

# Sumter City-County Planning Commission

## Staff Report

May 22, 2013

### SV-13-06, 3375 N. Kings Hwy. (County)

#### I. THE REQUEST

**Applicant:** Charles W. Dinkins

**Status of the Applicant:** Purchasing Property from Jimmie L. Harper

**Request:** A request for approval of relationship for a lifetime family conveyance to subdivide +/- 25.73 acres from a larger +/- 48.5 acre tract.

**Location:** 3375 N. Kings Hwy (Hwy 261 between Dinkins Mill Rd. & Wilfred Dr.)

**Present Use/Zoning:** Vacant / AC

**Tax Map Number:** 090-00-02-003 Part

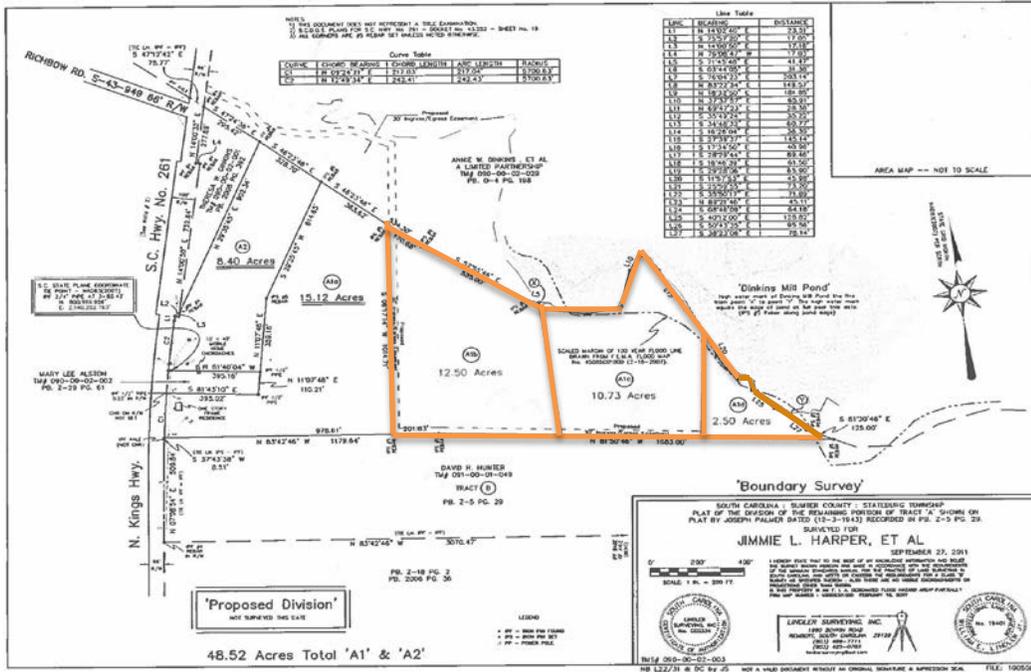
**Adjacent Property Land Use and Zoning:** North – Undeveloped / AC  
South – Residential / AC  
East – Undeveloped / AC  
West – Residential / AC

#### II. THE 2030 COMPREHENSIVE PLAN:

The 2030 Comprehensive Plan designates this parcel as Rural Development (RD). Low or medium density residential development, consisting of large lots of one acre or more located on rural roads and private drives, is appropriate in this district. Therefore, the applicant's request is compatible with the 2030 Comp Plan.

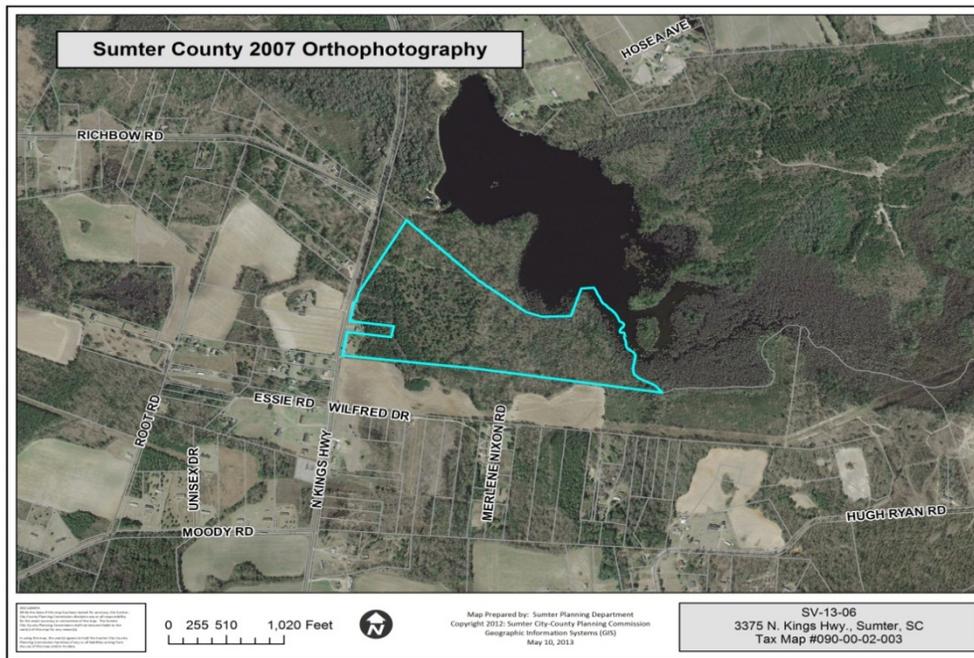
#### III. BACKGROUND

The property in question is a +/- 48.5 acre parcel located off of N. Kings Hwy (Hwy 261). in Sumter County. This property is vacant and Mr. Dinkins wishes to purchase 25.73 acres of this larger tract from Mr. Jimmie L. Harper who is handling this property which is part of the estate of Dorothy Batts.



**Above:** The proposed subdivision plat, with the new parcels shown in orange. Tract A2 & A1a are not part of this request. Tract A1b (on the left in orange is the parcel needing the variance).

**Below:** Aerial of property.



The applicant, Mr. Charles W. Dinkins, is planning to purchase this property from the estate and proposes to subdivide 3 tracts out of the 25 acres as shown on the plat above. He plans to do a Lifetime Conveyance and convey Tract A1b to David H. Dinkins his brother, tract A1c to his son and retain Tract A1d for himself. He is requesting approval of the relationship between himself and his brother, David H. Dinkins for the purpose of a lifetime conveyance. Lifetime conveyances are considered to be an exempt subdivision meant to allow an individual to transfer property to an immediate family member that may not meet subdivision regulations for public access.

As defined in Article 10 of the Zoning Ordinance, a lifetime transfer or conveyance of property is from parent to child and/or the spouse of any such child, or from grandparent to grandchild. Any other family relationships requesting to use the lifetime conveyance provision must be reviewed and approved by the Planning Commission.

As a condition of any lifetime conveyance, the grantor must ensure that the grantee has sufficient access to the property either through direct access, through frontage on a road or through an access easement. This property is considered landlocked and has no direct access to public road frontage. The grantor is providing a 15 foot wide easement through his property just north of this property as shown on the previous proposed plat for access to the three new parcels.

#### **IV. ENVIRONMENTAL CONDITIONS**

There is some floodplain on the site located at the rear of Tract A1c & A1d. There are wetlands on property as shown on the National Wetlands Inventory Maps.

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

The intent of the lifetime family conveyance is to keep family land tied together while still allowing family members to live on the land together. This division meets that intent. However, due to the layout of this parcel and the fact that it is landlocked, it is recommended that signage be provided on the private roads leading to the new parcels so that they can be easily located by emergency services. Staff recommends approval of this request.

#### **VI. PLANNING COMMISSION – MAY 22, 2013**

The Sumter City-County Planning Commission at its meeting on Wednesday, May 22, 2013, approved this request as presented.