



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 11, 2016

Robert Shaw
433 Moseley Drive
Charlottesville VA 22903

RE: LOD2016-00016 - OFFICIAL DETERMINATION OF PARCEL OF RECORD & DEVELOPMENT RIGHTS – Parcel ID 02200-00-00-00600 (Property of ROBERT A & RACHEL M SHAW) Rivanna Magisterial District

Dear Mr. Shaw:

The County Attorney and I have reviewed the title information for the above-noted properties. It is the County Attorney's advisory opinion and my official determination that **Parcel ID 02200-00-00-00600** is comprised of three (3) parcels of record; two (2) with five (5) theoretical developments rights each and one (1) with three (3) theoretical developments rights. The basis for this determination follows.

The Albemarle County Real Estate Assessment records indicate **Parcel ID 02200-00-00-00600** contains 41.45 acres and zero (0) dwellings. The property is zoned RA, Rural Areas.

The most recent deed for **Parcel ID 02200-00-00-00600**, recorded prior to December 10, 1980, the date of adoption of the Zoning Ordinance is recorded in Deed Book 509, Page 241 dated June 20, 1972.

PRIOR TO DECEMBER 10, 1980
Parcel ID 02200-00-00-00600 (41.45 acres)

Deed Book / Page	Date	Parcel Change Y or N	Description	Acres
78 / 315	06/03/1881	Y	... a certain lot and parcel of land... (Described by metes and bounds) containing twenty three acres be the same more or less.	23
85 / 247	03/15/1883	Y	... a certain lot or parcel of land... and containing by survey thirteen acres, be the same more or less and bounded ads follows (Described by metes and bounds)	13
92 / 316	11/18/1888	Y	...a lot of land containing 13 acres Lot 4 in the Division...	13
197 / 36	04/30/1927	N	Conveyance of interest I two parties ...a tract of land... containing 49 acres more or less and being composed of three adjoining pieces of land as follows: (1) 23 acres... in DB 78 P 315 (2) 13 acres... in DB 85 P 247 (3) 13 acres... in DB 92 P 316	49
209 / 485	08/25/1930	N	...a tract of land... containing 49 acres more or less and being composed of three adjoining pieces of land as follows: (1) 23 acres... in DB 78 P 315 (2) 13 acres... in DB 85 P 247 (3) 13 acres... in DB 92 P 316 This is the same land conveyed... in DB 197 P 36	49
The 23 acres noted above is determined to be a separate parcel of record				

463 / 51	09/04/1969	Y	...all that lot or parcel of real estate, comprising 4.00 acres, more or less, ...as more particularly described upon a plat... which plat is to be recorded with this deed... This is a part of the land conveyed... in DB 209 P 485...	4
			The plat does not identify a residue of the parent parcel, thus by calculation 49 minus 4 equals 45 acres remaining.	45
This 4 acre parcel was divided from what is determined to be the 13 acre parcel of record from DB 92 P 316, leaving approximately 9 acres with this parcel.				
464 / 314	11/15/1966	Y	...all that certain lot or parcel of land containing 1.17 acres, more or less ...as described in a survey... and is part or portion of the real property conveyed in... DB 209 P 485...	1.55
			The plat does not identify a residue of the parent parcel. It also shows 1.55 acres and not 1.17 acres as described in the deed. Thus, per the recorded plat, and by calculation 45 minus 1.55 equals 43.45 acres remaining.	43.45
This 1.55 acre parcel was divided from what is determined to be the 9 acre parcel after the division in DB 463 P 51, leaving approximately 7.45 acres with this parcel.				
507 / 602	06/05/1972	Y	...all that lot or parcel of real estate, comprising 2.00 acres, more or less, ...as more particularly described upon a plat... which plat is to be recorded with this deed... This lot is part and parcel of a tract of 49 acres which was conveyed... in DB 209 P 485.	2
			The plat does not identify a residue of the parent parcel, thus by calculation 43.45 minus 2 equals 41.45 acres remaining.	41.45
This 2 acre parcel was divided from what is determined to be a 1 acre portion of the 13 acre parcel in DB 85 P 247 and a 1 acre portion from what would have been the 7.45 acre parcel that remained after the division in in DB 464 P 314 leaving approximately 12 acres and 6.45 acres respectively.				
509 / 241	06/20/1972	N	...all those three certain adjoining tracts of land now containing an aggregate of 42 acres, more or less,... and is the same property in all respects (less off conveyance of 7 acres) which was conveyed... in DB 209 P 485.	42
			The deed book and page for the "...off conveyance of 7 acres" is not stated in this deed. Research has found the previous deeds that off conveyed the 7 acres resulting in the 42 acres noted in this deed. See the additional explanations above resulting in the three parcels of record noted below.	
As of December 10 1980 there were three separate parcels of record, 1) 23 acres; 2) Approximately 12 acres; and 3) Approximately 6.45 acres				

AFTER DECEMBER 10, 1980

Parcel ID 02200-00-00-00600 – (23 acres, 12 acres, 6.3 acres)

Deed Book / Page	Date	Parcel Change Y or N	Description	Acres	Development Rights
		N	No Deeds After 12/10/1980	42	15
There are no deeds after 1980 pertaining to this property. The following is a breakdown of the development rights assigned to each of the parcels of record determined above.					
				23	5
				12	5
				6.45	3

On the basis of these deeds

Parcel ID 02200-00-00-00600 is determined to be three (3) parcels of record, comprised of the following;

**One parcel of approximately 23 acres^{+/-}, containing 5 development rights;
One parcel of approximately 12 acres^{+/-}, containing 5 development rights; and
One parcel of approximately 6.45 acres^{+/-}, containing 3 development rights;**

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,

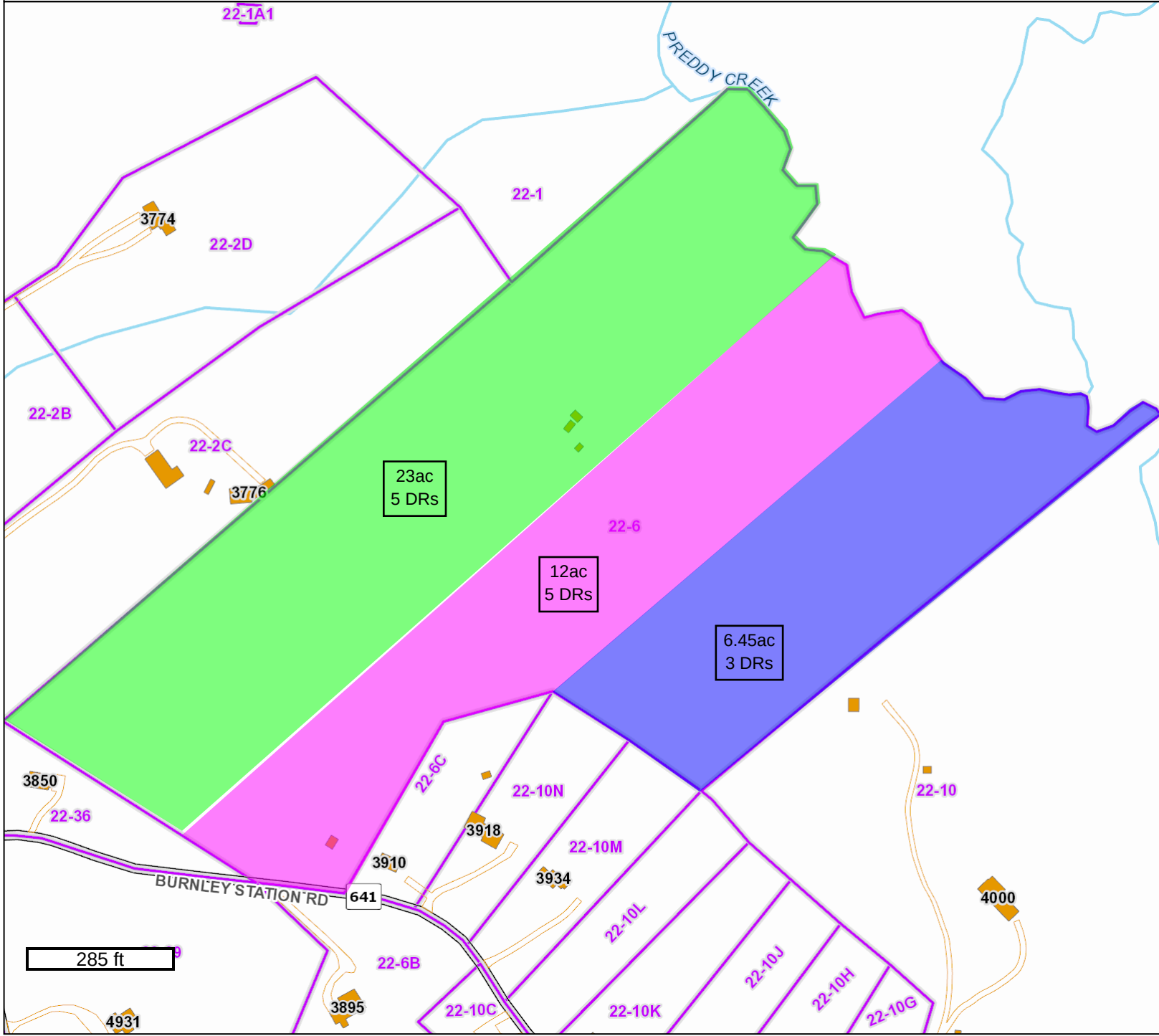


Francis H. MacCall
Principal Planner

Attachment: Map delineating parcels of record

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

LOD2016-00016 Shaw, Robert



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

GIS-Web
Geographic Data Services
www.albemarle.org
(434) 296-5832