



STAFF REPORT

MORGAN COUNTY PLANNING COMMISSION

PETITION FOR: CONDITIONAL USE – FAMILY BURIAL PLOT

Property location:	4131 Sandy Creek Road
Property tax parcel:	017-032A
Acreage:	104.14 acres
Applicant:	Ross & Mitzi Jackson
Applicant's Agent:	N/A
Property Owner:	Ross & Mitzi Jackson
Existing Use:	Residential/Farm
Proposed Use:	Residential/Farm with Family Cemetery

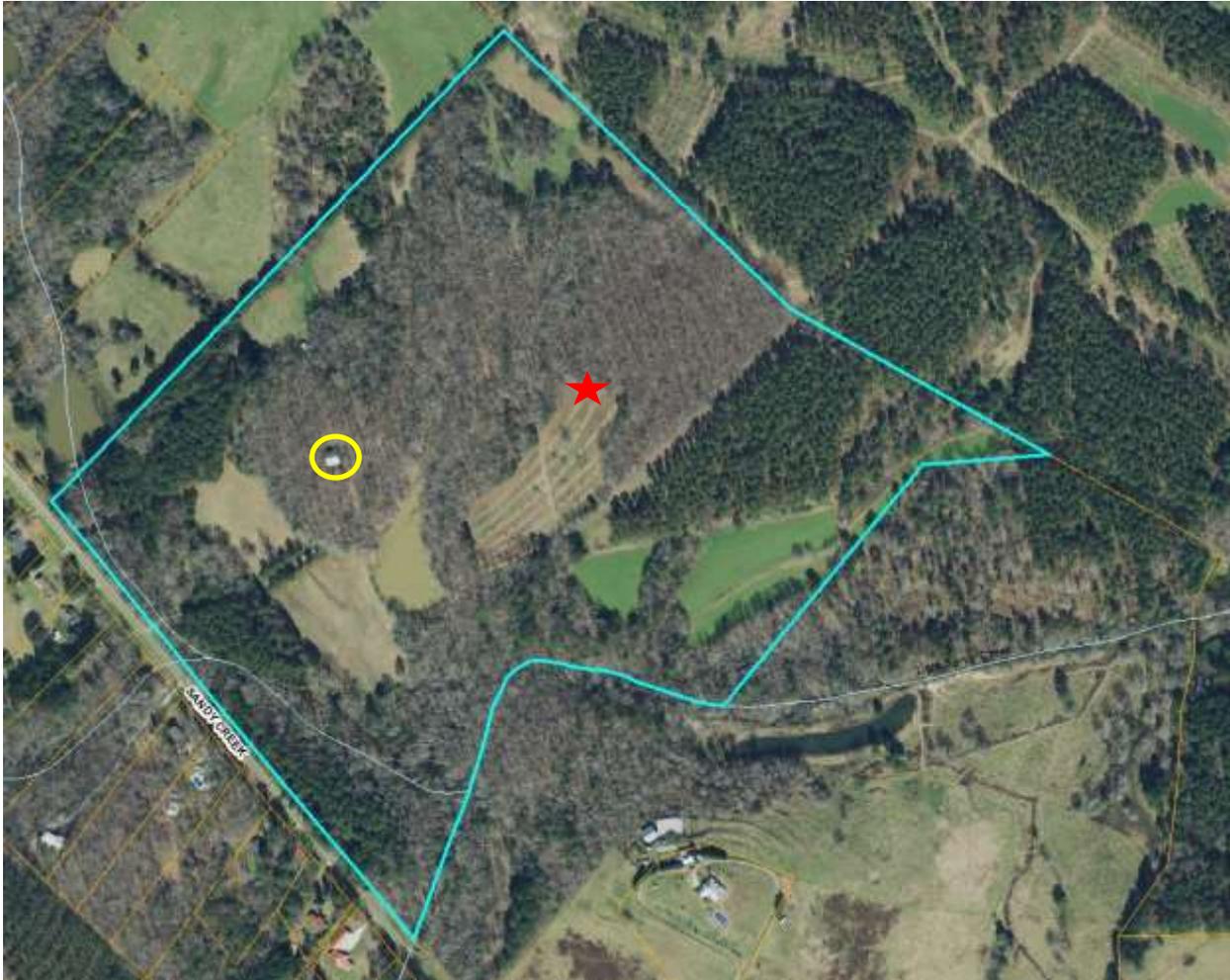
Summary

Ross & Mitzi Jackson are requesting conditional use approval to allow a family burial plot on their farm, located at 4131 Sandy Creek Road.



The property is zoned AG – Agricultural. The property is 104.14 acres on Sandy Creek Road, just south of Prospect Road.

Family Burial Plots are a conditional use in the AG zoning district.



The applicant has provided hand-drawn maps showing the approximate location of the proposed burial plot, which is also shown above by a red star. The applicant is aware that the burial plot will have to be surveyed if the application is approved. Staff has checked the measurements provided to the location shown and they are accurate. The proposed location places the burial plot at adequate distances from property lines and water, as required by the Morgan County Zoning Ordinance. The applicant's map does not provide a distance to the nearest structure, which is the applicant's residence, shown in the yellow circle. The house is over 700 feet away from the proposed burial plot.

The easement shown to the proposed burial plot, shown on a separate hand drawn map, follows an existing road on the property.

Criteria for Consideration

Section 21.3.1 Required Findings from Conditional Use Approval from the Morgan County Zoning Ordinance:

1. Adequate provision is made by the applicant to reduce any adverse environmental impacts of the proposed use to an acceptable level;
2. Vehicular traffic and pedestrian movement on adjacent streets will not be substantially hindered or endangered;
3. Off-street parking and loading, and the entrance to and exit from such parking and loading, will be adequate in terms of location, amount and design to service the use;
4. Public facilities and utilities are capable of adequately serving the proposed use;
5. Granting the request would not be an illogical extension of a use which would introduce damaging volumes of (1) agricultural, (2) commercial, (3) industrial, or (4) high density apartment use into a stable neighborhood of well-maintained single family homes, and likely lead to decreasing surrounding property values, neighborhood deterioration, spreading of blight, and additional requests of a similar nature which would expand the problem;
6. Granting the request would not lead to congestion, noise and traffic hazards or overload public facilities, current or planned;
7. Granting the request would conform to the general expectation for the area population growth and distribution according to the Comprehensive Land Use Plan;
8. Granting the request would not lead to a major negative change in existing (1) levels of public service, (2) government employees or (3) fiscal stability;
9. Granting the request would not have a "domino effect," in that it becomes the opening wedge for further rapid growth, urbanization or other land-use change beyond what is indicated in the Comprehensive Land Use Plan.

Staff Comments

Staff has no concerns regarding the application. The request meets the requirements of the Zoning Ordinance for a family burial plot, as well as the criteria for consideration.

Chapter 7.8 Family Burial Plots

This section provides the minimum specifications and requirements for a family burial plot. Requirements are imposed only to the extent necessary to protect the public health and from any significant effect on the neighborhood or area from which the family burial use is established.

Section 7.8.1 Specifications and Requirements for Family Burial Plot

Application: A conditional use application shall be filed on forms prescribed by the Department of Planning and Development and shall include the required documentation as set forth in this Section.

Landowner Consent: The notarized signatures of the applicant and at least 51% of all record title holders shall appear upon the application.

Area and Setback Requirements: A family burial plot shall comply with the following requirements:

- **Minimum Size of Tract or Parcel:** The minimum size of the tract or parcel of contiguous land on which a family burial plot may be located shall be five (5) acres;
- The minimum setback from and property line shall be fifty (50) feet;
- The minimum setback line from any building or structure, regardless of property line, shall be one hundred (100) feet;
- The minimum setback from any water source or surface water shall be two hundred (200) feet.

Survey: Each Landowner is required to provide a survey, by a registered surveyor, containing a registration point and the boundaries of the family burial plot.

Perpetual Access: The landowner shall provide perpetual access to the County and immediate family and descendants of those persons interred in the burial plot. A minimum five (5) foot ingress-egress pedestrian access path shall be provided. The access path shall be delineated on the survey of the burial plot. The property owner shall provide a pedestrian access easement for the path.

Miscellaneous Requirements: All being interred in a family burial plot shall have an outer burial container or vault. All family burial plots shall be enclosed by a fence.

Section 7.8.2 Duty to Preserve and Protect

The landowner, and all subsequent landowners, shall preserve and protect the cemetery or burial ground and keep safe from destruction, peril, or other adversity, and may include the placement of signs, markers or other such appropriate features so as to identify the site as a cemetery or burial ground and may include the cleaning, maintenance, and upkeep of the site so as to aid in its preservation and protection.

Section 7.8.3 Maintenance Requirements

The landowner shall be responsible for the routine maintenance of the family burial plot. This maintenance shall include, but is not limited, to the following:

- Weeds shall be removed from the cemetery on a routine basis;
- All fencing shall be inspected for damage and repaired on a regular basis;

- All plantings or foliage within the burial plot shall be pruned and be generally left in its natural state;
- All debris or trash shall be removed from the burial plot on a regular basis.

Section 7.8.4 Prohibited Location

No family burial plot shall be located within a floodplain.

Section 7.8.5 Prohibited Uses

Solicitation or sale of any burial space or grave within a family burial plot shall be prohibited.

Section 7.8.6 Deed Restriction

Upon establishment of a family burial plot, a deed restriction shall be recorded in the Morgan County Clerk's office acknowledging the location, size and ownership of the family burial plot.

Ross and Mitzi Jackson
4131 Sandy Creek Road
Madison, Georgia 30650

March 27, 2018

Morgan County Planning Commission
c/o Planning & Development
150 E. Washington Street, Suite 200
Madison, Georgia 30650

Dear Sirs:

This letter is in regards to my request to establish a family burial plot on my farm located at 4131 Sandy Creek Road, Madison, GA. It is tax parcel #017032A and is shown as 104.14 acres.

This property is the result of a purchase of 63 acres purchased on 9-19-86/ 36 acres purchased on 9-20-90 / and 17 acres purchased on 7-13-91. There was a sell of six acres of the 17 acre track sold on 7-3-2008. All of the warranty deeds are attached, as well as aerial photos showing the lines and how these properties join. This aerial photo also shows the proposed location of the family burial plot, and the access road.

In addressing your criteria for conditional use approval I will discuss each separately below:

1. I will do everything in my power to reduce any adverse environmental impacts of a burial plot, but I can see no impact to the site.
2. No traffic or pedestrian movement will be affected.
3. No off street parking or loading will be affected.
4. Public facilities and utilities will not be affected.
5. Granting this request would not affect property values, affect the neighborhood stability, or increase in similar request.
6. Granting this request would not lead to congestion, noise or traffic hazards, and would not overload public facilities.
7. Granting this request would conform to the general expectation for the area population growth and distribution.
8. Granting this request would not affect levels of public service, government employees or fiscal stability.

9. Granting the request would not have a domino effect.

The location of the proposed burial plot is not in a flood plain and is on high ground not affected by any water sources. In 30 years on this property I have never seen this location with any standing water, even in very wet weather.

This is to be a Family Plot only and no burial plots will be for sale. It will be restricted to the Jackson Family and I don't expect more than five or six plots to be used.

I have no problems with a deed restriction on the property being recorded on the burial pot.

Thanks for your consideration of the proposal and for your interest in my request.

Sincerely,

Bob Jackson
Mita K Jackson

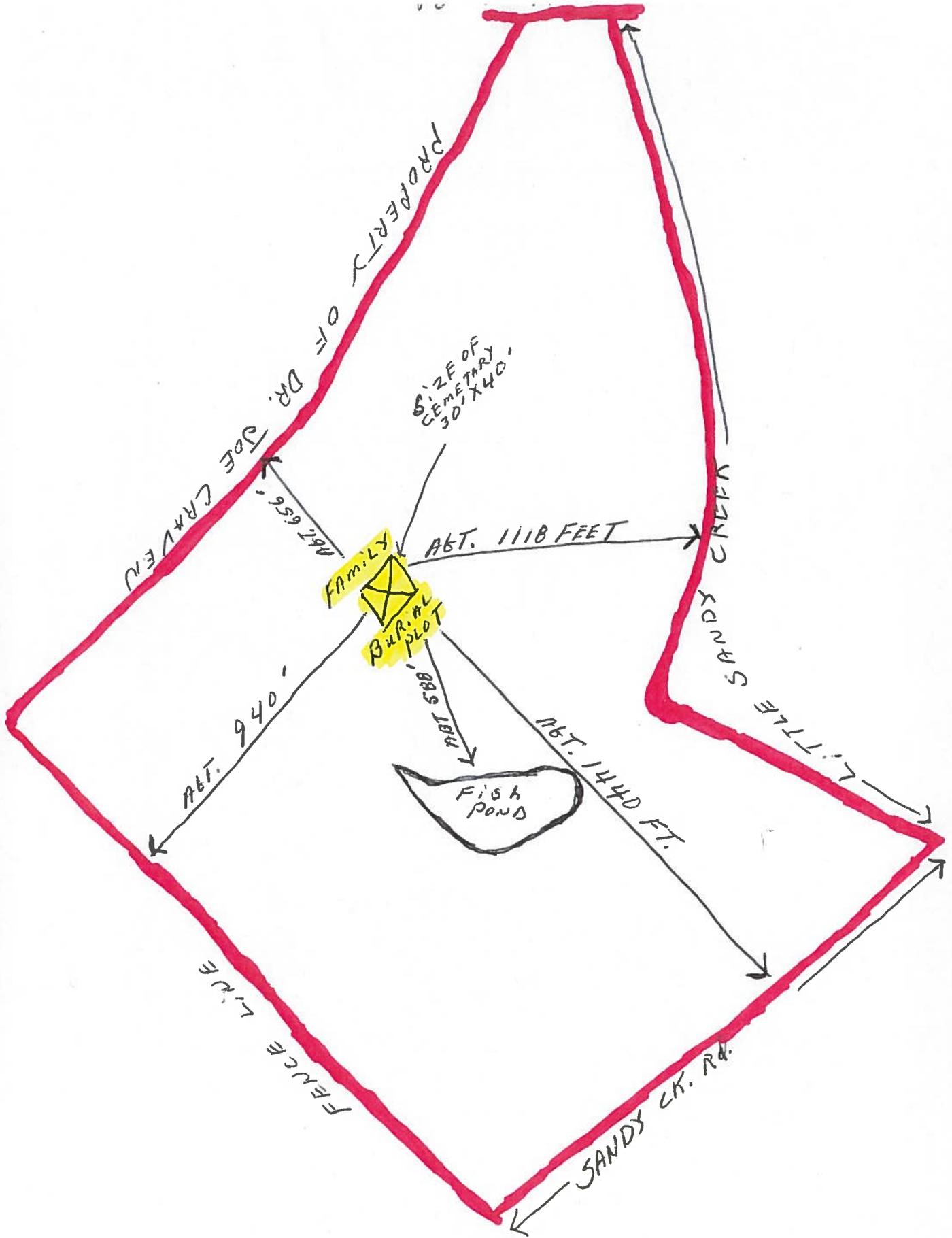


FAMILY
BURIAL POT

ACCESS PATH

SANDY CREEKS

Little Sandy Creek



DISTANCE TO PROPERTY LINES AND WATER FROM BURIAL PLOT.