



COUNTY OF ALBEMARLE
Department of Community Development
401 McIntire Road, Room 227
Charlottesville, Virginia 22902-4596

Phone (434) 296-5832

Fax (434) 972-4126

July 15, 2015

WAO Land Trust
c/o William A. Orr
3025 Milton Village Lane
Keswick, VA 22902

RE: LOD201500007-OFFICIAL DETERMINATION OF DEVELOPMENT RIGHTS AND PARCELS- Tax Map 79A1, Parcels 41, 41A, 0E-1, 0E-21, and 0E-24 under Section 10.3.1

Dear Mr. Orr:

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 the five parcels are comprised of twenty-one total or partial lots and therefore contain twenty-one theoretical development rights.** Each one of the current tax map and parcel numbers represents a group of lots and portions of lots that were acquired by one deed. [See the listing in the proceeding.] Please note the distinction between the use of "lots" and "parcels."

Listed below and on the next page are the most recent deed book references prior to adoption of the zoning ordinance that established the Rural Areas zoning district (RA) and its development rights. These are the deeds that we examined to make this determination. Each of the five parcels that are subject to this determination are within the Royal Acres subdivision and were lots of record before the Commonwealth of Virginia took land for the construction of I64 in 1967. The portions of the lots that remained were then the lots of record on December 10, 1980 when the County adopted the current Zoning Ordinance and each one is entitled to one theoretical development right.

The list notes the reference, the date of the deed, the identities of the lots and portions of lots that make up each parcel, and, the number of theoretical development rights. In each deed, the parcels are described as being from Deed Book 280 page 335 to 338 which is the plat for the Royal Acres Subdivision.

Parcel Number	Deed Book	Date Recorded	Description of Lots	Development Rights
Parcel 41:	Deed Book 280, page 379	September 14, 1948	Block E, lots 41 – 50, 51 (portion), 52, 53, 54 (portion), 55 (portion) and lot 56 (portion)	16
Parcel 41A:	Deed Book 3712, page 35	March 9, 2009	Block E, .242 acres from VDOT Right-of-way conveyed by quitclaim to WAO Land Trust.	0
Parcel 0E-1;	Deed Book 285, page 385	September 12, 1949	Block E, lot 1 (portion)	1

Parcel 0E-21:	Deed Book 285, page 385	September 12, 1949	Block E, lots 21 (portion), 22 (portion), 23 (portion)	3
Parcel 0E-24:	Deed Book 285, page 385	September 12, 1949	Block E, lot 24	1

Each of these twenty-one lots contains one (1) theoretical development right. These lots are entitled to the noted development rights only if all other applicable regulations can be met. This includes but is not limited to: yards (setbacks), house site, and, area for septic disposal fields. Since none of the lots is four acres or greater, the development rights represent the maximum number of lots that exist or could be created by right. Since many of these lots have never been surveyed, but are residue pieces of lots recorded before the taking by the Commonwealth of Virginia for I64, the location and size of any lots for which you want to use a development right will need to be determined by a survey. Should you choose to accept the parcels as they are currently combined by the County for tax purposes, you will need to record a plat or deed combining the lots. All of the parcels that are less than the two-acre minimum lot size in the RA district are nonconforming and are subject to the regulations of section 6.4.

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 \$240 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,



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

Copies: Real Estate Department
Ella Jordan, Clerk Board of Supervisors

