



Westmoreland County, Virginia
LAND USE ADMINISTRATION

Building Official
Zoning Official
Planning Commission
Board of Zoning Appeals
Board of Building
Appeals
Wetlands Board

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Explanation of Nonconforming Lots & Nonconforming Setbacks on R-1 & R-2 Lots

There are many residential subdivisions and other small lots that were created before the County adopted a Zoning Ordinance in 1971. Therefore, in some cases these pre-Ordinance lots do not meet the required width and/or size standards that have since been implemented. Such lots are referred to as nonconforming lots. The Zoning Ordinance has made special allowances for nonconforming lots, providing decreased setbacks and therefore greater potential buildability before the need for variances.

CONFORMING LOTS:

A lot is considered conforming if it meets both the required lot width and lot area for its zoning classification. In this handout, we are specifically referencing lots that are zoned R-1 or R-2, as they are by far the most common nonconforming lots. Both of these zoning districts have the same setbacks and the same minimum dimensional standards. They also both have multiple levels of minimum standards, which differ based upon the availability of centralized (offsite) water and/or wastewater utilities.

The minimum standards for a conforming lot are:

With no public utilities – 25,000 square feet in area and 100 feet in width (also conforming for all A-1 zoned lots)

With one public utility – 15,000 square feet in area and 100 feet in width

With two public utilities – 12,000 square feet in area and 80 feet in width

NONCONFORMING LOTS:

As mentioned above, the Zoning Ordinance allows reduced setbacks for nonconforming lots. There are two separate setback allowances that are provided in the Ordinance, and they are described in greater detail as follows.

Both nonconforming allowances are acceptable. Land Use policy allows the use of whichever set of setbacks will best accommodate a project.

In both cases, the decreased setbacks can be used if a lot qualifies by lot width OR lot area or both (OR lot depth, as applicable).

Nonconforming setback allowance #1

Any nonconforming lot may have a five (5) foot setback on the sides. Front and rear setbacks remain the same.

This allowance has been in place for decades. Staff may refer to lots that qualify as “standard nonconforming” or similar names.

Nonconforming setback allowance #2

When the Zoning Ordinance was substantially rewritten in 2006, additional allowances were made for particularly small lots. These lots may be referred to as “new nonconforming,” “super-nonconforming,” or similar names. For these lots, reduced setbacks are available for all of the types of setbacks: front, rear, side, and side street.

The newer language states that “a non-conforming parcel or lot... that is 50’ or less in width and/or is 120’ feet or less in length and/or is 6000 square feet or less in area shall be allowed the following setbacks”:

- Front yard setback – 25% of the lot length but no less than 25’ to the front lot line
- Rear yard setback – 20% of the lot length but no less than 20’
- Side yard setback – 4’ on one side and 8’ on the opposite side
- Side street setback (for corner lots) – 15 feet
- Rear street setback (for lots with a street to the front and the rear) – 20% of the lot length but no less than 20’