



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

Peter Duntell
P O Box 89
North Garden, VA 22959-0089

RE: LOD-2007-00046 OFFICIAL DETERMINATION OF PARCELS AND DEVELOPMENT RIGHTS -- Tax Map 99, Parcels 36C & 38 (Property of PETER DUTNELL) Samuel Miller Magisterial District

Dear Mr. Duntell:

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 99, Parcels 36C and 38 are parcels of record and have collectively a total of ten (10) theoretical development rights, as outlined in the following table:

Tax Map-Parcel	Acreage	Development Rights
TMP 99-36C	89.883 Acres	5
TMP 99-38	62.998 Acres	5
Total		10

The basis for this determination follows:

Tax Map 99 Parcel 36C

Our records indicate Tax Map 99, Parcel 36C contains 89.883 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 3039, page 604.

This analysis begins with the deed of record in Deed Book 629, page 562 that is dated April 20, 1977. This is the most recent instrument of record prior to the adoption of the Zoning Ordinance, December 10, 1980. The deed states that 105.5 acres is conveyed from Central Virginia Real Estate Inc. to Jonathan C. Eagle save and except 15.617 acres. This left 89.883 acres known today as Tax Map 99, Parcel 36C. **This established the original parcel of record. Based on this deed, Tax Map 99, Parcel 36C is determined to be a parcel of record with five (5) development rights.**

Deed Book 1330, page 187, dated July 28, 1993, conveyed 89.883 acres from Jonathan C. Eagle to Peter Duntell and Adele J. Poggi. The property is described as being the same as was conveyed by Deed Book 629, page 562. **This transaction had no effect on the parcels.**

Deed Book 3039, page 604, dated July 20, 2005, conveyed 89.883 acres from Peter Duntell and Adele J. Poggi to Peter Duntell. The property is described as being the same as was conveyed by Deed Book 1330, page 187. **This transaction had no effect on the parcels.**

Tax Map 99 Parcel 38

Our records indicate Tax Map 99, Parcel 38 contains 62.998 acres and one (1) dwelling. The property is not in an Agricultural and Forestal District. The most recent recorded instrument for this property is recorded in Deed Book 3039, page 604.

This analysis begins with the deed of record in Deed Book 288, page 281 that is dated March 24, 1950. This is the most recent instrument of record prior to the adoption of the Zoning Ordinance, December 10, 1980. The deed conveyed 60.25 acres known as "Tract B" from E.L. Knight and Cornelia G. Knight to Walter G. Faris and Lutie B. Faris. **This established the original parcel of record. Based on this deed, Tax Map 99, Parcel 38 is determined to be a parcel of record with five (5) development rights.**

Deed Book 1094, page 312, dated March 19, 1990, conveyed 62.998 acres, particularly designated and described on a plat made by Gary M. Whelan, C.L.S. dated March 22, 1990, from Lutie B. Faris to Peter Duntell and Adele J. Poggi. The property is described as being the same as was conveyed by Deed Book 288, page 281. **This transaction had no effect on the parcels.**

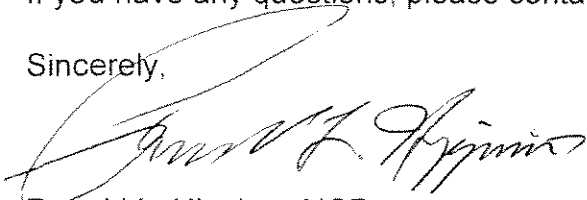
Deed Book 3039, page 604, dated July 20, 2005, conveyed 62.998 acres from Peter Duntell and Adele J. Poggi to Peter Duntell. The property is described as being the same as was conveyed by Deed Book 1094, page 312. **This transaction had no effect on the parcels.**

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.

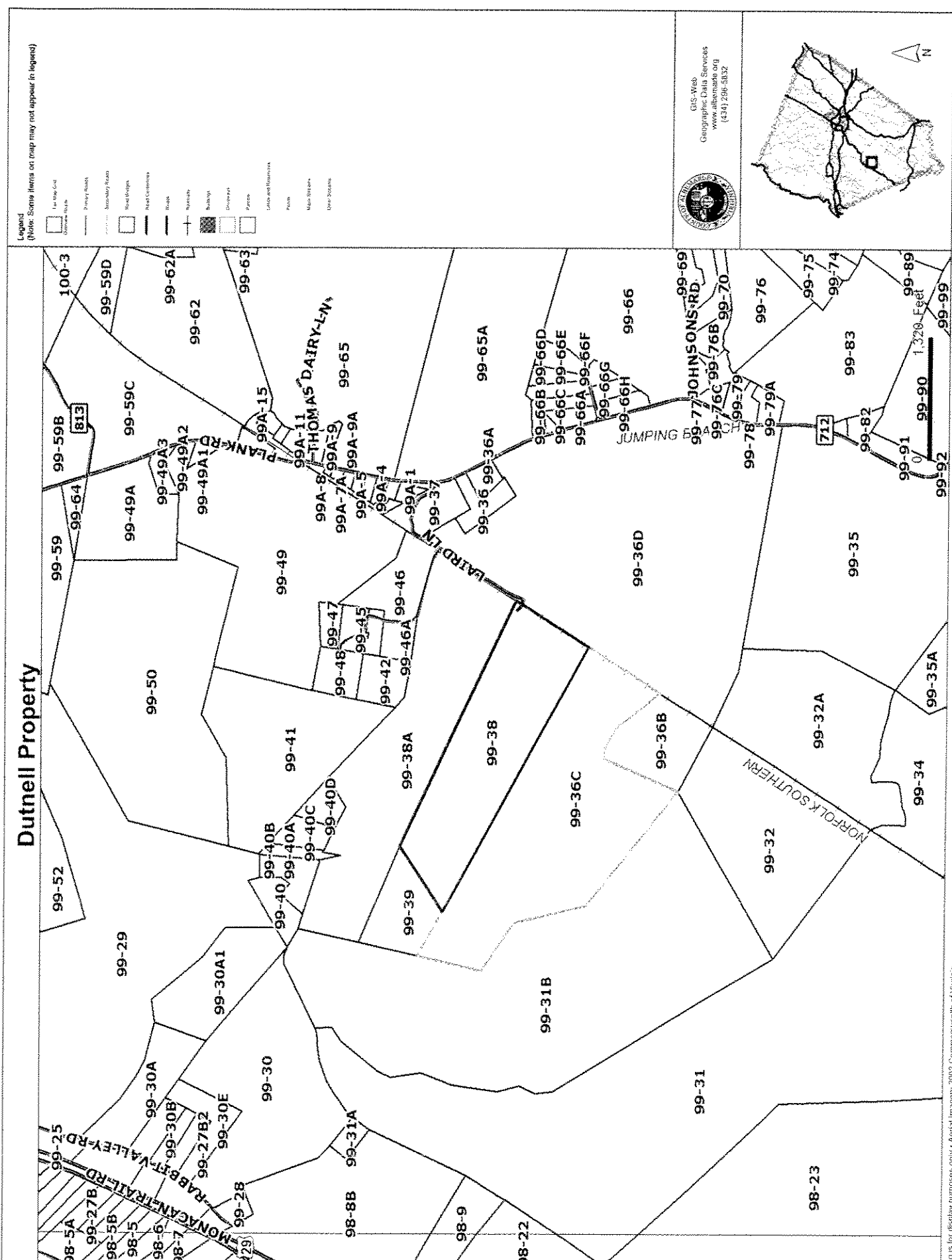
Sincerely,

A handwritten signature in 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
Chief of Zoning

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

Dutnell Property



Legend
(Note: Some items on map may not appear in legend)

- Line Style
- Boundary Style
- Primary Road
- Secondary Road
- Road Design
- Right-of-Way
- Road
- Subdiv
- Subdiv
- Subdiv
- Parcel
- Label and Boundary
- Point
- Main Street
- Other Street



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