

## **NOTICE OF PUBLIC HEARING**

The Northampton County Board of Supervisors will conduct a public hearing at 7:00 p.m., Tuesday, May 10, 2016 in the Board Room of the County Administration Building, 16404 Courthouse Road, Eastville, Virginia, to receive public comment on the following ordinance:

### **AN ORDINANCE TO VACATE A SUBDIVISION IN NORTHAMPTON COUNTY, VIRGINIA**

The purpose of this ordinance is to vacate certain lot lines within the following plats: (a) "Plat of Survey – Brockenberry Bay Estates" dated November 19, 2008, and recorded as Instrument #090000280 and (b) "Resubdivision to Create Lot 5A – Brockenberry Estates" dated October 5, 2010, and recorded as Instrument #110001231.

This proposed ordinance is available for review at the County Administrator's office, 16404 Courthouse Road, Eastville, Virginia, during normal business hours. Anyone interested in the above matter should attend the public hearing to express their views.

**HANDICAPPED ASSISTANCE AVAILABLE: Call 757/678-0440**

Katherine H. Nunez, County Administrator

CLERK'S NOTE: This corrected Ordinance is being re-filed to correct errors in the owners of the property and the plats referenced. This Ordinance was previously filed in this office on July 9, 2015 as Instrument #150000944.

**AN ORDINANCE TO VACATE A SUBDIVISION  
IN NORTHAMPTON COUNTY, VIRGINIA**

WHEREAS, a certain subdivision was created by two plats: the first entitled, "Brockenberry Bay Estates" dated November 19, 2008, and recorded as Instrument #090000280, and the second entitled, "Resubdivision to Create Lot 5A – Brockenberry Estates" dated October 5, 2010, and recorded as Instrument #110001231, copies of each are attached hereto; and

WHEREAS, all of the tracts within the aforesaid subdivision are owned by Hyler A. Stanavage; and

WHEREAS, the said Hyler A. Stanavage wishes to vacate the plats by which the subject subdivision was created; and

WHEREAS, the said Hyler A. Stanavage wishes to vacate the following lot lines for each of the specified plats:

1. "Plat of Survey – Brockenberry Bay Estates", of record as Instrument #090000280
  - a. Eliminate the lot lines for the following parcel as shown on said plat: 77-13-1, 77-13-2, 77-13-3, 77-13-4, and 77-13-RW
2. "Resubdivision to Create Lot 5A – Brockenberry Estates"
  - a. Eliminate the lot lines for the following parcel as shown on said plat: 77-13-1, and 77-13-5A; and

WHEREAS, this matter previously came before the Board of Supervisors and an Ordinance was adopted and filed in the Clerk's Office of Northampton County on July 9, 2015, as Instrument #150000944; and

WHEREAS, the Ordinance filed was flawed as it did not reference both plats and improperly designated the ownership of the lots to be vacated; and

WHEREAS, Hyler A. Stanavage requests that the Board adopt a corrected Ordinance, intended to achieve the same goal as the previous ordinance of vacating the subdivision and plats as reference above; and

NOW, THEREFORE, BE IT ORDAINED by the Board of Supervisors of Northampton County, Virginia:

Section 1. This Ordinance is adopted pursuant to Section 15.2-2272 of the Code of Virginia, as amended.

Section 2. The following described portion of those plats of survey entitled:

“Plat of Survey – Brockenberry Bay Estates” is vacated by eliminating the lot lines for parcels 77-13-1, 77-13-2, 77-13-3, 77-13-4, and 77-13-RW, as shown thereon, and “Resubdivision To Create Lot 5A - Brockenberry Estates” is vacated by eliminating the lot lines for parcel 77-13-1, and 77-13-5A, thereby resulting in all of the above parcels being merged into one parcel.

Section 3. This Ordinance is enacted pursuant to application dated April 16, 2015, by Mr. Hyler A. Stanavage.

Section 4. The County Administrator shall cause a certified copy of this Ordinance to be recorded in the aforesaid Clerk’s Office following the expiration of appeals or the right to appeal this matter. Upon such filing, the Clerk shall cause this vacation to be so noted on the plat of survey affected.

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

**BOARD OF SUPERVISORS OF  
NORTHAMPTON COUNTY, VIRGINIA**

(SEAL)

By \_\_\_\_\_  
Chairman

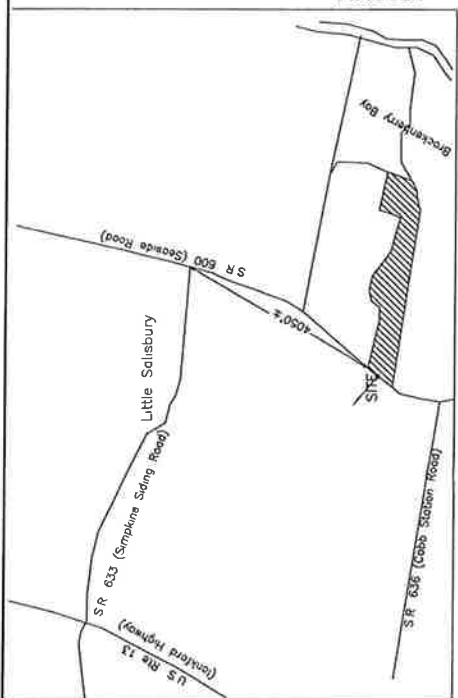
ATTEST:

\_\_\_\_\_  
County Administrator/Clerk

**UNDESIRABLE REQUIREMENT**  
 DEVELOPED AREA = 491 TREES  
 107 OF DEVELOPED AREA = 4.91 AC @ 200 TREES/AC  
 1 TREE/AC @ 4.91 AC @ 200 TREES/AC  
 260 TREES REQUIRED ANYWHERE  
 ESTIMATED BETWEEN FRONT  
 SETBACK AND STREET

NOTE:  
 1 THE USE AND MAINTENANCE OF THE BUILDING PERMITS AND ZONING ORDINANCES IS RESTRICTED PURSUANT TO ISALOUS OF THE NHCDC ZONING ORDINANCE  
 2 AS SHOWN ON THE SITE PLAN, THE WOODED AREAS BY EXISTING COUNT EXCEED THE NUMBER OF REQUIRED TREES.

The Remaining Lands are not to be developed at this time and the Northampton County Health Department has not approved this lot for development. The lot is subject to the health department's requirements concerning water supply and sewage disposal be required prior to any construction in accordance with the Northampton County Zoning Ordinance



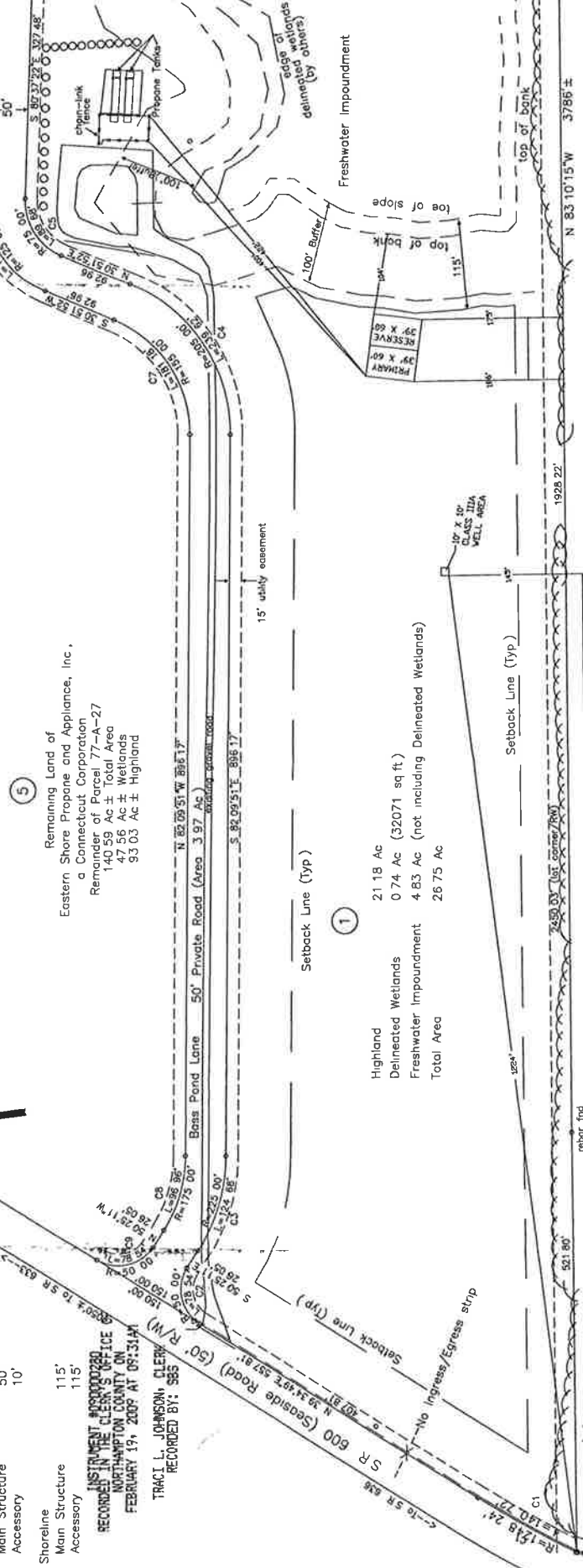
Remaining Land of Eastern Shore Propane and Appliance, Inc. a Connecticut Corporation  
 Remainder of Parcel 77-A-27  
 140.59 Ac ± Total Area  
 47.56 Ac ± Wetlands  
 93.03 Ac ± Highland

Curve Table

Curve	Radius	Tangent	Length	Delta	Chord	Chord Bear
C1	1245.26	70.43	140.72	6.2733°	140.64	N 30.2103° E
C2	223.00	63.87	124.66	31.4430°	123.07	S 68.1749° E
C3	205.00	135.61	239.67	66.5918°	228.21	N 62.2101° E
C4	78.00	51.08	89.68	28.3040°	84.43	N 85.0715° E
C5	125.00	85.13	149.47	42.3045°	140.72	S 65.0715° W
C6	155.00	102.54	192.77	50.0142°	171.04	S 64.2101° W
C7	155.00	102.54	192.77	50.0142°	171.04	S 64.2101° W
C8	50.00	50.00	78.54	90.0000°	79.71	N 09.2911° W

- Setbacks
- Front Yard 80'
- Rear Yard 60'
- Main Structure Accessory 6'
- Side Yard 50'
- Main Structure Accessory 10'
- Shoreline Main Structure Accessory 115'
- Main Structure Accessory 115'

Virginia State Plane  
 Coordinate System  
 South Zone



Highland 21.18 Ac  
 Delineated Wetlands 0.74 Ac (32071 sq ft)  
 Freshwater Impoundment 4.83 Ac (not including Delineated Wetlands)  
 Total Area 26.75 Ac

Note  
 — denotes pipe to be set upon completion of road



Susan R Enzastiga  
 Trustee O/T Susan R Enzastiga  
 77-1-1  
 Zoning A-1

PLAT OF SURVEY

"Brockberry Bay Estates"  
 Located North of Oyster, Eastville  
 District, Northampton County, Virginia

SHORE ENGINEERING CO., INC  
 ENGINEERS - SURVEYORS  
 P O BOX 354, MELEFA, VA 23410  
 757-767-2773



Approvals  
 This plat consisting of one (4) pages has been approved by the Subdivision Agent of Northampton County and may be admitted to the Land Records of Northampton County, Virginia

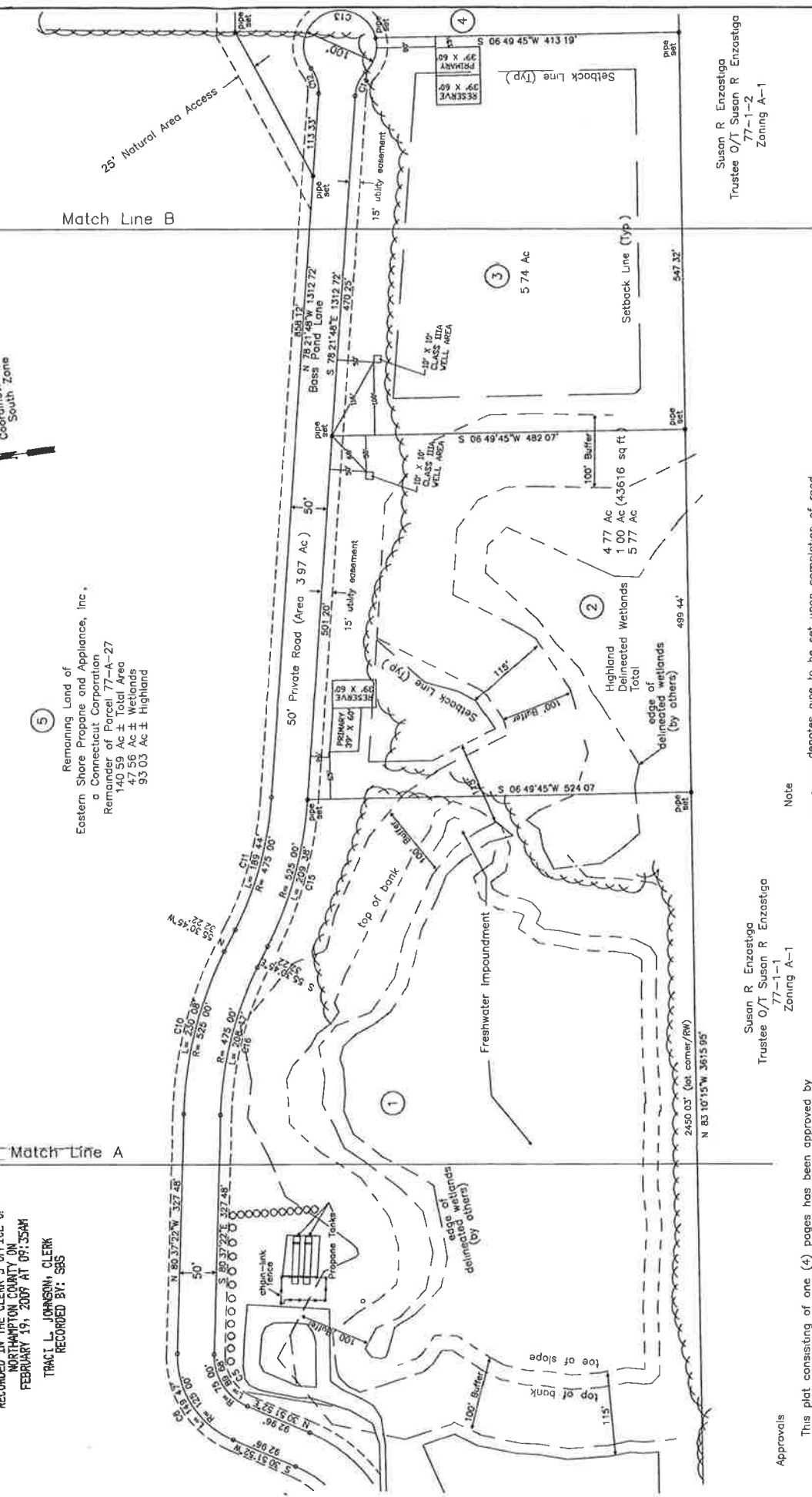
*Melissa Dupard-Jellum* date 2/19/2009  
 Zoning Administrator, Northampton County

INSTRUMENT #00000280  
 RECORDED IN THE CLERK'S OFFICE  
 NORTHAMPTON COUNTY ON  
 FEBRUARY 19, 2009 AT 05:31AM  
 TRACI L. JOHNSON, CLERK  
 RECORDED BY: 985

INSTRUMENT #200902281  
 RECORDED IN THE CLERK'S OFFICE OF  
 NORTHAMPTON COUNTY ON  
 FEBRUARY 19, 2009 AT 09:25AM  
 TRACI L. JOHNSON, CLERK  
 RECORDED BY: SBS

5  
 Remaining Land of  
 Eastern Shore Propane and Appliance, Inc.,  
 a Connecticut Corporation  
 Remainder of Parcel 77-A-27  
 140.59 Ac ± Total Area  
 47.56 Ac ± Wetlands  
 93.03 Ac ± Highland

Match Line B



Match Line A

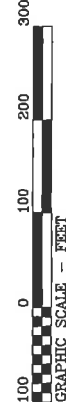
Susan R Enzostiga  
 Trustee O/T Susan R Enzostiga  
 77-1-2  
 Zoning A-1

Susan R Enzostiga  
 Trustee O/T Susan R Enzostiga  
 77-1-1  
 Zoning A-1

Note  
 — denotes pipe to be set upon completion of road

Approvals  
 This plat consisting of one (4) pages has been approved by  
 the Subdivision Agent of Northampton County and may be  
 admitted to the Land Records of Northampton County, Virginia

*Melissa S. Dupont*  
 Zoning Administrator, Northampton County  
 2/19/2009



Curve Table

Curve	Radius	Tangent	Length	Delta	Chord	Chord Bear
C8	75.00'	51.08'	89.65'	84.43'	N 05°07'15" E	
C9	75.00'	85.33'	55.38'	49.73'	S 65°07'15" W	
C10	125.00'	151.33'	133.47'	124.73'	S 65°07'15" E	
C11	475.00'	66.00'	180.44'	168.19'	S 65°56'17" E	
C12	50.00'	18.90'	36.14'	35.36'	N 80°35'54" E	
C13	50.00'	56.69'	29.35'	29.49'	S 11°35'12" W	
C14	50.00'	18.90'	36.14'	35.36'	N 80°35'54" W	
C15	475.00'	105.10'	239.58'	230.03'	N 57°39'31" W	
C16	475.00'	105.10'	239.57'	230.31'	N 59°04'00" W	

PLAT OF SURVEY  
 "Brockenberry Bay Estates"  
 Located North of Oyster, Eastville  
 District, Northampton County, Virginia  
 Sheet 2 of 4  
 STORE ENGINEERING CO., INC. DATE Nov 19, 2008  
 ENGINEERS - SURVEYORS SCALE 1" = 100'  
 P O BOX 354, MELFA, VA 23410  
 757-787-2773  
 JOB# 16-0107-S



Approvals

This plat consisting of one (4) pages has been approved by the Subdivision Agent of Northampton County and may be admitted to the Land Records of Northampton County, Virginia

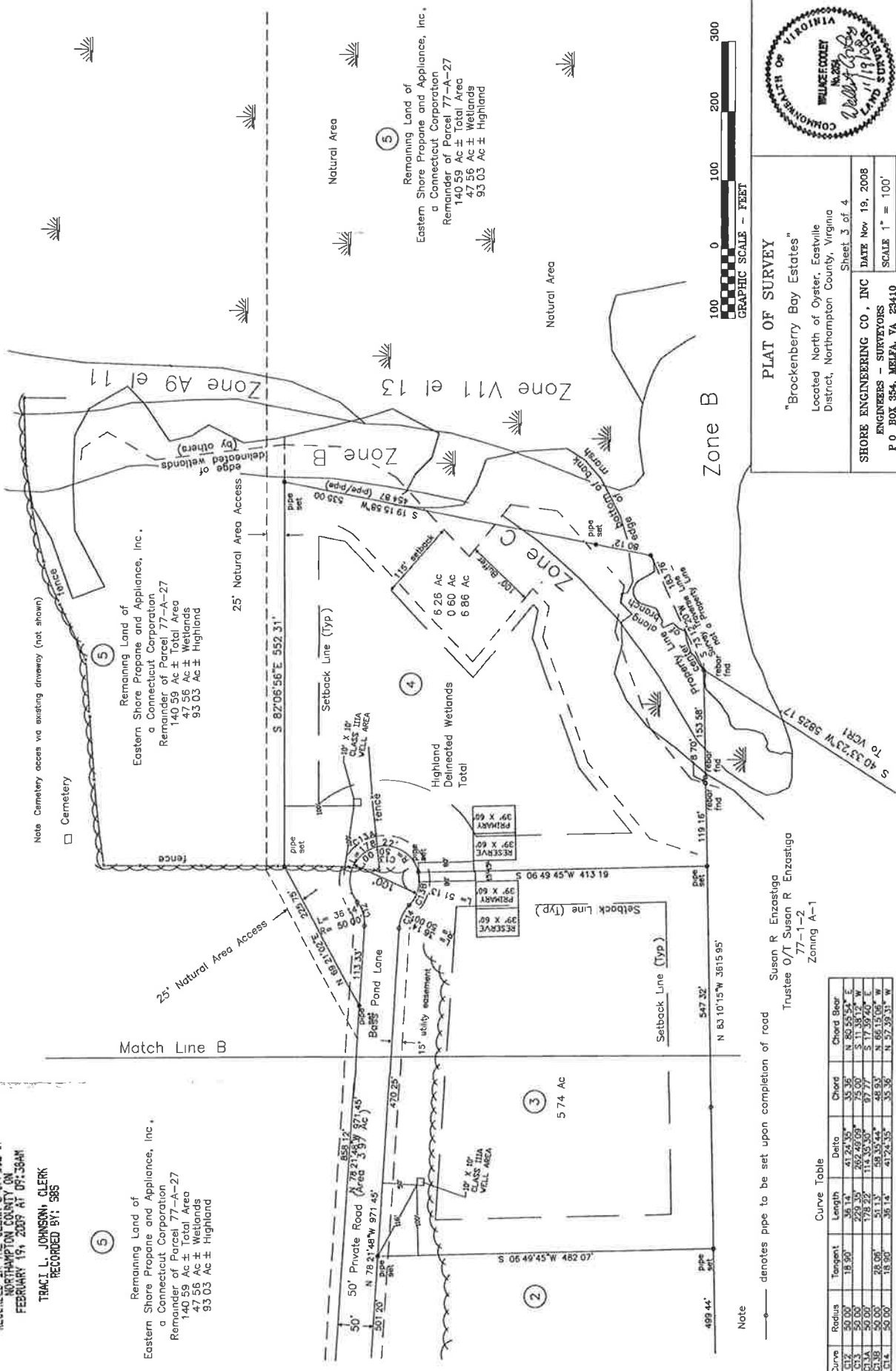
*Melissa S. Dunspeid-Jellison* 2/19/2009  
 Zoning Administrator, Northampton County

INSTRUMENT #00000282  
 RECORDED IN THE CLERK'S OFFICE OF  
 NORTHAMPTON COUNTY ON  
 FEBRUARY 19, 2009 AT 09:36AM

TRACI L. JOHNSON, CLERK  
 RECORDED BY: 585

(5)

Remaining Land of  
 Eastern Shore Propane and Appliance, Inc.,  
 a Connecticut Corporation  
 Remainder of Parcel 77-A-27  
 140.59 Ac ± Total Area  
 47.56 Ac ± Wetlands  
 93.03 Ac ± Highland



Note

— denotes pipe to be set upon completion of road  
 Susan R. Enzastiga  
 Trustee O/T Susan R. Enzastiga  
 77-1-2  
 Zoning A-1

Curve Table

Curve	Radius	Tangent	Length	Delta	Chord	Chord Bear
C1.2	50.00'	18.90'	35.14'	47.24.55"	35.35'	N. 80.55.54" E
C1.3	50.00'	18.90'	35.14'	47.24.55"	35.35'	N. 80.55.54" E
C1.4	50.00'	18.90'	35.14'	47.24.55"	35.35'	N. 80.55.54" E
C1.5	50.00'	18.90'	35.14'	47.24.55"	35.35'	N. 80.55.54" E
C1.6	50.00'	18.90'	35.14'	47.24.55"	35.35'	N. 80.55.54" E
C1.7	50.00'	18.90'	35.14'	47.24.55"	35.35'	N. 80.55.54" E
C1.8	50.00'	18.90'	35.14'	47.24.55"	35.35'	N. 80.55.54" E
C1.9	50.00'	18.90'	35.14'	47.24.55"	35.35'	N. 80.55.54" E
C1.10	50.00'	18.90'	35.14'	47.24.55"	35.35'	N. 80.55.54" E

PLAT OF SURVEY

"Brockenberry Bay Estates"  
 Located North of Oyster, Eastville  
 District, Northampton County, Virginia

SHORE ENGINEERING CO., INC  
 ENGINEERS - SURVEYORS  
 P O BOX 554, MELPA, VA 23610  
 SCALE 1" = 100'  
 SHEET 3 OF 4  
 DATE Nov. 19, 2008  
 JOB# 16-0107-S



Owners Consent and Dedication

The Subdivision of the land described herein is with the free consent and in accordance with the desires of the undersigned owners. All statements affixed to this plat are true and correct to the best of my knowledge.

*[Signature]* date 12/19/08  
President, Eastern Shore Propane and Appliance, Inc.  
Box 327,  
Belle Meade, Va.  
PR. 757-442-2453

State of Virginia  
County of Northampton



The foregoing statement of consent was acknowledged before me this 14th day of December, 2008  
*James R. Beble* Jane Beble #271618  
Notary Public  
My Commission Expires Dec 31 2010

Surveyor's Certificate

I hereby certify, that to the best of my knowledge and belief, all of the requirements as set forth in the Subdivision Ordinance of the County of Northampton, Virginia have been complied with.

Given under my hand this 17th day of November, 2008  
*Walter Coley*

This subdivision is approved for individual onsite sewage systems in accordance with the provisions of the Code of Virginia, and the Sewage Handling and Disposal Regulations (12 VAC 5-610-10 et seq., the Regulations)

This subdivision was submitted to the Health Department for review pursuant to §32-1-163.5 of the Code of Virginia which requires the Health Department to accept private soil evaluations and designs from an Authorized Onsite Soil Evaluator (AOSE) or a Professional Engineer working in consultation with an AOSE for residential development. The Department is not required to perform a field check of such evaluations. This subdivision was certified as being in compliance with the Board of Health's regulations by Grant M. Cooley Certified AOSE No. 219 Phone: 1757-787-2775. This subdivision approval is issued in reliance upon that certification.

Pursuant to §360 of the Regulations this approval is not an assurance that Sewage Disposal System Contract Plans meet the requirements of the Regulations, unless that lot is specifically identified as having an approved site for an onsite sewage disposal system, and unless all conditions and circumstances are present at the time of application for a permit as are present at the time of this approval. This subdivision may contain lots that do not have approved sites for onsite sewage systems.

*[Signature]* date 12-23-08  
Health Department, Northampton County

All underground utilities within the Subdivision shall be installed in accordance with the Northampton County Subdivision Ordinance, Nov. 15, 2000 as amended.

Approvals

This plat consisting of one (4) pages has been approved by the Subdivision Agent of Northampton County and may be admitted to the Land Records of Northampton County, Virginia.

*Melissa J. Dugan* date 2/19/2009  
Zoning Administrator, Northampton County

Source of Title

The property contained in this subdivision entitled Brockberry Boy Estates and contains 49.09 acres as shown on this plat is a portion of the property conveyed to Eastern Shore Propane and Appliance, Inc., a Connecticut Corporation by Glenair, Inc., a Virginia Limited Liability Company, by deed dated March 6, 2000 and recorded in the Land Records of Northampton County, Virginia in Deed Book 318 Page 61 The Base Parcel, Tax Map No. 77-A-27, contains 189.68 Ac (per Plat Reference No. 1) including 49.90 Ac of wetlands and 139.79 ac of highland.

Previous or adjacent surveys  
1) Map of the H.S. Thomas Farm near Chesapeake, Virginia Surveyed at the request of H.S. Thomas dated May, 1925 by G.H. Badger Co. S  
2) Plans of the widening and relocation of S R. 600, Proj. No. 0600-065-125, C-501 as prepared by the Virginia Department of Highways

General Notes

Property Zoned A-1  
Total Number of Parcels 5 (including base parcel)  
Parcels to be served by individual water system and sewage systems  
Flood Zone FIRM 510105 0040 C dated August, 3, 1992 Zone C, B & A9 el 11  
County Tax Map 77-A-27

Monumentation Individual parcel corners will be marked with iron pipe. Remaining monumentation to be set upon completion of road.

This plat is based on a current field survey.

The error of closure of this boundary survey as shown on this plat does not exceed one foot in ten thousand.

These residential building lots are located in an agricultural area. Agriculture is the primary economic activity of this zoning district. Owners, residents, and other users of property may be subject to inconvenience or discomfort arising from agricultural operations even though conducted in accordance with best management practices and/or in accordance with existing laws and regulations of the Commonwealth and the County. Such agricultural operations may generate noise, odors, and dust may involve the operation of machinery, including aircraft and may involve the storage and disposal of manure, and the application of fertilizer, soil amendments, and pesticides. Owners, occupants, and users of land should be prepared to accept such inconveniences or discomfort as a normal and necessary aspect of living in an agricultural zoning district or a county with a strong rural character and an active agricultural sector.

The streets in this subdivision do not meet the standards necessary for inclusion in the system of state highways and will not be maintained by the Virginia Department of Transportation or Northampton County and are not eligible for rural additional funds or any other funds appropriated by the General Assembly. Any private street shown on this subdivision shall be maintained by the owner of the road. This subdivision shall be in accordance with a Maintenance Agreement, recorded (if even date with the subdivision plat) as Instrument No. 09 0002284-22 recorded in the Clerk's Office of Northampton County on February 9, 2009 at 09:42AM.

No Title Report furnished

Except as specifically stated or shown on this plat, this survey does not purport to reflect any of the following which may be applicable to the subject real estate easements, building setback lines, restrictive covenants, subdivision restrictions, zoning or other land use regulations, and any other facts that an accurate and current title search may disclose.

The roads in this subdivision do not meet the Virginia Department of Transportation's requirements and will not be maintained by either the County or the Virginia Department of Transportation and will have to be constructed in full compliance with the Department's requirements in effect at the time of compliance with the property owners prior to requesting addition of the road.

Setback Lines are those applicable as of the date of the Approval of the plat.

Tax Parcel 77-A-27 has not been subdivided since December 28, 2000 and is therefore considered a Base Parcel under the current Northampton County Zoning Ordinance. Under the current Northampton County Zoning Ordinance this base parcel is allowed to contain a total of 8 lots. This plat represents the base containing five (5) total lots, three (3) lots are remaining.

PLAT OF SURVEY

"Brockberry Boy Estates"  
Located North of Oyster, Eastville District, Northampton County, Virginia

SHORE ENGINEERING CO., INC. DATE Nov. 19, 2008  
ENGINEERS - SURVEYORS SCALE 1" = 100'  
P O BOX 354, MELFA, VA 23410  
757-787-2773 JOB# 16-0107-S



INSTRUMENT #09002284-22  
RECORDED IN THE CLERK'S OFFICE OF  
NORTHAMPTON COUNTY ON  
FEBRUARY 9, 2009 AT 09:42AM  
TRACT L. JOHNSON, CLERK  
RECORDED BY: SBS

# Northampton County, Virginia

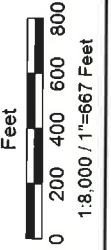
## Legend

- Town Names
- Route Numbers
- Road Labels
- Parcels
- Lot Labels
- Address Labels
- ..... Driveways



**Title: Brockenberry Bay Estates Subdivision**

**Date: 4/16/2015**



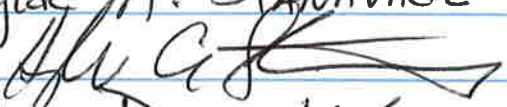
DISCLAIMER: This drawing is neither a legally recorded map nor a survey and is not intended to be used as such. The information displayed is a compilation of records, information, and data obtained from various sources, and the Northampton County is not responsible for its accuracy or how current it may be.



4/16/15  
Northampton County Board of Supervisors  
P.O. Box 66  
Eastville, VA 23347

Dear Chairman,

This is my request for Plat of Survey of the BROCKENBERRY Bay Subdivision, located North of Oyster, Eastville District, Northampton County, Virginia. Property lines be VACATED by the Board of Supervisors by Ordinance.

Sincerely,  
Hylee A. STANAVAGE  
  
RED DRUM LLC  
P.O. Box 178  
Cheriton, VA 23316

