

**SUMTER COUNTY BOARD OF COMMISSIONERS
EXECUTIVE SUMMARY**

SUBJECT: *R2011-0005 - Rezoning to RR1 · Ryan Shirley · CR 727/Tarrytown (Webster)
REQUESTED ACTION: ZAB & Staff recommend approval

Work Session (Report Only) **DATE OF MEETING:** 3/22/2011
 Regular Meeting Special Meeting

CONTRACT: N/A Vendor/Entity: _____
Effective Date: _____ 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 RR1 to complete a lineal transfer. The property was transferred in September 2006 from parents to son.

- ZAB cases
1) Kenneth & Cynthia Williams - R2011-0003
2) Ryan Shirley R2011-0005*****
-

SUMTER COUNTY ZONING AND ADJUSTMENT BOARD
March 7, 2011

BOARD OF SUMTER COUNTY COMMISSIONERS
March 22, 2011

CASE NO.	R2011-0005
APPLICANT:	Ryan Shirley
REPRESENTATIVE:	N/A
REQUESTED ACTION:	Rezone 2 acres MOL from a non-compliant A5 to RR1 to complete a lineal transfer.
EXISTING ZONING:	Non-compliant A5
FUTURE LAND USE:	Agriculture
EXISTING USE:	Vacant
PARCEL SIZE:	2 acres MOL
GENERAL LOCATION:	Tarrytown
LEGAL DESCRIPTION:	Sec. 18, Twp. 22S, Rng. 23E. COMM AT NE COR OF NE 1/4 OF SW 1/4 RUN S 165 FT W 571 FT TO POB RUN S 165 FT W 528 FT N 165 FT E 528 FT TO POB.
<u>SURROUNDING LAND USE:</u>	<u>SURROUNDING ZONING:</u>
NORTH: Agriculture	NORTH: A5 = Residence
SOUTH: Agriculture	SOUTH: Non-compliant A1 = Residence
EAST: Agriculture	EAST: A5 = Residence
WEST: Agriculture	WEST: A5 = Vacant
COMMISSIONER'S DISTRICT:	Randy Mask

CASE SUMMARY:

The easement to the property is located off CR 727 approximately ¼ mile south of CR 774 on the west side of the road in the unincorporated Tarrytown area of Sumter County.

The subject property is approximately 2 acres MOL with a width of approximately 165 feet and depth of approximately 528 feet.

The general uses of the surrounding properties are residential and agricultural.

CASE ANALYSIS:

The subject property is approximately 2 acres MOL and is located on the west side of CR 727, which is comprised of residential and agricultural uses. Properties located to the north, east, and west of the subject property have Agriculture Future Land Uses and A5 zonings. Property located to the south of the subject property has an Agriculture Future Land Use and non-compliant A5 zoning.

Currently, the property is vacant.

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

The applicant supplied a deed dated, 9/29/2006, B-1661, P 74. The lineal transfer meets all the lineal transfer requirements and is from father and mother to son.

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: 4 (In objection) 0 (In favor) 2

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

Board of County Commissioners:



SUMTER COUNTY ZONING AND ADJUSTMENT BOARD

Project No: **R2011-0005**

Application: 2/2/2011 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-complaint A5 to RR1	
OWNER SHIRLEY, RYAN AUSTIN			ADDRESS 12564 CR 727 WEBSTER, FL 33597		PHONE
PARCEL # T18=104	SEC/TWP/RNG 182223	GENERAL LOCATION Tarrytown		DIRECTIONS TO PROPERTY E on C-48. S on SR 471 E on CR 774. S on CR 727. The easement to the property is located approx 1/4 mile on the west side of the road.	
Property Address CR 727, WEBSTER, FL 33597					
PARCEL SIZE 2 acres MOL		F.L.U. AG		LEGAL DESCRIPTION COMM AT NE COR OF NE 1/4 OF SW 1/4 RUN S 165 FT W 571 FT TO POB RUN S 165 FT W 528 FT N 165 FT E 528 FT TO POB	
PRESENT ZONING Non-compliant A5		PRESENT USE Vacant			
REQUESTED REZONING Rezone 2 acres MOL from a non-compliant A5 to RR1		REZONED ACREAGE 2 acres MOL		REZONED LEGAL DESCRIPTION Same as above	

ABUTTING PROPERTY	NORTH	EAST	SOUTH	WEST
ZONING/USE F.L.U.	A5/Residence Ag	A5/Residence Ag	Non-compliant A1/Res Ag	A5/Vacant Ag

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.

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.

February 2, 2011

Signature(s)
Date

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.

Zoning and Adjustment Board	3/7/2011 6:30 PM	Room. Colony Cottage	Action: _____
County Commission Meeting	3/22/2011 5:30 PM	Room: 142	Action: _____
NOTICES SENT	4	RECEIVED IN FAVOR	RECEIVED OBJECTING

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.

Rec 5.00
TF 5.00
Doc .70
10 70

This instrument prepared by:
Felix M. Adams, Attorney
Suite 201 138 Bushnell Plaza
Bushnell, Florida 33513
352/793-6900

SUMTER COUNTY, FLORIDA
GLORIA HAYWARD, CLERK OF CIRCUIT COURT
09/29/2006 03:40:03PM
DEED
DOC \$0.70

PAGE 1 OF 1
B-1661 P-74

2006 32784

WARRANTY DEED

THIS WARRANTY DEED made September 29, 2006, between

Grantor(s): Richard A. Shirley and Denise A. Shirley, his wife
12564 CR 727, Webster, Florida 33597
AND

Grantee(s): Ryan Austin Shirley
Address: 12564 CR 727, Webster, Florida 33597

WITNESSETH, That the said Grantor, for and in consideration of the sum of TEN and 00/100 (\$10.00) Dollars, and other good and valuable considerations to said Grantor in hand paid by said Grantee, the receipt of which is hereby acknowledged, has granted, bargained and sold to the said Grantee, and Grantee's heirs and assigns forever, the following described land, situate, lying and being in Sumter County, Florida, to wit:

Commence at the Northeast corner of the Northeast 1/4 of the Southwest 1/4 of Section 18, Township 22 South, Range 23 East, Sumter County, Florida, thence run South 165 feet, thence West 571 feet to the POINT OF BEGINNING, thence South 165 feet, thence West 528 feet, thence North 165 feet, thence East 528 feet to the POINT OF BEGINNING; SUBJECT TO an easement for ingress, egress and utilities, over and across the South 20 feet thereof reserved unto Grantor and Grantor's heirs and assigns. Part of Parcel ID #: T18-027

AND TOGETHER WITH an easement for ingress, egress and utilities, over and across the following described land:

Commence at the Northeast corner of the Northeast 1/4 of the Southwest 1/4 of Section 18, Township 22 South, Range 23 East, Sumter County, Florida, thence run South 310 feet to the POINT OF BEGINNING, thence South 20 feet, thence West 571 feet, thence North 20 feet, thence East 571 feet to the POINT OF BEGINNING; SUBJECT TO right of way for County Road No. 727 across the East Side thereof.

ALL THE ABOVE SUBJECT to covenants, restrictions and easements of record.

This instrument was prepared from information furnished by the parties hereto and preparer warrants neither the sufficiency of the legal description or marketability of title.

The said Grantor does hereby fully warrant the title to the said land, and will defend the same against the lawful claims of all persons whomsoever.

IN WITNESS WHEREOF, Grantor has hereunto set Grantor's hand and seal the day and year first above written.

Felix M. Adams
1st Witness

Richard A. Shirley (SEAL)
Richard A. Shirley

Felix M. Adams
Printed name of 1st witness

Denise A. Shirley (SEAL)
Denise A. Shirley, his wife

Maria Kirkland
2nd Witness

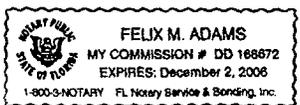
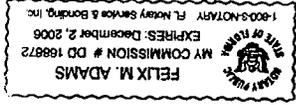
Maria Kirkland
Printed name of 2nd witness

STATE OF FLORIDA
COUNTY OF SUMTER

The foregoing instrument was acknowledged before me by Richard A. Shirley and Denise A. Shirley, his wife, on September 29, 2006, being personally known to me, or who presented n/a as identification.

My Commission Expires.

Felix M. Adams
Notary Public





R2011-0005
 Shirley, Ryan
 Sec. 18, Twp. 22S, Rng 23E



R2011-0005
Shirley, Ryan
Sec. 18, Twp 22S, Rng. 23E

Return to
Ryan Shirley B
12564 CR 727
Webster K1 33597

**BOARD OF SUMTER COUNTY COMMISSIONERS
PLANNING & DEVELOPMENT**

ACKNOWLEDGMENT AND ACCEPTANCE OF HAZARDS OF PROPERTY WITHIN THE 100 YEAR FLOOD ZONE

Sumter County requires flood protection measures in areas determined by scientific and engineering considerations to be within the 100 year floodplain. The degree of flood protection required and the methods used to determine the 100 year floodplain is considered reasonable for regulatory purposes. Larger floods and floods in areas not previously identified can occur on rare occasions. Flooding situations may also be increased by man-made or natural causes. Consequently compliance with the regulations imposed by Sumter County for uses within the 100 year floodplain do not imply that such uses will be entirely free from flooding or flood damage or that areas outside the identified floodplain and floodway overlay zones will not be flooded on occasion. Therefore these regulations shall not create liability on the part of Sumter County or any officer or employee thereof for any flood damages that result from reliance on these regulations or any administrative decision lawfully made hence forth.

I (we), RYAN AUSTIN SHIRLEY, being owners of a parcel described as:
Parcel Number: T18=104 Section Township Range: 182223
Legal Description: COMM AT NE COR OF NE 1/4 OF SW 1/4 RUN S 165 FT W 571 FT TO POB RUN S 165 FT W 528 FT N 165 FT E 528 FT TO POB

do hereby acknowledge that Sumter County has informed me that the above described parcel is fully or partially within the 100 year flood plain area (Zone A) as delineated on the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Maps for Sumter County, Florida having an effective date of March 15, 1982. Panel # 1202960225B. I (we) understand and acknowledge the consequences of building structures on this type of property, including but not limited to:

- a) If within flood zone A, the finished floor area must be at least one foot above the base (100 year) flood elevation at the site. This will require certification by a registered land surveyor. Nevertheless, the possibility of higher waters exists as described in the first paragraph of this document.
- b) Cumulative changes made to nearby properties since the FEMA map was published can increase flooding on the subject property.
- c) Flooding of the access road to the property may occur. This includes not only private roads, but those within the County maintained system as well.
- d) The driveway to the home itself may be subject to flooding, thereby eliminating or making access to the home difficult.
- e) The potential lack of access to the home can hinder emergency vehicles in reaching the property.
- f) Damage or malfunctioning of a septic tank can occur if flood water stands on site for a period of time.
- g) Contamination of the potable water supply can occur if flood water stands on site for a period of time.

I (we) understand and accept the consequences of establishing a structure within the 100 year flood plain.

Ryan Shirley
Ryan Shirley SIGNATURE OF AFFIANT(S)

COUNTY OF Sumter STATE OF Florida THE FOREGOING WAS ACKNOWLEDGED BEFORE ME THIS 10 DAY OF February, 2011 WHO IS PERSONALLY KNOWN TO ME (X) OR HAS PRODUCED AS IDENTIFICATION _____



PEGGY S. BURKE
NOTARY PUBLIC
STATE OF FLORIDA
Comm# DD0954278
Expires 5/16/2014

Peggy S. Burke

STATE OF FLORIDA COUNTY OF SUMTER
Notary Public
Peggy S. Burke
Commission # DD0954278
Expires 5/16/2014
Date: 2-21-11

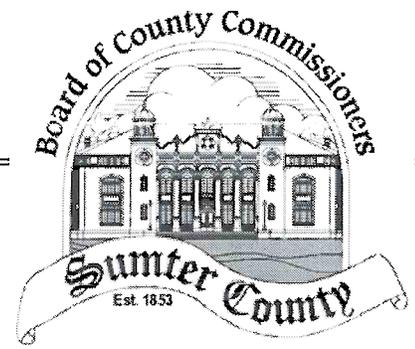
Inst: 201100040063 Date: 2/21/2011 Time: 8:17 AM
DC: Gloria R. Hayward, Sumter County Page 1 of 1 B: 2288 P: 6

Board of County Commissioners

Division of Planning & Development

Planning Services

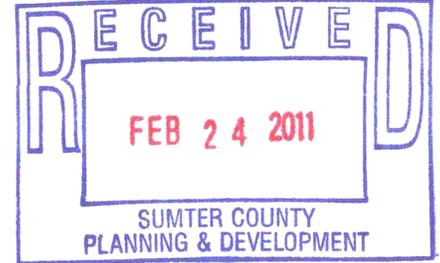
7375 Powell Road • Wildwood, FL 34785 • Phone (352) 689-4460 • FAX. (352) 689-4461
Website: <http://sumtercountyfl.gov/planning>



NOTICE OF PUBLIC HEARING

February 9, 2011

SHIRLEY RICHARD A JR & DESA-
12564 CR 727
WEBSTER, FL 33597



To property owners whose property boundaries are within a distance of 150 feet of the outside perimeter of property in the name of Ryan Shirley. This property is being considered for **rezoning** at a public hearing.

CASE# R2011-0005 to rezone 2 acres MOL from non-compliant A5 to RR1 (High Density Rural Residential) Zone which provides a high density rural residential atmosphere for one (1) conventional or Class A or B mobile home dwelling unit per parcel

A public hearing before the Zoning and Adjustment Board will be held at **Colony Cottage Recreation Center, Parlor, 510 Colony Blvd, The Villages, Florida 32162** on Monday, March 7, 2011, at 6:30 P.M.

The property is located as follows: **Webster/Tarrytown Area:** South on SR 471. East on CR 774 South on CR 727. The easement to the property is located approximately ¼ mile on the west side of the road.

The recommendations of the Zoning and Adjustment Board will be presented to the Sumter Board of County Commissioners at a public hearing to be held at **Colony Cottage Recreation Center, Parlor, 510 Colony Blvd, The Villages, Florida 32162** on Tuesday, March 22, 2011, at 5:30 P.M.

Written comments submitted will be heard. Hearings may be continued from time to time as found necessary. Please return this form to SUMTER COUNTY PLANNING DEPARTMENT, 7375 Powell Road, Suite 115, Wildwood, FL 34785. Questions should be directed to the Planning Department at (352)689-4460.

I approve of the above
 I do not approve of the above for the following reason(s).

Please return no later than February 28, 2011.

RE CASE# R2011-0005

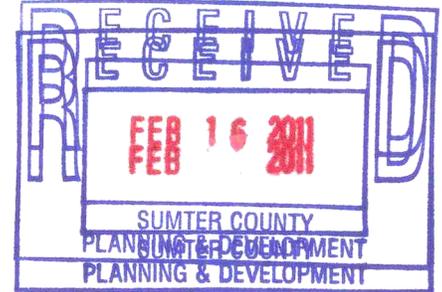
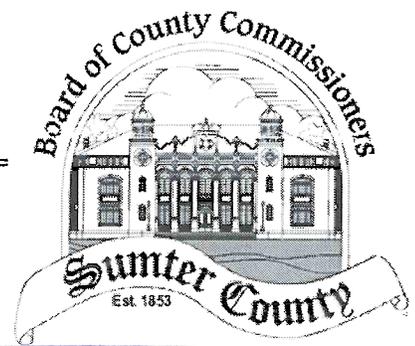
Board of County Commissioners

Division of Planning & Development

Planning Services

7375 Powell Road • Wildwood, FL 34785 • Phone (352) 689-4460 • FAX: (352) 689-4461

Website: <http://sumtercountyfl.gov/planning>



NOTICE OF PUBLIC HEARING

February 9, 2011

JERICO ROBERT & BETTY
12582 CR 727
WEBSTER, FL 33597

To **property owners** whose property boundaries are within a distance of 150 feet of the outside perimeter of property in the name of **Ryan Shirley**. This property is being considered for **rezoning** at a public hearing.

CASE# R2011-0005 to rezone **2 acres MOL** from **non-compliant A5** to **RR1 (High Density Rural Residential) Zone** which provides a high density rural residential atmosphere for one (1) conventional or Class A or B mobile home dwelling unit per parcel

A **public hearing** before the Zoning and Adjustment Board will be held at **Colony Cottage Recreation Center, Parlor, 510 Colony Blvd, The Villages, Florida 32162** on **Monday, March 7, 2011, at 6:30 P.M.**

The property is located as follows **Webster/Tarrytown Area**: South on SR 471. East on CR 774. South on CR 727. The easement to the property is located approximately ¼ mile on the west side of the road.

The recommendations of the Zoning and Adjustment Board will be presented to the Sumter Board of County Commissioners at a public hearing to be held at **Colony Cottage Recreation Center, Parlor, 510 Colony Blvd, The Villages, Florida 32162** on **Tuesday, March 22, 2011, at 5:30 P.M.**

Written comments submitted will be heard. Hearings may be continued from time to time as found necessary. Please return this form to SUMTER COUNTY PLANNING DEPARTMENT, 7375 Powell Road, Suite 115, Wildwood, FL 34785. Questions should be directed to the Planning Department at (352)689-4460

I approve of the above.
 I do not approve of the above for the following reason(s).

Please return no later than **February 28, 2011**

RE: CASE# **R2011-0005**