



Received

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County of Albemarle  
Board of Supervisor's Office

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

Phone (434) 296-5832

Fax (434) 972-4126

July 5, 2016

Daniel Falwell  
P. O. Box 353  
Charlottesville, VA 22902

**RE: LOD2016-00008 - OFFICIAL DETERMINATION OF PARCEL OF RECORD & DEVELOPMENT RIGHTS – Parcel ID 10100-00-00-027A1 (Property of Daniel Falwell) & Parcel ID 10100-00-00-027A0 (Property of Phillip Darren & Kristen L. Hensley) Samuel Miller Magisterial District**

Dear Mr. Falwell:

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 10100-00-00-027A1** is one (1) parcel of record containing 7.3704 acres of land and **Parcel ID 10100-00-00-027A0** is one parcel of record containing 10.3360 acres of land. The two parcels together have a total of five (5) theoretical development rights which have not been divided between the two parcels. The basis for this determination follows.

The Albemarle County Real Estate Assessment records indicate **Parcel ID 10100-00-00-027A1** contains 7.3704 acres and one (1) dwelling, **Parcel ID 10100-00-00-027A0** contains 10.3360 acres of land and one (1) dwelling. The properties are 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 1774, page 010, dated December 21, 1998.

**PRIOR TO DECEMBER 10, 1980**  
**Parcel ID 10100-00-00-027A0 – (17.25 acres)**

Deed Book / Page	Date	Parcel Change Y or N	Description	Acres
136 / 299	10/12/1907	N	"...The tract hereby conveyed contains Seventeen & One Fourth (17-1/4) acres, more or less...." <b>This deed establishes TMP 101-27A as a parcel of record with five (5) theoretical development rights.</b>	17.25 <sup>+/-</sup>

**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
1598 / 103	12/02/1996	N	This Decree of Confirmation and Sale was to partition Parcel 27A into two Parcels, one of 10.336 acres, more or less, to the complainant and one of 7.3704 acres, more or less, to be sold by the Court. The two Parcels are shown as Parcels 1 and 2 on the plat, dated July 6, 1995, of Gary M. Whelan, Land Surveyor.	10.3360 <u>7.3704</u> 17.7064	5

			<b>The referenced plat did not indicate how the five (5) theoretical development rights were to be divided.</b>		
1774 / 010	12/21/1998	N	This deed conveys Parcel 2 (TMP101-27A1) containing 7.3704 acres as shown on the subdivision plat referenced in Deed Book 1598, page 103 to Daniel E. Falwell <b>without assigning any of the five (5) theoretical development rights.</b>	<b>7.3704</b>	<b>5</b>

**On the basis of these deeds:**

**Parcel ID 10100-00-00-027A1 is determined to be one (1) parcel of record, and is comprised of approximately 7.3704 acres.**

**Parcel ID 10100-00-00-027A0 is determined to be one (1) parcel of record, and is comprised of approximately 10.336 acres.**

**The owners of these two parcels must determine the number of theoretical development rights to assign to each from the five (5) theoretical development rights total. Please note the parcel 27A1 cannot have more than three (3) theoretical development rights due to its acreage of 7.3704 acres.**

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](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 Albemarle County Code. 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).)

If you have any questions, please contact me.

Sincerely,

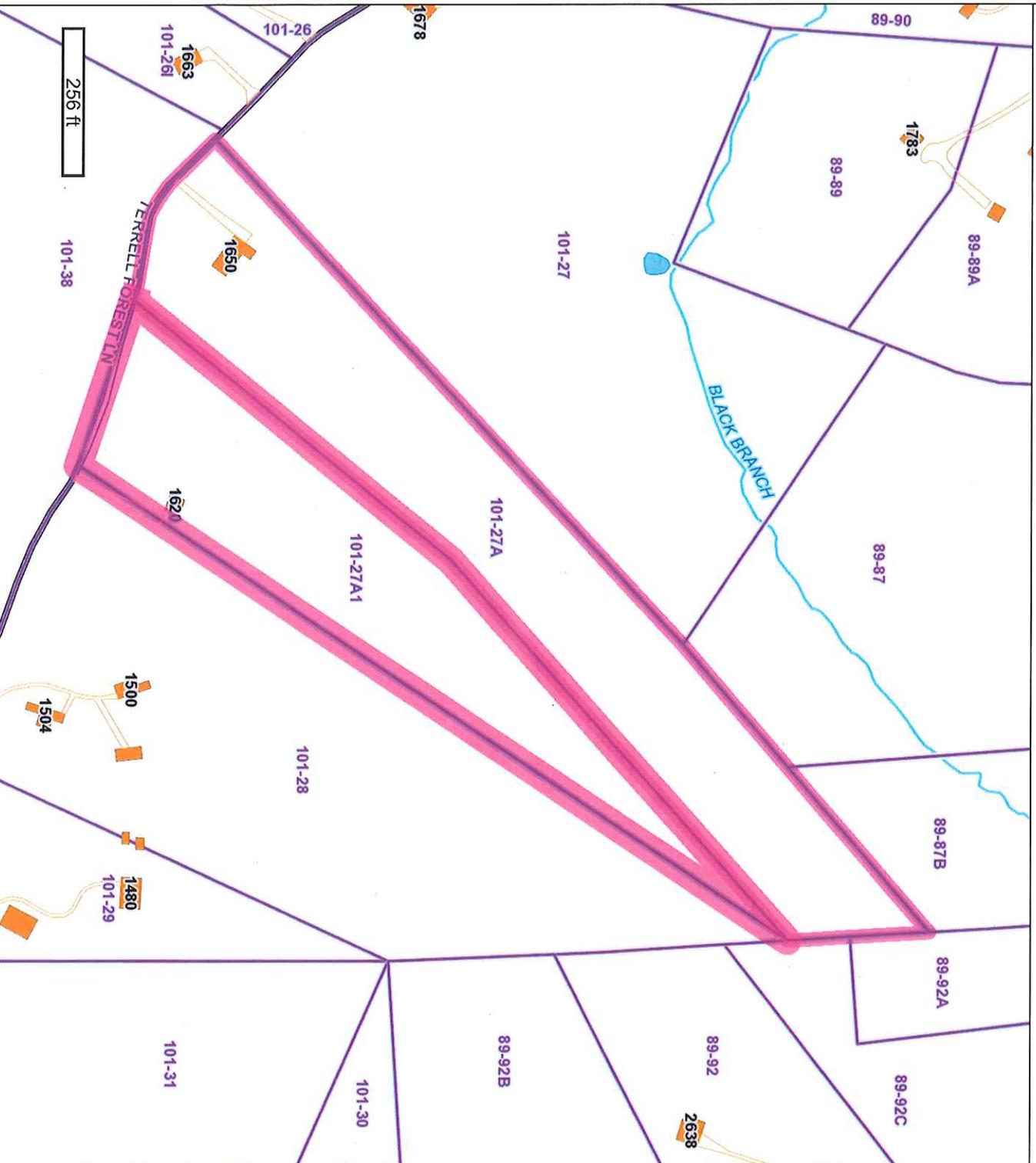


Ronald L. Higgins AICP  
Chief of Zoning/ Deputy Zoning Administrator

Attachment: Map delineating parcels of record.

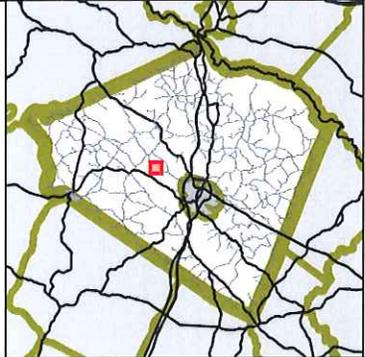
Copy: Sheila L. Conrad, Real Estate Tech, Real Estate  
Clerk of the Board of Supervisors

Phillip D. & Kristen L. Hensley  
1650 Terrell Forest Lane  
Charlottesville, VA 22903-791



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

- Proprietorship
- APPOINTMENT
- UNIVERSITY
- COMMITMENT
- CONSECUTIVE EMINENCE
- CONSECUTIVE EMINENCE
- RESERVE
- POLICE EMINENCE
- RESERVE EMINENCE
- RESERVE EMINENCE
- Reserve Note
- Private



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