



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

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July 8, 2009

Brian S. Ray, LS
c/o Roger W. Ray & Associates, Inc.
1717-1B Allied Street
Charlottesville, VA 22903

**RE: OFFICIAL DETERMINATION OF PARCELS AND DEVELOPMENT RIGHTS --
Tax Map 56A2 ((1)), Parcel 12 (Property of Tabor Presbyterian Church) Whitehall
Magisterial District**

Dear Mr. Ray:

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 56A2 ((1)), Parcel 12 is two (2) parcels of record. The basis for this determination follows.

Our records indicate Tax Map 56A2 ((1)), Parcel 12 contains .885 acres and no dwellings. The property is not within an Agricultural and Forestal District. The most recent recorded instrument for this property is recorded in Deed Book 3406, page 212.

This analysis begins with the deed of record in Deed Book 151, page 16 that is dated November 13, 1912. The deed contains a description of the portion of Parcel 12 east of a twelve foot alley containing 53/100th of an acre, conveyed from A. C. Shelton and Betty G. Shelton to Trustees for the Presbyterian congregation known as Tabor Church. **This deed establishes the rear or east portion of Tax Map 56A2 ((1)), Parcel 12 as a lot of record.**

Deed Book 172, page 184, dated January 5, 1920, conveyed 1/2 acre from W. H. Rogers and Virgilia A. Rogers to Trustees of the Tabor Presbyterian Church. The land is described as lying on the west side of a twelve foot alley. **This deed established the front or west portion of Tax Map 56A2 ((1)), Parcel 12 as a lot of record.**

Deed Book 151, page 16 and Deed Book 172, page 184 are the most recent instruments for these parcels recorded prior to the adoption of the Zoning Ordinance, December 10, 1980. The deeds conveyed 53/100th and 1/2 acres now known as Tax Map 56A2 ((1)), Parcel 12. **Based on these deeds, Tax Map 56A2 ((1)), Parcel 12 is determined to be two parcels of record.**

Deed Book 1409, page 164, dated June 1, 1994, conveyed 6,329 square feet of land from the Trustees of Tabor Presbyterian Church to the Commonwealth of Virginia. The property is described as being the same as was conveyed by Deed Book 172, page 184. **This transaction had no effect on the parcels.**

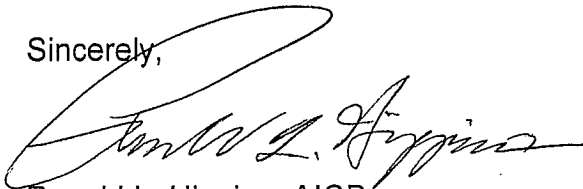
Deed Book 3406, page 212, dated January 31, 2007, conveyed two lots, among other property, from Trustees of Tabor Presbyterian Church to Tabor Presbyterian Church. The property is described as being the same as was conveyed by Deed Book 151, page 16 and Deed Book 172, page 184. **This transaction had 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