



County Building Three  
PHONE (804) 693-1224  
FAX (804) 693-7037

## Department of Planning

6582 Main Street  
P. O. Box 329  
Gloucester, Virginia 23061

### M E M O R A N D U M

**TO:** Policy File

**FROM:** Anne Ducey-Ortiz, AICP, Planning Director

**DATE:** March 5, 2009

**SUBJECT:** Boundary Line Adjustments

The subdivision ordinance classifies a boundary line adjustment (BLA) as a type of subdivision and defines it in Section 15-3.1(6) as follows:

*Boundary line adjustment. A re-subdivision of a part of an otherwise valid and properly recorded plat of subdivision or of two (2) or more adjacent lots, where no additional lots are created and existing or platted streets, rights-of-way, public easements, and public improvements are unaffected by such action. Further, no private easements or private rights-of-way shall be relocated or altered without the recordation of appropriate documents effecting such relocation or alteration. Typically a boundary line adjustment is a minor realignment of a single line between two (2) adjacent lots. A preliminary plat is not required. This subsection shall not be interpreted to authorize the creation of a lot or lots which would otherwise be prohibited. **Boundary line adjustments involving one (1) or more legally nonconforming<sup>1</sup> lots shall not be permitted where the result of such adjustment would increase the degree of nonconformity.** Boundary line adjustments shall be approved by the agent if such re-arrangements are reasonable and conforming to the intent of this section. The record plat shall adhere to the applicable requirements set forth in section 15-63 of this chapter.*

The sentence highlighted in bold is the subject of this policy. The literal reading would prohibit almost any adjustment in lot lines between lots that are nonconforming in area. However, as long as the BLA is not increasing the number of existing buildable lots, or the potential for development beyond that which currently exists, a BLA between lots nonconforming in area may be permitted, provided the boundary line adjustment does not make any of the lots more non-conforming in another aspect (such as set-backs). The applicant and agent will strive to “even out” the existing nonconformity where possible so that the resulting lots are more suitable for their intended use.

It is not the intent of the ordinance or this policy to allow development on a lot that would otherwise not be permitted. A plat which creates a new buildable lot

where none existed is considered a subdivision and must meet the applicable subdivision requirements. It is incumbent on the applicant to provide sufficient information for the agent to determine if the existing lot is developable in terms of buildable area in keeping with the applicable setbacks, environmental requirements and the ability to provide septic disposal. Once the lot is determined to be a buildable, nonconforming lot of record, the agent may approve a BLA consistent with the requirements of the Subdivision Ordinance and this policy.

This policy was reviewed and endorsed by the Gloucester County Planning Commission at their March 5, 2009 meeting.

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<sup>i</sup> *Nonconforming lot:* A lot of record that does not conform to the minimum area or width requirements of this ordinance for the district in which it is located either at the effective date of [the Zoning Ordinance] or as a result of subsequent amendments to the ordinance.