

Many factors determine whether the Family Subdivision process can be used to divide a parcel.

a meeting with staff before contracting with a surveyor or engineer to create the required plats for the Family Subdivision lot. Staff members in the Development Services Division are available to assist you with understanding the requirements and procedures.

For more information on dividing your property by the Family Subdivision process, or information on how to file a Subdivision Potential Analysis application, call Development Services staff at 540-422-8220.

FAUQUIER COUNTY

Department of Community Development

ZONING & DEVELOPMENT SERVICES

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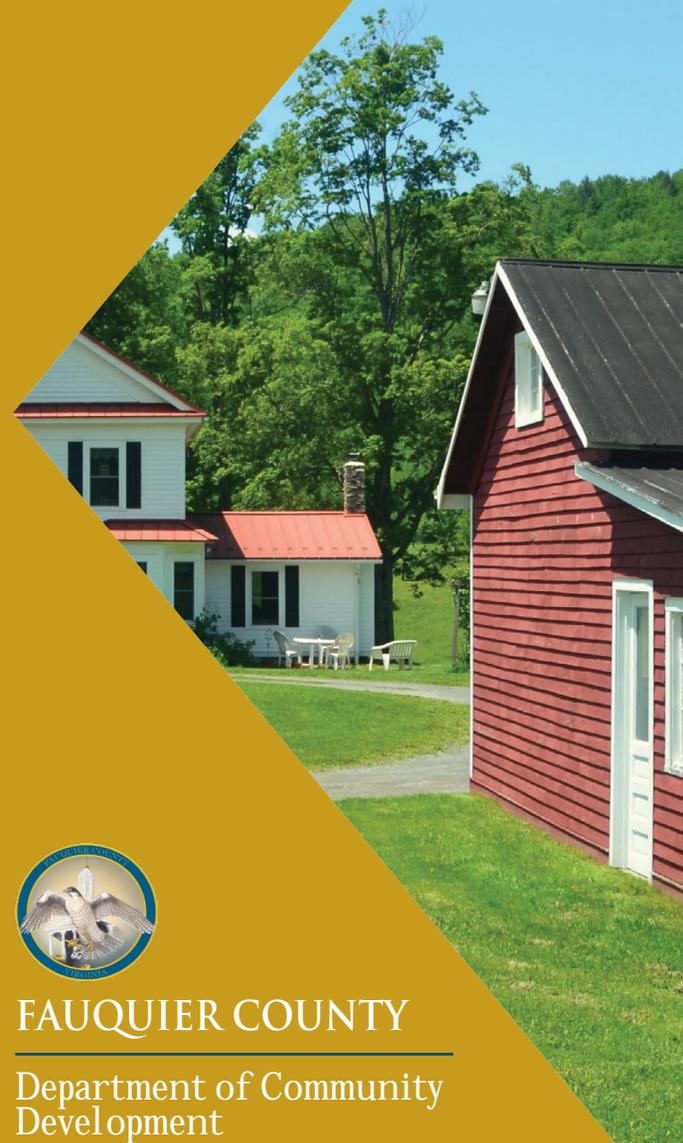
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Additional information available online at
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Family Subdivisions



FAUQUIER COUNTY

Department of Community
Development

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Family Subdivisions

When certain lots in Fauquier County have density available and a property owner desires to create a new lot for certain family members, the simplest method for creating this lot is the Family Subdivision process. With the Family Subdivision process, the property owner(s) (called the Grantor), gifts a portion of the parcel to an immediate family member (called the Grantee), for the purpose of providing for the housing need of the Grantee. The Family Subdivision method of dividing land allows the lot to be created through an administrative approval process. Family Subdivision lots also benefit from having certain lesser zoning requirements than other types of subdivisions, including lesser access, lot size and frontage requirements. Many factors determine whether the Family Subdivision process can be used to divide a parcel, as detailed below. References to detailed code sections are provided for additional information. (Note: ZO=Zoning Ordinance and SO=Subdivision Ordinance; both Ordinances are available on-line.)

Family Subdivision Rules and Requirements:

- The process can only be used if there is density available on the lot; it does not in itself create additional density. (See brochure on Sliding Scale in the Rural Districts)
- The process can only be used on properties located outside of the County's Service Districts that are zoned either RA-Rural Agriculture or RC-Rural Conservation.

- The minimum lot size requirements of the Zoning Ordinance must be met. The minimum lot size for a Family Subdivision lot is 1 acre, and the residue lot must have a minimum of 2 acres. (See §3-2 of the SO and §3-400, §3-402, §3-404 of the ZO)
- Minimum street frontage (the distance along which a lot abuts a street) must also be met. The minimum frontage requirement for a Family Subdivision is 135 feet for both the family lot and the residue lot. Street frontage may be provided along a private street or right-of-way easement. However, extending an existing private street or easement to serve the proposed lot may require permission from other properties utilizing the private street, and there are limits on extending existing private streets. (See §3-404, §7-300, and §7-450 of the ZO)
- The Grantee must be an immediate family member, which is defined by the Subdivision Ordinance as a person who is at least 18 years old and a natural or legally defined child, grandchild, parent, grandparent or sibling of one of the property owner(s), the Grantor. Trusts, including trusts for a minor, are prohibited from this Grantee definition. Also, the Grantee cannot be a recipient of a previous Family Subdivision in Fauquier County.
- The Grantor must be a person, a trust for a husband and wife, or a trust for an individual. The Grantor cannot be a corporation, limited liability corporation, partnership, or other legal entity.

- Once the Family Subdivision lot is created, restrictive covenants are granted to the Board of Supervisors prohibiting voluntary transfer of the lot to a non-immediate family member of the Grantor for ten years. After the ten year period, the lot can be transferred to anyone.
- Drainfields must be provided for both the new lot and the residue lot. A complete Health Department Application for Subdivision Review must be provided to the County as a part of the Family Subdivision application. Health Department approval of the drainfields is required prior to approval of the Family Subdivision.

Private Restrictions

Some parcels are subject to private restrictions that prohibit or limit the ability to divide a property. The County does not identify these private restrictions for an applicant, nor does the County enforce these private restrictions. However, staff does share information about proposed divisions with easement holders and also notifies neighbors of pending applications. It is the applicant's responsibility to ensure that the proposed division complies with any private restrictions placed on the property.

Getting Started

If you are ready to start planning for a Family Subdivision of your property, the first step is to submit a Subdivision Potential application for the parcel you seek to divide to Zoning and Development Services. The brief application form is available on the Department's website. Next, the County strongly suggests