



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 10, 2007

Mr. Robert Linwood Quick, Jr.
P. O. Box 223833
Chantilly, VA 20153

**RE: OFFICIAL DETERMINATION OF DEVELOPMENT RIGHTS -- Tax Map 121,
Parcel 74-B (Property of Robert Linwood Quick) Scottsville Magisterial District**

Dear Mr. Quick:

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 121, Parcel 74-B is four parcels of record with a total of thirteen (13) theoretical development rights, as summarized in the table below. The basis for this determination follows.

Tax Map, Parcel	Acreage	Development Rights
TM 121, Parcel 74-B, 1st	10 Acres	5
TM 121, Parcel 74-B, 2nd	4 Acres	2
TM 121, Parcel 74-B, 3rd	1 ¼ Acres	1
TM 121, Parcel 74-B, 4th	26 ¼ Acres	5
Total	41 ½ Acres	13

Our records indicate Tax Map 121, Parcel 74-B contains 41.253 acres and no dwellings. The property is not within an Agricultural and Forestal District. The most recent recorded instrument for this property is recorded in Will Book 83, page 452.

This analysis begins with the deed of record in Deed Book 180, page 535 that is dated August 19, 1922, conveying 4 acres, more or less, from J. R. & Pocahontas Maupin, husband & wife, to W. H. Harp. This gave a description of the 4 acre parcel. **This established the 4 acre parcel as a parcel of record.**

Deed Book 199, page 189, dated November 19, 1927, conveyed 1 ¼ acres, more or less, from Pocahontas E. Maupin, a widow, to W. H. & Hattie Harp, husband & wife. This gave a description of the 1 ¼ acre parcel. **This established the 1 ¼ acre parcel as a parcel of record.**

Deed Book 240, page 211, dated June 29, 1938, conveyed 10 acres, more or less, from Hattie Harp to Jettie Quick. This gave a description of the 10 acre parcel. **This established the 10 acre parcel as a parcel of record.**

Deed Book 274, page 560, dated June 8, 1947, conveyed 41 ½ acres, more or less, from Myrtle R. & John R. Moore to Jettie Quick. Myrtle R. Moore was the heir to W. H. & Hattie Harp. This deed describes the tract as consisting of a 4 acre tract, a 1 ¼ acre tract and a 36 ¼ tract less the 10 acres conveyed to Jettie Quick in Deed Book 240, page 211, making it 26 ¼ acres. **This deed established the 26 ¼ acre parcel as a parcel of record.**

Deed Book 410, page 489, dated September 1, 1965, conveyed "all that certain tract or parcel of land" containing 41.50 acres from Jettie Quick to Robert L. & Thelma S. Quick, husband and wife. The deed points out that the property conveyed embraces four tracts which contain 4 acres, 1.25 acres, 26.25 acres and 10 acres, for a total of 41.50 acres, being the same as those conveyed to Jettie Quick in the two transactions described in the previous two paragraphs. This is the most recent instrument for this parcel recorded prior to the adoption of the Zoning Ordinance, December 10, 1980. **Based on this deed, Tax Map 121, Parcel 74B is determined to be four parcels of record with a total of thirteen (13) theoretical development rights as detailed in the table above.**

Will Book 83, page 452, dated March 18, 1996, referenced 41.253 acres as shown on a plat by Robert L. Lum, dated November 10, 1988 as the property being left to Robert Linwood Quick by Thelma Sylvia Quick. That plat described the property as being the same as was conveyed by Deed Book 410, page 489 and indicated that this 41.253 acre residue "may be divided into 3 lots of less than 21 acres". **In spite of that note, this plat and transaction had no effect on the parcels.**

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,



Ronald L. Higgins, AICP

Manager of Zoning Administration

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

