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M E M O R A N D U M

TO: File

FROM: Anne Ducey-Ortiz, AICP, Planning Director

DATE: March 8, 2007 and amended February 3, 2012

SUBJECT: Frontage Requirements – Subdivision using 15-31c with less than the required road frontage on a state road

This rationale is being written to explain and clarify the application of the frontage requirement for subdivisions under 15-31(c) of the Subdivision Ordinance. This issue has come up often enough to warrant a more detailed explanation.

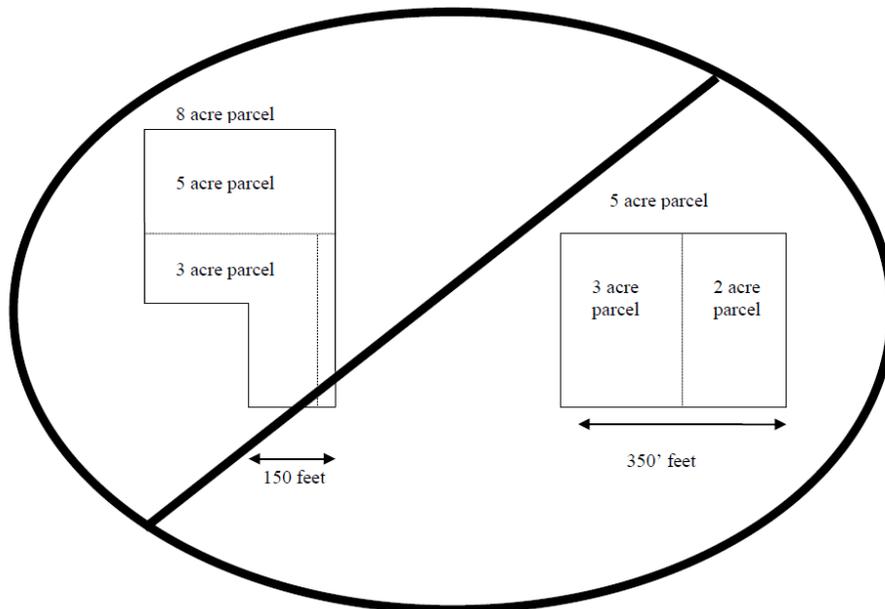
The Subdivision Ordinance, Section 15-40, states that *“Generally, lots shall be rectangular in shape, and road frontage shall meet the minimum lot width requirement as established in the Zoning Ordinance except that fifty (50) feet of frontage shall be permitted on lots facing on a properly designed turnaround portion of a cul-de-sac.”* Section 15-31c allows lots to be created on a private road with a minimum of five acres and the private road serving no more than three (3) lots or dwelling units. A street, or road, is defined in the subdivision ordinance as being public or private and when a lot fronts on two streets, by definition, the front yard is designated as the yard with the shorter of the two street frontages. So, even if a lot is able to get the required frontage on the private road, if the frontage on the state road is less than the required frontage, that would be considered the “front” yard and where the frontage requirement must be met.

Therefore, when an existing lot of record does not have the minimum frontage on a state road required in that zoning district, it cannot be subdivided pursuant to Section 15-31c because the frontage for the lot created along the state road does not meet the requirements of 15-40 as stated above. Although the existing lot is non-conforming as to frontage and to subdivide a parcel off in the rear would not change the status of the non-conformity, such a subdivision does “create” a new non-conforming lot, in addition to creating a conforming lot, where currently there is only one lot. This is no different than a conforming lot that fronts on a state road and has enough area, but has insufficient frontage on that state road to create two lots – the ordinance would not allow the creation of one

non-conforming lot and one conforming lot in this instance. In each case, the owner of the lot has the ability to use the property for a single house, but does not meet the subdivision requirements to create a second parcel on the property. Additionally, the frontage requirement, particularly in the more rural and suburban areas, limits access points such as driveways and private roads. To create additional access with less than the required frontage would weaken the purpose of frontage requirements in providing distances between access points.

Examples Using SC-1 Zoning

- Minimum 2 acres – 5 acres on private road (15-31c)
- 200 feet of frontage required



It should be noted that existing lots containing an existing fee simple right of way strip connecting the lot to a state road (flag lots) may not necessarily be considered as having inadequate frontage. If it can be clearly demonstrated that the access strip is solely for access and not part of the buildable area of the lot, an application for subdivision can be considered utilizing sections 15-8(b) and 15-31(c) of the Subdivision Ordinance based on the determination of the Subdivision Agent.

