



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

Phone (434) 296-5832

Fax (434) 972-4126

January 3, 2008

Oden L. Cornwell  
8968 Langhorne Road  
Esmont, VA 22937-2229

**RE: LOD-2007-00045 OFFICIAL DETERMINATION OF PARCELS AND  
DEVELOPMENT RIGHTS -- Tax Map 134, Parcel 7A (Property of ODEN L.  
CORNWELL Jr.) Scottsville Magisterial District**

Dear Mr. Cornwell:

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 134, Parcel 7A is a parcel of record and has one (1) theoretical development right. The basis for this determination follows:

Our records indicate Tax Map 134, Parcel 7A contains 80.00 acres and zero (0) dwellings. The property is not in an Agricultural and Forestal District. The most recent recorded instrument for this property is recorded in Deed Book 3160, page 392.

The most recent instrument for this parcel recorded prior to the adoption of the Zoning Ordinance December 10, 1980, is recorded in Deed Book 402, page 361, and is dated November 2, 1964. Parcel 7A was a portion of a 311.38 acre tract that was conveyed in Deed Book 402, page 361 from Spring Valley Farm Corporation and Charles W. Hurt and Letitia H. Hurt to Emil Schmidt and Ruth Schmidt. **Based on this deed, on December 10, 1980 Tax Map 134, Parcel 7 is determined to have been a parcel of record with five (5) development rights.**

Deed Book 784, page 345 that is dated December 14, 1983 conveyed 80.00 acres from Emil Schmidt and Ruth Schmidt to The Antonin Corporation. One (1) development right was conveyed with the 80.00 acres as described on the plat dated December 6, 1983 by Gary Whelan. **It is this transaction that establishes the current number of development rights as one (1) for Tax Map 134, Parcel 7A.**

Deed Book 3160, page 392, dated February 14, 2006 conveyed 80.00 acres from The Antonin Corporation to Oden L Cornwell. The property is described as being the same as was conveyed by Deed Book 784, page 345. **This 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,

A handwritten signature in cursive script, appearing to read "Ronald L. Higgins".

Ronald L. Higgins, AICP  
Chief of Zoning

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

