

D	HOW DO I ADJUST PROPERTY LINES WITH MY NEIGHBOR?
<p>This section describes the process for moving or adjusting property lines between existing lots in Clarke County.</p>	
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<p><u>Permits/Reviews Required:</u></p> <ul style="list-style-type: none">• Boundary Line Adjustment Plat Review – managed by <u>Planning Department</u>• Well/septic system review -- by <u>Virginia Department of Health (VDH)</u>• Construction Plan Review (if applicable) – managed by <u>Planning Department</u>	
<p><u>Information Required for Boundary Line Adjustment Plat Review Applications:</u></p> <ul style="list-style-type: none">• Completed Boundary Line Adjustment Application Form• Boundary Line Adjustment Plat – prepared by the applicant’s <u>surveyor</u><ul style="list-style-type: none">○ A minimum of three (3) hard copies plus one electronic copy shall be provided with the initial application○ A minimum of three (3) hard copies shall be provided for final approval and recordation• Report evidencing soil suitability for proposed onsite sewage disposal systems – prepared by the applicant’s <u>soil consultant(s)</u>• Deed of Dedication (if required)	

Overview

In order to relocate, adjust, or otherwise modify one or more property lines between lots, the Boundary Line Adjustment review process must be followed as described in the [Clarke County Subdivision Ordinance \(Article II, Section 3.3.2 – Boundary Line Adjustment\)](#). Whether boundary lines can be adjusted is dependent on several factors including but not limited to:

- Whether the resultant lots after the boundary line adjustment will conform to the lot dimensional requirements for that zoning district classification (e.g., minimum/maximum lot size, minimum lot width).
- Whether any existing buildings will comply with setback requirements after the boundary line adjustment.
- In the case of lots in the AOC and FOC Districts, whether the existing **dwelling unit rights (DURs)** on the resultant lots will conform to Ordinance requirements (See General Information Section 3 – What is Sliding-Scale Zoning?).
- If public water and/or public sewer is not available, whether any existing or proposed private wells and onsite sewage disposal systems comply with County and Virginia Department of Health (VDH) requirements.
- How the resultant lots will be able to access a public road.

When first considering a boundary line adjustment, it is highly recommended to schedule a **fact-finding meeting** with Planning Department staff to discuss your project on a conceptual basis. At this meeting, Staff can provide you with copies of the applicable regulations and application forms, and can also offer initial recommendations as to whether the proposed boundary line adjustment may or may not comply with County regulations. Staff will also discuss required application fees which may include additional fees for review by the County's engineering consultant.

Before filing a boundary line adjustment application, an applicant will need to hire at their expense one or more design professionals to prepare required components for the application:

1. The applicant must hire a **licensed surveyor** to prepare a survey plat depicting the proposed boundary line adjustment.
2. If there are any proposed onsite sewage disposal systems and the resultant lots are less than 40 acres in size, the applicant must hire a **soil consultant** to determine whether a compliant system can be installed on the applicable lot.
3. If a private access easement or other improvements will be constructed in conjunction with the boundary line adjustment, the applicant must hire a **licensed surveyor or engineer** to develop construction plans per [Section 3.4 – Construction Plan Review Process](#).

Once the applicant has assembled all required components and is ready to file an application, a **pre-application conference** with Planning Department staff is recommended but not required. The purpose of the pre-application meeting is for Planning Staff to provide guidance on any outstanding or incomplete items that the applicant may have. This will help to ensure that the applicant files a complete application and that the review process can begin in a timely fashion.

Boundary Line Adjustment Plat Review Process

Below are the general steps to follow for a boundary line adjustment application:

- **STEP 1** – Contact the Planning Department to schedule a fact-finding meeting on your proposed boundary line adjustment as described in the Overview section above. Obtain copies of the regulations, application form, and fees from Planning Staff.
- **STEP 2** – Hire design professionals to prepare the plat, evaluate the lots for onsite sewage disposal systems (if applicable), and design any proposed private access easement or other improvements (if applicable) as described in the Overview section above.
- **STEP 3** – Once the proposed boundary line adjustment plat and any other required work by design professionals is completed, it is recommended to contact the Planning Department to schedule a pre-application conference.
- **STEP 4** – File the complete application, proposed boundary line adjustment plat, application fees, and all other required components with the Planning Department. The

Zoning Administrator will review the application for completeness and forward to applicable agencies for review and comment. The review timeframe for boundary line adjustment applications is **60 days from the date that the Zoning Administrator determines the application to be complete.**

- **STEP 5** – The Zoning Administrator will take action to approve or disapprove the application. If the application is disapproved, the Zoning Administrator will provide the reasons for disapproval in writing and the applicant may file a corrected application for review. The Zoning Administrator will take action to approve or disapprove the corrected application within 45 days of receiving a complete application.
- **STEP 6** – Following approval of the boundary line adjustment application, the final approved plat must be recorded along with a deed of dedication in the office of the Circuit Court Clerk (102 North Church St., Berryville).

NOTE – Certain boundary line adjustments between lots in the AOC District may require review and approval by the Clarke County Planning Commission. Planning Staff will advise you as to whether your application will have to be reviewed by the Commission and how it will impact the review timeline.

ZONING AND SUBDIVISION ORDINANCE REFERENCES:

Zoning Ordinance

- [Section 3 – Sliding-Scale Zoning](#) – Contains rules for dwelling unit right allocation and usage.
- [Section 4 – Zoning Districts](#) – Contains lot dimension requirements by zoning district.

Subdivision Ordinance

- [Section 2.2 – Application Submission and Acceptance](#) – Contains general rules for submitting an application, required pre-application conferences, application completeness, and deferral or withdrawal of applications.
- [Section 3.3.2](#) – Contains the review process for boundary line adjustments.
- [Section 3.4 – Construction Plan Review Process](#) – Contains the review process for construction plans (if required)
- [Section 4.2.2 – Boundary Line Adjustment](#) – Contains the requirements for boundary line adjustment applications and the required form and contents for plats, construction plans, and documents.
- [Section 4.4.1 – Boundary Line Adjustments – Special Regulations](#) – Contains rules for boundary line adjustments involving properties in the AOC and FOC Districts, adjustments that would impact zoning district boundaries, and limitations on allocating dwelling unit rights (DURs).