

# Hanover County

Application and Procedures for

## **FAMILY DIVISIONS: HOMESTEAD AGREEMENT/AFFIDAVIT** A-1, Agricultural District, Homestead Lots less than 10 acres



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Revised June 2017

## 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 for review by the Planning Department. These divisions must meet the requirements of Chapter 25, Article II, Division 5 of the Subdivision Ordinance as well as Section 26-31 of the Zoning Ordinance. The new lot is referred to as the homestead lot. The following is a list of requirements that must be met in order to be eligible for this procedure:

- The new lot or the parent tract 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.
- This application should be used for parcels zoned A-1, Agricultural District, when the homestead lot is to be greater than 2 acres but less than 10 acres. The homestead lot must meet the minimum width, yard, and area requirements of the A-1 District.
  - Minimum lot size – 2 acres
  - Minimum lot width – 250 feet
  - Minimum lot depth – 200 feet
- Each homestead lot shall have frontage on a public road (minimum 250') or on a 20' right-of-way or access easement. The driveway within the right-of-way shall be a minimum of 10 feet, constructed with an all-weather surface consisting of rock, stone, or gravel, with a minimum depth of 1 inch. 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.
- The Parent Tract must remain greater than 10 acres in size after subdivision of the homestead lot and continue to comply with all district regulations.
- The family member who is granted the homestead lot must hold the title to the property for a minimum of 5 years from the date of recordation.
- 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

- Please submit the following:
  - A completed application
  - Five (5) copies of **Survey plat, no larger than 11"x17"** in size, showing the **individual homestead 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.
  - One (1) copy of a sketch of the remaining parcel, showing any existing structures. *(Staff is available to assist with this sketch.)*
  - Select your option and sign the attached sheet regarding the Department of Public Works requirements. |

## Planning and Zoning Review for Compliance

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

## 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 deed for recordation. (Please see the enclosed recordation checklist.)
- The applicant will be notified within 5 working days 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.
- The applicant will leave with a copy of the approval letter, approved plat and recordation receipt.

## Hanover County Planning Department Application

### Request for a FAMILY DIVISION

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

FD Case #: \_\_\_\_\_

<b>PARENT TRACT</b>	<b>HOMESTEAD (NEW) LOT</b>
GPIN (Tax Parcel Number): _____ Total Lot Area (Acres): _____ Current Zoning: _____ Rezoning Case No. (if applicable): _____ Magisterial District: _____ Deed book _____ Page _____	Lot Area (acres): _____ Water: [ <input type="checkbox"/> ] Public [ <input type="checkbox"/> ] Private (Well) [ <input type="checkbox"/> ] Private (Central) Sewer: [ <input type="checkbox"/> ] Public [ <input type="checkbox"/> ] Private (Septic) [ <input type="checkbox"/> ] 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 homestead 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 _____ _____
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Grantee's Signature: _____ Print Name: _____ Grantee's Signature: _____ Print Name: _____ Address: _____ _____	Date of Signatures _____ Telephone No. _____ Fax No. _____ Email Address _____ _____
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### STAFF USE ONLY:

Accepted by: \_\_\_\_\_ Date: \_\_\_\_\_ HTE#: \_\_\_\_\_

**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, parent, or grandparent 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, unless the remainder parcel is exactly 10 acres.)		<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 the Department 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. (Staff is available to assist with this sketch)		<input type="checkbox"/>	<input type="checkbox"/>

## SURVEY PLAT CHECKLIST

Please address the following items on the plat.

Applicant:		Staff:	
<u>Yes</u> <u>No</u>		<u>Yes</u>	<u>No</u>
	1. Show existing structures and setbacks from existing property lines.	[ ]	[ ]
	2. <b>Label the Family Division as "Family Division" and the remainder of the lot "remainder"</b>	[ ]	[ ]
	3. <b>Label the Deed Book and Page Number of the property to be divided.</b>	[ ]	[ ]
	4. If the homestead 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	[ ]	[ ]
	b) property <u>contains/does not contain</u> a 100' Resource Protection Area Buffer.	[ ]	[ ]
	c) All lots located within a Chesapeake Bay Preservation Act Area are required to have a 100% reserve drain field.	[ ]	[ ]
	d) All septic systems located within a Chesapeake Bay Preservation Area (Resource Management Area) must be pumped out every 5 years.	[ ]	[ ]
	e) 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.	[ ]	[ ]
	f) 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. 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)		
	11. If the Requirements of Public Works on Page 7 will not be addressed until the time of building permit, Note a. should state the following:	[ ]	[ ]
	a) This property is in/out 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:

Prior to the approval of any building permit on each lot, the following items will need to be addressed:

- a. A perennality study will need to be performed on all drainage ways on this property in accordance with the Chesapeake Bay Preservation Act. The results of the study need to be shown on the plat, if any drainage ways are determined to be perennial;
- b. Wetlands need to be delineated and a wetland certification statement needs to be provided;
- c. A Water Quality Impact Assessment may be required pending the results of the above referenced delineation and study;
- d. If more than 1 acre is going to be disturbed either in conjunction with a building permit or as a result of land clearing, an engineered Erosion and Sediment Control Plan will need to be submitted to Public Works and approved. This process will also require posting an Erosion and Sediment Control Bond, payment of the appropriate Erosion and Sediment Control Inspection Fee, and obtaining a Land Disturbance Permit.

**If you have any questions concerning any of these comments, please call the Department of Public Works at 365-6156.**

Please check one box, and return to the Planning Department:

- We would like to submit the required information to the Department of Public Works **prior** to approval of this Family Division application.
- We would like to **proceed** with the approval of this Family Division and submit the above information at the time of building permit application.

Signature of Grantee: \_\_\_\_\_ Date: \_\_\_\_\_

Print Name: \_\_\_\_\_

## RECORDATION CHECKLIST

Please be sure that the recordation materials address the following:

Applicant:		Staff:
<u>Yes</u> <u>No</u>		<u>Yes</u> <u>No</u>
<input type="checkbox"/> <input type="checkbox"/>	1. Identification of the relationship between grantor and grantee to ensure the division is being created for a qualifying family member.	<input type="checkbox"/> <input type="checkbox"/>
<input type="checkbox"/> <input type="checkbox"/>	2. A covenant prohibiting the transfer of the homestead lot for a period of not less than five (5) years following recordation of the deed, unless the lot is the subject of an involuntary transfer such as foreclosure, death, judicial sale, condemnation, or bankruptcy. This covenant should appear in the Deed transferring the homestead lot to the grantee; however, the covenant may also appear in a separate document that is recorded at the same time as the Deed transferring the homestead lot.	<input type="checkbox"/> <input type="checkbox"/>
<input type="checkbox"/> <input type="checkbox"/>	3. Only one homestead lot may be created for any one family member, and such lot shall not be created for the purpose of circumventing the Zoning Ordinance.	<input type="checkbox"/> <input type="checkbox"/>
<input type="checkbox"/> <input type="checkbox"/>	4. Verification that access to the proposed lot meets the requirements outlined in Section 26-31§6 of the Zoning Ordinance	<input type="checkbox"/> <input type="checkbox"/>