



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

Phone (434) 296-5832

Fax (434) 972-4126

February 9, 2009

Charles P Hudson
2802 Old Lynchburg Rd
North Garden VA 22959

**RE: LOD20080028 - OFFICIAL DETERMINATION OF DEVELOPMENT RIGHTS --
Tax Map 100, Parcel 20B, Tax Map 100, Parcel 21 (Property of CHARLES P
HUDSON OR LAURA T HUDSON) Samuel Miller Magisterial District**

Dear Mr. Hudson:

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 100, Parcel 20B is one (1) parcel of record with four (4) theoretical development rights, and Tax Map 100, Parcel 21 is one (1) parcel of record with four (4) theoretical development rights as outlined in the following table:

Tax Map Parcel	Acreage	Development Rights
TMP 100-20B	55.997 acres	4
TMP 100-21	68.99 Acres	4

The basis for this determination follows.

Tax Map 100, Parcels 20B

Our records indicate **Tax Map 100, Parcel 20B** contains 55.997 acres and two (2) dwellings. The property is not in an Agricultural and Forestal District. The most recent recorded instrument for this property is recorded in Deed Book 3467, page 3.

This analysis begins with the deed of record in Deed Book 60, page 327 that is dated March 30, 1863. The deed conveyed 63½ acres from John H. Gay and Catherine M. Gay to Charles W. Gay. This deed provides the physical description of the metes and bounds of the parcel. **This established a 63½ acre parcel as a parcel of record.**

Deed Book 77, page 434 that is dated January 1, 1881. The deed conveyed 63½ acres from Charles W. Gay and Nancy Gay to Charles E. Gay. The 63½ acres is described in Deed Book 60, page 327.

Deed Book 244, page 44 that is dated March 27, 1939 conveyed 63½ acres from J. Hamner Gay and others the heirs of Charles E. Gay to John H. Barksdale. The property is described as being the same as was conveyed by Deed Book 77, page 434.

Deed Book 336, page 352 that is dated November 15, 1957. The deed conveyed an estimated 60 acres from John H. Barksdale to Charles P. Hudson. The property is described as being the same as was conveyed by Deed Book 244, page 44.

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 651, page 386 and is dated July 17, 1978. The deed conveyed 2 acres of the 60 acre tract from Charles P. Hudson and Laura T. Hudson to Richard F. Hudson and Cornelia C. Hudson. The property is described as being the same as was conveyed by Deed Book 336, page 352. **On the basis of this deed, Tax Map 100, Parcel 20B is determined to be a 58 acre parcel of record with five (5) development rights.**

Deed Book 735, page 448 that is dated March 17, 1982, conveyed 2.003 acres from Charles P. Hudson and Laura T. Hudson to Harold C. Hudson and Bertha T. Hudson leaving a residue of 56 acres. The 56 acres is shown as residue of Tax Map 100 Parcel 20B on the plat by R.O. Snow & R.W. Ray, Inc. P.C., dated March 10 1982. The property is described as being the same as was conveyed by Deed Book 336, page 352. **This transaction conveyed one (1) development right to the 2.003 acres leaving Tax Map 100, Parcel 20B with 56.00 acres and four (4) development rights.**

Deed Book 3467, page 3 that is dated July 30, 2007, conveyed by estimate 55.997 acres from Charles P. Hudson and Laura T. Hudson to Charles P. Hudson and Laura T. Hudson. The property is described as being the same as was conveyed by Deed Book 735, page 448. **This transaction had no effect on the development rights of this parcel.**

Tax Map 100, Parcel 21

Our records indicate **Tax Map 100, Parcel 21** contains 68.99 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 3467, page 3.

This analysis begins with the deed of record in Deed Book 260, page 315 that is dated May 22, 1944. The deed conveyed 92½ acres from George Gilmer, Commissioner to Eva Estelle Hudson and Thomas Preston Hudson.

Deed Book 614, page 418 that is dated February 8, 1977 the most recent deed for this property, recorded prior to December 10, 1980, the date of adoption of the Zoning Ordinance. The deed conveyed 2.010 acres of a 92½ acre parcel from Eva Estelle Hudson to Lowell A. Brake and Wanda Brake. The property shown on the plat by R.O. Snow & Associates, dated November 3, 1978 notes that the residue is still 92½ acres.

That notation is determined to be incorrect since removing 2.01 acres from 92½ acres would result in 90.40 acres. **By calculation this established the 90.4 acre parcel as a parcel of record. On the basis of this deed, Tax Map 100, Parcel 21 is determined to be a 90.4 acre parcel of record with five (5) development rights.**

Deed Book 781, page 135 that is dated October 31, 1983, is a deed to reflect title of the property of Eva Estelle Hudson to now be in the name of Charles Preston Hudson. The property is described as being the same as was conveyed by Deed Book 260, page 315. The deed incorrectly refers to the 92½ acre parcel without reference to the division recorded in Deed Book 614, page 418. **This transaction had no effect on the development rights of this parcel.**

Deed Book 1980, page 263 that is dated December 18, 2000, conveyed 21.00 acres from Charles Preston Hudson to Lowell A. Brake and Dawn N. Brake leaving a residue of 68.99 acres. The 68.99 acres is shown as residue of Tax Map 100 Parcel 21 on the plat by Roger W. Ray & Associates, Inc. dated November 2, 2000. This plat correctly accounts for the acreage discrepancies from previous plats. The property is described as being a portion of the property as was conveyed by Deed Book 260, page 315. **This transaction conveyed one (1) development right to the 21.00 acres leaving Tax Map 100, Parcel 21 with 68.99 acres and four (4) development rights.**

Deed Book 3467, page 3 that is dated July 30, 2007, conveyed 68.99 acres from Charles P. Hudson and Laura T. Hudson to Charles P. Hudson and Laura T. Hudson. The property is described as being the same as was conveyed by Deed Book 1980, page 263. **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.

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.

LOD2008-00028

February 9, 2009

Page 4

If you have any questions, please contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Francis H. MacCall". The signature is fluid and cursive, with the first name "Francis" written in a smaller, more compact script than the last name "MacCall".

Francis H. MacCall
Senior Planner

Copy: Real Estate Supervisor
Ella Jordan, Clerk of the Board of Supervisors
Ches Goodall, ACE Coordinator