



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

Phone (434) 296-5832

Fax (434) 972-4126

December 15, 2017

Brian S. Ray
663 Berkmar Court
Charlottesville, VA 22901

RE: LOD2017-00033 - OFFICIAL DETERMINATION OF PARCEL OF RECORD & DEVELOPMENT RIGHTS – Parcel ID 08600000001400 (Property of Steven and Alicia K. Morales) Samuel Miller Magisterial District

Dear Mr. Ray:

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 86, Parcel 14 is comprised of two (2) parcels of record, each with five (5) theoretical development rights. The basis for this determination follows.

The Albemarle County Real Estate Assessment records indicate **Parcel ID 08600000001400** contains 136.56 acres and two (2) dwellings. The property is zoned RA, Rural Areas.

The most recent deed for **Parcel ID 08600000001400**, recorded prior to December 10, 1980, the date of adoption of the Zoning Ordinance, is recorded in Deed Book 539, page 229 and is dated October 15, 1973.

PRIOR TO DECEMBER 10, 1980
Parcel ID 08600000001400 – parcel “Pugh” historically reported as TMP 86-14

Deed Book / Page	Date	Parcel Change Y or N	Description	Acres
63 / 126	5/25/1869	Y	Creation of parcel of record “Pugh”. “... a certain tract or parcel of land... to contain one hundred acres more or less and bounded by the Scottsville Turnpike Road and the lands of Edward Sutherland...”.	100
151 / 90	1/1/1912	Y	Creation of “Gillock” parcel from “Pugh”. “...the said Nannie Pugh and Nora N. Pugh, hereby grant, bargain, sell and convey unto the said W.C. Gillock, with general warranty of title, that certain tract of land... said tract being a portion of the land of which Nelson Pugh died seised [sic] and possessed.”	89.5
243 / 255	4/7/1939	N	VA Dept. of Highways right-of-way conveyance, clarification of title. “...by and between Nan Pugh (single) and Nora Pugh (single)...”	89.5
WB 39 / 298	10/27/1953	N	Will of Nannie J. Pugh. Interest in parcel devised to Nora Nelson Pugh.	89.5
WB 41 / 235	10/31/1960	N	Will of Nora Nelson Pugh. Parcel devised to Jennie Gillock and Martha Gillock.	89.5

WB 43 / 260	08/16/1966	N	Will of Jennie Gillock. Interest in parcel devised to Martha E. Gillock.	89.5
539 / 229	10/15/1973	N	"All that certain tract of parcel of land... containing approximately 89-1/2 acres... was devised to Jennie Gillock and Martha Gillock by the terms of the will and codicil of Nora Pugh, dated April 26, 1929 and October 24, 1953, respectively, of record in... Will Book 41 page 235".	89.5

PRIOR TO DECEMBER 10, 1980

Parcel ID 0860000001400 – parcel "Gillock" historically reported as TMP 86-15

Deed Book / Page	Date	Parcel Change Y or N	Description	Acres
151 / 90	1/1/1912	Y	Creation of parcel of record "Gillock". "...the said Nannie Pugh and Nora N. Pugh, hereby grant, bargain, sell and convey unto the said W.C. Gillock, with general warranty of title, that certain tract of land... said tract being a portion of the land of which Nelson Pugh died seised and possessed."	10
243 / 247	04/07/1939	N	VA Dept. of Highways right-of-way conveyance, clarification of title. "... by and between Mary Gillock (single); Jennie Gillock (single); Martha Gillock (single) (sole heirs of W.C. Gillock)..."	10
WB 43 / 260	08/16/1966	N	Will of Jennie Gillock. Interest in parcel devised to Martha E. Gillock.	10
539 / 229	10/15/1973	N	"All that certain tract of parcel of land... containing approximately 10 acres... The 10 acre parcel passed to Mary Gillock, Jennie Gillock and Martha Gillock as the only heirs of William C. Gillock who died intestate in 1935. Mary Gillock subsequently died intestate leaving as her only heirs, her sisters Jennie and Martha Gillock. Jennie Gillock died intestate August 5, 1966 and by her will of record... in Will Book 43 page 260 devised her interest in said property to Martha E. Gillock".	10

AFTER DECEMBER 10, 1980

Parcel ID 0860000001400 – parcel "Pugh" & parcel "Gillock"

Deed Book / Page	Date	Parcel Change Y or N	Description	Acres	Development Rights
1285 / 490	12/18/1992	N	"All those two certain tracts... containing in the aggregate 99 ½ acres, more or less. Said property is composed of two parcels, one containing approximately 89 ½ acres and the other containing 10 acres... the same as that conveyed... in Deed Book 539, page 229."	89.5 / 10	5 / 5
1497 / 65	09/21/1995	N	"All those two certain tracts... being the same property conveyed... in Deed Book 1285, page 490."	89.5 / 10	5 / 5
1863 / 712	09/20/1999	N	"All those two certain tracts... being the same property conveyed... in Deed Book 1497, page 65."	89.5 / 10	5 / 5
1907 / 315	04/03/2000	N	"Parcel 1: All those two certain tracts... being the same property conveyed... in Deed Book 1863, page 712;"	89.5 / 10	5 / 5

2683 / 328	01/29/2004	N	Recordation of Plat. "The attached plat... made by Thomas D. Blue... dated October 15, 1973... being the same land conveyed... in Deed Book 1063 [sic], page 712... " <i>Should be Deed Book 1863.</i>	136.56*	5 / 5
3067 / 689	08/25/2005	N	Correction of Deed dated 04/03/2000 (D.B. 1907 / 315). "PARCEL ONE: All that certain tract or parcel of land... containing 136.56 acres, more or less, shown as Tax Map 86-14 and Tax Map 86-15, on a plat by Thomas D. Blue, Certified Land Surveyor, dated October 15, 1973, and recorded... in Deed Book 2683, page 328."	136.56*	5 / 5
4808 / 65	08/29/2016	N	"PARCEL ONE: All that certain tract or parcel of land... recorded... in Deed Book 2683, page 328. ...BEING the same property conveyed... in Deed Book 3067, page 689."	136.56*	5 / 5

*Adjusted aggregate acreage per plat recorded in Deed Book 2683, page 328.

On the basis of these deeds, Parcel ID 08600000001400 is determined to be two (2) parcels of record;

One, above referenced as "Pugh" and historically reported as Tax Map 86, Parcel 14, containing 126.56 acres^{+/-}, with five (5) development rights; and

One, above referenced as "Gillock" and historically reported as Tax Map 86, Parcel 15 containing 10 acres^{+/-}, with a maximum of five (5) development rights.

The "Gillock" parcel, per its metes and bounds description recorded in Deed Book 151, page 90 and approximated on the plat by Thomas D. Blue dated October 15, 1973 and recorded in Deed Book 2683, page 328, is assumed to contain 10 acres^{+/-} for the purposes of this determination. If a survey is completed and a new acreage below 10 acres is identified, then the parcel shall be entitled to the number of development rights corresponding to the maximum number of lots that can be created from the acreage under the minimum by-right lot size of two (2) acres. If a survey is completed and a new acreage above 10 acres is identified, then the parcel shall be entitled to five (5) development rights.

These 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 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 § 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 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,

A handwritten signature in black ink, appearing to read "Andrew J. Knuppel". The signature is fluid and cursive, with the first name "Andrew" and last name "Knuppel" clearly distinguishable.

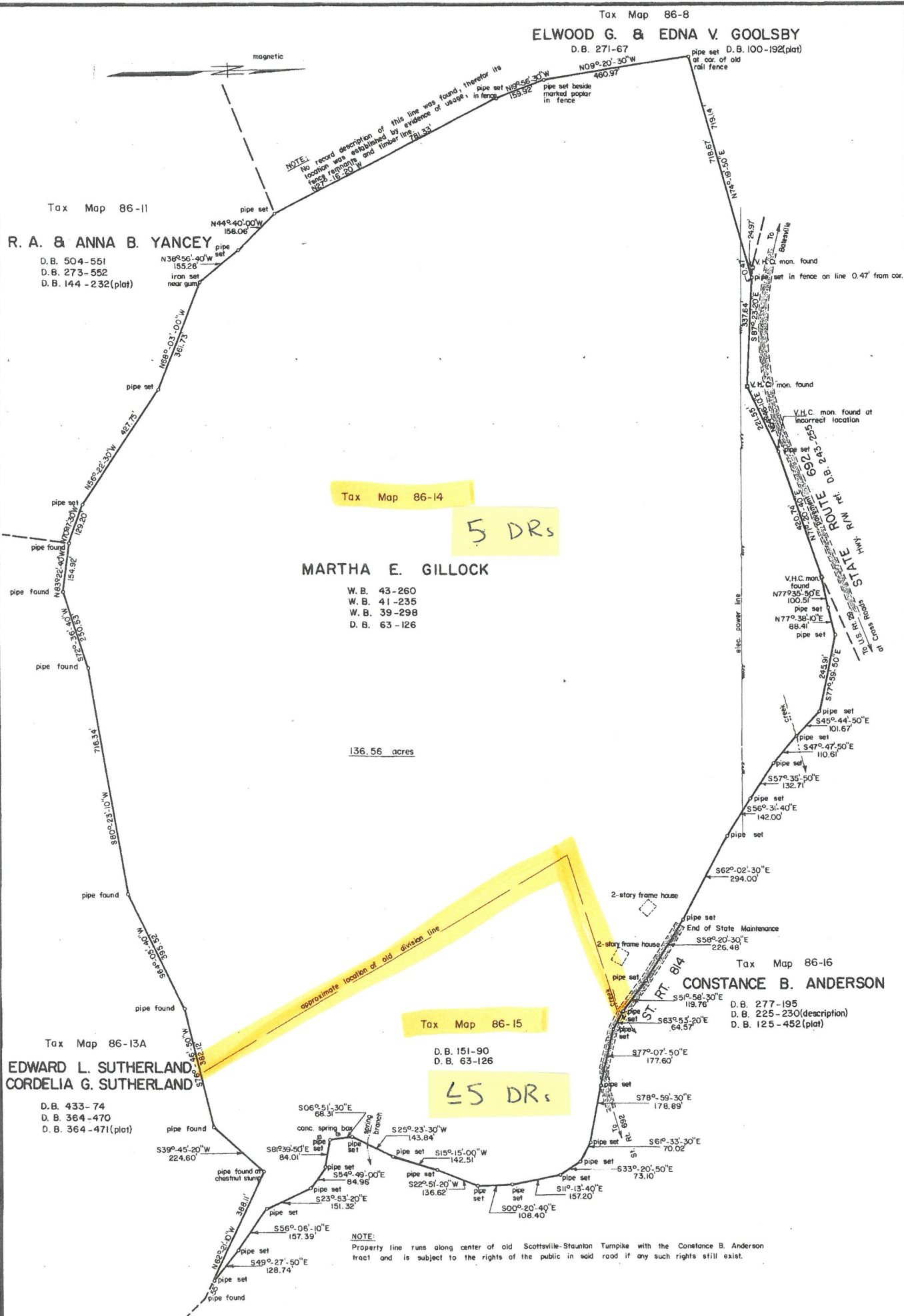
Andrew J. Knuppel
Planner, Designee of the Zoning Administrator

Attachments: Annotated plat delineating parcels of record.

Copy: Claudette Borgersen, Clerk of the Board of Supervisors

Owner: TMP 86-14
Steven & Alicia K. Morales
2100 Drovers Lane
North Garden, VA 22959

T-1701



PLAT SHOWING A SURVEY OF A 136.56
ACRE TRACT SHOWN ON COUNTY TAX MAP
86 AS PARCELS 14 & 15 AND LOCATED ON
ST. RT. 692 NEAR BATESVILLE, ALBEMARLE CO., VA.

SCALE: 1" = 200'

GRAPHIC SCALE
0 100 200 300 400 500 600 700 800

DATE: OCT. 15, 1973

THOMAS D. BLUE
Civil Engineer & Land Surveyor
Charlottesville, Virginia