

MINUTES – 11/19/12

TOWN OF BOWLING GREEN

PLANNING COMMISSION

MINUTES

November 19, 2012

MEMBERS PRESENT: Chairman Martin Hauser, Vice-Chairman Matt Rowe, Jean Davis, Johnson Coleman, Armando Flores, Gene Self.

MEMBERS ABSENT: Chad Webb.

OTHERS PRESENT: Robert and Danielle Bouy, Building Official Kevin Wightman, and Zoning Administrator Stephen Manster.

Chairman Hauser called the meeting to order at 7:00 PM and determined that a quorum of the Planning Commission was present.

PUBLIC HEARING - ZP-2012-014 – Robert and Danielle Bouy – Request for a Special Use Permit to operate a Family Care Home and a Special Use Permit to operate a Bed and Breakfast at 211 South Main Street – Family Care Home - Chairman Hauser read the attached advertisement and noted that it had been properly advertised in the Caroline Progress of November 1st and November 8th. He called for public comment on the two matters as advertised three times. There were no comments offered. Hearing no comments, the Chairman closed the Public Hearing on the two Special Use Permits.

Chairman Hauser noted that Building Official Kevin Wightman was present to answer any questions that the Commission members might have about the requirements under the Uniform Statewide Building Code for a Family Care Home and Bed and Breakfast. Mr. Wightman began the discussion by noting that currently there were two other Family Care Homes in the county. However these differed from the one being proposed in that the two existing homes were single story buildings so all client occupied rooms on the first floor. The current proposal was to have clients in rooms on a second floor at 211 South Main Street. In the existing units, clients were able to exit the building if necessary from their rooms on the first floor. He said that he would not issue any permit until the Town approved the Special Use Permit. Mr. Wightman noted that because of the small number of clients that would be housed in the structure, the facility would be considered under the Residential portion of the Building Code and not an Institutional or Commercial section. The R-3 Section is for five or fewer residents of the Family Care Home (other than the owner's family). He said that there is a requirement for smoke detectors, fire extinguishers and the creation of an egress plan for the proposed facility. He also noted that one requirement for occupancy of the proposed facility is that residents do not require assistance from any staff member to exit the structure. All residents must be capable of getting out of the structure themselves without any assistance. He noted a concern about occupancy of a second floor. He reiterated that all clients "must be fully ambulatory". In such a facility each bedroom must have an egress opening of 5.7 square feet. If staff assistance is needed to exit the building, then rooms must be on the first floor. In the current proposal, no client can rely on staff

assistance to exit the building because all rooms are proposed to be on the second floor of the structure.

Mr. Self asked about the possible impact of having a Bed and Breakfast and a Family Care Home on the same piece of property since the dining portion of the B&B would occur in the same location as the Family Care Home. Mr. Wightman stated that the B&B would still fall under the residential portion of the Building Code.

In response to a question concerning the physical conditional of occupants of the Family Care Home, Ms. Bouy stated that each occupant will be taken for a Doctor check-up every three months. In that way, we will be assured that all clients are ambulatory and meet the requirement of not needing assistance to exit the building. She said that a report would be sent to the Town after each of these check-ups for each client.

Mr. Rowe stated his feeling that the State does not inspect or license facilities with occupancy of three or fewer because that is a low enough number for people to care for without State oversight. Mr. Self noted that this was still a tremendous safety issue. He expressed a concern for the lack of regulation for three or fewer clients in such a facility. He said that to have client occupy the second floor of a structure is creating an unsafe condition.

Mr. Bouy noted that all safety precautions will be taken since the clients will be living as part of the family residing on the premises. Mr. Manster then noted that two letter of reference and recommendation had been submitted by Mr. and Mrs. Bouy concerning previous care that they had given to similar clients. Those letters are made part of these minutes and the record of the Public Hearing. Mr. Rowe stated his feeling that the applicants would not take in anyone who is not fully ambulatory. Ms. Bouy stated that if someone was not ambulatory and was infirmed, that person would be taken to the hospital and not kept in the Family Care Home. Ms. Davis agreed and noted that she had provided child day care service in the past but was not regulated by the state because she provided care for no more than three children at one time. She did not see a problem with the current proposal as long as all pertinent requirements were met. Mr. Self restated his position that safety concerns was the only reason that he opposes the issuance of the requested Special Use Permit for a Family Care home at the location.

There was discussion of potential conditions that might be placed on a Special Use Permit for the operation of a Family Care Home.

On MOTION by Mr. Rowe, seconded by Mr. Flores, the Planning Commission considered the following:

To recommend to Town Council that a Special Use Permit be granted to Robert and Danielle Bouy at 211 South Main Street to operate a Family Care Home with no more than three clients at any one time residing on the premises with the following conditions:

1. All resident clients must be fully ambulatory at all times;
2. Confirmation of such ambulatory status be presented to the Town Manager by a physician after a physical examination each quarter for each resident client;

3. All requirements of the Uniform Statewide Building Code must be met and that an inspection by the Building Official occur once each year upon renewal of the Special use Permit;
4. Such Special Use Permit is effective January 1, 2013, and is in effect for one year at which time the Permit may be renewed for another year by Town Council after an inspection and report by the Building Official and Zoning Administrator;
5. A maximum of two bedrooms in the structure be occupied by clients and those bedrooms be occupied by no more than a total of three people;
6. A minimum of five off-street parking spaces with a light surface will be provided on the property;
7. All staff at the facility must be "Licensed Care Givers".
- 8.

The Chairman called for the vote and the motion passed by a 4-2 vote, with Messrs. Coleman and Self voting against the motion.

Bed and Breakfast: On MOTION by Mr. Flores, seconded by Mr. Rowe, the Planning Commission considered the following:

To recommend to Town Council that a Special Use Permit be issued to Robert and Danielle Bouy to operate a Bed and Breakfast at 211 South Main Street with the following conditions:

1. That such Bed and Breakfast be operated only in an accessory building behind the main structure and not the garage on the property;
2. That there is one parking space with a light surface created for the use.

The Chairman called for the vote and the motion was adopted by a 6-0 vote.

There being no further business to come before the Planning Commission, on MOTION by Mr. Coleman, seconded by Mr. Flores, the meeting was adjourned at 7:55 PM.

Respectfully submitted:

Approved:

Stephen Manster, Zoning Administrator

Martin Hauser, Chairman