



Date of Council Meeting: September 23, 2013

**TOWN OF LEESBURG  
TOWN COUNCIL MEETING**

**Subject:** Initiation of Zoning Ordinance and Subdivision and Land Development Regulations text amendments to simplify the process of consolidating multiple lots into a single lot.

**Staff Contact:** Brian Boucher, Deputy Director, Planning and Zoning

**Issue:** Should Town regulations be amended to make it easier for land owners to consolidate multiple lots into a single parcel and to reduce the number of nonconforming lots and structures in Leesburg?

**Recommendation:** Provide guidance to Town staff as to whether it is the desire of the Council to initiate Zoning Ordinance and Subdivision and Land Development Regulations text amendments to simplify the process to consolidate multiple lots into a single parcel.

**Background:** There are many cases in Leesburg where buildings have been constructed across property boundaries so that a single structure crosses a property line and is considered a legally nonconforming structure because it violates subsequently adopted building setback requirements. These cases occurred when the underlying zoning districts did not require a setback and it was permitted for a house or commercial building to cross a property line. This situation is primarily found in the older sections of Town where narrow “shot gun” lots exist, such as in the old Fairview Subdivision, where as many as 47 houses are built across property lines. In addition, some older commercial buildings were built across property lines, such as the current Sherriff’s office on Catoctin Circle, which crosses three lots. The impact of this practice is that the buildings are “legally nonconforming structures” and cannot be expanded because it would make the structure more nonconforming under the current ordinance.

Today the solution to remove this situation is to consolidate the lots to create a single lot which in most cases would make the structure legally conforming and in all cases would make the site more conforming. In addition, consolidation of lots should reduce a homeowner’s tax bill because there are fewer lots to be taxed. From a Town standpoint, removal of nonconforming structure situations is preferable because it achieves greater compliance with current regulations.

Under current regulations to vacate lot lines, the Town requires a plat under the Subdivision and Land Development Regulations (SLDR) Sec. 204 Boundary Line Adjustments and Vacations. The Town’s boundary line adjustment processing fee is \$1,000 and the cost to hire a private surveyor to research records and do field work is about \$1,200 in simple cases but may be as much as \$4,000 in more complex situations.

The Virginia Code now gives the Town an option to dispense with a plat and allow a boundary consolidation by deed alone per Va. Code Sec. 15.2-2275. **Relocation or vacation of boundary lines.** This section states in part, “. . . a locality may allow the vacating of lot lines by recordation of a deed . . . The deed shall be approved in writing, on its face, by the local governing body or its designee. The deed shall reference the recorded plat by which the lot line was originally created.

Note that this requires that there be a valid plat of record that can be referenced in the deed. If there is no such plat, one must be created and put to record.

The intent of this initiation would be to amend the Zoning Ordinance and the SLDR as necessary to provide the deed option to those property owners who desire to consolidate lots without going through the time and expense of creating a record plat for Town review and approval. This incentive could result in removal of nonconforming lot and structure situations.

Staff has prepared the attached draft resolution to amend the SLDR and the Zoning Ordinance to allow lot consolidation by deed alone in certain cases.

PRESENTED September 24, 2013

RESOLUTION NO. \_\_\_\_\_

ADOPTED September 24, 2013

A RESOLUTION: INITIATING AMENDMENTS TO THE LEESBURG ZONING ORDINANCE AND THE SUBDIVISION AND LAND DEVELOPMENT REGULATIONS TO SIMPLIFY THE PROCESS FOR CONSOLIDATING MULTIPLE LOTS INTO A SINGLE LOT

WHEREAS, There exist in Leesburg cases where residential or commercial structures are built across property lines, thereby creating legally nonconforming structures and lots; and

WHEREAS, The Leesburg Subdivision and Land Development Regulations require a plat of consolidation to vacate lot lines to reduce multiple lots into a single parcel; and

WHEREAS, Removal of nonconforming zoning situations will enhance the redevelopment potential of commercial lots and permit expansion of residential units in accordance with current requirements; and

WHEREAS, the 1950 Code of Virginia, as amended, permits localities to allow consolidation of lots by deed alone in certain situations; and

WHEREAS, the public necessity, convenience, general welfare and good zoning practice require the proposed amendments.

THEREFORE, RESOLVED, by the Council of the Town of Leesburg in Virginia as follows:

SECTION I. Amendments to the Subdivision and Land Development Regulations and the Zoning Ordinance as necessary are hereby initiated and referred to the Planning Commission to consider the allowance of consolidation of lots by deed alone..

SECTION II. The Planning Commission shall hold a public hearing to consider these amendments to the Subdivision and Land Development Regulations and the Zoning Ordinance, and report its recommendation to the Town Council pursuant to Chapter 22, Title 15.2-2204 of the 1950

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Code of Virginia, as amended.

PASSED this 24th day of September, 2013.

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Kristen C. Umstattd, Mayor  
Town of Leesburg

ATTEST:

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Clerk of Council