

# Sumter City-County Planning Commission

## Staff Report

June 27, 2012

### SV-12-06, 3195 Peach Orchard Rd. (County)

#### I. THE REQUEST

**Applicant:** Ken Young, Jr., Young, Reiter, Keffer & Donald, PA

**Status of the Applicant:** Property Owner & Attorney at Law

**Request:** A variance from Article 8.e.13, Section f, *depth of residential lots shall not be more than 2-1/2 times their width.*

**Location:** 3195 Peach Orchard Rd.

**Present Use/Zoning:** Residential / AC

**Tax Map Number:** TM# 135-00-02-023

**Adjacent Property Land Use and Zoning:** North – Residential / AC  
South – Undeveloped / AC  
East – Undeveloped / AC  
West – Residential/Undeveloped / AC

#### II. THE 2030 COMPREHENSIVE PLAN:

The 2030 Comprehensive Plan designates this area as Military Protection Area (MP). Residential development is supported at rural low densities of 1 unit per acre or more. Therefore, the applicant's request is compatible with the 2030 Comp Plan.

#### III. BACKGROUND

The applicant is requesting to subdivide a 6.76 acre parcel into two A & B parcels off Peach Orchard Rd. across from Catchall Rd. This request is being initiated from a Property Settlement Agreement signed between the applicant's Law Firm and a Mr. Joseph Dawson, one of the heirs to the property, through the Court of Common Pleas back in August, 2011. The purpose of the proposed subdivision plat is to divide the property as directed by this legal agreement. Both proposed parcels will have frontage on Peach Orchard Rd. Parcel A will have 220.82 feet of frontage and parcel B will have 132

feet which meets the minimum lot frontage and width for parcels (60 feet) in the Agricultural Conservation zoning district. The Parcel B has an existing house and trailer located on it and Mr. Dawson will retain this portion of the property. The remaining 5 acres is then left with a very odd shape causing both parcels to have a width to depth issue. Both new proposed parcels will require a variance from the residential lot width to depth ratio requirements found in section 8.e.13.f of the Sumter County Zoning & Development Standards Ordinance.

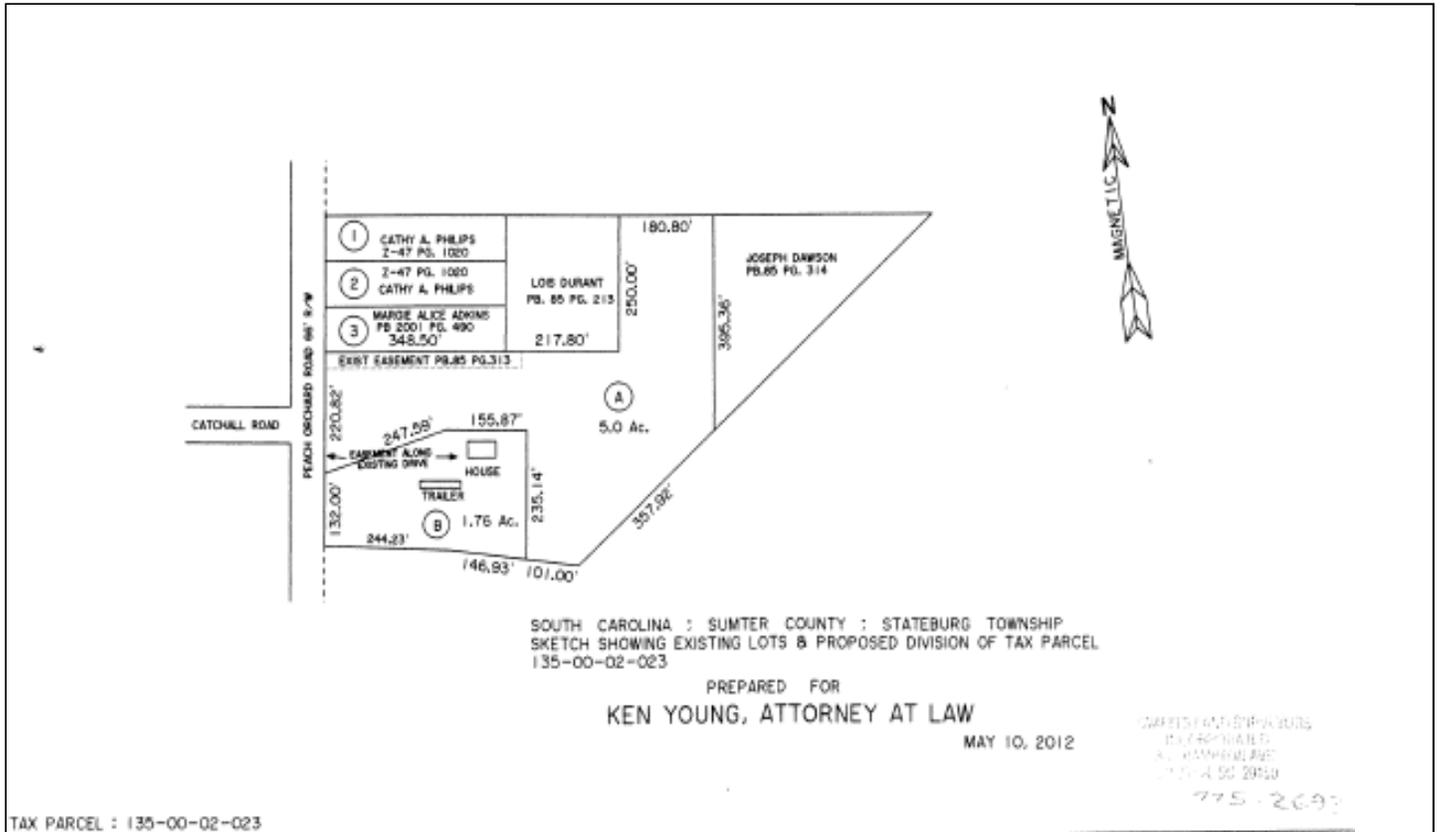
The lot width to depth language in the ordinance is designed to prevent the creation of “flag lots” and other methods of subdividing land that often create access issues. 8.e.13 states:

*f. Lots – Excessive lot depth in relation to lot width shall be avoided, and as a general rule, the depth of residential lots shall not be less than one nor more than 2-1/2 times their width; provided however, that the Planning Commission may grant exceptions to this in order to overcome specific disadvantages of topography or other site conditions.*

### Aerial Photo of Property



Sketch of the proposed division of land showing Parcel A & Parcel B is below:



**Existing property house & trailer.**

**Being retained by Mr. Dawson (Parcel B)**



**Remaining 5 acres to be retained by applicant**

**IV.** There is a proposed Ordinance Amendment (OA 11-03) which has been before Planning Commission with a favorable recommendation but is still pending further review and approval of County Council before becoming officially part of our County Zoning Ordinance. This text amendment if approved will address this issue with 5 acre parcels being divided out of larger tracts in the County with width to depth issues. This amendment would exempt 5 acre parcels or greater from this 2.5 to 1 ratio requirement.

**V. ENVIRONMENTAL CONDITIONS**

There is no floodplain on this property.

**VI. STAFF RECOMMENDATION**

Staff recommends approval of this request. In this particular case, the owners of the property are being required to survey out 2 separate parcels of the property, Parcel B with the existing house & trailer leaving a second 5 acre Parcel A to be retained by the applicant to fulfill requirements of a legal Property Agreement directed by the court system. This is the only reasonable way to divide this property according to the approved property settlement agreement. Because of these mentioned reasons and conditions, staff is recommending approval of this width to depth subdivision variance.

**VII. PLANNING COMMISSION – JUNE 27, 2012**

The Sumter City-County Planning Commission at its meeting on Wednesday, June 27, 2012, approved this request as presented.