



May 14, 2024

Ms. Michele Schneider
Pfeifer Law
1311 Jamestown Road, #102
Williamsburg, VA 23185

Dear Ms. Schneider:

SUBJECT: 413 Burts Road

Thank you for your patience while I researched your question as to the legality of the creation of the lot known as 413 Burts Road. Our research has found evidence that the subject parcel was a result of a split of the original property into two parcels known as Lots 86 and 86A by the plat of the Charles Patrick Estate dated July 25, 1962 recorded in Deed Book 162 Page 43 in the York Poquoson Court-house (*"the plat"*). In 1962, the properties were zoned A-1, Agriculture – Forestry – Rural Residential, as shown on the 1957 Zoning Map. The Zoning Ordinance in effect in 1962 included the minimum lot area for a lot in A-1 zoning to be 20,000 square feet and the minimum frontage of one hundred (100') feet per lot. The plat indicates the two resulting lots are 1.035 acres or 45,084 square feet each and 105.92 feet and 103.02 feet of frontage respectively which complied with the zoning minimums.

The Subdivision Regulations, adopted by the Board of Supervisors on July 16, 1953 were in effect at the time of the split. In those regulations, subdivision was defined as "the division of a lot, tract or parcel of land into *three* or more lots...." Therefore, the split of the property into two equal parts in 1962 was not considered a subdivision by the County's regulations.

Therefore, the 1962 division of the property into two lots with 105.92 feet and 103.02 feet of frontage by the duly-recorded plat was in conformance with the standards of the A-1 zoning that was in effect at the time.

After conducting research of the regulations in effect at the time and the records of the subject properties, I have determined that the separation of the properties occurred in accordance with the regulations in effect at the time with properly recorded deeds. Therefore, it is my determination that the properties at 413 Burts Road (GPIN: S06c-1204-0901) and 417 Burts Road (GPIN: S06c-1200-0795) are legal lots of record and may be developed in accordance with the Zoning Ordinance of the County of York.

Ms. Michele Schneider

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Should you have questions or require additional information, please do not hesitate to contact me at (757) 890-3531.

Sincerely,



Susan D. Kassel
Zoning Administrator

Enclosures

- (a) Plat of Charles Patrick Estate
- (b) Deed (Instrument #040003697)

CC: Dina Goode, Zoning and Code Enforcement Supervisor
Earl Anderson, Chief of Development Services

NOTICE

In accordance with Section 15.2-2311 of the Code of Virginia, a decision of the Zoning Administrator, or any order, requirement, decision or determination of an administrative officer in the enforcement of the Zoning Ordinance may be appealed within thirty (30) days to the Board of Zoning Appeals, and, if not, the decision, order or requirement shall be final and unappealable. The filing fee for an appeal application is \$310. Information regarding the appeal application process can be obtained by contacting the Secretary of the Board of Zoning Appeals (757-890-3531).



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Sales consideration: \$28,000.00
Map No. 029-86 5040-1204-0901
Property address: 413 Burts Road

THIS DEED, made this 10th day of September, 2003, by and between JAMES W. ELLIOTT, Special Commissioner, party of the first part, on behalf of JAMES A. GREGORY, CHARLES E. GREGORY, IRVIN S. GREGORY, ELSIE G. WRAY, JOSEPHINE G. SMITH, WILLIAM M. GREGORY and THOMAS O'NEAL LEWIS, "Grantors" and RICHARD C. EPSTEIN, party of the second part, "Grantee" whose address is 2223 N. Mallory Street, Hampton, Virginia 23664; and LEONARD EPSTEIN, party of the third part, "Grantor" for the purposes of indexing.

WITNESSETH, that whereas, it was Ordered and Decreed by the Circuit Court for the County of York, Virginia, in the pending Chancery cause of "The Board of Supervisors of York County, Virginia, Complainant vs. James A. Gregory, et als, etc., Respondents", that the said James W. Elliott be, and was, appointed Special Commissioner to sell subject to confirmation by the Court, all that piece or parcel of land described as follows:

All that certain parcel of land containing 1.035 acre, plus or minus, in Grafton District, York County, Virginia, shown on a plat entitled, "Plat of the Charles Patrick Estate, Grafton District, York County, Virginia", made by Murray & Dischinger, Engineers, Hampton, Virginia, July 25, 1962, a copy of which said plat is recorded in Deed Book 162, page 43. And designated as tax map number 029-86.

Together with all and singular the buildings and improvements thereon, rights and privileges, tenements, hereditaments, easements and appurtenances unto the said land belonging or in anywise appertaining.

Subject, however, to all restrictions, easements and rights-of-way and other conditions of record.

And being the same property conveyed unto Catherine P. Gregory by deed recorded

JAMES W. ELLIOTT
ATTORNEY AT LAW
OFFICE BOX 1410
HAMPTON, VA. 23692

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in the York County Circuit Court Clerk's Office in Deed Book 172 at page 378 and transferred to the Grantors herein pursuant to a List of Heirs recorded in York County Deed Book 91, at page 674.

WHEREAS, the said James W. Elliott, Special Commissioner, in pursuance of said Decree, did offer for sale at public auction the piece and parcel of land aforesaid mentioned and described after having first advertised the time, place and terms of sale as specified by the Court, at which sale Richard C. Epstein and Leonard Epstein were the highest bidders, for the sum of \$28,000.00 and said bidders offered the sum of \$28,000.00 being the full purchase price, and

WHEREAS, the said sale was confirmed by the Court on the 22nd day of July, 2003, and the Special Commissioner was directed to make, execute and deliver to the said purchaser, a deed with covenants of Special Warranty to the property aforesaid, and

WHEREAS, the said Leonard Epstein has assigned for good and valuable consideration, receipt of which is hereby acknowledged, all of his right title and interest in and to the aforesaid property to the said Richard C. Epstein as evidenced by his signature to this Deed, and

WHEREAS, in pursuance of statutes made and provided in such cases, the names of the parties on whose behalf this conveyance is made are here set out, to-wit: **JAMES A. GREGORY, CHARLES E. GREGORY, IRVIN S. GREGORY, ELSIE G. WRAY, JOSEPHINE G. SMITH, WILLIAM M. GREGORY and THOMAS O'NEAL LEWIS.**

NOW, THEREFORE, in consideration of the premises and the sum of \$28,000.00, deposited as aforesaid, the said James W. Elliott, Special Commissioner, in order to carry into effect the said sale in pursuance to said Decree, doth give, grant, bargain, sell and convey unto Richard C. Epstein, and with covenants of Special Warranty, the hereinabove described piece and parcel of land with its appurtenances.

WITNESS the following signatures and seals:

[Signature] (seal)
JAMES W. ELLIOTT
Special Commissioner

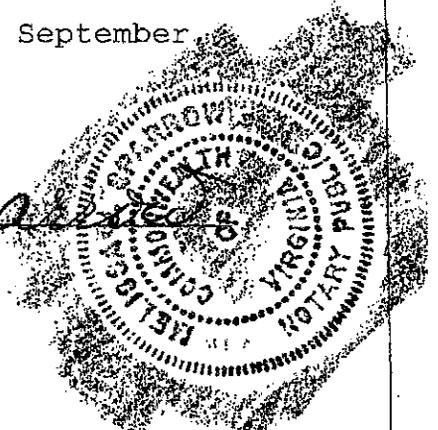
[Signature] (seal)
LEONARD EPSTEIN

STATE OF VIRGINIA
COUNTY OF YORK, to-wit:

I, Melissa J. Sparrow, a Notary Public in and for the County and State aforesaid, whose commission expires on the 28th day of February, 2006, do hereby certify that James W. Elliott, Special Commissioner, whose name is signed to the foregoing deed, has acknowledged the same before me in my said jurisdiction.

Given under my hand this 10th day of September, 2003.

[Signature]
Notary Public



STATE OF VIRGINIA
CITY/COUNTY OF York, to-wit:

I, Melaney Thomas, a Notary Public in and for the County and State aforesaid, whose commission expires on 3-31-2007, do hereby certify that Leonard Epstein, whose name is signed to the foregoing deed, has acknowledged the same before me in my said jurisdiction.

Given under my hand this 25th day of February, 2003.

[Signature]

VIRGINIA, COUNTY OF YORK: In the Clerk's Office of the Circuit Court for the County of York, this deed was admitted to record at 12:18 o'clock P M. The taxes imposed by § 58.1-801, et al., of the Code of Virginia have been paid.

State Tax \$ 42.00
Local Tax \$ 14.00
Additional \$ 28.00

Teste: LYNN S. JENKINS, CLERK

[Signature] D.C.