

Sumter City-County Planning Commission

September 28, 2011

SV-11-08 , Isaac English – Commonwealth Ct. (County)

I. THE REQUEST

Applicant:	Isaac English
Status of the Applicants:	Property Owner
Request:	Request for approval of Uncle to Niece family relationship for a lifetime family conveyance to subdivide +/-40 acres
Location:	Commonwealth Ct.
Present Use/Zoning:	Residential / AC
Proposed Use:	Residential
Tax Map Number:	135-00-01-034
Adjacent Property Land Use and Zoning:	North – Vacant / AC South – Vacant / R-15 East – Residential / Peach Orchard Rd / AC West – Residential / AC

II. BACKGROUND

The parcel in question is +/- 40 acres in size and is located on Commonwealth Ct. off Peach Orchard Rd. The parcel can be divided and still meet the ordinance requirements for minimum lot size of one acre in the Agricultural Conservation (AC) district. However, access to the nearest public road is not available from the parcels to be created, and so a lifetime family transfer is the only legal means of dividing this property. The property owner, Isaac English, is requesting approval of the relationship between himself and his niece, Shirley English 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.



(Above): The drive leading to the parcel is overgrown, so a photo of the land to be divided was not available.

(Below): 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. The layout of the properties and the access easement will be similar to the image *below*, after being surveyed and platted. A possible layout of the area to be divided is shown in red. The applicant intends to divide one acre from the parent parcel and give the remainder to his niece by lifetime family transfer.



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.

Compatibility with the 2030 comprehensive plan:

The 2030 Comprehensive Plan designates this area as Rural Development (RD). The primary objective of the Rural Development designation is to promote low density residential development and selected non-agricultural and agricultural uses in a relaxed regulatory climate. Therefore the subdivision of this parcel in this manner is considered appropriate and in alignment with the goals of the 2030 Comprehensive Plan.

III. STAFF RECOMMENDATION

Staff recommends approval of the request for lifetime transfer variance.

IV. PLANNING COMMISSION – SEPTEMBER 28, 2011

The Sumter City-County Planning Commission at its meeting on Wednesday, September 28, 2011, approved this request as presented.