



# STAFF REPORT

## MORGAN COUNTY PLANNING COMMISSION

**PETITION FOR: CONDITIONAL USE – FAMILY BURIAL PLOT  
VARIANCE – SETBACK FOR FAMILY BURIAL PLOT**

Property location:	1100 Jones Wood Lane
Property tax parcel:	001-017
Acreage:	3.68 acres (with additional 1.32 acres to be combined)
Applicant:	W Tracy And Marie Singleton
Applicant's Agent:	N/A
Property Owner:	W Tracy and Marie Singleton
Existing Use:	Transmission tower
Proposed Use:	Transmission tower with family burial plot
Variance Requested:	Reduce setback between plot and structure

### Summary



W. Tracy and Marie Singleton are requesting conditional use approval to locate a family burial plot at 1100 Jones Wood Lane.

The property contains a transmission tower, which was approved in 2012. The tower and associated equipment are the only structure on the property. The proposed location of the family burial plot is within 100' of the transmission tower. The ordinance states that a family burial plot must be 100' away from any building or structure.

The purpose of the distance between a cemetery and structures is to protect the cemetery from development (new roads, additions, etc.).



The applicant's house is nearby (red circle). The applicant also owns the large property that is to the east and wraps around the property to the south.

The subject property is only 3.68 acres. Five acres are required for a family burial plot. The applicant proposes to take 1.32 acres from the large parcel to the south and combine it with the subject property to have the required 5 acres. See attached plat.



The subject property is zoned AR – Agricultural Residential. The large parcel to the east and south is zoned AG – Agricultural. If the family burial plot is approved and the additional acreage combined with the subject property, the resulting lot would be split zoned.

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.

From the Morgan County Zoning Ordinance. Section 20.3.1, Required Findings for Variance Approval:

1. There are extraordinary and exceptional conditions pertaining to the property because of size, shape and topography;
2. The literal application of this Ordinance would create an unnecessary hardship;
3. A variance would not cause substantial detriment to public good and impair the purposes and intent of this Ordinance;
4. A variance would not confer upon the property of the applicant any special privilege denied to other properties in the district;
5. The special circumstances surrounding the request for the variance are not the result of acts of the applicant;
6. The variance is not a request to permit a use of land, buildings, or structures which is not permitted by right or by conditional use in the district;
7. The zoning proposal is consistent with all standards and criteria adopted by Morgan County; The variance is the minimum variance that will make possible an economically viable use of the land, building or structure

## Staff Comments

Split zoning is always a concern. However, the presence of the tower will make building anything on the property difficult. If approved, the cemetery will make construction that much harder. The Morgan County Zoning Ordinance does not allow development within 100' of a cemetery. Therefore, between the setbacks for the tower and the cemetery, Staff doesn't anticipate that a building permit would be approved for the dual zoned property.

Although approval of the variance would set a precedent for placing a cemetery within 50' of a transmission tower, it should not create a precedent for other structures. Considering the lack of construction allowed around towers, placing a cemetery nearby offers a certain amount of protection from development encroachment. Staff usually has concerns about variance requests, however this particular request is not concerning.

09/01/2019

Family Cemetery Request for William Tracy and Anna Marie Singleton  
1100 JonesWood Lane- Tower site

In August of 2018, on 08/12, Tracy's dad died. He had always wanted to be buried on the farm. We had talked about it and I had gotten paperwork from Allison but put it aside. It was too late to make his wishes happen but it is not too late to take care of this for Tracy and me and our family.

His family is all buried in Stone Mountain, Ga and all of my family is buried in Dublin, Ga.

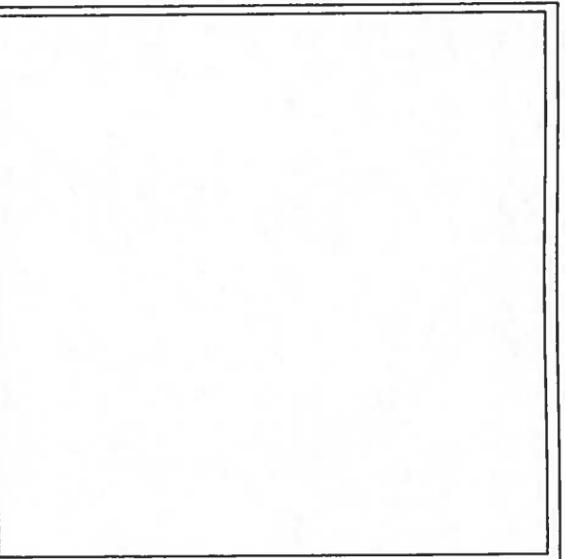
When William, Tracy's dad, died, we became sole property owners of the 300 +/- acre farm on Jones Wood Lane.

We bought the tract the tower site is located on ourselves years ago. It is not exactly five acres, so we were allowed to move enough of the farm adjoining it out of conservation to meet that requirement.

When designating where we would like to have the plots, we considered the area. To the front and right is the road and an area to do any work that may be required of the tower. The only use of the tower is Oconee County to Walton County 911. There is enough space to add Morgan in the future. The back side of the property is joined to the main pasture. Our daughter receives grant monies as a young female farmer to enhance the farm. The fence and waters there were just put in and paid for from a portion of that grant. That leaves the left side that connects to and faces our home.

We ask that you allow us to please use this property as our family cemetery. We have it surveyed and ready. My mom suddenly had a heart attack on August 1<sup>st</sup> of this year. We need to get this taken care of so that we can deal with the heartache of death itself and not where we will lie in rest. William was cremated and I have to live with that every day. I should not have dropped the ball years ago.

Thank you.



**Field Data:**

Closure: 1' per 22,087'  
 Angular Error: 2" per angle point  
 Adjusted by: Compass Rule

**Plat Closure:**  
 1' per 320,158'

**Equipment used:**  
 TOPCON GTS 212

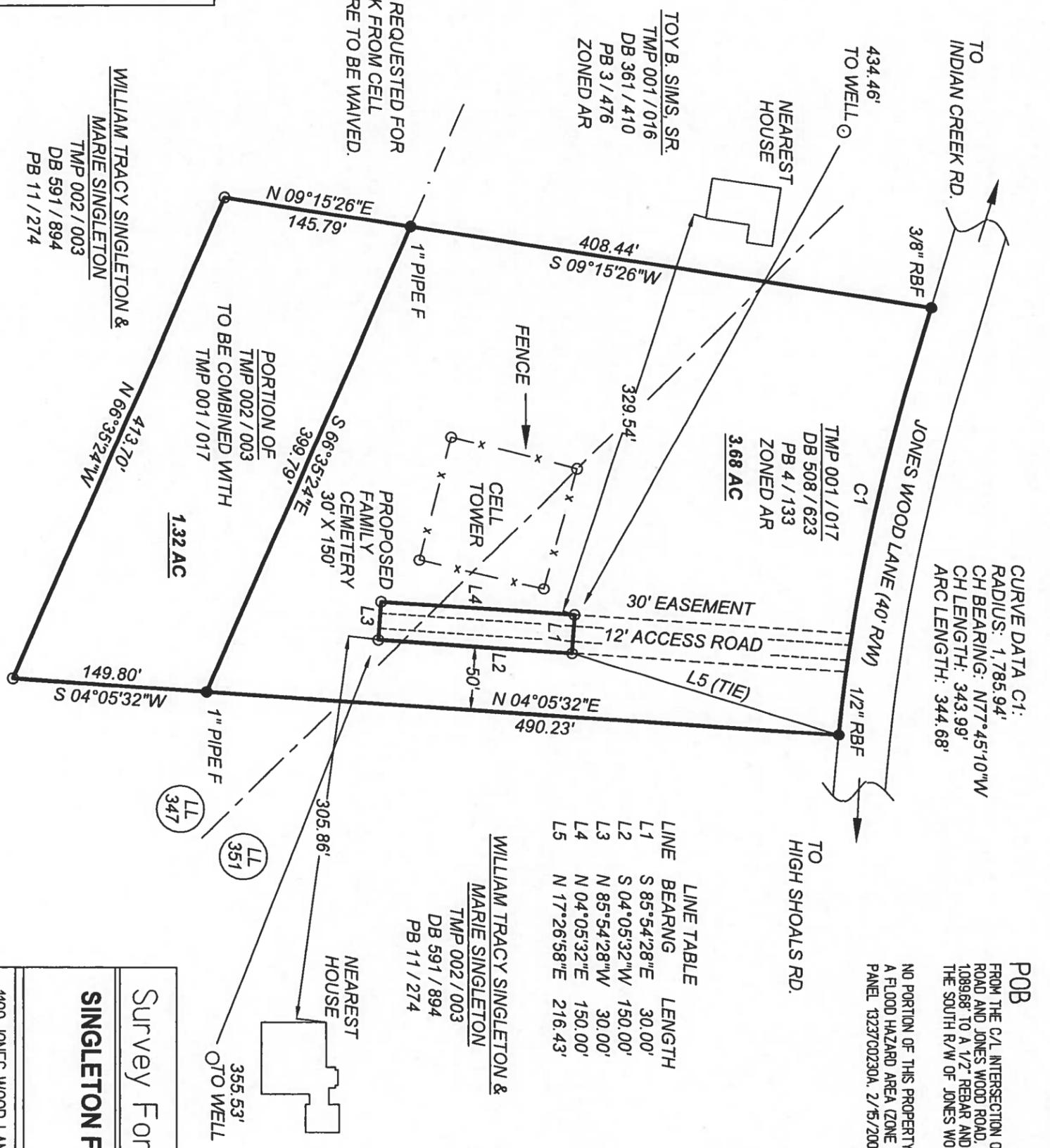
As required by subsection (d) of O.C.G.A. Section 15-6-67, this plat has been prepared by a land surveyor and approved by all applicable local jurisdictions for recording as evidenced by approval certificates, signatures, stamps, or statements hereon. Such approvals or affirmations should be confirmed with the appropriate governmental bodies by any purchaser or user of this plat as to intended use of any parcel. Furthermore, the undersigned land surveyor certifies that this plat complies with the minimum technical standards for property surveys in Georgia as set forth in the rules and regulations of the Georgia Board of Registration for Professional Engineers and Land Surveyors as set forth in O.C.G.A. Section 15-6-67.



*R.V.*  
 8/6/2019  
 DATE

GA. REG. L.S. LIC. NO. 2655

NOTE: VARIANCE REQUESTED FOR MINIMUM SETBACK FROM CELL TOWER STRUCTURE TO BE WAIVED.



CURVE DATA C1:  
 RADIUS: 1,785.94'  
 CH BEARING: N77°45'10"W  
 CH LENGTH: 343.99'  
 ARC LENGTH: 344.68'

**LINE TABLE**

LINE	BEARING	LENGTH
L1	S 85°54'28"E	30.00'
L2	S 04°05'32"W	150.00'
L3	N 85°54'28"W	30.00'
L4	N 04°05'32"E	150.00'
L5	N 17°26'58"E	216.43'

**POB**  
 FROM THE C/L INTERSECTION OF HIGH SHOALS ROAD AND JONES WOOD ROAD, GO S 88°52'48"W 1089.68' TO A 1/2" REBAR AND POB ON THE SOUTH R/W OF JONES WOOD LANE (40' R/W).

NO PORTION OF THIS PROPERTY IS WITHIN A FLOOD HAZARD AREA (ZONE A) REFER TO FIRM PANEL 13237C0230A, 2/7/2002.



Survey For:  
**SINGLETON FAMILY CEMETERY**

1190 JONES WOOD LANE  
 LAND LOTS 347 & 351  
 28th GMD  
 20th LAND DISTRICT  
 MORGAN COUNTY, GA

Scale: 1" = 100'  
 Date: July 12, 2019

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