



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

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October 31, 2008

Linda C. Benton
709 Grove Street
Bedford, VA 24523

**RE: OFFICIAL DETERMINATION OF PARCELS AND DEVELOPMENT RIGHTS --
Tax Map 117, Parcel 20 (Property of Andrew C. Craig Estate) Samuel Miller
Magisterial District**

Dear Ms. Benton:

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 117, Parcel 20 is comprised of two separate parcels of record, each containing five (5) theoretical development rights. The basis for this determination follows.

Our records indicate Tax Map 117, Parcel 20 contains 93 acres and zero dwellings. The property is not within an Agricultural and Forestal District. The most recent recorded instrument for this property is recorded in Deed Book 566, page 190.

This analysis begins with the deed of record in Deed Book 169, page 276 that is dated September 26, 1918. The deed conveyed 80 acres from W. T. Whitten and M. A. Whitten to Henry A. Via. This is the portion of the Parcel that is located to the north of Bear Branch. **On the basis of this deed, the 80-acre portion of the parcel is determined to be a parcel of record.**

Deed Book 176, page 535, dated April 1, 1921, conveyed 13 acres from the Atlantic Lead and Zinc Company to Henry Via. The property is shown on a plat by G. H. Hogshead. **On the basis of this deed, the 13-acre portion of the parcel is determined to be a parcel of record.**

Deed Book 281, page 503, dated December 15, 1948, conveyed two parcels from the heirs of Henry Via to Andrew F. Craig and Violet F. Craig. Tract 1 is described as containing 80 acres and by reference to Deed Book 169, page 276. Tract 2 is described as containing 13 acres and by reference to Deed Book 176, page 535. **This transaction had no effect on the status of the two separate parcels.**

Deed Book 291, page 309, dated 1950, conveyed two tracts from Andrew T. Craig and Violet F. Craig to Walter H. Craig and Irene G. Craig. Tract 1 is described as containing

80 acres. Tract 2 is described as containing 13 acres. The parcels are also described by reference to Deed Book 281, page 503. **This transaction had no effect on the status of the two separate parcels.**

Deed Book 297, page 112, dated September 10, 1951 conveyed two tracts from Walter H. Craig & Irene G. Craig to L. L. Craig & Gracie O. Craig. Tract 1 is described as containing 80 acres. Tract 2 is described as containing 13 acres. The parcels are also described by reference to Deed Book 291, page 309. **This transaction had no effect on the status of the two separate parcels.**

The most recent instrument for the rest of this parcel recorded prior to the adoption of the Zoning Ordinance, December 10, 1980, is recorded in Deed Book 566, page 190. This deed conveyed two tracts from L. L. Craig to Andrew Cecil Craig. Tract 1 is described as containing 80 acres. Tract 2 is described as containing 13 acres. The parcels are also described by reference to Deed Book 297, page 112. **On the basis of this deed, T.M. 117-20 is determined to be two (2) separate parcels of record. The 13-acre portion located south of Bear Creek is determined to be a separate parcel of record containing five (5) theoretical developments. The 80-acre portion located north of Bear Creek is also determined to be a separate parcel of record containing five (5) theoretical development rights.**

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,



John Shepherd
Manager of Zoning Administration

Copy: Cheri Roberts, Property Transaction Technician

