



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

Phone (434) 296-5832

Fax (434) 972-4126

March 9, 2016

Carl E. Martin
Martin Real Estate
904 Summit Avenue
Harrisonburg VA 22802

RE: LOD2016-00003 - OFFICIAL DETERMINATION OF PARCEL OF RECORD & DEVELOPMENT RIGHTS – Parcel ID 11800-00-00-030C0 (Property of JAMES D OR CONNIE M HILLYARD) Samuel Miller Magisterial District

Dear Mr. Martin:

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 11800-00-00-030C0** is comprised of one (1) parcel of record with five (5) theoretical development. The basis for this determination follows.

The Albemarle County Real Estate Assessment records indicate **Parcel ID 11800-00-00-030C0** contains 44.19 acres and one (1) dwelling. The property is zoned RA, Rural Areas.

The most recent deed for **Parcel ID 11800-00-00-030C0**, recorded prior to December 10, 1980, the date of adoption of the Zoning Ordinance, is recorded in Deed Book 425, page 563 dated January 24, 1967.

PRIOR TO DECEMBER 10, 1980
Parcel ID 11800-00-00-030C0 – (34.50 acres)

Deed Book / Page	Date	Parcel Change Y or N	Description	Acres
246 / 278	05/04/1940	Y	...that tract of land containing 34 ½ acres described as lot #2 on the plat and survey hereto attached.	34.50 ^{+/-}
425 / 563	01/24/1967	N	...all those three tracts or parcels of land... as follows: 1. That tract of 31-3/4 acres... 2. A tract containing 7-1/2 acres, more or less, ... 3. A tract containing 34-1/2 acres, designated as Lot #2 on a plat of Hugh F. Simms, dated February 1912, of record in ...DB 246 P 281	34.75 ^{+/-} 7.5 ^{+/-} 34.50 ^{+/-}

AFTER DECEMBER 10, 1980
Parcel ID 11800-00-00-030C0 – (42.737)

Deed Book / Page	Date	Parcel Change Y or N	Description	Acres	Development Rights
715 / 312	04/06/1981	Y	...all those two certain tracts or parcels of land... described as follows: 1) All that certain tract or parcel of land containing 42.737 acres, more or less, and designated as "Lot 2" and "Portion of Lot 3" on plat of Robert L. Lum, C.L.S., dated February 20 1981, revised March 18, 1981, attached hereto and recorded herewith as part of this deed, and 2) A strip of land 30 feet in width,... The plat referenced above notes that no development rights were transferred with the portion of Lot 3. This means that only the 34.5 acres of the 42.737 acres has 5 development rights. The 30' strip of land described in this deed <u>is determined to not be</u> a separate parcel of land as it is described. The previous deeds that relate to the 42.737 acre parcel and the adjacent parcels to the south do not reference this 30' strip of land as being a fee simple tract or parcel but only as a 20'-30' easement. It only begins to be referenced as a 30' strip in this deed and which includes a plat that notes the area in the 30'R/W as 1.023 acres. This strip would not have been permitted to be created as a fee simple parcel in 1981 per the subdivision and zoning regulations in effect at that time.	42.737^{+/-} 34.50^{+/-}	5
906 / 284	09/22/1986	N	...all those certain tracts or parcels of land... described as follows: FIRST: All that certain tracts or parcel of land containing 42.737 acres, more or less, and designated as Lot 2 and a portion of Lot 3... SECOND: A strip of land thirty-feet (30') in width... See determination above regarding 30' strip of land.	42.737 34.50	5

On the basis of these deeds

Parcel ID 11800-00-00-030C0 is determined to be one (1) parcel of record, and is comprised of approximately 42.737 acres^{+/-}, with 34.50 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 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,



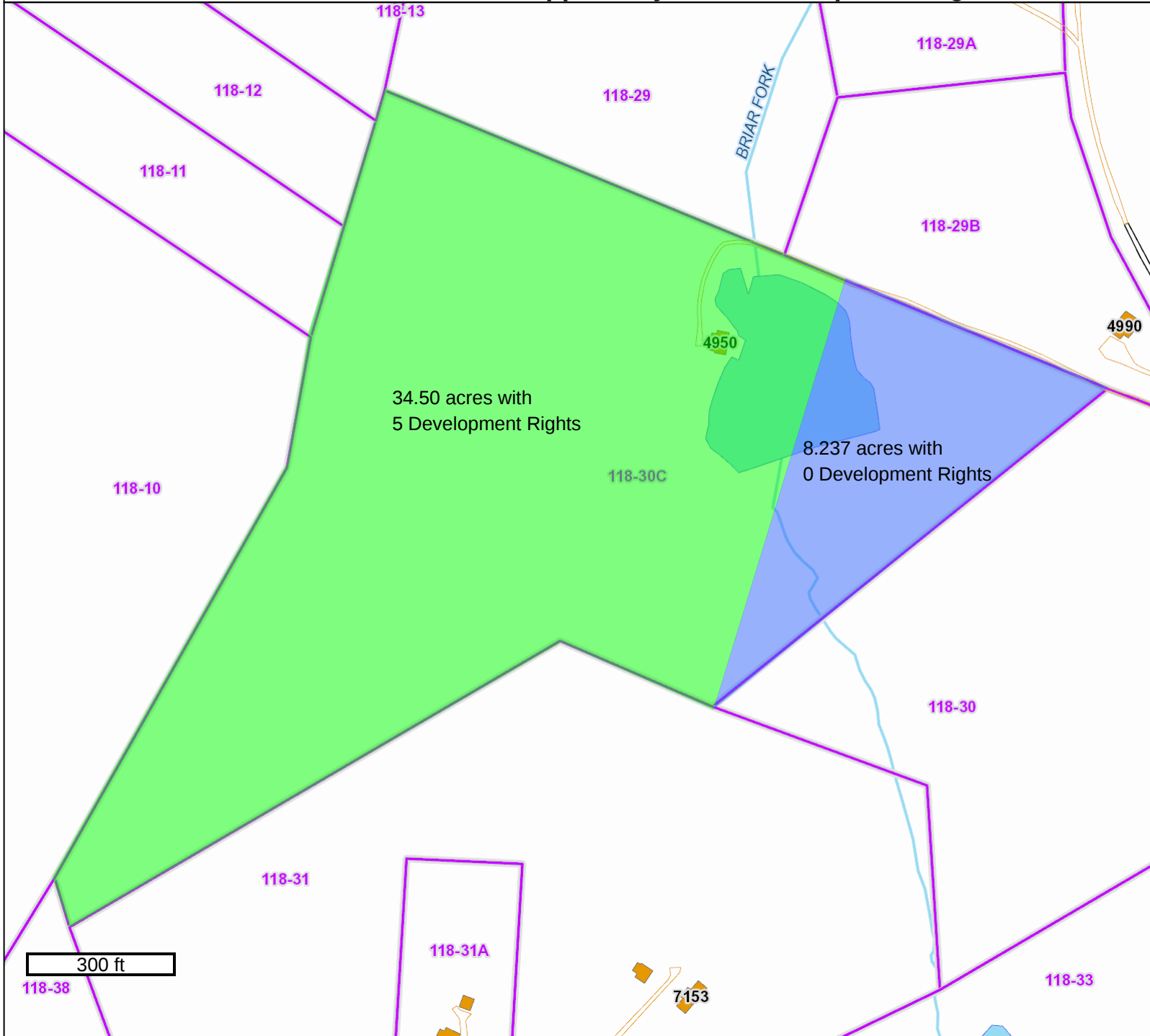
Francis H. MacCall
Principal Planner

Attachment: Map delineating parcel of record and development rights.

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

JAMES D OR CONNIE M HILLYARD
3675 NUTMEG CT
HARRISONBURG VA, 22801

LOD2016-00003 Appleberry Lane Development Right Allocation



Legend

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

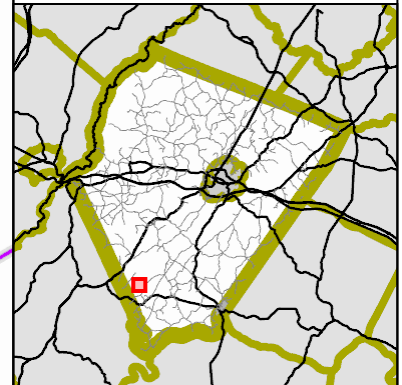
- Points of Interest
- AIRPORT
- COLLEGE/UNIVERSITY
- COMMUNITY
- FIRE/RESCUE STATION
- GOVERNMENT
- HOSPITAL
- LIBRARY
- POLICE STATION
- POST OFFICE
- RECREATION/TOURISM
- SCHOOL
- Parcel Info
- Parcels

This is a 42.737 acre parcel made up of two portions each with separate development rights.

A 34.50 acre portion with 5 Development Rights

&

A 8.237 acre portion with 0 Development Rights



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