE ONLY:**

**Resolution #236-06 Exhibit A**

**SUP-09-06**

**6-122-005C**

- (1) *The home shall be approved and licensed by the State of Georgia Department of Human resources as a personal care home.*
- (2) *The maximum number of occupants in this house shall be ten (10 – two caregivers, two relatives of caregivers and up to six (6) personal care home residents).*
- (3) *There shall be no modifications to the house or property without appropriate applications and permits obtained.*
- (4) *The special use permit shall only apply to personal care home owned and operated by the applicant. Should the applicant sell, transfer ownership, or lease the subject property, the special use permit shall be voided.*
- (5) *If the personal care home ceases to operate, the special use permit will be voided.*
- (6) *Applicant must reside at the location. (No one else will be able to operate it for the applicant.)*
- (7) *All City, County, and State requirements for operating a personal care facility shall be met by the applicant.*
- (8) *As prescribed by Environmental Health, septic system must be adequate for the number of residents at this home and this number is not to exceed ten (10) in total.*

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**Ordinance #2015-483, regarding CIC-2014-03, as Change in Conditions to SUP above.**

2. *The maximum number of occupants in this house shall be seven (1 relative of the owners and up to 6 personal care home residents).*
6. Deleted.