



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

Phone (434) 296-5832

Fax (434) 972-4126

August 3, 2009

Harvey J. & Leslie L. Wilcox
P. O. Box 338
Ivy, VA 22945

**RE: OFFICIAL DETERMINATION OF DEVELOPMENT RIGHTS -- Tax Map 58,
Parcel 64E4 (Property of Harvey J. & Leslie L. Wilcox) Samuel Miller Magisterial
District**

Dear Mr. & Mrs. Wilcox:

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 58, Parcel 64E4 is comprised of the original parcel 64E4 with five (5) theoretical development rights, several small additions and a four acre addition from Tax Map 58, Parcel 54 that contains one (1) theoretical development right. This results in a total of six (6) theoretical development rights. The basis for this determination follows.

Our records indicate Tax Map 58, Parcel 64E4 contains 16.406 acres and one dwelling. The property is not within an Agricultural and Forestal District. The most recent recorded instrument for this property is recorded in Deed Book 3557, page 677.

This analysis begins with the deed of record in Deed Book 635, page 324 that is dated October 27, 1977. The deed contains a description of a Parcel "C" and a reference to a recorded plat of William S. Roudabush, Jr., C.L.S. dated June 12, 1975, showing this Parcel "C" containing 10.95 acres being conveyed from C. Preston & Jeannine H. Locher, husband & wife, to W. Edward & Donna M. McClenahan, husband & wife. **This deed establishes Tax Map 58, Parcel 64E4 as a parcel of record with 10.95 acres.**

The most recent instrument for this parcel recorded prior to the adoption of the Zoning Ordinance, December 10, 1980, is recorded in Deed Book 651, page 481, and is dated June 28, 1978. The deed conveyed 11.39 acres known as Tax Map 58, Parcel 64E4 from W. Edward & Donna M. McClenahan, husband & wife, to W. Chave & Mary Tyler McCracken, husband & wife. This property is described as being the same as was conveyed by Deed Book 635, page 324 plus .44 acres added as the access. **Based on this deed, Tax Map 58, Parcel 64E4 is determined to be a parcel of record with five (5) theoretical development rights.**

Deed Book 819, page 181, dated October 24, 1984, conveyed .985 acres of an adjoining property from Special Commissioner R. Lecky Stone, Jr. to W. Chave & Mary Tyler McCracken. The property is described as being the added to and becoming part of the existing parcel owned by the McCrackens, Tax Map 58, Parcel 64E4. No development rights were conveyed in this transaction **This transaction had no effect on the parcel.**

Deed Book 1449, page 255, dated December 30, 1994, conveyed 12.366 acres from W. Chave & Mary Tyler McCracken, husband & wife, to Harvey J. & Leslie L. Wilcox, husband and wife. The property is described as being the same as was conveyed by Deed Book 651, page 481 and by Deed Book 819, page 181. **This transaction had no effect on the parcel.**

Deed Book 1494, page 387, dated August 4, 1995, conveyed 4.00 acres from Trustees of the Gladys S. Blizzard Trust to Harvey J. & Leslie L. Wilcox, husband and wife. The property is described as being a portion of the adjacent property, Tax Map 58, Parcel 54 being added to and combined with the Wilcox property, Tax Map 58, Parcel 64E4. **This transaction included the conveyance of one development right for the 4 acres as stated on the approved and recorded plat by Roger W. Ray, L.S. and dated August 15, 1995. This brought the total number of theoretical development rights to six (6) for Tax Map 58, Parcel 64E4.**

Deed Book 3557, page 677, dated January 30, 2008, conveyed .04 acres from Richard T. Selden to Harvey J. & Leslie L. Wilcox, husband and wife. The property is described as being the portion of the access road fronting and being added to Tax Map 58, Parcel 64E4, bringing the total area of Parcel to 16.406 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

Legend
(Note: Some items on map may not appear in legend)

- Section Boundary
- Characteristics Boundary
- Adjacent Boundary
- Other Streams
- Major Stream
- Pond
- Lakes and Reservoirs
- Parcel
- Dike/Levee
- Building - City
- Balcony
- Railroad Bridge
- Railroad
- Road - City
- Road
- Road Construction - City
- Road Construction
- Road Bridge
- Overpass Road - City
- Overpass Road
- Primary Road
- Secondary Road
- Top-Use Gid



GIS-Web
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