



COUNTY OF ALBEMARLE
Department of Community Development
401 McIntire Road, North Wing
Charlottesville, Virginia 22902-4596

Phone (434) 296-5832

Fax (434) 972-4126

September 2, 2015

Scott Dahlquist
3676 Taylors Gate Drive
Charlottesville VA 22903

RE: LOD2015-00013 - OFFICIAL DETERMINATION OF PARCEL OF RECORD & DEVELOPMENT RIGHTS – Parcel ID 07300-00-00-039C7
(Property of PAUL & BARBARA JASIURKOWSKI) Samuel Miller Magisterial District

Dear Mr. Dahlquist:

The County Attorney and I have reviewed the title information for the above-noted property. It is the County Attorney's advisory opinion and my official determination that **Parcel ID 07300-00-00-039C7** is comprised of one (1) parcel of record with three (3) theoretical development rights. The basis for this determination follows.

The Albemarle County Real Estate Assessment records indicate **Parcel ID 07300-00-00-039C7** contains 19.63 acres and zero (0) dwellings. The property is zoned RA, Rural Areas.

The most recent deed for **Parcel ID 07300-00-00-039C7**, recorded prior to December 10, 1980, the date of adoption of the Zoning Ordinance, is recorded in Deed Book 688, page 22 dated January 10, 1980.

PRIOR TO DECEMBER 10, 1980
Parcel ID 73-39 - (21.227ac)

Deed Book / Page	Date	Parcel Change Y or N	Description	Acres
688 / 22	01/10/1980	Y	The following parcels of land ...as follows: FIRST: Unto Pamela S. Thomas, 21.227 acres shown as Tract One on a plat of Thomas D. Blue, Civil Engineer and Land Surveyor, dated January 24, 1979, hereto attached and made part of this deed.	21.227 acres

AFTER DECEMBER 10, 1980
Parcel ID 73-39 - (21.227ac) and Parcel ID 73-39C7 - (19.63ac)

Deed Book / Page	Date	Parcel Change Y or N	Description	Acres	Development Rights
1058 / 34	05/15/1989	N	All that certain parcel or tract of land containing 21.227 acres and shown as Tract One on a plat of Thomas D. Blue, Civil Engineer and Land Surveyor, dated January 24, 1979 in DB 688 P 22.	21.227ac	5

1233 / 723	04/08/1992	Y	Recordation of a DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR TAYLOR'S MOUNTAIN. Being more particularly described as Lots 8 through 10, on plat of Roger W. Ray & Assoc., Inc., dated April 3, 1992, entitled Subdivision Plat Lots 1 Thru 10 Taylor's Mountain Subdivision..., which plat is attached to and made part of this Declaration. Lot 8 becomes Parcel 39C7. The plat makes the following statement "TAX MAP 73-39 HEREBY WAIVES 2 DIVISION RIGHTS. NO DIVISION RIGHTS REMAIN WITH ANY OF THESE PARCELS." <u>This statement is determined to be incorrect.</u> Division rights, also known as development rights within this letter of determination, cannot be waived by a property owner. When subdivisions of property zoned RA, Rural Areas occur development rights must be assigned to all lots within the subdivision. Any lot created must be at least two (2) acres and specifically each lot that is created that is less than twenty-one (21) acres in size must be assigned at least one (1) development right. As noted above the 21.227 acres was a parcel of record as of 12/10/1980 thus would have been assigned five (5) development rights per the Zoning Ordinance. The Taylor's Mountain subdivision plat created three (3) lots from Parcel 39 which was 21.227 acres; Lot 8 was 15.49 acres, Lot 9 was 2.28 acres and Lot 10 was 3.55 acres. Lots 9 and 10 are both lots of a size that only one (1) development right could be assigned to each. Lot 8 was 15.49 acres which is less than twenty-one (21) acres and thus needed at least one development right assigned to it as well. The note on the plat referred to the remaining two (2) development rights as being waived. Lots 9 and 10 are each only large enough for one (1) lot, two (2) acre RA minimum, and thus are assigned one (1) development right each. This would mean that the remaining three (3) development rights would have been required to be assigned to Lot 8. The note referring to the division rights being waived should have referred to Lot 8 as to have been assigned three (3) division rights. My determination, with this letter, is that Lot 8 (Parcel 39C7) contains three (3) development rights.		
				<u>Lot 8 - 15.49ac</u>	3
				Lot 9 - 2.28ac	1
				Lot 10 - 3.55ac	1

3617 / 666	06/17/2008	Y	Grantors and Grantees desire to adjust the mutual boundary line between their respective properties as shown on a plat of Brian L. Ray, Land Surveyor, dated October 17, 2007, revised January 29, 2008, entitled, "Boundary Line Adjustment Plat Parcel X A Portion of Tax Map 73 Parcel 42A Being Added & Combined With Lot 8, Taylor's Mountain Subdivision, said plat attached hereto and made a part hereof.	<u>15.49ac</u>	3
				+	+
				4.14ac	0
				=	=
				19.63ac	3

On the basis of these deeds

Parcel ID 07300-00-00-039C7 is comprised of approximately 19.63 acres^{+/-}, and is determined to contain three (3) theoretical development rights within the original 15.49 acres^{+/-}.

The parcel is entitled to the noted development rights if all other applicable regulations can be met. These development rights may only be utilized within the bounds of the original parcel with which they are associated. These development rights are theoretical in nature but do represent the maximum number of lots containing less than twenty-one acres allowed to be created by right.

If you are aggrieved by this determination, you have a right to appeal it within thirty (30) days of this notice, in accordance with *Virginia Code* § 15.2-2311. If you do not file a timely appeal, this determination shall be final and unappealable.

An appeal may be taken only by filing an appeal application with the Zoning Administrator and the Board of Zoning Appeals, in accordance with § 34.3 of the Zoning Ordinance, along with a fee of \$240 plus the actual cost of advertising the appeal for public hearing.

Applications for Appeal of the Zoning Administrator's Determination are available at the Department of Community Development located at 401 McIntire Road, Charlottesville, Virginia 22902 or online at www.albemarle.org/cdapps. This form applies to the appeal of a decision of the zoning administrator or any other administrative officer pertaining to the Zoning Ordinance.

Regulations pertaining to the filing of an appeal to the Board of Zoning Appeals are located in Chapter 18, Section 34.3 of the Zoning Ordinance. They may be reviewed online at www.albemarle.org/countycodebza.

(Please note that our online documents are in Adobe Acrobat PDF format and must be viewed with the Adobe Acrobat Reader or an equivalent. A link to download the free plug-in is available at the bottom of www.albemarle.org/cdapps.)

If you have any questions, please contact me.

Sincerely,

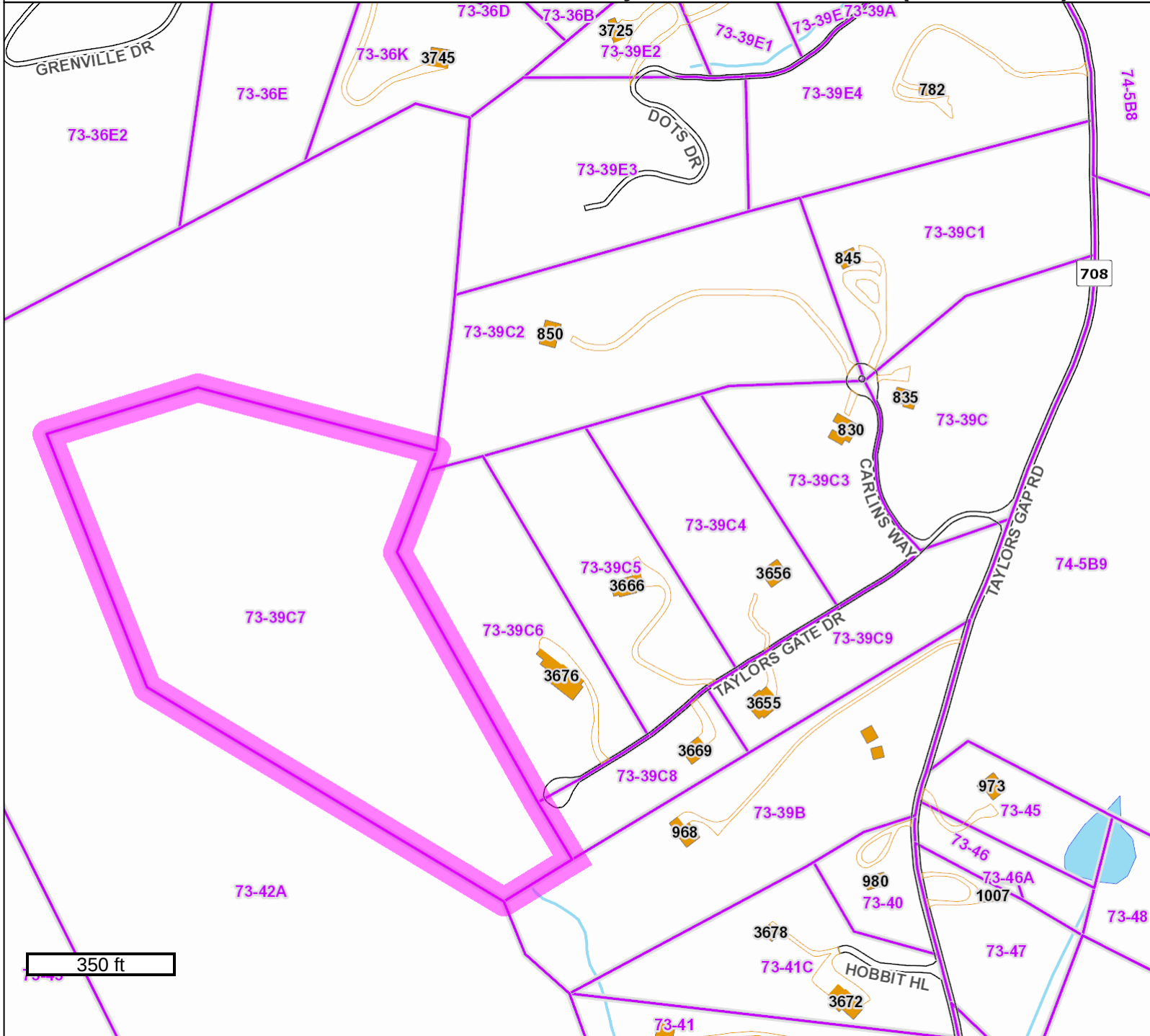


Francis H. MacCall
Principal Planner

Attachment: Map of Parcel 39C7
Copy: Ella Jordan, Clerk of the Board of Supervisors

Paul & Barbara Jasiurkowski
759 Broomley Rd
Charlottesville VA 22901

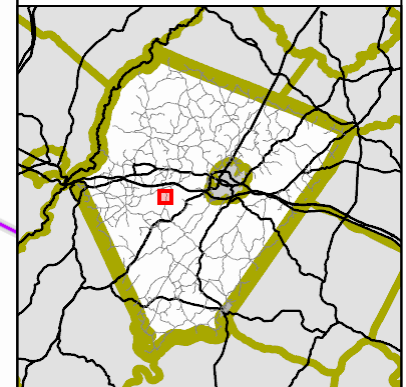
LOD 2015-00013 Taylor's Mountain Lot 8 (Parcel 39C7)



Legend

(Note: Some items on map may not appear in legend)

- Points of Interest
 - AIRPORT
 - COLLEGE/UNIVERSITY
 - COMMUNITY
 - FIRE/RESCUE STATION
 - GOVERNMENT
 - HOSPITAL
 - LIBRARY
 - POLICE STATION
 - POST OFFICE
 - RECREATION/TOURISM
 - SCHOOL
- Parcel Info
 - Parcels
- Zoning Info
 - Zoning Entrance Corridors
 - Proffers
 - Natural Resource Extracts
- Zoning Classifications
 - Rural Areas
 - Village Residential
 - R2 Residential
 - R2 Residential
 - R4 Residential
 - R6 Residential
 - R10 Residential
 - R15 Residential
 - Planned Unit Development
 - Planned Residential Devel
 - Neighborhood Model Dist
 - Monticello Historic District
 - C1 Commercial
 - Commercial Office
 - Highway Commercial
 - Planned Development Sh
 - Planned Development Mix
 - Downtown Crozet District
 - Light Industry
 - Heavy Industry
 - Planned Development Ind
 - Town of Scottsville



GIS-Web
Geographic Data Services
www.albemarle.org
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