

INTRODUCED: February 24, 2025

AN ORDINANCE No. 2025-039

To authorize the special use of the property known as 4002 Hermitage Road for the purpose of one single-family detached dwelling and a lodging unit within an accessory structure, upon certain terms and conditions.

Patron – Mayor Avula (By Request)

Approved as to form and legality
by the City Attorney

PUBLIC HEARING: MAR 24 2025 AT 6 P.M.

WHEREAS, the owner of the property known as 4002 Hermitage Road, which is situated in a R-1 Single-Family Residential District, desires to use such property for the purpose of one single-family detached dwelling and a lodging unit within an accessory structure, which use, among other things, is not currently allowed by sections 30-402.2, concerning permitted accessory uses and structures, and 30-680.4, concerning height and size limits, of the Code of the City of Richmond (2020), as amended, and;

WHEREAS in accordance with section 17.11 of the Charter of the City of Richmond (2020), as amended, it has been made to appear that, if granted subject to the terms and conditions set forth in this ordinance, the special use granted by this ordinance will not be detrimental to the

AYES: 9 NOES: 0 ABSTAIN: _____

ADOPTED: MAR 24 2025 REJECTED: _____ STRICKEN: _____

safety, health, morals and general welfare of the community involved, will not tend to create congestion in streets, roads, alleys and other public ways and places in the area involved, will not create hazards from fire, panic or other dangers, will not tend to overcrowding of land and cause an undue concentration of population, will not adversely affect or interfere with public or private schools, parks, playgrounds, water supplies, sewage disposal, transportation or other public requirements, conveniences and improvements, and will not interfere with adequate light and air; and

WHEREAS, (i) the City Planning Commission has conducted a public hearing to investigate the circumstances and conditions upon which the Council is empowered to authorize such use, (ii) the City Planning Commission has reported to the Council the results of such public hearing and investigation and its recommendations with respect thereto, and (iii) the Council has conducted a public hearing on this ordinance at which the person in interest and all other persons have had an opportunity to be heard;

NOW, THEREFORE,

THE CITY OF RICHMOND HEREBY ORDAINS:

§ 1. **Finding.** Pursuant to section 30-1050.1 of the Code of the City of Richmond (2020), as amended, the Council hereby finds that the special use set forth in and subject to the terms and conditions of this ordinance will not (i) be detrimental to the safety, health, morals and general welfare of the community involved, (ii) tend to create congestion in streets, roads, alleys and other public ways and places in the area involved, (iii) create hazards from fire, panic or other dangers, (iv) tend to overcrowding of land and cause an undue concentration of population, (v) adversely affect or interfere with public or private schools, parks, playgrounds, water supplies, sewage disposal, transportation or other public requirements, conveniences and improvements, or

(vi) interfere with adequate light and air.

§ 2. Grant of Special Use Permit.

(a) Subject to the terms and conditions set forth in this ordinance, the property known as 4002 Hermitage Road and identified as Tax Parcel No. N017-0364/009 in the 2025 records of the City Assessor, being more particularly shown on a survey entitled “Plat of Property Situated on the Western Line of Hermitage Road and North of Laburnum Avenue, Richmond, VA.,” prepared by an unknown preparer, and dated February 17, 1993, a copy of which is attached to and made a part of this ordinance, hereinafter referred to as “the Property,” is hereby permitted to be used for the purpose of one single-family detached dwelling and a lodging unit within an accessory structure, hereinafter referred to as “the Special Use,” substantially as shown on the plans entitled “Plat of Property Situated on the Western Line of Hermitage Road and North Laburnum Avenue, Richmond, VA.,” prepared by an unknown preparer and dated February 17, 1993, and “4002 Hermitage Road, Proposed Detached Garage,” prepared by an unknown preparer, and dated April 23, 2024, hereinafter referred to, collectively, as “the Plans,” copies of which are attached to and made a part of this ordinance.

(b) The adoption of this ordinance shall constitute the issuance of a special use permit for the Property. The special use permit shall inure to the benefit of the owner or owners of the fee simple title to the Property as of the date on which this ordinance is adopted and their successors in fee simple title, all of which are hereinafter referred to as “the Owner.” The conditions contained in this ordinance shall be binding on the Owner.

§ 3. Special Terms and Conditions. This special use permit is conditioned on the following special terms and conditions:

(a) The Special Use of the Property shall be as one single-family detached dwelling

and a lodging unit within an accessory structure, substantially as shown on the Plans.

(b) The height of the accessory structure shall not exceed two stories, substantially as shown on the Plans.

(c) All building materials, elevations, and site improvements shall be substantially as shown on the Plans, and subject to the issuance of a Certificate of Appropriateness by the Commission of Architectural Review.

(d) All mechanical equipment serving the Property shall be located or screened so as not to be visible from any public right-of-way.

§ 4. **Supplemental Terms and Conditions.** This special use permit is conditioned on the following supplemental terms and conditions:

(a) All required final grading and drainage plans, together with all easements made necessary by such plans, must be approved by the Director of Public Utilities prior to the issuance of the building permit.

(b) Storm or surface water shall not be allowed to accumulate on the land. The Owner, at its sole cost and expense, shall provide and maintain at all times adequate facilities for the drainage of storm or surface water from the Property so as not to adversely affect or damage any other property or public streets and the use thereof.

(c) Facilities for the collection of refuse shall be provided in accordance with the requirements of the Director of Public Works. Such facilities shall be located or screened so as not to be visible from adjacent properties and public streets.

(d) Any encroachments existing, proposed on the Plans or contemplated in the future shall require separate authorization and shall be subject to the applicable provisions of the Code of the City of Richmond (2020), as amended, and all future amendments to such laws.

(e) In all other respects, the use of the Property shall be in accordance with the applicable underlying zoning regulations.

§ 5. **General Terms and Conditions.** This special use permit is conditioned on the following general terms and conditions:

(a) No permit implementing this special use permit shall be approved until satisfactory evidence has been presented to the Zoning Administrator that any delinquent real estate taxes applicable to the Property have been paid.

(b) The Owner shall be bound by, shall observe and shall comply with all other laws, ordinances, rules and regulations applicable to the Property, except as otherwise expressly provided in this ordinance.

(c) Words and phrases used in this ordinance shall be interpreted to have the meanings ascribed to them by section 30-1220 of the Code of the City of Richmond (2020), as amended, unless the context clearly indicates that a different meaning is intended.

(d) Notwithstanding any other provision of law, this special use permit is being approved due, in part, to the mitigating effects of each and every condition attached hereto; consequently, if any portion of this ordinance is determined to be invalid for any reason by a final, non-appealable order of any Virginia or federal court of competent jurisdiction, the invalidity shall cause the entire ordinance to be void and of no further effect from the effective date of such order.

(e) The privileges granted by this ordinance may be revoked pursuant to the provisions of sections 30-1050.7 through 30-1050.11 of the Code of the City of Richmond (2020), as amended, and all future amendments to such laws. Failure to comply with the terms and conditions of this ordinance shall constitute a violation of section 30-1080 of the Code of the City of Richmond (2020), as amended, and all future amendments to such law, or any other applicable

laws or regulations.

(f) When the privileges granted by this ordinance terminate and the special use permit granted hereby becomes null and void, whether as a result of the Owner relinquishing this special use permit in a writing addressed to the Director of Planning and Development Review or otherwise, use of the Property shall be governed thereafter by the zoning regulations prescribed for the district in which the Property is then situated.

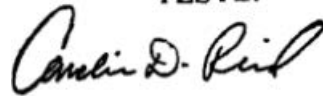
§ 6. **Implementation.** The Commissioner of Buildings is authorized to issue a building permit substantially in accordance with the Plans for the Special Use subject to the terms and conditions set forth in this ordinance. An application for the building permit shall be made within 1,096 calendar days following the date on which this ordinance becomes effective. If either the application for the building permit is not made within the time period stated in the previous sentence or the building permit terminates under any provision of the Virginia Statewide Building Code, this ordinance and the special use permit granted hereby shall terminate and become null and void.

§ 7. **Effective Date.** This ordinance shall be in force and effect upon adoption.

APPROVED AS TO FORM:

CITY ATTORNEY'S OFFICE

A TRUE COPY:
TESTE:



City Clerk



City of Richmond

900 East Broad Street
2nd Floor of City Hall
Richmond, VA 23219
www.rva.gov

Master

File Number: Admin-2024-1484

File ID: Admin-2024-1484 Type: Request for Ordinance or Resolution Status: Regular Agenda

Version: 1 Reference: In Control: City Attorney
Department: File Created: 11/25/2024
Subject: Final Action:

Title:

Internal Notes:

Agenda Date: 02/24/2025

Patron(s): Enactment Date:

Attachments: Admin-2024-1484 Application Documents,
Admin-2024-1484 - AATF Enactment Number:

Contact: Introduction Date:

Drafter: Alyson.Oliver@rva.gov Effective Date:

Related Files:

Approval History

Version	Seq #	Action Date	Approver	Action	Due Date
1	1	1/27/2025	Matthew Ebinger	Approve	1/29/2025
1	3	1/27/2025	Kevin Vonck	Approve	2/3/2025
1	5	1/27/2025	Sharon Ebert	Approve	1/29/2025
1	7	2/5/2025	Jeff Gray	Approve	1/29/2025
1	8	2/6/2025	Sabrina Joy-Hogg	Approve	2/7/2025
1	9	2/13/2025	Mayor Avula	Approve	2/10/2025

History of Legislative File

Ver- sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
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Text of Legislative File Admin-2024-1484

O&R Transmittal

DATE: January 27, 2025

TO: The Honorable Members of City Council

THROUGH: The Honorable Dr. Danny Avula, Mayor (by request)

(This in no way reflects a recommendation on behalf of the Mayor)

THROUGH: Sabrina Joy-Hogg, Interim Chief Administrative Officer

THROUGH: Sharon L. Ebert, DCAO for Economic Development and Planning

FROM: Kevin J. Vonck, Director of Planning & Development Review

RE: To authorize the special use of the property known as 4002 Hermitage Road for the purpose of one single-family detached dwelling and a lodging unit within an accessory structure, upon certain terms and conditions.

PURPOSE: The applicant is requesting a Special Use Permit to authorize a single-family detached dwelling with an accessory structure containing a lodging unit within the R-1 Single Family Residential District. This special use permit will allow a lodging unit within an accessory structure, which is not currently permitted in the R-1 district and will waive the requirements regarding height and size limits for accessory structures, as detailed in Section 30-680.4 of the Code of the City of Richmond, as amended.

BACKGROUND: The property is in the Rosedale neighborhood, on the western side of Hermitage Road, near its intersection with Claremont Avenue. The property is a 49,500 square foot (1.1364 acre) parcel of land, improved with a single-family detached dwelling and accessory structure. The City's Richmond 300 Master Plan designates a future land use for the subject property as Residential, which is defined as a "neighborhood consisting primarily of single-family houses on large- or medium-sized lots more homogeneous in nature" (Richmond 300, p. 54).

Intensity: Buildings are generally one to three stories. Lot sizes generally range up to 5,000 to 20,000+ sq. ft. Residential density of 2 to 10 housing units per acre.

Primary Uses: Single-family houses, accessory dwelling units, and open space.

Secondary Uses: Duplexes and small multi-family buildings (typically 3-10 units), institutional, and cultural. Secondary uses may be found along major streets.

The current zoning for this property is R-1 Single-Family District. It is also located within the Hermitage Road City Old and Historic District. The surrounding area is generally residential. Linwood Holton Elementary School is located approximately one-tenth of a mile from the subject property.

COMMUNITY ENGAGEMENT: The Hermitage Road Historic District Association was notified of this request and submitted a letter of support. Additional community notification will take place after introduction.

STRATEGIC INITIATIVES AND OTHER GOVERNMENTAL: Richmond 300 Master Plan

FISCAL IMPACT: \$300 Application Fee

DESIRED EFFECTIVE DATE: Upon adoption

REQUESTED INTRODUCTION DATE: February 24, 2025

CITY COUNCIL PUBLIC HEARING DATE: March 24, 2025

REQUESTED AGENDA: Consent

RECOMMENDED COUNCIL COMMITTEE: Planning Commission, March 18, 2024

AFFECTED AGENCIES: Law Department (for review of draft ordinance)

RELATIONSHIP TO EXISTING ORD. OR RES.: None

ATTACHMENTS: Draft Ordinance, Application Form, Applicant's Report, Plans, Survey

STAFF: Alyson Oliver, Planner, Land Use Administration (Room 511) 646-3709

**Application for SPECIAL USE PERMIT**

Department of Planning and Development Review
Land Use Administration Division
900 E. Broad Street, Room 511
Richmond, Virginia 23219
(804) 646-6304
<http://www.richmondgov.com/>

Application is hereby submitted for: (check one)

- ☒ **special use permit, new**
☐ **special use permit, plan amendment**
☐ **special use permit, text only amendment**

Project Name/Location

Property Address: 4002 Hermitage Rd Date: 04/11/2024
Tax Map #: N0170364009A Fee: \$300
Total area of affected site in acres: .034

(See **page 6** for fee schedule, please make check payable to the "City of Richmond")

Zoning

Current Zoning: R-1

Existing Use: residential

Proposed Use

(Please include a detailed description of the proposed use in the required applicant's report)

Homeowner wants to build a garage and has a large lot so has designed a 3-car garage with playroom/storage upstairs

Existing Use: The existing carriage house is used as storage

Is this property subject to any previous land use cases?

Yes

☐

No

☒

If Yes, please list the Ordinance Number: _____

Applicant/Contact Person: James Catts

Company: Add A Deck

Mailing Address: 6408 Mallory Dr

City: Henrico

State: VA

Zip Code: 23226

Telephone: (804) 285-4239

Fax: ()

Email: james@addadeck.com

Property Owner: Eric & Olga Burcham

If Business Entity, name and title of authorized signee: _____

(The person or persons executing or attesting the execution of this Application on behalf of the Company certifies that he or she has or have been duly authorized and empowered to so execute or attest.)

Mailing Address: 4002 Hermitage Rd

City: Richmond

State: VA

Zip Code: 23227

Telephone: (804) 337-5790

Fax: ()

Email: ericpburcham@gmail.com

Property Owner Signature: _____

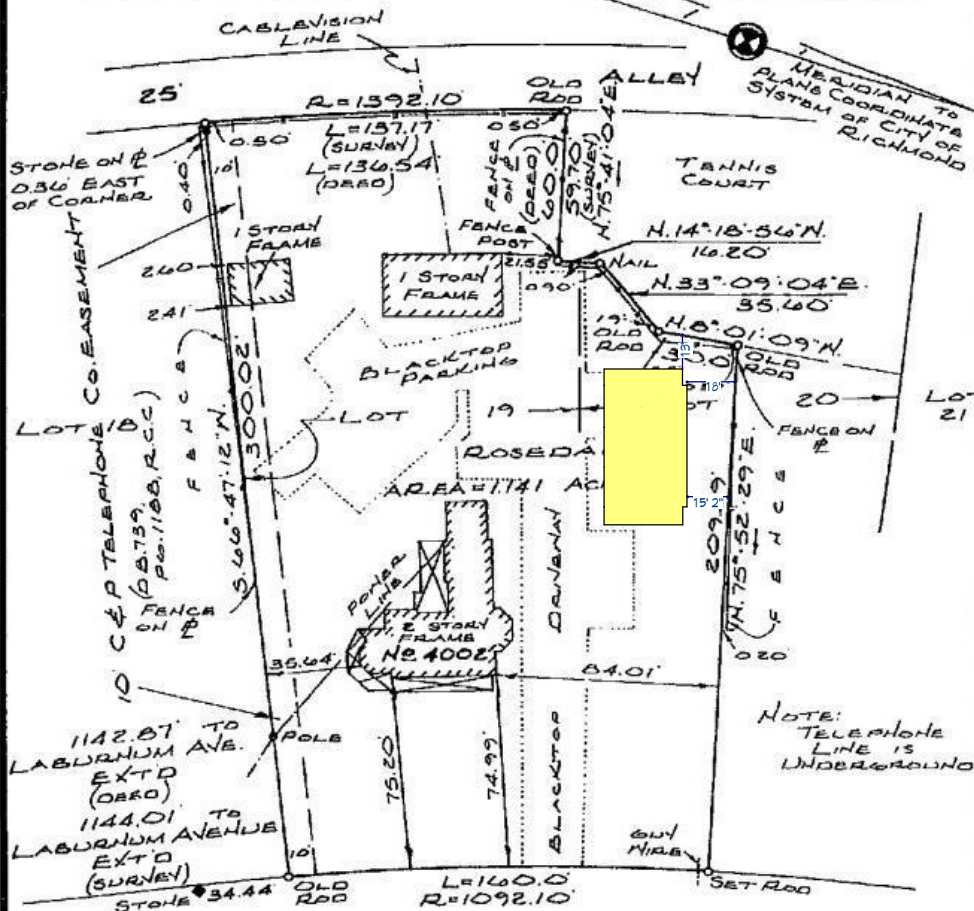
The names, addresses, telephone numbers and signatures of all owners of the property are required. Please attach additional sheets as needed. If a legal representative signs for a property owner, please attach an executed power of attorney. **Faxed or photocopied signatures will not be accepted.**

NOTE: Please attach the required plans, checklist, and a check for the application fee (see Filing Procedures for special use permits)

Applicant's Report

The proposed use of the new detached garage is to be a 3-car garage on ground level and a playroom with some storage space on the 2nd floor. The over 1 acre lot has plenty of space for a garage, and since the homeowners have three young children and no conditioned storage space on the property, they would like to make use of the 2nd floor to meet those needs. The new garage building will meet all the existing zoning setbacks, and will be set back quite far from the street, starting near the back line of the main house.

The new garage is undergoing architectural review through the Commission of Architectural Review and will be architecturally compatible with the main residence and historic homes in the surrounding area. There are other large outbuildings on the large lots adjacent to the subject property, so this is not anything that will stand out as inconsistent. The garage doors face to the interior of the property and not to the street.



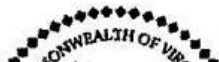
HERMITAGE ROAD

PLAT OF PROPERTY SITUATED
ON THE WESTERN LINE OF
HERMITAGE ROAD AND NORTH
OF LABURNUM AVENUE.

RICHMOND, VA.

FEB. 17, 1993 SCALE 1"=50'

NOTE:
THIS PROPERTY IS NOT
LOCATED IN A SPECIAL
FLOOD HAZARD AREA AS
DESIGNATED BY THE
SECRETARY OF HOUSING
& URBAN DEVELOPMENT.
(IN ZONE C)



4002 HERMITAGE ROAD

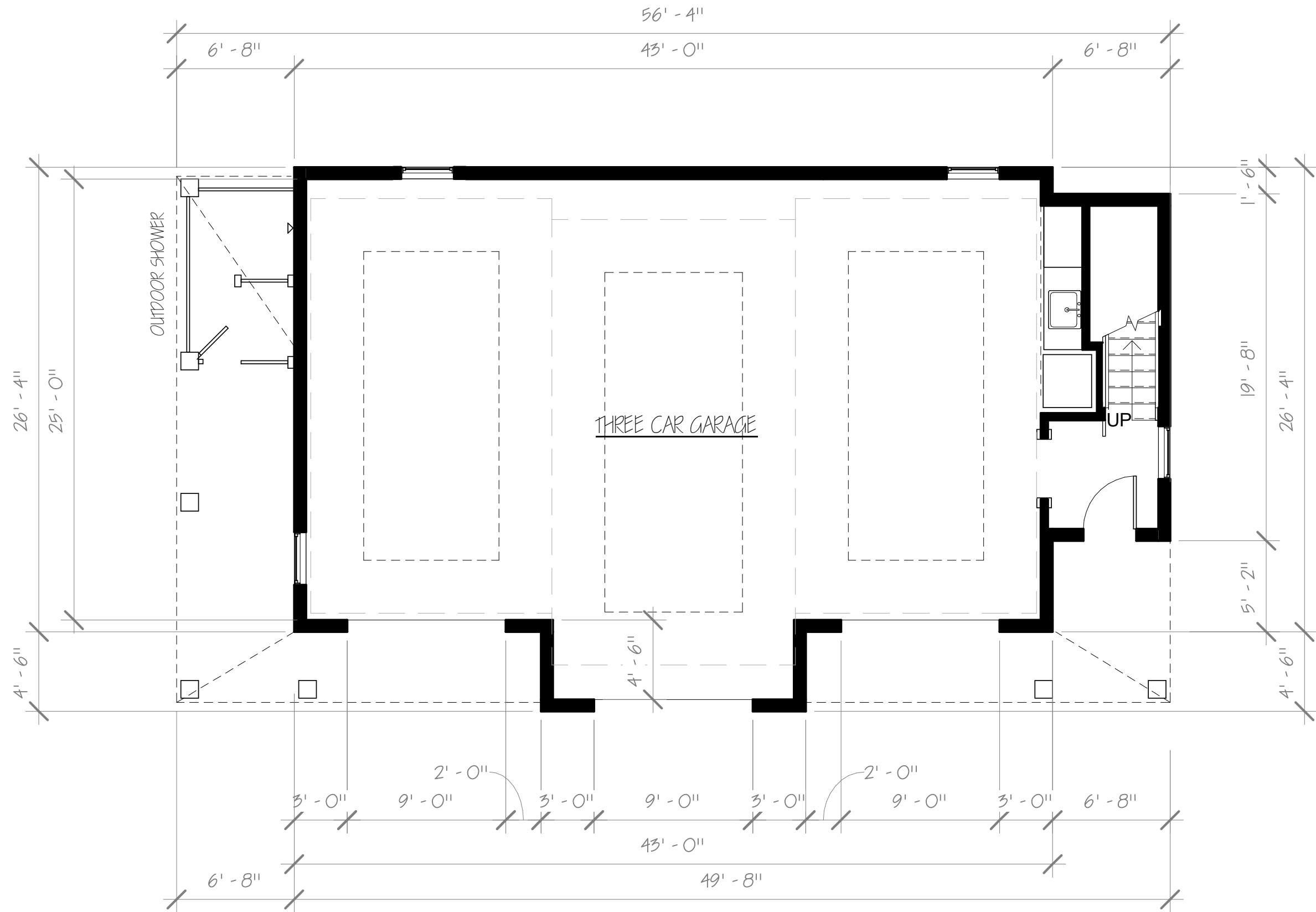
PROPOSED DETACHED GARAGE

Commission of Architectural Review Meeting
04.23.2024

PROPOSED SITE PLAN

4002 HERMITAGE ROAD
PROPOSED DETACHED GARAGE

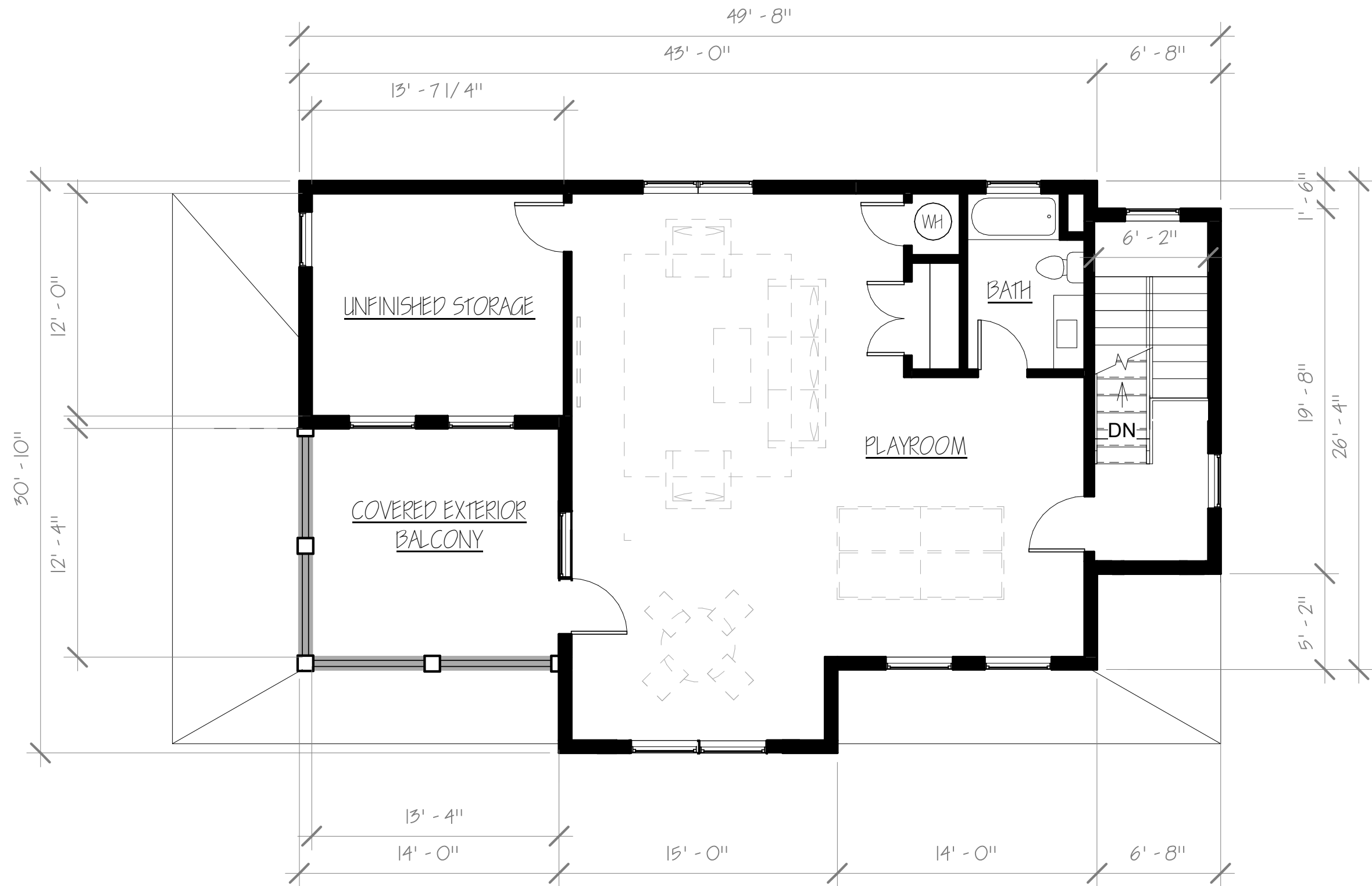
Commission of Architectural Review
04.23.2024



PROPOSED GROUND LEVEL PLAN

4002 HERMITAGE ROAD
PROPOSED DETACHED GARAGE

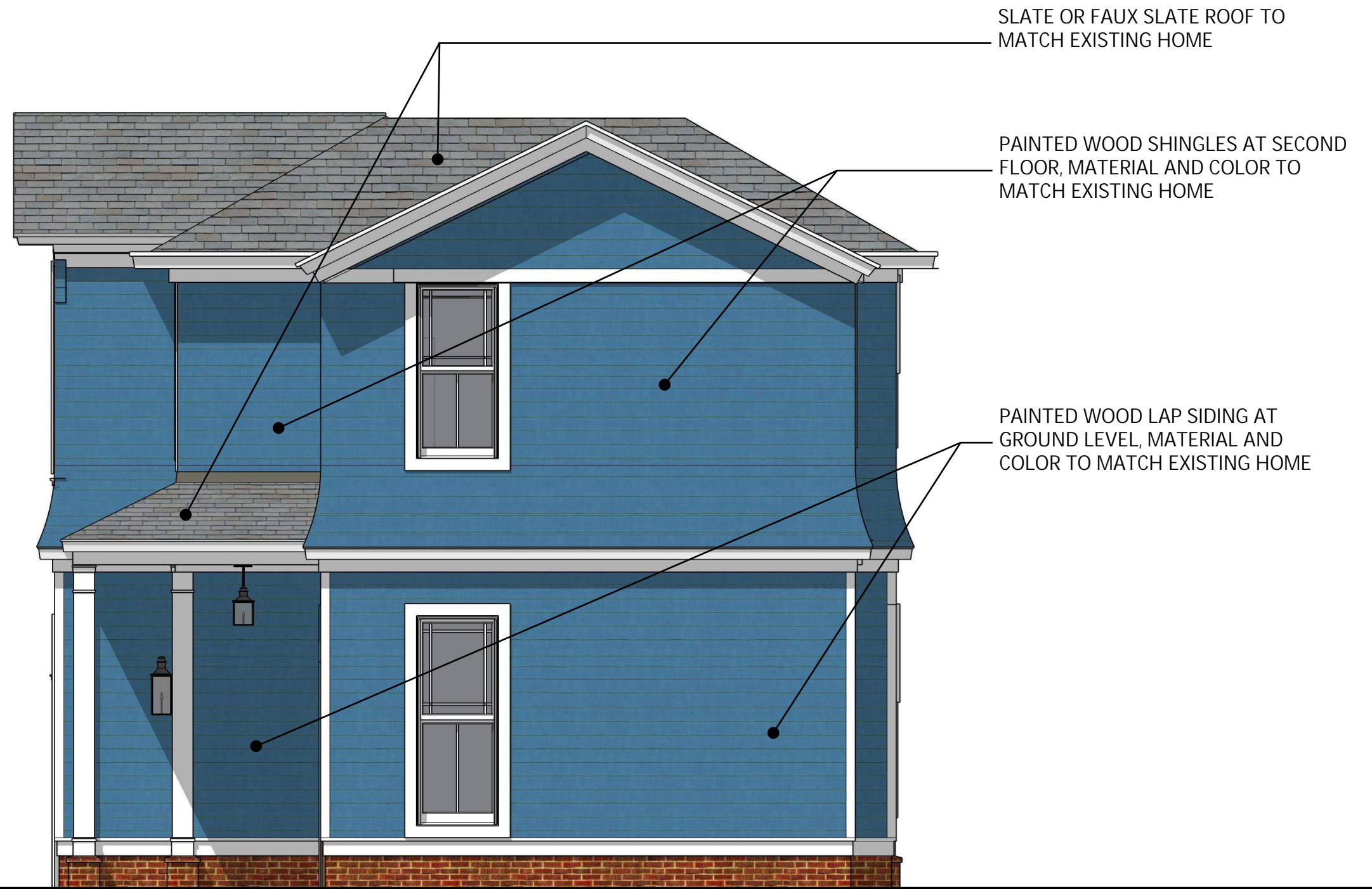
Commission of Architectural Review
04.23.2024



PROPOSED SECOND LEVEL PLAN

4002 HERMITAGE ROAD
PROPOSED DETACHED GARAGE

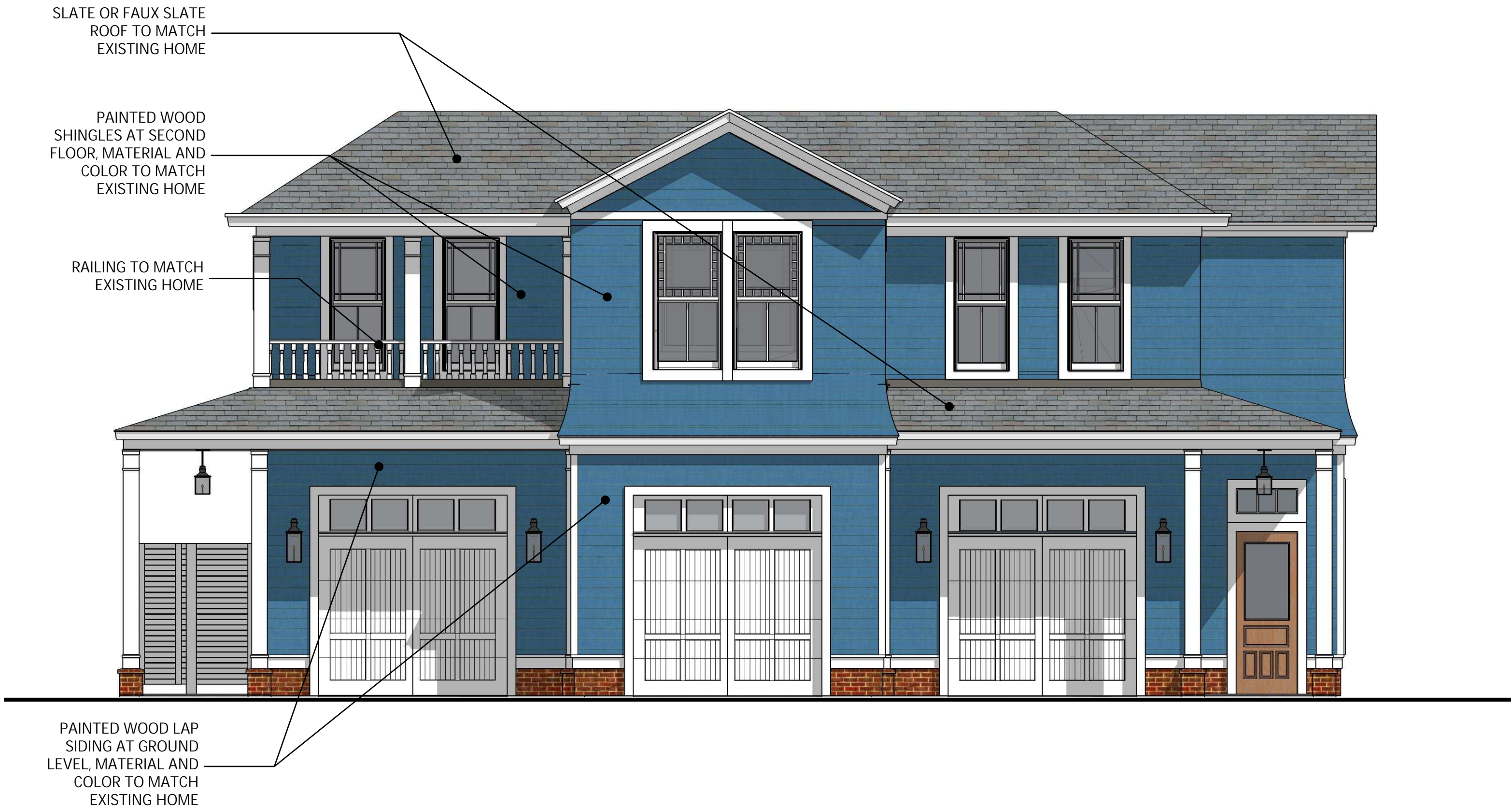
Commission of Architectural Review
04.23.2024



PROPOSED EXTERIOR ELEVATIONS - EAST ELEVATION (STREET FACING)

4002 HERMITAGE ROAD
PROPOSED DETACHED GARAGE

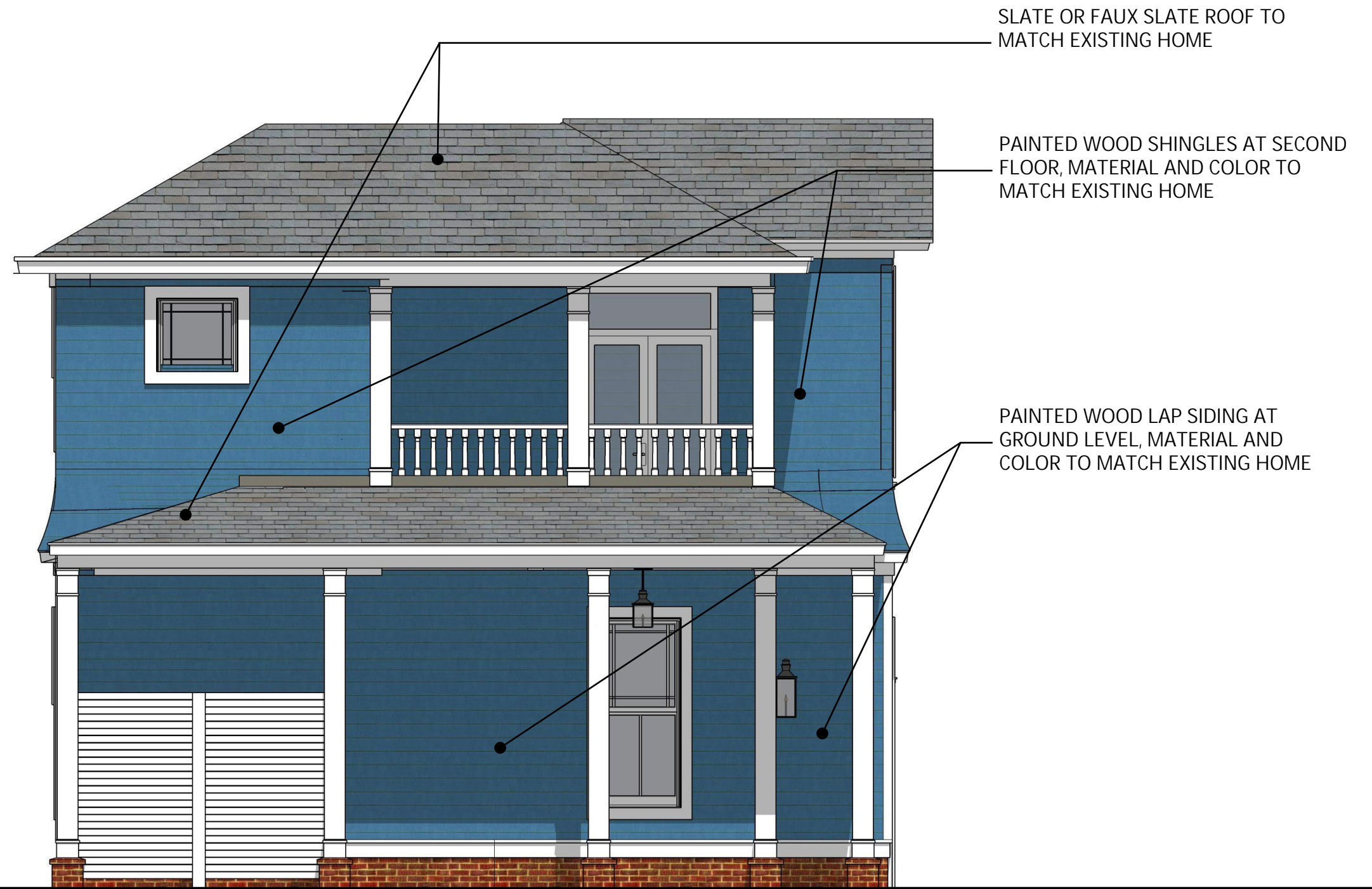
Commission of Architectural Review
04.23.2024



PROPOSED EXTERIOR ELEVATIONS - SOUTH ELEVATION (INTERIOR PROPERTY FACING)

4002 HERMITAGE ROAD
PROPOSED DETACHED GARAGE

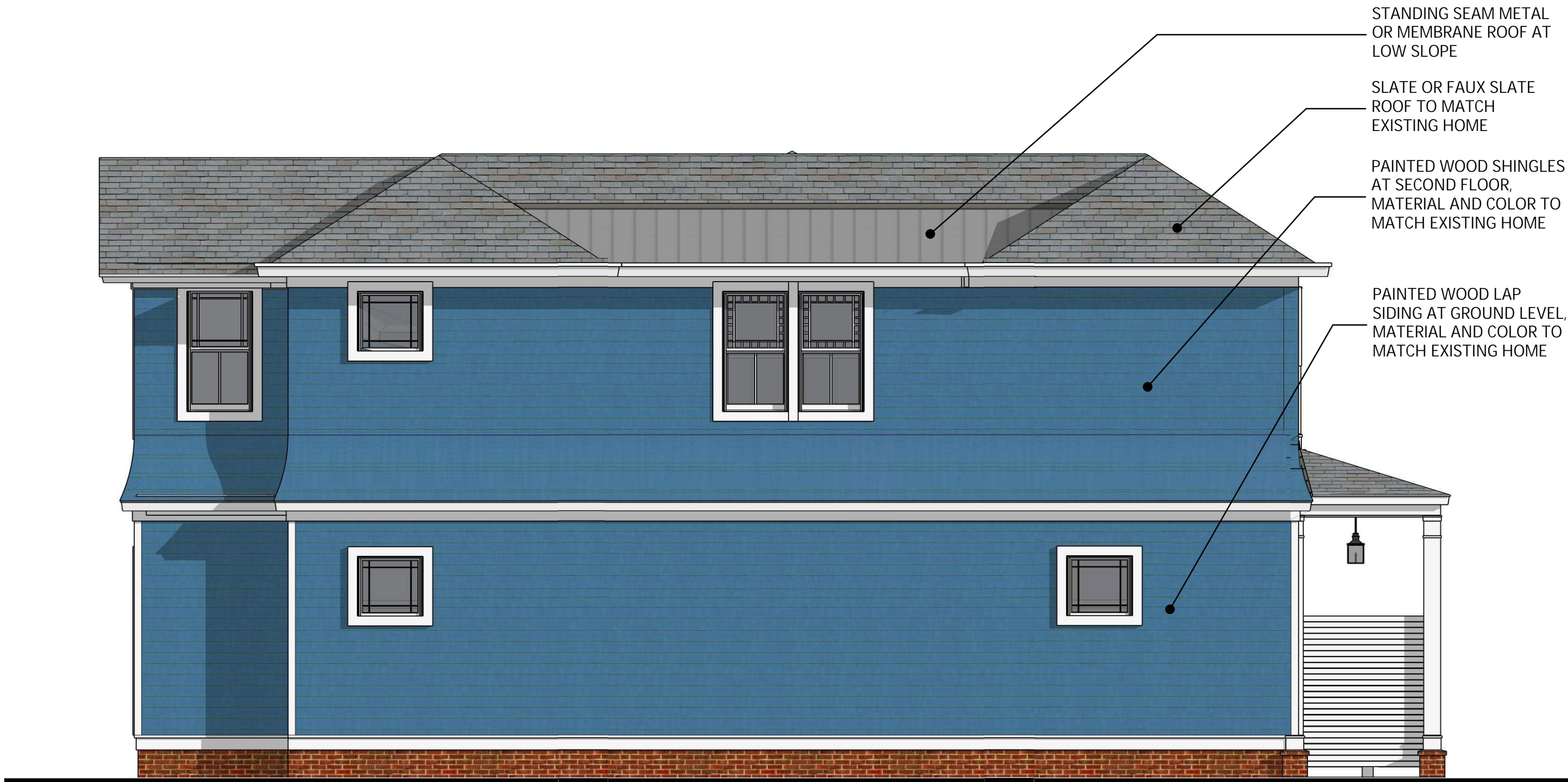
Commission of Architectural Review
04.23.2024



PROPOSED EXTERIOR ELEVATIONS - WEST ELEVATION (ALLEY FACING)

4002 HERMITAGE ROAD
PROPOSED DETACHED GARAGE

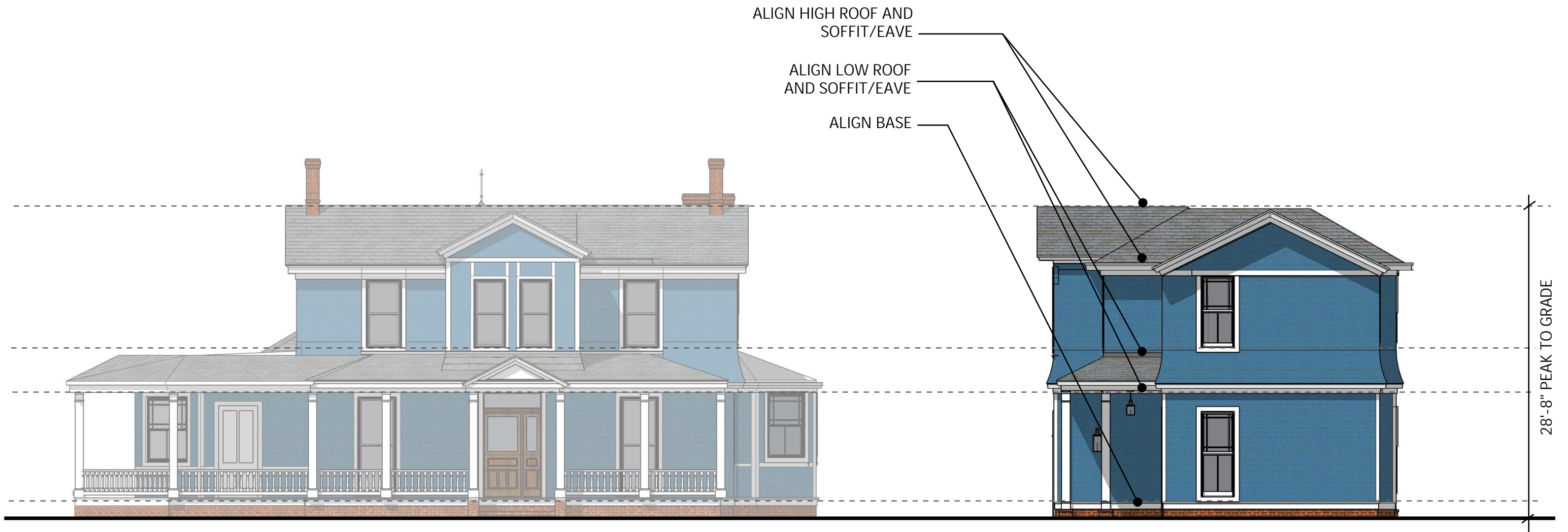
Commission of Architectural Review
04.23.2024



PROPOSED EXTERIOR ELEVATIONS - NORTH ELEVATION (NEIGHBOR FACING)

4002 HERMITAGE ROAD
PROPOSED DETACHED GARAGE

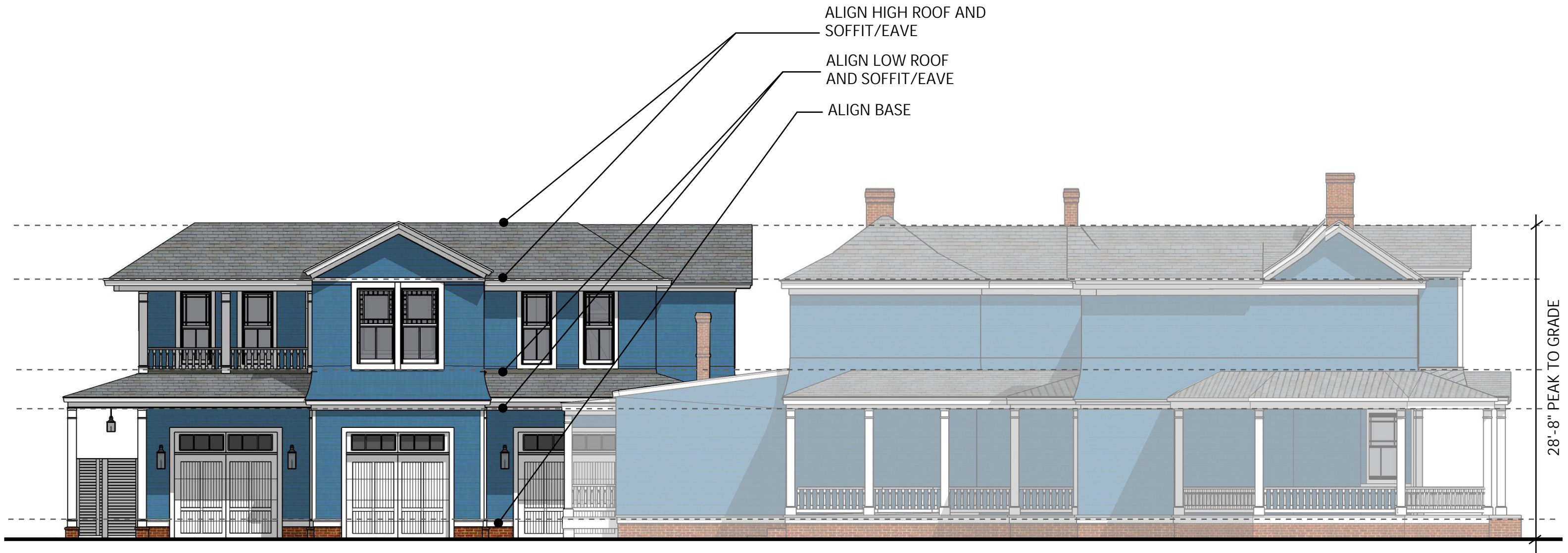
Commission of Architectural Review
04.23.2024



PROPOSED EXTERIOR ELEVATIONS - IN CONTEXT WITH EXISTING HOME (STREET FACING)

4002 HERMITAGE ROAD
PROPOSED DETACHED GARAGE

Commission of Architectural Review
04.23.2024



PROPOSED EXTERIOR ELEVATIONS - IN CONTEXT WITH EXISTING HOME (INTERIOR PROPERTY FACING)

4002 HERMITAGE ROAD
PROPOSED DETACHED GARAGE

Commission of Architectural Review
04.23.2024



PERSPECTIVE VIEW - FROM SIDEWALK (RIGHT)

4002 HERMITAGE ROAD
PROPOSED DETACHED GARAGE



PERSPECTIVE VIEW - FROM MEDIAN (CENTER)

4002 HERMITAGE ROAD
PROPOSED DETACHED GARAGE

Commission of Architectural Review
04.23.2024



PERSPECTIVE VIEW - FROM MEDIAN (CENTER LEFT)

4002 HERMITAGE ROAD
PROPOSED DETACHED GARAGE

Commission of Architectural Review
04.23.2024



PERSPECTIVE VIEW - FROM SIDEWALK (LEFT)

4002 HERMITAGE ROAD
PROPOSED DETACHED GARAGE

Commission of Architectural Review
04.23.2024



PERSPECTIVE VIEW - FROM ALLEY

4002 HERMITAGE ROAD
PROPOSED DETACHED GARAGE

Commission of Architectural Review
04.23.2024



PERSPECTIVE VIEW - FROM PROPERTY INTERIOR

4002 HERMITAGE ROAD
PROPOSED DETACHED GARAGE

Commission of Architectural Review
04.23.2024

THESE 6 WINDOWS ARE THE ONLY ONES ON THE ORIGINAL
HOUSE THAT DO NOT HAVE DIVIDED LITES



EXISTING PHOTOS - PRIMARY FACADE

4002 HERMITAGE ROAD
PROPOSED DETACHED GARAGE

Commission of Architectural Review
04.23.2024



EXISTING PHOTOS - MAIN HOUSE - SECONDARY FACADES

4002 HERMITAGE ROAD
PROPOSED DETACHED GARAGE

Commission of Architectural Review
04.23.2024



(9) LITE PRAIRIE OVER (2) LITE



(2) LITE OVER (2) LITE



VICTORIAN TRELLIS OVER (2) LITE

EXISTING PHOTOS - TYPICAL SECONDARY FACADE WINDOW STYLE

4002 HERMITAGE ROAD
PROPOSED DETACHED GARAGE

Commission of Architectural Review
04.23.2024



MAIN HOUSE SQUARE WINDOWS (ORIGINAL) - (9) LITE PRAIRIE



CARRIAGE HOUSE SQUARE WINDOWS (REPLACEMENT) - (2) LITE OVER
(2) LITE

EXISTING PHOTOS - TYPICAL SQUARE WINDOW STYLING (14 TOTAL SQUARE WINDOWS ON PROPERTY EXCLUDING PROPOSED)

4002 HERMITAGE ROAD
PROPOSED DETACHED GARAGE

Commission of Architectural Review
04.23.2024



EXISTING PHOTOS - CARRIAGE HOUSE

4002 HERMITAGE ROAD
PROPOSED DETACHED GARAGE

Commission of Architectural Review
04.23.2024



BEADBOARD OR TONGUE AND GROOVE AT
BACK OF RECESSED PANEL; VERTICAL TEXTURE

FOUR PANEL DESIGN OR SINGLE PANEL
WITH CROSS BRACE

EXISTING PHOTOS - EXSTING CARRIAGE HOUSE | SHED DOOR PANEL STYLE

4002 HERMITAGE ROAD
PROPOSED DETACHED GARAGE

Commission of Architectural Review
04.23.2024