



COUNTY OF ALBEMARLE
Department of Community Development
401 McIntire Road, North Wing
Charlottesville, Virginia 22902-4596

Phone (434) 296-5832

Fax (434) 972-4126

AFFIDAVIT
Verifying Family Relationship of Grantor to Grantee

I, _____, (property owner/Grantor) hereby certify that the subdivision of Tax Map ____ Parcel ____ is a family subdivision in accordance with Sections 14-208, 14-211, and 14-212 of the Albemarle County Subdivision Ordinance, and that the table below outlines the relationship of each Grantee to the Grantor. I acknowledge that I have read and understand Sections 14-208, 14-211, and 14-212 of the Albemarle County Subdivision Ordinance which is attached to this affidavit.

Grantee(s)	Relationship to grantor	Parcel/Lot

Property Owner/Grantor

Date

COMMONWEALTH OF VIRGINIA
CITY/COUNTY OF _____:

The foregoing instrument was acknowledged before me this ____ day of _____, 20__ by _____ Grantor.

My Commission Expires: _____
Notary Public

Member of the immediate family. The term “member of the immediate family” means the natural or legally defined off-spring, grandchild, grandparent, or parent of the owner of property. (Section 14-106)

14-208 Family subdivisions.

The following sections of this chapter shall apply to each family subdivision, when applicable:

A. *General:* Sections 14-100 through 14-108.

B. *Administration and procedure:* Sections 14-200 through 14-204, 14-208, 14-209, 14-211, 14-212, 14-231, 14-231.1, 14-232(B) and 14-236.

C. *Plat requirements and documents to be submitted:* Sections 14-300, 14-301, 14-302(A)(1), (3), (4), (5), (6), (7), (9), (10), (11), (13), (14) and (15), 14-302(B)(1), (2), (4), (5), (6), (7), (8), (9) and (10), 14-303(A), (B), (C), (D), (E), (F), (H), (I), (L), (M), (N), (O), (P), (Q) and (S), 14-304, 14-305(B), 14-307, 14-307.1, 14-308.1, 14-309, 14-310, 14-312, 14-314 and 14-318.

D. *On-site improvements and design:* Sections 14-400, 14-401, 14-402, 14-403; if a private street will be constructed or approved as authorized by section 14-232(B)(1), then also sections 14-316, 14-406, 14-410(F) and 14-412(A)(4); if any part of the property within a proposed family subdivision is within the jurisdictional area of the service authority, then also section 14-414, but if not, each lot, including a lot not required to connect to public sewer service pursuant to section 14-414, which is less than five (5) acres, shall comply with the requirements of sections 14-416, 14-421 and 14-426 through 14-441.

((§ 18-57 (part): 8-28-74; 10-17-79; 12-21-83; 4-13-88; 1-3-96; 9-5-96) (§ 18-58 (part): 8-28-74; 9-5-96) §§ 18-57, 18-58; § 14-208, Ord. 98-A(1), 8-5-98; Ord. 05-14(1), 4-20-05, effective 6-20-05; Ord. 13-14(1), 12-4-13, effective 1-1-14)

State law reference--Va. Code §§ 15.2-2241(9), 15.2-2244(C).

14-211 Family subdivisions; conditions precedent.

A family subdivision shall be approved only if, in addition to satisfying all other applicable requirements of this chapter, the agent is satisfied that:

A. Only one lot is created for transfer by sale or gift to the same family member.

B. The subdivider has not previously divided any other land within the county by family subdivision for transfer by sale or gift to the same family member.

C. Each lot proposed to be created complies with all applicable requirements of the zoning ordinance.

D. If the lot proposed to be created will be transferred to a member of the immediate family owning an abutting lot, the family subdivision lot shall be combined with the abutting lot and shall be so noted on the plat by appropriate symbol and wording.

(8-28-74; 10-17-79; 12-21-83; 4-13-88; 1-3-96; § 18-57, 9-5-96; § 14-211, Ord. 98-A(1), 8-5-98; Ord. 05-14(1), 4-20-05, effective 6-20-05) **State law reference--**Va. Code § 15.2-2244(C).

14-212 Family subdivisions; conditions of approval.

Each approval of a plat for a family subdivision shall be subject to the following conditions:

A. No lot may be created by family subdivision unless it has been owned by the current owner or a member of his or her immediate family for at least four (4) consecutive years immediately preceding the date the family subdivision plat is submitted under section 14-209. For the purposes of this section, and subject to approval by the county attorney:

1. Land owned as part of a trust for estate planning purposes may be considered to be owned by the current owner or a member of his or her immediate family upon consideration of the following factors: (i) the title to the real property is in the name of one or more of the trustees; (ii) if there is more than one trustee, the intended grantee is a qualifying member of each trustee's immediate family; (iii) if there is more than one trustee, all of the trustees agree in writing to the family subdivision; (iv) under the trust instrument, the trustee(s) retain complete control over the trust assets; and (v) the trust instrument allows the trustee(s) to convey real property.

2. A lot created by family subdivision may be conveyed to the custodian of a qualifying member of the immediate family under the Virginia Uniform Transfers to Minors Act (*Virginia Code § 64.2-1900 et seq.*)

B. No lot created by the family subdivision, including the residue, may be transferred, except by devise, descent or operation of law, to a person other than an eligible member of the immediate family of the subdivider, for a period of four (4) years after the date of recordation of the plat, except for purposes of securing any purchase money and/or construction loan, including bona fide refinancing, or if the lending institution requires in writing that the spouse of the member of the immediate family be a co-grantee and co-owner of the lot. The subdivider shall place a restrictive covenant on the lots created by the family subdivision prohibiting the transfer of the lots so created to a person who is not a member of the immediate family for the retention period after the date of recordation. The restrictive covenant shall be subject to review and approval by the county attorney before it is recorded. If the lot created is conveyed back to the grantor during the retention period, it shall be recombined with the parent lot within six (6) months after such conveyance and no building permits shall be issued for the lots until they are recombined.

C. The entrance of the principal means of access for each lot onto any public street shall comply with Virginia Department of Transportation standards and be approved by the Virginia Department of Transportation.

D. The following note shall be added to each plat for a family subdivision: "No lot shown on this family subdivision plat may be sold or conveyed to a person other than an eligible 'member of the immediate family,' as that term is defined in Chapter 14 of the Albemarle County Code, for a period of four (4) years after the date of recordation of this plat except as authorized by section 14-212(A) of the Albemarle County Code. If any lot created by the recordation of this plat is conveyed back to the grantor during the four (4) year period, it shall be recombined with the parent lot within six (6) months after such conveyance."

(8-28-74; 10-17-79; 12-21-83; 4-13-88; 1-3-96; § 18-57, 9-5-96; § 14-212, Ord. 98-A(1), 8-5-98; Ord. 05-14(1), 4-20-05, effective 6-20-05; Ord. 08-14(1), 2-6-08; Ord. 13-14(1), 12-4-13, effective 1-1-14) **State law reference--**Va. Code § 15.2-2244(C).