



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

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December 17, 2008

Duane H. Zobrist
Zobrist Law Group LLC
3 Boar's Head Place
Charlottesville VA 22903

**RE: LOD20080020 - OFFICIAL DETERMINATION OF DEVELOPMENT RIGHTS --
Tax Map 102, Parcel 39J, Tax Map 103, Parcel 16B, Tax Map 103, Parcel 16D, Tax
Map 113, Parcel 2A (Property of MATTHEW RICHARD SINGLETON & ELIZABETH
ST CLOUD MUSE LIVING TRUST) Scottsville Magisterial District**

Dear Mr. Zobrist:

The County Attorney and I have reviewed the title information for the above-noted properties. It is the County Attorney's advisory opinion and my official determination that Tax Map 102, Parcel 39J is one (1) parcel of record with five (5) theoretical development rights, Tax Map 103, Parcel 16B is one (1) parcel of record with five (5) theoretical development rights, Tax Map 103, Parcel 16D is one (1) parcel of record with five (5) theoretical development rights, and Tax Map 113, Parcel 2A is one (1) parcel of record with five (5) theoretical development rights. The basis for this determination follows.

Tax Map 102, Parcels 39J

Our records indicate **Tax Map 102, Parcel 39J** contains 10.17 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 2286, page 112.

This analysis begins with the deed of record in Deed Book 509, page 608; dated July 5, 1972. The deed conveyed 10.17 acres from Bernice E. Beach to Gordon Carleton Baird, Jr. and Rebecca C. Baird. The 10.17 acres is shown as "Tract #10" on the plat by Warren F. Wade, C.L.S., and dated July 5, 1972. **This established the 10.17 acre parcel as a parcel of record.**

The most recent deed for this property, recorded prior to December 10, 1980, the date of adoption of the Zoning Ordinance, is recorded in Deed Book 597, page 547; dated March 10, 1976. The deed conveyed 10.17 acres from Gordon Carlton Baird, Jr. and Rebecca C. Baird to Brooks Mims Talton and Greta H. Talton. The property is described as being the same as was conveyed by Deed Book 509, page 608. **On the basis of this deed, Tax Map 102, Parcel 39J is determined to be a 10.17 acre parcel of record with five (5) development rights.**

Deed Book 1068, page 76; dated March 31, 1988, conveyed four (4) parcels of land, one being described as "Tract #10" containing 10.17 acres from Brooks M. Talton and Greta H. Talton to Brooks M. Talton and Regina Soniet Talton. The property is described as being the same as was conveyed by Deed Book 597, page 547. **This transaction had no effect on the development rights of this parcel.**

Deed Book 1506, page 726; dated November 28, 1995, conveyed four (4) parcels of land, one being described as "Tract #10" containing 10.17 acres from Brooks M. Talton to Cornelia C. Goddin and Christopher C. Baumer. The property is described as being the same as was conveyed by Deed Book 1068, page 76. **This transaction had no effect on the development rights of this parcel.**

Deed Book 1970, page 313; dated October 9, 2000, conveyed four (4) parcels of land, one being described as "Tract #10" containing 10.17 acres from Christopher C. Baumer and Cornelia C. Goddin to Matthew R. Singleton and Elizabeth St. Cloud Muse. The property is described as being the same as was conveyed by Deed Book 1506, page 726. **This transaction had no effect on the development rights of this parcel.**

Deed Book 2886, page 112; dated March 17, 2004, conveyed four (4) parcels of land, one being described as "Tract #10" containing 10.17 acres from Matthew R. Singleton and Elizabeth St. Cloud Muse to Matthew R. Singleton and Elizabeth St. Cloud Muse, Trustees of the Matthew Richard Singleton and Elizabeth St. Cloud Muse Living Trust. The property is described as being the same as was conveyed by Deed Book 1970, page 313. **This transaction had no effect on the development rights of this parcel.**

Tax Map 103, Parcel 16B

Our records indicate **Tax Map 103, Parcel 16B** contains 13.43 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 2286, page 112.

This analysis begins with the deed of record in Deed Book 510, page 33; dated July 10, 1972. This deed is also the most recent deed for this property, recorded prior to December 10, 1980, the date of adoption of the Zoning Ordinance. The deed conveyed 13.43 acres from Bernice E. Beach to William H. Browning, Sr. and Marianne E. Browning. The 13.49 acres is shown as "Tract #9" on the plat by Warren F. Wade, C.L.S., and dated June 30, 1972. **This established the 13.43 acre parcel as a parcel of record. On the basis of this deed, Tax Map 103, Parcel 16B is determined to be a 13.43 acre parcel of record with five (5) development rights.**

Deed Book 721, page 294; dated June 19, 1981, conveyed the 13.43 acre parcel of land being described as "Tract #9" containing 13.43 acres from Marianne E. Browning to Brooks M. Talton Jr. and Greta H. Talton. The property is described as being the same as was conveyed by Deed Book 510, page 33. **This transaction had no effect on the development rights of this parcel.**

Deed Book 1068, page 76; dated March 31, 1988, conveyed four (4) parcels of land, one being described as "Tract #9" containing 13.43 acres from Brooks M. Talton and Greta H. Talton to Brooks M. Talton and Regina Soniet Talton. The property is described as being the same as was conveyed by Deed Book 721, page 294. **This transaction had no effect on the development rights of this parcel.**

Deed Book 1506, page 726; dated November 28, 1995, conveyed four (4) parcels of land, one being described as "Tract #9" containing 13.43 acres from Brooks M. Talton to Cornelia C. Goddin and Christopher C. Baumer. The property is described as being the same as was conveyed by Deed Book 1068, page 76. **This transaction had no effect on the development rights of this parcel.**

Deed Book 1970, page 313; dated October 9, 2000, conveyed four (4) parcels of land, one being described as "Tract #9" containing 13.43 acres from Christopher C. Baumer and Cornelia C. Goddin to Matthew R. Singleton and Elizabeth St. Cloud Muse. The property is described as being the same as was conveyed by Deed Book 1506, page 726. **This transaction had no effect on the development rights of this parcel.**

Deed Book 2886, page 112; dated March 17, 2004, conveyed four (4) parcels of land, one being described as "Tract #9" containing 13.43 acres from Matthew R. Singleton and Elizabeth St. Cloud Muse to Matthew R. Singleton and Elizabeth St. Cloud Muse, Trustees of the Matthew Richard Singleton and Elizabeth St. Cloud Muse Living Trust. The property is described as being the same as was conveyed by Deed Book 1970, page 313. **This transaction had no effect on the development rights of this parcel.**

Tax Map 103, Parcel 16D

Our records indicate **Tax Map 103, Parcel 16D** contains 50.02 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 3056, page 245.

This analysis begins with the deed of record in Deed Book 509, page 384; dated May 8, 1972. The deed conveyed 50.02 acres from Bernice E. Beach to Hamilton E. Creasy and Janet S. Creasy. The 50.02 acres is shown on the plat by Warren F. Wade, C.L.S., and dated May 7, 1972. **This established the 50.02 acre parcel as a parcel of record.**

Deed Book 524, page 203; dated January 12, 1973, is a deed of correction between Bernice E. Beach and Hamilton E. Creasy and Janet S. Creasy. The property is described as being the same as was conveyed by Deed Book 509, page 384. **This transaction had no effect on the legal status of this parcel.**

Deed Book 585, page 650; dated December 9, 1975, conveyed 50.02 acres from Hamilton E. Creasy and Janice S. Creasy to Lyn M. Robertson and A.N.B. Robertson. The property is described as being the same as was conveyed by Deed Book 524, page 203. **This transaction had no effect on the development rights of this parcel.**

The most recent deed for this property, recorded prior to December 10, 1980, the date of adoption of the Zoning Ordinance, is recorded in Deed Book 592, page 305 that is dated March 17, 1976. The deed conveyed 50.02 acres from Lyn M. Robertson and A.N.B. Robertson to Brooks Mims Talton and Greta H. Talton. The property is described as being the same as was conveyed by Deed Book 585, page 650. **On the basis of this deed, Tax Map 103, Parcel 16D is determined to be a 50.02 acre parcel of record with five (5) development rights.**

Deed Book 1068, page 76; dated March 31, 1988, conveyed four (4) parcels of land, one being described as 50.02 acres from Brooks M. Talton and Greta H. Talton to Brooks M. Talton and Regina Soniet Talton. The property is described as being the same as was conveyed by Deed Book 592, page 305. **This transaction had no effect on the development rights of this parcel.**

Deed Book 1506, page 726; dated November 28, 1995, conveyed four (4) parcels of land, one being described as 50.02 acres from Brooks M. Talton to Cornelia C. Goddin and Christopher C. Baumer. The property is described as being the same as was conveyed by Deed Book 1068, page 76. **This transaction had no effect on the development rights of this parcel.**

Deed Book 1970, page 313; dated October 9, 2000, conveyed four (4) parcels of land, one being described as 50.02 acres from Christopher C. Baumer and Cornelia C. Goddin to Matthew R. Singleton and Elizabeth St. Cloud Muse. The property is described as being the same as was conveyed by Deed Book 1506, page 726. **This transaction had no effect on the development rights of this parcel.**

Deed Book 2886, page 112; dated March 17, 2004, conveyed four (4) parcels of land, one being described as 50.02 acres from Matthew R. Singleton and Elizabeth St. Cloud Muse to Matthew R. Singleton and Elizabeth St. Cloud Muse, Trustees of the Matthew Richard Singleton and Elizabeth St. Cloud Muse Living Trust. The property is described as being the same as was conveyed by Deed Book 1970, page 313. **This transaction had no effect on the development rights of this parcel.**

Deed Book 3056, page 222; dated August 18, 2005, conveyed one (1) parcel of land being described as 50.02 acres from Matthew R. Singleton and Elizabeth St. Cloud Muse, Trustees of the Matthew Richard Singleton and Elizabeth St. Cloud Muse Living Trust to Matthew R. Singleton and Elizabeth St. Cloud Muse. The property is described as being the same as was conveyed by Deed Book 2886, page 112. **This transaction had no effect on the development rights of this parcel.**

Deed Book 3056, page 245; dated August 22, 2005, conveyed one (1) parcel of land being described as 50.02 acres from Matthew R. Singleton and Elizabeth St. Cloud Muse to Matthew R. Singleton and Elizabeth St. Cloud Muse, Trustees of the Matthew Richard Singleton and Elizabeth St. Cloud Muse Living Trust. The property is described as being the same as was conveyed by Deed Book 1970, page 313. **This transaction had no effect on the development rights of this parcel.**

Tax Map 113, Parcel 2A

Our records indicate **Tax Map 113, Parcel 2A** contains 20.56 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 2286, page 112.

This analysis begins with the deed of record in Deed Book 630, page 413; dated August 26, 1977. This deed is also the most recent deed for this property, recorded prior to December 10, 1980, the date of adoption of the Zoning Ordinance. The deed conveyed 20.56 acres from David J. Wood, Special Commissioner, to Brooks M. Talton Jr. and Greta H. Talton. The 20.56 acres is shown on the plat by William S Roudabush, Inc., and dated July 20, 1977. **This established the 20.56 acre parcel as a parcel of record. On the basis of this deed, Tax Map 113, Parcel 2A is determined to be a 20.56 acre parcel of record with five (5) development rights.**

Deed Book 1068, page 76; dated March 31, 1988, conveyed four (4) parcels of land, one being described as 20.56 acres from Brooks M. Talton and Greta H. Talton to Brooks M. Talton and Regina Soniet Talton. The property is described as being the same as was conveyed by Deed Book 597, page 547. **This transaction had no effect on the development rights of this parcel.**

Deed Book 1506, page 726; dated November 28, 1995, conveyed four (4) parcels of land, one being described as 20.56 acres from Brooks M. Talton to Cornelia C. Goddin and Christopher C. Baumer. The property is described as being the same as was conveyed by Deed Book 1068, page 76. **This transaction had no effect on the development rights of this parcel.**

Deed Book 1970, page 313; dated October 9, 2000, conveyed four (4) parcels of land, one being described as 20.56 acres from Christopher C. Baumer and Cornelia C. Goddin to Matthew R. Singleton and Elizabeth St. Cloud Muse. The property is described as being the same as was conveyed by Deed Book 1506, page 726. **This transaction had no effect on the development rights of this parcel.**

Deed Book 2045, page 52; dated April 3, 2001, conveyed four (4) parcels of land, one being described as 20.56 acres from Christopher C. Baumer and Cornelia C. Goddin to Matthew R. Singleton and Elizabeth St. Cloud Muse. The property is described as being the same as was conveyed by Deed Book 1970, page 313. **This transaction had no effect on the development rights of this parcel.**

Deed Book 2886, page 112; dated March 17, 2004, conveyed four (4) parcels of land, one being described as 20.56 acres from Matthew R. Singleton and Elizabeth St. Cloud Muse to Matthew R. Singleton and Elizabeth St. Cloud Muse, Trustees of the Matthew Richard Singleton and Elizabeth St. Cloud Muse Living Trust. The property is described as being the same as was conveyed by Deed Book 1970, page 313. **This transaction had no effect on the development rights of this parcel.**

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.

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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 cursive script, appearing to read "Francis H. MacCall".

Francis H. MacCall
Senior Planner

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