



## The Family Subdivision Process

- Step One:** The initial step in the Family Subdivision process is to talk to, or meet with, Planning & Zoning staff to discuss the requirements of the County's Subdivision Ordinance as it relates to Family Transfers and the process described below. To contact staff or to set up an appointment, please call the Department of Planning and Zoning at (804) 693-1224.
  
- Step Two:** Once the applicant has discussed the Family Subdivision process with P&Z staff, and it has been determined that the requirements for Family Transfers can and will be met, each of the following items need to be submitted to the Department of Planning and Zoning to provide a complete application for review:
  - Completed Family Transfer Subdivision Application;
  - Three draft copies of the final plat for each proposed division; (see Final and Minor Subdivision Application Checklist)
  - Health Department Certification letters for each lot, including the parent parcel (for properties served by private well and septic systems);
  - Documentation required for lots within Major Subdivisions, if applicable; (See attached Policy Memo)
  - Signed and notarized Affidavit of Compliance for each division;
  - Legal verification establishing the right to use an existing private right-of-way or easement for purposes of subdivision, if the proposed division does not have frontage on a public road; (See attached Policy Memo)
  - A review fee in the amount of \$100 per division.
  
- Step Three:** Applicant will provide a draft deed of conveyance for each division, prepared by the property owner's attorney, describing the proposed conveyance of land to the immediate family members as shown on the plat (after initial plat review is complete and verified by staff) and containing the notes as applicable per §15-3.2(c).
  
- Step Four:** After the plat and deed(s) have been reviewed, and revised if necessary, staff will advise the applicant to submit the following items to the Department of Planning and Zoning for final review and recordation:
  - Eight signed and notarized copies of the plat;
  - Signed and notarized deed(s) of conveyance.
  
- Step Five:** Once the plat has been reviewed and approved, staff will contact the applicant to collect the cost of recordation for the plat(s) and deed(s).
  
- Step Six:** After staff completes the recordation process, the applicant will be notified; the signed plat(s) and recorded deed(s) will be available for pick-up in our office. Our regular hours are 8AM-4:30PM, Monday through Friday.



## Family Subdivision Information Sheet

**Purpose and Intent:** It is the purpose and intent of §15-3.2 of the Subdivision Ordinance to reduce potential development impacts on the community as a whole by encouraging and promoting the ability of family members to remain in close proximity as housing needs change, to provide opportunities for mutual support and care of family members, and to allow for the preservation of family land holdings which might otherwise be fragmented for economic reasons. Allowing the conveyance of property between immediate family members without the necessity of compliance with all of the subdivision requirements imposed on unrelated parties will further this purpose.

### Summary of Requirements<sup>1</sup>:

- Single division of a lot or parcel to an immediate family member (naturally or legally defined offspring, stepchild, sibling, parent or grand-parent of the owner).
- One such division per family member. A separate fee is required for each division; a \$100 fee is required for each parcel conveyed, pursuant to Section 15-56 of the Gloucester County Code.
- Lot or parcel to be divided shall be owned by the grantee for a minimum of **3 years prior** to the date of recordation of the family transfer unless the owner has established his or her primary domicile on the lot or parcel to be divided.
- Lots approved as a family transfer including the parent tract shall remain in the titled name of the immediate family by or for whom the division is made for at least **7 years** from the date of recordation of the deed of conveyance unless criteria set forth in §15-3.2(c)(3) applies.<sup>2</sup>
- The minimum width, yard, and area requirements of all lots or parcels shall be in accordance with the applicable provisions of the Gloucester County Zoning Ordinance. (see table below)

Zoning	Lot Size	Lot Width* (feet)	Front Yard Setback (feet)	Side Yard Setback (feet)	Rear Yard Setback (feet)
C-2	5 Acres	250	75	50/100 Total	100
RC-1	5 Acres	250	75	50/100 Total	100
RC-2	5 Acres	250	75	50/100 Total	100
SC-1	2 Acres	200	75	30/60 Total	100
SF-1	30,000 sf if connected to Public Water and Sewer  <b>2 Acres if on-site Well and Septic</b>	100	35	15/30 Total (Side yard abutting side street on a corner lot- 30)	30

\*Lot, width of: The average horizontal distance between side lot lines.

- Family transfers shall not be permitted in a major subdivision previously approved by the Planning Commission under the terms of the Gloucester County Subdivision Ordinance when any lot or parcel to be created will be smaller than the median parcel size in the subdivision in which the parent tract is located. To insure compliance with this provision, see the attached "Determination of Major Subdivisions for Family Transfers" policy memo.

<sup>1</sup> See ordinance for more specific requirements.

<sup>2</sup> Application of any of the criteria for waiver of the holding period must be approved by the subdivision agent.

- Each lot or parcel shall front on a public road or upon a private driveway or road which is in a permanent easement of right-of-way twenty (20) feet in width. Legal verification shall be provided (for those lots located on a private right of way or easement) indicating that the applicant has the right to use either for the purposes of subdivision. (See “Use of Private Roads or Easements for Access to Proposed Subdivisions” Policy Memo.)
- Prior to the use on any lot or parcel for residential purposes, the required right of way shall include an improved driveway within it, as outlined in §15-3.2(c)(5)
- Where the private right of way intersects with a public right of way, additional easements may be necessary to meet VDOT’s requirements for a Public/Private Entrance. Contact VDOT for specific requirements at 804-758-2321.
- Grantors of any subdivision lot to which the statement required by §15-3.2(c)(5) applies, must include a substantially similar statement on each subsequent deed of conveyance thereof.
- A final plat shall be submitted and shall adhere to the requirements set forth in Section 15-63 of the Subdivision Ordinance.
- An affidavit under oath shall be submitted describing the purpose of the family subdivision and identifying the immediate family member receiving the lot created. The affidavit shall be signed by the grantor and grantee, the signatures shall be notarized, and it shall be recorded along with the approved plat.<sup>3</sup>
- The proposed deed of conveyance shall be submitted and, once approved for compliance with this Section, recorded along with the approved plat. Both the deed and the plat shall contain the following statement set forth so as to readily be seen in a minimum of 12 point type:
 

**THIS LOT IS CREATED AS A FAMILY TRANSFER PURSUANT TO THE PROVISIONS OF THE GLOUCESTER COUNTY SUBDIVISION ORDINANCE. THE USE AND TRANSFER OF THE PROPERTY ARE RESTRICTED BY THE TERMS OF THAT ORDINANCE.**
- Drainage and utility easements shall be dedicated to the County when deemed necessary by the agent to accommodate drainage and/or public utility facilities, whether for current or future needs, in accordance with the requirements of the County Code.
- Lots created that have less than two acres must connect to public water and sewer. Approval of such connection by the Director of Public Utilities must be established prior to approval of the final plat by the subdivision agent.
- For property with on-site water and sewer – documentation shall be submitted demonstrating the presence of wells and primary and reserve drainfields on each parcel.

***The subdivision agent shall reject any proposed family transfer if, after investigation of the facts and circumstances involved in the proposed transfer, the agent believes that the proposed transfer is for the purpose of circumventing the requirements of the Subdivision Ordinance and is not in accordance with the purpose and intent of this Section 15-3.2 of the Subdivision Ordinance. The burden of proving compliance with the purpose, intent, and conditions of this section shall be on the property owner. Nothing in this section shall be deemed to exempt family transfers from the requirements of other provisions of the Gloucester County Code which are applicable.***

***No building permit shall be granted for construction on any lot created in violation of the provisions of the Subdivision Ordinance.***

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<sup>3</sup> Compliance Statement required for each parcel to be transferred.



## **Gloucester County Subdivision Ordinance Section 15-3.2 – Family Transfers**

**a.** It is the purpose and intent of this section to reduce potential development impacts on the community as a whole by encouraging and promoting the ability of family members to remain in close proximity as housing needs change, to provide opportunities for mutual support and care of family members, and to allow for the preservation of family land holdings which might otherwise be fragmented for economic reasons. Allowing the conveyance of property between immediate family members without the necessity of compliance with all of the subdivision requirements imposed on unrelated parties will further this purpose.

**b.** A single division of a lot or parcel is permitted for the purpose of sale or gift to a member of the immediate family of the property owner. For the purposes of this section, a member of the immediate family is defined as any person who is a natural or legally defined offspring, stepchild, sibling, or a parent or grandparent of the owner. If the property to be subdivided is owned jointly by husband and wife, the necessary relationship to the grantee may exist between either husband or wife. If the grantee of the parcel is married, only one such parcel may be conveyed to the grantee and his or her spouse. The property to be subdivided may be titled in a trust, provided the agent determines that beneficial ownership of the property remains in a person who has a qualifying family relationship with the grantee.

**c.** Family Transfers shall be subject to the following provisions and conditions in lieu of the other regulations imposed by this chapter:

1. Only one (1) such division shall be allowed within Gloucester County for each immediate family member.

2. The lot or parcel to be divided shall have been titled of record in the name(s) of the owner(s) for a minimum of three (3) years prior to the date of recordation of the family transfer, unless the owner(s) thereof has established his or her primary domicile on such lot or parcel to be divided.

3. All lots or parcels, including the parent tract, created under this section shall remain titled in the name(s) of the immediate family member by or for whom the division is made for a period of not less than seven (7) years from the date of recordation of the deed of conveyance unless:

(a) The parcel to be transferred out of the immediate family is the subject of an involuntary transfer such as foreclosure, divorce, death, judicial sale, condemnation, or bankruptcy, in which case, upon application to the agent, any remaining required holding

period shall be waived; or

(b) The owner(s) of the parent tract dies, in which case, upon application to the agent, any remaining holding period shall be waived for both the parent tract and the parcel(s) transferred from the parent tract; or

(c) The parcel is later transferred to another grantee qualifying as an immediate family member as set forth in this section, in which case only the remainder of the required holding period shall apply to the subsequent grantee; or

(d) The proposed transfer is submitted to the subdivision agent for approval, and all requirements of the Gloucester County Subdivision Ordinance in effect at the time the parcel was first created as part of a family transfer are met; or

(e) An exception is made by the Board of Supervisors upon a determination of injustice or hardship made after ten (10) days written notification to adjacent property owners.

4. The minimum width, yard, and area requirements of all lots or parcels, including the remaining property from which the lot or parcel is subdivided, shall be in accordance with the applicable provisions of the Gloucester County Zoning Ordinance.

5. Each lot or parcel shall front on a public road or upon a private driveway or road which is in a permanent easement of right-of-way a minimum of twenty (20) feet in width. (Where the parcel to be subdivided fronts on an existing right-of-way less than twenty (20) feet in width, a twenty (20) foot right-of-way shall only be required on the parcel to be subdivided.)

Prior to the use of any such lot or parcel for residential purposes, the required right-of-way shall include an improved driveway within it consisting of, at a minimum, an all-weather surface of rock, stone, or gravel, with a minimum depth of three (3) inches and a minimum width of ten (10) feet. The right-of-way shall be maintained by those having a right to use it in a condition passable by emergency vehicles at all times. A notation to this effect shall be placed on the face of the final plat and this provision shall be included in the deeds by which the subdivision is effected. Passable condition refers to not only the surface, but also to horizontal and vertical clearance.

An erosion and sediment control plan with appropriate surety is required if the proposed right-of-way and driveway construction disturbs more than two thousand five hundred (2500) square feet.

6. Drainage and utility easements shall be dedicated to the County when deemed necessary by the agent to accommodate drainage and/or public utility facilities, whether for current or future needs, in accordance with the requirements of the County Code.

7. Property corners shall be marked in accordance with this chapter.

8. Family transfers shall not be permitted in a major subdivision previously approved by the Planning Commission under the terms of the Gloucester County Subdivision Ordinance when any lot or parcel to be created will be smaller than the median parcel size in the subdivision in which the parent tract is located.

For lots created prior to January 1, 2000, family transfers shall not be permitted in any subdivision which is shown on a plat of four (4) or more lots recorded in the Clerk's office and approved under any of the terms of the Gloucester County Subdivision Ordinance when any lot or parcel to be created by the family transfer will be smaller than the median parcel size of the lots shown on the recorded subdivision plat containing the parent tract from which the family transfer is to occur.

Common areas and non-residential lots shall not be included in the calculations for median parcel size.

9. A final plat shall be submitted to the agent for approval. The final plat shall adhere to the applicable requirements set forth in Section 15-63 of this Chapter. Along with the plat an affidavit, under oath, shall be submitted, in the form prescribed by the agent, describing the purposes of the subdivision and identifying the member of the immediate family receiving the lot created. Such plat shall be subject to the fee set forth in Section 15-56(a) of this Chapter. Public improvements, if any, shall be guaranteed as required by the Gloucester County Code. The proposed deed of conveyance shall be submitted and, once approved for compliance with this Section, recorded along with the approved plat. Both the deed and the plat shall contain the following statement set forth so as to readily be seen in a minimum of 12 point type:

**THIS LOT IS CREATED AS A FAMILY TRANSFER  
PURSUANT TO THE PROVISIONS OF THE  
GLOUCESTER COUNTY SUBDIVISION  
ORDINANCE. THE USE AND TRANSFER OF THE  
PROPERTY ARE RESTRICTED BY THE TERMS OF  
THAT ORDINANCE.**

d. The agent shall reject any proposed family transfer if, after investigation of the facts and circumstances involved in the proposed transfer, the agent believes that the proposed transfer is for the purpose of circumventing the requirements of this chapter and is not in accordance with the purpose and intent of this section. The burden of proving compliance with the purpose, intent, and conditions of this section shall be on the property owner. Nothing in this section shall be deemed to exempt family transfers from the requirements of other provisions of the Gloucester County Code which are applicable.



## APPLICATION FOR FAMILY TRANSFER SUBDIVISION

### General Information:

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

Address or nearest intersection: \_\_\_\_\_

Magisterial District: \_\_\_\_\_ RPC# \_\_\_\_\_ Tax Map # \_\_\_\_\_

Zoning: \_\_\_\_\_ Number of Lots Affected: \_\_\_\_\_ Gross Area(acres): \_\_\_\_\_

### Utilities:

Water System (Check one)     County System     Private System     Individual Well

Sewage System (Check one)     County System     Private System     Septic Tank

### Contacts: (Check contact(s) to receive correspondence relating to application)

Property Owner/Grantor \_\_\_\_\_

Address \_\_\_\_\_ Phone #: \_\_\_\_\_

Fax #: \_\_\_\_\_

e-mail: \_\_\_\_\_

Property Owner/Grantor \_\_\_\_\_

Address \_\_\_\_\_ Phone #: \_\_\_\_\_

Fax #: \_\_\_\_\_

e-mail: \_\_\_\_\_

Surveyor/ Engineer \_\_\_\_\_

Address \_\_\_\_\_ Phone #: \_\_\_\_\_

Fax #: \_\_\_\_\_

e-mail: \_\_\_\_\_

Attorney/Other \_\_\_\_\_

Address \_\_\_\_\_ Phone #: \_\_\_\_\_

Fax #: \_\_\_\_\_

e-mail: \_\_\_\_\_

*If more space is needed, please attach separate sheet of owners & addresses*

\_\_\_\_\_  
*As property owner, I hereby grant permission to the designated personnel of Gloucester County, and any other agency deemed appropriate by Gloucester County, to enter the above reference property for purpose of review of the proposed application, if necessary.*

\_\_\_\_\_  
**Owner's Signature**

\_\_\_\_\_  
**Date**

\_\_\_\_\_  
**Owner's Signature**

\_\_\_\_\_  
**Date**

Tax Map Number: \_\_\_\_\_  
Prepared By/Return To: \_\_\_\_\_  
\_\_\_\_\_

## AFFIDAVIT OF COMPLIANCE FOR FAMILY SUBDIVISION

It is the purpose and intent of a Family Subdivision to reduce potential development impacts on the community as a whole by encouraging and promoting the ability of family members to remain in close proximity as housing needs change, to provide opportunities for mutual support and care of family members, and to allow for the preservation of family land holdings which might otherwise be fragmented for economic reasons. Allowing the conveyance of property between immediate family members without the necessity of compliance with all of the subdivision requirements imposed on unrelated parties will further this purpose.

### STATEMENT OF GRANTOR (OWNER)

(Please type or legibly print)

I, (we) am (are) the owner(s) of a lot or parcel of land containing a total of \_\_\_\_\_ acres situated in \_\_\_\_\_ Magisterial District, Gloucester County, Virginia, and propose to make a division of said acreage as shown on plat of survey made by \_\_\_\_\_, dated \_\_\_\_\_, 20\_\_\_\_, for sale or gift to a qualifying family member under the provisions of the Code of Gloucester County, as follows:

\_\_\_\_\_ to \_\_\_\_\_  
Acres or Lot # Grantor(s) Grantee(s) Relationship

The purpose of this family subdivision is \_\_\_\_\_  
\_\_\_\_\_

I, (we) certify that this division is made to a qualifying family member, such transfer is not for the purposes of circumventing the subdivision requirements of Gloucester County, and is in accordance with §15-3.2 of the Gloucester County Code, as it is listed below:

1. Single division of a lot or parcel to an immediate family member (naturally or legally defined offspring, stepchild, sibling, parent or grand-parent of the owner). One such division allowed per family member.

2. The lot or parcel to be divided shall have been titled of record in the name(s) of the owner(s) for a minimum of three (3) years prior to the date of recordation of the family transfer, unless the owner(s) thereof has established his or her primary domicile on such lot or parcel to be divided.

3. All lots or parcels, including the parent tract, created under this section shall remain titled in the name(s) of the immediate family member by or for whom the division is made for a period of not less than seven (7) years from the date of recordation of the deed of conveyance unless:

(a) The parcel to be transferred out of the immediate family is the subject of an involuntary transfer such as foreclosure, divorce, death, judicial sale, condemnation, or bankruptcy, in which case, upon application to the agent, any remaining required holding period shall be waived; or

(b) The owner(s) of the parent tract dies, in which case, upon application to the agent, any remaining holding period shall be waived for both the parent tract and the parcel(s) transferred from the parent tract; or

(c) The parcel is later transferred to another grantee qualifying as an immediate family member as set forth in this section, in which case only the remainder of the required holding period shall apply to the subsequent grantee; or

(d) The proposed transfer is submitted to the subdivision agent for approval, and all requirements of the Gloucester County Subdivision Ordinance in effect at the time the parcel was first created as part of a family transfer are met; or

(e) An exception is made by the Board of Supervisors upon a determination of injustice or hardship made after ten (10) days written notification to adjacent property owners.



4. The minimum width, yard, and area requirements of all lots or parcels, including the remaining property from which the lot or parcel is subdivided, shall be in accordance with the applicable provisions of the Gloucester County Zoning Ordinance.

5. Each lot or parcel shall front on a public road or upon a private driveway or road which is in a permanent easement of right-of-way a minimum of twenty (20) feet in width. (Where the parcel to be subdivided fronts on an existing right-of-way less than twenty (20) feet in width, a twenty (20) foot right-of-way shall only be required on the parcel to be subdivided.)

Prior to the use of any such lot or parcel for residential purposes, the required right-of-way shall include an improved driveway within it consisting of, at a minimum, an all-weather surface of rock, stone, or gravel, with a minimum depth of three (3) inches and a minimum width of ten (10) feet. The right-of-way shall be maintained by those having a right to use it in a condition passable by emergency vehicles at all times. A notation to this effect shall be placed on the face of the final plat and this provision shall be included in the deeds by which the subdivision is effected. Passable condition refers to not only the surface, but also to horizontal and vertical clearance.

An erosion and sediment control plan with appropriate surety is required if the proposed right-of-way and driveway construction disturbs more than two thousand five hundred (2500) square feet.

6. Drainage and utility easements shall be dedicated to the County when deemed necessary by the agent to accommodate drainage and/or public utility facilities, whether for current or future needs, in accordance with the requirements of the County Code.

7. Property corners shall be marked in accordance with Chapter 15 of the Gloucester County Code.

8. Family transfers shall not be permitted in a major subdivision previously approved by the Planning Commission under the terms of the Gloucester County Subdivision Ordinance when any lot or parcel to be created will be smaller than the median parcel size in the subdivision in which the parent tract is located.

For lots created prior to January 1, 2000, family transfers shall not be permitted in any subdivision which is shown on a plat of four (4) or more lots recorded in the Clerk's office and approved under any of the terms of the Gloucester County Subdivision Ordinance when any lot or parcel to be created by the family transfer will be smaller than the median parcel size of the lots shown on the recorded subdivision plat containing the parent tract from which the family transfer is to occur.

Common areas and non-residential lots shall not be included in the calculations for median parcel size.

9. A final plat shall be submitted to the agent for approval. The final plat shall adhere to the applicable requirements set forth in Section 15-63 of this Chapter. Along with the plat an affidavit, under oath, shall be submitted, in the form prescribed by the agent, describing the purposes of the subdivision and identifying the member of the immediate family receiving the lot created. Such plat shall be subject to the fee set forth in Section 15-56(a) of this Chapter. Public improvements, if any, shall be guaranteed as required by the Gloucester County Code. The proposed deed of conveyance shall be submitted and, once approved for compliance with this Section, recorded along with the approved plat. Both the deed and the plat shall contain the following statement set forth so as to readily be seen in a minimum of 12 point type:

**THIS LOT IS CREATED AS A FAMILY TRANSFER PURSUANT TO THE PROVISIONS OF THE GLOUCESTER COUNTY SUBDIVISION ORDINANCE. THE USE AND TRANSFER OF THE PROPERTY ARE RESTRICTED BY THE TERMS OF THAT ORDINANCE.**

10. Any parcel created under the terms of §15-3.2 of the Subdivision Ordinance cannot be further subdivided unless such division is in full compliance with the requirements of all applicable ordinances of Gloucester County.

11. Any parcel created under the terms of §15-3.2 of the Subdivision Ordinance shall be titled in the sole name of the immediate family member for whom the subdivision was made.

12. The agent shall reject any proposed family transfer if, after investigation of the facts and circumstances involved in the proposed transfer, the agent believes that the proposed transfer is for the purpose of circumventing the requirements of this chapter and is not in accordance with the purpose and intent of this §15-3.2 of the Subdivision Ordinance.

13. The burden of proving compliance with the purpose, intent, and conditions of §15-3.2 of the Subdivision Ordinance shall be on the property owner.

14. Nothing in §15-3.2 of the Subdivision Ordinance shall be deemed to exempt family transfers from the requirements of other provisions of the Gloucester County Code which are applicable.

I (we) certify that the foregoing statements are true and correct. Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
**Grantor                      Signature**

\_\_\_\_\_  
**Grantor                      Signature**

\_\_\_\_\_  
Grantor                      Print Name

\_\_\_\_\_  
Grantor                      Print Name

STATE OF VIRGINIA  
COUNTY OF GLOUCESTER, to-wit:

This document was acknowledged before me this \_\_\_ day of \_\_\_\_\_, 20\_\_\_, by \_\_\_\_\_ and \_\_\_\_\_, who after being duly sworn, made oath that the foregoing statements are true.

My Commission Expires \_\_\_/\_\_\_/\_\_\_

\_\_\_\_\_  
Notary Public

STATEMENT OF GRANTEE

I am the family member acquiring the land described in the above statement and I am aware of the applicable provisions of the Gloucester County Code; I understand and will abide by the restrictions and requirements placed on family transfers. I certify that the conveyance is not for the purpose of circumventing the provisions of the Gloucester County Code.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
**Grantee                      Signature**

\_\_\_\_\_  
**Grantee                      Signature**

\_\_\_\_\_  
Grantee                      Print Name

\_\_\_\_\_  
Grantee                      Print Name

STATE OF VIRGINIA  
COUNTY OF GLOUCESTER, to-wit:

This document was acknowledged before me this \_\_\_ day of \_\_\_\_\_, 20\_\_\_, by \_\_\_\_\_ and \_\_\_\_\_ who after being duly sworn, made oath that the foregoing statements are true.

My Commission Expires \_\_\_/\_\_\_/\_\_\_

\_\_\_\_\_  
Notary Public

*If there are additional Grantors, please use the following sheets.*

I (we) certify that the foregoing statements are true and correct. Dated this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
**Grantor            Signature**

\_\_\_\_\_  
**Grantor            Signature**

\_\_\_\_\_  
Grantor            Print Name

\_\_\_\_\_  
Grantor            Print Name

STATE OF VIRGINIA  
COUNTY OF GLOUCESTER, to-wit:

This document was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, 20\_\_, by \_\_\_\_\_ and \_\_\_\_\_, who after being duly sworn, made oath that the foregoing statements are true.

My Commission Expires \_\_/\_\_/\_\_

\_\_\_\_\_  
Notary Public

I (we) certify that the foregoing statements are true and correct. Dated this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
**Grantor            Signature**

\_\_\_\_\_  
**Grantor            Signature**

\_\_\_\_\_  
Grantor            Print Name

\_\_\_\_\_  
Grantor            Print Name

STATE OF VIRGINIA  
COUNTY OF GLOUCESTER, to-wit:

This document was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, 20\_\_, by \_\_\_\_\_ and \_\_\_\_\_, who after being duly sworn, made oath that the foregoing statements are true.

My Commission Expires \_\_/\_\_/\_\_

\_\_\_\_\_  
Notary Public

I (we) certify that the foregoing statements are true and correct. Dated this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
**Grantor            Signature**

\_\_\_\_\_  
**Grantor            Signature**

\_\_\_\_\_  
Grantor            Print Name

\_\_\_\_\_  
Grantor            Print Name

STATE OF VIRGINIA  
COUNTY OF GLOUCESTER, to-wit:

This document was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, 20\_\_, by \_\_\_\_\_ and \_\_\_\_\_, who after being duly sworn, made oath that the foregoing statements are true.

My Commission Expires \_\_/\_\_/\_\_

\_\_\_\_\_  
Notary Public



County Building Three  
PHONE (804) 693-1224  
FAX (804) 693-7037

## Department of Planning

6582 Main Street  
P. O. Box 329  
Gloucester, Virginia 23061

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### M E M O R A N D U M

**TO:** Policy File

**FROM:** Anne Ducey-Ortiz, Planning Director

**DATE:** May 5, 2009

**SUBJECT:** Determination of "Major Subdivisions" for Family Transfers

The Subdivision Ordinance, Section 15-3.2c(8) states:

"Family transfers shall not be permitted in a **major subdivision** previously approved by the Planning Commission under the terms of the Gloucester County Subdivision Ordinance when any lot or parcel to be created will be smaller than the median parcel size in the subdivision in which the parent tract is located.

For lots created prior to January 1, 2000, family transfers shall not be permitted in any subdivision which is shown on a plat of four (4) or more lots recorded in the Clerk's office and approved under any of the terms of the Gloucester County Subdivision Ordinance when any lot or parcel to be created by the family transfer will be smaller than the median parcel size of the lots shown on the recorded subdivision plat containing the parent tract from which the family transfer is to occur.

Common areas and non-residential lots shall not be included in the calculations for median parcel size."

In order to assure that this provision is met, applications for a family transfer shall include one of the following:

1. A recorded plat or deed showing the parcel has been in existence without modifications since October 21, 1965, the date the County Subdivision Ordinance was adopted.
2. A plat of record showing the creation of the parcel from a larger parcel. If the parcel is accessed by a public or private road, or easement, the plat of record that created the road or right-of-way easement serving the parcel shall also be provided, if different from the plat creating the parcel as it exists today.
3. Additional plats or deeds may be required by the subdivision agent if the above records do not clearly show the creation of the parcel from the original parent tract in existence on October 21, 1965.

These records can be found in the Clerk's Office using your tax map number to access the land records indicating the deed book or plat book references for your parcel. In addition, a surveyor should be able to assist you with these records particularly if they have researched the records in the Clerks' Office in preparation of the subdivision plat or survey of the property.



County Building Three  
PHONE (804) 693-1224  
FAX (804) 693-7037

## Department of Planning

6582 Main Street  
P. O. Box 329  
Gloucester, Virginia 23061

### M E M O R A N D U M

**TO:** Policy File

**FROM:** Jay Scudder, Planning Director

**DATE:** March 8, 2007

**SUBJECT:** Use of Private Roads or easements for Access to proposed Subdivisions

The following shall apply when an application for subdivision is submitted where the means of access from the subject property to a state road is by way of an existing right-of-way or easement. The APPLICANT (owner(s) of the property to be divided) shall provide legal verification that they have the right to use the existing right-of-way or easement for purposes of subdivision. This verification shall be in addition to the completion of the owner's consent required pursuant to Section 15-63(6) of the Subdivision Ordinance by the owner or owners of the property on which the existing right-of-way or easement is located.

The type of verification needed will be dictated by the specific property and may be in the form of a recorded plat, deed or will, certification from a licensed surveyor, copies of restrictive covenants, etc. If there is question as to whether any of these forms of verification actually provide sufficient details to determine the right to use the easement for the purpose requested, the subdivision agent may require additional information from the applicant. A certification from an attorney licensed to practice law in the Commonwealth of Virginia may be required indicating that the attorney has reviewed the terms of the exiting easement and in their professional opinion, the easement grants the applicant the right-of- access for the purposes of the proposed subdivision.

If the existing right-of-way is owned by the applicant, the owner's consent on the plat shall serve as verification that they are allowing the right-of-way to be used for the proposed division.

For new easements created on the subdivision plat, a written deed of easement should be prepared by an attorney and recorded with the plat. The deed of easement should indicate the terms of the new easement including provisions for maintenance and future use of the easement by the parties involved.

This policy shall primarily apply to any subdivision submitted pursuant to Section 15-3.2, Family Transfers, or Section 15-31(c), private roads; however, it may also be applicable in boundary line adjustment applications.