

## AN ORDINANCE No. 87-166-160

ADOPTED JUL 27 1987

To amend and reordain Ordinance No. 77-214-209, adopted November 14, 1977, which authorized the use of the real estate known as 4002 Hermitage Road, containing 71,895 square feet, more or less, located on the west right-of-way line of Hermitage Road north of Laburnum Avenue, being more completely described as follows: beginning at a point on the west right-of-way line of Hermitage Road, said point being 1142.87 feet north of the north right-of-way line of Laburnum Avenue; thence extending 300.02 feet in a westerly direction radial to the curve of Hermitage Road to the east right-of-way line of a 25 foot alley; thence extending an arc distance of 274.04 feet in a northerly direction along the east right-of-way line of said alley to a point; thence extending 300.03 feet in an easterly direction radial to the curve of Hermitage Road to the west right-of-way line of Hermitage Road; thence extending an arc distance of 209.30 feet in a southerly direction along the west right-of-way line of Hermitage Road to the point of beginning, for the purpose of a professional building and a single-family dwelling with accessory off-street parking, as amended by Ordinance No. 86-71-74, adopted April 14, 1986; to delete from land for which such use was authorized the following parcel: "beginning at a point on the west line of Hermitage Road, said point being 1302.87 feet north of the north right of way line of Laburnum Avenue Extended; thence extending S 76° 14' W 209.39 feet to a point; thence extending S 7° 41' E 30.00 feet to a point; thence extending S 33° 34' W 35.60 feet to a point; thence extending S 13° 54' E 16.20 feet to a point; thence extending S 76° 06' W 60.00 feet to a 25-foot alley; thence extending in a northerly direction along a curve in said alley, with a radius of 1392.10 feet, 132.05 feet to a point; thence extending N 79° 39' E 300.03 feet to the west right of way line of Hermitage Road; thence extending in a southerly direction along a curve in the west right of way line of Hermitage Road, with a radius of 1092.10 feet, 49.30 feet to the point of beginning."

---

Patron - City Manager (By Request)

---

Approved as to form and legality  
by City Attorney

---

THE CITY OF RICHMOND HEREBY ORDAINS:

I. That Ordinance No. 77-214-209, adopted November 14, 1977, be amended and reordained as follows:

§ 1. That the real estate known as 4002 Hermitage Road, containing 71,895 square feet, more or less, located on the west right-of-way line of Hermitage Road north of Laburnum Avenue, being more completely described as follows: beginning at a point on the west right-of-way line of Hermitage Road, said point being 1142.87 feet north of the north right-of-way line of Laburnum Avenue; thence extending 300.02 feet in a westerly direction radial to the curve of Hermitage Road to the east right-of-way line of a 25 foot alley; thence extending an arc distance of 274.04 feet in a northerly direction along the east right-of-way line of said alley to a point; thence extending 300.03 feet in an easterly direction radial to the curve of Hermitage Road to the west right-of-way line of Hermitage Road; thence extending an arc distance of 209.30 feet in a southerly direction along the west right-of-way line of Hermitage Road to the point of beginning, with the exception of ~~[The hereinafter described lot, piece or parcel of land, real estate beginning at a point 205.03 feet west of a point on the west right-of-way line of Hermitage Road, said point being 965 feet south of the south right-of-way line of Bellevue Avenue, thence extending S-7°-41'-E-91.82 feet to a point,~~

thence extending S 33° 34' W 35.60 feet to a point, thence  
extending S 13° 54' E 16.20 feet to a point, thence extending  
S 76° 06' W 60.00 feet to a point on the east right-of-way  
of a 25-foot alley, thence extending 137.50 feet along the  
east right-of-way line of said alley to a point, thence  
extending N 79° 39' E 95.00 feet to the point of beginning,]  
that portion of the above-described property beginning at a  
point on the west line of Hermitage Road, said point being  
1302.87 feet north of the north right of way line of  
Laburnum Avenue Extended; thence extending S 76° 14' W  
209.39 feet to a point; thence extending S 7° 41' E 30.00  
feet to a point; thence extending S 33° 34' W 35.60 feet to  
a point; thence extending S 13° 54' E 16.20 feet to a point;  
thence extending S 76° 06' W 60.00 feet to a 25-foot alley;  
thence extending in a northerly direction along a curve in  
said alley, with a radius of 1392.10 feet, 132.05 feet to a  
point; thence extending N 79° 39' E 300.03 feet to the west  
right of way line of Hermitage Road; thence extending in a  
southerly direction along a curve in the west right of way  
line of Hermitage Road, with a radius of 1092.10 feet, 49.30  
feet to the point of beginning, is hereby permitted to be  
used for the purpose of a professional building and a  
single-family dwelling with accessory off-street parking.

§ 2. That the Commissioner of Buildings is hereby  
authorized to issue to the owner of the real estate a

special use permit for such purposes, building permit for the conversion and adaption of the buildings and premises, and to permit the occupancy of the property for such purposes. The special use permit shall run with the land, subject to the following terms and conditions:

(a) That the acceptance of the permits and the exercise of the privileges granted by this ordinance by the owner and his successor or successors in title shall constitute a warranty on the part of the owner and his successor or successors that title to the land and the building will be vested in the same person or persons or corporation or both;

(b) That the owner will be bound by, observe and will comply with all other laws, ordinances and rules and regulations adopted pursuant thereto, applicable to the land and buildings, except as otherwise provided in this ordinance;

(c) That all parking areas and access drives shall be paved with a dust-free, all-weather surface, and parking spaces shall be delineated on the pavement surface. All parking areas shall be screened from view from adjacent streets, alleys, and residential properties by existing vegetation and additional evergreen vegetative and/or opaque structural material not less than four and one-half feet in height;

(d) That not less than nineteen parking spaces shall be provided at substantially the locations shown on the attached plan (three spaces nearest the street on the north side of the principal building to be deleted; the easternmost two spaces on each side of the drive located on the south side of the principal building to be deleted);

(e) That driveways shall be constructed in accordance with the City Driveway Policy standards;

(f) There shall be no external alterations or additions to the existing dwelling and the carriage house except for the enclosure of a rear porch on the existing dwelling (principal building) and such alterations as may be necessary to convert the carriage house for use as one single-family dwelling unit.

(g) That final grading and drainage plans shall be approved by the Director of Public Works prior to the issuance of building permits;

(h) That storm or surface water will not be allowed to accumulate on the land, and adequate facilities for drainage of storm or surface water from the land and buildings shall be provided and maintained at all times by the owner at his costs and expense so as not to adversely affect or damage adjacent properties or public streets and alleys and the use thereof;

(i) That facilities for the collection of refuse shall be provided in accordance with the requirements of the Department of Public Works, and such facilities shall be so located or screened as not to be visible from adjacent public streets or adjacent properties;

(j) That medical office use, with the exception of psychiatrists' offices, shall not be permitted. There shall be no use involving, on a regular basis, group assembly or group meetings of persons not normally employed on the premises;

(k) That permitted signs shall be as specified in Section 32.1-424.3 of the zoning ordinance (RO-1 District);

(l) That should the owner use the premises for any purpose which is not permitted by this ordinance or fails, refuses or neglects to comply with the provisions of foregoing paragraphs (a) through (k) and does not terminate such use or comply with such provisions within ninety days after written notice so to do has been given to the owner by the Zoning Administrator, the privilege granted by this ordinance shall terminate and the special use permit shall become null and void;

(m) That when the privileges granted by this ordinance terminate and the special use permit becomes null and void or when use of the premises is abandoned for a period of twenty-four consecutive months, use of the real

estate shall be governed thereafter by the zoning regulations prescribed for the district in which the real estate is then situated; and

(n) That application for a building permit to convert the buildings at 4002 Hermitage Road will be made within twelve months from the effective date of the ordinance granting the special use permit, which building permit will expire by limitation and become null and void if conversion of the buildings or structures is not commenced within one hundred eighty days from the date of the building permit, or if work of converting and adapting the buildings is suspended or abandoned for a period of one hundred eighty days at any time after the work is commenced, as provided in 109.1 of the Uniform Statewide Building Code. Should application for the building permit for 4002 Hermitage Road not be made within twelve months from the effective date of the ordinance granting the special use permit or should the building permit expire and become null and void, the privileges granted by the ordinance will terminate and the special use permit will become null and void.

§ 3. This amendatory ordinance shall become effective only if within one year of adoption the property as above described and deleted from the originally described parcel of land is conveyed to the owners of record of the property known, numbered and designated as 4004 Hermitage Road.

SPECIAL USE PERMIT APPLICATION  
CITY OF RICHMOND, VIRGINIA



DATE: April 7, 1987

TO: The Honorable Council of the City of Richmond  
C/O The Department of Planning & Community Development  
900 East Broad Street, Room 511  
Richmond, Virginia 23219

Application is hereby made for a SPECIAL USE PERMIT for (proposed use):

To ammend special use ordiance 77-214-209 to delete a portion of Lot 20 which  
would become part of 4004 Hermitage Road.  
at the premises designated or described as follows: 4002 Hermitage Road

in accordance with attached plans designated (title, sheet numbers,  
preparer, date)

Surveys of 4004 Hermitage Road and 4002 Hermitage Road.

The current zoning of the property is: R-1 with special use permit

Attached is a check for \$ 250.00, payable to "City of Richmond."

Signature of owner of property: *Thoams Dixon Johnston*

Mailing Address: Thoams Dixon Johnston

8417 Patterson Ave.

Richmond, VA

ZIP CODE: 23229

PHONE: 740-7140

Applicant or owner's representative: *Richard W. Owen*

Mailing Address: Richard W. Owen

4004 Hermitage Road

Richmond, VA

ZIP CODE: 23227

PHONE: 266-4012

359-9171

STAFF NOTE:

Application, plans, report, fee and other required information received:

AFFECTS MASTER PLAN

YES           

NO

4004 Hermitage Road  
Richmond, VA 23227  
April 8, 1987

The Honorable Council of the City of Richmond  
c/o The Dept. of Planning and Community Development  
900 E. Broad Street, Room 511  
Richmond, VA 23219

Dear Sirs:

I am requesting an amendment to special use ordinance 77-214-209 which deletes the inclusion of a portion of Lot 20 as demonstrated in the attached surveys of the properties involved; 4002 Hermitage Road, dated July 11, 1986, and 4004 Hermitage Road dated January 18, 1986. The intent of this application being to allow Mr. Thomas Dixon Johnston, owner of 4002 Hermitage Road to sell a portion of Lot 20 to Richard Wayman Owen, owner of 4004 Hermitage Road in order that it be incorporated into the deed of 4004 Hermitage Road in conjunction with the earlier portion of Lot 20 including a tennis court which Council previously approved as Ordinance #86-71-74 on April 7, 1986.

It is my intent to continue in residence with my family at 4004 Hermitage Road and to maintain this property as a single family residence for the use of my family.

This alteration to the special use permit will not be detrimental to the safety, health, morals, or general welfare of the community; nor will it create any hazards from fire, panic or other dangers; nor tend to overcrowd the land and cause an undue concentration of population; nor adversely affect or interfere with public or private schools, parks, playgrounds, water supplies, sewage disposal, transportation or other public requirements, conveniences, and improvements, nor will it interfere with adequate light and air.

This amendment will result in the best possible use of that portion of the property known as Lot 20 and will better balance the land apportioned to the two principal structures at 4002 Hermitage Road and 4004 Hermitage Road allowing for more appropriate landscaping of both parcels for aesthetic enhancement. I have contacted both the Rosedale and Bellevue Civic Associations and have their support in this request.

Respectfully,

*Richard W. Owen*

Richard W. Owen

## ORDINANCE OR RESOLUTION SUMMARY

## CITY OF RICHMOND, VIRGINIA

Resolution	Subject
Ordinance No. <u>87-166</u>	
Patron(s) <u>City Manager (By Request)</u>	Amendment to Special Use Ordinance No. 77-214-209 to delete a portion of property from 4002 Hermitage Road

**SUMMARY**

This Ordinance would amend and reordain Ordinance No. 77-214-209, adopted November 14, 1977, which authorized the conversion of a dwelling and carriage house into an office and dwelling unit at 4002 Hermitage Road. The property contains approximately 1.75 acres of land located on the west right of way line of Hermitage Road, north of Laburnum Avenue.

This amendment would delete a portion (22,000 sq. ft.) of the property from the Special Use Ordinance. The petitioner is the owner of the adjacent property at 4004 Hermitage Road and wishes to acquire this portion of the property and incorporate it into his property which is occupied by a single family dwelling.

An amendment to delete a smaller portion from the Special Use Ordinance was approved by Council (Ordinance No. 86-71-74) in April, 1986; however, that amendment was not implemented and has expired. Additionally, the property has subsequently changed hands, and it became necessary for the petitioner to negotiate with the new owner.

The deletion would not have any negative effect on the site plan.

The Planning Commission granted approval (~~6-0~~) July 20, 1987.

---

**COUNCIL ACTION**


---

On Docket 07/27/87

Amended \_\_\_\_\_

Adopted \_\_\_\_\_

Rejected \_\_\_\_\_

Stricken \_\_\_\_\_

City of Richmond  
City Planning Commission



900 East Broad Street, Richmond, Virginia 23219  
804 • 780-4347

July 21, 1987

To the Honorable Council of the  
City of Richmond, Virginia

At its meeting of July 20, 1987, the City Planning Commission voted (6-0)  
to recommend APPROVAL of:

Ordinance No. 87-166

**To amend and reordain Ordinance No. 77-214-209, \*\*\* which authorized the use of the real estate known as 4002 Hermitage Road, \*\*\* for the purpose of a professional building and a single-family dwelling with accessory off-street parking, \*\*\* etc.**

The purpose of this paper is to amend special use Ordinance No. 77-214-209, which was adopted November 14, 1977, and authorized the conversion of a dwelling and carriage house into an office and dwelling unit, respectively, at 4002 Hermitage Road. The property is located on the west side of Hermitage Road north of Laburnum Avenue and consists of two lots containing approximately 1.75 acres.

This amendment would delete a 22,000-square-foot portion of the property from the special use ordinance. The petitioner is the owner of the adjacent property at 4004 Hermitage Road, and wishes to acquire this portion of the property and incorporate it into his property which is occupied by a single-family dwelling. An amendment to delete from the special use a smaller portion of the rear of the property was recommended by the Commission and approved by City Council in April, 1986. That amendment was not implemented, and has expired. The petitioner was, at that time, negotiating the purchase with the owner of the subject property. The property subsequently changed hands, and it became necessary to negotiate with the new owner.

The subject property and other properties along the west side of Hermitage Road are zoned R-1 Single-Family. Properties along the east side of Hermitage are zoned R-5 Single-Family. There are single-family dwellings to the north, south and east. To the west is the Imperial Plaza apartment complex zoned R-73 Multi-Family. The Master Plan recommends single-family use for this property and others fronting on Hermitage Road.

The original special use permit was authorized principally because the property at 4002 Hermitage Road was in need of major renovation and the costs were such that single-family use was not feasible. The property has a large side yard which was originally an abutting vacant lot. The rear of the lot is developed with a tennis court. The owner of 4004 Hermitage has


July 21, 1987

requested this amendment so that approximately one-half of the side yard plus the tennis court area could be incorporated into his property for personal use. Until recently, both 4002 and 4004 Hermitage were under one ownership, and the occupants of 4004 Hermitage used the tennis court as accessory to the dwelling as is now proposed.

The deletion of this parcel would not have any negative effect on the site plan of the existing office use. Side yards of approximately 80 feet for the office building and 35 feet for its parking area would remain after the proposed deletion. The parcel to be deleted is adjacent to the petitioner's property and would be easily incorporated into that property. It is not of sufficient width to constitute an independent building lot. The use of this parcel and tennis court with the residential property appears appropriate and would be consistent with the single-family zoning of the property. Approval is, therefore, recommended.

No opposition has been expressed to the Commission. The Rosedale Civic Association has indicated support for this request.

Very truly yours,



Jon P. Weersing  
Secretary

JPW:lk

cc: Mr. Richard W. Owen - Applicant