



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

Phone (434) 296-5832

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December 12, 2007

J. Alden English
P.O BOX 1288
Charlottesville, VA 22902

**RE: LOD 2007-00035 OFFICIAL DETERMINATION OF DEVELOPMENT RIGHTS --
Tax Map 57, Parcel 73A (Property of J. RAMSEY MARTIN) Samuel Miller
Magisterial District**

Dear Mr. English:

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 57, Parcel 73A has five (5) theoretical development rights. The basis for this determination follows.

Our records indicate Tax Map 57, Parcel 73A contains 17.581 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 751, page 549.

This analysis begins with the deed of record in Deed Book 283, page 166 that is dated March 22, 1949 which conveyed 17.9 acres from Patrick W. I. Deakin and Sarah H. Deakin to Lester J. Cappon and Dorothy Bernet Cappon. **This established the 17.9 acres as an original parcel of record.**

Deed Book 465, page 530, dated September 26, 1969, conveyed .319 acres from Lester J. Cappon and Dorothy Bernet Cappon to J. Lawrence Meem Jr. and Buena Vista S. Meem. This would have left 17.581 acres as the residue. The plat does not state this but is affirmed in Deed Book 751, page 549. Deed Book 465, page 530 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 57, Parcel 73A is determined to be a parcel of record with five (5) development rights.**

Will Book 58, page 322 devised the 17.581 acres to Stanley Bernet Cappon as noted in Deed Book 751, page 549, dated October 25, 1982.

Deed Book 751, page 549, dated October 25, 1982, conveyed 17.581 acres from Stanley B. Cappon to J. Ramsey Martin and Barbara B. Martin. The property is

described as being the same as was conveyed by Deed Book 465, page 530. **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,



William D. Fritz, AICP
Chief of Zoning

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