



**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

Vincent L. & Stephanie J. Jones  
4116 Red Hill School Road  
North Garden, VA 22959

**RE: OFFICIAL DETERMINATION OF DEVELOPMENT RIGHTS -- Tax Map 87,  
Parcel 44 (Property of Vincent L. & Stephanie J. Jones) Samuel Miller Magisterial  
District**

Dear Mr. & Mrs. Jones:

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 87, Parcel 44 is a parcel of record which has two (2) theoretical development rights. The basis for this determination follows.

Our records indicate Tax Map 87, Parcel 44 contains 4.36 acres and one dwelling. The property is not within an Agricultural and Forestal District. The most recent recorded instrument for this property is recorded in Deed Book 3508, page 186.

This analysis begins with the deed of record in Deed Book 282, page 360 that is dated December 28, 1948. The deed contains a reference to a plat by A. R. Sweet, dated December 22, 1948, which shows the tract conveyed to Talmadge D. & Marcella W. Washington, husband & wife, known as "lot B" and consisting of "6.04 acres more or less". This is also the most recent instrument for this parcel recorded prior to the adoption of the Zoning Ordinance, December 10, 1980. The deed conveyed the 6.04 acres known as Tax Map 87, Parcel 44. **Based on this deed, Tax Map 87, Parcel 44 is determined to be a parcel of record with three (3) theoretical development rights. However, as will be shown later in this analysis, we believe this plat incorrectly calculated the acreage and it should have been shown as 7.44 acres.**

Deed Book 832, page 537, dated April 2, 1985, conveyed "2.96 acres, more or less" from Marcella W. Washington, widow, to George D. Washington. The property is described as being the "remainder of a parcel of land containing 6.04 acres, more or less" conveyed by Deed Book 282, page 360. **This transaction reduced the number of development rights to one (1), based on the acreage then stated.**

Deed Book 2246, page 181, dated July 17, 2002, conveyed "2.96 acres, more or less" from George D. Washington to June D. Ewing. The property is described as being the "remainder of a parcel of land containing 6.04 acres, more or less" conveyed by Deed Book 832, page 537. **This transaction had no effect on the parcel.**

Deed Book 3178, page 11, dated March 6, 2006, conveyed "2.96 acres, more or less" from June D. Ewing to Vincent L. Jones and Stephanie J. Jones, husband and wife. The property is described as being the "remainder of a parcel of land containing 6.04 acres, more or less, shown as Lot B on a plat by A. R. Sweet & Associates, Engineers, dated December 22, 1948, and recorded in the Clerk's Office of the Circuit Court of Albemarle County, Virginia in Deed Book 282, page 362; LESS AND EXCEPT 1.81 acres, more or less, conveyed to the Commonwealth of Virginia in Deed Book 400, page 208 and 1.27 acres, more or less, shown as Parcel A on a plat by Thomas D. Blue, L.S., dated June 4, 1965 and recorded in the aforesaid Clerk's Office in Deed Book 413, page 145. " This BEING the same property conveyed by Deed Book 2246, page 181". **This transaction had no effect on the parcel, as the two portions conveyed off of the original parcel were shown or described in the two Deed Book references, but the residue was not shown or described. The subtraction of the 1.81 & 1.27 acres from the 6.04 acres does not leave "2.96 acres", but leaves 4.36 acres, due to an error in calculation on the A. R. Sweet plat of December 22, 1948.**

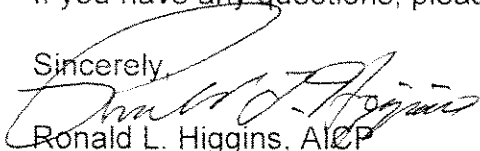
Deed Book 3508, page 186, dated October 29, 2007, is a Certificate of Plat, based on a recent more accurate survey, showing the actual size of Parcel 44 on Tax Map 87 as 4.36 acres. **This survey confirms our belief that the original estimates were incorrect. Given that the original parcel had three (3) theoretical development rights and the two off-conveyances involved no development rights, we conclude that the remainder, at 4.36 acres, has two (2) theoretical development rights, instead of one (1).**

The parcel is 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  
Chief of Zoning

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

