



VALDOSTA-LOWNDES COUNTY ZONING BOARD OF APPEALS
Staff Report - MEETING DATE: Tuesday, December 4, 2018

VAR-2018-20

El Stafford and Victoria W. Thomas

The applicants are seeking relief to the (ULDC) Unified Land Development Code Supplemental Standards for the establishment of a Cemetery. The subject property consists ~20.97 acres and is located on Gaines Lane, Valdosta, Georgia, containing an R-A (Residential Agricultural) zoning classification.

In this case, the subject property is currently vacant and it is the applicant's desire to establish a commercial Perpetual Care Cemetery. Chapter 4.03.06 contained in the ULDC sets provisions for the establishment of cemeteries and the applicant is seeking relief to two (2) of the Supplemental Standards: 1) Access and 2) Minimum Road Frontage-(see table 4.03.06(D) on page 2).

- 1) **Access.** The provisions read, **"all cemetery access shall be provided from an arterial street, collector street, or state highway."** According to the Lowndes County Thoroughfare Plan, Gaines Lane is classified as a local road. The right-of-way of Gaines Lane is an improved thirty (30') feet right-of-way. The right-of-way is a surface treated roadbed that is intended for low volume road traffic. While the existing right-of-way may be able to handle potential traffic volumes that may result from proposed use, the maintenance, wear and tear will likely be more frequent and costly due to the construction of the road.
- 2) **Minimum Road Frontage.** The provisions read that cemeteries **"shall have a minimum road frontage of two-hundred (200') feet."** The subject property has only thirty (30') feet of road frontage and is located at the dead end of the County's right-of-way.

Concerning the current use of the subject property (vacant) and its adjacent properties, this area is predominately Rural Residential in nature i.e., large estate-type lots, and is depicted on the Comprehensive Plan's Future Development Map as a Rural Residential Character Area. The establishment of a commercial perpetual care cemetery at this location appears to be out of scale and in consistent with the existing development pattern and inconsistent with the Supplemental Standards that are designed to address potential land use impacts. With these factors in mind, the TRC is recommending **denial**.

The ULDC provides that variances may be granted upon a finding by the ZBA that one the following conditions have been met:

- a. *There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape, or topography;*
- b. *Such conditions are peculiar to the particular piece of property involved;*
- c. *The application of this ULDC to this particular piece of property would create an unnecessary hardship;*
- d. *Relief, if granted, will not cause substantial detriment to the public good or impair the purposes and intent of this ULDC;*
- e. *A literal interpretation of the provisions of this ULDC would deprive the applicant of rights commonly enjoyed by other properties of the zoning district in which the property is located;*
- f. *Granting the variance requested will not confer upon the property of the applicant any special privileges that are denied to other properties of the zoning district in which the applicant's property is located;*
- g. *The requested variance will be in harmony with the purpose and intent of this ULDC and will not be incompatible with the neighborhood or to the general public welfare;*
- h. *The special circumstances are not the result of the actions of the applicant;*
- i. *The variance requested is the minimum variance that will make possible the legal use of the land or structure;*
- j. *The variance is not a request to permit a use of land or structures which are not permitted by right in the zoning district involved;*
- k. *The extension of said nonconforming use will not further injure a permitted use on the subject property or on adjacent property;*