



CUMBERLAND COUNTY

CITIZEN GUIDE

TO

SUBDIVISION & DWELLING CONSTRUCTION

Prepared by the Dept. of Planning & Zoning
With assistance from the Dept. of Building Inspections, the Cumberland Health Dept. and VDOT

The purpose of this handout is to familiarize County landowners with the basic requirements and steps needed to complete small subdivisions and the requirements for constructing a new house in the County. The goal is to simplify and streamline the process for County citizens. The information in this guide is mainly from the County's subdivision and zoning ordinances. If you need more detailed information please contact the Cumberland County Planning and Zoning Department.

SECTION 1: WHAT IS THE COUNTY'S PROCESS FOR BUILDING A HOUSE?

First, you should contact the County's Planning & Zoning Department and let them know where the property is you would like to build on. We can look it up by property owner, address, or tax map number.

If you have a survey or plat of the property then let us know. If you do not have one or do not remember if you have one, we can help you locate one if one exists. If a survey or plat of the property has never been done before one must be completed prior to the issuance of any building or zoning permits. A survey or plat is a "map" of your property with all the property lines shown. This is prepared by a professional surveyor or engineer who signs and stamps the survey or plat to show that they are properly licensed. To make the survey or plat official with the County, it must be recorded (put on file in the Clerk of the Circuit Court office).

The Planning & Zoning Department can tell you what the property is zoned and if that zoning district allows residential uses (most do). The Planning & Zoning Department also can check the size of the lot to make sure it is large enough to accommodate a new dwelling. Generally speaking, you may not have more than 1 dwelling on a lot. If you would like to subdivide a new lot from an existing lot, then see Section 2 on how to subdivide property.

If you have a vacant property that has the right zoning and is large enough, then you will next be working with 2 departments within the County government and 2 state agencies.

Please note: State agencies have mandated review timelines and fees that are governed by that specific agency. The County has no control over their fees or time it takes to get permits from those state agencies. The departments/agencies you will be working with include:

Cumberland County Health Department – A local division of the Va. Department of Health. In terms of land development, the Health Department permits on-site private wells and sewage systems (like septic fields or alternative septic systems). Their

approval is required before a building permit can be issued or a final subdivision plat can be approved. **Please note that the Health Department will only locate drainfields for subdivisions that produce 2 lots or less. Any division of 3 lots or more require the use of an Authorized Onsite Soil Evaluator (AOSE).** A list of local AOSE's is available at the Health Department. The Health Department's contact info is below:

Contact Info:

Phone : (804) 492-4661

Fax: (804) 492-9463

P.O. Box 107, 15 Foster Road, Cumberland, VA 23040

Virginia Department of Transportation (VDOT) – In terms of land development, VDOT must grant an entrance permit before you can get a building permit and sign off on a final subdivision plat before it can be approved. VDOT needs to assure that if you are proposing a new or using an existing entrance onto a state-maintained road (one with a route number) that it will be safe. If you will be using an existing entrance, then you may also get an entrance permit from the local Cumberland Area VDOT Headquarters. All new entrances onto a state-maintained road must receive entrance permits from the Dillwyn Residency. Their contact info is below:

Contact Info:

Dillwyn Residency

Phone: (434) 947-2315

Rosney Road, Dillwyn, VA 23936

Cumberland Area Headquarters

Phone: (804) 492-4580

1016 Anderson Hwy., Cumberland, VA
23040

Cumberland County Planning and Zoning Department – The department that handles all zoning and subdivision actions. Planning and Zoning completes the first part of the "tag sheet" required by the Health Department before they issue a well/septic permit and also completes the zoning permit which is needed before the building permit is issued by the Building Inspections Department. In addition, prior to Planning and Zoning approving a zoning permit, you must have a survey or plat on file. If you do not have one, then one must be completed before the zoning permit can be issued. The Building Inspections Department includes a zoning permit sheet in the application packet they distribute to those requesting a building permit. The Planning & Zoning Department also approves final subdivision plats.

Contact Info:

Cumberland Administration building adjacent to the Courthouse

Phone: (804) 492-3520

Fax: (804) 492-3697

Mailing Address: P.O. Box 110,

Physical Address (not part of mailing address): 1 Courthouse Circle

Cumberland, VA 23040

Cumberland County Building Inspection Department – The department that issues building permits which are required before any site work or construction can be done

in preparation for building a new home, remodeling or adding accessory buildings. Once you have a building permit, and construction has begun, the Building Inspections Department will inform you of the other inspections needed as you progress with the building's construction. This department also assigns addresses to new homes.

Contact Info:

Cumberland Administration building adjacent to the Courthouse

Phone: (804) 492-9114

Fax: (804) 492-9224

Mailing Address: P.O. Box 110,

Physical Address (not part of mailing address): 1 Courthouse Circle

Cumberland, VA 23040

The process for getting a building permit is below (a flow chart of this process is attached):

1. **Tag Sheet** - If you need to drill a new well or locate a new drainfield on a lot prior to building a dwelling or replacing one, you need to have a Health Dept. "tag sheet" completed. Obtain a "tag sheet" from the Planning Department and have the Department fill out the top portion. A tag sheet is the first step in obtaining a permit for well and septic from the Health Department. The Planning and Zoning Department must sign off on the tag sheet to check that the proposed site/house/mobile home/business is permitted in the zoning district. This signature provides a zoning "green light" to the Health Department so that they can start the paperwork for a well or septic permit. After the Planning Department completes the top, you will then take it to the Health Department who completes the rest. There is no fee for the Tag sheet.
2. The below can be applied for at the same time:
 - a. **Well/Septic Permit** - After the Tag sheet is complete, you will need to pay the Health Dept. application fee and fill out an application. A sketch or plat of the property is required to be included. For more detailed information on this permit, please contact the Health Department. After the application has been completed the Health Department will schedule a site visit.

The Health Department application fees (Made payable to the Cumberland County Health Department and submitted to the Health Department) are as follows:

Septic Only: \$112.50
Well Only: \$77.50
Well & Septic: \$190.00

- b. **Entrance Permit** – You are required to get an entrance permit from VDOT if you are putting in a new driveway or planning to use an existing entrance that will enter from an existing state maintained road (one with a route number). VDOT must review your plat or sketch that shows where the new entrance will be. They have an application fee and permit they will issue you. Please contact VDOT for more information about the cost of the permit and the review period before the permit is issued.

- c. **Zoning Permit** – The Planning and Zoning Department completes the zoning permit provided to you by the Building Inspections Department. You should receive a copy the zoning permit application in the packet of information the Building Inspections Department gives you when you request a building permit application. The Building Inspections Department also collects the zoning permit fee, which is \$10.00.

The zoning permit is required to be approved prior to the building permit being issued, as is the VDOT entrance permit and the well/septic permit from the Health Department. The zoning permit tells the Building Inspections Department that the property has the right zoning for a dwelling and what the building setbacks should be (the area where you cannot build on the property). A copy of a plat or sketch of the property is required to be attached. The Building Department can assist you in finding a sketch of the property if you do not have one.

3. **Building Permit** – Prior to issuing a building permit, you must provide the Building Inspections Department with the following:
 - a. the approved septic/well permit from the Health Dept. (or if on public water or sewer an executed user agreement – these can be obtained from the County’s Accounting Office);
 - b. the approved entrance permit from VDOT;
 - c. the approved erosion and sediment control plan or an agreement in lieu of a plan (provided by the Building Inspections Dept.);
 - d. 2 sets of the plans for the dwelling;
 - e. Copy of contractor’s licenses;
 - f. The approved Zoning Permit; and
 - g. Completed Building Permit Application.

After you get a building permit, the Building Inspections Department will direct you on the other necessary inspections needed as you complete your house.

SECTION 2: HOW DO I SUBDIVIDE PROPERTY IN THE COUNTY?

- I. First you would have to decide what type of subdivision you desire (a flow chart showing the subdivision process is attached). The County has 2 options:
 - a. *Minor Division* – division of a parent tract that produces 3 or less lots and family divisions of land. Family divisions are any subdivision where the new subdivision lots are transferred to an immediate family member of the owner. The number of lots allowed in a family division depends on how many immediate family members you wish to give lots to, they can only receive 1 parcel over their lifetime, and they must hold onto that parcel for 5 years after it is transferred to them.
 - b. *Major Division* – any subdivision that produces 4 or more lots. Generally, these are not allowed in the A-2 zoning district, which is what most of the County is zoned.

If you don't plan to transfer the property to an immediate family member then you would need to find out if your lot is a **Parent Tract**. To be a parent tract your lot would have to have been created prior to April 5, 1991. To find out if your lot was in existence prior to April 5, 1991, you will need to research your deeds and surveys associated with your property. If it was, then the lot may be divided into up to 3 lots (including the residue portion).

If you believe you have a parent tract, your next step would be to contact the Planning & Zoning Department to confirm that you have the ability to subdivide the property – we would confirm that your lot is a parent tract and that its size and zoning allow for the lot to be subdivided.

- II. After talking with the Planning & Zoning Department your next step is to contact a professional surveyor or engineer who can draft a plat of subdivision for you. Once they have drafted the subdivision plat you may submit it to the Planning & Zoning Department for our official review.
- III. The Planning & Zoning Department will review the plat to make sure it has all the info required by the County's subdivision ordinance. These requirements are listed in Section 54-121 through 124 of the County code. Often times we have comments or revisions required for the surveyor to address. After the surveyor/engineer makes any necessary changes to your plat it is then ready for final approval. Make sure your surveyor/engineer has stamped and signed his/her seal on all copies of your final plat.
- IV. Next contact the Health Department about locating an onsite septic system with a drainfield and 100% back up drainfield on the lots. You will also need to have the Health Department approve a well site and a 2nd well site location on the lot. If you do not wish to use the Health Department, you may contact an Authorized Onsite Soil Evaluator (AOSE) to locate the onsite septic systems on your lot. Once the Health Department has approved the sewage system and well locations on your lot, they will be ready to sign your final subdivision plat.

Please note that the Health Department will only locate drainfields for subdivisions that produce 2 lots. Any division of 3 lots or more require the use of an AOSE. A list of local AOSE's is available at the Health Department. If using an AOSE, their work must be provided to the Health Department for review *PRIOR* to the Health Department signing the final subdivision plat.

- V. You will next want to get VDOT to sign off on your final subdivision plat regarding the entrances of your lots onto roadways. The quickest way to accomplish this is to drop off the plats at the Dillwyn Residency and pick them up at a later time. Contact VDOT for more specific information.

Remember to have the Health Department and VDOT sign all copies of the plats you have.

- VI. Once the Health Department and VDOT have approved your final plats, the Planning and Zoning Department will be ready to approve them.

If you have not done so already, you will need to fill out the subdivision application and pay the subdivision review fee which is \$75 plus \$10 per lot. This fee is collected by the Planning and Zoning Department. Checks should be made payable to the Cumberland County Treasurer.

The Planning and Zoning Department needs at least one (1) original copy of your final plat for our files – Please provide us with at least two (2) originals plats to approve. Once the Planning and Zoning Department has signed and approved the final plats, we will keep one of originals and the rest will be given to you.

- VII. It is very important that after the final plats have been approved that you take one original final plat to the Clerk of the Circuit Court office and record your plat in the land records office with your deed. Please contact the Clerk's office if you have a question on what the fee is to record your plat. **You have 6 months to record the final plat after the Planning & Zoning Department has approved it before the plat becomes void.**

THE SUBDIVISION IS NOT OFFICALLY COMPLETE UNTIL THE PLAT HAS BEEN RECORDED WITH THE CLERK OF THE CIRCUIT COURT.

Contact Info:

Clerk of the Circuit Court Office (where plats and deeds are "recorded")

Land transactions can be recorded from 8:30 am – 4 pm Monday - Friday

Phone: (804) 492-4442

Fax: (804) 492-4876

Mailing Address: P.O. Box 110,

Physical Address (not part of mailing address): 1 Courthouse Circle

Cumberland, VA 23040

After the final plat has been recorded in the clerk's office, your subdivision is officially complete. Once recorded, there is no time limit before you have to build on a lot. Prior to building or clearing on a lot you must get a building permit. Please see Section 1, "What Is the County's Process for Building a House?" for more detailed information.

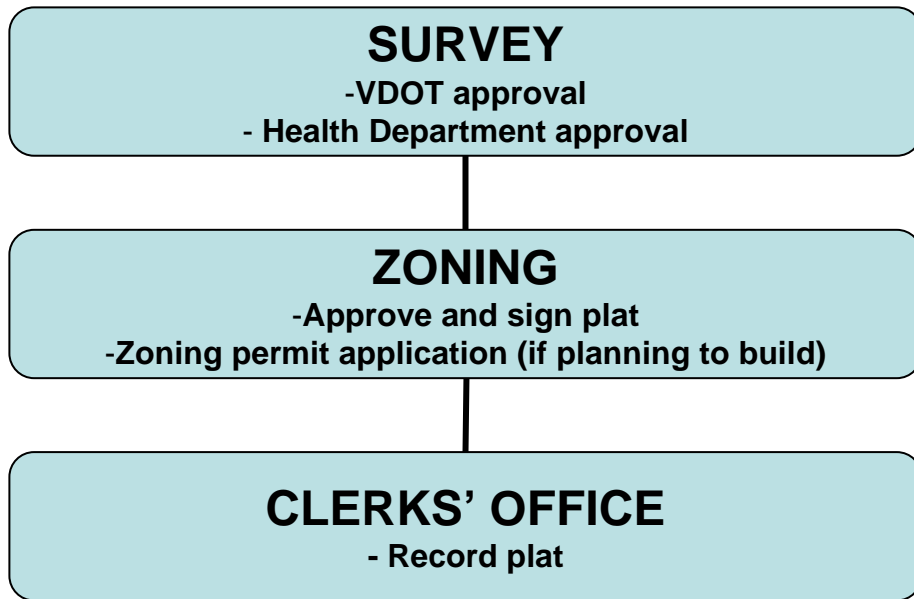
Attachments:

1. Building a Dwelling Process Flowchart
2. Subdivision Process Flowchart

Process to Subdivide Property

-Division of a parent tract / minor subdivision

-Family subdivision



How to determine whether a parcel is a parent tract:

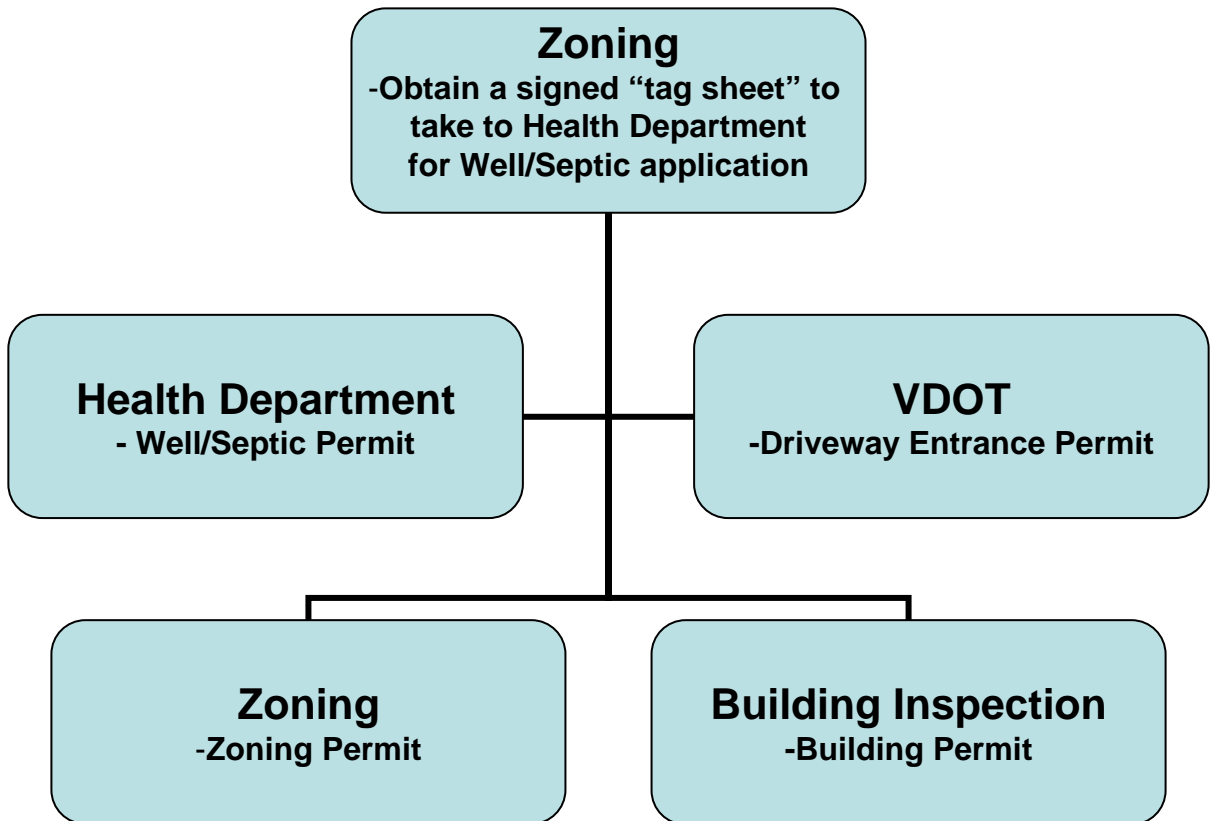
- Researching the deeds in the Clerks' Office will provide information to determine whether a parcel is a parent tract by showing the date the parcel came into existence (prior to April 5, 1991)
- If it is, then you are allowed to divide the property into a maximum of three parcels from the original parent tract. This type of division is called a minor subdivision.
- If not, then the property cannot be subdivided further except for a family division or unless the property is successfully rezoned to a residential zoning district. A rezoning involves creating a site plan for review, filing for a rezoning permit (\$550), and review and public hearings by the Planning Commission and Board of Supervisors. The first step in the rezoning process is a pre-application meeting with the Zoning Administrator. Please contact the office to schedule this meeting.

Survey Requirements (County Code Sec. 54-121):

- 1) Prepared by a surveyor licensed to do business in the state
- 2) Date, scale and true north point shall be shown on the plat
- 3) Location of the subdivision by magisterial district, assessor's parcel number(s), county and state
- 4) Boundary lines of all existing and proposed lots which shall be in conformance with applicable zoning requirements
- 5) All lots shall have a 50-foot deeded right-of-way
- 6) All lots shall be consecutively numbered
- 7) The setback (front, side, rear) requirements must be shown on all survey plats submitted for approval

Process to Build a Dwelling or Accessory Building

Please note that this process will move more smoothly and quickly if you have a survey of the property from the start.



*****Please note that a building permit will not be issued until a zoning permit has been approved.***

Zoning Permit requires:

- A scaled drawing showing parcel, proposed building project, setbacks, roads and right-of-way

Building Permit requires:

- Health permit (well and septic system) approved by Health Department, or Executed Sewer User Agreement (from the Accounting Office)
- Highway entrance approved by VDOT
- Approved Erosion and Sediment Control Plan or Agreement (from Building Inspection)
- Two sets of house plans approved by Building Inspection
- Copy of contractor's license (if applicable)

A garage, carport, porch, stoop, deck, storage shed or other accessory building does not require permits from the Health Department and VDOT to apply for building and zoning permits.

Farm structures are exempt from building permits, however a zoning permit and farm structure exemption affidavit must be completed. This form can be obtained in the Building Inspection office.