

# BOARD OF ZONING APPEALS MEETING

## A G E N D A

TOWN OF CHINCOTEAGUE

June 25, 2015 - 7:00 P.M. – Council Chambers - Town Hall

CALL TO ORDER

AGENDA ADOPTION:

---

1. Approval of Minutes of March 12, 2015
2. Appeal 15-06-1 A request from B.I.C. Inc. & Raymond Britton to appeal the decision of the Zoning Administrator regarding his determination that Remains of Parcel B located on Ridge Road (30A2-A-71) is an unbuildable lot.
3. Public Participation
4. Board Action on Appeal 15-06-1
5. Adjourn:

MINUTES OF THE MEETING MARCH 12, 2015  
CHINCOTEAGUE BOARD OF ZONING APPEALS

MEMBERS PRESENT:

Mr. Jessi Speidel  
Mr. Robert Cherrix  
Mr. Edward Moran  
Mr. Jack Gilliss  
Mr. Chuck Ward  
Mr. Donnie Thornton  
Mr. Mike Mcgee

MEMBERS ABSENT:

Kenny L. Lewis, Staff Support

1. Call to Order

Mr. Speidel called the meeting to order at 7:00 pm.

2. Approval of Minutes of February 12, 2015

Motion by Mr. Ward to approve the minutes of February 12, 2015 . Second by Mr. Moran. All in favor. Motion carried.

3. Appeal 15-03-1 A request from Sheldon & Karen Mason, Parcel 30A4-A-39 Birchtown Lane for a variance from Article 6, section 6.15 of the zoning ordinance of the Town of Chincoteague. The applicant wishes to construct a residence on said parcel. The structure will be located 6.5' from both side lot lines. Non-conforming side lot lines require a minimum of 10' side yard setback on the east side and 7.8' on the west side. This property is zoned C-1.

4. Public Comments on Appeal

Mr. Sheldon Mason spoke on his appeal to the Board. Mr. Mason advised that he inherited 20% of the land. The new house will not be any larger than what is beside his lot. Mr. Mason advised he wanted to put his house 25' from the rear lot line. Mr. Mason advised if he built a commercial building on the lot it would only have to be 5' from the side lot lines. Mr. Mason advised that currently there are 3 houses on Birchtown Lane. None of the structures meet current setbacks.

Mr. Gillis stated to Mr. Mason that his neighbor, Mrs. Lisa Hall had problems with the proposed variance. Mr. Mason did not understand that since her house is only 5' from the side lot line.

Mr. Gilliss questioned Mr. Lewis if the 5' setback on the Hall house is where the octagon section of the house. Mr. Lewis advised yes. Mr. Gilliss asked for the size of this addition. Mr. Lewis advised 5' x 15'.

Mr. Ward stated to Mr. Mason that he advised the land has been in his family for over a 100 years. Mr. Ward asked if the property has ever been split off. Mr. Mason advised no.

Mr. Ward advised that with the information submitted, he submitted a rendering of a house he wishes to build. Mr. Ward questioned if he had researched placing a home on the lot that would meet the required setbacks. Mr. Mason advised no. Mr. Mason advised he suggested this width of building because that is what was there before. Mr. Mason advised because the property is commercial, he thought he could use the 5' setbacks. He advised he did not know that residential setbacks were required for a residence.

Mr. Moran questioned Mr. Mason why he did not propose to have the house closer to the front lot line since it is wider there. Mr. Mason advised he did not want his house right beside Mrs. Hall's house, he wanted it back behind her house and try to get some waterview. Mr. Moran felt that if the house was placed where it was 42' he could meet the setbacks. Mr. Mason did not want his house so close to the Hall house.

Mr. Cherrix questioned Mr. Mason on the plan submitted, he advised that at the rear of the house there is something sticking off the house on the eastside. Mr. Mason advised that will not be there. It was suppose to be a deck/porch off the second story.

Mr. Thornton advised Mr. Mason that in the letter from Lisa Hall, she advised if the house was built in the back she would be happy. Mr. Mason advised that was his plan.

Mr. Speidel asked if the house is for him and Karen to live in. Mr. Mason advised it will either be a vacation rental or maybe for his daughter after college.

Mr. Ward asked Mr. Mason if he had gotten a surveyor to establish the exact lot line locations. Mr. Mason advised no. Mr. Ward asked if he had gave any thought about building in the rear yard, where he will be looking at the neighbors rear yard. Mr. Mason advised he preferred to build in the rear , he advised she has a 10' fence and he wants the water view.

Mrs. Lisa Hall spoke regarding the appeal. She advised he send to the Board a letter opposing the appeal. Mrs. Hall did not see any hardship in this case.

Mr. Thornton advised that in Mrs. Hall's letter, she would like the structure be placed at the rear of the lot. Mr. Thornton asked if she approved the variance if he

located the home at the rear of the lot. Mrs. Hall advised she still opposed the variance. Mr. Thornton asked how close was her house to the lot line. She advised about 5'. Mr. Thornton asked if she had to get a variance to place the home that close. She advised yes. Mr. Thornton asked Mrs. Hall if her house is currently closer to the lot line than what Mr. Mason wants. Mr. Lewis advised yes.

Mr. Gilliss asked Mrs. Hall if moving the house to the rear of the lot removes her fear of a fire hazard. Mrs. Hall advised yes.

#### 5. Board Action on Appeal

Mr. Cherrix felt that if Mr. Mason removes the portion of the house on the site plan as previously identified and he moves the house back, he has no problems approving the appeal.

Mr. Thornton agreed with Mr. Cherrix.

Mr. Gilliss felt that Mr. Mason and Mrs. Hall's structure are both non-conforming.

Mr. Ward advised that due to the location of the sewer systems, the front portion of the property is not buildable.

Mr. Ward felt that a house could be built in the allowable space. However he understands that a 19' wide house would make a narrow house in which building a house 19' wide would make a lot of scrap waste in framing.

Mr. Thornton felt that if Mr. Mason is denied on his variance, he could build a commercial building 5' from the side lot lines.

Mr. Moran felt that due to her house being 5' from the side lot line, Mr. Mason should be able to get 6.5 foot from his lot line. Mr. Moran felt a dwelling on the lot would be better than a commercial building. Mr. Moran advised he owns cottages 24' wide, there is not much room in these units. He understands the problem with requiring Mr. Mason to build a smaller house.

Mr. McGee felt that considering what commercial uses could go on the lot, he feels that approving the variance would benefit both parties.

Mr. Speidel advised that when zoning was established, it did not take into consideration the existing small lots.

Motion by Mr. Ward, second by Mr. Thornton to approve the variance request provided the placement of the home is located as identified on the site plan, and the finding of fact on this case is, the setbacks is not exceeding for no more than what was approved for the adjoining property owner. All in favor. Motion carried.

6. Appeal 15-03-2 A request from Daniel E. Whealton, 7355 Whealton Ct. for a variance from Article 3, section 3.9.3 (2) of the zoning ordinance of the Town of Chincoteague. The applicant has placed a manufactured home on said lot 17' from the rear lot line. Current zoning requires a minimum 25' rear yard setback. This property is zoned R-3.

7. Public Comments on Appeal

Mr. Whealton advised that last year he removed a 12' x 50' mobile home from this parcel and replaced it with a 26' x 40' manufactured home. Mr. Whealton advised he placed the new home 44' from the front lot line as was the old unit and did not think he was not in compliance with the setbacks. Mr. Whealton advised he made sure he was in line with the home beside his lot. Mr. Whealton advised that the lot behind him a subdivision lot that is considered wetlands. Mr. Whealton advised he spoke with Mildred Fox, the owner about purchasing it but was not able to meet the asking price. Mr. Whealton did not see where approving this variance would affect his neighbors.

Mr. Gilliss questioned Mr. Whealton if he felt that Mrs. Fox disapproved the request because he would not buy the lot. Mr. Whealton just felt the price was too high and that it was unfair for what she asked.

Mr. McGee asked if the lot behind him could ever be built upon. Mr. Thornton advised yes it could be built on if they mitigate the property. Mr. Whealton advised if they built on that lot they would have to go thru Grace St to get to it which is about 1,200 feet.

Mr. Thornton asked Mr. Whealton if he could have placed the home on the lot and meet setbacks. Mr. Whealton advised he can meet the setbacks. Mr. Thornton advised if he did not know where the lot lines were he should have gotten it surveyed.

Mr. Ward questioned if he was aware the property behind him is in a subdivision. Mr. Whealton thought it was about 70 some lots. Mr. Ward questioned if he had the property surveyed and property markers identified. Mr. Whealton advised no.

Mr. Ward asked if a building permit was submitted for the home. Mr. Whealton advised yes. Mr. Ward then asked how did the case come before the Board. Mr. Lewis advised that when the building permit was submitted, the site plan showed it as 25' from the rear lot line with a 5' x 5' landing. Mr. Whealton then submitted a deck permit application that showed the house 30' from the rear lot line. I advised Mr. Whealton that I needed to know which setback is correct. Upon measuring the property out, it was determined that he was only 17' from the rear lot line.

Mr. Thornton stated that he must have just got the lot surveyed because Mr. Thornton observed the new flags installed.

Mr. Moran asked if the home was placed on piers or foundation. Mr. Whealton advised it was on a permanent foundation.

Mr. Kenny Bogush advised that most of the lots in that subdivision are 40' deep and 100' or so wide. Mr. Bogush advised his grand-daughter owns lots on Grace St., he advised the Corp of Engineers stated about 50% of her lot is buildable. Mr. Bogush advised that Teddy Daisey had to pay \$30k to make his lot buildable.

Mr. Moran asked if the neighbors house was at the same rear yard setback. Mr. Whealton advised yes.

#### 8. Board Action on Appeal

Mr. Cherrix advised it should not matter if the lot behind him is build upon or not. The adjoining land is buildable and the setbacks should have been met. Mr. Whealton should have measured from the lot line.

Mr. Thornton read the letter from Mildred Fox where she opposed him building to close to the lot line.

Mr. Gilliss asked if Mr. Whealton bought the lots behind him, would he be in compliance with zoning. Mr. Lewis advised he would need to vacate the lot lines.

Mr. Ward still had concerns how the setbacks changed from October to January from 25' to 30'.

Mr. McGee questioned Mr. Whealton if he knew he was wrong with the setback prior to Mr. Lewis bringing it to his attention. Mr. Whealton was not aware he was short on rear setback.

Mr. Speidel asked Mr. Lewis if the town requires a survey when an application is submitted. Mr. Lewis advised no. Mr. Speidel felt that maybe the Council should look into this requirement.

Mr. Thornton felt that Mr. Whealton had enough land to place the house in compliance. He had 44' front yard setback and could have moved the house forward.

Mr. Ward advised the Board that they have to have a finding of fact prior to approving an appeal. Mr. Ward did not feel he could give a finding of fact for an approval because if he had submitted a site plan in violation of zoning it would not have been approved because he had the land to be in compliance. Mr. Speidel agreed on this issue. Mr. Ward questioned if the adjoining setbacks on either side

could be applied. Mr. Lewis that regulation only applied to non-conforming lots except the front lot line.

Motion by Mr. Cherrix, second by Mr. Thornton to disapprove the variance request. The finding of fact is the setbacks could have been met without a variance. All in favor. Motion carried.

9. Election of Officers

Motion by Mr. Ward, second by Mr. Cherrix to nominate Mr. Speidel as Chairman. All in favor. Motion carried.

Motion by Mr. Thornton, second by Mr. Speidel to nominate Mr. Cherrix as Vice-Chairman. All in favor. Motion carried.

10. Adjournment

Mr. Speidel adjourned the meeting.

---

Jessi Speidel, Chairman

---

ZONING ORDINANCE FOR THE ANNEXED AREA  
TOWN OF CHINCOTEAGUE, VIRGINIA



1-39. KENNEL: A place prepared to house, board, breed, handle or otherwise keep or care for dogs for sale or in return for compensation.

1-40. LIGHT INDUSTRY: Includes warehousing and light manufacturing uses which produce some noise, traffic congestion or danger, but which are of such limited scale or character that they present no serious hazard to neighboring properties from fire, smoke, noise or odors. Examples are lumber yards, warehouses, research laboratories, food preparation or processing auto, truck, marine or farm machinery sales and/or service shops, bakeries, bottling plants, electronic plants, storage of farm implements, not connected with agriculture or horticulture, contractors storageyards, tobacco warehouses steel or metal fabrication, and garment manufacturing.

1-41. LIVESTOCK MARKET: A commercial establishment wherein livestock is collected for sale and auctioned.

1-42. LOT: A parcel of land occupied or to be occupied by a main structure or group of main structures and accessory structures, together with such yards, open spaces, lot width and lot areas as are required by this ordinance, either shown on a plat of record or considered as a unit of property and described by metes and bounds.

1-43. LOT, CORNER: A lot abutting on two or more streets at their intersection of the two sides of a corner lot, the front shall be deemed to be the shortest of the two sides fronting on streets.

1-44. LOT, DEPTH OF: The average horizontal distance between the front and rear lot lines.

1-45. LOT, DOUBLE FRONTAGE: An interior lot having frontage on two (2) streets.

1-46. LOT, INTERIOR: Any lot other than a corner lot.

1-47. LOT, WIDTH OF: The average horizontal distance between side lot lines.

1-48. LOT OF RECORD: A lot, a plat or description of which has been recorded in the clerk's office of the Circuit Court.

1-49. MANUFACTURE AND/OR MANUFACTURING: The processing and/or converting of raw, unfinished materials, or products, or either of them, into articles or substances of different character, or for use for a different purpose.

1-49.1. MANUFACTURED HOME: A Manufactured single-family dwelling; A manufactured housing unit having a measurement of fifty-five (55) feet or more in length and fourteen (14) feet or more in width and designed for transportation on a chassis or trailer for placement on a continuous permanent masonry foundation.

Manufactured Housing which complies with the Virginia Industrialized Building Code and meets the Appearance Criteria established by this Ordinance.

- 1-65.3. DIRECTIONAL SIGN: A sign (one end which may be pointed, or on which an arrow may be painted, indicating the direction to which attention is called), giving the name and approximate location only of the firm, or business responsible for the erection of same.
- 1-65.4. GENERAL ADVERTISING SIGN: A sign which directs attention to a product, commodity or service not necessarily conducted, sold or offered upon the same lot where such sign is located.
- 1-65.5. HOME OCCUPATION SIGN: A sign directing attention to a product, commodity or service available on the premises, but which product, commodity or service is clearly a secondary use of the dwelling.
- 1-65.6. TEMPORARY SIGN: A sign applying to a seasonal or other brief activity such as, but not limited to, summer camps, horse shows, auctions or sale of land.
- 1-66. SANITARY LANDFILL: An area used for the sanitary disposal of solid waste by compacting and covering with earth on a daily basis.
- 1-67. STORY: That portion of building, other than the basement, included between the surface of any floor and the surface of the floor next above it. If there be no floor above it, the space between floor and the ceiling next above it.
- 1-68. STORY-HALF: A space under a sloping roof, which has the line of intersection of roof decking and wall face not more than three (3) feet above the top floor level and in which space not more than two-thirds (2/3) of the floor area is finished for use.
- 1-69. STREET, (ROAD): A public thoroughfare.
- 1-70. STREET LINE: The dividing line between a street or road right-of-way and the contiguous property.
- 1-71. STRUCTURE: Anything constructed or erected, the use of which requires permanent location on the ground or attachment to something having a permanent location on the ground.
- 1-72. TOURIST HOME: A dwelling where only lodging is provided for compensation for up to fourteen (14) persons (in contradiction to hotels and boarding houses) and open to transients.
- 1-73. TOWNHOUSE: A single-family dwelling that is connected to a similar house by a common sidewall having individual ownership of unit and property and having fee simple title.
- 1-74. TRAVEL TRAILER: A portable structure build on a chassis, designed to be used as a temporary occupancy for travel, recreation or vacation, being less than thirty-six (36) feet in length.
- 1-75. TRAVEL TRAILER PARK OR TRAVEL TRAILER CAMP: Premises where travel trailers are parked temporarily in conjunction with travel, recreation or vacation.
- 1-76. USE, ACCESSORY: A subordinate use, customarily incidental to and located upon the same lot occupied by the main use.

SUBDIVISION ORDINANCE  
FOR  
THE TOWN OF CHINCOTEAGUE, VIRGINIA ANNEXED AREA

An ordinance to regulate the subdivision of property into lots, streets and other public areas, to provide for the making and recording of plats of such subdivision and the certification of same and provide for the approval of plats.

In accordance with Article 7 of the Virginia Planning Act as found in the Code of Virginia, 1950, as amended, Section 15.1 - 465, et seq., the Town Council of the Town of Chincoteague, Virginia, hereby adopts the following regulations for the subdivision of all land in the territory annexed by Town of Chincoteague effective July 1, 1989. These regulations shall not apply to either de facto or de jure subdivisions recorded prior to the effective date of this ordinance.

5 / 1 / 73  
-----  
EFFECTIVE

SECTION 2 - DEFINITIONSWORDS AND TERMS

For the purpose of this ordinance, certain words and terms used herein shall be interpreted or defined as follows: Words used in the present tense include the future, words in the singular number include the plural and the plural the singular, unless the natural construction of the work indicates otherwise; the word "lot" includes the word "parcel"; the word "shall" is mandatory and not discretionary; the word "approve" shall be considered to be followed by the words "or disapprove"; any reference to this ordinance includes all ordinances amending or supplementing the same; all distances and areas refer to measurements in a horizontal plane.

2-1. AGENT: The representative of the governing body who has been appointed to serve as the agent of the Board in approving the subdivision plats.

2-1-1. BUILDING: Any structure having a roof supported by columns or walls, for housing or enclosure of persons, animals or chattels.

2-2. DEVELOPER: An owner of property being subdivided, whether or not represented by his agent.

2-3. EASEMENT: A grant by a property owner of the use of land for specific purpose or purposes.

2-4. ENGINEER: An engineer licensed by the Commonwealth of Virginia.

2-5. GOVERNING BODY: The Town Council of Chincoteague, Virginia.

2-6. HEALTH OFFICIAL: The Health Director or sanitarian for Accomack County, Virginia.

2-7. HIGHWAY ENGINEER: The Resident Engineer employed by the Virginia Department of Highways.

2-8. JURISDICTION: The area or territory subject to the legislative control of the governing body.

2-9. LOT: A numbered and recorded portion of a subdivision intended for transfer of ownership, lease, rental or for building development.

2-10. LOT, CORNER: A lot abutting upon two (2) or more streets at their intersection; the shorter side fronting upon a street shall be considered the front of the lot, and the longest side fronting upon a street shall be considered the side of the lot.

2-11. LOT, WIDTH OF: the mean horizontal distance between the side lot lines.

2-12. PLAT: Includes the terms; map, plan, plot, replat, or replot; a map or plan of a tract or parcel of land which is to be, or which has been subdivided. When used as a verb "plat" is synonymous with "subdivide".

2-13. PROPERTY: Any tract, lot, parcel or several of the same collected together for the purpose of subdividing.

2-14. STREET: The principal means of access to abutting properties.

2-14.1 PRIVATE STREET: A street owned by one or more persons, restricted in use, and not maintained by the State Highway Department, or one not intended by the subdivider for acceptance into the State Highway System.

2-14-2. PUBLIC STREET: A street maintained by the State Highway Department or one intended by the subdivider for acceptance into the State Highway System and approved by highway engineer as meeting State Highway Department specifications.

2-15. STREET, PUBLIC USE OF: The unrestricted use of specified area or right-of-way for ingress and egress to two or more abutting properties.

2-16. STREET WIDTH: The total width of the strip of land dedicated or reserved for travel, including roadway, curbs, gutters, sidewalks and planting strips.

2-17. SUBDIVISION: The division of any tract, lot or parcel of land into more than four (4) parts, regardless of whether the individual lots or tracts are sold, leased or rented, except that the following divisions of land shall not be considered subdivisions:

- (a) divisions ordered by a court of competent jurisdiction,
- (b) divisions made solely for agricultural or timber purposes,
- (c) divisions by deed of gift or will,
- (d) divisions whereby a parcel is separated in order to become a permanent part of an adjoining tract, and
- (e) divisions creating building sites for family members of the owner of the property, provided the lots satisfy the minimum lot size requirement of this ordinance.
- (f) divisions in which each single parcel contains three (3) or more acres, (subject to Section 5-3.1).

2-17.1 The word "subdivision" and any derivative thereof shall have reference to the term "subdivider" as defined in Section 2-18.

2-18. SUBDIVIDER: An individual, corporation or registered partnership, owning any tract, lot or parcel of land to be subdivided, or a group of two or more persons owning any tract, lot or parcel of land to be subdivided, who have given their power of attorney to one of their group or to another individual to act on their behalf in planning, negotiating for, in representing or executing the legal requirements of the subdivision.

2-19. SURVEYOR: A surveyor licensed by the Commonwealth of Virginia.

**TOWN OF CHINCOTEAGUE  
BOARD OF ZONING APPEALS APPLICATION**



APPEAL CASE NUMBER: 15-06-1 FEE: \$ 450.00

APPLICANT/APPELLANT NAME: Raymond Britton *BEE TALK*

ADDRESS: P.O. Box 909 Chincoteague VA

PHONE NUMBER 757-854-4122 E-MAIL \_\_\_\_\_

OWNER/APPELLANT SIGNATURE: [Signature] DATE 5/19/15

ADDRESS OF PROPERTY: Ridge Rd Chincoteague VA

TAX MAP#: 03042 A000007104 PARCEL# \_\_\_\_\_ LOT SIZE: 75 X 353

ZONING DESIGNATION: \_\_\_\_\_ DATE ACQUIRED: 3/27/07

THE APPLICANT/APPELLANT REQUEST THAT A HEARING BE CONDUCTED BEFORE THE BOARD OF ZONING APPEALS FOR THE FOLLOWING PURPOSE:

- ( ) VARIANCE FROM ZONING REGULATIONS
- APPEAL FROM A DECISION OF THE ZONING ADMINISTRATOR
- ( ) INTERPRETATION OF THE ZONING DISTRICT BOUNDARIES
- ( ) APPEAL OF A ZONING VIOLATION NOTICE
- ( ) SPECIAL EXCEPTION
- ( ) APPEAL FROM ANY ORDER, REQUIREMENT, DECISION, OR DETERMINATION MADE BY ANY OTHER ADMINISTRATIVE OFFICIAL
- ( ) REVOCATION OF SPECIAL EXCEPTION, OR OTHER REQUESTED ACTION.
- ( ) APPEAL FROM FLOOD PLAIN ORDINANCE

SECTIONS OF ZONING ORDINANCE UNDER APPEAL:

PLEASE PROVIDE A BRIEF DESCRIPTION OF THE GROUNDS FOR THE APPEAL, SPECIAL EXCEPTION, OR OTHER REQUESTED ACTION.

ATTACH ADDITIONAL PAGES IF NECESSARY.

IF THE APPLICATION IS FOR A VARIANCE, ANSWER QUESTIONS 1-9 ON THE FOLLOWING PAGES.

Zoning official (Kenny Lewis) says that Lot was subdivided into 12 lots & these are not lots but sewer easements for parcels on main st. Nothing in the deeds on main st or this property state that the remaining property or access to this property over easements is prohibited.

12. IS THE PROPERTY SUBJECT TO ANY LEGAL ACTION INCLUDING BUILDING CODE VIOLATIONS, ZONING CODE VIOLATION OR ANY PENDING COURT ORDER?

( ) YES            (X) NO

EXPLANATION: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

13. THE APPLICANT IS ADVISED TO REVIEW THE ATTACHED SECTIONS OF THE TOWN OF CHINCOTEAGUE ZONING CODE IN ORDER TO FURTHER UNDERSTAND THE LEGAL REQUIREMENTS REGARDING APPEALS, VARIANCE AND SPECIAL EXCEPTIONS. IF THE OWNER OF THE PROPERTY ELECTS REPRESENTATION BEFORE THE BOARD BY LEGAL COUNSEL, AGENT OR OTHERS ACTING ON BEHALF OF THE OWNER, THE FOLLOWING INFORMATION MUST BE PROVIDED:

REPRESENTATIVE'S NAME: Raymond Brown

REPRESENTATIVE'S ADDRESS: 2545 main st Chincoteague A

REPRESENTATIVE'S PHONE NUMBER: 757-894-0414

REPRESENTATIVE'S EMAIL: \_\_\_\_\_

14. ATTACH ANY APPLICABLE SITE PLANS, BUILDING ELEVATIONS, GRADING PLANS, SEWERAGE LOCATIONS OR OTHER INFORMATION THAT MAY ASSIST THE BOARD IN THEIR CONSIDERATION OF THE MATTER.



**LOCATION OF EXISTING & PROPOSED CONSTRUCTION**

- (1). DRAW AN OUTLINE OF EXISTING BUILDINGS(S) AND INDICATE DISTANCES FROM THE BUILDING(S) TO THE FRONT, REAR AND SIDE PROPERTY LINES.**
- (2). DRAW AN OUTLINE OF THE PROPOSED STRUCTURE USING DASHED LINES AND INDICATE DISTANCES TO THE OTHER BUILDINGS AND TO ALL PROPERTY LINES.**
- (3). DRAW LOCATION OF SEPTIC SYSTEM.**

---

*See attached*

**SITE PLAN**

**OFFICIAL USE ONLY**

**DATE:** \_\_\_\_\_

**APPEAL #** \_\_\_\_\_

**MOTION ON APPEAL:** \_\_\_\_\_

- APPROVED**
- DENIED**
- CONDITIONALLY APPROVED;**

---

---

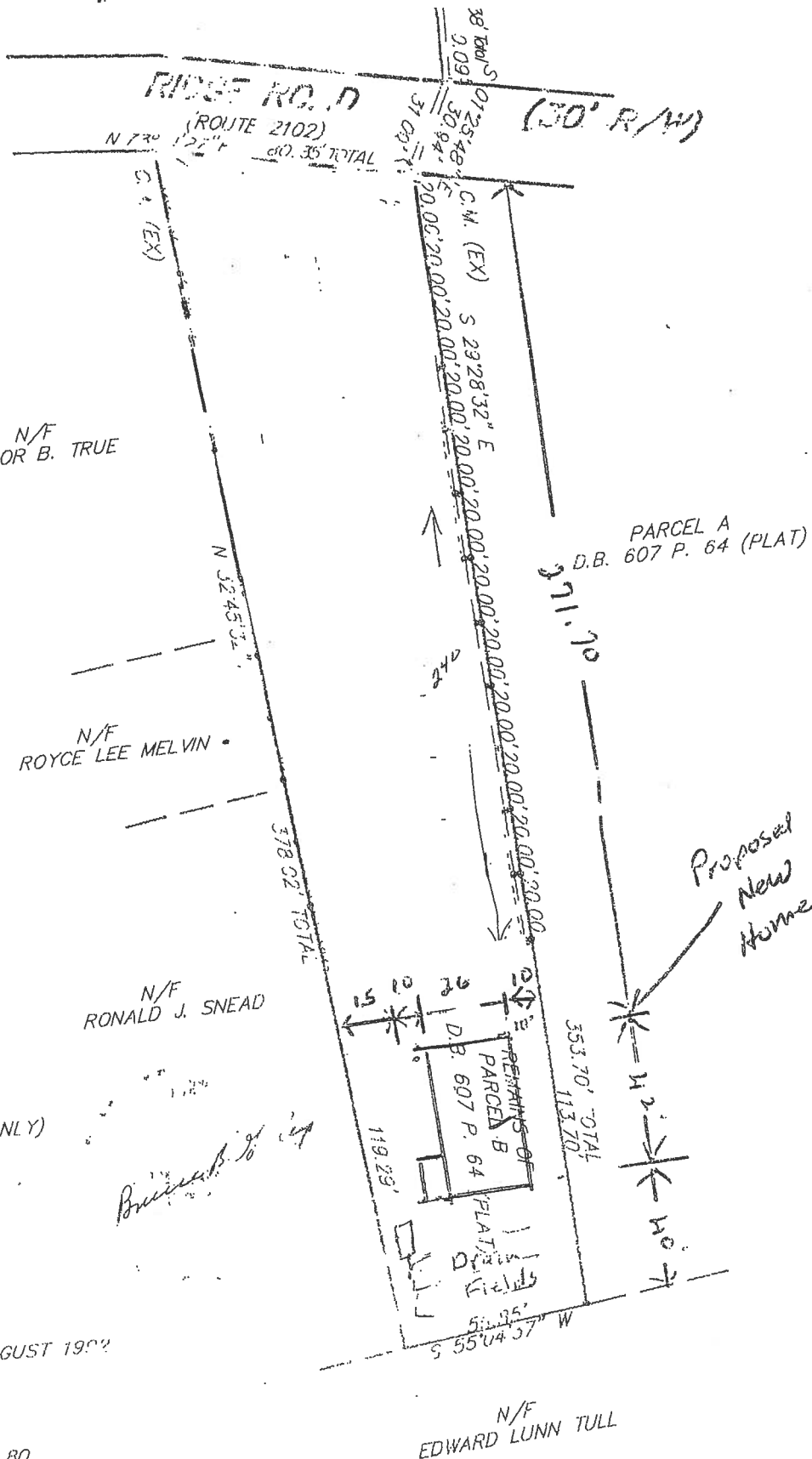
---

**FOR :**

- JESSIE SPEIDEL**    **DONNIE THORNTON**    **ROBERT CHERRIX**
- MIKE MCGEE**    **JACK GILLISS**    **CHUCK WARD**    **EDDIE MORAN**

**AGAINST:**

- JESSIE SPEIDEL**    **DONNIE THORNTON**    **ROBERT CHERRIX**
- MIKE MCGEE**    **JACK GILLISS**    **CHUCK WARD**    **EDDIE MORAN**



OF  
- 15  
OF  
DDOX  
P. 51

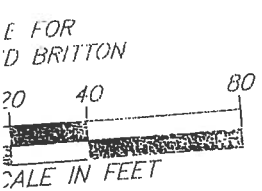
INFIELD LAYOUT

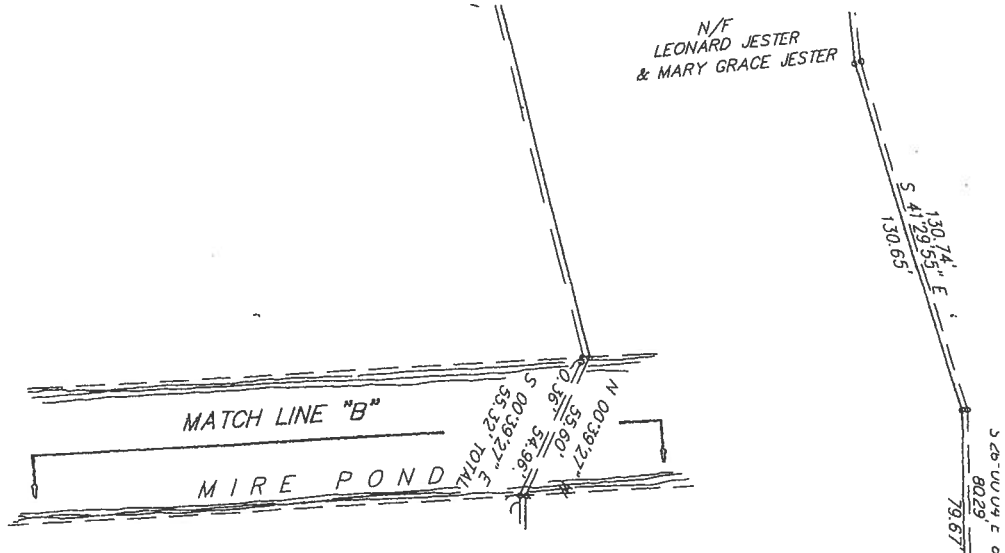
EL B  
OF  
JESTER  
64 (PLAT)  
9A - 15C  
VK DRAINFIELDS ONLY)

ND

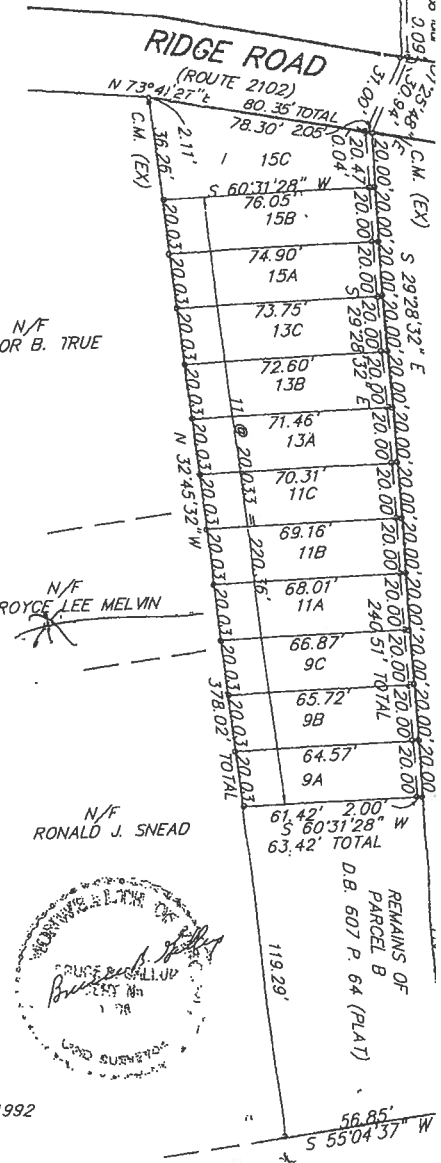
LINE EASEMENT  
BY THIS PLAT

OTEAGUE  
VDS DISTRICT  
COUNTY, VA.  
5 AUGUST 1902





Bic  
30A2-A-71



SURVEY OF  
LOTS 9 - 15  
PLAT OF  
WYLE MADDOX  
P.B. 13 P. 51

AND  
SEPTIC TANK DRAINFIELD LAYOUT  
ON  
**PARCEL B**  
PLAT OF  
ROLAND JESTER  
U.B. 607 P. 64 (PLAT)  
BEING LOTS 9A - 15C  
(LOTS FOR SEPTIC TANK DRAINFIELDS ONLY)

AND  
A 2' SEWER LINE EASEMENT  
AS SHOWN BY THIS PLAT

CHINCOTEAGUE  
THE ISLANDS DISTRICT  
ACCOMACK COUNTY, VA.

SCALE 1" = 40'

5 AUGUST 1992

MADE FOR  
RAYMOND BRITTON

*Law Offices of*  
**JON C. POULSON**  
*Attorney and Counselor at Law*

23349 Cross Street  
P. O. Box 478  
Accomac, Virginia 23301

Telephone: 757-787-2620  
Fax: 757-787-2749

## MEMORANDUM

**TO:** Rob Ritter, Town Manager  
**FROM:** Jon C. Poulson  
**DATE:** January 15, 2015  
**SUBJECT:** "Parcel B"

---

I have reviewed the information that you provided. I have personal knowledge of the situation, because I was much involved in the development.

Mr. Hammond and Mr. Allen owned what was referred to as the Wyle Maddox Lots Nos. 9-15. See copy of Plat. Note that 9, 11, 13 and 15 are on the southeast side of South Main Street, and 10, 12, and 14 are on the northwest side. Parcel B, Roland Jester, is not contiguous, but is on the southern side of Ridge Road. Triplexes were built on Lots 9, 11, 13 and perhaps 15. Each purchaser was conveyed in fee simple a designated portion, for example, Lot 11C and an undivided 1/3 fee simple interest in both the 60 foot common area on the southeast side of South Main Street, and an undivided 1/3 fee simple interest in the opposite waterfront lot, for example, 12.

Sewage could not be installed on any of the lots. Accordingly, at some point in time, they purchased the Roland Jester parcel on the southeast side of Ridge Road. Roland was Leonard Jester's father. They had sewer line easements from the development over to the Jester lot.

And this is the crucial point and distinction: Unit owners were not conveyed a fee simple interest in the Jester parcel. They were only given a sewage disposal easement in designated areas of the Jester parcel. The Health Department required such a written and described easement prior to issuing Health Department disposal permits. While the Parcel B plat refers to them as Lots 9A-15C, it is only the septic tank drain field layout, as noted on the plat. You don't have a subdivision by the mere fact that you create multiple utility easements in a parcel in specified designated areas. While it would have been preferable on the plat to designate the specified areas as "sewage disposal area for 11C" for example, that is not what the surveyor did. At this point, after 23 years, and multiple

conveyances, the plat language is not subject to change.

As you know, when one owns in fee simple, one owns the parcel. When one has an easement appurtenant, one only has the right to use someone else's property for a limited purpose. The property remains the property of the owner subject to the easement. It is akin to giving the electric company a buried line easement across your front yard. Normally, the width and other perimeters of the easement are specifically delineated. You still own the property, and you have the right to use the easement area for all purposes, so long as you do not wrongfully affect the operation of the easement. It is not a subdivision of your lot.

Note the December 20, 2000 deed between Hammond and Allen and Russell. They are only given an easement appurtenant for a subsurface drain field in the designated area of Jester Parcel B and an easement for a connecting drain line. Further, see paragraph 4 of the Declaration of Covenants applicable to this development where it provides for a sewage easement in the portion of B allocated to such unit. Note also that all sewage easements terminate one year after a public central sewage system becomes available.

In summary, Parcel B is still one lot or parcel now presumably owned by Britton or BIC; there is no subdivision of the parcel; it still adjoins Ridge Road; the back of the parcel is accessible over, across, and under the easements; and tax wise, as per the tax bill, it is taxed as one parcel.

The only issue of which I would be aware is the question of setbacks from the rear most easement area, if any.

JCP/smh  
Attachments



## TOWN OF CHINCOTEAGUE, INC.

April 24, 2015

Johnathan Britton  
33003 Chincoteague Road  
New Church VA 23415

Re: Building Permit Application

Dear Mr. Britton,

This office has reviewed your building permit application and all associated paperwork with this project. As of this date, you have not responded to my letters dated December 10, 2014 and/or January 6, 2015.

Therefore, the following findings have been determined:

1. The recorded deeds for Lots 15A & 15C of the Wyle Maddox plat, states that the "Remains of Parcel B" is for their sewer easement. A structure cannot be built upon an easement.
2. The site plan originally submitted with the building permit application did not show the actual lot configuration.
3. After notifying you of such, you dropped off a plat dated August 5, 1992. The new plat submitted identifies several parcels instead of the single parcel first submitted. The original parcel has been identified as Tax Map # 30A2-A-71. However, the plat of August 5, 1992 identified the parcel as Lots 9A-15C and remains of Parcel B.
4. I went to the Clerk of Court's office in Accomac and verified that the plat of August 5, 1992 was recorded.
5. The subdivision ordinance at the time of the recording of this plat required when you create 4 lots or more, such action would have to be approved by the Town's subdivision agent and the Planning Commission. The recorded plat was not approved by such agent or Commission.
6. In order to obtain water supply to the proposed structure, the Town's water ordinance requires that the parcel in which you desire to build must front a water main. The only parcel that fronts Ridge Road is Parcel 15C. Therefore, no water will be supplied to any other lot.

7. The recorded deeds for the Main Street parcels for their sewerage lots located on Ridge Road do not give you permission to use said lots for your utilities, ingress and egress to the back lot.

Due to the above issues, this office has determined that "Remains of Parcel B is an unbuildable lot. No building permit will be issued for such parcel.

You have the right to make an appeal of the Zoning Administrators determination. In your letter of April 8, 2015 you indicate your request to appear before the Board of Zoning Appeals. The Board of Zoning Appeals is the appropriate body to which you would bring your appeal. In order to do that you will need to complete the attached BZA application and submit payment in the amount of \$450.00 to the Town of Chincoteague within 30 days. This fee is not refundable.

If you have any questions regarding this matter, please give me a call.

Sincerely,



Kenny L. Lewis  
Building & Zoning  
Administrator

Cc: C. Burge, Town Attorney



## BIC, INC.

PO BOX 909  
Chincoteague, VA 23336  
Va. Cont. License Class A  
No. 2701-023770A

Phone: 757-854-4122  
Fax: 757-854-4327  
Classifications:  
ELE PLB H/H BLD

April 8, 2015

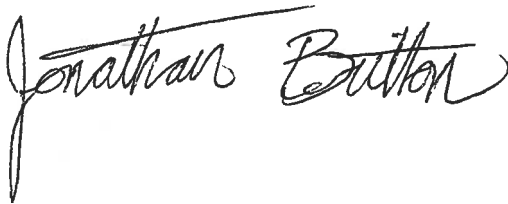
Town of Chincoteague  
Kenny Lewis  
Chincoteague, VA 23336

Dear Mr. Lewis,

We applied for a building permit on October 30, 2014 on Parcel 71 Ridge Road. On December 10, 2014 you sent a denial letter stating this was a sub-division on the property. We inturn asked for the Board of Zoning Appeals to hear this and consider your determination that it is a sub-division. You have had the towns Attorney look at it and give a determination. Jon Poulson was the Attorney at this time. Also, you have asked the County Attorney and the Towns new Attorney to look at it. It has been 5 months and we are not any closer to getting an answer. I would like for this to go to the Board of Zoning Appeals for a determination so I can get my house started.

Thank you

Jonathan Britton

A handwritten signature in black ink that reads "Jonathan Britton". The signature is written in a cursive style with a long, sweeping underline that extends under the first part of the name.

Law Offices of  
JON C. POULSON  
Attorney and Counselor at Law

23349 Cross Street  
P. O. Box 478  
Accomac, Virginia 23301

Telephone: 757-787-2620  
Fax: 757-787-2749

**FACSIMILE COVER SHEET**

TO: Rob Ritter, Town Manager  
FAX NUMBER: 336-1965  
DATE: January 15, 2015  
NO. PAGES: 8 (Including Cover Sheet)  
FROM: Jon C. Poulson / Susan  
RE: Britton

---

**HARD COPY NOT TO FOLLOW  
IF YOU DO NOT RECEIVE ALL OF THE PAGES, OR IF YOU HAVE ANY QUESTIONS  
REGARDING THIS FAX, PLEASE CALL: 757-787-2620.**

---

The information contained in this facsimile message is attorney privileged and confidential information intended only for the use of the individual or entity to which it is addressed. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please immediately notify us by telephone. Thank you.

---

*Law Offices of*  
**JON C. POULSON**  
*Attorney and Counselor at Law*

23349 Cross Street  
P. O. Box 478  
Accomac, Virginia 23301

Telephone: 757-787-2620  
Fax: 757-787-2749

## MEMORANDUM

**TO:** Rob Ritter, Town Manager  
**FROM:** Jon C. Poulson  
**DATE:** January 15, 2015  
**SUBJECT:** "Parcel B"

---

I have reviewed the information that you provided. I have personal knowledge of the situation, because I was much involved in the development.

Mr. Hammond and Mr. Allen owned what was referred to as the Wyle Maddox Lots Nos. 9-15. See copy of Plat. Note that 9, 11, 13 and 15 are on the southeast side of South Main Street, and 10, 12, and 14 are on the northwest side. Parcel B, Roland Jester, is not contiguous, but is on the southern side of Ridge Road. Triplexes were built on Lots 9, 11, 13 and perhaps 15. Each purchaser was conveyed in fee simple a designated portion, for example, Lot 11C and an undivided 1/3 fee simple interest in both the 60 foot common area on the southeast side of South Main Street, and an undivided 1/3 fee simple interest in the opposite waterfront lot, for example, 12.

Sewage could not be installed on any of the lots. Accordingly, at some point in time, they purchased the Roland Jester parcel on the southeast side of Ridge Road. Roland was Leonard Jester's father. They had sewer line easements from the development over to the Jester lot.

And this is the crucial point and distinction: Unit owners were not conveyed a fee simple interest in the Jester parcel. They were only given a sewage disposal easement in designated areas of the Jester parcel. The Health Department required such a written and described easement prior to issuing Health Department disposal permits. While the Parcel B plat refers to them as Lots 9A-15C, it is only the septic tank drain field layout, as noted on the plat. You don't have a subdivision by the mere fact that you create multiple utility easements in a parcel in specified designated areas. While it would have been preferable on the plat to designate the specified areas as "sewage disposal area for 11C" for example, that is not what the surveyor did. At this point, after 23 years, and multiple

conveyances, the plat language is not subject to change.

As you know, when one owns in fee simple, one owns the parcel. When one has an easement appurtenant, one only has the right to use someone else's property for a limited purpose. The property remains the property of the owner subject to the easement. It is akin to giving the electric company a buried line easement across your front yard. Normally, the width and other perimeters of the easement are specifically delineated. You still own the property, and you have the right to use the easement area for all purposes, so long as you do not wrongfully affect the operation of the easement. It is not a subdivision of your lot.

Note the December 20, 2000 deed between Hammond and Allen and Russell. They are only given an easement appurtenant for a subsurface drain field in the designated area of Jester Parcel B and an easement for a connecting drain line. Further, see paragraph 4 of the Declaration of Covenants applicable to this development where it provides for a sewage easement in the portion of B allocated to such unit. Note also that all sewage easements terminate one year after a public central sewage system becomes available.

In summary, Parcel B is still one lot or parcel now presumably owned by Britton or BIC; there is no subdivision of the parcel; it still adjoins Ridge Road; the back of the parcel is accessible over, across, and under the easements; and tax wise, as per the tax bill, it is taxed as one parcel.

The only issue of which I would be aware is the question of setbacks from the rear most easement area, if any.

JCP/smh  
Attachments

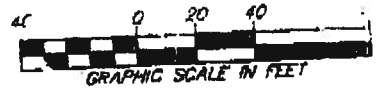
LOTS 9  
PLAT OF  
WYLE MADDOX

PARCEL B  
PLAT OF  
ROLAND JESTER  
28 622 P. 24 (L.P.)  
BEING LOTS 9A & 10C  
OF THE LANE PLAT

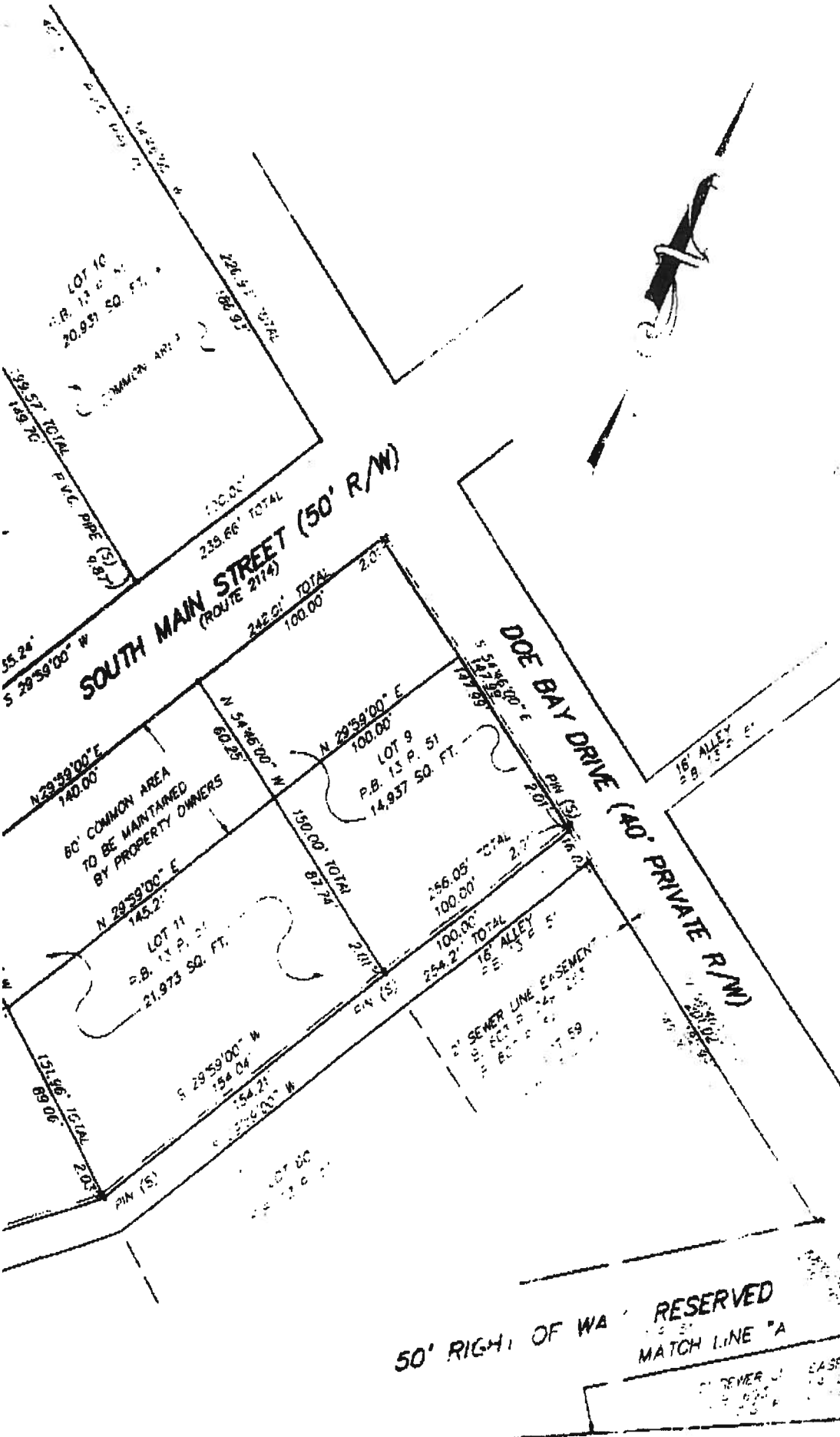
AND  
A 2' SEWER LINE EASEMENT  
AS SHOWN BY THIS PLAT

CHINCOTEAGUE  
THE ISLANDS DISTRICT  
WECOMACK COUNTY, VA.

MADE BY  
WILLIAM HAMMOND



EASTERN SHORE SURVEYORS, LTD  
P.O. BOX 436  
BELLE HAVEN, VA. 23306  
(804) 442-4418



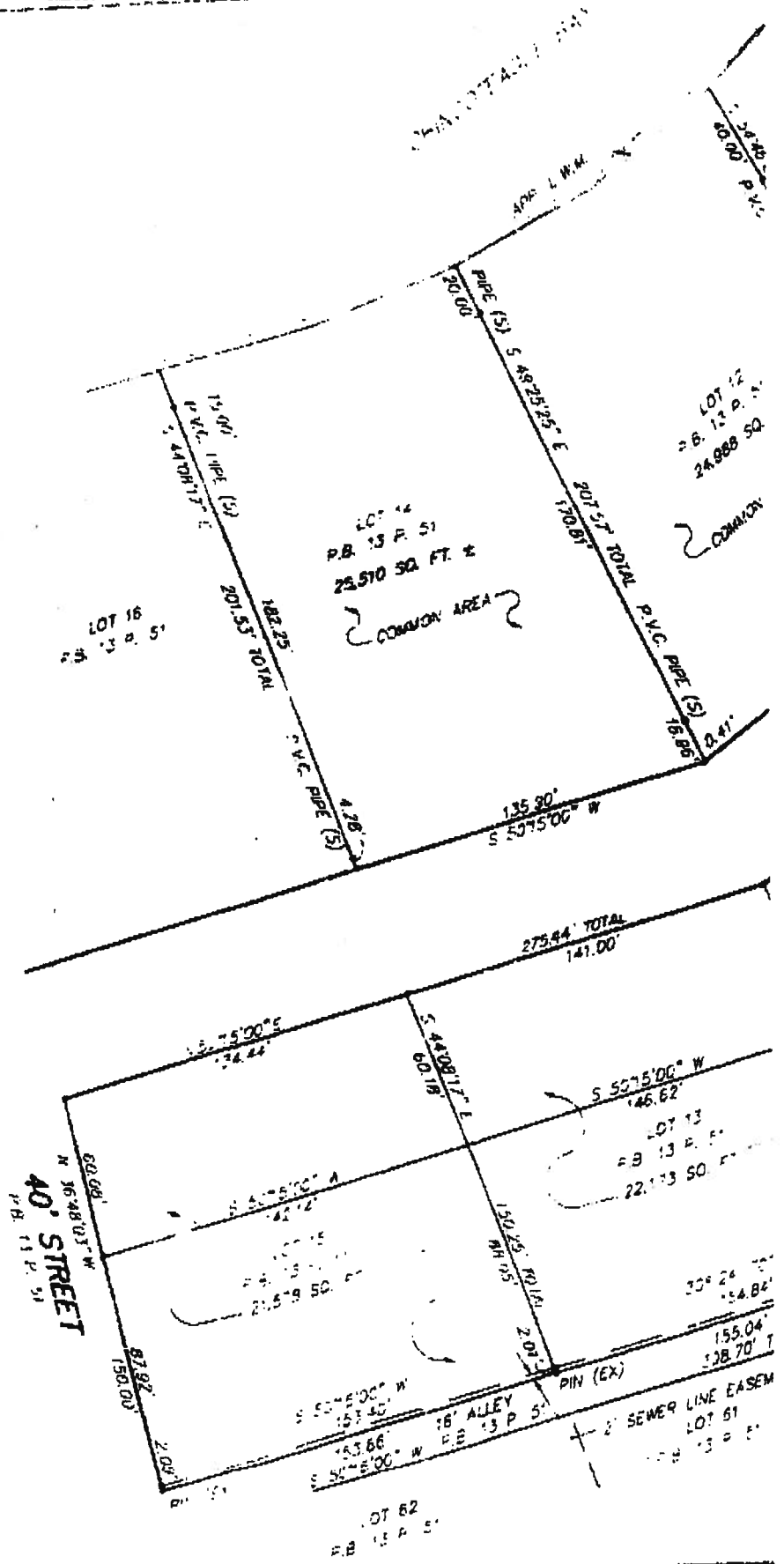
50' RIGHT OF WAY RESERVED  
MATCH LINE "A"

(VIRGINIA)

Acomack County Circuit Court Clerk's Office, Nov. 19, A. D. 19

This Plat was this day received by me in the Clerk's Office and admitted to record.

Teste: Samuel H. Cooper, Jr. Clerk



BK 0650 PG 00121

subject to the following Covenants and Restrictions, all of which are declared and agreed to be in furtherance of a plan for the Subdivision improvement and sale of said units and are established and agreed upon for the purpose of enhancing and protecting the value, desirability, and attractiveness of said property and of the Subdivision as a whole.

1. EFFECTIVENESS: These Covenants and Restrictions shall be incorporated, by reference, in all Deeds of the Subdivision and shall run with the land and shall be binding on all owners of said units, including, but not limited to, the Declarant, their successors and assigns, for a period of forty (40) years from the date of execution of this Declaration, after which time all said Covenants and Restrictions shall be automatically extended for successive periods of ten (10) years, unless an instrument modifying the Covenants and Restrictions is signed by a majority of the then owners of the units at the expiration of said 40 year period, or at the expiration of any subsequent 10 year period.

2. UNIT OWNERSHIP: A building shall be placed on each of Lots 9, 11, 13, and 15, each of the four buildings (called triplexes) shall consist of three (3) separate adjoining townhouse units. Each unit shall include that portion of land upon which the unit is located and shall be conveyed in fee simple to the owner of each unit (unit owner) along with an undivided one-third (1/3) interest in certain common areas apportioned to that particular triplex as described in Paragraph 3 below. In addition, each unit shall have as easements appurtenant a separate septic line easement and a separate septic drainfield easement on said Parcel "B," as described in Paragraph 4 below.

JOHN C. BOHLEN  
ATTORNEY AT LAW  
THREE CROSS STREET  
ARLINGTON, VIRGINIA  
22201

-3-

BK 0650 PG 00122

3. COMMON AREA: Each triplex shall have as a common area the waterfront lot located immediately across Main Street (formerly South Main Street Extended) and that remaining portion of the lot upon which such triplex is located which is not being conveyed with the individual units. The three unit owners of each triplex shall become the joint owners of the common areas for that triplex which common areas shall be for the exclusive private use and benefit of that triplex. The joint owners shall have the joint and equal responsibility to maintain that common area. No such interest in any common area shall be held, conveyed, hypothecated, or encumbered, leased, rented, used, occupied and improved except as a part of and in conjunction with the unit to which it is so apportioned.

4. DRAINFIELD AND SEWER LINE EASEMENTS: Declarant shall grant and convey to each such unit owner for the benefit of said lot an easement appurtenant for the installation, operation, maintenance, repair and replacement of a subsurface drainfield in the portion of Parcel D situated on the Southeastern side of Ridge Road allocated to such unit or lot as shown on the aforementioned plat dated 5 August, 1992 and recorded in Plat Book 92 at pages 183 and 184. Declarant shall further grant and convey to each such unit or lot owner, for the benefit of said lot, to be used in common with all those having a singular right, an easement appurtenant for the installation, operation, maintenance, repair and replacement, of a subsurface sewer line leading from their unit or lot to their respective drainfield easement as hereinabove described, the width and location of said sewer line easement being further shown on the aforementioned plat. Each such unit or lot shall be subject to such sewer line easement,

JON C. POULSON  
ATTORNEY AT LAW  
THREE CROSS COUNTRY  
ACCOMAC, VIRGINIA  
23001

-4-



BK 0650 PG 00123

for the purposes hereinabove provided, as such easement may cross such lot, as shown on said plat.

Any such easement for the installation operation, maintenance, repair and replacement of any such drainfield, and/or the installation, operation, maintenance, repair and replacement of any sewer line to serve any said lot shall automatically terminate one (1) year after a public central sewage system becomes available to serve any such lot.

5. PARTY WALL AND EAVES EASEMENTS: Each such lot owner shall have an easement for lateral support for his townhouse unit in the wall of any adjoining townhouse unit, when said walls constitute a common wall. Further, each such lot owner shall have an easement for the encroachment of the eaves of his townhouse as constructed by the Declarant, as same may encroach over any adjacent townhouse.

6. ROADS AND ROAD MAINTENANCE: All twelve unit owners in the Subdivision shall have the right of ingress and egress over and across the two forty foot (40') streets, (one of said streets being located between Lots 7 and 9, and the other being located between Lots 15 and 17) and the sixteen foot (16') alley located on the Southeast side of Lots 9, 11, 13 and 15 as shown on the aforesaid plat recorded in Plat Book 13, page 51. All said unit owners shall share equally in the maintenance of said roads and alley.

7. RESPONSIBILITIES OF INDIVIDUAL LOT OWNERS: Each unit owner shall have the following responsibilities and obligations:

A. To maintain their premises and yards in good repair and in properly maintained condition.

JON C. POLLISON  
ATTORNEY AT LAW  
THREE CROSS STREET  
ACCOMAC, VIRGINIA  
23001

-5-



# TOWN OF CHINCOTEAGUE, INC.

February 3, 2015

Accomack County Health Department  
Macwell Gillespie  
P. O. Box 177  
Accomac VA 23301

RE: Copies of Sewerage Permits

Dear Mr. Gillespie,

In or around 1992, B.I.C. Inc. constructed several townhouse units located on Main Street. The Parcel Id's for these units are as follows:

30A1-1-9A, 9B & 9C  
30A1-1-11A, 11B & 11C  
30A1-1-13A, 13B, 13C, 13D & 13E  
30A1-1-15A, 15B & 15C

Can I please get copies of the septic permits for each unit and the location of such systems. Please advise if there are any conditions placed on the location of the septic systems.

From information I have been able to gather, it appears the systems may be on Parcel B, Ridge Road.

In addition to this information can you get me a copy of the septic permit and the location of such for the structure located on Remains of Parcel B.

Your assistance in this matter is greatly appreciated.

If you have any questions regarding this matter, please contact my office.

Sincerely,

Kenny L. Lewis  
Building Official

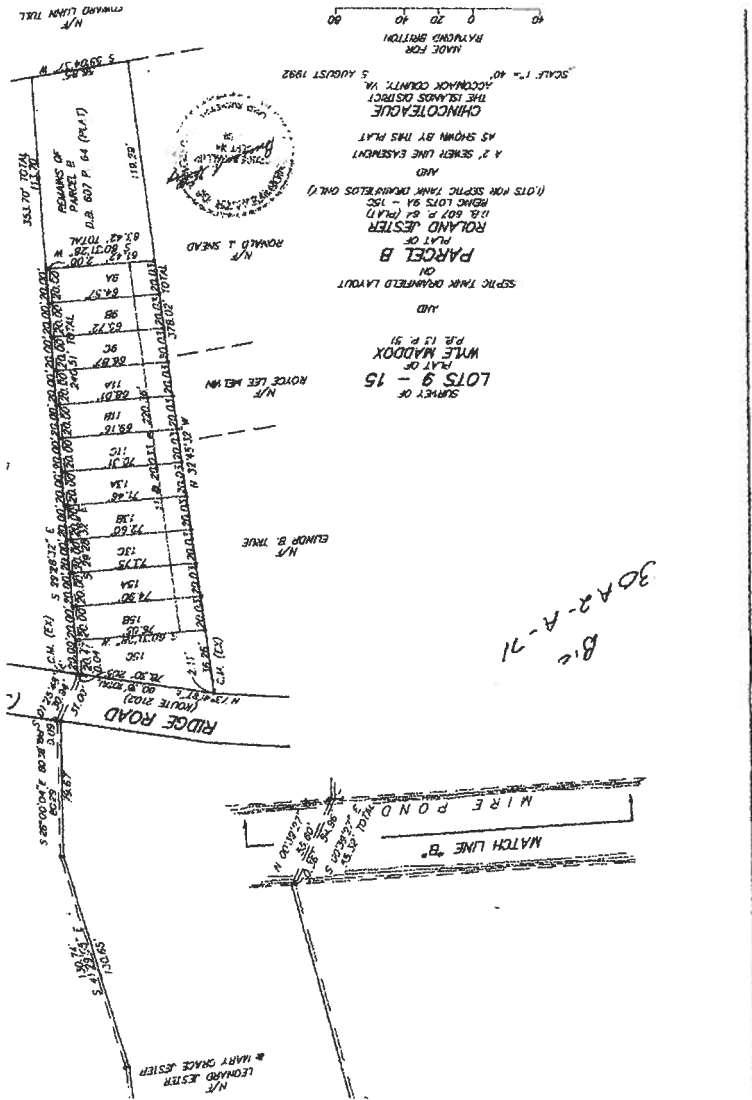
# Transmission Report

Date/Time 12-02-2014  
Local ID 1 7573361965

02:32:32 p.m.

Transmit Header Text  
Local Name 1

This document : Confirmed  
(reduced sample and details below)  
Document size : 8.5"x14"



Total Pages Scanned : 1

Total Pages Confirmed : 1

No.	Job	Remote Station	Start Time	Duration	Pages	Line	Mode	Job Type	Results
001	856	7577893350	02:31:46 p.m. 12-02-2014	00:00:15	1/1	1	EC	HS	CP26400

Abbreviations:

- HS: Host send      PL: Polled local      MP: Mailbox print      CP: Completed      TS: Terminated by system
- HR: Host receive      PR: Polled remote      RP: Report      FA: Fail      G3: Group 3
- NS: Waiting send      MS: Mailbox save      FF: Fax Forward      TU: Terminated by user      EC: Error Correct



# TOWN OF CHINCOTEAGUE, INC.

January 6, 2015

Johnathan Britton  
33003 Chincoteague Road  
New Church VA 23415

Re: Building Permit Application

Dear Mr. Britton,


I received your request to appeal my determination that the property located on Ridge Road, Tax Map #30A2-A-71 is a major subdivision to the Board of Zoning Appeals. Until I receive your response regarding the concerns and information I requested in my December 10, 2014 letter, I cannot make a final determination on this matter. Without such, there is no basis for an appeal.

It is my understanding that a new plat was established in 1992 that renamed and identified Parcel #30A2-A-71 as "Remains of Parcel B" and parcels 9A-15C. Is it your contention that said parcels do not exist and are not recorded in the Clerk's Office in Accomac? If so, please give this office something to review to confirm your concerns on this issue.

Additionally, please submit a copy of the location of the septic systems located on said parcel/parcels that was issued by the Health Department.

Any additional information you can provide regarding this matter is appreciated so a final determination can be made to approve or deny your building & zoning permit application.

If you have any questions regarding this matter please give me a call.

Sincerely,  
  
Kenny L. Lewis  
Building & Zoning  
Administrator

Attachment: December 10, 2014 Letter

December 19, 2014

Building and Zoning Administration  
Kenny Lewis  
Town of Chincoteague

Dear Mr. Lewis,

I would like to appeal your determination that the property located on Ridge Rd tax map #30A2-A-71 is a major subdivision, when I asked for a building permit.

I would like for this to go before the B.Z.A as soon as possible.

Thank you,

Jonathan Britton

A handwritten signature in black ink that reads "Jonathan Britton". The signature is written in a cursive style with a long horizontal line extending from the end of the name.

THIS DEED, made this 10<sup>th</sup> day of June, 2004, by and between WILLIAM HAMMOND and MARY L. HAMMOND, husband and wife, and VINSON E. ALLEN and LILLIAN SUE ALLEN, husband and wife, Grantors and VINSON E. ALLEN and LILLIAN SUE ALLEN, husband and wife, Grantees, 6518 Walters Woods Drive, Falls Church, Virginia 22044.

WITNESSETH: That the Grantors, for and in consideration of the sum of Ten Dollars (\$10.00) cash in hand to them paid, at and before the sealing and delivery of this deed, and other good and valuable consideration, the receipt whereof is hereby acknowledged, do hereby give, grant, bargain, sale and convey, with SPECIAL WARRANTY OF TITLE unto the Grantees, Vinson E. Allen and Lillian Sue Allen, husband and wife, jointly as tenants by the entireties with the right of survivorship as at common law, the following described real estate, to-wit:

PARCEL ONE: All that certain lot or parcel of land shown as Lot "15A" on a certain plat of survey entitled, SUBDIVISION OF LOT 15, SURVEY & PLAN OF SUBDIVISION "A" SHOWING LOT LAYOUT ON PROPERTY OF WYLE MADDOX, CHINCOTEAGUE, THE ISLANDS DISTRICT, ACCOMACK COUNTY, VIRGINIA, FOR VINSON ALLEN" dated January 21, 2003, and made by Eastern Shore Surveyors, which plat is attached to and made a part of this Deed; and to which express reference is made for a more particular description of the real estate herein conveyed. (For identification purposes only said real estate is Tax Map No. 30-A1-1-15A on the Tax Maps of Accomack County) 030A101000015A0

PARCEL TWO: An undivided one-third (1/3) interest in that portion of Lot 15 shown and designated as "60' COMMON AREA" on the aforementioned plat of survey entitled, SUBDIVISION OF LOT 15, SURVEY & PLAN OF SUBDIVISION "A" SHOWING LOT LAYOUT OF PROPERTY OF WYLE MADDOX, CHINCOTEAGUE, THE ISLANDS DISTRICT, ACCOMACK COUNTY, VIRGINIA, FOR VINSON ALLEN," dated January 21, 2003, and made by Eastern Shore Surveyors, which plat is attached to and made a part of

JON C. POULSON  
ATTORNEY AT LAW  
THREE CROSS STREET  
ACCOMACK, VIRGINIA  
23501

this Deed; and to which express reference is made for a more particular description of the real estate herein conveyed. (For identification purposes only said real estate is Tax Map No. 30-A1-1-15 on the Tax Maps of Accomack County.) 030A10100001500

**PARCEL THREE:** An undivided one-third (1/3) interest in Lot 16 as partially shown and designated on a certain plat of survey entitled, "SURVEY OF LOTS 9-15 PLAT OF WYLE MADDOX, P. B. 13 P. 51 and SEPTIC TANK DRAINFIELD LAYOUT ON PARCEL B PLAT OF ROLAND JESTER D. B. 607 P. 64 (plat) BEING LOTS 9A-15C (Lots for Septic Tank Drainfields Only) AND A 2' SEWER LINE EASEMENT AS SHOWN BY THIS PLAT CHINCOTEAGUE ISLAND DISTRICT ACCOMACK COUNTY, VIRGINIA," dated 5 August, 1992, and made by Eastern Shore Surveyors, Ltd., which plat is recorded in the Clerk's Office of the Circuit Court for Accomack County, Virginia, in Plat Book 92 at pages 183-184, and to which express referenced is made for a more particular description of the real estate herein conveyed and which undivided interest is to be used in common with the owners of the remaining portions of Lot 15 as shown on the heretofore referenced plat dated January 21, 2003. (For identification purposes only said real estate is Tax Map No. 30-A1-1-16 on the Tax Maps of Accomack County.) 030A10100001500

Said real estate is a part of the same land conveyed to the Grantors by deed dated July 7, 1965, from Wyle Maddox, et ux, and which deed is recorded in the aforesaid Clerk's Office in Deed Book 264, at page 203.

Together with all improvements thereon and all the rights, privileges, and appurtenances thereunto belonging or in anywise appertaining, specifically including but not limited to an easement appurtenances for the benefit of the herein conveyed real estate for the installation, operation, maintenance, repair and replacement of a subsurface drainfield in that parcel shown and designated as "Remains of Parcel B" (drainfield lot) on the aforereferenced plat dated August 5, 1992, and an easement appurtenant, to be used in common with all others having a similar right, for the benefit of the said herein conveyed real estate, for the installation, operation, maintenance, repair and replacement of a subsurface line leading from Lot "15A" (South Main Street), to "Remains of Parcel B"

JON C. POULSON  
ATTORNEY AT LAW  
THREE CROSS STREET  
ACCOMACK, VIRGINIA  
23501

(drainfield lot), the area of said drainfield easement and the width and location of said sewer line being further shown on the aforesaid plat dated 5 August, 1992, and the aforesaid plat dated January 21, 2003.

Said real estate is conveyed subject to easements, conditions, restrictions and reservations contained in duly recorded deeds and plats and other instruments constituting constructive notice in the chain of title to the property herein conveyed which have not expired by limitation of time contained therein or that have otherwise become ineffective, specifically including but not limited to those certain covenants, conditions, easements and restrictions applicable to Westport Subdivision as contained in the "DECLARATION OF COVENANTS, CONDITIONS, EASEMENTS AND RESTRICTIONS OF WESTPORT SUBDIVISION," dated December 28, 1992, the terms and provision of which are incorporated herein by reference as if fully set forth herein, and to which express reference is made, said Declaration being recorded in the aforesaid Clerk's Office in Deed Book 650, at page 119.

The Grantors will pay all real estate taxes through June 30, 2004. The Grantees shall be entitled to possession upon delivery of this deed.

WITNESS the following signatures and seals:

 (SEAL)  
WILLIAM HAMMOND

 (SEAL)  
MARY L. HAMMOND

3

JON C. FOULSON  
ATTORNEY AT LAW  
THREE CROSS STREET  
ACCOMAC, VIRGINIA  
23001



Vinson E. Allen (SEAL)  
VINSON E. ALLEN

Lillian Sue Allen (SEAL)  
LILLIAN SUE ALLEN

STATE OF VIRGINIA, AT LARGE,  
CITY/COUNTY OF Arlington, to-wit:

The foregoing Deed was acknowledged before me this 16th day of June, 2004,  
by William Hammond and Mary L. Hammond in my jurisdiction aforesaid.

My Commission Expires: My Commission Expires 3/31/07

Elizabeth T. Curbish  
Notary Public



STATE OF VIRGINIA, AT LARGE,  
CITY/COUNTY OF Arlington, to-wit:

The foregoing Deed was acknowledged before me this 16th day of June, 2004,  
by Vinson E. Allen and Lillian Sue Allen in my jurisdiction aforesaid.

My Commission Expires: My Commission Expires 3/31/07

Elizabeth T. Curbish  
Notary Public



JON C. POULSON  
ATTORNEY AT LAW  
THREE CROSS STREET  
ACCOMAC, VIRGINIA  
23501

This Deed is executed simultaneously with a certain Deed of even date from the same Grantors to William Hammond and Mary L. Hammond as part of a division of certain real estate of the parties and is taxed for recordation purposes pursuant to §58.1-806.

PB 2004 PG 65

THIS DOCUMENT WAS PREPARED  
BY JON C. POULSON, ESQUIRE  
THREE CROSS STREET  
P.O. BOX 478  
ACCOMAC, VA 23301

INSTRUMENT #200404173  
RECORDED IN THE CLERK'S OFFICE OF  
ACCOMACK COUNTY ON  
JUNE 18, 2004 AT 03:42PM  
SAMUEL H. COOPER, CLERK

BY: Nancy J. Kevell (DC)

JON C. POULSON  
ATTORNEY AT LAW  
THREE CROSS STREET  
ACCOMAC, VIRGINIA  
23301

5

THIS DEED, made this 10<sup>th</sup> day of June, 2004, by and between WILLIAM HAMMOND and MARY L. HAMMOND, husband and wife, and VINSON E. ALLEN and LILLIAN SUE ALLEN, husband and wife, Grantors and WILLIAM HAMMOND and MARY L. HAMMOND, husband and wife, Grantees, 6518 Walters Woods Drive, Falls Church, Virginia 22044.

WITNESSETH: That the Grantors, for and in consideration of the sum of Ten Dollars (\$10.00) cash in hand to them paid, at and before the sealing and delivery of this deed, and other good and valuable consideration, the receipt whereof is hereby acknowledged, do hereby give, grant, bargain, sale and convey, with SPECIAL WARRANTY OF TITLE unto the Grantees, William Hammond and Mary L. Hammond, husband and wife, jointly as tenants by the entireties with the right of survivorship as at common law, the following described real estate, to-wit:

PARCEL ONE: All that certain lot or parcel of land shown as Lot "15C" on a certain plat of survey entitled, SUBDIVISION OF LOT 15, SURVEY & PLAN OF SUBDIVISION "A" SHOWING LOT LAYOUT ON PROPERTY OF WYLE MADDOX, CHINCOTEAGUE, THE ISLANDS DISTRICT, ACCOMACK COUNTY, VIRGINIA, FOR WILLIAM HAMMOND," dated January 21, 2003, and made by Eastern Shore Surveyors, which plat is attached to and made a part of this Deed; and to which express reference is made for a more particular description of the real estate herein conveyed. (For identification purposes only said real estate is Tax Map No. 30-A1-1-15C of the Tax Maps of Accomack County) 030A101000015C0

PARCEL TWO: An undivided one-third (1/3) interest in that portion of Lot 15 shown and designated as "60' COMMON AREA" on the aforementioned plat of survey entitled, SUBDIVISION OF LOT 15, SURVEY & PLAN OF SUBDIVISION "A" SHOWING LOT LAYOUT OF PROPERTY OF WYLE MADDOX, CHINCOTEAGUE, THE ISLANDS DISTRICT, ACCOMACK COUNTY, VIRGINIA, FOR WILLIAM HAMMOND," dated January 21, 2003, and made by Eastern Shore Surveyors, which plat is attached to and made

JON C. FOULSON  
ATTORNEY AT LAW  
THREE CROSS STREET  
ACCOMACK, VIRGINIA  
23501

a part of this Deed; and to which express reference is made for a more particular description of the real estate herein conveyed. (For identification purposes only said real estate is Tax Map No. 30-A1-1-15 of the Tax Maps of Accomack County)  
030A10100001500

PARCEL THREE: An undivided one-third (1/3) interest in Lot 16 as partially shown and designated on a certain plat of survey entitled, "SURVEY OF LOTS 9-15 PLAT OF WYLE MADDOX, P. B. 13 P. 51 and SEPTIC TANK DRAINFIELD LAYOUT ON PARCEL B PLAT OF ROLAND JESTER D. B. 607 P. 64 (plat) BEING LOTS 9A-15C (Lots for Septic Tank Drainfields Only) AND A 2' SEWER LINE EASEMENT AS SHOWN BY THIS PLAT CHINCOTEAGUE ISLAND DISTRICT ACCOMACK COUNTY, VIRGINIA," dated 5 August, 1992, and made by Eastern Shore Surveyors, Ltd., which plat is recorded in the Clerk's Office of the Circuit Court for Accomack County, Virginia, in Plat Book 92 at pages 183-184, and to which express referenced is made for a more particular description of the real estate herein conveyed and which undivided interest is to be used in common with the owners of the remaining portions of Lot 15 as shown on the heretofore referenced plat dated January 21, 2003. (For identification purposes only said real estate is Tax Map No. 30-A1-1-16 of the Tax Maps of Accomack County)  
030A10100001600

Said real estate is a part of the same land conveyed to the Grantors by deed dated July 7, 1965, from Wyle Maddox, et ux, and which deed is recorded in the aforesaid Clerk's Office in Deed Book 264, at page 203.

Together with all improvements thereon and all the rights, privileges, and appurtenances thereunto belonging or in anywise appertaining, specifically including but not limited to an easement appurtenances for the benefit of the herein conveyed real estate for the installation, operation, maintenance, repair and replacement of a subsurface drainfield in that lot or parcel shown and designated as "Remains of Parcel B" (drainfield lot) on the aforereferenced plat dated August 5, 1992, and an easement appurtenant, to be used in common with all others having a similar right, for the benefit of the said herein conveyed real estate, for the installation, operation, maintenance, repair and replacement of a subsurface line leading from Lot 15C (South Main Street), to "Remains of Parcel B"

JON C. POULSON  
ATTORNEY AT LAW  
THREE CROSS STREET  
ACCOMACK, VIRGINIA  
23501

(drainfield lot), the area of said drainfield easement and the width and location of said sewer line being further shown on the aforesaid plat dated 5 August, 1992, and the aforereferenced plat dated January 21, 2003.

Said real estate is conveyed subject to easements, conditions, restrictions and reservations contained in duly recorded deeds and plats and other instruments constituting constructive notice in the chain of title to the property herein conveyed which have not expired by limitation of time contained therein or that have otherwise become ineffective, specifically including but not limited to those certain covenants, conditions, easements and restrictions applicable to Westport Subdivision as contained in the "DECLARATION OF COVENANTS, CONDITIONS, EASEMENTS AND RESTRICTIONS OF WESTPORT SUBDIVISION," dated December 28, 1992, the terms and provision of which are incorporated herein by reference as if fully set forth herein, and to which express reference is made, said Declaration being recorded in the aforesaid Clerk's Office in Deed Book 650, at page 119.

The Grantors will pay all real estate taxes through June 30, 2004. The Grantees shall be entitled to possession upon delivery of this deed.

WITNESS the following signatures and seals:

 (SEAL)  
WILLIAM HAMMOND

 (SEAL)  
MARY L. HAMMOND

3

JON C. POULSON  
ATTORNEY AT LAW  
THREE CROSS STREET  
ACCOMAC, VIRGINIA  
23001

Vinson E. Allen (SEAL)  
VINSON E. ALLEN

Lillian Sue Allen (SEAL)  
LILLIAN SUE ALLEN

STATE OF VIRGINIA, AT LARGE,  
City  
CITY/COUNTY OF Arlington to-wit:

The foregoing Deed was acknowledged before me this 16<sup>th</sup> day of June, 2004,  
by William Hammond and Mary L. Hammond in my jurisdiction aforesaid.

**My Commission Expires 3/31/07**  
My Commission Expires: \_\_\_\_\_

Elizabeth T. Crockett  
Notary Public

STATE OF VIRGINIA, AT LARGE,  
City  
CITY/COUNTY OF Arlington to-wit:

The foregoing Deed was acknowledged before me this 16<sup>th</sup> day of June, 2004,  
by Vinson E. Allen and Lillian Sue Allen in my jurisdiction aforesaid.

**My Commission Expires 3/31/07**  
My Commission Expires: \_\_\_\_\_

Elizabeth T. Crockett  
Notary Public

JON C. FOULSON  
ATTORNEY AT LAW  
THREE CROSS STREET  
ACCOMAC, VIRGINIA  
23001

This Deed is executed simultaneously with a certain Deed of even date from the same Grantors to Vinson E. Allen and Lillian Sue Allen as part of a division of certain real estate of the parties and is taxed for recordation purposes pursuant to §58.1-806.

THIS DOCUMENT WAS PREPARED  
BY JON C. POULSON, ESQUIRE  
THREE CROSS STREET  
P.O. BOX 478  
ACCOMAC, VA 23301

PB. 2004 PG. 66

JON C. POULSON  
ATTORNEY AT LAW  
THREE CROSS STREET  
ACCOMAC, VIRGINIA  
23301

INSTRUMENT #200404174  
RECORDED IN THE CLERK'S OFFICE OF  
ACCOMACK COUNTY ON  
JUNE 18, 2004 AT 03:52PM  
SAMUEL H. COOPER, CLERK

BY: Nancy J. Revell (DC)

COMMONWEALTH OF VIRGINIA



OFFICIAL RECEIPT  
ACCOUNTING CONTROL SYSTEM  
DEED RECORDS

DATE: 02/27/99 TIME: 10:58:51 ACCOUNT: 00000000000000000000 RECEIPT: 07000000000000000000  
 INSTRUMENT: 800781488 BOOK: PAGE: RECORDED: 02/27/99 AT 09:58  
 GRANTEE: HAMMOND, WILLIAM  
 GRANTEE: INC  
 ADDRESS: 1000 1000 CHINCOTEAGUE, VA 23041  
 COUNTY: CHINCOTEAGUE  
 CONSIDERATION: 1.00000000000000000000  
 COUNTY OF COURT: SAMUEL H. JOHNSON



1,000

Tax map # 030A2A000007100

2007 01622

DEED

\$1000.00

THIS DEED is made this 5<sup>th</sup> day of June, 2006, by and between WILLIAM HAMMOND and MARY L. HAMMOND, husband and wife, and LILLIAN SUE ALLEN, herein designated as Grantors and B.I.C., INC., herein designated as Grantee: P.O. BOX 909, CHINCOTEAGUE, VA. 23336.

WITNESSETH: That for and in consideration of the sum of \$1.00, cash in hand paid by the Grantee to the Grantors, receipt whereof is hereby acknowledged, the said Grantors do hereby grant, bargain, sell and convey with SPECIAL WARRANTY, unto the said Grantee, the following described property:

All of that certain lot or parcel of land located on Chincoteague Island, Accomack County, Virginia, and designated as Parcel "B" on a certain plat of survey entitled "Survey Showing Property of Roland Jester, Chincoteague, Accomack Co., Va." dated August 13, 1975 made by R.L. Beebe, C.E., said plat being attached to this deed and made a part hereof and reference to said plat being hereby made for a more particular description of the herein conveyed property.

Together with all privileges, appurtenances and rights-of-way thereunto belonging or in anyway appertaining, and subject to any existing easements of record.

AND BEING the property which was deeded to WILLIAM HAMMOND and MARY L. HAMMOND, husband and wife, and VINSON E. ALLEN and LILLIAN SUE ALLEN, husband and wife by Deed dated 16<sup>th</sup> October, 1991, recorded at Book 0607, at Page 00062; Vinson E. Allen died on the 28<sup>th</sup> day May 2006.

WITNESS the following signatures and seals.

William Hammond  
WILLIAM HAMMOND

Mary L. Hammond  
MARY L. HAMMOND

Lillian Sue Allen  
LILLIAN SUE ALLEN

RECEIVED  
ACCOMACK CIRCUIT COURT

STATE OF VIRGINIA

~~COUNTY OF ACCOMACK~~, to wit:

I, a Notary Public in and for the State ~~and County~~ indicated above, do hereby certify that WILLIAM HAMMOND and MARY HAMMOND as Grantors herein personally appeared before me this 6<sup>th</sup> day of JUNE, 2006, and after properly identifying themselves as the persons named above executed said Deed and acknowledged the same to be their respective acts and deed.

Elizabeth T. Goddard  
Notary Public

My comm. exp.:

**My Commission Expires 3/31/07**

STATE OF VIRGINIA:

~~COUNTY OF ACCOMACK~~, to wit:

I, a Notary Public in and for the State ~~and County~~ indicated above do hereby certify that LILLIAN SUE ALLEN as Grantor, herein personally appeared before me this 6<sup>th</sup> day of JUNE 2006, and after properly identifying herself as the person named above executed said Deed and acknowledged the same to be her respective act and deed.

Elizabeth T. Goddard  
Notary Public

**My Commission Expires 3/31/07**

My comm. exp.:

Prepared by G.E. Cranwell Esq.  
Cranwell & O'Connell  
4113 Lee Highway  
Arlington, VA 22207  
Tel. (703)522-2255

Attachments # 4

BK 0000 PG 1196E

006588

THIS DEED, made this 20<sup>th</sup> day of December, 2000, by and between WILLIAM

HAMMOND and MARY L. HAMMOND, husband and wife and VINSON E. ALLEN and LILLIAN SUE ALLEN, husband and wife, Grantors and THEODORE A. RUSSELL and SHIRLEY A. RUSSELL, his wife, Grantees, 11 Winding Way, cherry Hill, New Jersey, 08002.

WITNESSETH: That the Grantors, for and in consideration of the sum of Ten Dollars (\$10.00) cash in hand to them paid, at and before the sealing and delivery of this deed, and other good and valuable consideration, the receipt whereof is hereby acknowledged, do hereby give, grant, bargain, sale and convey, with GENERAL WARRANTY and the usual ENGLISH COVENANTS OF TITLE unto the Grantees, jointly, as TENANTS BY THE ENTIRETIES WITH THE RIGHT OF SURVIVORSHIP AS AT COMMON LAW, the following described real estate, to-wit:

Parcel 1: All that certain lot or parcel of land shown as "11C" on a certain plat of survey entitled, "SUBDIVISION OF LOT 11 PLAT OF WYLE MADDOX P. B. 13, P. 51, P. B. 92 P. 183 & 194 CHINCOTEAGUE THE ISLAND DISTRICT ACCOMACK COUNTY, VIRGINIA," dated 20 December 2000, and made by Eastern Shore Surveyors, which plat is attached to and made part of this deed, and to which plat express reference is made for a more particular description of the real estate herein conveyed.

Parcel 2: An undivided one-third (1/3) interest in that portion of Lot 11 shown and designated as "60 ' COMMON AREA" on a certain plat of survey entitled, "SUBDIVISION OF LOT 11 PLAT OF WYLE MADDOX P. B. 13, P. 51, P. B. 92 P. 183 & 194 CHINCOTEAGUE THE ISLAND DISTRICT ACCOMACK COUNTY, VIRGINIA," dated 20 December, 2000, and made by Easter Shore Surveyors, Ltd., which plat is attached to and made a part of this deed, and to which plat express reference

JON C. POULSON  
ATTORNEY AT LAW  
THREE CROSS STREET  
ACCOMACK, VIRGINIA  
23301

is made for a more particular description of the real estate herein conveyed, which undivided interest is to be used in common with the owners of Lot 11A and Lot 11B, as shown on said plat.

Parcel 3: An undivided one-third (1/3) interest in Lot 12 as shown and designated on a certain plat of survey entitled, "SURVEY OF LOTS 9-15 PLAT OF WYLE MADDOX, P. B. 13 P. 51 and SEPTIC TANK DRAINFIELD LAYOUT ON PARCEL B PLAT OF ROLAND JESTER D. B. 607 P. 64 (Plat) BEING LOTS 9A-15C (Lots for Septic Tank Drainfields Only) AND A 2' SEWER LINE EASEMENTS AS SHOWN BY THIS PLAT CHINCOTEAGUE ISLAND DISTRICT ACCOMACK COUNTY, VIRGINIA," dated 5 August, 1992, and made by Easter Shore Surveyors, Ltd., which plat is recorded in the aforesaid Clerk's Office in Plat Book 92 at pages 183-184, and to which express reference is made for a more particular description of the real estate herein conveyed and which undivided interest is to be used in common with the owners of Lot 11A and 11B as shown on the heretofore referenced plat dated 20 December, 2000.

Said real estate is a part of the same land conveyed to the Grantors by deed dated July 7, 1965 from Wyle Maddox, et ux, and which deed is recorded in the aforesaid Clerk's Office in Deed Book 260 at page 410.

Together with all improvements thereon and all the rights, privileges, and appurtenances thereunto belonging or in anywise appertaining, specifically including but not limited to an easement appurtenant for the benefit of the herein conveyed real estate for the installation, operation, maintenance, repair and replacement of a subsurface drainfield in that lot or parcel shown and designated as "Lot 11C (drainfield lot) on the aforereferenced plat dated August 5, 1992, and an easement appurtenant, to be used in common with all others having a similar right,

JON C. POULSON  
ATTORNEY AT LAW  
THREE CROSS STREET  
ACCOMACK, VIRGINIA  
23501

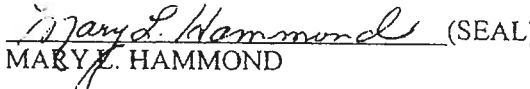
for the benefit of the said herein conveyed real estate, for the installation, operation, maintenance, repair and replacement of a subsurface line leading from Lot 11C (South Main Street) to Lot 11C (drainfield lot), the area of said drainfield easement and the width and location of said sewer line easement being further shown on the aforereferenced plat dated 5 August, 1992 and the aforereferenced plat dated 20 December, 2000.

Said real estate is conveyed subject to easements, conditions, restrictions and reservations contained in duly recorded deeds and plats and other instruments constituting constructive notice in the chain of title to the property herein conveyed, which have not expired by limitation of time contained therein or that have otherwise become ineffective specifically including but not limited to those certain covenants, conditions, easements and restrictions applicable to Westport Subdivision as contained in the "DECLARATION OF COVENANTS, CONDITIONS, EASEMENTS AND RESTRICTIONS OF WESTPORT SUBDIVISION," dated December 28, 1992 the terms and provisions of which are incorporated herein by reference as if fully set forth herein, and to which express reference is made, said Declaration being recorded in the aforesaid Clerk's Office in Deed Book 650 at page 119.

The Grantors will pay all real estate taxes through December 31, 2000. The Grantees shall be entitled to possession upon delivery of this deed.

WITNESS the following signatures and seals:

 (SEAL)  
WILLIAM HAMMOND

 (SEAL)  
MARY L. HAMMOND

JON C. POULSON  
ATTORNEY AT LAW  
THREE CROSS STREET  
ACCOMAC, VIRGINIA  
23301

Vinson E. Allen (SEAL)  
VINSON E. ALLEN

Lillian Sue Allen (SEAL)  
LILLIAN SUE ALLEN

COMMONWEALTH OF VIRGINIA AT LARGE

CITY/COUNTY OF Accomack, to-wit:

The foregoing Deed was acknowledged before me by WILLIAM HAMMOND and MARY L. HAMMOND this 21 of December, 2000.

My commission expires:  
October 31, 2002  
My Commission Expires October 31, 2002

Christina C. Pleasanton  
Notary Public

COMMONWEALTH OF VIRGINIA AT LARGE

CITY/COUNTY OF Accomack to-wit:

The foregoing Deed was acknowledged before me by VINSON E. ALLEN and LILLIAN SUE ALLEN on this 21 of December, 2000.

My commission expires:  
October 31, 2002  
My Commission Expires October 31, 2002

Christina C. Pleasanton  
Notary Public

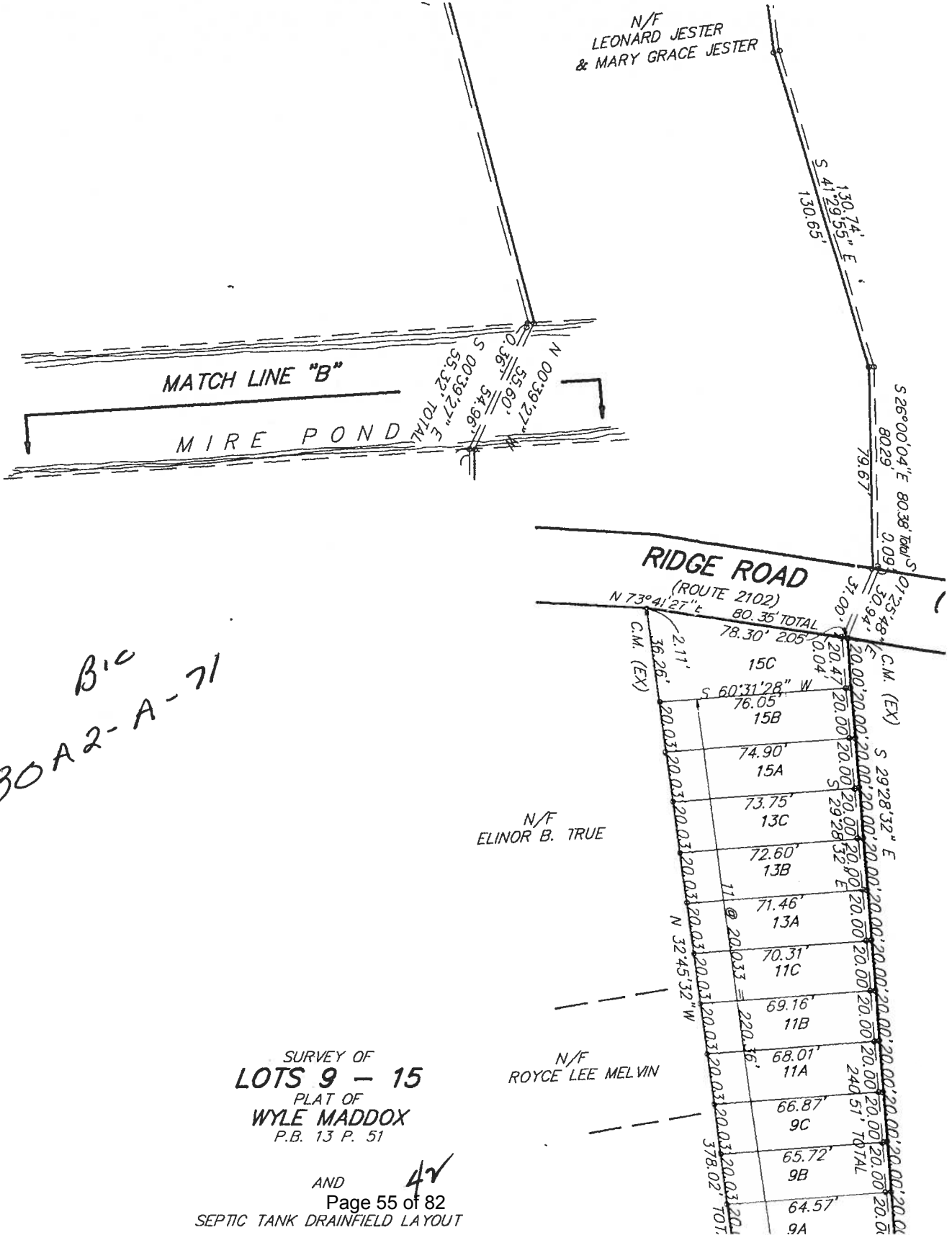
Instrument Prepared By:  
Jon C. Poulson, Esquire  
Three Cross Street  
P. O. Box 478  
Accomac, VA 23301

JON C. POULSON  
ATTORNEY AT LAW  
THREE CROSS STREET  
ACCOMAC, VIRGINIA  
23301

INSTRUMENT #000006588  
RECORDED IN THE CLERK'S OFFICE OF  
ACCOMACK COUNTY ON  
DECEMBER 21, 2000 AT 01:17PM  
\$160.00 GRANTOR TAX WAS PAID AS  
REQUIRED BY SEC 58.1-802 OF THE VA. CODE  
STATE: \$80.00 LOCAL: \$80.00  
SAMUEL H. COOPER, CLERK

BY: Courtney F. Rawson (DC)

Bio  
30A2-A-71



SURVEY OF  
LOTS 9 - 15  
PLAT OF  
WYLE MADDOX  
P.B. 13 P. 51

AND  
Page 55 of 82  
SEPTIC TANK DRAINFIELD LAYOUT

42

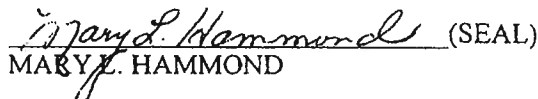
for the benefit of the said herein conveyed real estate, for the installation, operation, maintenance, repair and replacement of a subsurface line leading from Lot 11C (South Main Street) to Lot 11C (drainfield lot), the area of said drainfield easement and the width and location of said sewer line easement being further shown on the aforereferenced plat dated 5 August, 1992 and the aforereferenced plat dated 20 December, 2000.

Said real estate is conveyed subject to easements, conditions, restrictions and reservations contained in duly recorded deeds and plats and other instruments constituting constructive notice in the chain of title to the property herein conveyed, which have not expired by limitation of time contained therein or that have otherwise become ineffective specifically including but not limited to those certain covenants, conditions, easements and restrictions applicable to Westport Subdivision as contained in the "DECLARATION OF COVENANTS, CONDITIONS, EASEMENTS AND RESTRICTIONS OF WESTPORT SUBDIVISION," dated December 28, 1992 the terms and provisions of which are incorporated herein by reference as if fully set forth herein, and to which express reference is made, said Declaration being recorded in the aforesaid Clerk's Office in Deed Book 650 at page 119.

The Grantors will pay all real estate taxes through December 31, 2000. The Grantees shall be entitled to possession upon delivery of this deed.

WITNESS the following signatures and seals:

 (SEAL)  
WILLIAM HAMMOND

 (SEAL)  
MARY J. HAMMOND

JON C. POULSON  
ATTORNEY AT LAW  
THREE CROSS STREET  
ACCOMAC, VIRGINIA  
23301



is made for a more particular description of the real estate herein conveyed, which undivided interest is to be used in common with the owners of Lot 11A and Lot 11B, as shown on said plat.

Parcel 3: An undivided one-third (1/3) interest in Lot 12 as shown and designated on a certain plat of survey entitled, "SURVEY OF LOTS 9-15 PLAT OF WYLE MADDOX, P. B. 13 P. 51 and SEPTIC TANK DRAINFIELD LAYOUT ON PARCEL B PLAT OF ROLAND JESTER D. B. 607 P. 64 (Plat) BEING LOTS 9A-15C (Lots for Septic Tank Drainfields Only) AND A 2' SEWER LINE EASEMENTS AS SHOWN BY THIS PLAT CHINCOTEAGUE ISLAND DISTRICT ACCOMACK COUNTY, VIRGINIA," dated 5 August, 1992, and made by Easter Shore Surveyors, Ltd., which plat is recorded in the aforesaid Clerk's Office in Plat Book 92 at pages 183-184, and to which express reference is made for a more particular description of the real estate herein conveyed and which undivided interest is to be used in common with the owners of Lot 11A and 11B as shown on the heretofore referenced plat dated 20 December, 2000.

Said real estate is a part of the same land conveyed to the Grantors by deed dated July 7, 1965 from Wyle Maddox, et ux, and which deed is recorded in the aforesaid Clerk's Office in Deed Book 260 at page 410.

Together with all improvements thereon and all the rights, privileges, and appurtenances thereunto belonging or in anywise appertaining, specifically including but not limited to an easement appurtenant for the benefit of the herein conveyed real estate for the installation, operation, maintenance, repair and replacement of a subsurface drainfield in that lot or parcel shown and designated as "Lot 11C (drainfield lot) on the aforereferenced plat dated August 5, 1992, and an easement appurtenant, to be used in common with all others having a similar right,

JON C. POULSON  
ATTORNEY AT LAW  
THREE CROSS STREET  
ACCOMAC, VIRGINIA  
23301

BK 00.00 PG 11968

006588

THIS DEED, made this 20<sup>th</sup> day of December, 2000, by and between WILLIAM HAMMOND and MARY L. HAMMOND, husband and wife and VINSON E. ALLEN and LILLIAN SUE ALLEN, husband and wife, Grantors and THEODORE A. RUSSELL and SHIRLEY A. RUSSELL, his wife, Grantees, 11 Winding Way, cherry Hill, New Jersey, 08002.

WITNESSETH: That the Grantors, for and in consideration of the sum of Ten Dollars (\$10.00) cash in hand to them paid, at and before the sealing and delivery of this deed, and other good and valuable consideration, the receipt whereof is hereby acknowledged, do hereby give, grant, bargain, sale and convey, with GENERAL WARRANTY and the usual ENGLISH COVENANTS OF TITLE unto the Grantees, jointly, as TENANTS BY THE ENTIRETIES WITH THE RIGHT OF SURVIVORSHIP AS AT COMMON LAW, the following described real estate, to-wit:

Parcel 1: All that certain lot or parcel of land shown as "11C" on a certain plat of survey entitled, "SUBDIVISION OF LOT 11 PLAT OF WYLE MADDOX P. B. 13, P. 51, P. B. 92 P. 183 & 194 CHINCOTEAGUE THE ISLAND DISTRICT ACCOMACK COUNTY, VIRGINIA," dated 20 December 2000, and made by Eastern Shore Surveyors, which plat is attached to and made part of this deed, and to which plat express reference is made for a more particular description of the real estate herein conveyed.

Parcel 2: An undivided one-third (1/3) interest in that portion of Lot 11 shown and designated as "60' COMMON AREA" on a certain plat of survey entitled, "SUBDIVISION OF LOT 11 PLAT OF WYLE MADDOX P. B. 13, P. 51, P. B. 92 P. 183 & 194 CHINCOTEAGUE THE ISLAND DISTRICT ACCOMACK COUNTY, VIRGINIA," dated 20 December, 2000, and made by Easter Shore Surveyors, Ltd., which plat is attached to and made a part of this deed, and to which plat express reference

JON C. POULSON  
ATTORNEY AT LAW  
THREE CROSS STREET  
ACCOMAC, VIRGINIA  
23301

Attachments # 4

BK 0000 PG 11968

THIS DEED, made this 20<sup>th</sup> day of December, 2000, by and between WILLIAM

006588

HAMMOND and MARY L. HAMMOND, husband and wife and VINSON E. ALLEN and LILLIAN SUE ALLEN, husband and wife, Grantors and THEODORE A. RUSSELL and SHIRLEY A. RUSSELL, his wife, Grantees, 11 Winding Way, cherry Hill, New Jersey, 08002.

WITNESSETH: That the Grantors, for and in consideration of the sum of Ten Dollars (\$10.00) cash in hand to them paid, at and before the sealing and delivery of this deed, and other good and valuable consideration, the receipt whereof is hereby acknowledged, do hereby give, grant, bargain, sale and convey, with GENERAL WARRANTY and the usual ENGLISH COVENANTS OF TITLE unto the Grantees, jointly, as TENANTS BY THE ENTIRETIES WITH THE RIGHT OF SURVIVORSHIP AS AT COMMON LAW, the following described real estate, to-wit:

Parcel 1: All that certain lot or parcel of land shown as "11C" on a certain plat of survey entitled, "SUBDIVISION OF LOT 11 PLAT OF WYLE MADDOX P. B. 13, P. 51, P. B. 92 P. 183 & 194 CHINCOTEAGUE THE ISLAND DISTRICT ACCOMACK COUNTY, VIRGINIA," dated 20 December 2000, and made by Eastern Shore Surveyors, which plat is attached to and made part of this deed, and to which plat express reference is made for a more particular description of the real estate herein conveyed.

Parcel 2: An undivided one-third (1/3) interest in that portion of Lot 11 shown and designated as "60 ' COMMON AREA" on a certain plat of survey entitled, "SUBDIVISION OF LOT 11 PLAT OF WYLE MADDOX P. B. 13, P. 51, P. B. 92 P. 183 & 194 CHINCOTEAGUE THE ISLAND DISTRICT ACCOMACK COUNTY, VIRGINIA," dated 20 December, 2000, and made by Easter Shore Surveyors, Ltd., which plat is attached to and made a part of this deed, and to which plat express reference

JON C. POULSON  
ATTORNEY AT LAW  
THREE CROSS STREET  
ACCOMAC, VIRGINIA  
23301

Transit survey, all bearings being magnetic and are the same as reference plat.

Reference:  
 Survey of land for  
 Welden Bowden by  
 Wm. J. Gillespie  
 August 6, 1956.

BK 0607 PG 00064

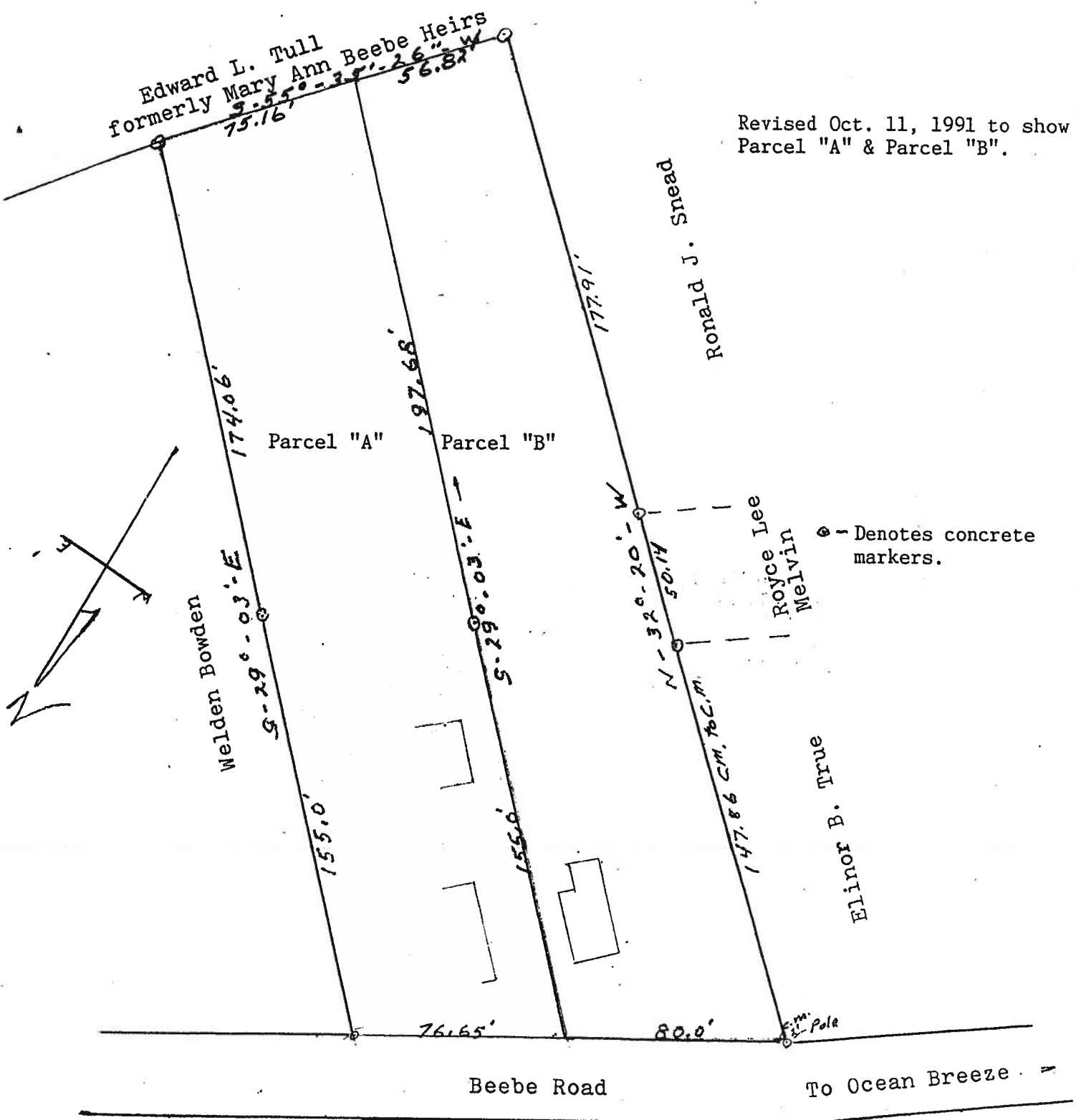
SURVEY SHOWING PROPERTY  
 OF

ROLAND JESTER

Chincoteague, Accomack Co., Va.

Scale: 1" = 50' Date: 8/13/75

Surveyed By: *R.L. Beake* C.E.



Revised Oct. 11, 1991 to show Parcel "A" & Parcel "B".

1" = 50'

3

# Application for a Sewage Disposal System Construction Permit

Commonwealth of Virginia  
Department of Health

For Department Use Only

Health Department

Identification Number 92-100-0370

Map Reference 30A1((1))9+30A2((A))11

Accomack County

Health Department

Date Received April 21, 1992

## To Be Completed By The Applicant

Type sewage system:  New  Repair  Expanded  Conditional  
FHA/VA yes  no

Owner William Hammond Address 6518 Walters Wood Drive Phone \_\_\_\_\_

Falls Church Va. 22044

Agent Raymond Britton Address P.O. Box 909 Phone 336-5916

Chincoteague, Va. 23336

Directions to Property South Main St. Ext. Just Past Old Corp. Limit

Sign on LEFT side

Subdivision Wyle Maddox Section \_\_\_\_\_ Block 11 Lot 15

Other Property Identification \_\_\_\_\_ (Blk 11)

Dimensions/size of Lot/Property 115 X 150

## Other Application Information

I. Building/facility  New  Existing  
Intermittent Use  Yes  No If yes, describe: \_\_\_\_\_

II. Residential Use  Yes  No  
Termite Treatment  Yes  No  
 Single Family  Multifamily Number of Units \_\_\_\_\_ Number of Bedrooms 2  
Basement  Yes  No  
Fixtures in Basement  Yes  No

III. Commercial Use  Yes  No Describe: \_\_\_\_\_

Commercial/Wastewater  Yes  No Number of Patrons \_\_\_\_\_ Number of Employees \_\_\_\_\_  
If yes, give volumes and describe \_\_\_\_\_

IV. Water Supply:  Public  New Describe: \_\_\_\_\_  
 Private  Existing \_\_\_\_\_

V. Proposed Installation:  Septic tank and drainfield  Other  
If other, describe \_\_\_\_\_

SITE PLAN Attach a site plan (rough sketch) showing dimensions of property, proposed and/or existing structures and driveways, underground utilities, adjacent soil absorption systems, bodies of water, drainage ways, and wells and springs within 200 feet radius of the center of the proposed building or drainfield. Distances may be paced or estimated.

The property lines and building location are clearly marked and the property is sufficiently visible to see the topography. I give permission to the Department to enter onto the property described for the purpose of processing this application.

Signature of owner/agent

Page 61 of 88

Date

# Sewage Disposal System Construction Permit

Commonwealth of Virginia  
Department of Health



Health Department  
Identification Number 92-100-0370  
Map Reference 30A1(11)19 + 30A2(11) 71

Accomack County Health Department

### General Information

New  Repair  Expanded  Conditional  FHA  VA  Case No. \_\_\_\_\_  
Based on the application for a sewage disposal system construction permit filed in accordance with Section 3.13.01, a construction permit is hereby issued to:  
Owner William Hammond Telephone \_\_\_\_\_  
Address 6518 Walters Wood Drive, Falls Church, VA 22044  
For a Type II Sewage disposal system which is to be constructed on/at South Main Street Ext., just south of ~~my~~ old town limits  
Subdivision \_\_\_\_\_ Section/Block \_\_\_\_\_ Lot \_\_\_\_\_  
Actual or estimated water use 300 GPD

DESIGN	NOTE: INSPECTION RESULTS
Water supply, existing: (describe) <u>Town Supply</u>	Water supply location: Satisfactory yes <input type="checkbox"/> no <input type="checkbox"/> comments _____ G. W. 2 Received: yes <input type="checkbox"/> no <input type="checkbox"/> not applicable <input type="checkbox"/>
To be installed: class _____ cased _____ grouted _____	
Building sewer: <u>4"</u> I.D. PVC 40, or equivalent. Slope 1.25" per 10' (minimum). <input type="checkbox"/> Other _____	Building sewer: yes <input type="checkbox"/> no <input type="checkbox"/> comments _____ Satisfactory
Septic tank: Capacity <u>750</u> gals. (minimum). <input type="checkbox"/> Other _____	Pretreatment unit: yes <input type="checkbox"/> no <input type="checkbox"/> comments _____ Satisfactory
Inlet-outlet structure: PVC 40, 4" tees or equivalent. <input type="checkbox"/> Other _____	Inlet-outlet structure: yes <input type="checkbox"/> no <input type="checkbox"/> comments _____ Satisfactory
Pump and pump station: $\frac{1}{2}$ 750 Tank $1\frac{1}{2}$ " F. Main No <input type="checkbox"/> Yes <input checked="" type="checkbox"/> describe and show design. if yes: OSP-25 Hydromatic 53 Gal Dose	Pump & pump station: yes <input type="checkbox"/> no <input type="checkbox"/> comments _____ Satisfactory
Gravity mains: 3" or larger I.D., minimum 6" fall per 100', 1500 lb. crush strength or equivalent. <input type="checkbox"/> Other _____	Conveyance method: yes <input type="checkbox"/> no <input type="checkbox"/> comments _____ Satisfactory
Distribution box: Precast concrete with <u>5</u> ports. <input type="checkbox"/> Other _____	Distribution box: yes <input checked="" type="checkbox"/> no <input type="checkbox"/> comments _____ Satisfactory <i>8/21/94 JS</i>
Header lines: Material: 4" I.D. 1500 lb. crush strength plastic or equivalent from distribution box to 2' into absorption trench. Slope 2" minimum. <input type="checkbox"/> Other _____	Header lines: yes <input checked="" type="checkbox"/> no <input type="checkbox"/> comments _____ Satisfactory <i>8/21/94 JS</i>
Percolation lines: Gravity 4" plastic 1000 lb. per foot bearing load or equivalent, slope 2" 4" (min. max.) per 100'. <input type="checkbox"/> Other _____	Percolation lines: yes <input checked="" type="checkbox"/> no <input type="checkbox"/> comments _____ Satisfactory <i>8/21/94 JS</i>
Absorption trenches: Square ft. required <u>400</u> : depth from ground surface to bottom of trench <u>18"</u> ; aggregate size $\frac{1}{2}$ "- $1\frac{1}{2}$ " Trench bottom slope <u>2"-4"/100'</u> center to center spacing <u>9'</u> ; trench width <u>3'</u> Depth of aggregate <u>13"</u> Trench length <u>33 1/3'</u> ; Number of trenches <u>4</u>	Absorption trenches: yes <input checked="" type="checkbox"/> no <input type="checkbox"/> comments _____ Satisfactory <i>8/21/94 JS</i>
Date _____ Inspected and approved by: _____ Sanitarian	

*1/8/94*

**Schematic drawing of sewage disposal system and topographic features.**

PAGE 2 OF 2

Show the lot lines of the building lot and building site, sketch of property showing any topographic features which may impact on the design of the system, all existing and/or proposed structures including sewage disposal systems and wells within 100 feet of sewage disposal system and reserve area. The schematic drawing of the sewage disposal system shall show sewer lines, pretreatment unit, pump station, conveyance system, and subsurface soil absorption system, reserve area, etc. When a nonpublic drinking water supply is to be located on the same lot show all sources of pollution within 100 feet.

The information required above has been drawn on the attached copy of the sketch submitted with the application. Attach additional sheets as necessary to illustrate the design.

SEE THE ATTACHED SHEETS FOR SYSTEM DESIGN HD 92-100-0370

The sewage disposal system is to be constructed as specified by the permit  or attached plans and specifications .

This sewage disposal system construction permit is null and void if (a) conditions are changed from those shown on the application (b) conditions are changed from those shown on the construction permit.

No part of any installation shall be covered or used until inspected, corrections made if necessary, and approved, by the local health department or unless expressly authorized by the local health dept. Any part of any installation which has been covered prior to approval shall be uncovered, if necessary, upon the direction of the Department.

Date: May 4, 1992 Issued by: *Jethan J. Simon*

Sanitarian

Date: 7-6-92 Reviewed by: *Arthur Conelis*

Supervisory Sanitarian

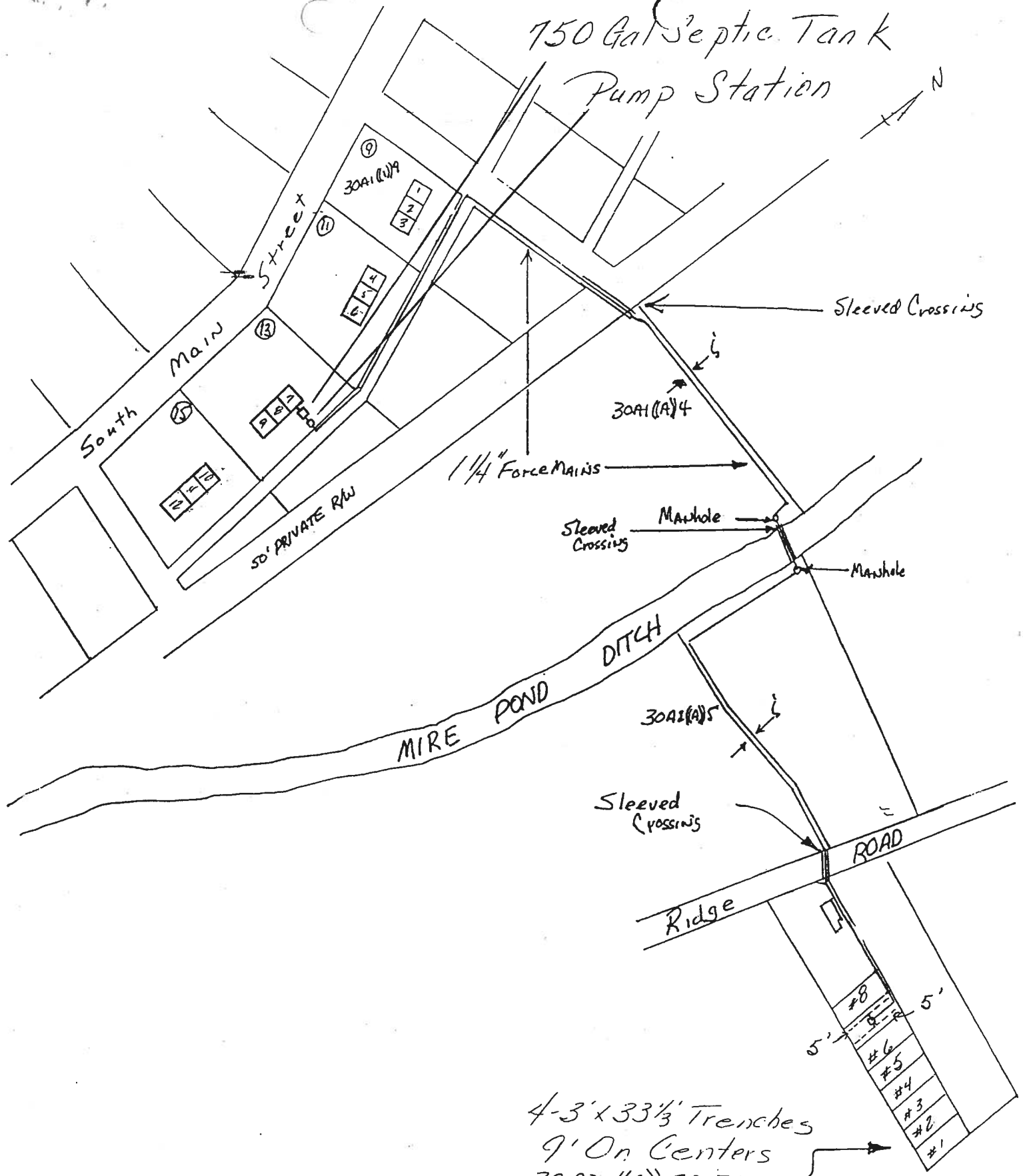
This Construction  
Permit Valid until  
11-5-96

-----  
If FHA or VA financing

Reviewed by Date \_\_\_\_\_ Date \_\_\_\_\_

50

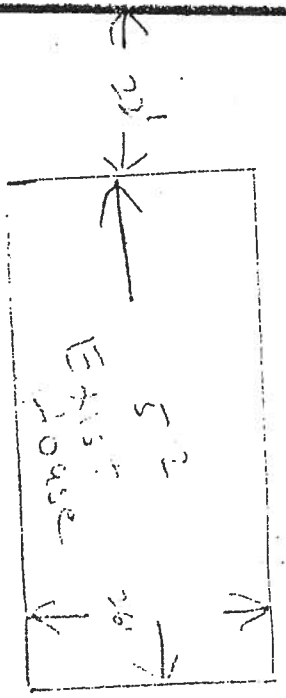
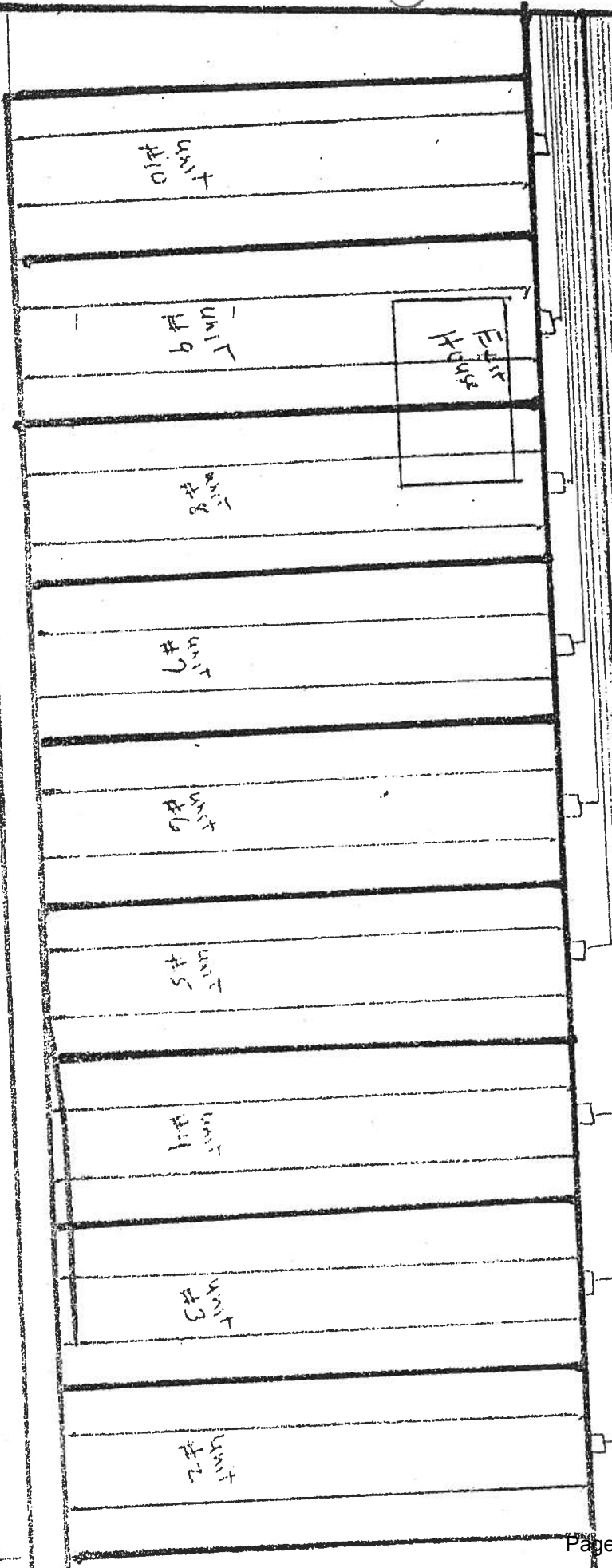
750 Gal Septic Tank  
Pump Station



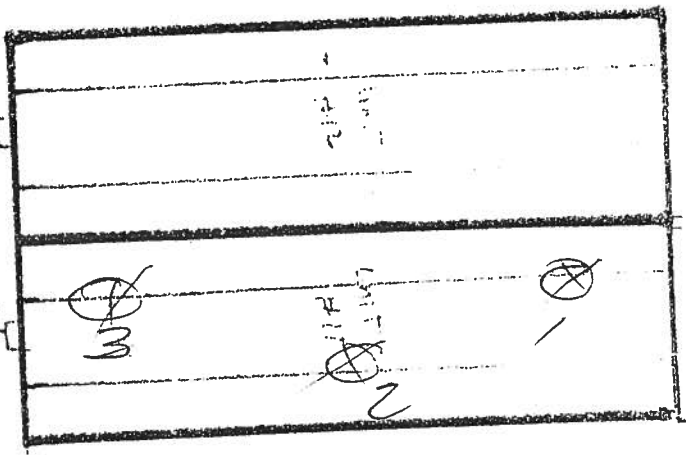
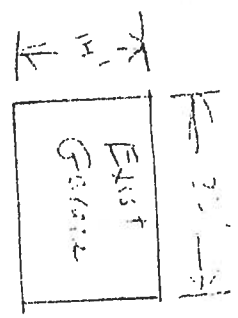
4-3' x 33 1/3' Trenches  
9' On Centers  
30A2 ((A)) 70-71

Lot # 7 22' x 75'





FORCHER'S



52

Triplex

DECLARATION

OF

COVENANTS, CONDITIONS, EASEMENTS AND RESTRICTIONS

Of

WESTPORT SUBDIVISION

THIS DECLARATION, made this 28th day of December, 1992, by WILLIAM HAMMOND and MARY L. HAMMOND, husband and wife, and VINSON E. ALLEN and LILLIAN SUE ALLEN, husband and wife, hereinafter referred to as "Declarant"; and GERALD M. WEST, Sole Acting Trustee, and the MARINE BANK, Beneficiary, as hereinafter shown.

RECITALS

Declarant is the owner and developer of certain real estate situated at Chincoteague, Islands District, Accomack County, Virginia, as shown on a certain plat of survey entitled, "SURVEY OF LOTS 9-15 PLAT OF WYLE MADDOX P. B. 13 p. 51 AND SEPTIC TANK DRAINFIELD LAYOUT ON PARCEL B PLAT OF ROLAND JESTER D.B. 607 P. 64 (Plat) BEING LOTS 9A-15C (LOTS FOR SEPTIC TANK DRAINFIELDS ONLY) AND A 2' SEWER LINE EASEMENT AS SHOWN BY THIS PLAT CHINCOTEAGUE THE ISLANDS DISTRICT ACCOMACK COUNTY, VA," dated 5 August, 1992, and made by Eastern Shore Surveyors, Ltd., which plat is recorded in the Clerk's Office for the Circuit Court of Accomack County, Virginia, in Plat Book 92 at Pages 183-184, said real estate having been conveyed to Declarant by three (3) deeds, one dated July 7, 1965, and recorded in Deed Book 260, page 410; one dated May 13, 1985, and recorded in Deed Book 492, page 674; and one dated October 16, 1991, and recorded in Deed Book 607, page 62.

JOHN C. FOUTSON  
ATTORNEY AT LAW  
THREE CROSS STREET  
ACCOMACK, VIRGINIA

Declarant is further the owner of certain easements appurtenant for a sewer line by virtue of a certain deed of easement of even date from Wayne W. Maddox, et ux, et als, which deed of easement is recorded immediately prior hereto, and which deed of easement supercedes as to the Declarant a certain assignment dated October 3, 1991, from BIC, Inc., and recorded in Deed Book 607, page 54, assigning certain easements in gross acquired by BIC, Inc., from Leonard R. Jester, et ux, et als, and recorded in said Clerk's Office in Deed Book 603 at page 111, et seq, Deed Book 603, at page 249, et seq, and Deed Book 603 at page 254, et seq.

WHEREAS, Declarant intends to place a 3 unit townhouse building (triplex) on each of Lots Number 9, 11, 13, and 15, and intends to sell and convey each of said units as separate townhouses with certain appurtenances; and

WHEREAS, Declarant intends to subdivide each of said Lot Numbers 9, 11, 13, and 15, and record certain plat or plats of said subdivision(s); and

WHEREAS, Declarant plans to sell and convey the said lots subdivided as hereinabove provided but before doing so, desires to impose upon them mutual and beneficial restrictions, covenants, and equitable servitudes under a general plan or scheme of improvement for the benefit of all the aforesaid lots or parcels of land (hereinafter the "Subdivision"), and the owners and future owners thereof.

NOW THEREFORE THIS DECLARATION WITNESSETH: That Declarant hereby declares that all of said real estate is held and shall be held, conveyed, hypothecated, or encumbered, leased, rented, used, occupied and improved

subject to the following Covenants and Restrictions, all of which are declared and agreed to be in furtherance of a plan for the Subdivision improvement and sale of said units and are established and agreed upon for the purpose of enhancing and protecting the value, desirability, and attractiveness of said property and of the Subdivision as a whole.

1. EFFECTIVENESS: These Covenants and Restrictions shall be incorporated, by reference, in all Deeds of the Subdivision and shall run with the land and shall be binding on all owners of said units, including, but not limited to, the Declarant, their successors and assigns, for a period of forty (40) years from the date of execution of this Declaration, after which time all said Covenants and Restrictions shall be automatically extended for successive periods of ten (10) years, unless an instrument modifying the Covenants and Restrictions is signed by a majority of the then owners of the units at the expiration of said 40 year period, or at the expiration of any subsequent 10 year period.

2. UNIT OWNERSHIP: A building shall be placed on each of Lots 9, 11, 13, and 15, each of the four buildings (called triplexes) shall consist of three (3) separate adjoining townhouse units. Each unit shall include that portion of land upon which the unit is located and shall be conveyed in fee simple to the owner of each unit (unit owner) along with an undivided one-third (1/3) interest in certain common areas apportioned to that particular triplex as described in Paragraph 3 below. In addition, each unit shall have as easements appurtenant a separate septic line easement and a separate septic drainfield easement on said Parcel "B," as described in Paragraph 4 below.

3. COMMON AREA: Each triplex shall have as a common area the waterfront lot located immediately across Main Street (formerly South Main Street Extended) and that remaining portion of the lot upon which such triplex is located which is not being conveyed with the individual units. The three unit owners of each triplex shall become the joint owners of the common areas for that triplex which common areas shall be for the exclusive private use and benefit of that triplex. The joint owners shall have the joint and equal responsibility to maintain that common area. No such interest in any common area shall be held, conveyed, hypothecated, or encumbered, leased, rented, used, occupied and improved except as a part of and in conjunction with the unit to which it is so apportioned.

4. DRAINFIELD AND SEWER LINE EASEMENTS: Declarant shall grant and convey to each such unit owner for the benefit of said lot an easement appurtenant for the installation, operation, maintenance, repair and replacement of a subsurface drainfield in the portion of Parcel B situated on the Southeastern side of Ridge Road allocated to such unit or lot as shown on the aforereferenced plat dated 5 August, 1992 and recorded in Plat Book 92 at pages 183 and 184. Declarant shall further grant and convey to each such unit or lot owner, for the benefit of said lot, to be used in common with all those having a singular right, an easement appurtenant for the installation, operation, maintenance, repair and replacement, of a subsurface sewer line leading from their unit or lot to their respective drainfield easements hereinabove described, the width and location of said sewer line easement being further shown on the aforereferenced plat. Each such unit or lot shall be subject to such sewer line easement,

For the purposes hereinabove provided, as such easement may cross such lot, as shown on said plat.

Any such easment for the installation operation, maintenance, repair and replacement of any such drainfield, and/or the installation, operation, maintenance, repair and replacement of any sewer line to serve any said lot shall automatically terminate one (1) year after a public central sewage system becomes available to serve any such lot.

5. PARTY WALL AND EAVES EASEMENTS: Each such lot owner shall have an easement for lateral support for his townhouse unit in the wall of any adjoining townhouse unit, when said walls constitute a common wall. Further, each such lot owner shall have an easement for the encroachment of the eaves of his townhouse as constructed by the Declarant, as same may encroach over any adjacent townhouse.

6. ROADS AND ROAD MAINTENANCE: All twelve unit owners in the Subdivision shall have the right of ingress and egress over and across the two forty foot (40') streets, (one of said streets being located between Lots 7 and 9, and the other being located between Lots 15 and 17) and the sixteen foot (16') alley located on the Southeast side of Lots 9, 11, 13 and 15 as shown on the aforesaid plat recorded in Plat Book 13, page 51. All said unit owners shall share equally in the maintenance of said roads and alley.

7. RESPONSIBILITIES OF INDIVIDUAL LOT OWNERS: Each unit owner shall have the following responsibilities and obligations:

A. To maintain their premises and yards in good repair and in properly maintained condition.

B. To maintain the water supply system, sewer, septic or drainage system which services that owner's unit, whether or not such systems are located on the owner's lot.

C. To inform any tenant, occupier, or user of their lot and premises of the obligation and responsibilities created by these Covenants and Restrictions. Each unit owner shall be responsible for any non-compliance with these Covenants and Restrictions by any such tenant, occupier or user.

8. RESIDENTIAL USE ONLY: The lots and accompanying townhouses, as well as the common areas, docks, piers and any bulkheads, shall be used for residential purposes only, and no commercial use is permitted.

9. DRAINFIELDS: No buildings, hard surfaced roadways, tennis courts, baseball diamonds, or other similar structures or sports and recreation areas, trash or other debris shall be placed or allowed to remain on or over a sewer, septic or drainfield system. Any planting within the sewer, septic or drainfield areas shall require prior Health Department approval.

10. LANDSCAPING: The yards of the Subdivision shall be kept in as natural a state as possible except that reasonable landscape planting of shrubs and other plants may be done and the Declarant may provide for reasonable sidewalks, driveways, parking areas, and exterior lighting. No gardens, lawn ornaments, decorations, statues, bird baths, accessory buildings, or any similar objects shall be placed in the yards.

11. SIGNS: No advertising, signs or billboards of any kind will be erected, except neat and discreet "for sale" signs.

12. OUTDOOR EQUIPMENT: All clotheslines, outdoor clothes poles, and similar equipment and all tanks for the storage of fuel and all receptacles for ashes, trash, garbage, etc., shall be kept in a suitable area on the Southeast side of each unit, so as not to create an unsightly condition or nuisance. No such items shall be kept on the Northwest side of any unit.

13. REFUSE DISPOSAL: Trash, garbage, or other waste shall be kept in containers which shall be kept in a clean and sanitary condition. No trash, ashes, garbage or other refuse shall be dumped, stored, accumulated or burned on any lot or be thrown upon any part of the Subdivision, nor shall any abandoned automobile be allowed to remain for excessive periods of time on any lot so as to create an annoyance or nuisance.

14. ANIMALS: No animals, livestock, or poultry of any kind shall be raised, bred or kept on any lot, except that dogs, cats or other household pets may be kept, provided that they are not kept, bred or maintained for commercial purposes. All permitted animals must be secured by a leash or lead, or under the control of a responsible person and obedient to that person's command at any time they are outside a townhouse.

15. TV AND RADIO ANTENNA: No television antenna, citizen band (CB) radio antenna or other similar device for receiving or transmitting television or radio waves shall be attached to or installed on the exterior portion of any townhouse or placed anywhere outside any townhouse.

16. NUISANCES: No noxious or offensive activity shall be carried on upon any lot nor shall anything be done thereon which may be or may become an annoyance or nuisance to the neighborhood.

17. ADDITIONS: No additions to the townhouses within a triplex may



be made without the express, written consent of the other two unit owners in that particular triplex, which consent shall only be given upon determination that any such addition will not detract from the overall appearance of the Subdivision.

18. PRESERVATION OF EXTERIOR DESIGN: No changes can be made in the exterior design, color, or materials used in the original construction of each triplex, including, but not limited to paint, stain, siding, windows, and doors, roofs, and entrance stairs or walkways, without the prior written approval of the other two unit owners in that particular triplex in order to preserve the overall appearance of the triplex.

19. DOCKS AND WALKWAYS: The docks, piers, and walkways located on the waterfront common areas shall be for the private use and benefit of the owners of the units comprising the triplex to which the common area is granted.

20. VEHICLE USE: No vehicle, whether motorized or manpowered (including trailers, campers and/or motor homes, as well as conventional and licensed automobiles, jeeps and pickup trucks, and bicycles) shall be allowed to be operated or parked anywhere other than upon designated driveways or parking areas.

21. RESERVATION OF ACCESS FOR DECLARANT: The Declarant reserves unto themselves, their successors, and assigns, an easement on, over and under the ground to erect, construct, maintain and use electric, telephone and television service, telephone poles, wires, cables, conduits, sewer and septic pipes, drainfields, water pipes and other similar utility equipment. This easement expressly includes the right to cut any trees,

Legacy Permit

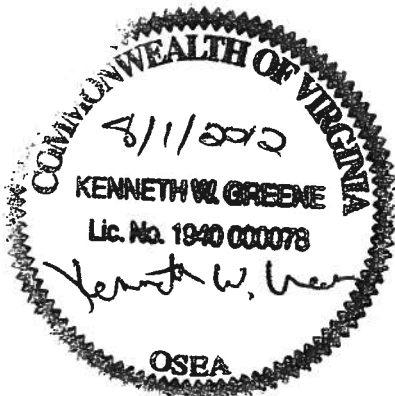
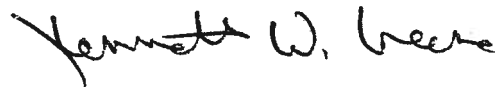
To Health Department:

I have been contacted by BIC Inc. to locate an existing septic system at Tax Map - 30A2((A))71. The first step was to make sure that the permit was not at the Health Department. After a thorough search a permit was not found. But after overlooking older permits on the adjacent property we were able to understand the situation. I have enclosed a plat that shows that this property has been divided leaving a back lot that was not shown with the existing permits at the Health Dept. The septic system that I located has been sized for a two bedroom dwelling. I have located the 1000 gallon septic tank which has built-in inlet and outlet T's. The distribution box was located and showed four lines entering it. Speed levelers were installed in the four drainlines. The drainlines were probed and it was determined that they are 52' long and 3' wide. All lines seem to be on 9' centers and are made of gravel and perc pipe. The trench bottom depth was estimated at 36". Attached is a drawing showing the location of the house and sewage system.

This letter has been written to provide information on the sewage system that exists. If there are any questions at all, please feel free to give me a call.  
Coastal Soil Consulting – (757)894-0842

Sincerely,

Kenneth W. Greene

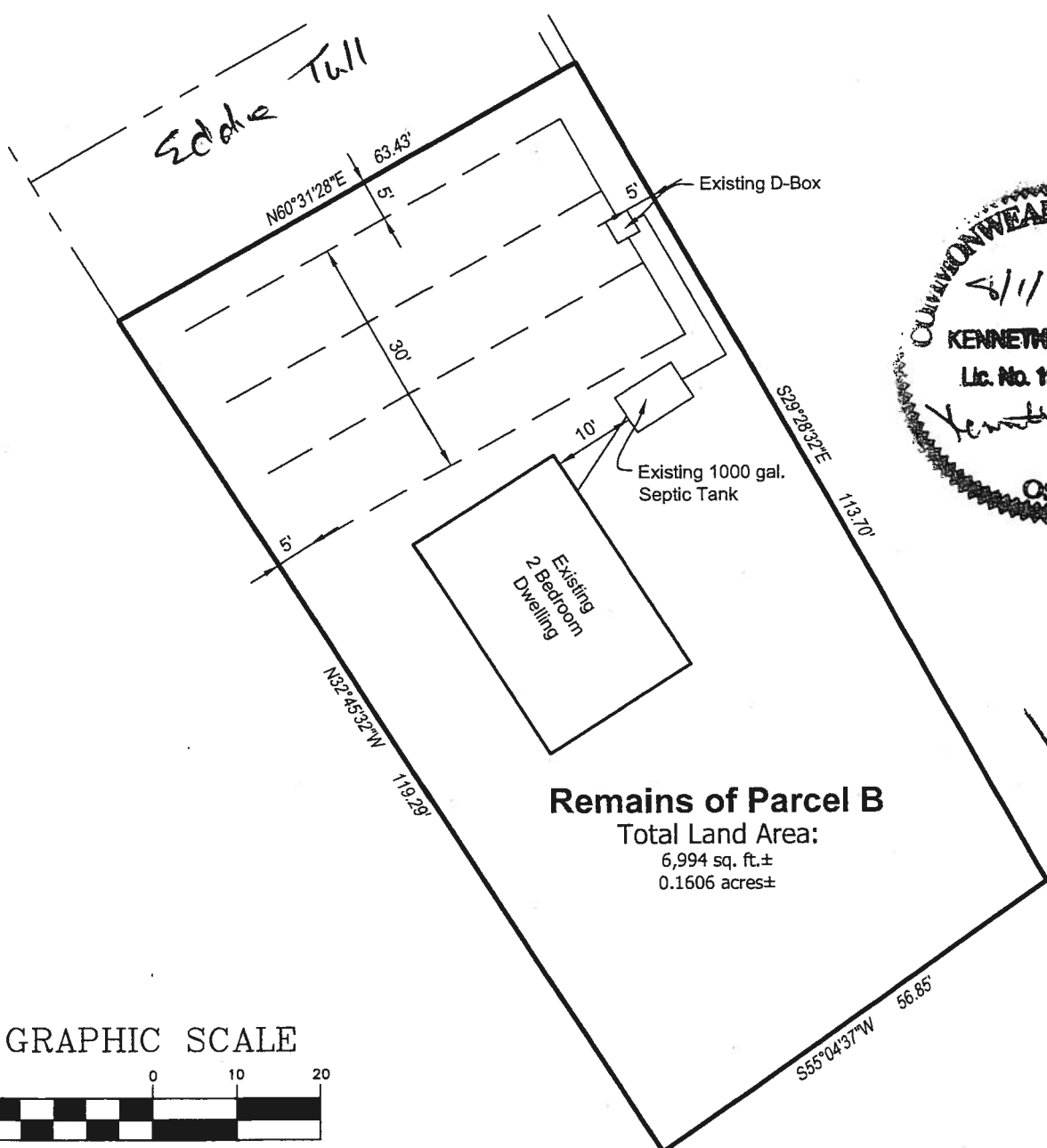
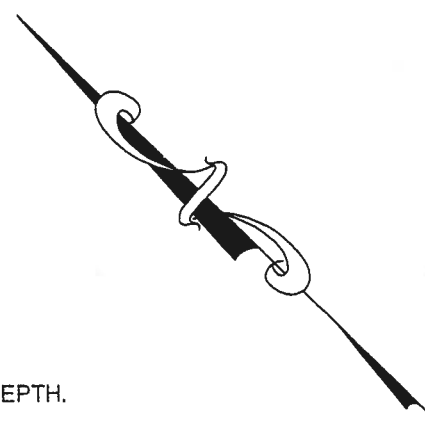


**GENERAL NOTES:**

1. TAX PARCEL: 30A2-A-71
2. OWNER: BIC Inc.
3. SOURCE OF TITLE: INSTRUMENT #200701622
4. NOT A SURVEY, PROPERTY LINES SHOWN PER EXISTING PLATS OF RECORD.
5. THE PROPERTY IS SERVED BY CENTRAL WATER SUPPLY.
6. EXISTING DRAINFIELD PROBED TO DETERMINE EXACT LOCATION ,

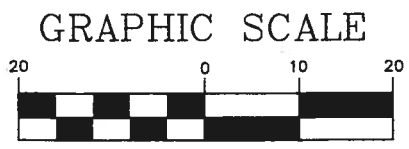
**INSTALLED:**

- 1 - 1000 GALLON SEPTIC TANK
- 4 - 2' X 52' DRAIN LINES INSTALLED AT A 36" TRENCH DEPTH.



*To Ridge Rd.*

**Remains of Parcel B**  
 Total Land Area:  
 6,994 sq. ft.±  
 0.1606 acres±



( IN FEET )  
 1 inch = 20 ft.

**SITE PLAN**

Log On Help Additional Information

Search Results Details **Map**

**Map Layers Results**

- Accomack/Public
- 20% Transparent
- County Boundaries
- Road Labels
- Town Labels
- Detail Layers
  - Parcels
  - Parcel Labels
  - Street Addresses
  - Wallops Island Transit Ove
  - Airport Overlay District
  - Agric. & Forestal District La
  - Chesapeake/Atlantic Prese
  - Future Land Use (2008 Coi
  - NWI Wetlands
  - Enterprise Zones
  - Election Districts
  - Voting Precincts

Tools Print Bookmarks

125 ft

Dog Bay Ln

Main St

30A1-1-7 30A1-1-9A 30A1-1-9B 30A1-1-9C 30A1-1-11A 30A1-1-11B 30A1-1-11C 30A1-1-13A 30A1-1-13B 30A1-1-13C 30A1-1-13D 30A1-1-13E 30A1-1-15A 30A1-1-15B 30A1-1-15C 30A1-1-17B 30A1-1-17 30A1-1-19 30A1-1-10 30A1-1-12 30A1-1-14 30A1-1-16 30A1-1-18 30A1-1-20 30A1-1-22 30A1-1-24 30A1-1-60 30A1-1-61 30A1-1-62 30A1-A-11

Deg Min Sec Lon (X): 75° 23' 53.67"



# TOWN OF CHINCOTEAGUE, INC.

December 10, 2014

Johnathan Britton  
33003 Chincoteague Road  
New Church VA 23415

Re: Building Permit Application

Dear Mr. Britton,

I reviewed your building permit application and attached site plan for your new residence to be located on parcel 71, Ridge Road.

Upon reviewing the site plan you submitted for the placement of this structure it first appeared that you were able to meet the minimum setbacks and land area for the new placement. However I did observe that the plat appeared to be modified with ink remover and along the edges of the parcel it showed several 20' parcel pins. (see attachment 1)

Several days later per my request, you dropped off the plat that identified the current layout of lots 9A through 15C and the remains of parcel B that were deleted from the plat originally submitted. (see attachment 2)

A short time later you brought information from the health department that advised that the first submitted plat I had in my possession was different than what the health department had. It was stated by Wes Green that the area where you wished to build had been split off from the original parcel and is now identified as "Remains of Parcel B". (see attachment 3)

I called Brent Hurdle with the Accomack Co. Assessors Office regarding this matter. Mr. Hurdle advised that he went to the Clerk of Courts Office and observed that the modified plat had been recorded.

There are several issues regarding this property:

1. The first site plan submitted with the application did not show actual conditions of the lot. It appears that someone used "white out" to erase existing property lines. The plat that is recorded in Accomack, shows the location of where you wish to build as "Remains of Parcel B" not parcel 71.

When the subdivision of lot 71 was re-subdivided into Parcel B and lots 9A-15C, it should have come to this office for review & approval for a major subdivision. I have no record of a subdivision application being submitted or approved. Page 1 of 2 of the plat was not submitted. If page 1 shows the towns approval for this subdivision please submit such for review.

2. When the subdivision was established in 1992, "Remains of Parcel B" was recorded as being 6,994 square feet in area. Zoning at that time required a minimum lot size of 15,000 square feet. Currently the minimum lot size is 10,500 square feet in area.
3. The "Remains of Parcel B" does not flag out to Ridge Road and does not adjoin the town's water main. Therefore no water service is available to said parcel. The existing water meter located on parcel 15C goes with that lot and can not be used with the parcel you wish to build on.
4. The recorded plat does not identify any ingress/egress easements or utility Easements , excluding the 2' sewer line easement, which makes this parcel landlocked.
5. Upon reviewing our tax records, it appears that parcels 9A-15C identified on this plat go with parcels 30A1-1-9A through 30A1-1-15C Main Street for the location of their sewerage systems. This was affirmed with the deed you brought to my office on this date between Hammond/Allen and Russell. (see attachment 4)

It appears that the existing structure located on the "Remains of Parcel B" was relocated there prior to or at the same time the plat was created. We have no record of the existing structure on said lot being granted a certificate of occupancy. If the property was subdivided without proper approval, the existing structure shall not be used for residential purposes.

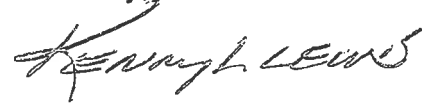
Upon review of the information submitted, the "Remains of Parcel B" is considered a non-buildable lot due to the above issues, no permit can be approved for such use.

However, if you are able to have this parcel front a water main and obtain an ingress/egress & utility easements to the property you may appeal the lot size to

the Board of Zoning Appeals for a variance provided a hardship can be proven.

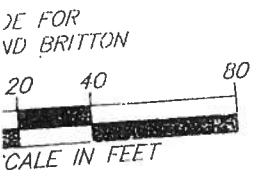
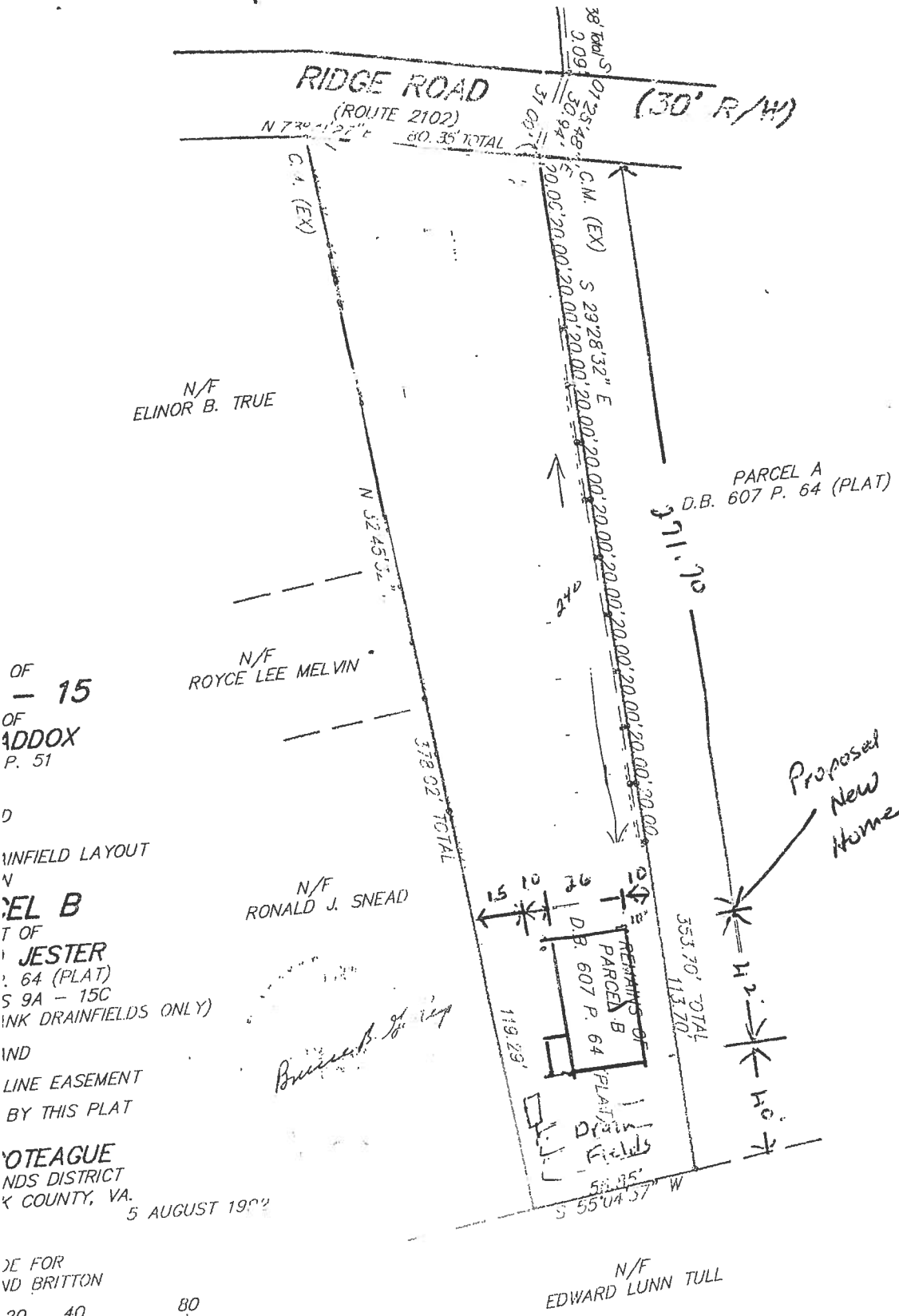
If you have any questions regarding this matter please give me a call.

Sincerely,

A handwritten signature in black ink that reads "Kenny L. Lewis". The signature is written in a cursive style with a prominent flourish at the end of the name.

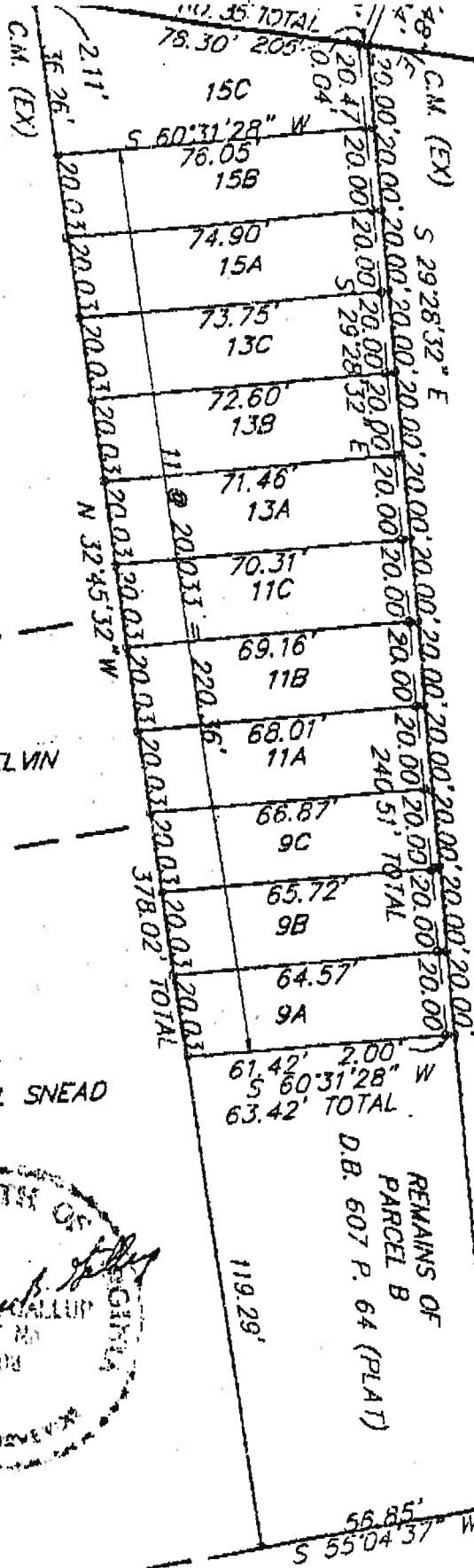
Kenny L. Lewis  
Building & Zoning  
Administrator

ATTACHMENT #1



RE SURVEYORS, LTD.  
BOX 456





PARCEL A  
D.B. 607 P. 64 (PLAT)

N/F  
DR B. TRUE

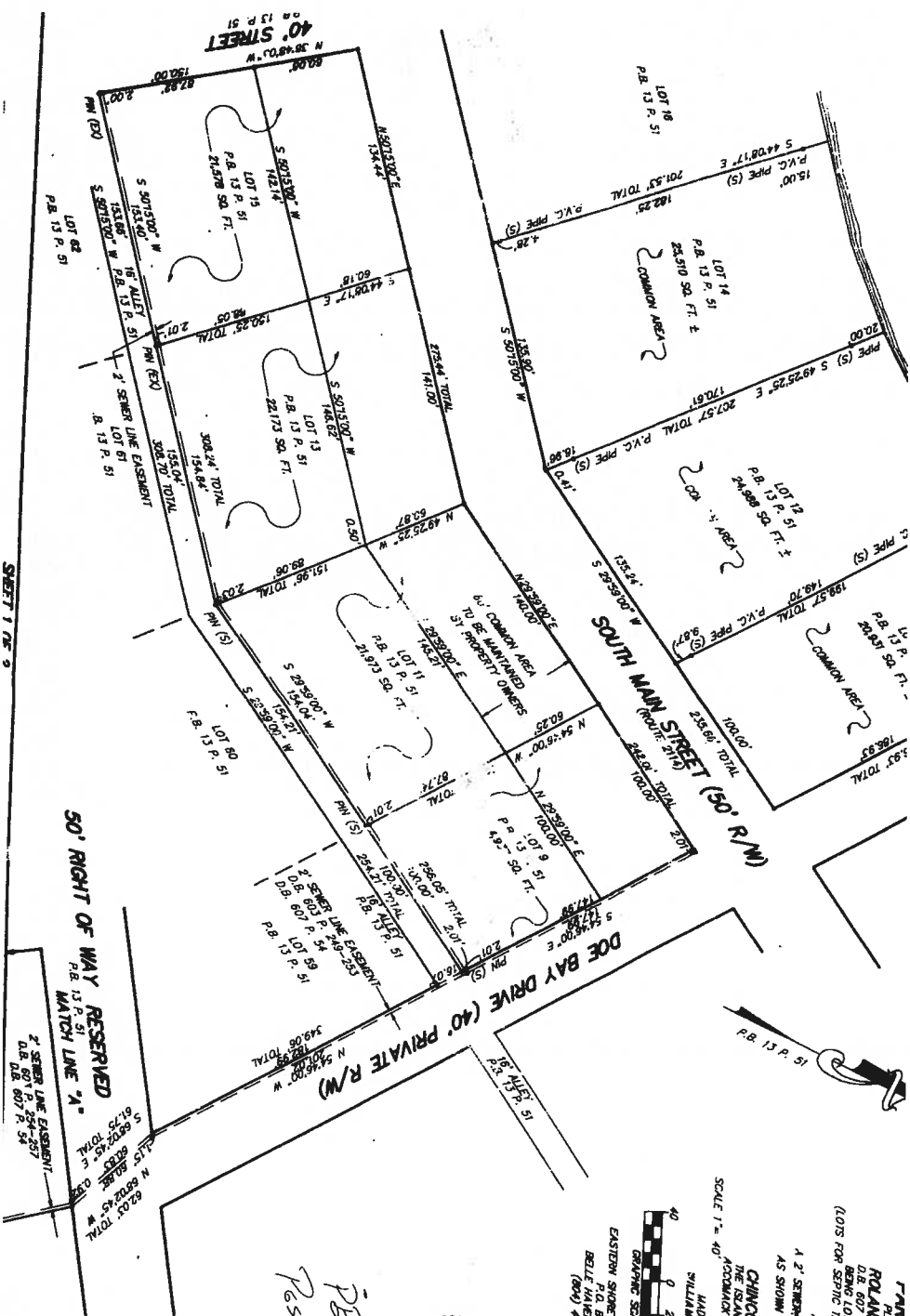
N/F  
ROYCE LEE MELVIN

N/F  
RONALD J. SNEAD



1992

N/F  
EDWARD LUNN TULL



SHEET 1 OF 3

50' RIGHT OF WAY RESERVED  
 2' SENIOR LINE EASEMENT  
 MATCH LINE 'A'

PB 92  
 Pgs 183, 184



EXISTING SHORE SAMPSONS LTD  
 BELLE MAINE, VA 23066  
 (804) 442-4418

CHINCOTEAGUE  
 THE ISLANDS DISTRICT, VA  
 MADE FOR  
 WILLIAM HARRIMOND

SCALE 1" = 40'  
 GRAPING SCALE IN FEET

PLAT OF  
 ROLAND ESTER  
 RE: 607 P. 64 (P. 11)  
 BEING 12.5 AC. ±  
 (LOTS FOR SEPTIC TANK CHAINBELLS ONL.)  
 AND  
 1' 2" SENIOR-LINE EASEMENT  
 AS SHOWN BY THIS PLAT  
 CHINCOTEAGUE  
 THE ISLANDS DISTRICT, VA  
 MADE FOR  
 WILLIAM HARRIMOND

67