



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

Phone (434) 296-5832

Fax (434) 972-4126

October 27, 2015

Peter O'Brien
8893 Totter Lake Farm Rd
Scottsville VA 24590

RE: LOD2015-00014 - OFFICIAL DETERMINATION OF PARCEL OF RECORD & DEVELOPMENT RIGHTS – Parcel ID 13000-00-00-00800 (Property of J GILBERT & DOLORES T SOMERS) Scottsville Magisterial District

Dear Mr. O'Brien:

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 13000-00-00-00800** is comprised of two (2) parcels of record, one with one (1) theoretical development right and one with five (5) theoretical development rights. The basis for this determination follows.

The Albemarle County Real Estate Assessment records indicate **Parcel ID 13000-00-00-00800** contains 89.29 acres and three (3) dwellings. The property is zoned RA, Rural Areas.

The most recent deed for **Parcel ID 13000-00-00-00800**, recorded prior to December 10, 1980, the date of adoption of the Zoning Ordinance, is recorded in Deed Book 530, page 524 dated May 22, 1973.

PRIOR TO DECEMBER 10, 1980
Parcel ID 13000-00-00-00800 – (90.45ac & 20.3ac)

Deed Book / Page	Date	Parcel Change Y or N	Description	Acres
319 / 235	09/01/1955	Y	...all those two certain tracts or parcels of land, aggregating 110.75 acres as shown on plat of Carroll Gillispie, C.L.S., S.B.C., dated 8/9/55. According to said plat the above conveyed land consists of a tract of 90.45 acres and a tract of 20.3 acres which are described by metes and bounds as follows ...	
			TRACTS OF 90.45 ACRES: ...	90.45
			TRACT OF 20.3 ACRES: ...	20.3
401 / 343	09/22/1694	N	The land hereby conveyed consists of two separate non-adjointing parcels of land which are connected by a 20 foot right of way as shown on said plat ...	
			... all of the following described real estate, to-wit: Tract I. All that certain tract or parcel of land, containing 110.75 acres, more or less... Being more particularly described as to metes and bounds by two separate plats of survey made by Carroll Gillispie, C.L.S., S.B.C., dated August 9, 1955.	90.45 20.3

501 / 586	02/08/1972	N	... all of the following described real estate, to-wit: <u>Tract I:</u> All that certain tract or parcel of land, containing 110.75 acres, more or less described as to metes and bounds by two separate plats of survey made by Carroll Gillispie, C.L.S., S.B.C., dated August 9, 1955.	90.45 20.3
530 / 524	05/22/1973	N	... all of the following described real estate, to-wit: <u>Tract I:</u> All that certain tract or parcel of land, containing 110.75 acres, more or less described as to metes and bounds by two separate plats of survey made by Carroll Gillispie, C.L.S., S.B.C., dated August 9, 1955.	90.45 20.3

AFTER DECEMBER 10, 1980
Parcel ID 13000-00-00-00800 – (68.99ac & 20.3ac)

Deed Book / Page	Date	Parcel Change Y or N	Description	Acres	Development Rights
976 / 498	01/18/1988	Y	All that certain lot or parcel of land, containing 5.067 acres, more, or less, shown as "Lot 1" on a plat of Gary M. Whelan, C.L.S. dated April 9, 1987. At this time the surveyor is accounting for the total of both parcels and refers to a 105.74 acre residue on the plat recorded with this deed. This division and the following 3 other subdivisions all are divided from the 90.45 acre parcel noted in the table above. Using the numbers from the recorded plat, 85.44 acres would be left from the original 90.45 acres after the subdivision of the 5.067 acres. The 20.3 acres remains a separate parcel.	5.067 105.74 = (85.44 + 20.3)	1 4 5
1002 / 607	07/01/1988	Y	All that certain lot or parcel of land, containing 6.441 acres, more, or less, shown as "Lot 2" on a plat of Gary M. Whelan, C.L.S. dated March 17, 1988. At this time the surveyor is accounting for the total of both parcels and refers to a 99.3 acre residue on the plat recorded with this deed.	6.441 99.29 = (78.99 + 20.3)	1 3 5
1081 / 115	06/16/1989	Y	All that certain lot or parcel of land, containing 5.008 acres, more, or less, shown as "Lot 3" on a plat of Robert L. Lum, C.L.S. dated April 25, 1989. At this time the surveyor is accounting for the total of both parcels and refers to a 94.2 acre residue on the plat recorded with this deed.	5.008 94.28 = (73.99 + 20.3)	1 2 5
1081 / 119	06/06/1989	Y	All that certain lot or parcel of land, containing 5.00 acres, more, or less, shown as "Lot 4" on a plat of Robert L. Lum, C.L.S. dated May 5, 1989. At this time the surveyor is accounting for the total of both parcels and refers to an 89.2 acre residue on the plat recorded with this deed.	5.00 89.28 = (68.99 + 20.3)	1 1 5

On the basis of these deeds

Parcel ID 13000-00-00-00800 is determined to be two (2) parcels of record, one comprised of approximately 68.99 acres[±], containing 1 development right, and one comprised of approximately 20.3 acres[±], containing 5 development rights.

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 \$258 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,



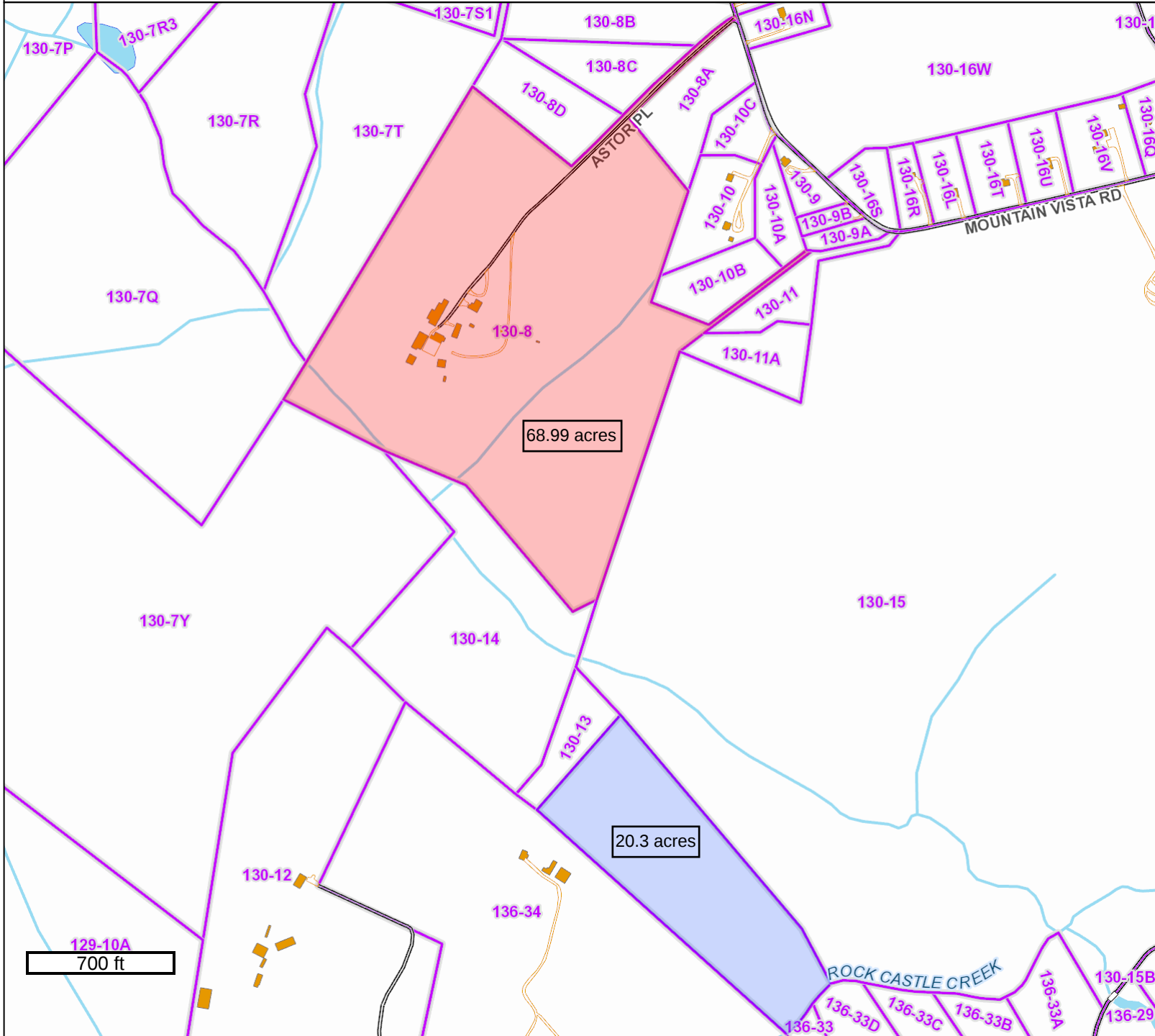
Francis H. MacCall
Principal Planner

Attachment: Map delineating parcels of record.

Copy: Sheila L. Conrad, Real Estate Tech, Real Estate
Ella Jordan, Clerk of the Board of Supervisors

J Gilbert and Dolores Gilbert Somers
PO BOX 97
Scottsville VA 24590

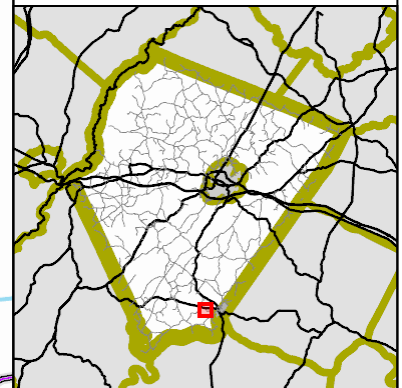
LOD2015-00014 SOMERS



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
 - 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
(434) 296-5832