

# Sumter City-County Planning Commission

January 26, 2011

## SV-11-01 Shelby Carter, Crandall Road (County)

### I. THE REQUEST

**Applicant:** Shelby Carter

**Status of the Applicant:** Owner

**Request:** Request for a subdivision variance to approve the relationship between cousins, for a Lifetime Transfer.

**Location:** Crandall Road, off of Winkles Road

**Present Use/Zoning:** Agricultural Conservation / AC

**Tax Map Number:** 247-00-01-027

**Adjacent Property Land Use and Zoning:** North – Residential/Agricultural Conservation / AC  
South – Residential/Agricultural Conservation / AC  
East – Timber/Agricultural Conservation / AC  
West – Agriculture/Agricultural Conservation / AC

### II. THE 2030 COMPREHENSIVE PLAN:

The 2030 Comprehensive Plan designates this area as Rural Development (RD) Planning Area. The primary objective of this designation is to conserve and protect low density rural and agricultural uses in Sumter County. Residential uses are supported at one acre or lower in this district. The proposal is to approve a relationship that is not ordinarily allowed in order to subdivide this parcel into one residential lot containing one (1) acre, and leave the remaining 33.5+/- acres in agricultural use.

The ordinance does not otherwise allow this parcel to be subdivided because it is accessed only by a private dirt road about 2,000 feet in length that presently provides access for eight (8) large residential lots of about two acres to ten acres in size, and two (2) very large agricultural tracts.

The result will be the addition of one (1) residential lot that will be accessed via Crandall Road. This is consistent with very low density residential and agricultural development and will not place undue burden or hardship on the neighboring properties or the existing road system, nor will it be out of character with the district.

The request is compatible with the 2030 Comprehensive Plan.

### III. FINDINGS

The applicant is requesting a subdivision variance to allow a new residential parcel of 1 acre in order for a family member to locate a new residential structure (see Subdivision Exemptions, **Section: 10.b.1**, page 270). The ordinance under SC State statutes allows for Lifetime Transfers between immediate family members only. The relationship to be approved is one of cousin-to-cousin, as the applicant desires to give one acre of her land to her relative. The applicant has not submitted a subdivision plat for approval, but has indicated that the location of the new lot will be at the northern boundary of the property with direct frontage on Crandall Road, and will otherwise comply with all ordinance requirements for new residential lots in the AC District.



*Winkles Road at Crandall Road*



*Crandall Road Entrance*

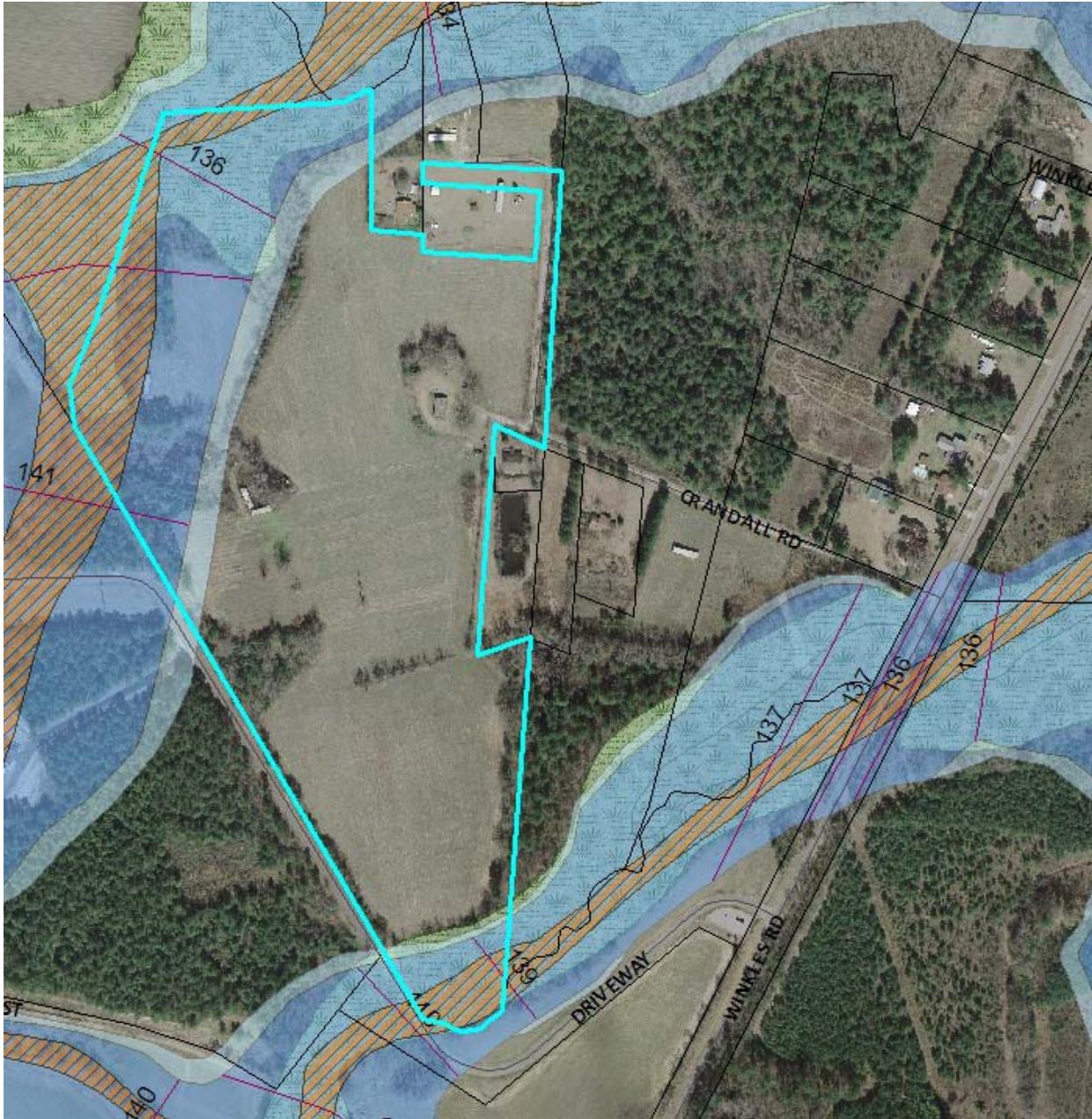


*Crandall Road East of the Property*



*View of Surrounding Properties*

The site condition that specifically disadvantages this property is the fact that the parent tract is an oddly-shaped existing parcel accessed by an existing private dirt road that leads to several adjacent interior properties. There is no public road access to the property. Any lot that is created from the parent tract would have private road access.



This is an area of very low density residential and agricultural uses with some floodplain and wetland conditions that may limit intensive uses and density. The private road is well-maintained and there appear to be no traffic concerns. Therefore, if the variance is granted allowing the new residential lot, there will be no issues with citizen's health, safety, and welfare.



*The property looking south*



*The property looking west*

If approved, a subdivision plat would need to be recorded adhering to all other subdivision and development standards that apply to Lifetime Transfers as set forth in Article 10(b)1 **Subdivision, Exempt** (as defined under SC Code 6-29-1110), subsection 6. While the addition of a new residential lot is not normally allowed on private roads, conveyance of property that is approved under the Lifetime Transfer allowances under State Law only requires that the property have some sort of access. The exemption will be disqualified if the property is ever conveyed outside the family.

#### **V. STAFF RECOMMENDATION**

The subdivision variance for SV-11-01, if approved, will provide for a new residential lot to be created under Article 10(b)1 **Subdivision, Exempt** (as defined under SC Code 6-29-1110), subsection 6, in accordance with the terms of “Lifetime Conveyance” that meets all other requirements for new residential lots, and will not place undue burden or hardship on the neighboring properties or the existing road system, nor will it be out of character with the district.

Staff recommends approval of this request.

#### **VI. DRAFT MOTIONS**

I move that the Planning Commission approve SV 11-01, in accordance with the information submitted in the Staff Report and the recommendation of Staff.

I move that the Planning Commission deny SV 11-01.

I move that the Planning Commission enter an alternate motion.

#### **VII. PLANNING COMMISSION – JANUARY 26, 2011**

The Sumter City-County Planning Commission, at its meeting on Wednesday, January 26, 2011, voted to accept staff’s recommendation and approve this request as presented.