



**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 29, 2017

John R. Thach, Trustee of  
The Collett M. Thach Trust and  
The Edith C. Thach Trust  
c/o Hantzmon Wiebel  
P. O. Box 1408  
Charlottesville, VA 22902

**RE: LOD2014-00022 - OFFICIAL DETERMINATION OF PARCELS OF RECORD &  
DEVELOPMENT RIGHTS - Tax Map 57, Parcel 72 (Property of Collett M, Thach Trust and  
Edith C. Thach Trust) Samuel Miller Magisterial District**

Dear Mr. Thach:

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 57, Parcel 72** is comprised of nine (9) parcels of record, with a total of twenty-nine (28) theoretical development rights. The basis for this determination follows.

The Albemarle County Real Estate Assessment records indicate **Tax Map 57 Parcel 72** contains 176.37 acres and one (1) dwelling. The properties are zoned RA, Rural Areas.

The most recent deed for **Tax Map 57 Parcel 72**, recorded prior to December 10, 1980, the date of adoption of the Zoning Ordinance, is recorded in Deed Book 344, page 464 dated December 1, 1958.

**PRIOR TO DECEMBER 10, 1980**  
**TMP 57-72 – (161.2ac)**

Deed Book / Page	Date	Parcel Change Y or N	Description	Acres
344 / 454	12/01/1958	N	"...all of a certain tract or parcel of land...containing 161.2 acres according to a survey and plat thereof made by J. E. Barnett, C.E., dated November, 1958, hereto attached..." This deed goes on the list nine separate tracts, the second one containing two lots, and their Deed Book and page origins. <b>This Deed establishes the ten (10) lots of record. These are described in the nine separate chains that follow.</b>	161.2

**PRIOR TO DECEMBER 10, 1980**  
**TMP 57-72 – (1.45ac)**

Deed Book / Page	Date	Parcel Change Y or N	Description	Acres
120 / 44	01/15/1894	N	"...that lot of land...containing one (1.45) acre and forty-fifths part of one acre..." <b>This deed establishes the 1.45 acre lot as a separate lot.</b>	1.45

**PRIOR TO DECEMBER 10, 1980**  
**TMP 57-72 – (5.0 & 2.5ac lots)**

Deed Book / Page	Date	Parcel Change Y or N	Description	Acres
120 / 209	06/10/1901	N	"All of that certain tract or parcel of land in Albemarle County, Va., containing five acres more or less...Secondly, all of that certain tract or parcel of land in Albemarle County, Va., containing two and one half acres..." <b>This deed establishes the 5 acre and 2.5 acre lots as separate lots.</b>	5.0 & 2.5
197 / 16	05/13/1927	N	"said 7 8/10 acres ...conveyed to E. W. Wood...June 10, 1901...in D.B. 120 p. 209..." <b>This deed had no effect on the two lots.</b>	5.0 & 2.5

**PRIOR TO DECEMBER 10, 1980**  
**TMP 57-72 – (5.5ac)**

Deed Book / Page	Date	Parcel Change Y or N	Description	Acres
123 / 5	05/06/1902	N	"...interest in (5 ½) five and one half acres of land..." <b>This deed establishes the 5 1/2 acre lot as a separate lot.</b>	5.5
145 / 263	04/03/1911	N	"...interest in (5 ½) five and one half acres of land..." <b>This deed had no effect on the lot.</b>	5.5

**PRIOR TO DECEMBER 10, 1980**  
**TMP 57-72 – (5.8ac)**

Deed Book / Page	Date	Parcel Change Y or N	Description	Acres
197 / 16	05/13/1927	N	"convey...unto L. E. Evans...one (tract) containing 5 8/10 acres..." <b>This deed establishes the 5 8/10 acre lot as a separate lot.</b>	5.8

**PRIOR TO DECEMBER 10, 1980**  
**TMP 57-72 – (55.5ac)**

Deed Book / Page	Date	Parcel Change Y or N	Description	Acres
142 / 286	04/07/1910	N	"...all that certain tract or parcel of land...containing 55 ½ acres according to plat of survey made by Hugh F. Simms, as aforesaid, dated Mar, 1910, and recorded with this deed..." <b>This deed establishes the 55 1/2 acre lot as a separate lot.</b>	55.5

**PRIOR TO DECEMBER 10, 1980**  
**TMP 57-72 – (25.25ac)**

Deed Book / Page	Date	Parcel Change Y or N	Description	Acres
152 / 178	04/11/1913	N	"...certain tract or parcel of land...in the plat and survey of same made by Hugh F. Simms, dated March, 1913, which plat is attached to this deed...containing 25 ¼ acres." <b>This deed establishes the 25 1/4 acre lot as a separate lot.</b>	25.25

**PRIOR TO DECEMBER 10, 1980**  
**TMP 57-72 – (0.7ac)**

Deed Book / Page	Date	Parcel Change Y or N	Description	Acres
166 / 451	11/16/1915	N	"a triangular shaped piece of land, containing by survey..7/10 acre..." <b>This deed establishes the 0.7 acre lot as a separate lot.</b>	0.7

**PRIOR TO DECEMBER 10, 1980**  
**TMP 57-72 – (32.155ac)**

Deed Book / Page	Date	Parcel Change Y or N	Description	Acres
96 / 334	01/19/1861	N	"...the parcel of land...contains thirty-two acres, three roods and thirty-five poles..." <b>This deed establishes the 32+ acres as a separate lot.</b>  *based on calculation of roods and poles.	32.968*
169 / 459	02/06/1918	Y	"...all of that certain lot, tract, or parcel of land...containing 32.155 acres, more or less..." <b>This deed had no effect on the lot other than to specify a new specific acreage.</b>	32.155
169 / 461	03/27/1919	N	"...all of that certain tract, or parcel of land...containing 32.155 acres..." <b>This deed had no effect on the lot.</b>	32.155
172 / 527	03/16/1920	N	"...all of that certain tract, or parcel of land...containing 32.155 acres..." <b>This deed had no effect on the lot.</b>	32.155

**PRIOR TO DECEMBER 10, 1980  
 TMP 57-72 – (31.0ac)**

Deed Book / Page	Date	Parcel Change Y or N	Description	Acres
130 / 117	09/19/1904	N	"...all that certain tract or parcel of land...containing 31 acres more or less... <b>This deed establishes the 31 acres as a separate lot.</b>	31.00
147 / 159	07/01/1911	N	"...all that tract of land containing thirty one acres more or less..." <b>This deed had no effect on the lot.</b>	31.00
171 / 77	02/16/1918	N	"...all of that certain tract or parcel of land...containing thirty one (31) acres more or less..." <b>This deed had no effect on the lot.</b>	31.00
277 / 241	01/05/1948	N	"...all that certain tract or parcel of land...containing thirty one (31) acres, more or less..." <b>This deed had no effect on the lot.</b>	31.00

**AFTER DECEMBER 10, 1980  
 TMP 57-72 – (176.37ac)**

Deed Book / Page	Date	Parcel Change Y or N	Description	Acres
922 / 728	02/24/1987	Y	"All that certain lot or parcel of land consisting of 5.036 acres, more or less... shown on a plat of R. O. Snow, Inc. dated October 17, 1986, which is attached to, made a part of, and recorded with this deed. Being a portion of the same property conveyed...in Deed Book 344, page 464." <b>This deed reduced the total amount of land in the residue to 156.164 acres, utilized the .7 acre parcel from the Deed Book 166, page 451 and retained four (4) division rights.</b>	161.2 -5.036 156.164
4698 / 725	11/24/2015	Y	This is a deed of exchange, which, among other things, added 20.21 acres to the main Thach tract, TMP57, parcel 72, bringing the grand total to 176.374 acres. <b>This deed resulted in the current total acreage of 176.37 for Tax Map 57, parcel 72.</b>	156.164 +20.21 176.374

**On the basis of these deeds**

**Tax Map 57, Parcel 72 is determined to be nine (9) parcels of record as follows:**

**one comprised of approximately 1.45 acres<sup>+/-</sup>, containing 1 development right;**  
**one comprised of approximately 5.0 acres<sup>+/-</sup>, containing 2 development rights;**  
**one comprised of approximately 2.5 acres<sup>+/-</sup>, containing 1 development right;**  
**one comprised of approximately 5.5 acres<sup>+/-</sup>, containing 2 development rights;**  
**one comprised of approximately 5.8 acres<sup>+/-</sup>, containing 2 development rights;**  
**one comprised of approximately 55.5 acres<sup>+/-</sup>, containing 5 development rights;**  
**one comprised of approximately 25.25 acres<sup>+/-</sup>, containing 5 development rights;**  
**one comprised of approximately 32.155 acres<sup>+/-</sup>, containing 5 development rights; and**  
**one comprised of approximately 31 acres<sup>+/-</sup>, containing 5 development rights.**

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 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](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 Zoning Ordinance. 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,

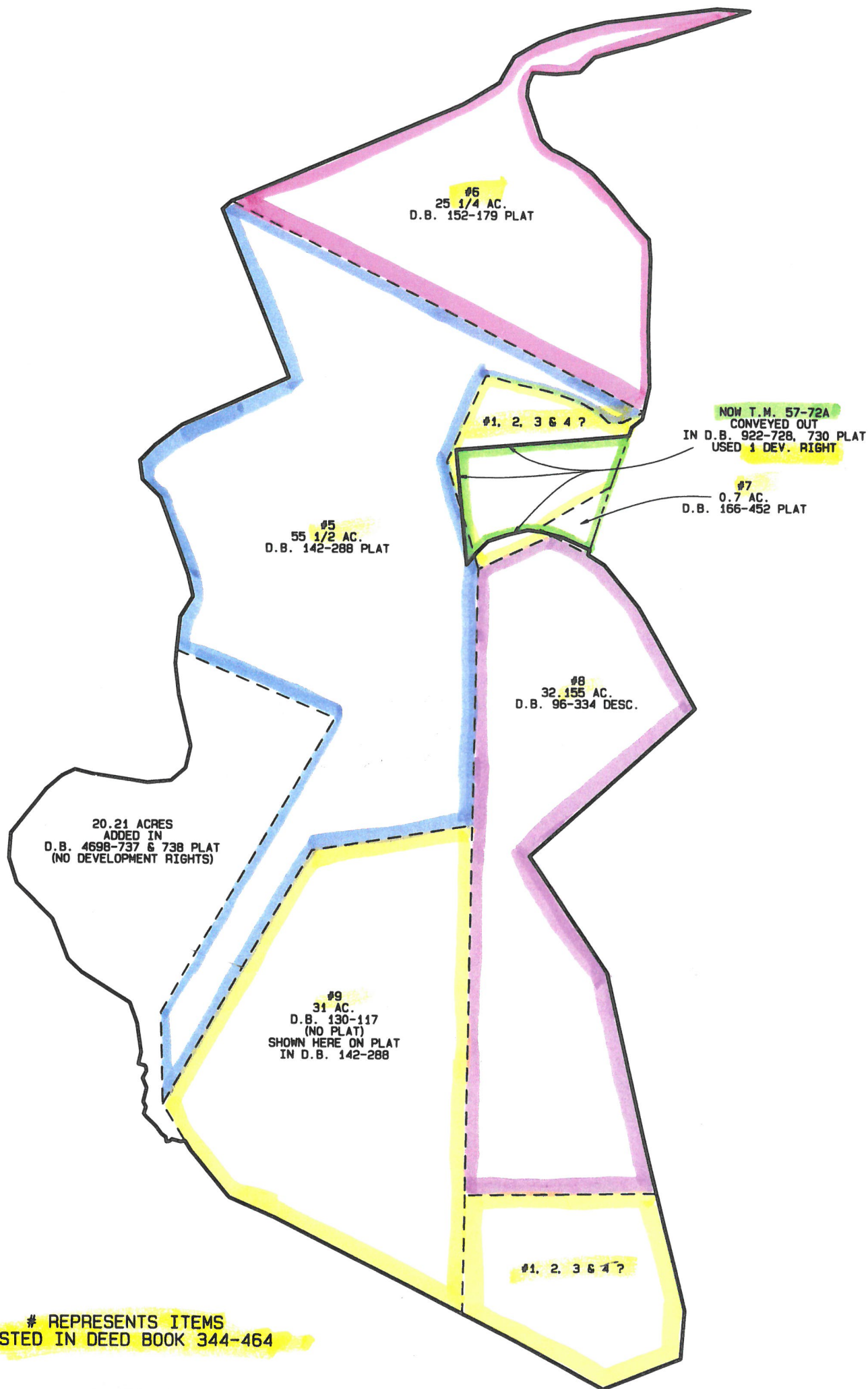


Ronald L. Higgins, AICP  
Chief of Zoning/Deputy Zoning Administrator

Attachment: Map delineating parcels of record.

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

SKETCH SHOWING  
**CONFIGURATION OF PARCELS**  
 WHICH MAKE UP TAX MAP 57 PARCEL 72



GRAPHIC SCALE

1"=500'



0

500

1000

ROGER W. RAY & ASSOC., INC.  
 663 BERKMAR COURT  
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 LAND SURVEYORS LAND PLANNERS  
 434-293-3195