



Received

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

County of Albemarle
Board of Supervisor's Office

Phone (434) 296-5832

Fax (434) 972-4126

July 5, 2016

Hamilton Moses III
3214 Oakmont Farm
North Garden, VA 22959-232

RE: LOD2016-00010 - OFFICIAL DETERMINATION OF PARCEL OF RECORD & DEVELOPMENT RIGHTS – Parcel ID 11100-00-00-00500 (Property of Hamilton & Alexandra Moses) Samuel Miller Magisterial District

Dear Mr. Moses:

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 11100-00-00-00500** is one (1) parcel of record containing 48.725 acres of land. The parcel has one (1) theoretical development right which, when considered with two (2) potential 21 acre lots, could result in three division rights. The basis for this determination follows.

The Albemarle County Real Estate Assessment records indicate **Parcel ID 11100-00-00-00500** contains 48.725 acres and three (3) dwellings. The property is zoned RA, Rural Areas.

The most recent deed for the **Parcels**, recorded prior to December 10, 1980, the date of adoption of the Zoning Ordinance, is recorded in Deed Book 1401, page 449, dated May 3, 1994.

PRIOR TO DECEMBER 10, 1980
Parcel ID 11100-00-00-00500 – (147.326 acres)

Deed Book / Page	Date	Parcel Change Y or N	Description	Acres
354 / 471	12/03/1959	N	"...all the certain tract or parcel of land...containing 147.326 acres as shown on plat of A. R. Sweet..." This deed references and includes a survey plat by A. R. Sweet and Associates, Engineers and Surveyors, dated May, 1958 showing the 147.326 acre parent Parcel.	147.326
367 / 382	04/26/1961	N	"...all the certain tract or parcel of land...containing 147.326 acres as shown on plat of A. R. Sweet..." This deed references the same survey plat from Deed Book 354, page 471, by A. R. Sweet and Associates, Engineers and Surveyors, dated May, 1958 showing the 147.326 acre parent Parcel and being the same land conveyed in Deed Book 354, page 471.	147.326
678 / 662	08/22/1979	N	"...all the certain tract or parcel of land...containing 147.326 acres, more or less, as shown and more particularly described on plat of A. R. Sweet..." This deed references the same survey plat from Deed Book 354, page 471, by A. R. Sweet and Associates, Engineers and Surveyors, dated May, 1958 showing the 147.326 acre parent Parcel and being the same land conveyed in Deed Book 367, page 382. This deed	147.326

			establishes the Parcel of Record with five (5) theoretical development rights	
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AFTER DECEMBER 10, 1980
Parcel ID 11100-00-00-00500 – (48.725)

Deed Book / Page	Date	Parcel Change Y or N	Description	Acres	Development Rights
1220 / 568	04/27/1992	Y	This is a Certificate of Plat to record the subdivision of TMP111-5 into two parcels, one of 48.725 acres (TMP111-5) and one of 98.81 acres (TMP111-5A, the residue). This subdivision plat was approved by the County on April 24, 1992. This plat conveys one (1) division right to the 48.725 acre parcel. The residue retains four (4) division rights.	98.810 48.725 147.535	4 1 5
1401 / 449	05/03/1994	N	This deed conveys 48.725 acres to Hamilton Moses III & Alexandra Gibson Moses, husband and wife, being the same as the parcel shown on the plat in Deed Book 1220, page 568. This deed had no effect on the parcel or the development rights.	48.725	1

On the basis of these deeds:

Parcel ID 11100-00-00-00500 is determined to be one (1) parcel of record, comprised of approximately 48.725 acres and having one (1) theoretical development right for a 2 acre+ lot and up two additional division rights for 21 acre+ lots.

The parcels are 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 of record 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 Chapter 18, Section 34.3 of the Albemarle County Code, 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 Albemarle County Code. 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,



Ronald L. Higgins AICP
Chief of Zoning/ Deputy Zoning Administrator

Attachment: Map delineating parcels of record.

Copy: Sheila L. Conrad, Real Estate Tech, Real Estate
Travis Morris, Clerk of the Board of Supervisors

Mr. Forbes Reback, Esq.
420 Park Avenue
Charlottesville, VA 22902

