

**SUMTER COUNTY
SPECIAL MASTER PROCEEDING**

CASE NO.	R2020-0012
APPLICANT:	Thomas and Kerri Herby
REQUESTED ACTION:	Rezone 3 acres MOL from A10C (Agricultural) to RR2.5 (Rural Residential) to complete a lineal descent land transfer.

RECOMMENDATION OF SPECIAL MASTER

On July 6, 2020, Applicant Thomas Herby was present at the hearing before the Special Master requesting to rezone 73 acres MOL from A10C (Agricultural) to RR2.5 (Rural Residential) to complete a lineal descent land transfer. The application site is in an agricultural area with a mixture of homesites and agricultural uses. Adjacent properties are zoned Agricultural (A10C – north, east and west), RR5 (south), and R6C (east).

The RR2.5 zoning district provides for a rural residential atmosphere where families may reside in one (1) conventional or Class A or B mobile home dwelling unit per parcel and grow food and keep livestock for domestic use (LDC 13-422(a)(1)).

This rezoning request affects a 2-acre parcel that was recently created as a lineal descent . land transfer from parents to a child. The transfer and resulting lot meet the requirements of LDC 13-412 (a)(1) *Density and intensity increases-Lineal descendants/ascendants*. This rezoning will complete the process by assigning an appropriate zoning designation to the new parcel.

Pursuant to Sec. Section 13-313 (d) of the Sumter County Land Development Code, the following are the review criteria for LDC and zoning map amendments:

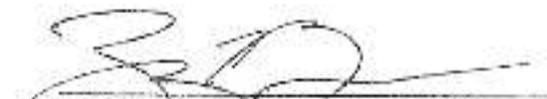
- a) Change of conditions, or absence of changed conditions.
- b) Community need, or lack of community need.
- c) Benefits to the community.
- d) The rights of private property owners.

The only evidence presented at the hearing was the staff report, in which staff deemed the application sufficient and consisted with the Sumter County Comprehensive Plan and recommended approval. There was only one public comment in support of lineal descent transfers, and the Applicant did not provide further information.

This lot was recently created as a lineal descent subdivision. Rezoning will reflect the smaller lot size. The rezoning will meet an individual property owner need rather than a community need. The rezoning will benefit the landowner by allowing them to obtain building permits on the property. The rezoning will not impinge on the rights of adjacent property owners.

Therefore, the Special Master recommends Application R2020-0012 for APPROVAL to the Board of County Commissioners at the commission meeting currently scheduled for July 14, 2020.

ORDERED this 7th day of July, 2020.



ZACHARY T. BROOME, ESQ.
Special Master
Florida Bar No. 91331