



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

Phone (434) 296-5832

Fax (434) 972-4126

September 11, 2007

Yellow Mountain LLC
c/o William H. Strider
1380 Hermitage Road
Waynesboro, VA 22980-6453

RE: OFFICIAL DETERMINATION OF DEVELOPMENT RIGHTS Section 10.3.1 -- Tax Map 70, Parcels 31, 32A & 32B (Property of Yellow Mountain LLC) Whitehall Magisterial District

Dear Bill:

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 70, Parcel 31 is three lots of record with a total of ten (10) theoretical development rights, Tax Map 70, Parcel 32A is one lot of record with five (5) theoretical development rights and Tax Map 70, Parcel 32B is one lot of record with three (3) theoretical development rights. The summary of and basis for this determination follows.

Tax Map-Parcel, Lot	Acreage	Development Rights
TM 70-31, Lot 1	9.82 Acres	4
TM 70-31, Lot 2	9.77 Acres	4
TM 70-31, Lot 3	5.19 Acres	2
TM 70-32A, "Parcel B"	52.62 Acres	5
TM 70-32B, "Tract 2"	15.274 Acres	3
Total		18

Our records indicate: Tax Map 70, Parcel 31 contains 24.78 acres and one dwelling; Tax Map 70, Parcel 32A contains 52.62 acres and no dwellings, and; Tax Map 70, Parcel 32B contains 15.274 acres and one dwelling. The properties are not within any Agricultural and Forestal Districts. The most recent recorded instrument for these properties is recorded in Deed Book 3081, page 560.

Tax Map 70 – Parcel 31

This analysis for this parcel begins with the deed of record in Deed Book 349, page 433 that is dated June 5, 1959. The deed conveyed 24.78 acres, as shown on the plat made by William S. Roudabush, C.L.S., dated June 1, 1959, from William A. & Alice F. Blood to Robert N. Flood. **This deed and plat accurately establishes Tax Map 70, Parcel**

31 as three lots of record of 9.82 acres, 9.77 acres and 5.19 acres, respectively, having a total of ten (10) development rights as outlined in the table above (see attached plat, Deed Book 349, page 435).

Deed Book 351, page 357, dated August 14, 1959, conveyed 24.78 acres from Robert N. & Josephine P. Flood to Edward W. & Mildred L. Elverston. The property is described as being the same as was conveyed by Deed Book 349, page 433. **This transaction had no effect on the parcels.**

Deed Book 467, page 421, dated November 21, 1969, conveyed 24.78 acres from Edward W. & Mildred L. Elverston to Mildred L. Elverston. The property is described as being the same as was conveyed by Deed Book 351, page 357. **This transaction had no effect on the parcels.**

The most recent instrument for this parcel recorded prior to the adoption of the Zoning Ordinance, December 10, 1980, is recorded in Deed Book 468, page 343, and is dated January 14, 1970. The deed conveyed 24.78 acres known as Tax Map 70, Parcel 31 from Mildred L. Elverston to David V. Strider. **This transaction had no effect on the lots of record. Based on this deed, Tax Map 70, Parcel 31 is determined to be three parcels of record with ten (10) total development rights.**

Deed Book 1574, page 688, dated November 1, 1996, conveyed 24.78 acres in a deed of gift from David V. Strider to Betty F. Strider as Trustee for the Betty F. Strider Trust. The property is described as being the same as was conveyed by Deed Book 468, page 343. **This transaction had no effect on the parcels.**

Deed Book 3081, page 560, dated October 4, 2005, conveyed 24.78 acres from Betty F. Strider, Trustee for the Betty F. Strider Trust to Yellow Mountain, LLC. The property is described as being the same as was conveyed by Deed Book 1574, page 688. **This transaction had no effect on the parcels.**

Tax Map 70 – Parcel 32A

This analysis for this parcel begins with the deed of record in Deed Book 653, page 19 that is dated August 9, 1978. This deed is also the most recent instrument for this parcel recorded prior to the adoption of the Zoning Ordinance, December 10, 1980. The deed conveyed 52.62 acres known as "Parcel B", the current Tax Map 70, Parcel 32A, from Charles F. Schultz to David V. Strider. **Based on this deed, Tax Map 70, Parcel 32A is determined to be a parcel of record with five (5) development rights.**

Deed Book 1574, page 698, dated November 1, 1996, conveyed 52.62 acres from David V. Strider to Betty F. Strider as Trustee for the Betty F. Strider Trust. The property is described as being the same as was conveyed by Deed Book 653, page 19. **This transaction had no effect on the parcel.**

Deed Book 3081, page 560, dated October 4, 2005, conveyed 52.62 acres from Betty F. Strider, Trustee for the Betty F. Strider Trust to Yellow Mountain, LLC. The property is described as being the same as was conveyed by Deed Book 1574, page 698. **This transaction had no effect on the parcel.**

Tax Map 70 – Parcel 32B

This analysis for this parcel begins with the deed of record in Deed Book 278, page 170 that is dated December 29, 1947. The deed conveyed "about 79 acres" from Harry F. Schultz, et als., the heirs of Charles R. Schultz, to Charles F. Schultz, his son and Ruth C. Schultz, his wife. **This deed establishes the parent tract, now Tax Map 70, Parcels 32, 32A & 32B as a parcel of record.**

Deed Book 653, page 19, dated August 9, 1978, conveyed 52.62 acres off of the parent tract, established above, and left a residue of 25.85 acres as shown on a plat by William S. Roudabush, dated July 31, 1978. This is also the most recent instrument for this parcel recorded prior to the adoption of the Zoning Ordinance, December 10, 1980. This property is described as being apportion of the same as was conveyed by Deed Book 278, page 170. **Based on this deed, Tax Map 70, Parcel 32 & 32B, one parcel at the time, is determined to be the original parcel of record with five (5) development rights.**

Deed Book 992, page 466, dated May 11, 1988, conveyed 15.274 acres from Charles F. Schultz to David V. Strider. The property is described as being "Tract 2" on plat by Robert L. Lum, dated April 8, 1987, which divided the 25.85 acre parcel into two tracts, Tract 1, of 10.576 acres, retaining two (2) development rights and the subject parcel, Tract 2, of 15.274 acres, retaining three (3) development rights. **It is this transaction that establishes the current number of development rights as three (3) for Tax Map 70, Parcel 32B.**

Deed Book 1576, page 523, dated November 15, 1996, conveyed 15.274 acres from David V. Strider to Betty F. Strider, Trustee for the Betty F. Strider Trust. The land is described as being the same as was conveyed by Deed Book 992, page 466. **This transaction had no effect on the parcel.**

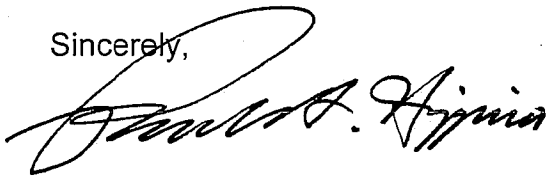
Deed Book 3081, page 560, dated October 4, 2005, conveyed 15.274 acres from Betty F. Strider, Trustee for the Betty F. Strider Trust to Yellow Mountain, LLC. The property is described as being the same as was conveyed by Deed Book 1576, page 523. **This transaction had no effect on the parcel.**

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. In addition to the development right lots, the parcel may create as many smaller parcels containing a minimum of twenty-one acres as it has land to make.

If you are aggrieved by this determination, you have a right to appeal it within thirty days of the date notice of this determination is given, in accordance with Section 15.2-2311 of the Code of Virginia. If you do not file a timely appeal, this determination shall be final and unappealable. An appeal shall be taken only by filing with the Zoning Administrator and the Board of Zoning Appeals a notice of appeal which specifies the grounds for the appeal. An appeal application must be completed and filed along with the fee of \$120. The date notice of this determination was given is the same as the date of this letter.

If you have any questions, please contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Ronald L. Higgins". The signature is fluid and cursive, with a large initial "R" and "H".

Ronald L. Higgins, AICP
Manager of Zoning Administration

Copy: Gay Carver, Real Estate Supervisor
Ella Jordan, Clerk of the Board of Supervisors