



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

Phone (434) 296-5832

Fax (434) 972-4126

July 8, 2009

Mr. Hunter Lewis
109 Cavalier Drive
Charlottesville, VA 22901

**RE: OFFICIAL DETERMINATION OF PARCELS AND DEVELOPMENT RIGHTS --
Tax Map 27, Parcel 6 (Property of Hunter Lewis) Whitehall Magisterial District**

Dear Mr. Lewis:

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 27, Parcel 6 contains three (3) lots of record with five (5) theoretical development rights each for a total of fifteen (15) theoretical development rights. The basis for this determination follows.

Our records indicate Tax Map 27, Parcel 6 contains 180.760 acres and one (1) dwelling. The property is not within an Agricultural and Forestal District. The most recent recorded instrument for this property is a certificate of plat recorded in Deed Book 3650, page 538.

This analysis begins with the deed of record in Deed Book 280, page 499 that is dated October 2, 1948. The deed contains a description of three tracts of land containing 54 acres, more or less, 18 acres, more or less and 70 4/10 acres, more or less. This deed conveyed the three tracts from Roy B. Blackwell and Virgie M. Blackwell to A. C. Shiflett and Chester C. Shiflett.

Deed Book 615, page 437, dated March 7, 1977, conveyed "an undivided one-half interest in one-quarter acre, more or less," from A. C. Shiflett and Theresa Ann Shiflett, husband and wife, to Chester C. Shiflett and Theresa Mary Shiflett, husband and wife.

The most recent instrument for this parcel recorded prior to the adoption of the Zoning Ordinance, December 10, 1980, is recorded in Deed Book 616, page 230, and is dated March 18, 1977. The deed corrected the aforesaid deed, Deed Book 615, page 437, to include the conveyance to Chester C. Shiflett and Theresa Mary Shiflett the three tracts conveyed in Deed Book 280, page 499 of 54, 18 and 70 4/10ths acres, respectively, now known as Tax Map 27, Parcel 6. **Based on this deed, Tax Map 27, Parcel 6 is determined to be three parcels of record with five (5) theoretical development rights each for a total of fifteen (15) theoretical development rights.**

Deed Book 3465, page 137, dated July 24, 2007, conveyed, among other tracts, the three tracts containing 54 acres, 18 acres and 70.04 acres, respectively, from the estate of Theresa Mary Shiflett to Hunter Lewis. The property is described as being the same as was conveyed by Deed Book 280, page 499 and by the Deed of Correction, recorded in Deed Book 616, page 230. This deed further describes the three tracts as "on current Albemarle County Tax Map 27 as Parcel 6, however, there is no intent by the terms of this deed to consolidate said parcels". **This transaction had no effect on the parcels.**

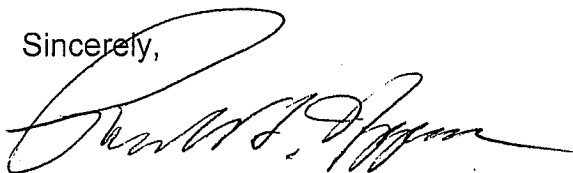
Deed Book 3650, page 538, dated November 3, 2007, is a Certificate of Plat which accurately shows the three tracts making up Albemarle County Tax Map 27, Parcel 6, totaling 18 acres, 73.54 acres and 88.20 acres, respectively, for a grand total of 179.78 acres. **This transaction had no effect on the 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,



Ronald L. Higgins, AICP
Chief of Zoning

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