



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

Phone (434) 296-5832

Fax (434) 972-4126

February 16, 2017

ANN E. EARNHARDT  
7935 OLD GREEN MT ROAD  
ESMONT VA, 22937

**RE: LOD2016-00021 - OFFICIAL DETERMINATION OF PARCEL OF RECORD & DEVELOPMENT RIGHTS – Parcel IDs 12700-00-00-04000 & 12700-00-00-040F0 (Property of ANN E. EARNHARDT) Samuel Miller Magisterial District**

Dear Ms. Earnhardt:

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 12700-00-00-04000** is comprised of one (1) parcel of record with five (5) theoretical developments rights and **Parcel ID 12700-00-00-040F0** is comprised of one (1) parcel of record with one (1) theoretical developments right. The basis for this determination follows.

The Albemarle County Real Estate Assessment records indicate **Parcel ID 12700-00-00-04000 contains** 173.815 acres and zero (0) dwellings and **Parcel ID 12700-00-00-040F0 contains** 3.00 acres and one (1) dwelling. The properties are zoned RA, Rural Areas.

The most recent deed for **Parcel ID 12700-00-00-04000**, recorded prior to December 10, 1980, the date of adoption of the Zoning Ordinance is recorded in Deed Book 661, page 99 dated December 14, 1978. The most recent deed for **Parcel ID 12700-00-00-040F0**, recorded prior to December 10, 1980, the date of adoption of the Zoning Ordinance is recorded in Deed Book 661 page 99 dated December 14, 1978.

**PRIOR TO DECEMBER 10, 1980**  
**Parcel ID 12700-00-00-04000 (170 acres)**

| Deed Book / Page | Date       | Parcel Change Y or N | Description                                                                                                                                                                                                                                                                                                                                                      | Acres |
|------------------|------------|----------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------|
| 643 / 589        | 01/01/1974 | Y                    | ...all that certain tract or parcel of land containing One Hundred Seventy (170) acres, more or less ...being known as the Alta Vista tract and having a northerly boundary along the old hedge row bordering lands of Charles E. Hamner Jr. ...and being a portion of the land devised unto Mary B Hamner in 1962, by will of Charles E. Hamner in WB 41 P 591. | 170   |
| 643 / 591        | 03/09/1978 | N                    | ...all that certain tract or parcel of land containing one hundred seventy (170) acres, more or less ...being known as the Alta Vista tract and having a northerly boundary along the old hedge row bordering lands of Charles E. Hamner Jr. ...and being a portion of the land devised unto Mary B Hamner in 1962, by will of Charles E. Hamner in WB 41 P 591. | 170   |

|           |            |   |                                                                                                                                                                                                                                                                                     |     |
|-----------|------------|---|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----|
| 645 / 193 | 04/22/1978 | N | All that certain tract or parcel of land containing 170 acres, more or less ...being known as the Alta Vista tract and having a northerly boundary along the old hedge row bordering lands of Charles E. Hamner Jr. ...Being the same property conveyed... in DB 643 P 589 and 591. | 170 |
| 661 / 99  | 12/14/1978 | Y | All that certain lot or parcel of land... containing 3 acres, more or less, as shown on a plat... dated November 13, 1978, and being a part of a larger tract containing 170 acres, more or less..... recorded on DB 183 P 11.                                                      | 167 |

**AFTER DECEMBER 10, 1980**  
**Parcel ID 12700-00-00-04000 – (173.815 acres)**

| Deed Book / Page | Date       | Parcel Change Y or N | Description                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | Acres   | Development Rights |
|------------------|------------|----------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------|--------------------|
| 978 / 139        | 01/05/1988 | N                    | <p>PARCEL ONE: All that certain tract or parcel of land ...containing 3.00 acres more or less, as shown on a plat of Robert L. Lum, dated November 13, 1978 ... in DB 661 P 103.</p> <p>PARCEL TWO: All that certain tract or parcel of land ...containing 173.815 acres more or less, as shown and described as Tax Map Parcel 127-40 on a plat of Kirk Hughs &amp; Associates, dated January 25, 1988, ...in DB 978 P 141</p>                                                 | 173.815 | 5                  |
| 1210 / 181       | 03/05/1992 | N                    | <p>... the following described real estate:</p> <p>PARCEL ONE: All that certain tract or parcel of land ...containing 3.00 acres more or less, as shown on a plat of Robert L. Lum, dated November 13, 1978 ... in DB 661 P 103.</p> <p>PARCEL TWO: All that certain tract or parcel of land ...containing 173.815 acres more or less, as shown and described as Tax Map Parcel 127-40 on a plat of Kirk Hughs &amp; Associates, dated January 25, 1988, ...in DB 978 P 141</p> | 173.815 | 5                  |
| 1463 / 688       | 04/17/1995 | N                    | All those two certain tracts or parcel of land, ...shown as Tax Map 127 40F containing 3.00 acres, and Tax Map 127 40, containing 173.815 acres and more particularly described and shown on a plat of survey by Kirk Hughs & Associates, dated January 25, 1988, ... recorded in DB 978 P 141 and 142.                                                                                                                                                                         | 173.815 | 5                  |

**PRIOR TO DECEMBER 10, 1980**  
**Parcel ID 12700-00-00-040F0 (3.00 acres)**

| Deed Book / Page | Date       | Parcel Change Y or N | Description                                                                                                                                                                                                                    | Acres |
|------------------|------------|----------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------|
| 661 / 99         | 12/14/1978 | Y                    | All that certain lot or parcel of land... containing 3 acres, more or less, as shown on a plat... dated November 13, 1978, and being a part of a larger tract containing 170 acres, more or less..... recorded on DB 183 P 11. | 3     |

**AFTER DECEMBER 10, 1980**  
**Parcel ID 12700-00-00-040F0 (3.00 acres)**

| Deed Book / Page | Date       | Parcel Change Y or N | Description                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | Acres | Development Rights |
|------------------|------------|----------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------|--------------------|
| 978 / 139        | 01/05/1988 | N                    | <p>PARCEL ONE: All that certain tract or parcel of land ...containing 3.00 acres more or less, as shown on a plat of Robert L. Lum, dated November 13, 1978 ... in DB 661 P 103.</p> <p>PARCEL TWO: All that certain tract or parcel of land ...containing 173.815 acres more or less, as shown and described as Tax Map Parcel 127-40 on a plat of Kirk Hughs &amp; Associates, dated January 25, 1988, ... in DB 978 P 141</p>                                                 | 3     | 1                  |
| 1210 / 181       | 03/05/1992 | N                    | <p>... the following described real estate:</p> <p>PARCEL ONE: All that certain tract or parcel of land ...containing 3.00 acres more or less, as shown on a plat of Robert L. Lum, dated November 13, 1978 ... in DB 661 P 103.</p> <p>PARCEL TWO: All that certain tract or parcel of land ...containing 173.815 acres more or less, as shown and described as Tax Map Parcel 127-40 on a plat of Kirk Hughs &amp; Associates, dated January 25, 1988, ... in DB 978 P 141</p> | 3     | 1                  |
| 1463 / 688       | 04/17/1995 | N                    | All those two certain tracts or parcel of land, ...shown as Tax Map 127 40F containing 3.00 acres, and Tax Map 127 40, containing 173.815 acres and more particularly described and shown on a plat of survey by Kirk Hughs & Associates, dated January 25, 1988, ... recorded in DB 978 P 141 and 142.                                                                                                                                                                          | 3     | 1                  |

**On the basis of these deeds**

**Parcel ID 12700-00-00-04000 is determined to be one (1) parcel of record, comprised of approximately 173.815 acres<sup>+/-</sup>, containing 5 development rights, and**

**Parcel ID 12700-00-00-040F0 is determined to be one (1) parcel of record, comprised of approximately 3.00 acres<sup>+/-</sup>, containing 1 development right.**

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,



Francis H. MacCall  
Principal Planner

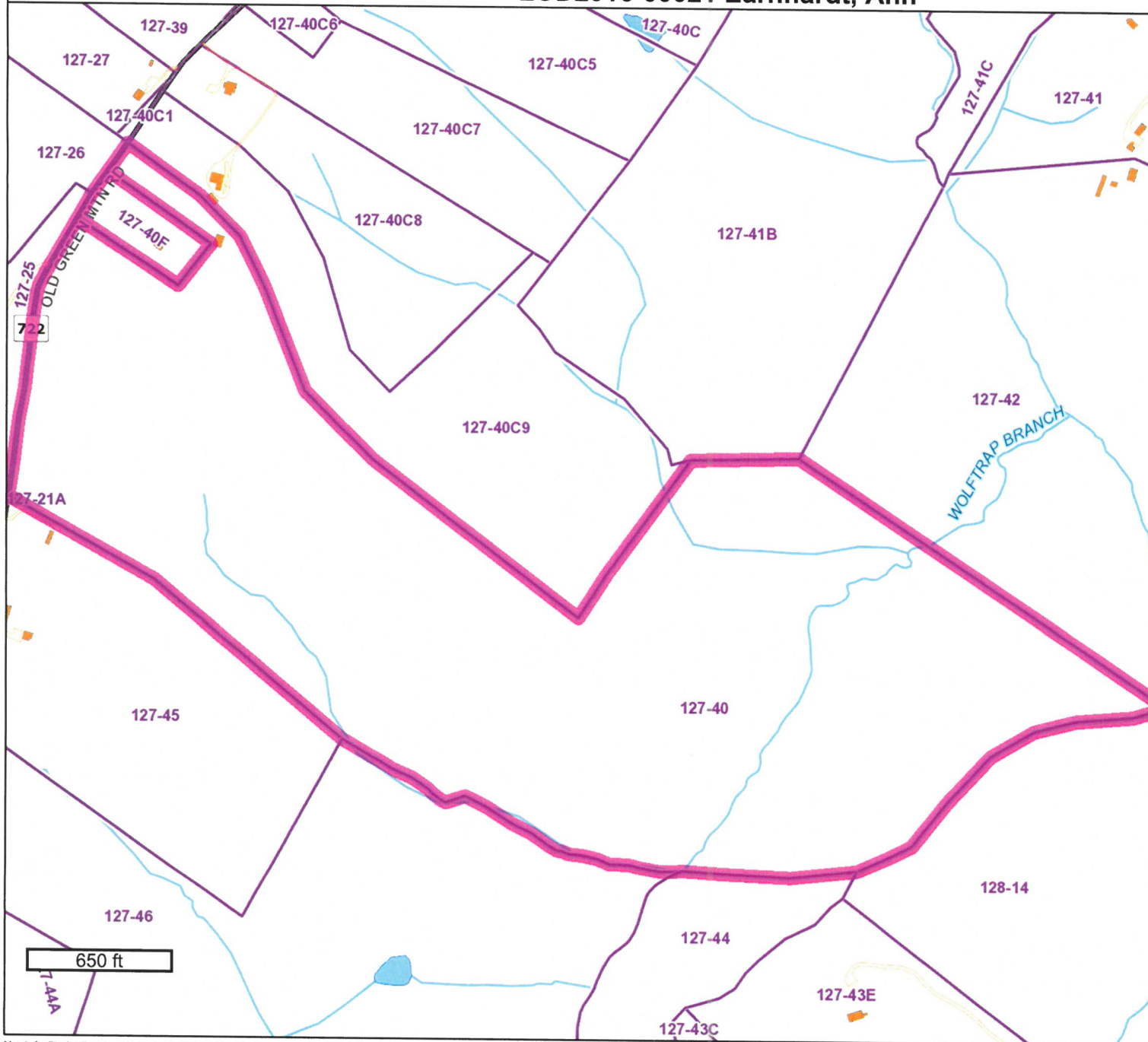
Attachment: Map delineating parcels of record

Copy: Travis Morris, Senior Clerk of the Board of Supervisors  
Ches Goodall, ACE Coordinator

| TM-P    | Acreage            | Division rights for 21 acre minimum parcels | Development rights |
|---------|--------------------|---------------------------------------------|--------------------|
| 127-40  | Approx. 173.815+/- | 7                                           | 5                  |
| 127-40F | Approx. 3+/-       | 0                                           | 1                  |



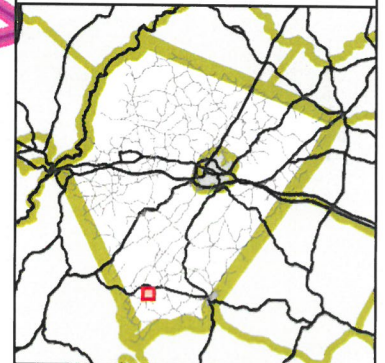
# LOD2016-00021 Earnhardt, Ann



## 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
- Partial Info
- Parcel



GIS-Web  
Geographic Data Services  
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