Building Line and Easement Reference Guide

BUILDING LINES:

* Set/created by Planning and Zoning
  + setbacks and side yard requirements are typically assigned by property zoning as determined by the lot size
* Assist in creating an aesthetically appealing look to a subdivision
  + keeps homes at a uniform distance from the street and property lines
* If a home is located over a building line, a variance may be needed, specifically if the home is 2 years old or newer

EASEMENTS: An interest in land owned by another person, consisting in the right to use or control the land, or an area above or below it, for a specific limited. May last forever, but it does not give the holder the right to possess, take from, improve, or sell the land.

* What that means is…
  + Property owner OWNS the land, they maintain it and they pay taxes on it
  + Someone else (like a utility company) is allowed to use the easement area
  + Property owner can NOT interfere with access to the easement
    - Should not build anything permanent in nature in the easement as they run the risk of having to remove the item at their expense
* Common Easement uses:
  + Utility Companies for utility lines
  + Private use such as maintenance of a driveway, retaining wall or fence
  + Ingress/Egress provides for the ability to access a property by crossing other property/properties
  + Easement by prescription: Easement granted by the courts typically for access to a property
* Time Frames of easements:
  + May last forever or may expire after a certain date or condition occur
  + May be granted for the current owner or it may include their heirs
* Automatic easement termination occurs when there is:
  + A merger (you cannot have an easement to yourself on your own land)
  + A loss of land due to erosion
  + Destruction of a building existing on an easement
  + Increased burden inconsistent with the original use is placed on a property (ex. can’t erect a building in an easement meant for driveway access)