



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

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December 27, 2016

Joe L. or Cyndra F. Kerley  
P. O. Box 7532  
Charlottesville, Virginia 22906

**RE: ACE LOD2016-00023 - OFFICIAL DETERMINATION OF PARCEL OF RECORD AND DEVELOPMENT RIGHTS - Tax Map 92, Parcel 58**

Dear Mr. Kerley and Ms. Kerley:

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 Tax Map 92, Parcel 58 is one (1) parcel of record with five (5) theoretical development rights. The basis for this determination follows.

Albemarle County records indicate **Tax Map 92, Parcel 58** contains 150.36 acres, is located in the Scottsville Magisterial District and contains one (1) dwelling and several outbuildings. The property is zoned RA Rural Areas.

The most recent deed for **Tax Map 92, Parcel 58**, recorded prior to December 10, 1980, the date of adoption of the Zoning Ordinance, is recorded in Deed Book 465, Page 390, dated October 27, 1969.

**PRIOR TO DECEMBER 10, 1980  
TMP 92 Parcel 58**

| Deed Book / Page | Date       | Parcel Change Y or N | Description                                                                                                                                                                                                                                                                                                                                                           | Acres  |
|------------------|------------|----------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------|
| 465/390          | 10/27/1969 | N                    | "...all that certain tract or parcel of land with appurtenances thereto belonging,...containing 148 acres, more or less..." This deed indicates that this is the same property conveyed in Deed Book 280, page 135, which deed describes the entire tract of "148 acres, more or less..." <b>This deed establishes TMP 92-58 as a parcel of record prior to 1980.</b> | 148.00 |

**AFTER DECEMBER 10, 1980  
TMP 92 Parcel 58**

| Deed Book / Page | Date       | Parcel Change Y or N | Description                                                                                                                                                                                                                                                                                                                                                                             | Acres  |
|------------------|------------|----------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------|
| 3000/204         | 6/13/2005  | N                    | "...all that certain tract or parcel of land, with improvements thereon and appurtenances thereto,... containing 150.36 acres, more or less,..."<br>This deed references a more recent plat in 2005, resulting in the increased acreage. This deed indicates that this is the same property conveyed in Deed Book 465, page 390.                                                        | 150.36 |
| 3949/303         | 10/14/2010 | N                    | "...all that certain tract or parcel of land, with improvements thereon and appurtenances thereto,... containing 150.36 acres, more or less,..."<br>This deed references a more recent plat in 2005, resulting in the increased acreage. This deed indicates that this is the same property conveyed in Deed Book 3000, page 204.                                                       | 150.36 |
| 3949/306         | 10/14/2010 | N                    | "...all that certain tract or parcel of land, with improvements thereon and appurtenances thereto... containing 150.36 acres, more or less,..."<br>This deed references a more recent plat in 2005, resulting in the increased acreage. This deed indicates that this is the same property conveyed in the deed recorded immediately prior to this one, being Deed Book 3949, page 303. | 150.36 |

**On the basis of these deeds Tax Map 92, Parcel 58 is one (1) parcel of record with five (5) theoretical 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 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.

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](http://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](http://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](http://www.albemarle.org/cdapps).)

Sincerely,



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

Copy: Ches Goodall, ACE Coordinator  
Real Estate Tech., Real Estate  
✓ Clerk of the Board of Supervisors

| TM-P  | Acreage | Division rights for 21 acre minimum<br>parcels | Development rights |
|-------|---------|------------------------------------------------|--------------------|
| 92-58 | 150.36  | 6                                              | 5                  |

