

**FAMILY DIVISION LOT
APPLICATION PROCESS**

1. The following **forms** need to be completed in full. Planning Staff will assist you with this:

- Family Division Private Road Application Form
- Family Division Affidavit
- Application for Non Subdivision Plat Approval

2. A **check for \$100** payable to the “Treasurer of Powhatan County”

3. The SURVEYOR will need to prepare a **plat** of all lots/parcels that will have access to the private road as well as the width of the proposed (or existing) road right of way. The plat shall include the statement: “To be recorded only with attached Deed, Road Maintenance Agreement, and Family Division Affidavit”.

- The **surveyor’s** plat can be preliminarily approved by the Planning Department Staff
- The **plat** of each new parcel on the private road must include a **restrictive covenant** to the effect that:

“the streets in the subdivision are private in nature and shall not be maintained by VDOT or other public agency and that the maintenance and improvements thereof shall be the mutual obligation of the landowners in the developments abutting said roads”

4. The LAWYER will need to prepare a **Road Maintenance Agreement:**

“to be recorded with the deed to all family division lots being created. The agreement shall bind the owners of all family division lots being created and any residual parcels remaining after creation of such lots to share in the costs for the ongoing maintenance of the road. In the event any other lots have access to or use of the road, the owners of such lots shall also agree to the maintenance agreement and record it as a restriction on their property”

- The **Road Maintenance Agreement** shall establish that:
 - The road shall be maintained to the minimum driveway construction standards of Powhatan County.
 - The house number signs and any road name sign shall be kept in good condition to be easily visible.
 - The agreement must be continuous and can not be abolished.
 - If the existing parcel owners on the private road do not have a road maintenance agreement and do not wish to participate in one, that the grantor(s) and grantee(s) of the family division lot(s) shall assume responsibility for the ongoing maintenance of the road.

5. The final step will be for the lawyer or surveyor to bring the following items to **the Powhatan Planning Department for review and approval prior to their recordation** at the Circuit Court

Clerk's Office.:

- Deed
- Road Maintenance Agreement
- Final Plat
- Family Division Affidavit

6. Construction of the Road

- If only **one lot** is being created, the deed and plat can be approved for recordation (see "d" below) **without** the driveway and address numbers installed. The driveway needs to be constructed and the address numbers placed at the driveway entrance before Building Permit inspections will be scheduled for the construction of a house on the family lot.
- If **three or more family division lots** are being created, the private road construction, posting of the address numbers at the public road and driveway entrance off the private road, and installation of the private road name sign **must be completed and inspected prior to the recordation of the deeds and plats.**

FAMILY DIVISION PRIVATE ROAD CONSTRUCTION STANDARDS

February 10, 2003

Private Road Serving Family Lots:

1. The proposed road must meet the driveway standards of the Subdivision Ordinance.
 - 10 foot gravel width.
 - 2 foot cleared shoulders each side.
 - 12 foot vertical clearance.
2. House numbers (and for three lots or more, road name sign) are erected and easily visible.
3. A road maintenance agreement has been executed and recorded with the deed to all family division lots being created. The agreement shall bind the owners of all family division lots being created and any residual parcels remaining after creation of such lots to maintenance agreement and record it as a restriction on their property.
4. The deed and plat of each tract on a private road shall carry a restrictive covenant to the effect that the streets in the subdivision are private in nature and shall not be maintained by VDOT or other public agency and that the maintenance and improvements thereof shall be the mutual obligation of the landowners in the developments abutting said roads.

Case Number _____
Submittal Date _____

FAMILY DIVISION PRIVATE ROAD APPLICATION FORM

APPLICANT (Landowner) _____

TELEPHONE # _____

ADDRESS _____

Answer ***either*** 1 or 2 below:

1. Are you adding a lot(s) to an **existing** private road? YES _____ NO _____
(If Yes, answer items a – e)
 - a. Location of private road: Tax Map _____ Off of Which Public Road? _____
 - b. Width of recorded right-of-way that provides direct access to the public road. _____ feet
 - c. How many lots/parcels are on the private road? _____
 - d. Are all the lots/parcels on the road at least 10 acres in size? _____ YES _____ NO
 - e. Size in acres of your proposed new lot? _____ acres

2. Does the proposed lot(s) create a **new** private road? YES _____ NO _____
(If Yes, answer items a – d)
 - a. Location of Lot(s): Tax Map _____ Lot(s) to Access Which Public Road? _____
 - b. Width of right-of-way to be dedicated that provides direct access to a public road? feet _____
 - c. Tax Map Number of parcel(s) the road will cross _____
 - d. Number of Proposed new lot(s)? _____ Size of proposed new lot(s)? _____

3. If the lot(s) result in a road with three (3) or more lots, provide several alternative names for the road:
 - a. _____
 - b. _____
 - c. _____

STATEMENT FOR VALIDITY OF INFORMATION

APPLICANT'S PERMISSION FOR INSPECTION OF PROPERTY

State of Virginia
County of Powhatan to wit

I, _____, declare that I have familiarized myself with the rules and regulations pertaining to preparing and filing this application. I further declare that the foregoing statements and answers provided throughout the various sections of this application are in all respects true and correct to the best of my knowledge and belief.

I, _____, hereby grant access to the Planning Director, Zoning Administrator, or assigns thereof, to enter my property during reasonable hours without prior notice to make inspections as deemed necessary for the evaluation of my application for a private road.

Signed _____

Print Name _____

Subscribed and sworn to before me this _____ day of _____, 200__.

Notary Public Signature _____

My Commission Expires on _____

TO BE RECORDED IN DEED BOOK CIRCUIT COURT CLERK'S OFFICE

FAMILY DIVISION LOT AFFIDAVIT

The undersigned Grantor(s) and Grantee(s) request authorization to divide a certain lot whose tax parcel identification number is _____, as a Family Division as specified in Section 68-125 of the Subdivision Ordinance. The undersigned affirms that the proposed division meets all requirements of Section 68-125 of the Subdivision Ordinance and the division requested hereby is not for the purpose of Circumventing the Subdivision Ordinance.

The undersigned Grantor(s) and Grantee(s) understand that any lot created hereby must conform to the provisions of the Subdivision and Zoning Ordinances prior to the issuance of a building permit.

FOR A FAMILY DIVISION
The undersigned Grantee (Lot Recipient) understands that the intent of the Family Division is for homesteading purposes for members **of the immediate family** of the property owner or owners. Only one such division shall be allowed per family member.
During the initial **five (5) year period** following the creation of lots by Family Division, **no sale of any such lot** shall be made and no residential structure on such lot shall be rented to any person other than an immediate family member unless such lots are subject to an involuntary transfer such as by foreclosure, death, judicial sale, condemnation, or bankruptcy and such transfer is approved by the Director.
A member of the immediate family is defined as any person who is a natural or legally defined offspring, spouse, grandchild, grandparent, sibling, or parent of the owner.
Name of family member (Grantee) _____ Relationship to Grantor _____
I, _____, as the undersigned Grantee (Lot Recipient) agree to abide by the conditions of the Family Division.

GRANTEE (S):
(Receives parcel)

GRANTOR (S):
(Provides the parcel)

Signature

Signature

Signature

Signature

COMMONWEALTH OF VIRGINIA
CITY/COUNTY OF _____, to wit:

Sworn and subscribed to before me, a Notary Public, this _____ day of _____, 20____,
by _____.

Notary Public

Commission expired

COMMONWEALTH OF VIRGINIA
CITY/COUNTY OF _____, to wit:

Sworn and subscribed to before me, a Notary Public, this _____ day of _____, 20____,
by _____.

Notary Public

Commission expired

Plats Officer & Date Approved _____

POWHATAN COUNTY

Application for Non-Subdivision Plat Approval
(Please print all information)

(Planning Staff Have Up to Two Business Days to Review)

1. Name of Applicant _____
Address _____
Day time phone number (_____) _____

2. Property Owner(s) (If different from applicant)

3. Legal Description of Property (Please describe all parcels involved)
Tax Map Parcel Number _____ Zoning of the property _____
Address(es) if available _____
Subdivision and lot number (if applicable) _____

4. What is the Purpose of the Survey Plat? (Check and answer those that apply)

_____ **Resurvey of Existing Lot or Parcel:** No change to parcel.
(Show location of any existing structures)

_____ Deed Book and Page Number

_____ **Lot Line Adjustment, Including Conveying Part of Parcel to an Adjoining Parcel: No New Lot is Created**

_____ If you own the parcels to be adjusted/combined:

- Submit affidavit of owner's intent
- On plat, identify the "Old Lot Line(s)", show as dotted lines.

_____ If parcels to be adjusted/combined are owned by different individuals:

- Provide the deed that includes a statement to the effect that: the parcel(s) shown on the attached plat shall be combined with Tax Map _____, Parcel _____.

_____ **Creating New Parcel(s) for:**

_____ **Family Division Lot:** deeding lot to parent, brother or sister, child, grandparent, grandchild, or spouse.

* Please attach the Family Division Affidavit and Owners Consent Form

_____ **Single-Cut Subdivision:** single division of a parcel recorded prior to April 18, 1988. (Two acre minimum)

* When was parent parcel originally recorded? _____

_____ **Large Lot Development:** division resulting in parcel(s) at least ten (10) acres in size.

_____ **Division by will** among legal heirs of a parcel

5. Are any drainage, utility, or other recorded easements being relocated? _____Yes _____No

If yes, please describe:

6. Access to the Property:

_____ Frontage on a State road (Route Number _____)

_____ Private road: Shares access easement with other lot(s).

NOTE: Complete "Private Road Application Forms"

_____ Individual recorded easement to a State Road (Name of Road _____)

7. I hereby certify that to the best of my knowledge all of the above statements are true.

_____ Date

_____ Signature of Applicant

_____ Print Name