

## Family Subdivision Application Helpful Tips

For completing your Family Subdivision Application and Affidavit

Please consult an attorney if you have any questions or difficulties which are not addressed by this information

### What is the Family Subdivision Application?

This application, if approved, bestows a benefit upon persons who own a piece of single-family residential or agricultural property of at least six acres within New Kent County and want to subdivide it for the purpose of giving or selling it to member(s) of their immediate family. An immediate family member is any person who is a natural offspring or legally defined offspring, spouse, sibling, parent, grandparent, or grandchild of the current owner/grantor of the property. An owner may not convey one of the subdivided parcels to him or herself. If the property is held by joint owners, none of the subdivided lots may be conveyed to one of the joint-owners individually or jointly.

### Why Submit the Application?

Subdividing property is a complicated process, but it is much simpler if the subdivision qualifies for the Special Provisions and Exceptions as a family subdivision. We highly recommend that you review the qualifications, requirements, and restrictions applicable to Family Subdivisions; you can find these in the New Kent County Code, Section 91-126, available from the Community Development office or online at: <http://www.municode.com/Resources/gateway.asp?pid=13371&sid=46>

### Completing the Application Packet.

If you find yourself struggling to understand or complete the application, you may contact the Planning Department at (804) 966-9690. However, your situation may require the assistance of a licensed attorney or other professional. New Kent County employees MAY NOT provide legal advice or assistance. For this reason, we suggest you call (800) 552-7977 or visit <http://www.vsb.org/site/public/lawyer-referral-service/>

Your *tax map parcel number* should be located on your plat (drawing of your property), and is probably on your deed as well. Your *GPIN*, or Geographic Parcel Information Number, can be obtained by contacting the Geographic Information Systems Office in the New Kent County Administration building at (804) 966-8522. Current *zoning* information may be found in the Planning Department which is also in the County Administration building. Your surveyor should provide you with the required *Digital CAD file*, as well as a proper Family Subdivision Plat created in compliance with the further requirements described on page 3.

### What is the Family Subdivision Affidavit?

The Family Subdivision Affidavit assures the County that if your Family Subdivision Application is approved, you will comply with the applicable New Kent Code provisions; it does **NOT** actually convey property.

The Family Subdivision Affidavit also provides a description of the property to be subdivided and the names of the potential grantees (immediate family members to whom the subdivided property may be given or sold at a future date).

As you will see, one of the requirements of the special provisions for family subdivisions is that the owner trying to subdivide must have owned the property in question for *at least three years*. Because family subdivisions are granted special provisions and exceptions, once the subdivided parcels are conveyed to an immediate family member, that new owner must hold the land for a *minimum of two years* before leasing, selling, or otherwise conveying the property to anyone else. Your signature and that of all other current owners of the property to be subdivided means you agree that if the Family Subdivision Application is granted, you (the owner) and the grantees (family members who will receive parcels) will abide by the requirements of the New Kent County Code Section 91-126.

### How to Submit Your Application.

When you have completed your Family Subdivision Application, Family Subdivision Affidavit, and detailed plat, you must bring your completed packet to the Planning Department. Other than the surveyor, signatures are not required on the preliminary plats. The office staff will check to make sure that your application is complete and then accept it for review. They will then submit your application to various other departments for plan review. These offices will either approve your submission as is or offer feedback on what part of your plan does not meet their requirements. The Planning Department will return your application if revisions are necessary, and explain the necessary changes.

If or when your application is approved, the Geographic Information Systems office will issue GPINs for each subdivided parcel. You must then have your surveyor create a final plat that meets all of the requirements of page 3 and contains the new GPINs and the signatures of all owners. Each signature must be individually notarized. You must then submit the new plat to the Planning Department for final review then it will be returned to you marked approved. You must then take the final approved plats to the New Kent County Circuit Court Clerk's Office at the Courthouse within six months of approval to have them recorded. You will have six months, from the date your new plat is recorded, to convey your newly subdivided parcels to those immediate family members listed on your Family Subdivision Affidavit. A capable attorney familiar with property transfers and conveyances should be able to assist you with this separate process.



## FAMILY SUBDIVISION APPLICATION

COUNTY OF NEW KENT, VIRGINIA  
 WEB SITE: [WWW.CO.NEW-KENT.VA.US/209/PLANNING](http://WWW.CO.NEW-KENT.VA.US/209/PLANNING)  
 REVISED 10/26/2020

Planning Department ♦ PO Box 150 ♦ New Kent, VA 23124 ♦ Phone 804-966-8580 ♦ Fax 804-966-8531  
 ♦ Street Address: 12007 Courthouse Circle, New Kent, VA 23124 ♦

### DESCRIPTION OF PROPERTY

Tax Map Parcel Number(s): \_\_\_\_\_  
 GPIN: \_\_\_\_\_  
 Total Lot Area (Acres): \_\_\_\_\_  
 Current Zoning: \_\_\_\_\_  
 Date parcel was acquired: \_\_\_\_\_ (**Note:** The Property *must* have been owned for *3 years* by the grantor before it may be divided as a Family Subdivision.) Real Estate tax receipts from previous *3 years* must be submitted.

### OFFICE USE ONLY

Application No: SUB- \_\_\_\_\_  
 AFD Status: \_\_\_\_\_  
 Date Received: \_\_\_\_\_  
 Tax Receipts: Yes No  
 Fee Amount: \$ \_\_\_\_\_  
 Staff Initials: \_\_\_\_\_

### OWNER INFORMATION: Include contact information for each current owner of the property.

If there are more than two owners, please include their names, contact information and signatures on an additional page.

The undersigned request(s) authorization to subdivide a lot from Tax Map Parcel \_\_\_\_\_ GPIN \_\_\_\_\_ located at (street address) \_\_\_\_\_ for the purpose of transferring ownership to \_\_\_\_\_ Please provide relationship of owner to recipient: \_\_\_\_\_

### PROPERTY OWNER

**Signature:** \_\_\_\_\_  
 Name \_\_\_\_\_  
 Printed: \_\_\_\_\_  
 Address: \_\_\_\_\_  
 City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_  
 Telephone: Work: \_\_\_\_\_ Home: \_\_\_\_\_  
 Cellular/Pager: \_\_\_\_\_ Fax: \_\_\_\_\_  
 E-mail Address: \_\_\_\_\_

### APPLICANT

**Signature:** \_\_\_\_\_  
 Name \_\_\_\_\_  
 Printed: \_\_\_\_\_  
 Address: \_\_\_\_\_  
 City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_  
 Telephone: Work: \_\_\_\_\_ Home: \_\_\_\_\_  
 Cellular/Pager: \_\_\_\_\_ Fax: \_\_\_\_\_  
 E-mail Address: \_\_\_\_\_

**EIGHT (8) FOLDED COPIES OF THE BOUNDARY SURVEY/LOT CONSOLIDATION PLAT ARE NEEDED TO PROCESS APPLICATIONS**

The following *must* be submitted with the application:

- Digital CAD file of subdivision on CD-R media
- Listing of grantees of lots and their relationship to the grantor
- Family Subdivision Affidavit
- Document that demonstrates ownership of the property that will be divided

**The Family Subdivision Plat must be prepared by a licensed surveyor or engineer.**

It should include each item on the following checklist. This is a necessary component of a complete Application. The Community Development Department will only review your Family Subdivision Application if it is complete.

\*[The surveyor/engineer should indicate "NA" if an item is not applicable to the property in question.]

- Property lines of the existing parcel(s) with bearings and distances
- Property lines of the new lot(s) shown with bearings and distances
- Total area of all parcels before and after the subdivision
- Tax map number of all parcels
- GPIN for all parcels
- Zoning of the property
- Subdivision name if applicable (Example: Larkin Ridge)
- North arrow, scale, date, title, and Magisterial District
- Delineation of floodplain, wetlands, RPA and RMA
- Locations and width of existing and proposed private access drives or easements, public rights-of-way, and roads including names approved by the regional clearinghouse
- Locations and size of existing and proposed utility easements
- If a soil evaluation is performed consistent with page 4, that statement must be printed on the plat
- The distance of any structure to a property line:
  - 25 feet (principal & accessory buildings) along the side property line(s)
  - 50 feet (principal & accessory buildings) along the rear property lines(s)
  - 75 feet (principal & accessory buildings) along the street right-of-way
- Locations of all existing or approved potential wells and septic systems, plus the location of a well and septic system including primary and 100% reserve drain fields on each new lot
- Surveyor's name, address, telephone number, e-mail, and seal with certificate number
- Adjoining property owner's name(s), their page and deed book numbers, and tax map numbers
- Owner Certificate, Engineer or Surveyor Certificate of Approval, Health Department Approval, Virginia Department of Transportation Approval
- Notation on the plat allowing the Circuit Court Clerk to provide the record location of the Family Subdivision Affidavit executed by the property owner(s)
- CERTIFICATE OF APPROVAL:** The following statement **MUST** be printed on the subdivision plat:

**PURSUANT TO § 91-63 OF THE NEW KENT COUNTY CODE IF THIS PLAT IS NOT FILED FOR RECORDATION WITHIN SIX (6) MONTHS AFTER FINAL APPROVAL, THIS APPROVAL WILL BE WITHDRAWN BY OPERATION OF LAW AND THE PLAT SHALL BE VOID.**

**THE PRIVATE RIGHTS-OF-WAY SHOWN HEREON MUST MEET THE PRIVATE STREET STANDARDS OF NEW KENT COUNTY; HOWEVER, THEY ARE NOT DEDICATED FOR PUBLIC USE AND WILL NOT BE MAINTAINED AT PUBLIC EXPENSE.**

**GRANTEES MUST HOLD SUBDIVIDED PARCELS FOR AT LEAST TWO (2) YEARS FROM PLAT RECORDING DATE.**

\_\_\_\_\_  
Subdivision Agent Date

\_\_\_\_\_  
Director of Public Utilities Date

\_\_\_\_\_  
Virginia Department of Transportation Date

\_\_\_\_\_  
Health Department Date

**\*\*The following statement *must* be printed on the subdivision plat if an Authorized Onsite Soil Evaluator (AOSE) or a Professional Engineer working in consultation with an AOSE provides private soil evaluations and designs:**

This subdivision is certified as being in compliance with the *Code of Virginia*, and the *Sewage Handling and Disposal Regulations* (12 VAC 5-610-10 et seq., the "Regulations") by: (AOSE/PE name, certification or license #, telephone #) and subdivision approval is based upon that certification. Further, this subdivision approval is issued in reliance upon the certification that approved lots are suitable for "traditional systems", however actual system designs may be different at the time construction permits are issued.

This subdivision was not submitted to or reviewed by the Health Department because, in accordance with § 32.1-163.5 of the *Code of Virginia*, the Health Department is required to accept private soil evaluations and designs from an Authorized Onsite Soil Evaluator (AOSE) or a Professional Engineer working in consultation with an AOSE for residential development.

Pursuant to §360 of the *Regulations* this approval is not an assurance that Sewage Disposal System Construction Permits will be issued for any lot in the subdivision unless that lot is specifically identified as having an approved site and reserve for a "traditional" onsite sewage disposal system, and *unless* all conditions and circumstances are present at the time of application for a permit as are present at the time of approval.

THIS SUBDIVISION MAY CONTAIN LOTS THAT DO NOT HAVE APPROVED SITES FOR ONSITE SEWAGE SYSTEMS AND MAY NOT RECEIVE A CONSTRUCTION PERMIT FROM THE HEALTH DEPARTMENT.

Certification:

AOSE/PE Name	Certification or License Number
AOSE/PE Signature	Date

**All owners of the property being divided must execute a Family Subdivision Affidavits a part of this application. A true copy of the executed Family Subdivision Affidavit must be recorded with the plat.**

**FEES**

The fees for this application consist of an application fee of **\$300.00 plus \$10.00 per lot** and a Map Maintenance fee of **\$35.00 plus \$10.00 per lot**. Make checks payable to *Treasurer of New Kent County*. Fees must be submitted at time of application.

*Example:*

Calculating the fee to divide an 8 acre lot into 3 parcels:

Fee:	\$ 300.00
+ \$10.00 per lot,	
Number of lots: _____ x \$10=	\$ _____
Map Maintenance Fee:	\$ 35.00
+ \$10.00 per lot,	
Number of lots: _____ x \$10=	\$ _____
<b>Total Due:</b>	<b>\$ _____</b>

<b>Application Fee:</b>	\$300.00 + \$30.00 (3 lots x \$10) = \$330.00	<b>Application Fee Total:</b>	\$330.00
<b>Map Maintenance Fee:</b>	\$35.00 + \$30.00 (3 lots x \$10) = \$65.00	<b>Map Maintenance Fee Total:</b>	+ \$65.00
<b>Total Application Fee:</b>			<b>\$395.00</b>

Prepared By & Return To:

Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
Apt. # /Unit: \_\_\_\_\_  
City/State/Zip: \_\_\_\_\_

THIS IS THE INFORMATION OF THE PERSON ACTUALLY FILLING IN THE BLANKS ON THE FORM. IF YOU NEED LEGAL HELP, YOU NEED TO TALK TO YOUR OWN LAWYER. (Virginia State Bar Lawyer Referral Line: (800) 552-7977)

**NEW KENT COUNTY  
FAMILY SUBDIVISION AFFIDAVIT  
[This is NOT a deed and does NOT transfer property]**

I/ We [Print Each Full Name]: \_\_\_\_\_ am/ are the owner(s), to be indexed as grantor and grantee, of a parcel of land identified on the tax records of New Kent County as Tax Map Parcel No. \_\_\_\_\_, GPIN \_\_\_\_\_, acquired by (check one box only) deed will inheritance, the record evidence of which appears in Deed Book \_\_\_\_\_, Page \_\_\_\_\_ or Will Book \_\_\_\_\_, Page \_\_\_\_\_. I/ We do hereby ask for the division of this parcel under the provisions of Article VII Section 91- 126 of the New Kent County Subdivision Ordinance, as shown on a plat prepared by \_\_\_\_\_, dated \_\_\_\_\_, a copy of which is attached with our Family Subdivision Application.

I/ We affirm that, if our application is approved, the parcel(s) created by this division will only be conveyed or transferred to the following immediate family members:

<u>Name</u>	<u>Age</u>	<u>Relationship</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

Each parcel that will be created by the proposed division, including the remaining property from which the lot(s) is/ are subdivided, meets all the minimum width, yard and area requirements of applicable County ordinances to the best of my/ our knowledge.

I/ We understand that this affidavit, and the application to which it is attached, does not actually convey or transfer land between owners. I/ We understand that if I/ We want to convey or transfer land to one of the people named above, I/ We will need to do so through a future transaction, which may be accomplished through the help of a competent attorney.

I/ We affirm that I/ We have legally owned the property for at least three (3) years. I/ We understand that these potential grantee(s) must hold any newly created lots for a period of two (2) years before the lots can be transferred by gift, sale, or lease, that the land may only be used for residential purposes, and that the County will not grant building permits to anyone other than the original grantee(s) during that same two year period.

