

**SUMTER COUNTY BOARD OF COMMISSIONERS
EXECUTIVE SUMMARY**

SUBJECT: *R2009-0022 - Rezone to RR1C - Jodie & Danny Young - SW 81st Street/Bushnell

REQUESTED ACTION: **Approve rezoning R2009-0022**

Work Session (Report Only) **DATE OF MEETING:** 1/4/2010
 Regular Meeting Special Meeting

CONTRACT: N/A

Effective Date: _____

Vendor/Entity: _____

Termination Date: _____

Managing Division / Dept: _____

Planning

BUDGET IMPACT:

Annual

FUNDING SOURCE: _____

Capital

EXPENDITURE ACCOUNT: _____

N/A

HISTORY/FACTS/ISSUES:

The applicant is requesting to rezone 2 acres MOL from a non-compliant A5 to RR1C to complete a lineal transfer. The lineal transfer meets all the requirements of the lineal transfer. Lineal transfer from grandparents to granddaughter.

The Zoning & Adjustment Board held a public hearing on January 4, 2010, and recommended approval (11-0).

ZAB cases:

- 1) Jodie & Danny Young - R2009-0022*****
 - 2) Betty & TP Caruthers, Jr. - SS2009-0006
 - 3) Betty & TP Caruthers, Jr. - R2009-0026
 - 4) Lisa Pannell & James Lopez - SS2009-0007
 - 5) Lisa Pannell & James Lopez - R2009-0027
-

SUMTER COUNTY ZONING AND ADJUSTMENT BOARD
January 4, 2010

BOARD OF SUMTER COUNTY COMMISSIONERS
January 12, 2010

CASE NO. R2009-0022
APPLICANT: Jodie & Danny Young
REPRESENTATIVE: Wayne Parker
REQUESTED ACTION: Rezone 2 acres MOL from a non-compliant A5 to RR1C
EXISTING ZONING: Non-compliant A5
FUTURE LAND USE: Agricultural
EXISTING USE: Vacant
PARCEL SIZE: 2 acres MOL
GENERAL LOCATION: Wahoo
SURROUNDING LAND USE: **SURROUNDING ZONING:**
NORTH: Agricultural **NORTH:** RR1C = mobile home
SOUTH: Agricultural **SOUTH:** A5 & RR = mobile home & pasture
EAST: Agricultural **EAST:** non-compliant A5 = residence
WEST: Agricultural **WEST:** RR1 & A5 = mobile home & pasture
COMMISSIONER'S DISTRICT: Garry Breeden

CASE SUMMARY:

The subject property is located a private easement located off of SW 81st Street in the unincorporated Wahoo area of Sumter County.

The subject property is approximately 2 acres with a width of approximately 223 feet and depth of approximately 267 feet.

CASE ANALYSIS:

The general character of the area surrounding and within the local vicinity of the subject property is agricultural land uses and residential zonings.

The applicant originally supplied a deed dated, 10/16/2009, OR 2126, Pg 92. Staff's review of the deed and survey found the deed created a flag lot, which is not allowed as part of the lineal transfer ordinance. The applicant recorded a new deed on 12/18/2009, OR 2144, P 752, which eliminated the flag lot and created a parcel compliant with the lineal transfer requirements.

The lineal transfer is from grandfather to granddaughter.

DIVISION OF PLANNING & DEVELOPMENT STAFF CONCLUSIONS:

Staff deems the application sufficient and in compliance with the minimum requirements of the Sumter County Land Development Code and Comprehensive Plan and recommends approval.

Notices Sent: 9 (In objection) 0 (In favor) 0

Zoning & Adjustment Board Recommendation: Approval (11-0)



**SUMTER COUNTY
ZONING AND ADJUSTMENT BOARD**

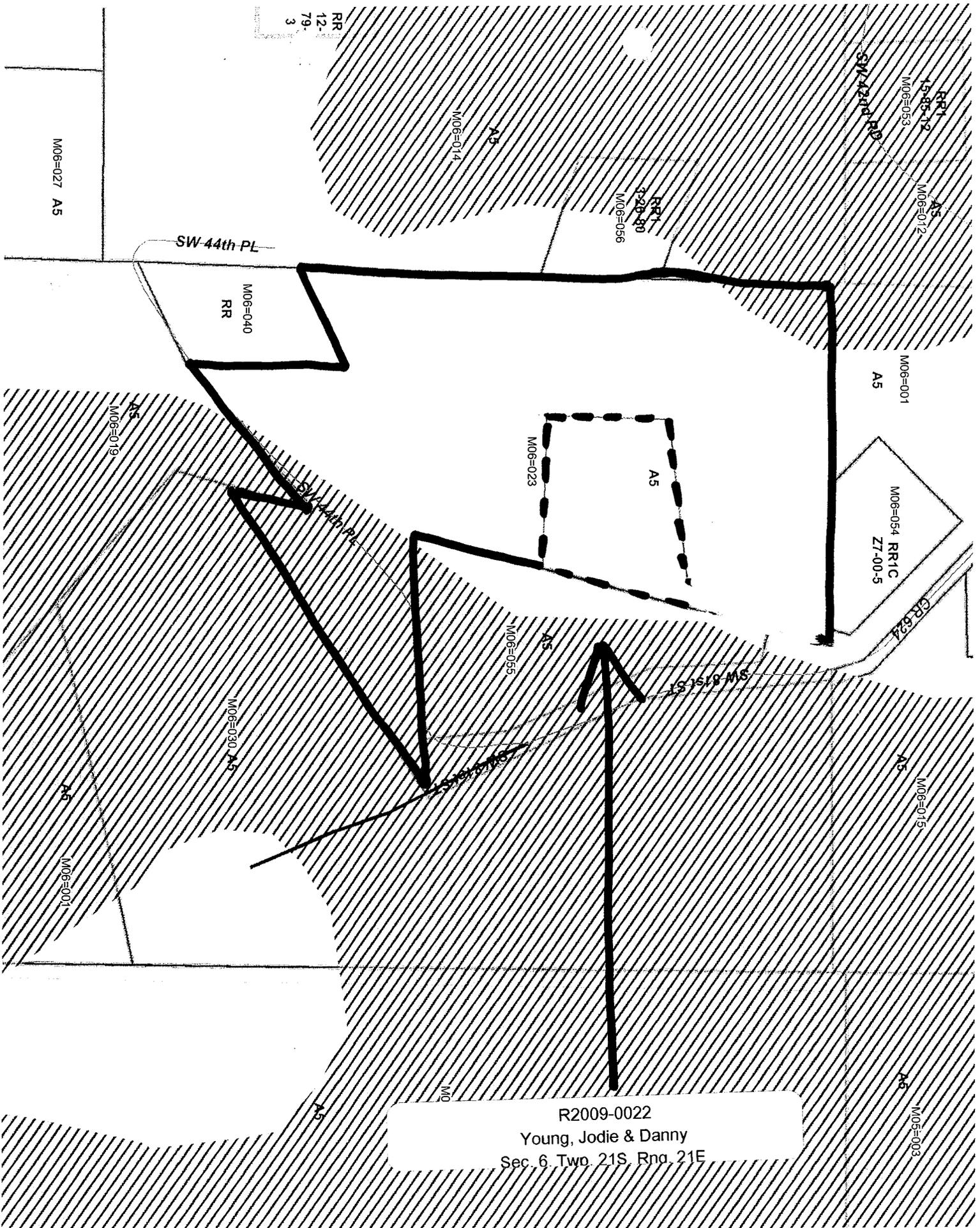
Project No: R2009-0022

Application: 10/16/2009 SMC

910 N. Main Street, Suite 301, Bushnell, FL 33513
Tel. (352) 793-0270 Fax (352) 793-0274

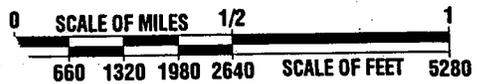
REZONING

PROJECT TYPE REZONING		PROJECT SUBTYPE Residential		PROJECT DESCRIPTION REZONE 2 ACRES MOL FROM A NON-COMPLIANT	
OWNER YOUNG, JODIE & DANNY			ADDRESS 2777 CR 673 , BUSHNELL, FL 33513		PHONE (407) 744-6635
AGENT/APPLICANT WAYNE PARKER			ADDRESS		PHONE (352) 266-8978
PARCEL # M06=023X	SEC/TWP/RNG 6 21 21	GENERAL Wahoo		DIRECTIONS TO PROPERTY W ON C-48. S ON C-575. E ON CR 624. THE PROPERTY IS ON THE S SIDE OF THE ROAD WHERE SW 81ST STREET BEGINS	
PARCEL SIZE 2.12 ACRES MOL		F.L.U. AG		LEGAL DESCRIPTION THAT PORTION OF THE NE 1/4 OF NE 1/4 & SE 1/4 OF NE 1/4 SEC 6, TWP 21S, RNG 21E: POINT OF REFERENCE, COMMENCE AT NW COR OF SE 1/4 OF NE 1/4 THENCE S02 DEG 58'34" W 501.5' N 81 DEG 04'26" E 223.30' TO POB CONT N 81 DEG 04'26" E 325' S 16 DEG 12'50" W 342.81' W 267' N 08 DEG 37'23" 277.61 TO POB (OR 2144 P 752 DATED 12/18/2009)	
PRESENT ZONING NON-COMPLIANT A5		PRESENT USE VACANT			
REQUESTED REZONING REZONE 2.12 ACRES MOL FROM A NON-COMPLIANT A5 TO RR1C TO COMPLETE A LINEAL TRANSFER		REZONED ACREAGE 2.12 ACRES MOL		REZONED LEGAL DESCRIPTION SAME AS ABOVE	
ABUTTING PROPERTY ZONING/USE F.L.U.	NORTH RR1C/MH AG	EAST NON-COMPLIANT A5/RES AG	SOUTH A5 & RR/MH & PASTURE AG	WEST RR1 & A5/MH & PASTURE AG	
<p>As owner/agent, I agree to post the hearing plaques within 24 hours on the property's road frontage at the corners and at 300' intervals between. I understand any action on my application will be governed by Sumter County's Comprehensive Plan and Development Code, and my payment of the non-refundable application fee will not influence the decision made on this application.</p>					
<p>UNDER PENALTIES OF PERJURY, I DECLARE THE ABOVE INFORMATION THAT I HAVE GIVEN TO BE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.</p>					
					October 16, 2009
_____ Signature(s)					_____ Date
<p>A Public Hearing before the Zoning and Adjustment Board will be held on the date indicated below in the Sumter County Courthouse, Bushnell, FL. This application will be heard at the time indicated below. Your appearance or representation at this hearing is required, and lack of same will cause your application to be disposed of according to the policy adopted by the Board of County Commissioners. The recommendation of the Zoning and Adjustment Board on this request will be presented to the Board of County Commissioners at a Public Hearing to be held at the date/time indicated below in the Sumter County Courthouse, Bushnell, FL, room number indicated below.</p>					
Zoning and Adjustment Board	11/16/2009	6:30 PM	Room: 142	Action:	_____
County Commission Meeting	11/24/2009	5:30 PM	Room: 142	Action:	<u>Labeled</u>
Zoning and Adjustment Board	1/4/2010	6:30 PM	Room: 142	Action:	<u>Approved</u>
County Commission Meeting	1/12/2010	5:30 PM	Room: 142	Action:	_____
NOTICES SENT	9	RECEIVED IN FAVOR	0	RECEIVED OBJECTING	0
<p>Please Note: In preparation of the application, county zoning staff will visit the site to take photographs. This will be done in county-marked vehicles. Generally, staff will take photographs from the roadway or easement, and will not come on site unless access requires it.</p>					



TWP.21S-RNG.21E

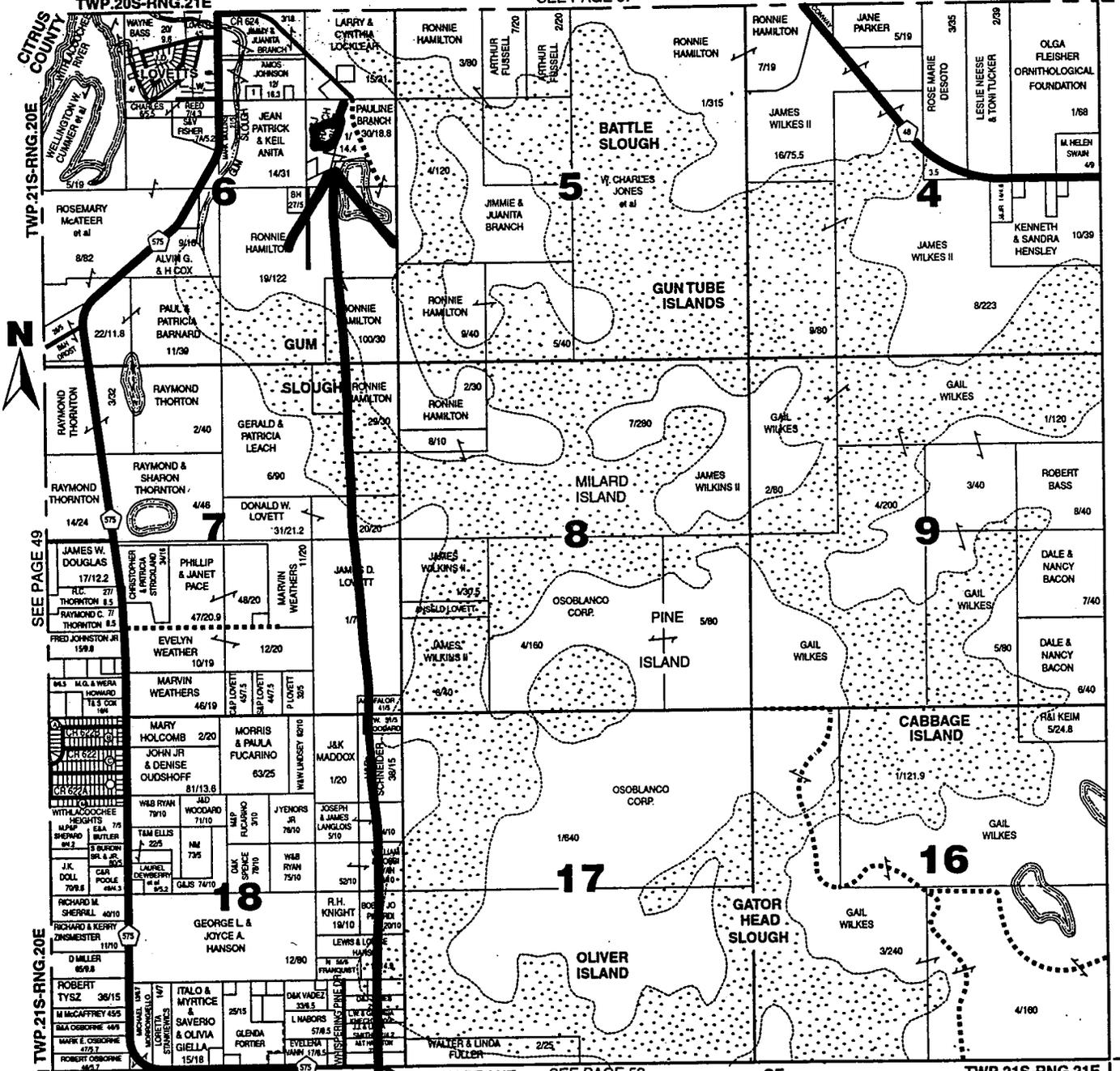
NORTHWEST QUADRANT
SUMTER COUNTY, FLORIDA



TWP.20S-RNG.21E

SEE PAGE 37

TWP.20S-RNG.21E



SOUTHWEST QUADRANT SEE PAGE 52 OF TWP.21S-RNG.21E

© FLORIDA PLATS 92, 96, 01, REV. 2005

R2009-0022
Young, Jodie & Danny
Sec. 6. Twp. 21S. Rnd. 21E

rec 10:00
Dee 2.70
copy 2.00
21.25

PREPARED BY,
RECORD & RETURN TO:
Jodie M. Young
2777 CR 673
Bushnell, FI 33513

SUMTER COUNTY, FLORIDA
GLORIA HAYWARD, CLERK OF CIRCUIT COURT
12/18/2009 10:24:40AM
DEED
DOC \$0.70

PAGE 1 OF 2
B-2144 P-752

2009 34517



Parcel Identification Number : M06-023

This Warranty Deed, made this 14th day of December, 2009, by Jodie M. Young and Danny L. Young, wife and husband, hereinafter called the Grantor, to Jodie M. Young and Danny L. Young, wife and husband whose post office address is 2777 CR 673, Bushnell, FI 33513, herein after called the Grantee: (Wherever used herein the term "Grantor" and "Grantee" include all the parties to this instrument and the heirs, legal representatives and assigns of individuals, and the successors and assigns of corporations)

Witnesseth: That the Grantor, for and in consideration of the sum of \$10.00 and other valuable considerations, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys and confirms unto the Grantee, all that certain land situate in Sumter County, Florida, to wit:

SCHEDULE "A" ATTACHED HERETO AND MADE A PART HEREOF.

Subject to covenants, restrictions and easements of record.

Together with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

To Have and to Hold, the same in fee simple forever.

And the Grantor hereby covenants with said Grantee that the Grantor is lawfully seized of said land in fee simple; that the Grantor has good right and lawful authority to sell and convey the said land; that the Grantor hereby fully warrants the title to said land, and will defend the same against the lawful claims of all persons whomsoever, and that said land is free of all encumbrances, except taxes accruing subsequent to December 31, 2008.

In Witness Whereof, the said Grantor has signed and sealed these presents the day and year first above written.

Signed, sealed and delivered in our Presence

Joy Steed
Witness One

Joy Steed
Witness Printed Name

David H Clark
Witness Two

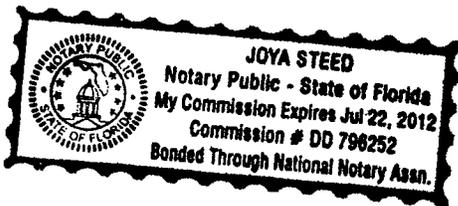
DAVID H Clark
Witness Printed Name

Jodie M Young
Jodie M. Young
2777 CR 673, Bushnell, FI 33513

Danny L. Young
Danny L. Young
2777 CR 673, Bushnell, FI 33513

STATE OF FLORIDA
COUNTY OF SUMTER

The foregoing instrument was acknowledged before me this 14th day of December, 2009, by Jodie M. Young and Danny L. Young, wife and husband, who is personally known to me or who has produced _____ as identification.



Joy Steed
Notary Public

Printed Name of Notary
My Commission Expires: _____

SCHEDULE "A"

That portion of the NE ¼ of the NE ¼ and of the SE ¼ of the NE ¼ of Section 6, Township 21 South, Range 21 East, Sumter County, Florida, described as follows:

For a Point of Reference, commence at the Northwest corner of said SE ¼ of NE ¼, thence run S02°58'34"W along the West line of said SE ¼ of NE ¼ a distance of 501.50 feet, thence N81°04'26"E 223.30 feet to the POINT OF BEGINNING of this description, from said point continue N81°04'26"E 325.00 feet, thence S16°12'50"W 342.81 feet, thence N89°04'55"W 267.00 feet, thence N08°37'23"E 277.61 feet to the POINT OF BEGINNING. The area described contains 2.00 acres, more or less.

Together with an easement for ingress, egress and utilities over and across the following described property:

Commence at the Northwest corner of the SE ¼ of the NE ¼ of Section 6, Township 21 South, Range 21 East, Sumter County, Florida, thence run S88°45'22"E along the North line of said SE ¼ of NE ¼ a distance of 632.67 feet to the POINT OF BEGINNING of this description, from said point thence run N16°12'50"E 16.00 feet, to the Southwesterly right-of-way line of County Road No. 624, thence S43°51'07"E along said right-of-way line, 21.90 feet to the North line of said SE ¼ of NE ¼, thence S88°45'22"E along said line 32.11 feet, thence S16°12'50"W 121.27 feet, thence N73°47'10"W 50.00 feet, thence N16°12'50"E 107.90 feet to the POINT OF BEGINNING.

This conveyance creates a family exemption parcel which is subject to all regulations and restrictions as set forth in Section 18-308(a)(1) of the Sumter County Code.

Said property is not the homestead of the Grantor under the laws and Constitution of the State of Florida in that neither the Grantor nor any members of the household of the Grantor reside thereon.

SUMTER COUNTY, FLORIDA
GLORIA HAYWARD, CLERK OF CIRCUIT COURT
12/18/2009 10:24:40AM
DEED
DOC \$0.70

PAGE 2 OF 2
B-2144 P-753

2009 34517



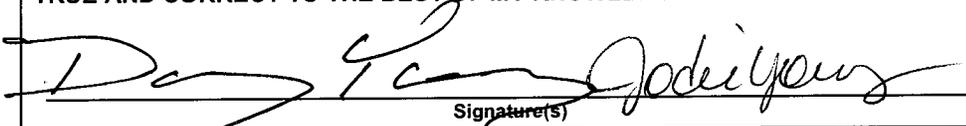


JMTER COUNTY ZONING AND ADJUSTMENT BOARD

910 N. Main Street, Suite 301, Bushnell, FL 33513
Tel. (352) 793-0270 Fax (352) 793-0274

Project No: R2009-0022
Application: 10/16/2009 SMC

REZONING

PROJECT TYPE REZONING		PROJECT SUBTYPE Residential		PROJECT DESCRIPTION REZONE 2.12 ACRES MOL FROM A NON-COMPLIA	
OWNER YOUNG, JODIE & DANNY		ADDRESS 2777 CR 673, BUSHNELL, FL 33513		PHONE (407) 744-6635	
AGENT/APPLICANT WAYNE PARKER		ADDRESS		PHONE (352) 266-8978	
PARCEL # M06=023X	SEC/TWP/RNG 6 21 21	GENERAL Wahoo	DIRECTIONS TO PROPERTY W ON C-48. S ON C-575. E ON CR 624. THE PROPERTY IS ON THE S SIDE OF THE ROAD WHERE SW 81ST STREET BEGINS		
PARCEL SIZE 2.12 ACRES MOL			F.L.U. AG	LEGAL DESCRIPTION COMM AT NW COR OF SE 1/4 OF NE 1/4 RUN S 02°58'34" W 501.50' N 81°04'26" E 223.30' TO POB CONT N 81°04'26" E 298.53' N 19°17'22" E 446.55' TO SW/LY R/W CR 624 S 16°12'50" W 777.48' W 267' N 08°37'23" E 277.61' TO POB.	
PRESENT ZONING NON-COMPLIANT A5		PRESENT USE VACANT			
REQUESTED REZONING REZONE 2.12 ACRES MOL FROM A NON-COMPLIANT A5 TO RRIC TO COMPLETE A LINEAL TRANSFER		REZONED ACREAGE 2.12 ACRES MOL		REZONED LEGAL DESCRIPTION SAME AS ABOVE	
ABUTTING PROPERTY ZONING/USE F.L.U.	NORTH RRIC/MH AG	EAST NON-COMPIANT A5/RES AG	SOUTH A5 & RR/MH & PASTURE AG	WEST RRI & A5/MH & PASTURE AG	
<p>As owner/agent, I agree to post the hearing plaques within 24 hours on the property's road frontage at the corners and at 300' intervals between. I understand any action on my application will be governed by Sumter County's Comprehensive Plan and Development Code, and my payment of the non-refundable application fee will not influence the decision made on this application.</p>					
<p>UNDER PENALTIES OF PERJURY, I DECLARE THE ABOVE INFORMATION THAT I HAVE GIVEN TO BE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.</p>					
 Signature(s)					October 16, 2009 Date
<p>A Public Hearing before the Zoning and Adjustment Board will be held on the date indicated below in the Sumter County Courthouse, Bushnell, FL. This application will be heard at the time indicated below. Your appearance or representation at this hearing is required, and lack of same will cause your application to be disposed of according to the policy adopted by the Board of County Commissioners. The recommendation of the Zoning and Adjustment Board on this request will be presented to the Board of County Commissioners at a Public Hearing to be held at the date/time indicated below in the Sumter County Courthouse, Bushnell, FL, room number indicated below.</p>					
<p>Zoning and Adjustment Board <u>510 Colony Blvd. The Villages Tea Study</u> 11/16/2009 6:30 PM Room: <u>142</u> Action: _____</p>					
<p>County Commission Meeting <u>510 Colony Blvd The Villages Parlor Room</u> 11/24/2009 5:30 PM Room: <u>142</u> Action: _____</p>					
NOTICES SENT		RECEIVED IN FAVOR		RECEIVED OBJECTING	
<p>Please Note: In preparation of the application, county zoning staff will visit the site to take photographs. This will be done in county-marked vehicles. Generally, staff will take photographs from the roadway or easement, and will not come on site unless access requires it.</p>					

18.50 rec
.10 DDC
2.00 COPY
21.20

SUMTER COUNTY, FLORIDA
GLORIA HAYWARD, CLERK OF CIRCUIT COURT
10/16/2009 01:00:40PM
DEED
DOC \$0.70

PAGE 1 OF 2
B-2126 P-92

2009 28865



GA

PREPARED BY,
RECORD & RETURN TO:
Jodie M. Young
2777 CR 673
Bushnell, FL 33513

Parcel Identification Number M06=023

This Warranty Deed, made the 15th day of October, 2009, by Jimmie Lee Branch, hereinafter called the Grantor, to Jodie M. Young and Danny L. Young, wife and husband, whose post office address is 2777 CR 673, Bushnell, FL 33513, herein after called the Grantee:
(Wherever used herein the term "Grantor" and "Grantee" include all the parties to this instrument and the heirs, legal representatives and assigns of individuals, and the successors and assigns of corporations)

Witnesseth: That the Grantor, for and in consideration of the sum of \$10.00 and other valuable considerations, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys and confirms unto the Grantee, all that certain land situate in Citrus County, Florida, to wit:

For description of lands, see Schedule "A" attached hereto and made a part hereof.

Subject to covenants, restrictions and easements of record.

Together with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

To Have and to Hold, the same in fee simple forever.

And the Grantor hereby covenants with said Grantee that the Grantor is lawfully seized of said land in fee simple; that the Grantor has good right and lawful authority to sell and convey the said land; that the Grantor hereby fully warrants the title to said land, and will defend the same against the lawful claims of all persons whomsoever, and that said land is free of all encumbrances, except taxes accruing subsequent to December 31, 2008.

In Witness Whereof, the said Grantor has signed and sealed these presents the day and year first above written.

Signed, sealed and delivered in our Presence:

Joya Steed
Witness One
Joya Steed
Witness Printed Name
David H. Clark
Witness Two
David H. Clark
Witness Printed Name

Jimmie Lee Branch
Jimmie Lee Branch
4045 CR 624, Bushnell, FL 33513

STATE OF FLORIDA
COUNTY OF Sumter

The foregoing instrument was acknowledged before me this 15th day of October, 2009, by Jimmie Lee Branch, who is personally known to me or who has produced _____ as identification.



Joya Steed
Notary Public
Printed Name of Notary _____
My Commission Expires: _____

SCHEDULE "A"

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This conveyance creates a family exemption parcel which is subject to all regulations and restrictions as set forth in Section 18-308(a)(1) of the Sumter County Code.

Said property is not the homestead of the Grantor under the laws and Constitution of the State of Florida in that neither the Grantor nor any members of the household of the Grantor reside thereon.

SUMTER COUNTY, FLORIDA
GLORIA HAYWARD, CLERK OF CIRCUIT COURT
10/16/2009 01:00:40PM
DEED
DOC \$0.70

PAGE 2 OF 2
B-2126 P-93

2009 28865

