



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 31, 2017

Shirley M. Cook Estate
C/o Lynda K. Stephens, Executor
1505 Old Compton Road
Richmond, VA 23238

**RE: OFFICIAL DETERMINATION OF PARCELS--Tax Map Parcel – 056A1-01-00-07200
(Property of Shirley M. Cook Estate) – White Hall Magisterial District**

Dear Ms. Stephens:

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 Parcel 056A1-01-00-07200 is three parcels of record, zoned R-2 Residential. The basis for this determination follows.

Our records indicate Tax Map Parcel 056A1-01-00-07200 contains approximately 2.00 acres and one (1) dwelling. The property is not within an Agricultural and Forestal District. The most recent recorded instrument for this property is recorded in Will Book 157, page 565 (showing "File Number: 2016-00000298").

This analysis begins with a plat recorded in Deed Book 262, page 536 that is dated "April, 1945". The plat is of "St. George Place", consisting of Lots 1 – 12 and a 40' wide "roadway or street". **Based on this deed, Tax Map Parcel 056A1-01-00-07200 is determined to be three parcels of record (Lots 10, 11 & 12 on referenced plat), zoned R-2 residential, with a 40' "roadway or street". This recorded plat establishes lots 10 - 12 as lots of record.**

Deed Book 269, page 579, dated August 1, 1946, exercises the owner's right to "vacate and close any portion of the 40 foot roadway, or street, shown on the said plat..." meaning the plat shown on Deed Book 262, page 536. **This transaction had the effect of abandoning the 40' "roadway or street" while having no effect on the three parcels.**

Deed Book 316, page 77, dated April 22, 1955, conveyed several strips of land in order to add to the right-of-way of St. George Avenue fronting along TMP 056A1-01-00-07200. This deed references the Property shown on the plat on Deed Book 262, page 536. **This transaction had no effect on the parcels.**

Deed Book 386, page 368, dated February 15, 1963, conveyed "Lot Nos. 10, 11 and 12, designated on County Tax Map as 56A-1-72, and the 40 foot roadway bounding the said three lots...shown on plat recorded in D. B. 262 p 536" to Minor L. Cook and Shirley M. Cook, his wife. **This transaction had no effect on the parcels.**

Lynda K. Stephens, Executor
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As referenced earlier, the latest recorded instrument, Will Book 157, page 565, dated October 18, 2016, directs the named executor, Katina Kay Cook, to sell "all real estate" ... and to occupy the house "until such time it is sold". This Will Book is listed on the records as "File Number: 2016-00000298", which explains the reference in the Albemarle County Assessor's records to "Deed Book 2016, Page 298". **This transaction had no effect on the parcels.**

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 \$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,



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

Copy: Doug Lowe, Applicant
Justin Shimp, Contact Person
Sheila L. Conrad, Real Estate Tech, Real Estate
Claudette Borgersen, Clerk of the Board of Supervisors