



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 12, 2007

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

**RE: LOD 2007-00037 OFFICIAL DETERMINATION OF DEVELOPMENT RIGHTS --
Tax Map 57, Parcel 73B (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 73B has one (1) theoretical development right. The basis for this determination follows.

Our records indicate Tax Map 57, Parcel 73B contains .331 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 751, page 549.

This analysis begins with the deed of record in Deed Book 465, page 530 that is dated July 19, 1969 which conveyed .331 acres known as Parcel 1 from J. Lawrence Meem Jr. to Lester J. Cappon. **This established the .331 acres as an original parcel of record.** This deed is also 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 73B is determined to be a parcel of record with one (1) development right.**

Will Book 58, page 322 devised the .331 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 .331 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.**

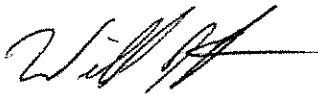
The parcels are entitled to the noted development rights if all other applicable regulations can be met. These development rights may only be utilized within the bounds of the original parcel with which they are associated. These development rights

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,

A handwritten signature in black ink, appearing to read "William D. Fritz", with a long horizontal flourish extending to the right.

William D. Fritz, AICP
Chief of Zoning

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