



**BARTHOLOMEW COUNTY
BOARD OF ZONING APPEALS
HEARING OFFICER
(September 13, 2016 Meeting)**

STAFF REPORT

Docket No. / Project Title: B/CU-16-08 (Springer Cemetery)
Staff: Melissa Begley
Hearing Officer: Melissa Begley

Applicant: Springer Cemetery Association
Property Size: 3.58 Acres
Zoning: AP (Agriculture: Preferred)
Location: Southeast corner of US 31 and 475 South, in Sandcreek Township

Background Summary:

The applicant has indicated that the proposed conditional use will allow the Springer Cemetery to expand in the AP (Agricultural: Preferred) zoning district.

Preliminary Hearing Officer Decision:

Approval, all criteria have been met, including a condition that all new gravesites be placed 50 feet from the centerline of the road 475 South.

Zoning District Intent:

The intent of the AP (Agriculture: Preferred) zoning district is as follows: To provide an area suitable for agriculture and agriculture-related uses. This district is further intended to preserve the viability of agricultural operations, and limit non-agricultural development in areas with minimal, incompatible infrastructure. Residential development in this zoning district is intended to be limited. In no instance shall this zoning district be considered a large-lot residential zone. This district is further intended to protect the use and value of both agricultural and non-agricultural property within the community.

Current Property Information:	
Land Use:	Cemetery, agricultural field
Site Features:	Mausoleum, cemetery plots, vacant ground
Flood Hazards:	No flood hazards exist on this property.
Vehicle Access:	US 31 (State Road) 475 South (Collector)

Surrounding Zoning and Land Use:		
	Zoning:	Land Use:
North:	AP (Agriculture: Preferred)	Agricultural fields
South:	AP (Agriculture: Preferred)	Agricultural fields
East:	AP (Agriculture: Preferred)	Agricultural fields
West:	AP (Agriculture: Preferred)	Agricultural fields

Interdepartmental Review:	
County Engineer:	<p>There are currently no plans for improvements at that intersection, at least county plans, I am not aware if state has plans. It would be the preference of County Highway to not have to move any gravesites if, there ever there were road improvements.</p> <p>It looks like the r/w is only 15', so if they could keep the gravesites 50' from center of road (35 from r/w) that would be good. A fence is acceptable, just not grave sites.</p> <p>Currently there are graves 21' from center of road in block A and more in the old part that are close to the road.</p>

Planning Consideration(s):

The following general site considerations, planning concepts, and other facts should be considered in the review of this application:

1. The applicants have indicated they need to expand their cemetery, located at the southeast corner of US 31 and 475 South. The cemetery, which was established in 1851, was originally comprised of 1.99 acres. In 2007 an administrative subdivision was approved establishing a Block "A" that was intended for future cemetery use. Block "A" is 1.86 acres in size and is located directly adjacent to the first parcel. At this time the applicants have indicated they are reaching maximum capacity on the first parcel and would like to expand onto Block "A".
2. The site is surrounded primarily by agricultural fields. The nearest house is approximately 250 feet from the property line of the subject property.
3. The site has one existing access point on US 31 and two existing access points off of 475 South.

Comprehensive Plan Consideration(s):

The Comprehensive Plan designates the future land use of properties in this area as Agriculture.

The following Comprehensive Plan goal(s) and/or policy(ies) apply to this application:

1. **Policy 1-D:** Require appropriate buffers to allow the continued full use of adjoining farmland and to reduce conflicts between neighboring uses.
2. **Policy 1-J:** Require development to take place in a manner that allows for preservation and conservation of farmland, open land and significant natural features.
3. **Goal 5:** Provide for institutional and other land uses that may be needed or desired in the community.

Provisional Findings of Fact/Decision Criteria

Section 12.4(D) of the Zoning Ordinance permits the Board of Zoning Appeals Hearing Officer to allow conditional uses that meet the criteria listed below. The Hearing Officer may impose reasonable conditions as part of an approval.

- 1. The proposal will not be injurious to the public health, safety, and general welfare of the community.**

Provisional Findings: Traffic to the site can be adequately handled from US 31 and the 2 entrances off of 475 South. There are no sight visibility issues. *This criterion has been met.*

- 2. The development of the property will be consistent with the intent of the development standards established by the Zoning Ordinance for similar uses.**

Provisional Findings: The applicant has indicated they will meet all development standards established by the Zoning Ordinance and the cemetery use will maintain a rural identity, consistent with the surrounding agricultural area. *This criterion has been met.*

- 3. Granting the conditional use will not be contrary to the general purposes served by the Zoning Ordinance, and will not permanently injure other property or uses in the same zoning district and vicinity.**

Provisional Findings: The proposal does not contradict the general purpose of the Zoning Ordinance. The cemetery will not have any impact on the surrounding agricultural properties and will have little impact on the one residential property in the area. *This criterion has been met.*

- 4. The proposed use will be consistent with the character of the zoning district in which it is located and the recommendations of the Comprehensive Plan.**

Provisional Findings: The cemetery will be developed on agricultural land that is currently being utilized for crop production. The Comprehensive Plan states that institutional uses, such as churches, schools and cemeteries are desired by the community and should be provided. *This criterion has been met.*

Hearing Officer Options:

In reviewing a request for conditional use the Hearing Officer may (1) approve the petition as proposed, (2) approve the petition with conditions, (3) continue the petition to a future meeting of the Hearing Officer, (4) deny the petition (with or without prejudice), or (5) forward the petition to the full Board of Zoning Appeals.