

Hanover County

Application and Procedures for

FAMILY DIVISIONS:

A-1, Agricultural District –

Family Lot greater than or equal to 10 acres

All other Zoning Districts –

Family lot must meet minimum lot size requirements



County of Hanover Department of Planning
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Summary of the Requirements for Lots Created by the Family Division Process:

Certain divisions of property where lots are created to be conveyed to family do not have to meet the regular requirements for a subdivision. Those property owners interested in conveying property to a family member must submit an application for a Family Division (instead of a subdivision) for review by the Planning Department. These divisions must meet the requirements of Chapter 25, Article II, Division 5 of the Subdivision Ordinance. The following is a list of Zoning and Subdivision Ordinance requirements that must be met in order to be eligible for this procedure:

- The new lot must be conveyed to a family member. Eligible family members include **children, grandchildren, grandparents, parents, siblings, aunts, uncles, nieces, nephews, and spouses****. (If the new lot will be conveyed to a spouse, please contact the Planning Department staff. These types of family divisions are permitted only in limited circumstances.) Each family member is eligible to receive a lot using this process only one time. At the time of application, the property must be titled in the name(s) of the family member(s), not the family member's business or corporation. Please note: Family divisions involving properties held in trust for a family member are possible but have additional requirements. Please contact the Planning Staff for additional information and application forms.
- The new lot must meet the minimum width, yard, and area requirements of the zoning district in which the parcel is located. The remaining parent tract must also continue to meet the lot size requirements for the zoning district. Contact the Planning staff to determine the zoning of your parcel and the specific requirements for that zoning district.
- Each family lot shall have frontage on a public road or on a 20' right-of-way or access easement. Improvements within the right-of-way may require an application for an Erosion and Sedimentation Control Plan with Public Works if the driveway disturbs more than 2,500 square feet of the property. Please be advised that your access easement should not divide the subject property and should run along a property line.
- Floodplain should be shown and noted on every plat submitted for review and recordation.
- **Please be advised:** If the property you are proposing to divide is in the Land Use Program, please contact the Commissioner of Revenue's Office to discuss possible rollback taxes.

Approval Process for Family Division Applications

Application Submittal

- Submittal shall include the following:
 - A completed application
 - Five (5) copies of the **survey plat, no larger than 11" X 17" in size, showing the individual family lot and its frontage on a public road or a private right-of-way or easement. The plat should include a surveyor's seal with an original signature and date. The family division plat will serve as an exhibit to a deed and should not contain a cover page. The plat must address the checklist items on Page 6.** Include the GPIN and remaining area of the original parcel.
 - If necessary please provide one (1) copy of a sketch of the remaining parcel, showing existing structures.
 - Select your option and sign the attached sheet regarding the requirements of Public Works.

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Planning and Zoning Review for Compliance

- The review time by Planning and Zoning staff should be completed within 3-6 weeks.
- Applicant will be contacted if additional information or changes are needed.

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Approval and Deed Recordation

- Once the application and plat has been reviewed and meets the ordinance requirements, the Planning staff will contact the applicant and request a draft version of the deed for recordation.
- The applicant will be notified after review if the deed requires revisions. Otherwise staff will contact the applicant to schedule a recordation meeting. During this meeting staff and the applicant will take the recordation materials (approved plat and deed) to the Circuit Court for recordation. Applicant is responsible for recordation fees. A letter of approval will be provided to the applicant at this time as well.
- The applicant will have a copy of the approval letter, approved plat, deed, and receipt after recordation.
- Of note, following the approval of an application, the deed and survey plat must be recorded which transfers the new lot from the grantor to the grantee within six (6) months of approval of this application. If not recorded the application is no longer valid and expires.

Hanover County Planning Department Application

Request for FAMILY DIVISIONS

Please type or print using **black ink**.

FD Case #: _____

PARENT TRACT	FAMILY (NEW) LOT
GPIN (Tax Parcel Number): _____ Total Lot Area (Acres): _____ Current Zoning: _____ Rezoning Case No. (if applicable): _____ Magisterial District: _____	Lot Area (acres): _____ Water: [] Public [] Private (Well) [] Private (Central) Sewer: [] Public [] Private (Septic) [] Private (Central)

APPLICANT INFORMATION	
The undersigned request(s) authorization to subdivide a lot from GPIN _____ located at (street address) _____ for the purpose of transferring ownership to a member of my immediate family. Please provide relationship of grantor to recipient: _____ If the new lot will be conveyed to a spouse, please indicate which family member will be sold or given the remaining tract of land (see Page 2): _____	
Grantor's Signature: _____ Print Name: _____ Grantor's Signature: _____ Print Name: _____ Address: _____ _____	Date of Signatures _____ Telephone No. _____ Fax No. _____ Email Address _____ _____
Grantee's Signature: _____ Print Name: _____ Grantee's Signature: _____ Print Name: _____ Address: _____ _____	Date of Signatures _____ Telephone No. _____ Fax No. _____ Email Address _____ _____
Is at least one of the grantees listed at least 18 years of age? Yes _____ No _____	

STAFF USE ONLY:
Accepted by: _____ Date: _____

APPLICANT STATEMENT

The undersigned (grantor) have read and understand the following:

1. Only one such division shall be allowed per allowed per family member and shall not be for the purpose of circumventing this subsection of the Hanover County Zoning Ordinance. For the purpose of this subsection, a member of the immediate family is defined as any person who is a natural or legally defined offspring, spouse, sibling, parent, grandparent, aunt, uncle, niece, or nephew of the owner.
2. Any lot created shall conform to the provisions of the Zoning Ordinance.

Signature: _____ Date: _____

HISTORIC SURVEY INFORMATION

Specifically list below any known or suspected historic resources on both the subject property and the immediately adjacent properties to include structural and non-structural resources, trenches, cemeteries, and archeological sites. Please include the GPIN associated with the historic resource. Describe the impact of the proposed subdivision on these resources. The Planning Staff is available to assist with this requested information.

Historic Resource	Impact
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

If there are no known or suspected historic resources, including structural and non-structural resources, trenches, cemeteries, and archeological site, please sign and date.

Signature: _____ Date: _____

ATTACHMENTS

Use this checklist to make sure that your application is complete and will be accepted for processing and review. Failure to include all the necessary information for a complete application will result in the application not being accepted for processing until it is completed. The staff will use this checklist to make sure that the application is complete when it is turned in to the Planning Department.

Yes	No		Staff:	Yes	No
<input type="checkbox"/>	<input type="checkbox"/>	1. A completed copy of application (2 pages)		<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	2. Survey plat (5 copies) of the proposed lot with a surveyor's seal with an original signature and date. (It is not necessary to show the entire area of the remainder parcel.)		<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	3. A completed copy of the plat checklist on Page 6		<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	4. A completed copy of the attached Requirements of Public Works.		<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	5. A sketch of the remainder parcel showing all existing structures. (If necessary.)		<input type="checkbox"/>	<input type="checkbox"/>

SURVEY PLAT CHECKLIST

Please address the following items on the plat.

Applicant:		Staff:	
Yes No		Yes No	
[] []	1. Show existing structures and setbacks from existing and proposed property lines.	[] []	
[] []	2. Label the Family Division as "Family Division" and the remainder of the lot "Remainder".	[] []	
[] []	3. Label the Deed Book and Page Number of the property to be divided.	[] []	
[] []	4. If the new lot does not have public road frontage, please show the access easement and width (20' is the minimum width).	[] []	
[] []	5. Surveyor's seal with an original signature and date.	[] []	
[] []	6. Do NOT show any proposed house or septic drainfield locations on this plat.	[] []	
[] []	7. Please add the following notes to the plat, as required by Public Works:	[] []	
	a*) This property is <u>in/out</u> of a Chesapeake Bay Resource Management Area. This property <u>contains/does not contain</u> a 100' Resource Protection Area Buffer.		
	b) All lots located within a Chesapeake Bay Preservation Act Area are required to have a 100% reserve drain field.		
	c) All septic systems located within a Chesapeake Bay Preservation Area (Resource Management Area) must be pumped out every 5 years.		
	d) Resource Protection Areas are to be retained as undisturbed and vegetated 100' wide buffer area, as specified in Chapter 10 of the Hanover County Code.		
	e) Only water dependent facilities and redevelopment, as defined in Chapter 10 of the Hanover County Code are permissible within the Resource Protection Area, including the 100' wide buffer.		
	f) Property lies within a F.E.M.A. defined flood zone "____" per community panel number _____, dated _____.		
[] []	8. Is the subject property located in a Dam Break Inundation Zone? ___ Yes ___ No (Please contact Planning or Public Works for assistance in addressing this question.) If yes, please contact Public Works for further information.	[] []	
[] []	9. If the wetlands statement from the WQIA form is on the plat, please add the following note to the plat, as required by Public Works:	[] []	
	a) I certify that I am a licensed professional in the Commonwealth of Virginia and that to the best of my knowledge, in my opinion the proposed development complies with the current requirements of section 404 of the Clean Water Act and state wetland regulations including the requirement that a wetlands delineation be performed and shown on the requisite plan. (Signature Block & Date)		
[] []	10. If the water quality impact assessment statement from the WQIA form is on the plat, please add the following note to the plat, as required by Public Works:	[] []	
	a) I certify that I am a licensed professional in the Commonwealth of Virginia and that to the best of my knowledge, having completed a site-specific in-field evaluation and delineation of perennial flow, in my opinion the proposed development meets the requirements of Hanover County Code, Chapter 10, Article II, Chesapeake Bay Preservation. (Signature Block & Date)		
[] []	*If the <u>Requirements of Public Works</u> on Page 7 will not be addressed until the time of building permit, Note a. should state the following:	[] []	
	a) This property is <u>in/out</u> of a Chesapeake Bay Resource Management Area. This property may contain a 100' Resource Protection Area Buffer which will be determined through the building permit review process. A perennial stream assessment will need to be performed on all drainage ways and a wetland delineation performed on the property in order to accurately locate the limits of the RPA buffer, prior to approval of a building permit for the property.		

Requirements of Public Works:

Please choose one option below for submitting required items to Department of Public Works and return to the Planning Department:

Option 1

To submit required items **prior** to approval of the approval of the Family Division, the following will need to be submitted with the Family Division application:

- a. Water Quality Impact Assessment (WQIA) for the entire parcel prior to division
- b. A perennality study and a wetland delineation (if applicable)

We would like to submit the required information to the Department of Public Works **prior** to approval of this Family Division application.

Option 2

To **proceed** with the approval of this Family Division and submit required items at the time of the building permit application, the following will need to be submitted with the building permit:

- a. Water Quality Impact Assessment (WQIA) for the parcel
- b. A perennality study and a wetland delineation (if applicable)

We would like to **proceed** with the approval of this Family Division application and submit the above information at the time of building permit application.

Note: A building permit with more than 1 acre of land disturbance will require a Land Disturbance Permit which includes submitting an Erosion and Sediment Control Plan, Erosion and Sediment Control Bond, and an Erosion and Sediment Control Fee.

If you have any questions concerning any of these comments, please call Nicole Onellion with Public Works at 804-365-6156.

Signature of Grantee: _____ Date: _____

Print Name: _____