

Board of Supervisors

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December 17, 2014

H. Clark Leming, Esquire
Leming & Healy, P.C.
P. O. Box 445
Garrisonville, Virginia 22463

Subject: ***Zoning Administrator Determination***
Application ZON14150364 - Tax Map Parcel 54J-1J1-6A

Dear Mr. Leming:

This letter is in response to your Zoning Administrator Determination request regarding Assessor's Parcel 54J-1J1-6A, dated September 24, 2014, submitted on behalf of your client, Michael H. Littlefield, owner of an adjacent parcel, Assessor's Parcel 54J-1J1-6.

1. You requested "a determination that Lot 6B (54J-1J1-6A) is not a legally nonconforming building lot exempt from the Zoning Ordinance."

The County's Subdivision Agent, not the Zoning Administrator, determined whether this lot was a legal lot of record. The Zoning Administrator is authorized to determine compliance with the Zoning Ordinance, not the Subdivision Ordinance.

Assessor's Parcel 54J-1J1-6A was created in 1953, prior to the County's adoption of the Subdivision Ordinance in 1962 and the Zoning Ordinance in 1964. The lot was created by deed and a plat was recorded in the Circuit Clerk's Office prior to adoption of the County Subdivision Ordinance. After reviewing these court records for the property, the County's Subdivision Agent stated in a discussion with the Zoning Administrator that the lot was a lot of record. At the time it was created, the lot was subject to restrictive covenants, but the County does not have the authority to enforce these covenants (or restrictive covenants in general). Restrictive covenants are private matters that are enforced by the private parties with an interest in the particular covenant (this particular covenant expired in 1980). Therefore, since the lot was a lot of record as determined by the Subdivision Agent, it could be built on if compliance with all the applicable County regulations could be met.



*Letter to: H. Clark Leming, Esquire
December 17, 2014
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County Code Section 28-275(a) addresses lawfully-created lots that do not comply with the current standards of development.

A lawful nonconforming lot or parcel which does not meet the requirements of minimum lot width or area or both, may be utilized for a permitted use subject to the provision of this article, provided the yard and setback dimensions and other requirements shall conform to the regulations for the district on which the lot is located. Variance of yard and setback requirements shall be obtained only through the board of zoning appeals.

This lot does not meet the current lot width but may be utilized for a permitted use in the zoning district if a proposed structure complies with the current yard and setback requirements for the zoning district in addition to the other applicable regulations of the district.

This determination may be appealed to the Board of Zoning Appeals within 30 days from receipt of this letter, in accordance with Virginia Code § 15.2-2311, or this decision shall be final and not appealable.

If you have any questions or comments, I can be reached by email at sblackburn@staffordcountyva.gov or by phone at (540) 658-8668.

Sincerely,



Susan W. Blackburn
Zoning Administrator

SWB:sjs