



CITY OF PORT WENTWORTH

ZONING BOARD OF APPEALS

MARCH 21, 2023

Council Meeting Room

Regular Meeting

3:30 PM

**7224 GA HIGHWAY 21
PORT WENTWORTH, GA 31407**

1. CALL MEETING TO ORDER

2. PRAYER AND PLEDGE OF ALLEGIANCE

3. ROLL CALL

4. ADOPTION OF MINUTES

5. UNFINISHED BUSINESS

6. NEW BUSINESS

1. Officer Elections

2. Zoning Board of Appeals application submitted by Katy and Glenn Parker for PIN #70906 03019 (302 Rice Hope Plantation Road) for a decision of the Zoning Administrator which the applicant believes to be contrary to the meaning of the Zoning Ordinance in a R-A (Residential Agriculture) Zoning District

- Public Hearing
- Action

7. ADJOURNMENT



Zoning Board of Appeals
305 South Coastal Highway
Port Wentworth, GA 31407

SCHEDULED

Meeting: 03/21/23 03:30 PM
Department: Development Services
Category: Planning/Zoning Item
Prepared By: Melanie Ellis
Department Head: Brian Harvey

AGENDA ITEM (ID # 2804)

DOC ID: 2804

Zoning Board of Appeals application submitted by Katy and Glenn Parker for PIN #70906 03019 (302 Rice Hope Plantation Road) for a decision of the Zoning Administrator which the applicant believes to be contrary to the meaning of the Zoning Ordinance in a R-A (Residential Agriculture) Zoning District

Issue/Item: Zoning Board of Appeals application submitted by Katy and Glenn Parker for PIN #70906 03019 (302 Rice Hope Plantation Road) for a decision of the Zoning Administrator which the applicant believes to be contrary to the meaning of the Zoning Ordinance in a R-A (Residential Agriculture) Zoning District.

Background: The general site plan for this property was denied by City Council during the September 22, 2022 regularly scheduled meeting. The Parker's proposed to open a private substance use disorder treatment center, which will be fully staffed 24 hours a day / seven days a week and would include treatment by Dr. Katy Parker (a Clinical Psychologist) and other therapists / medical providers. The Parkers also stated that they were not going to make any changes to the Property and that they believe they were properly zoned, pursuant to Section 5.6 of the Zoning Ordinance, as a "medical center" in this R-A zoned district. Mr. Brian Harvey, the City's Director of Development Services, told them that they, despite being properly zoned and planning to make no changes to the Property, needed to obtain architectural drawings for the Property and submit a Site Plan Review Application, which would be reviewed by the Planning Commission and ultimately either approved or denied by the City Council. On December 5, 2022, the Parker's received the letter from Mr. Harvey and Jason Stewart, Assistant City Manager, that is the subject of this appeal. The letter states that the Parkers' proposed use of the Property "would be considered a non-permitted use in the R-A Zoning District" and that "given the information from the property owners last application and the information supplied by you regarding this use, the most appropriate zoning category for your clients' proposed use is 'home for the aged/children'". The letter goes on to say that the Parkers must do all of the following in order to obtain a Certificate of Occupancy: (1) get the Property re-zoned; (2) obtain a conditional use permit; (3) file a site plan application and proposal, which must be reviewed by the Planning Commission and approved by City Council; and (4) apply for and obtain a building permit.

Facts and Findings: The Parkers are asking the Board of Appeals to overrule Mr. Harvey and Mr. Stewart and to make the clear common-sense determination that the Parkers' proposed use of the Property is permitted under Section 5.6 of the Zoning Code as a "medical center" due to the fact that various forms of medical treatment will take place at the Property.

Funding: N/A

Recommendation: The Zoning Board of Appeals will hear this application on March 21, 2023 at 3:30 P.M.

ATTACHMENTS:

- 230014 ZBOA 7-0906-03-019 KATY PARKER-APP WITH EXHIBITS (PDF)
- 230014 ZBOA 7-0906-03-019 KATY PARKER- FULL PROJECT TIMELINE (DOCX)

APPLICATION
CITY OF PORT WENTWORTH ZONING BOARD OF APPEALS

Date Filed: _____

Case Number: _____

The APPLICATION and all SUPPORTING DOCUMENTS with the REQUIRED PLOT PLAN must be submitted to the office of the Department of Development Services.

PLEASE PRINT OR TYPE:Name of Applicant: Katy and Glenn Parker

Property Location: 302 Rice Hope Plantation Rd., Port Wentworth, GA 31407
 Address/Street Name PEN# 70906 0301eq Lot Number

Subdivision/Ward: NA Zoning District: RA - Residential Agriculture

NAMES, MAILING ADDRESSES and PIN #'S of property owners within 250 feet of the property line. Include those directly across a public right-of-way. Use additional sheet if necessary.

SEE EXHIBIT A ATTACHED

NAME	ADDRESS	PIN #
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

REASON FOR APPEAL: Check appropriate section(s).

- (☒) A decision of the Zoning Administrator which the applicant believes to be contrary to the meaning of the Zoning Ordinance.
- () An application to establish a use which must be approved by the Board of Appeals.
- () A request to vary:
- () _____ foot _____ yard variance () _____ lot width variance
- () _____ lot area variance () _____ setback variance
- () Fence variance () _____ % building coverage variance
- () A request for extension of a non-conforming use.
- () Other: _____

Describe those things you feel justify the action requested. List specific of the Zoning Ordinance which have a bearing on your request.

SEE EXHIBIT B ATTACHED

This image shows a single sheet of white paper with horizontal blue or grey ruling lines. The lines are evenly spaced and run across the width of the page. There are approximately 20 lines visible. The paper has a slightly textured appearance and some minor discoloration or shadows, suggesting it's a physical scan. There is no handwriting or other markings on the paper.

DocuSigned by:

096F9C5F0B654D1...

302 Rice Hope Plantation Rd., Port Wentworth, GA
Mailing Address of Applicant 31407

dr. kathy@gmail.com
Email Address

\$50.00 Administrative Fee Date Paid ✓

Notice Published in Newspaper: _____

<u>Name</u>	<u>Address</u>	<u>PIN</u>
James and Sylvia Mazza	457 CYPRESS POINT RD SPRINGFIELD, GA, 31329	70906 03020
Paul Herrin	300 Rice Hope Plantation Rd Port Wentworth, GA 31407	70906 03010
Herbert Foster	8164 OLD HIGHWAY 21 Port Wentworth, GA 31407	70906 03018
Robbie Ruth Morgan	PO BOX 15535 SAVANNAH, GA, 31416	70906 03016
James Steele	8168 OLD HIGHWAY 21 Port Wentworth, GA 31407	70906 03025
Jason and Tiffany Todd	118 ARBOR VILLAGE RD POOLER, GA, 31322	70906 03027
Jimmy and Amelia Thompson	8024 OLD HWY 21 SAVANNAH, GA, 31407	70906 03014
Trent and Jeanine Thompson	8140 OLD HIWAY 21 Port Wentworth, GA 31407	70906 03026

EXHIBIT A

ROBERT C. NORMAN, JR.
 H. J. STRICKLAND, JR.
 CATER C. THOMPSON
 THOMAS W. JOYCE
 BRANDON A. OREN
 CALLIE DICKSON BRYAN
 EUGENE S. HATCHER, JR.
 J. PATRICK GOFF
 CHRISTOPHER J. ARNOLD
 R. MATT SHOEMAKER
 CANON B. HILL
 ANDREW L. DAVIDSON
 SYDNEY M. SOLOMON
 WILLIAM B. McDAVID, JR.
 *MORGAN R. THOMAS
 S. MEGHAN PITTMAN
 PAYSSEN S. BEVANS

*Admitted in NC

JONES • CORK

EST. 1872

LLP

ATTORNEYS AT LAW

Truist Bank Building
 Fifth Floor
 435 Second Street
 Post Office Box 6437
 Macon, Georgia 31208-6437
 Telephone (478) 745-2821
 Facsimile (478) 743-9609
 www.jonescork.com

OF COUNSEL

BENJAMIN Z. CLAXTON SR.
 TIMOTHY K. ADAMS
 H. JEROME STRICKLAND
 W. WARREN PLOWDEN, JR.
 THOMAS C. ALEXANDER
 RUFUS D. SAMS III
 STEVE L. WILSON

EMERITUS COUNSEL

CHARLES M. CORK, JR.
 HUBERT C. LOVEIN, JR.

C. BAXTER JONES
 1895-1968
 CHARLES M. CORK
 1908-1982

December 16, 2022

Port Wentworth Board of Appeals:

We have been hired to represent Dr. Katy and Glenn Parker (“the Parkers”) with respect to their efforts to operate a private substance use disorder treatment center at the property they own at 302 Rice Hope Plantation Rd, Port Wentworth, GA 31407 (“the Property”). This will identify the “official zoning determination” that the Parkers are appealing, describe why that determination was clearly erroneous, and explain what actions the City of Port Wentworth (“the City”) must take to correct the error.

Background

We think some background information is both helpful and necessary to understand how the Parkers got to this point. The Parkers purchased the Property in August of 2021 and immediately contacted the City to explain what they planned to do with the Property and to ask the City for guidance as to what steps needed to be taken to get the necessary approval from the City. The Parkers explained, as is set forth in the PowerPoint presentation attached hereto as Exhibit B-1, that they planned to open a private substance use disorder treatment center, which will be fully staffed 24 hours a day / seven days a week and will include treatment by Dr. Katy Parker (a Clinical Psychologist) and other therapists / medical providers. The Parkers also explained that they were not going to make any changes to the Property and that they believed they were properly zoned, pursuant to Section 5.6 of the Zoning Ordinance, as a “medical center” in this R-A zoned district.

The Parkers were directed to Brian Harvey, the City’s Director of Development Services, who told them that they, despite being properly zoned and planning to make no changes to the Property, needed to obtain architectural drawings for the Property and submit a Site Plan Review Application (“Application”), which would be reviewed by the Planning Commission and ultimately either approved or denied by the City Council. The Parkers questioned this process, as it did not seem to make any sense for what they were trying to do, but they felt they had no choice but to comply. This resulted in close to a year-long saga which involved public hearings (where a disturbing amount of discriminatory opposition was voiced by fellow citizens) and ultimately a denial of the Application by City Council.

EXHIBIT B

December 16, 2022
Page 2 of 3

Zoning Determination Being Appealed

The Parkers then retained our law firm to look into the matter. We quickly advised them that there was no authority, in the Code of Ordinances, the Zoning Code, or under state law, that would even remotely suggest that they had to file a Site Plan Review Application or go before the Planning Commission. We further advised them that since they were properly zoned, and were simply changing the use of the Property, that they, pursuant to Section 7.3 of the Zoning Code, only needed to obtain a Certificate of Occupancy to begin their operations.

We, on their behalf, called Mr. Harvey on November 23, 2022 to seek guidance on how to begin the process of obtaining a Certificate of Occupancy. We were not able to get Mr. Harvey on the phone, but we were able to communicate with him and Scott Robichaux, the City Attorney, via email (see the email correspondence attached hereto as Exhibit B-2). Through those communications, we were surprised to learn, and found it strange, that the process for obtaining a Certificate of Occupancy varies depending on the “property designation and proposed use.” Pursuant to this apparent City policy, Mr. Harvey requested information about the Property and the proposed use and we provided same. **On December 5, 2022, we received the letter from Mr. Harvey and Jason Stewart, Assistant City Manager, that is the subject of this appeal. (See the letter attached hereto as Exhibit B-3).**

The letter states that the Parkers’ proposed use of the Property “would be considered a non-permitted use in the R-A Zoning District” and that “[g]iven the information from the property owners last application and the information supplied by you regarding this use, the most appropriate zoning category for your clients’ proposed use is ‘home for the aged/children’”. The letter goes on to say that the Parkers must do all of the following in order to obtain a Certificate of Occupancy: (1) get the Property re-zoned; (2) obtain a conditional use permit; (3) file a site plan application and proposal, which must be reviewed by the Planning Commission and approved by City Council; and (4) apply for and obtain a building permit. The letter concludes by saying “I know this information is somewhat different than what was originally discussed and presented to you” and “I apologize for any confusion, it was not done intentionally, and I hope this letter makes clear the city’s desire to continually review its processes and hold true to our ordinances and regulations.”

Why the Zoning Determination Was Erroneous

The determination that the Parkers’ proposed use of the Property falls under the designation “home for the aged/children” is laughable. The Parkers’ treatment center will not treat children or the elderly and they have never represented otherwise. This determination is so absurd that it makes one wonder if Mr. Harvey and Mr. Stewart simply looked at the table in Section 5.6 of the Zoning Code and chose the next category below “Hospitals and Medical Centers” that is not permitted in this R-A zoned district. We believe this is just further evidence that Mr. Harvey and other members of the City administration made the decision long ago, and for discriminatory reasons, that they do not want the Parkers to operate this business on their own Property and have done everything they can since that time to preclude them from doing so.

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Page 3 of 3

But the Parkers are not asking the Board of Appeals to rule that discrimination has taken place, or that the federal Fair Housing Act and Americans with Disabilities Act have been violated. That would be a matter for a federal court to decide depending on how this appeal turns out. **Instead, the Parkers are simply asking the Board of Appeals to overrule Mr. Harvey and Mr. Stewart and to make the clear common-sense determination that the Parkers' proposed use of the Property is permitted under Section 5.6 of the Zoning Code as a "medical center" due to the fact that various forms of medical treatment will take place at the Property.** In fact, this has been the position of the City all the way up until the letter sent by Mr. Harvey and Mr. Stewart on December 5, 2022. As proof of that, we have attached as Exhibit B-4 a video of Mr. Harvey confirming during the Planning Commission meeting earlier this year that the proposed use is permitted in this R-A zoned district.

Once this proper determination is made, the City should issue the Parkers a Certificate of Occupancy to allow them to begin operating their business.

Sincerely,

/s/ Matt Shoemaker

R. MATT SHOEMAKER

Front Porch Recovery

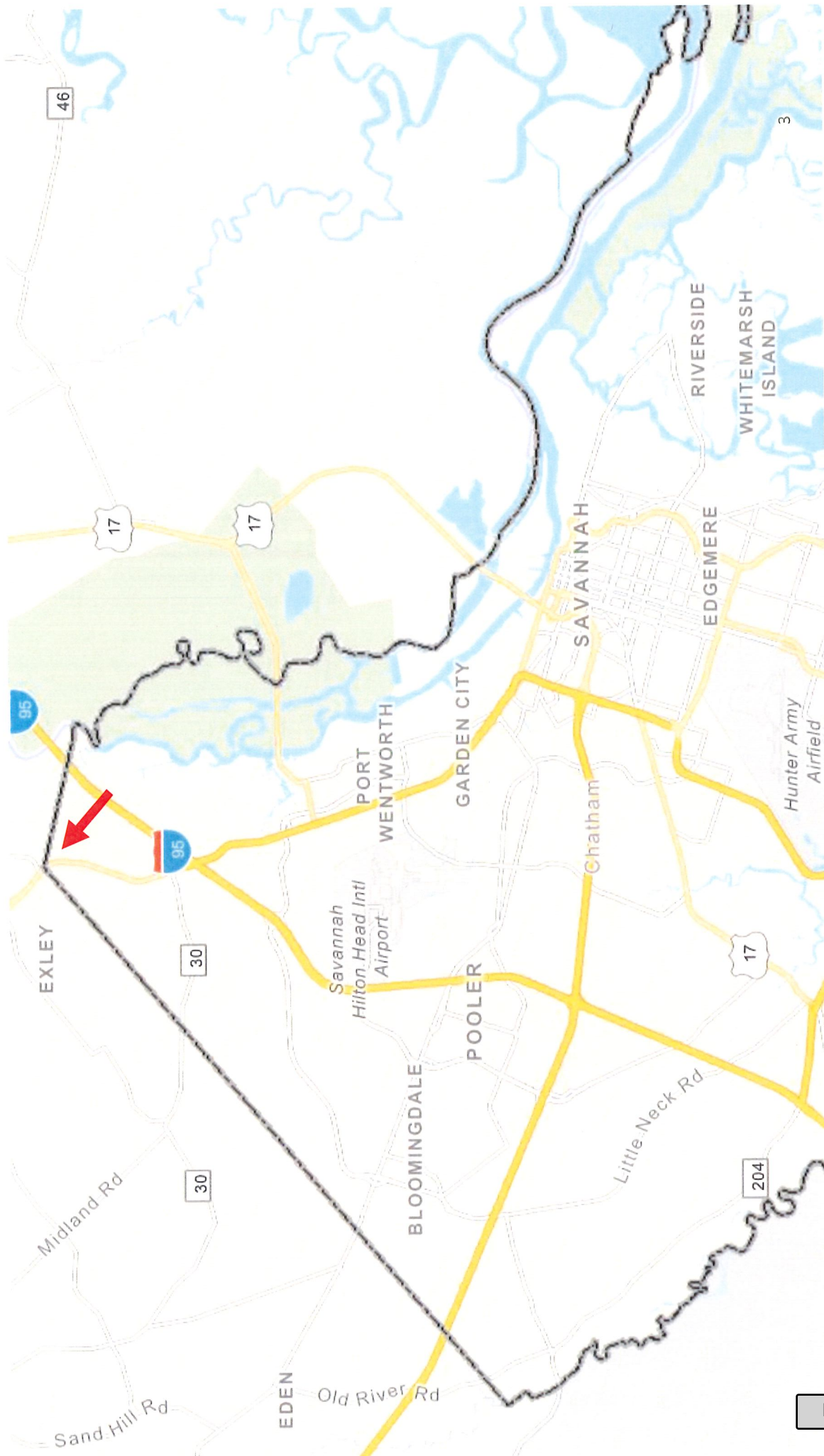


EXHIBIT B-1

302 Rice Hope Plantation Road

1

Mission: To provide a local, private option to treat substance use disorders in a small, residential setting utilizing evidence based and best practices. A unique component is the animal assisted therapy that is offered here. To help restore the lives of people and animals in need.





Background:

After being ambushed at the June 13th Development and Planning meeting, which included a male community member standing up, aggressively pointing at me and demanding that I “stop laughing,” when in fact, I was not laughing at all. It seemed to be a calculated stunt to further persecute me and my project. I was honestly flabbergasted at the amount of erroneous and derogatory comments made and was confused as to what everyone was even talking about because most assumptions and objections weren’t even related to anything I was proposing. Honestly, I am beyond shocked that a committee member verbally commended the community members for voicing their concerns, given how discriminatory and prejudiced the rationale for the objections were. It was painfully clear to me that much more information and clarity was needed around who we are, what we aim to do and the laws in place that are guiding this mission.

No reason was offered as to why it was determined that this program isn’t a “good fit” for Port Wentworth. Although several people pointed out the large amount of liquor stores, which suggests a need, including liquor stores that offer drive thru, that exist in the area. To be exact, there are at least 4 locations within a mile to buy alcohol.

And as I’m sure the city council is well aware of, where the planning and development committee seemed unaware, the Fair Housing Act and the ADA have made laws to prohibit such discrimination against those with diagnosed substance use issues, especially when they are in a recovery program. To discriminate based on the fact that they are people with substance use disorders is against the law. They are a federally protected class.

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Background Cont:

I am simply trying to save human lives and animals. Contribute to the community by assisting people in being better fathers, sons, husbands, employees and community members. If the community sees no value in that, I suppose that's unfortunate, but not a reason to deny the project. Addiction does NOT discriminate, neither should we in offering help.

In spite of the various objections made, there are no statistics or reports to validate the concerns regarding increased crime (see planning meeting overview for objection details), or increased incidents in the neighborhood, because these types of incidents simply don't happen. States wouldn't continue to license programs or implement without stiff accountability measures in place. In fact, many community members admitted that they've lived here for however many years and have never encountered this type of program or request. This begs the question, then how are they arriving are their stated fears, assumptions and concerns, without the necessary experience or accurate knowledge? I'm no stranger to how difficult "change" can be, how fearful and uncomfortable it often is, and I also know that if we aren't growing and changing, we are slowly dying. Discomfort is a sign of growth. So, I fully appreciate how difficult it is to request change from a community that has incurred quite a bit of change over the recent history and my proposal is something this community has never had.

Background Cont:

A little about me. I hold a Bachelors in Psychology and a Masters and Doctorate in Clinical Psychology, with the entirety of my professional life working in one aspect or another in the substance use disorder field. I have done everything from building programs to placing people in need into programs. I have held both the clinical director and executive director positions for residential substance use treatment programs as well as working for some of the largest behavioral health companies in the nation. I offer this to demonstrate that I am steeped in this work. My reputation in this industry is on the line. I have my entire life savings in this venture. This proposed project is the culmination of life's work and passions.

Being an expert in this field and knowing residential programs the way I do, this location was specifically chosen for a number of reasons. Namely, how secluded the house and property is, how little it would impact neighbors, how it had enough space to have animals used in therapy and how the property is easily monitored.

Since zoning is not the issue, we fall to the hearts and minds of the city council and the laws in place to protect those who are being discriminated against, to approve and grant us a change of use (from IBC (International Building Code) R-3 to an R-4). The property will remain as is, we are not building or altering anything, with the exception of whatever is required by the state or city (e.g. Fire Alarm System).

7

The ADA:

To be protected by the ADA, one must have a disability or have a relationship or association with an individual with a disability. An individual with a disability is defined by the ADA as a person who has a physical or mental impairment that substantially limits one or more major life activities, a person who has a history or record of such an impairment, or a person who is perceived by others as having such an impairment. The ADA does not specifically name all of the impairments that are covered.

Fair Housing Act

The Fair Housing Act, 42 U.S.C. 3601 et seq., prohibits discrimination by direct providers of housing, such as landlords and real estate companies as well as other entities, such as municipalities, banks or other lending institutions and homeowners insurance companies whose discriminatory practices make housing unavailable to persons because of:

race or color
religion
sex
national origin
familial status, or
disability.

Addiction & the ADA

The ADA was enacted on July 26, 1990, and was designed after the Civil Rights Act of 1964. The ADA prohibits discrimination against persons with disabilities and ensures they have the same opportunities and rights as everyone else to engage in the activities of general society. According to the ADA, a person is recognized as having a disability and protected by the ADA if they have:

A physical or mental impairment that considerably limits one or more of their major life activities, such as caring for themselves, sleeping, eating, learning, thinking, or operating bodily functions such as respiratory, neurological, or brain functioning; or

A history of an impairment that considerably limited one or more of a person's major life activities; or been regarded or labeled as having such an impairment, such as being perceived as having a disability, and is treated negatively based on this assumption.

Some disabilities include but are not limited to:

- SUDs (substance use disorders) that have been diagnosed by a practicing, licensed physician.
- Vision impairments, such as full or partial blindness.
- Hearing impairments, including mild or profound loss.
- Mental health conditions, such as depression, anxiety, or schizophrenia.”

Statistics and Need:

Since 1999 drug overdose deaths have been increasing in Georgia, reaching 47,600 victims in 2017 (a 6% increase). The most significant rise was seen in the overdose with prescription opioids (568 deaths), followed by synthetic opioids (419 deaths) and heroin (263 deaths).

According to substance abuse treatment centers in Georgia, one of the biggest issues that fuels the drug addiction epidemic is opioid prescriptions. Around 70.9 such prescriptions were released per 100 persons in 2017 in the state, a number that surpasses the average of 58.7 prescriptions per 100 persons in the US.

There is a lack of privately run residential treatment programs in this area. NO privately run programs can be found Chatham, Bryan, Effingham, Liberty, to name a few. There are quite a few programs that are county and/or state funded however, private treatment (private insurance and private pay), are slim. The need for this program exists.

Addiction Prevention Programs

The state has already started the war against drug addiction by implementing several laws and acts, such as Georgia's Good Samaritan Law and by extending substance abuse training in Georgia. Also known as the Georgia 911 Medical Amnesty Law, its purpose is to protect the person who calls 911 and ask for an ambulance for someone who has the symptoms of a substance overdose.

Many people who overdose or who witness a person experiencing an overdose hesitate to seek help being afraid that they will be arrested for drug abuse. With these laws, the victim and the caller cannot be prosecuted or arrested for small possession of illegal substances if they seek medical assistance.

Access To Treatment

The government is working on facilitating access to substance abuse programs in Georgia to people who cannot afford the rehab treatment, such as those in the rural areas. The purpose is to offer the needed support to those who are impacted by addiction, their close ones, or family members.

Who we are:

- A Women-Owned, Disadvantaged, Disabled, Small Business Enterprise (WBE/DBE/SBE)
 - Zoned properly - change in use only
 - Existing 5 bedroom, 5 bath house on 7 acres with only one neighbor (Mr. Herrin at 300 RHPR) able to visually see the house from his home.
 - A residential substance use education and treatment program licensed by the state of GA (I will apply for state licensure following the approval from City Council. I cannot apply prior.) ***Residential programs MUST be state licensed to operate.**
 - Will have rescued animals on site to help the clients as well as the animals. We currently have 2 horses.
 - Will also apply to be certified (must have 3 clients or 6 months of data to apply for certification either by JACHO or CARF)
 - Will always adhere to all state, county, city requirements and mandates
 - Each drug and alcohol rehab in Georgia must have a special state licensing to offer addiction treatments and several additional regulations... This regulation was implemented to assure that all substance abuse programs in Georgia are to a specific standard.
- **We are held by strict and unwavering standards. We cannot open or operate any other way.**
- Green initiatives: catching and utilizing rain water for the garden and animals with future plans for solar to reduce our carbon footprint.



SAGIS MAP

As you can see in the previous slide, out of the 6 properties that surround ours, only 3 have homes, 3 parcels are just land without dwellings. Of those 3 with homes, 2 object without having an accurate understanding of the project. The third home owned by Mr. Herrin does not object and is the only one who can visually see ours.

In next 4 slides, you will be able to see just how secluded this property is and how no one can see us except for Mr. Herrin whose home you can almost make out in the slide “looking south from the house”.





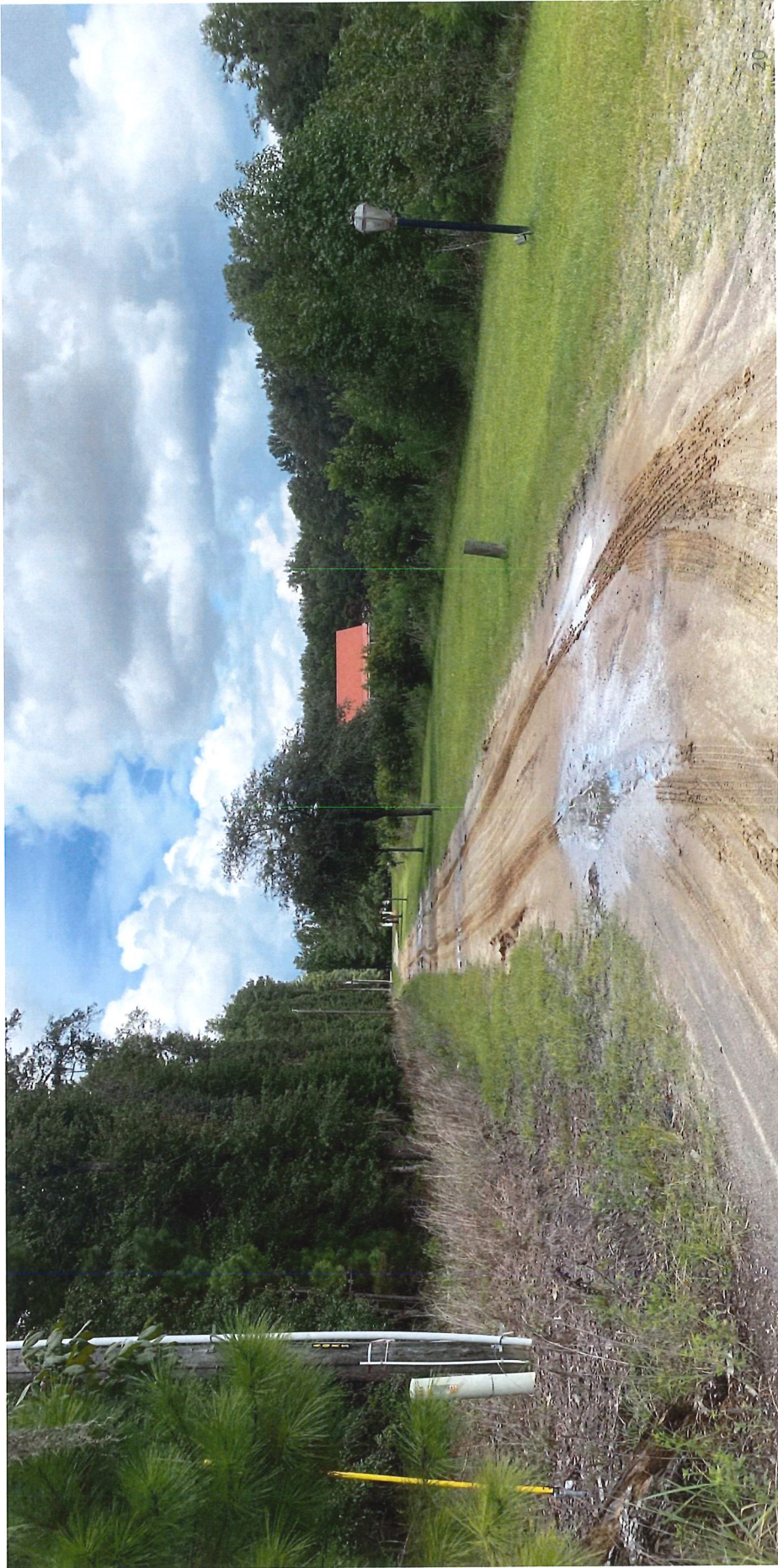
LOOKING SOUTH FROM HOUSE



18



In this picture you will see the view from RHPR up the driveway looking towards our home. Mr. Herrin's home has the red roof. Our home is ~375 ft behind that, which as you can see is not visible from the road.



Who we serve:

- 6 adult 18+ men
- Post detox and medically cleared for residential level of care
- Private pay or private insurance (not state or county funded)
- Clients who self select to enter treatment (not court mandated or as diversion)
- Example: Lafayette Mayor Admits, 'I'm an alcoholic' video August 16, 2022 - Admitting a self-truth that landed him in rehab. Guillory and his wife, Jamie, continues to present a united front with him. "I just realized I needed to get some help," said Josh Guillory. "So if that's rock bottom, then I hit rock bottom." more@KLFY

How we operate:

- **Screening prior to admission acceptance:** Each potential client goes through an assessment and screening questions to determine goodness of fit for admission.
- **Rule outs:** court mandated, state or county provided insurance, severe mental health issues, history of violence, history of animal abuse, sex offenders, felons, etc
- Fully written policies and procedures manual as required by the state.
- Employee handbook as required by the state
- Client handbook/agreement as required by the state.
- **Staffed 24/7** - clients are accompanied and driven by staff in a company vehicle whenever off site. (Eg. going to the gym)
- No contraband allowed (nothing with WiFi, no tobacco products if under 21, not prescribed medications, no products containing alcohol I.e., certain shampoos, soaps, cologne, hand sanitizers , etc see what not to bring list)

•**How we operate cont:**

- All clients are tested for the presence of any drugs or alcohol at admission and randomly several times per week through their treatment.
- Clients are always tested for drugs/ alcohol upon returning to the program if offsite, always with staff (gym, outing, etc)
- Clients face discharge if they are confirmed positive during their treatment
- All clients and personal items are thoroughly searched upon arrival and throughout their treatment
- All prescribed / allowed medications are stored in a safe and only accessed by staff - all meds are documented
- Client's valuables, wallet, money, credit cards, phones, keys, etc are stored in a safe only accessed by staff.
- All clients engage in staff supported continued care during treatment to support recovery following

RTC Sample Schedule

Time	Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
7:00 AM	Wake up	Wake up	Wake up	Wake up	Wake up	Wake up	Wake up
further time allowed on	gement, check vitals, Work on	gement, check vitals, Breakfast,	gement, check vitals, Breakfast,	gement, check vitals, Breakfast,	gement, check vitals, Breakfast,	gement, check vitals, Breakfast,	gement check vitals, work on
8:30 - 9:30	Breakfast	Breakfast	Breakfast	Breakfast	Breakfast	Breakfast	Breakfast
10:30a - 1:30p	Conditioning/Social Skills and	Regulation/DBT skills	regulation/emotional regulation.	Mindfulness	awareness/Distress Tolerance.	regulation/DBT skills	Conditioning/Social Skills and
1p - 2:30p	Lunch	Lunch	Lunch	Lunch	Lunch	Lunch	Lunch
2:30p - 3:30p	Family Education	counseling therapy	counseling therapy	counseling therapy	counseling therapy	counseling therapy	Coping /Life Skills
	2:30p - 4:30p: Life Coping Skills	Clinical Director Education /	Case management	Nutrition education Group	Case management	2:30p - 4p: Peer Support	Therapeutic Recreation
4p - 5p	Physical Conditioning	Physical Conditioning	Physical Conditioning	Physical Conditioning	Physical Conditioning	Physical Conditioning	Physical Conditioning
4p - 5p	Family Education	Process Group	Process Group	Process Group	Processing Group	Process Group	Coping /Life Skills
5p - 6p	Dinner	Dinner	Dinner	Dinner	Dinner	Dinner	Dinner
6p - 7p (free time)	Self reflection	Self reflection	Self reflection	Self reflection	Self reflection	Self reflection	Self reflection
7p - 8p	Mindfulness/Education	Life Skills	Relapse Prevention	Self Awareness	Self Regulation	Behavioral Health Education	Process Group
8p - 9p	Coping /Life Skills	Self reflection	Self reflection	Self reflection	Self reflection	Addition education	Self reflection
8:30p - 11p	Medication /Management	Medication /Management	Medication /Management	Medication /Management	Medication /Management	Medication /Management	Medication /Management
11p	Lights Out	Lights Out	Lights Out	Lights Out	Lights Out	Lights Out	Lights Out

[illegible]

One average 6-9 staff will utilize the road to arrive and depart from their scheduled shifts. This is scattered throughout a 24hr period and should have little to no impact on traffic.

On the ~ mile long stretch of RHPR, there are 9 other homes. Of the 9, only 3 are passed on the way to our driveway. I simply do not see how this program could have a negative impact on the road or traffic. At one time, the previous owners of the property had 6 people utilizing the road. Our proposed utilization of the road just about matches that. I guess I am unaware as to how our proposed usage is such a disruption to the road or traffic as stated by community members.

Who we are NOT:

- NOT Community substance use treatment
- NOT county funded or state funded
- NOT mandated clients
- NOT a sober living house or half-way house
- Clients are not allowed personal vehicles / modes of transportation on site. (They must have transportation or staff drop them off at admission and picked up upon discharge)
- NOT open to the general public

Overview and Recap of the Development Committee Meeting on June 13:

No reason was provided to me as to why it was determined that this program isn't a good fit for Port Wentworth. No suggestions were made and no revisions recommended. It was simply rejected. Interestingly, while attempting to bolster their objections, people pointed out the amount of liquor stores in the area, including drive through ones. To be exact, there are at least 4 locations within a mile to purchase alcohol.

So, am I to conclude that the city of Port Wentworth is only willing to contribute to the problem, but not the solution? Liquor stores near schools and daycares is a better fit for the city than a place of recovery?

I have included a recap of the concerns and objections extracted from the development committee meeting in June regarding this project. Since I was not afforded the opportunity to respond to every complaint and concern at the meeting, I have taken the time to respond to each objection here. This should demonstrate how off base, incorrect, inflammatory and discriminatory every community member was in their comments.

The recap is who spoke, the concerns they raised and my response to each concern.

Georgia Benton :

1. "this area is not large enough for a facility of this nature"

Response: We are using the existing house and property

2. "It's on a dead end road"

Response: the exact secluded location is part of why this location and home were selected

3. "It's too close to the water over there...it's a dead end road and the only place you got to go is to water"

Response: I do not understand what she is speaking about as I cannot visually see any "water" that she's referring to. Perhaps she doesn't understand where the property is? I can say that staff appropriately monitors all clients on and off the property.

4. "If the road gets blocked, how are you going to get to him"

Response: Again, staff are on site and awake, even overnight, so not clear on what the exact objection was here.

5. "That is too close for comfort"

Response: Again, the location and house was selected because it would have minimal impact on neighbors. Too close to whom and what comfort is being disrupted and how?

6. "Try and send a fire truck back there"

Response: Well, the home was sold to us without any caveat that no emergency vehicles could get to any if us who reside back here. Additionally, much like a single family, the need for emergency vehicles to come to a residential program are slim. Why would any homes get built in areas where emergency services can't reach?

Vince Thompson:

1. "This application is way off. I have a daughter that lives 200 feet from this house. Has a 12 year old daughter that plays in the backyard. Next to that is my son with a 15 year old ..., their property butts the property"

Response: We are secluded and cannot even be seen from anyone's house with the exception of Mr. Herrin at 300. Additionally, there is clearly a grave misunderstanding about what we are and the clients we serve.

2. "There's a private road going to these peoples property and they have no easement, no access through our property. You can't just go and give somebody (inaudible) because the roads private"

Response: This is the only access road leading back to our property and we have a legal right to use it. No issues were raised in our closing documents about a private road or the need for an easement. Additionally, the Chatham county tax assessor office says that no taxes are paid on the road, there is no parcel ID, from their records it's not on anyone's parcel and consequently, it doesn't look like it's privately owned. Private road, according to them, simply means not city/ county maintained. Even if it was owned, everyone who lives back here has the legal right to use that road as it is illegal to land- lock anyone.

3. The proximity to various liquor stores

Response: Yes, people get clean and sober and bars, liquor stores, grocery stores, all still sell liquor. And yes, port Wentworth approved each one of those.

Vince Thompson cont:

4. "Plus, you've got a school there"
Response: Again, there's a grave misunderstanding about the clients that will be served here. Or, there's blatant prejudice and discrimination regarding people who seek help with substance use issues. That they would steal, harm children, the elderly, etc. I don't believe Port Wentworth aligns with such inflammatory prejudice and discrimination. Children can also escape from daycare and run out on 21- just as slim and highly unlikely.
5. People will be able to come and go when they like"
Response: Incorrect. No clients can NOT come and go as they wish. No clients will have access to transportation except by staff.
6. "The health department has got to ok this. You can't put 10 people on a residential septic"
Response: Incorrect. According to the Chatham County Department of Health (spoke to a manager named Steve) they don't come out and OK these types of things and we are fine to do what we intend. (Although our capacity could go up to 10, we are capping occupancy at 6 clients). They (the health dept.) assume 100 gallons per bed (per person) rather than the claimed assumption, 1 person per bedroom. Steve ALSO said **IF** we run into any issue down the line, we can simply increase the drain field OR repair whatever is needed. Which we would certainly do.

Angela Steel Scrub (lives in Rincon, her dad “lives on the road”)

1. “...it’s a crush and run road, to have emergency vehicles up and down that road. There’s no accessible to it.”

Response: Again, I really have no idea what the concern is here, but the need for emergency vehicles is slim to none. Additionally, homes are sold without disclaimers about homes being inaccessible for emergencies etc., this location and home is no different. Consequently, if this were the case, homes could not be sold in this location.

2. “There’s no drainage system”

Response: I have no idea what she’s referring to, how would she know what’s on our land? There is no water or drainage issue. In fact, according to the previous owners, there has never been an issue, who lived here for 20 years. They lived here with 3 daughters and the wife’s elderly father. That’s a total of 6 living here full time bathing, laundry, driving vehicles, etc.

3. “ADA would not let public transportation down the road”

Response: The ADA wouldn’t weigh in on this however, we never proposed that anything involving the program would need to involve public transportation coming up and down the road.

4. “If two vehicles pass on the road, one would have to stop and let the next vehicle come around”

Response: In the year that we’ve lived on the property, we have passed by a handful of other drivers on the road.

Angela Steel Scrub cont:

5. "...schools, and a recovery center, a recovery center may be needed in Port Wentworth because I see liquor stores opening up, liquor stores all around, but we have an elementary school there and two daycare centers and they are walking distance..."
- Response: Not sure what this statement has to do with our staff or clients unless this is a statement of the need for a recovery home in the area. Otherwise, this is insinuating many unfavorable qualities about our clients solely based in prejudice and discrimination simply BECAUSE they are with us to heal from a substance use issue.
6. "Don't uproot those people about a recovery center. Not about now we have mass gun violence going on all around us, in us, all around us. That's what's going to happen."
- Response: She seems to be insinuating that because of our clients, there will be more gun violence. Again, incorrect, prejudice, discriminatory
7. "we don't need a recovery center where if they have a headache, they come shoot up the whole neighborhood...may not happen now but it's going to happen if it comes on that road"
- Response: This is inflammatory, fear based, lacking any evidence and purely based in prejudice and discrimination against a federally protected class

Thomas Harrelson:

1. “Statistically, you shouldn’t have any kind of rehab facility in a residential area, obviously it’s residential for a reason and should be inside a commercial area “
 Response: He is misinformed and incorrect. Most residential programs reside in a residential neighborhood or zoned mixed use, hence why they are called residential programs. I’m an expert in this field and have visited, worked in, sent hundreds of clients to programs nationwide, designed and directed residential programs, from coast to coast. From residential programs sitting in Malibu next door (so close they’re almost touching) to multi million dollar homes, and that type of residential program is mirrored throughout the nation and as close by as in Hilton head, Charleston, etc. so he is completely incorrect.
2. “Having a rehab facility in that area will raise crime rates, it will create pollution and obviously with the building they’re building, there’s going to be a lot of problems with sewage and driving.”
 Response: There is no evidence, no research and no statistics to substantiate his claims regarding increased crime rates as a result of a program being in an area. Actually, people in a program are not the people to be concerned about. He is incorrect and mis- stating what he is calling statistics. They aren’t available because those issues don’t happen.

Thomas Harrelson cont:

1. "The biggest thing that we see, is why would you put a rehab facility in such close vicinity of everybody, their homes."
Response: Again, residential level of care is called that because more often than not, they are homes in a residential neighborhood. I selected this home because it is secluded and there is minimal if any potential disturbance to neighboring homes.
2. "Now, I've done work across the border in Bluffton, South Carolina, and Hilton Head, where they do have a rehab facility inside a commercial area"
Response: Again, what level of care is he speaking about? Not all rehab facilities are the same level of care, so this is like comparing apples and oranges without clarification.
3. "Now all of those business did report in months of that place opening up, a rate of rise in crime, unsolicited vehicles, and emergency vehicles being having being called out more frequently due to the nature of that facility"
Response: I would like to see where he's arriving at these definitive comments. What research is he getting his information from? I think to make such biased statements, he should produce the sources he's citing his information from. In my research, there are not any statistics, research or findings that echo what he's asserting.

Mary Stewart:

1. "I'm all about helping anybody but our house ...I think it's a very bad idea to have that facility there. I have a 5 year old granddaughter, a 3 other grandchildren that come in and out" Response: Again, our clients want help with a substance use issue. They are not pedophiles, criminals, thieves, ex cons, etc.

Tonya Brown

1. "I see where the recovery center would back up into berrien road and close off a portion of it" Response: She is mistaken on the location

Murray Marshall:

1. "sure plan doesn't show engineering" etc Response: He's pandering to the crowd AND he, like most, aren't understanding that the house I'm proposing to use is EXISTING and will be used as is. Only a change of us is needed.

Trent Thompson:

1. “..let’s speak plainly about what this is. There’s a nice name of live in drug rehab facility, this is a half - way house for habitual substance abusers and mental health patients”

Response: He is 100% incorrect. The proposed use is for a residential, substance use education program. This is not a half way house or sober living.

2. he covers all the prohibited uses in an RA zone and continues to call this a half way house along with stating that what is shown by our architect isn’t a site plan because it only shows existing structures.

Response: Again, we are only utilizing existing structures and again, this is not a half -way house or sober living. We are zoned to have a recovery home there.

3. “...they don’t reference access because they don’t have legal access”

Response: Incorrect. Again, I have found no evidence that anyone from the Thompson family or anyone else owns the road and if there is any evidence that someone does, we still legally have a right, as everyone who lives on that road does, to use that road if for no other reason but the amount of time it’s already been used. It’s illegal in GA to land-lock anyone.

4. "There's a big drainage issue that runs right through this property line is a canal that drains like 200 and some odd acre track that we've talked about repeatedly."
- Response: The Thompsons drainage issue that is decades old, has nothing to do with this concept and should not have a bearing on our proposal. In consulting the previous owner, our closing attorney, our closing documents on this property, no drainage issue was endorsed or reported. The city seems more than aware of the Thompsons issues and are addressing.
5. "...the driveway to this property goes right over that canal, it is an undersized pipe."
- Response: Again, this has nothing to do with our proposal and the city is well aware of the Thompsons drainage issue.
6.this is an improper use, this is an improper development to go in an RA zone. I challenge you that this is not a allowed use in an RA zone it is just totally against anything that the way your ordinance is defined in RA and what's supposed to be used in RA, just because it isn't exactly spelled out, certainly a rooming boarding house shouldn't be allowed"
- Response: Who is he to tell the city what an improper use is? We are legally zoned to do what we aim to do. This is not a "development" and again, he erroneously thinks we are a half-way house.

Donna Archer:

1. "I have a 12 year old, and a 24 year old that lives there with me. I work and with my work, go out of town a lot. So I do not feel comfortable with this coming in. I have pity for people that have these kinds of problems. "

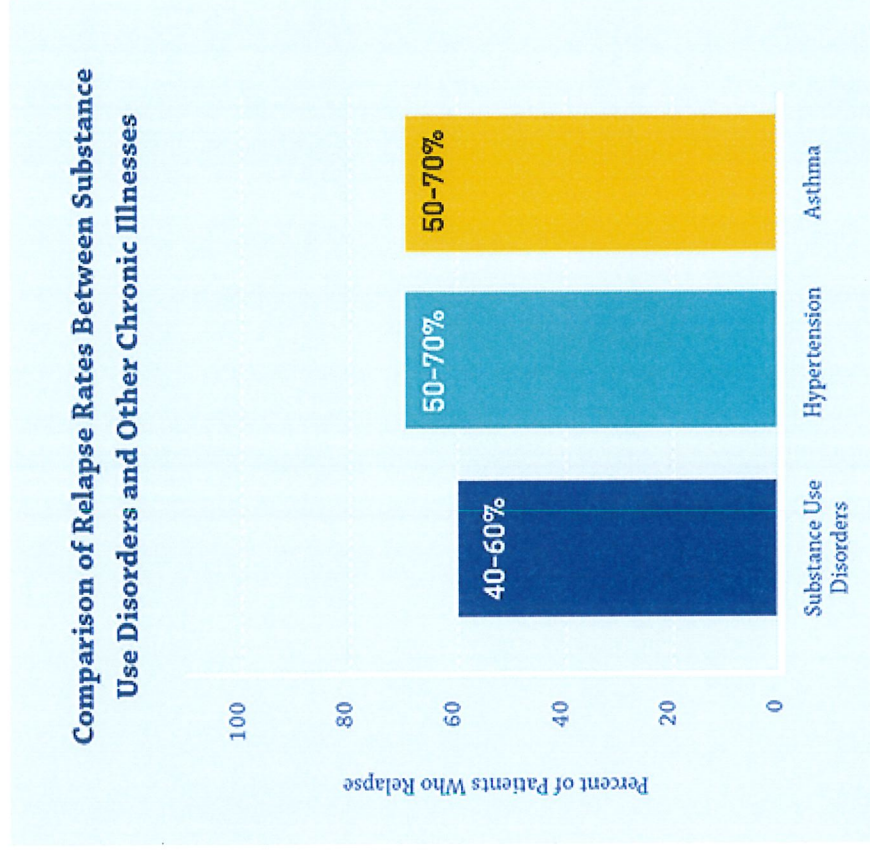
Response: What is she insinuating about potential clients? Danger to her children?

2. "I have a nephew that my brother has tried over and over. He's probably been in 5 or 6 of these houses that they're talking about...and guess what, he never changed.

Response: While I'm sorry that her nephew is seemingly continuing to struggle (perhaps I could assist her brother), our project has no bearing on her nephew and we have no understanding of where he's been. And, one continuing to struggle does not mean we stop trying.

3.... "80% of the people never change..."
Response: Incorrect. While relapse can be a part of recovery, lasting change can and does happen. It's why continuing care (post residential) is a vital and part of our offerings.

We only fault those with a substance use issue for relapsing. Part of stigma and what fuels discrimination and prejudice.



4. “They can get away from that place”

Response: Again, we are not a lock down prison-like, type of program. We are voluntary, self- selected, treatment program. Clients want to get help so there’s no need to “escape.” If they wish to leave, staff or a person approved by the program can come on site to transport them.

5. “... I remember seeing at this house, this thing... Why don’t we go there one night and you know, steal it”
Response: How dare she say that because someone is in a program to heal from a substance use issue, that they are automatically assumed to be thieves. And how dare the planning committee stand behind her in that. It only fuels more stigma when a committee acting on behalf of the City of Port Wentworth, colludes with this type of rhetoric.

6. “...aunt Amelia, Uncle Neil, the Thompson’s, she’s on a walker, it’s hard for her to get around. All they have to do is break a glass, unlock the door, no telling what they can do to them”

Response: So now the clients who are wanting to get help with their substance use issues are falsely assumed to be the type of people who would not only “escape” treatment that they are paying for either from their funds or from their private insurance that they pay for, to break into homes and hurt people. This is simply a great example, as most objections have been so far, of Discrimination, prejudice, bias, fear based inflammatory injustice at its finest. There is no evidence, statistics or reports to validate these concerns. Evidence is not available because these incidents simply don’t happen.

7. “...I have it in my family and I know what happens”

Response: She only knows what has happened in her family and not what happens in a larger sense. I appreciate the struggle her family has endured, and I am happy to help in any way that I can. There are very clear things that can be implemented to help. With the prevalence of substance use, most if not all families have been touched directly or indirectly by substance use and mental health conditions.

410

Jason Todd

1. "...I have a 12 year old daughter that plays at Rice Hope driving a golf cart and bikes, all that stuff around the neighborhood. The mental health aspect of it. What does that fully consist of? Does consist of sex addicts? Does that consist of pedophiles? What does this consist of?

Response: No. Residents would not open if all these issues existed We have strong rule outs and no sex offenders of any kind, including pedophiles, are accepted. Clients must have private insurance or private means to pay for treatment. Those with a conviction record can only access certain types of insurance coverage and we don't accept those policies.

2. "We have a school close by. We've seen some of the dangers that could happen. We're bringing them into our community where honestly, we don't have a lot of police presence in our neighborhoods..."

Response: This is again stating that because clients have a substance use issue that they are getting help for, that they are dangerous to children. Pure discrimination and prejudice. We have a screening and assessment process that weeds out anyone who would be more appropriate for a mental health program.

3. "...the access road is maintained by Mr. Thompson and he won't be able to maintain that at ref rate of traffic that's going to be coming down"

Response: Incorrect. The Thompson's maintain a small portion of the road as you turn onto Rice Hope. The previous owners and now, my husband, take care of the remainder of the road that leads to Mr. Herrin's driveway and easement. Again, just about the same number of cars will be utilizing the road as the previous owners.

41

Christine Stewart

1. “...I pass this address every day, at least twice a day, sometimes more than twice a day, we alone are enough traffic going in and out of a private road that is not County maintained. It is maintained out of the goodness of their heart (pointing to the Thompson’s). Nobody maintains that road. But these nice people right here”

Response: A road that is not County or city maintained, by definition, is a private road. Not a privately owned road. Again, the Thompson’s maintain a small section (and claim ownership of the road) and my husband maintains the rest of the road where the Thompson’s stop maintaining, all the way to Mr. Herein’s driveway (and our easement,) that we also use and maintain.

2. “That road is narrow. You can’t pass 2 vehicles by it. Whether it’s two compact cars or it’s a fire truck and an SUV. This is not an appropriate use for our area. This is meant to be a residential home, for families to grow and live in and prosper. I commend the neighbors for wanting to help people who need help but this is not the right place for it.”

Response: There is precedent in Chatham County established. Ardmore was a sober living in Chatham County that was up a single lane dirt road. It was not a program but a sober living house. It housed up to 15 men who could come and go. They opened.

3. “There are places, Rincon, Savannah, Pooler (people respond by saying- “no, don’t put it there, I live there” to her suggested areas), that can appropriately handle a facility of this caliber.

Response: this is yet another example of NIMBY - not in my backyard- which is the typical response as evidenced by most of the aforementioned objections, when opening a program in any city, any state across the country.

42

Christine Stewart cont:

4. "We are at least 45 minutes, if not more, from any major medical facility. If they were to relapse, an overdose, we know it would be the coroner coming to get them"

Response: With the prevalence of substance use issues nationwide, any neighbor can overdose at anytime. In all my years of working in and around various programs, I have never heard of a client overdosing while in a residential level of care. Unlike the general public, clients have NO access to alcohol and narcotics. Here, all clients are searched, possessions searched, breathalyzer and drug tested upon admission and randomly several times a week. We have strict guidelines and state mandates to prevent these issues.

5. "There are children, there are animals, there are elderly people who cannot defend themselves, against somebody who is strung out on drugs or somebody who is off their mental medication."

Response: So our clients are again being cast in a defamatory light by falsely accusing them of being harmful to children, the elderly and now animals. Our program focuses on utilizing rescued animals as a major part of treatment. So no one harmful to animals will even be allowed on site.

6. "...it's not just the alcohol, the mental is a big deal, If not current on medications. They can be very dangerous to everybody. We don't need somebody in the middle of hwy 21, at 5 o'clock, in the middle of rush hour traffic, having some sort mental breakdown"

Response: This is so far off base from anything rooted in reality, I almost don't know how to respond. I am aware that fear and a lack of knowledge or understanding about treatment are fueling comments like this but again, it doesn't justify discrimination and prejudice. Staff monitor and ensure that every client is taking any prescribed medication as indicated by the prescribing physician. This includes ALL medications, psychotropic or not. Also, severe mental health is a rule out.

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Vince Thompson #2

1. “...my wife is handicapped. She’s 80% blind. She stays in her house by herself, she cannot defend herself and she stays there all the time”

Response: I am dumbfounded and flabbergasted by this. Once again, our clients with substance use issues are again cast in a dark light, making them out to be people who would not only break into someone’s home, but would harm them.

2. “...My mom and dad, they’re up in age. My dad’s 86 and my mom is 85 and in a walker, my dad’s with a cane and live all by themselves. There’s no way they can defend themselves”

Response: same as above

3. “...that road, there’s no lights or nothing, so they’re going to be walking up and down the road at night to 21 and be wandering through the neighborhood. And we got a lot of stuff laying outside and it can just disappear. I mean, it just get gone but you know someone walking through my yard at two o’clock in the morning and when they go when they want them to, that ain’t gonna to good for somebody”

Response: I’m at a loss but I will reiterate, we have rules and procedures including but not exclusive to: Med monitoring, lights out at 11pm, bed checks every 30 minutes and signed off on throughout the night, etc. again, we will be licensed by the state and I go above and beyond what’s required by the state. I run a tight ship.

In Summary:

I was asked only ONE informational question by a committee member. How could the committee rule on something they seemingly didn't understand or had limited understanding about? It seems this is the first time in the city's history to encounter a program of this type. Couldn't the committee have postponed their ruling until they had the opportunity to inquire more and do their due diligence?

I don't fault anyone for not knowing much about this having little interaction with recovery, but I do fault the development committee for making decisions based on limited accurate information and being swayed by fear. They could have gathered more information prior to ruling. We are zoned properly and are requesting a change in use.

The home cannot be seen from the road or any home that has objections. No one would know we were even back here. 3 homes sit on the RHPR from 21 to our driveway. How are we going to supposedly negatively impact the community? I heard many statements of fear but none based on the reality of this project.

In Summary cont:

Committee member: "I appreciate what you're trying and these issues are great. And folks do need help, I'm just not sure this is where it needs to be."

Response: Why doesn't it belong here? Where does it belong? This again, is a NIMBY (Not In My Backyard) response. My heart hurts knowing how many people seeking help are discriminated against and I'm extremely saddened and disappointed that a committee acting on behalf of a city, aligns with such prejudice.

That same committee member actually commended community members for speaking out against us (even though they were speaking out against things that have nothing to do with this proposal and not one community member seemed to read what was posted on the Port Wentworth website leading up to this) but they were still commended. Am I to draw the conclusion that the committee commends prejudice and discrimination?

Precedent

- Ardmore: immersive sober living for 16 men in Chatham County zoned RA located on a single lane unpaved drive.
- Lees House in Statesboro
- Willingway detox, residential and sober living homes Statesboro

Similar substance use programs in residential areas in various US locations:

- Summit Estate- residential on a one lane dirt private road in the mountains of Santa Cruz
- The Pointe Malibu : two homes on the beach in Malibu CA. Next to multi million dollar homes
- Hammocks on Edisto Residential : 15 women
- Bluff Augusta, Augusta, GA
- Brightlife - Hilton Head
- Twin Lakes Recovery Center, Monroe, GA

- These are just a few amongst hundreds across the country**
- Contacts at each location can be provided upon request.**

I hear the echoes of Dr. Martin Luther King when he said, “Justice too long delayed is justice denied.”

Sources

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Kimberly Jones

From: Brian Harvey <bharvey@cityofportwentworth.com>
Sent: Monday, December 5, 2022 2:12 PM
To: Matt Shoemaker
Cc: Jason Stewart; scott@robichauxlawfirm.com; Melanie Ellis
Subject: RE: Certificate of Occupancy
Attachments: Parker Zoning Letter Matt Shoemaker DECEMBER 2022.pdf

J. Brian Harvey, CBO, CFM
 Director of Development Services
 City of Port Wentworth, Georgia
 (912) 999-2084 Office
bharvey@cityofportwentworth.com

From: Matt Shoemaker <matt.shoemaker@jonescork.com>
Sent: Friday, December 2, 2022 9:41 AM
To: Jason Stewart <jstewart@cityofportwentworth.com>; Scott Robichaux <scott@robichauxlawfirm.com>; Brian Harvey <bharvey@cityofportwentworth.com>
Subject: RE: Certificate of Occupancy

I look forward to receiving your response next week.

-Matt

From: Jason Stewart <jstewart@cityofportwentworth.com>
Sent: Friday, December 02, 2022 9:39 AM
To: Matt Shoemaker <matt.shoemaker@jonescork.com>; Scott Robichaux <scott@robichauxlawfirm.com>; Brian Harvey <bharvey@cityofportwentworth.com>
Subject: RE: Certificate of Occupancy

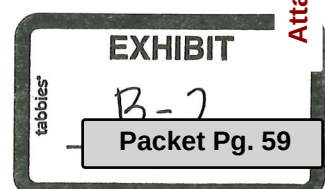
Matt:

We are in the process of sending you a response. Mr. Harvey has been out of the office this week but should be back next week.

Jason Stewart
 Assistant City Manager

From: Matt Shoemaker <matt.shoemaker@jonescork.com>
Sent: Friday, December 2, 2022 9:36 AM
To: Scott Robichaux <scott@robichauxlawfirm.com>; Brian Harvey <bharvey@cityofportwentworth.com>
Cc: Jason Stewart <jstewart@cityofportwentworth.com>
Subject: RE: Certificate of Occupancy

Brian,



Following back up on this. It's been a week now and we haven't heard anything from you.

Thanks,
Matt

From: Matt Shoemaker
Sent: Friday, November 25, 2022 9:32 AM
To: Scott Robichaux <scott@robichauxlawfirm.com>; Brian Harvey <bharvey@cityofportwentworth.com>
Cc: Jason Stewart <jstewart@cityofportwentworth.com>
Subject: RE: Certificate of Occupancy
Importance: High

Brian,

Below is the information you requested (although I believe you already have this and more):

1. Property – 302 Rice Hope Plantation Rd, Port Wentworth, GA 31407
2. PIN – 70906 03019
3. Owners – Dr. Katy Parker and Glenn Parker
4. New Use – Private substance use disorder treatment center

I look forward to hearing from you soon on next steps for the Parkers to obtain a Certificate of Occupancy.

Thanks,
Matt

R. Matt Shoemaker | Partner



P: (478) 745-2821 | F: (478) 743-9609
 435 2nd Street, Suite 500 | Macon, GA 31201
 P.O. Box 6437 | Macon, GA 31208-6437

JonesCork.com | matt.shoemaker@jonescork.com

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From: Matt Shoemaker
Sent: Wednesday, November 23, 2022 3:02 PM
To: Scott Robichaux <scott@robichauxlawfirm.com>; Brian Harvey <bharvey@cityofportwentworth.com>
Cc: Jason Stewart <jstewart@cityofportwentworth.com>
Subject: RE: Certificate of Occupancy

Scott,

Thank you for the email.

It seems odd to me that there is no defined process for obtaining a CO, and that it instead goes through some vague, undefined "internal process." It also seems odd to me that the process may vary depending on the "property designation and proposed use."

I'll send you the requested information as soon as I have it, and I hope this will be a smooth process from that point forward.

-Matt

R. Matt Shoemaker | Partner



P: (478) 745-2821 | F: (478) 743-9609
435 2nd Street, Suite 500 | Macon, GA 31201
P.O. Box 6437 | Macon, GA 31208-6437

JonesCork.com | matt.shoemaker@jonescork.com

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From: Scott Robichaux <scott@robichauxlawfirm.com>

Sent: Wednesday, November 23, 2022 12:49 PM

To: Matt Shoemaker <matt.shoemaker@jonescork.com>; Brian Harvey <bharvey@cityofportwentworth.com>

Cc: Jason Stewart <jstewart@cityofportwentworth.com>

Subject: Re: Certificate of Occupancy

Hi Matt,

There wasn't anything going on with Brian CC'ing me - Brian is pretty good about whenever an attorney emails him, he just CC's me on the response.

Regarding your request, I spoke with Brian and we don't really have any just generic CO application forms or anything. It starts off with an internal process, where staff checks out the property designation and proposed use, and things move from there.

So the process really does start with staff looking at things with the answers to Brian's questions. There's nothing formal to fill out to kickstart the process or anything.

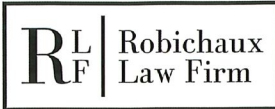
I hope everyone has a good Turkey Day tomorrow!

~Scott

Scott C. Robichaux

Attachment: 230014 ZBOA 7-0906-03-019 KATY PARKER-APP WITH EXHIBITS (2804 : ZBOA Parker 302 Rice Hope Plantation Road MARCH

Attorney



Phone: 912-373-7713

Scott@RobichauxLawFirm.com

329 Eisenhower Dr., Suite A
Savannah, Ga 31406

This email is from an attorney, and may be subject to confidentiality and privilege. Please consider this if forwarding or saving. If you are not the intended recipient, please delete.

From: Matt Shoemaker <matt.shoemaker@jonescork.com>

Date: Wednesday, November 23, 2022 at 11:51 AM

To: Brian Harvey <bharvey@cityofportwentworth.com>

Cc: Jason Stewart <jstewart@cityofportwentworth.com>, Scott Robichaux <scott@robichauxlawfirm.com>

Subject: RE: Certificate of Occupancy

Brian,

I'll provide all the information you requested. I just don't have it all yet. In contrast, I don't see any reason you shouldn't be able to easily provide the basic information I have requested. Does the process start with my clients filing a request for a property inspection, is there some other form they should file, etc.?

I'll be happy to discuss this over the phone if I'm missing something. Also, I'm not sure why you copied Mr. Robichaux, the City Attorney, but I would be happy to discuss it with him as well if that would be helpful.

Thanks,
Matt

R. Matt Shoemaker | Partner



P: (478) 745-2821 | F: (478) 743-9609
435 2nd Street, Suite 500 | Macon, GA 31201
P.O. Box 6437 | Macon, GA 31208-6437

JonesCork.com | matt.shoemaker@jonescork.com

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From: Brian Harvey <bharvey@cityofportwentworth.com>

Sent: Wednesday, November 23, 2022 11:44 AM

To: Matt Shoemaker <matt.shoemaker@jonescork.com>
Cc: Jason Stewart <jstewart@cityofportwentworth.com>; scott@robichauxlawfirm.com
Subject: RE: Certificate of Occupancy

When you provide the additional information that I have requested, I will respond accordingly. HAPPY HOLIDAYS!

J. Brian Harvey, CBO, CFM
 Director of Development Services
 City of Port Wentworth, Georgia
 (912) 999-2084 Office
bharvey@cityofportwentworth.com

From: Matt Shoemaker <matt.shoemaker@jonescork.com>
Sent: Wednesday, November 23, 2022 11:39 AM
To: Brian Harvey <bharvey@cityofportwentworth.com>
Subject: RE: Certificate of Occupancy

Brian,

I'll touch base with my folks next week to get all the information you requested.

In the meantime, can you provide the information about how they go about starting the CO process?

Thanks,
 Matt

R. Matt Shoemaker | Partner



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 435 2nd Street, Suite 500 | Macon, GA 31201
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From: Brian Harvey <bharvey@cityofportwentworth.com>
Sent: Wednesday, November 23, 2022 11:33 AM
To: Matt Shoemaker <matt.shoemaker@jonescork.com>
Subject: RE: Certificate of Occupancy

Attachment: 230014 ZBOA 7-0906-03-019 KATY PARKER-APP WITH EXHIBITS (2804 : ZBOA Parker 302 Rice Hope Plantation Road MARCH

Matt,

Please provide additional details regarding the subject property such as: 1) physical address, PIN, and owner's name, 2) nature of the proposed business. THANKS.

J. Brian Harvey, CBO, CFM
 Director of Development Services
 City of Port Wentworth, Georgia
 (912) 999-2084 Office
bharvey@cityofportwentworth.com

From: Matt Shoemaker <matt.shoemaker@jonescork.com>
Sent: Wednesday, November 23, 2022 9:30 AM
To: Brian Harvey <bharvey@cityofportwentworth.com>
Subject: Certificate of Occupancy
Importance: High

Brian,

I just left you a voicemail, but I thought I would follow up with an email as well.

I have what I believe is a simple question. I have some clients in Port Wentworth who are changing the use of their property from their residence to a business. They are properly zoned for the business and they aren't making any changes to the property, so they just need a Certificate of Occupancy before they get up and running. My question is what do they need to do to start the process of obtaining a CO?

Thank you in advance for your help and feel free to call me on my cell – (404) 831-2152 – to discuss.

If I don't talk with you before then, have a Happy Thanksgiving!

-Matt

R. Matt Shoemaker | Partner



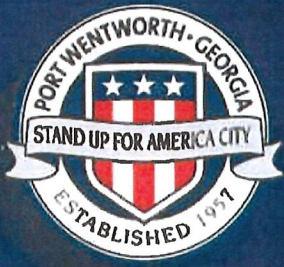
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Attachment: 230014 ZBOA 7-0906-03-019 KATY PARKER-APP WITH EXHIBITS (2804 : ZBOA Parker 302 Rice Hope Plantation Road MARCH



CITY OF PORT WENTWORTH

7224 GA Highway 21 | Port Wentworth, Georgia 31407

Phone (912) 964-4379 | Fax (912) 966-7429

www.cityofportwentworth.com

ELECTED OFFICIALS

MAYOR

Gary Norton

COUNCIL MEMBERS

Gabrielle Nelson
District 1

Mark Stephens
District 2

Rufus Bright
District 3

Glenn Jones
District 4

Thomas Barbee
At-Large

Jo Smith
At-Large

City Manager

Steve Davis

December 1, 2022

Matt Shoemaker
435 2nd Street, Suite 500
Macon, GA 31201

RE: – 302 Rice Hope Plantation Rd, Port Wentworth, GA 31407 (PIN No: 70906 03019)

Dear Mr. Shoemaker:

In response to your request for information on behalf of your clients relating to obtaining a certificate of occupancy for a new proposed use at the subject property located at 302 Rice Hope Plantation Road (PIN 70906 03019) in Port Wentworth Please be advised of the following information and consider this an official zoning determination letter from the City of Port Wentworth on this issue:

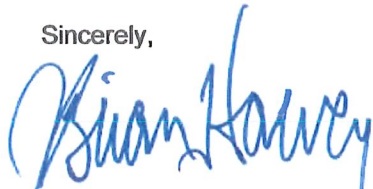
1. The property is currently zoned RA (Residential Agricultural). Records from the Chatham County Assessor's Office show the main structure located on the parcel has a square footage of 2080 square feet and is classified as a residential structure.
2. The current use as a single-family residence is considered to be a permitted use by right in the R-A District.
3. Your clients' proposed use is as a "private substance use disorder treatment center." This use would be considered a non-permitted use in the R-A Zoning District. Given the information from the property owners last application and the information supplied by you regarding this use, the most appropriate zoning category for your clients' proposed use is "home for the aged/children." Such use is not permissible in the R-A district.
4. In order for a certificate of occupancy to be issued for the proposed use, the property must be rezoned to R-I-P (Residential-Institutional). Rezoning requests are presented to City Council after the appropriate application is made by your clients and public hearings are held by the Planning Commission and City Council.
5. The "home for the aged/children" category requires a conditional use permit from the City Board of Zoning Appeals. If City Council rezones the property and the Board of Appeals approves the conditional use permit, then the owners would then be able to file a site plan application and proposal which must be reviewed by the Planning Commission and approved by City Council.
6. If your site plan application is successfully approved, then you can apply for your building permit to begin construction on changing the use of the property to your proposed use and to comply with City zoning and building codes. Once those plans are successfully implemented the owners may receive a certificate of occupancy.

EXHIBIT B-3

I know this information is somewhat different than what was originally discussed and presented to you. As you know, the City is undergoing a complete zoning ordinance rewrite to modernize our zoning ordinance. Our current ordinance does not have a "private substance use disorder treatment center" category. Through the process of continuing to consider your clients' application and circumstances, the city has determined that the "home for the aged/children" is the most closely analogous zoning category for your clients' proposed use.

I apologize for any confusion, it was not done intentionally, and I hope this letter makes clear the city's desire to continually review its processes and hold true to our ordinances and regulations. As a showing of good faith, if your clients elect to work through the process outlined above, then the city will waive any application fees for your clients through this process and will also work to expedite any hearings in front of any city body to try and minimize any further delay.

Sincerely,



J. Brian Harvey, CBO, CFM
Director of Development Services



Jason Stewart, AICP
Assistant City Manager

Project Timeline

Project Number: 230014

Project Name: ZBOA 7-0906-03-019 KATY PARKER

Applicant / Engineer: KATY & GLEN PARKER

Owner: KATY & GLEN PARKER

General Site Plan Application

- 4/29/2022 – application received; complete
- 6/13/2022 – The Planning Commission voted unanimously to deny the application.
- 6/20/2022 – Katy Parker requested by email to postpone this application until the next Council meeting (7/12/22). The item was removed from the June 23, 2022 City Council meeting.
- 7/1/2022 – Katy Parker requested by email to postpone the application from the 7/12/22 Council meeting to August.
- 8/9/2022 – informed the applicant that they would be placed on the September 22, 2022 City Council meeting.
- 8/22/2022 – Public hearing notice letters mailed
- 8/29/2022 – Public hearing notice sent to Savannah Morning news to be published on 8/30/22.
- 9/22/2022 – City Council voted to deny the application.

Zoning Board of Appeal Application

- 12/5/2022 – Zoning decision letter sent to Matt Shoemaker
- 12/21/2022 – Application received: Complete. (sc)
- 3/1/2023 – Public Hearing Notice letter mailed.
- 3/3/2023 – Public Hearing Notice published in Savannah Morning Newspaper.