



DEPARTMENT OF
**PLANNING AND
DEVELOPMENT
REVIEW**

**BOARD OF
ZONING APPEALS**

November 8, 2024

Gary L. Tyler & Robyn C. Tyler Living Trust
4308 Cambridge Road
Richmond, VA 23221

Lewis Little
P.O. Box 8301
Richmond, VA 23226

To Whom It May Concern:

RE: BZA 37-2024

You are hereby notified that the Board of Zoning Appeals will hold a public hearing on **Wednesday, December 4, 2024 at 1:00 PM** in the 5th Floor Conference Room, City Hall, 900 E. Broad Street to consider an application for a lot split to reduce the area of an existing nonconforming commercial building into two (2) separate buildings on independent lots of record at 408 CLEVELAND STREET (Tax Parcel Number W000-1464/019), located in an R-6 (Single-Family Attached Residential) District. This meeting will be open to in-person participation with a virtual option. The public will have the option to provide their comments by teleconference/videoconference via Microsoft Teams, or in writing via email as indicated below.

Please be advised that the applicant or applicant's representative is required to participate in the subject public hearing either by teleconference/videoconference or in person. For teleconference participation call 804-316-9457 and entering code **655 207 225#**. For video access by computer, smart phone or tablet visit <https://richmondva.legistar.com/Calendar.aspx>. Select the Board of Zoning Appeals drop-down and 2024 drop-down, click meeting details for December 4, 2024 meeting and then click video access. In the event you have difficulty accessing a public hearing you may contact Mr. William Davidson at 804-396-5350 or by email at Chuck.Davidson@rva.gov for assistance. The Board of Zoning Appeals Rules of Procedure provides that in the case of an application for a variance or a special exception, the applicant, proponents or persons aggrieved under §15.2-2314 of the Code of Virginia, shall be permitted a total of six (6) minutes each to present their case. The Board of Zoning Appeals will withhold questions until the conclusion of the respective presentations. For the purposes of the record it also requested that before addressing the Board you identify yourself and spell your name.

Finally, when you submitted your application to the zoning office you were given an handout entitled, Suggestions for Presenting Your Case to the Board, which indicated that you should discuss your request with your neighbor(s) and neighborhood

BZA 37-2024
Page 2
November 8, 2024

association(s) prior to appearing before the Board of Zoning Appeals. Contact information for civic group(s) can be found by navigating to the Civic Group webpage of the City's website at <https://www.rva.gov/planning-development-review/civic-groups>. Once there, you can search for your property using the interactive map. A dialogue box will provide you with the names of all civic groups within which your property may lie. Once you have those group names, simply scroll down the page to the appropriate group(s) to find the contact information for each. The Board understands that given the current situation it is not practical to conduct face-to-face discussions with either your neighbors or neighborhood association(s) but the Board requests that you make a good faith effort to provide them with relevant information regarding your case.

If you have any questions regarding the Board's procedures or any issue involving presentation of your case, please feel free to contact me.

Very truly yours,

A handwritten signature in dark ink, reading "Roy W. Benbow". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

Roy W. Benbow, Secretary
Phone: (804) 240-2124
E-mail: Roy.Benbow@rva.gov

cc: Zoning Administrator

Notice of this meeting is being sent to the persons whom the Board of Zoning Appeals believes to be property owners in the immediate vicinity of the property concerned in this application. This notice is for their information only, and there is no need for them to appear unless they so desire. The Board will, however, welcome such views as any persons care to express during the hearing on this application.

3101 Kensington Llc
4343 Plank Rd #115
Fredericksburg, VA 22407

3202 Stuart Ave Llc
6504 Boatwright Dr
Richmond, VA 23226

403 N Cleveland Llc
2000 West Club Lane
Richmond, VA 23226

404 N Cleveland Street Series Pineapple
Properties Va Bus Tr
409 E Main St Ste 301 C/o Dodson Prop
Richmond, VA 23219

Altman Samuel Jacob And Emily Owens
3217 Kensington Ave
Richmond, VA 23221

Appich Charles William Iv And Kendall
Sheridan Etals
3206 Stuart Ave Unit D
Richmond, VA 23221

Baldwin Elizabeth Powell Rev Trust Trs
3213 Kensington Ave
Richmond, VA 23221

Behne Julie A And James A Jr
3207 Kensington Ave
Richmond, VA 23221

Bellona Arsenal Farm Associates Llc
3816 Old Gun Rd W
Midlothian, VA 23113

Bkm Llc
116 E Franklin St
Richmond, VA 23219

Bundais Enterprises Llc
Po Box 14549
Richmond, VA 23221

Cummings Bradley And Tanya
925 Millers Lane
Manakin Sabot, VA 23103

Delguercio David A And Mary K
3203 Kensington Avenue
Richmond, VA 23221

Egbuna Ikenna And Chidozie Chinelo H
1336 Franklin Wind Pl
El Paso, TX 79912

Ewing Michael
3131 Kensington Ave
Richmond, VA 23221

Gammon Gregg N & Sandee J
3211 Kensington Ave
Richmond, VA 23221

Harding Caroline And Michael
3127 Kensington Ave
Richmond, VA 23221

Ledford Charles W & Noni H C/o Wayang
Properties Llc
1709 Mayfair Rd
Champaign, IL 61821

Lew Leland F
5017 Devonshire Rd
Richmond, VA 23225

Nash Reginald W Trust Trustee
10670 Cherokee Rd
Richmond, VA 23235

Oak Lane Associates Llc
809 Westham Parkway
Richmond, VA 23229

Powell 402 Llc
9000 Matoaka Glen Rd
Quinton, VA 23141

Princess Properties Llc
8723 Higginbotham Place
Richmond, VA 23219

Rackley Tyler H
Po Box 14810
Richmond, VA 23221

Randolphs Garden Llc
5022 Park Ave
Richmond, VA 23226

Rathner Jeffrey And Janet L
3215 Kensington Ave
Richmond, VA 23221

Sbeulah Llc
3111 Grove Ave
Richmond, VA 23221

Spitzer Andrew G And Julee T
417 N Cleveland St
Richmond, VA 23221

Tarren Luann L
3201 Kensington Avenue
Richmond, VA 23221

Taylor Robert E And Brooke C
3205 Kensington Ave
Richmond, VA 23221

Yellin Eric S & Sackley Nicole
3209 Kensington Avenue
Richmond, VA 23221

Property: 408 Cleveland St **Parcel ID:** W0001464019**Parcel**

Street Address: 408 Cleveland St Richmond, VA 23221-
Alternate Street Addresses: 406 Cleveland St
Owner: TYER GARY L AND ROBYN C TRS TYER LIVING TRUST
Mailing Address: 4308 CAMBRIDGE RD, RICHMOND, VA 2322100000
Subdivision Name : NONE
Parent Parcel ID:
Assessment Area: 450 - Fan/Near West
Property Class: 410 - B General Retail/Service
Zoning District: R-6 - Residential (Single Family Attached)
Exemption Code: -

Current Assessment

Effective Date: 01/01/2024
Land Value: \$234,000
Improvement Value: \$238,000
Total Value: \$472,000
Area Tax: \$0
Special Assessment District: None

Land Description

Parcel Square Feet: 3362.25
Acreage: 0.077
Property Description 1: 0044.83X0075.00 0000.000
State Plane Coords(?): X= 11779105.373024 Y= 3728959.866279
Latitude: 37.55972957 , **Longitude:** -77.47804945

Description

Land Type: Commercial S3
Topology:
Front Size: 44
Rear Size: 75
Parcel Square Feet: 3362.25
Acreage: 0.077
Property Description 1: 0044.83X0075.00 0000.000
Subdivision Name : NONE
State Plane Coords(?): X= 11779105.373024 Y= 3728959.866279
Latitude: 37.55972957 , **Longitude:** -77.47804945

Other

Street improvement:
Sidewalk:

Assessments

Assessment Year	Land Value	Improvement Value	Total Value	Reason
2025	\$281,000	\$238,000	\$519,000	Reassessment
2024	\$234,000	\$238,000	\$472,000	Reassessment
2023	\$188,000	\$238,000	\$426,000	Reassessment
2022	\$188,000	\$233,000	\$421,000	Reassessment
2021	\$161,000	\$190,000	\$351,000	Reassessment
2020	\$161,000	\$190,000	\$351,000	Reassessment
2019	\$141,000	\$184,000	\$325,000	Reassessment
2018	\$121,000	\$184,000	\$305,000	Reassessment
2017	\$121,000	\$184,000	\$305,000	Reassessment
2016	\$72,000	\$192,000	\$264,000	Reassessment
2015	\$72,000	\$179,000	\$251,000	Reassessment
2014	\$72,000	\$172,000	\$244,000	Reassessment
2013	\$72,000	\$172,000	\$244,000	Reassessment
2012	\$72,000	\$172,000	\$244,000	Reassessment
2011	\$127,000	\$117,000	\$244,000	CarryOver
2010	\$127,000	\$117,000	\$244,000	Reassessment
2009	\$127,000	\$117,000	\$244,000	Reassessment
2008	\$127,000	\$117,000	\$244,000	Reassessment
2007	\$124,800	\$114,500	\$239,300	Reassessment
2006	\$104,000	\$114,500	\$218,500	Reassessment
2005	\$99,000	\$107,000	\$206,000	Reassessment
2004	\$36,000	\$104,700	\$140,700	Reassessment
2003	\$31,300	\$95,200	\$126,500	Reassessment
2002	\$31,300	\$95,200	\$126,500	Reassessment
1998	\$23,000	\$70,000	\$93,000	Not Available

Transfers

Transfer Date	Consideration Amount	Grantor Name	Deed Reference	Verified Market Sale Description
02/14/2014	\$0	TYER GARY L & ROBYN C	ID2014-2532	2 - INVALID SALE-Relation Between Buyer/Seller
10/24/1988	\$0	Not Available	00182-2146	
10/24/1988	\$69,000	Not Available	000182-02143	

Planning

Master Plan Future Land Use: NH-MU
Zoning District: R-6 - Residential (Single Family Attached)
Planning District: Near West
Traffic Zone: 1092
City Neighborhood Code: MUSD
City Neighborhood Name: The Museum District
Civic Code:
Civic Association Name: Fan Area Business Alliance
Subdivision Name: NONE
City Old and Historic District:
National historic District: West of Boulevard
Neighborhoods in Bloom:
Redevelopment Conservation Area:

Economic Development

Care Area: -
Enterprise Zone:

Environment

100 YEAR Flood Plain Flag: Contact the Water Resources Division at 646-7586.
500 YEAR Flood Plain Flag: N
Resource Protection Flag: Contact the Water Resources Division at 646-7586.
Wetland Flag: N

Census

Census Year	Block	Block Group	Tract
2000	1003	0409001	040900
1990	104	0409001	040900

Schools

Elementary School: Cary
Middle School: Hill
High School: Jefferson

Public Safety

Police Precinct: 3
Police Sector: 311
Fire District: 18
Dispatch Zone: 047A

Public Works Schedules

Street Sweep: TBD
Leaf Collection: TBD
Refuse Collection: Monday
Bulk Collection: TBD

Government Districts

Council District: 1
Council District for 2025 (Current Election): 1
Voter Precinct: 114
State House District: 78
State Senate District: 14
Congressional District: 4

Extension 1 Details**Extension Name:** C01 - Market/Coin Laundry**Year Built:** 1921**Stories:** 1**Units:** 0**Number Of Rooms:** 0**Number Of Bed Rooms:** 0**Number Of Full Baths:** 0**Number Of Half Baths:** 0**Condition:** normal for age**Foundation Type:****1st Predominant Exterior:****2nd Predominant Exterior:** N/A**Roof Style:** 1**Roof Material:****Interior Wall:****Floor Finish:****Heating Type:** 0 sf**Central Air:** N**Basement Garage Car #:** 0**Fireplace:** N**Building Description (Out Building and Yard Items) :****Extension 1 Dimensions****Finished Living Area:** 2679 Sqft**Attic:** 0 Sqft**Finished Attic:** 0 Sqft**Basement:** 0 Sqft**Finished Basement:** 0 Sqft**Attached Garage:** 0 Sqft**Detached Garage:** 0 Sqft**Attached Carport:** 0 Sqft**Enclosed Porch:** 0 Sqft**Open Porch:** 0 Sqft**Deck:** 0 Sqft

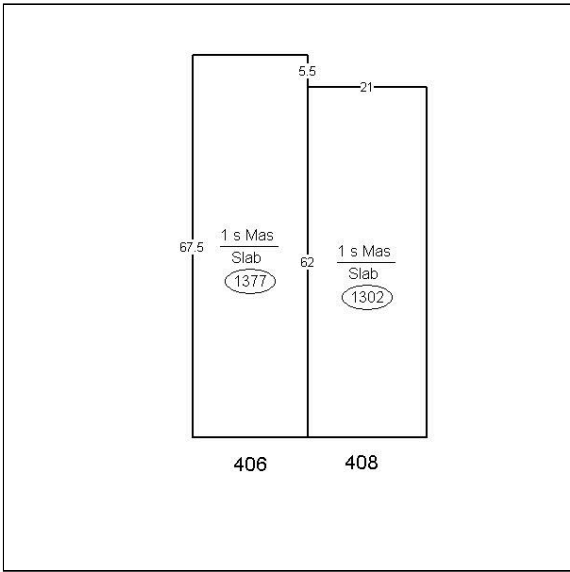
Property Images

Name:W0001464019 Desc:C01

[Click here for Larger Image](#)

Sketch Images

Name:W0001464019 Desc:C01



RICHMOND BOARD OF ZONING APPEALS APPLICATION FORM



THE RICHMOND ZONING ADMINISTRATION OFFICE
ROOM 110, CITY HALL, 900 EAST BROAD STREET
RICHMOND, VIRGINIA 23219
(804) 646-6340

TO BE COMPLETED BY THE APPLICANT

PROPERTY

OWNER: Gary L. Tyler &

PHONE: (Home) () () (Mobile) (804) 334-4308

Robyn C. Tyler Living Trust

ADDRESS 4308 Cambridge Road

FAX: () () (Work) () ()

Richmond, Virginia 23221

E-mail Address: tyler10@verizon.net

PROPERTY OWNER'S

REPRESENTATIVE: Lewis Little

PHONE: (Home) () () (Mobile) (804) 513-6000

(Name/Address) P.O. Box 8301

FAX: () () (Work) () ()

Richmond, Virginia 23226

E-mail Address: stetelholdingsllc@gmail.com

TO BE COMPLETED BY THE ZONING ADMINISTRATION OFFICE

PROPERTY ADDRESS(ES) 408 Cleveland Street

TYPE OF APPLICATION: ☐ VARIANCE ☒ SPECIAL EXCEPTION ☐ OTHER _____

ZONING ORDINANCE SECTION NUMBERS(S): 30-300 & 30-800.2(b)

APPLICATION REQUIRED FOR: A lot split to reduce the area of an existing nonconforming commercial building into two (2) separate buildings on independent lots of record.

TAX PARCEL NUMBER(S): W000-1464/019 ZONING DISTRICT: R-6 (Single-Family Attached Residential)

REQUEST DISAPPROVED FOR THE REASON THAT: The nonconforming use requirements are not met. The area of a lot on which a nonconforming use is located shall not be reduced unless authorized by the Board of Zoning Appeals.

DATE REQUEST DISAPPROVED: October 15, 2024

FEE WAIVER: YES ☐ NO: ☒

DATE FILED: October 14, 2024 TIME FILED: 04:44 p.m. PREPARED BY: David Duckhardt RECEIPT NO. BZAR-155932-2024

AS CERTIFIED BY: [Signature] (ZONING ADMINSTRATOR)

I BASE MY APPLICATION ON:

SECTION 17.20 PARAGRAPH(S) _____ OF THE CHARTER OF THE CITY OF RICHMOND

SECTION 15.2-2309.2 ☐ OF THE CODE OF VIRGINIA [OR]

SECTION 1040.3 PARAGRAPH(S) (9) OF THE ZONING ORDINANCE OF THE CITY OF RICHMOND

TO BE COMPLETED BY APPLICANT

I have received the handouts, *Suggestions for Presenting Your Case to the Board & Excerpts from the City Charter* ☒

I have been notified that I, or my representative, must be present at the hearing at which my request will be considered.

SIGNATURE OF OWNER OR AUTHORIZED AGENT: [Signature]

DATE: 10/29/24

*** TO BE COMPLETED BY THE SECRETARY TO THE BOARD OF ZONING APPEALS ***

CASE NUMBER: BZA 37-2024 HEARING DATE: December 4, 2024 AT 1:00 P.M.

BOARD OF ZONING APPEALS CASE BZA 37-2024
150' Buffer

APPLICANT(S): Gary L. Tyler & Robyn C. Tyler Living Trust

PREMISES: 408 Cleveland Street
(Tax Parcel Number W000-1464/019)

SUBJECT: A lot split to reduce the area of an existing nonconforming commercial building into two (2) separate buildings on independent lots of record.

REASON FOR THE REQUEST: Based on Sections 30-300 & 30-800.2(b)
of the Zoning Ordinance for the reason that:
The nonconforming use requirements are not met.





BOARD OF ZONING APPEALS PRESENTATION SUGGESTIONS

CITY OF RICHMOND, VIRGINIA

When presenting your request for a variance or exception to the Board of Zoning Appeals, it is important that you consider the points outlined below. The City Charter requires that every decision of the Board must be based upon a finding of fact that the Board must determine from sworn testimony, together with pertinent evidence, presented at its public hearing. It is essential that the Board receive thorough and complete information in order for it to adequately consider your case and make an informed decision.

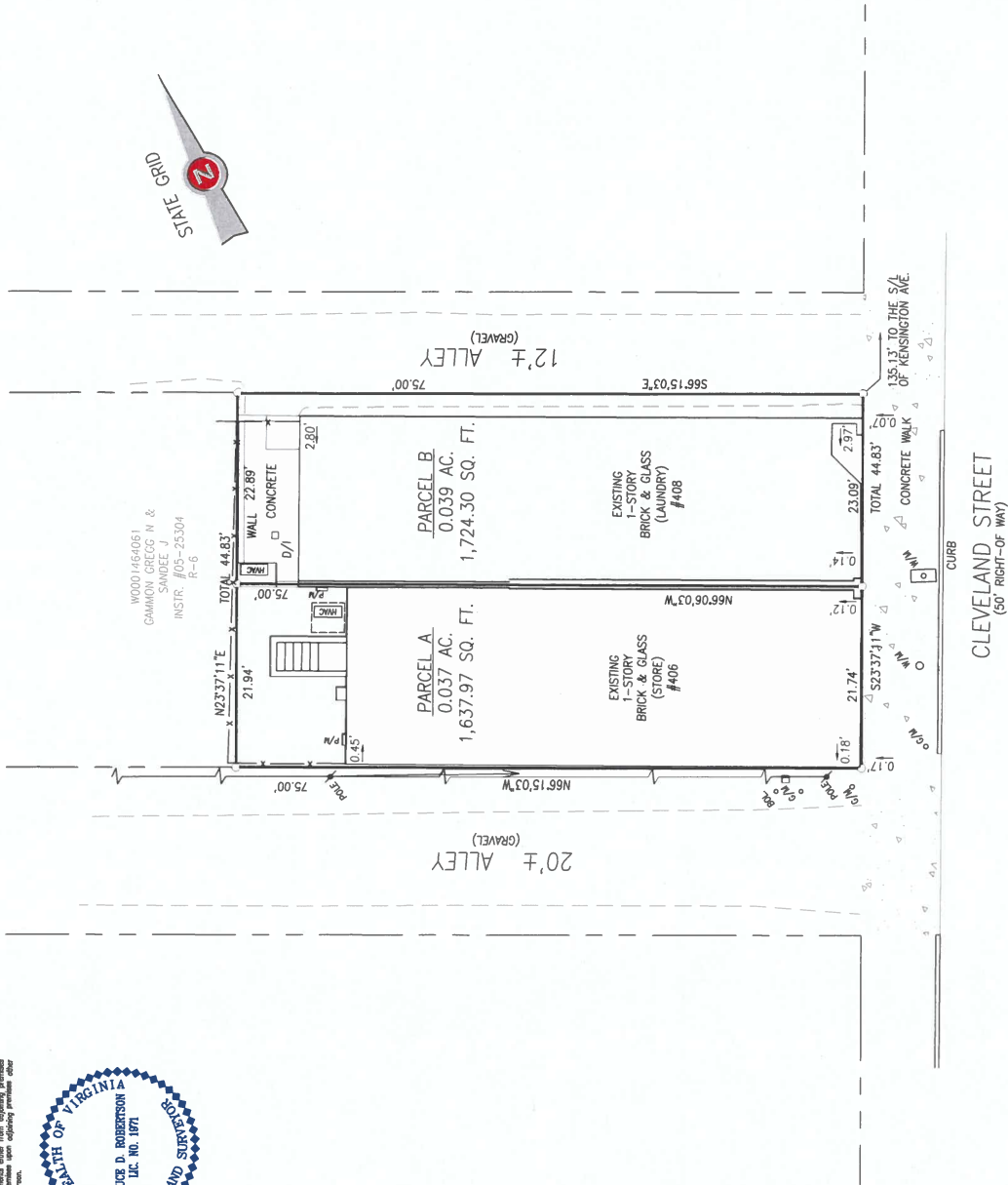
1. The powers and duties of the Board of Zoning Appeals (BZA) are specified in Section 17.20 of the City Charter and Article X, Division 5, of the Zoning Ordinance. The Zoning Office will assist you in identifying how your case should be filed. If you have questions regarding your case filing, please contact the Zoning Administration Office (804-646-6340/6701). Please review the applicable provisions of the City Charter or the Zoning Ordinance thoroughly and address them when presenting your case to the Board to show that the applicable requirements have been satisfied.
2. The Board of Zoning Appeals is a quasi-judicial board whose decisions are controlled by statutory law and also take into consideration applicable case law that has been handed down by the Richmond Circuit Court and the Virginia Supreme Court. The Board suggests that if you have any legal questions regarding statutory or case law as it may apply to your application, that those legal issues should be discussed with an attorney before you make your final decision to submit an application to the Board.
3. The Board considers it essential that you discuss your case with nearby residents (notification letters are sent to all property owners within a 150-foot radius of your property) and any nearby civic association(s). Information regarding your neighborhood association(s) and/or contact person(s) may be obtained [here](#). Once on the page, you can search for your property using the interactive map. A dialogue box will provide you with the names of all civic groups within which your property may lie. Once you have those group names, scroll down the page to the appropriate group(s) to find the contact information for each.

Be advised that if you fail to discuss your request with your neighbors and neighborhood association(s), you should anticipate that your case will be continued until the Board's next regularly scheduled meeting. It is highly recommended that you contact your neighborhood association as soon as possible to determine their meeting schedule in order to be sure you allow yourself enough time to talk to all concerned parties prior to the hearing before the Board. The Board's Rules of Procedure require payment of a \$175.00 continuance fee if the applicant must request a continuance for the reason that the applicant failed to discuss their case with their neighbor(s) or neighborhood association(s).

4. You are also strongly encouraged to discuss your pending case with the Secretary of the Board, Roy Benbow at (804) 240-2124 well before the hearing. The BZA Secretary can be helpful by explaining the BZA public hearing requirements and process.
5. Utilizing photographs, plans, maps, diagrams and such other written or graphic evidence as needed to fully explain your request can be a great help to the Board in understanding your request and thereby improve your chances for success. Remember . . . a picture is worth a thousand words.
6. Note that, although the Board is not authorized to grant a waiver from the zoning regulations based on financial circumstances alone, it may be a factor to be taken into consideration along with other facts in a case. If your case involves such a factor, please provide the Board with complete and relevant financial information for its review.
7. The Board's hearings are informal, although all testimony is taken under oath. You are not required to be represented by an attorney in presenting your case. However, if you choose, you may have legal representation and/or may utilize such technical experts or other persons to testify on your behalf as you feel are needed to adequately explain your request to the Board.

Acknowledgement of Receipt by Applicant or Authorized Agent: 

This is to certify that on 9/19/24
I, Bruce D. Robertson, a duly licensed
Professional Land Surveyor in the State of
Virginia, have surveyed and examined the
above described property and the same being
correctly located and shown to be the same
as shown on the map and plan hereunto
attached, I hereby certify that the same
is in accordance with the laws of the
State of Virginia.



NOTES

1. DEVELOPER: LEWIS LITTLE
P.O. BOX 8301
RICHMOND, VA 23226
2. PROPERTY ADDRESS: #406/#408 CLEVELAND ST.
RICHMOND, VA 23221
3. TAX MAP: W0001464019
3,362.27 SQ. FT. (0.077 AC.)
4. ZONING: R-6
5. WATER: CITY
6. SEWER: CITY
7. THIS PROPERTY APPEARS TO BE IN F.E.M.A
FLOOD ZONE "X" PER PANEL #510129-0036-D
8. LOCATION OF U/G UTILITIES BASED ON FIELD
OBSERVATION. ADDITIONAL U/G UTILITIES MAY
EXIST OTHER THAN SHOWN.
9. WETLANDS (IF ANY) AND RESOURCE PROTECTION
AREA LIMITS ARE NOT SHOWN ON THIS SURVEY.
10. BUILDING SETBACKS OR OTHER ZONING
CONDITIONS NOT DETERMINED FOR THIS MAP.
COMPLIANCE WITH APPLICABLE ZONING
ORDINANCES SHOULD BE CONFIRMED PRIOR TO
CONSTRUCTION.



Bruce Robertson Land Surveying, P.C.

1619 Huguenot Rd., Suite 100 Midlothian, VA 23113 PH: 804-330-2801

DIVISION OF LAND LOCATED AT
#406 & #408 CLEVELAND STREET
THE CITY OF RICHMOND, VIRGINIA

Date: 9/19/24
Scale: 1"=10'

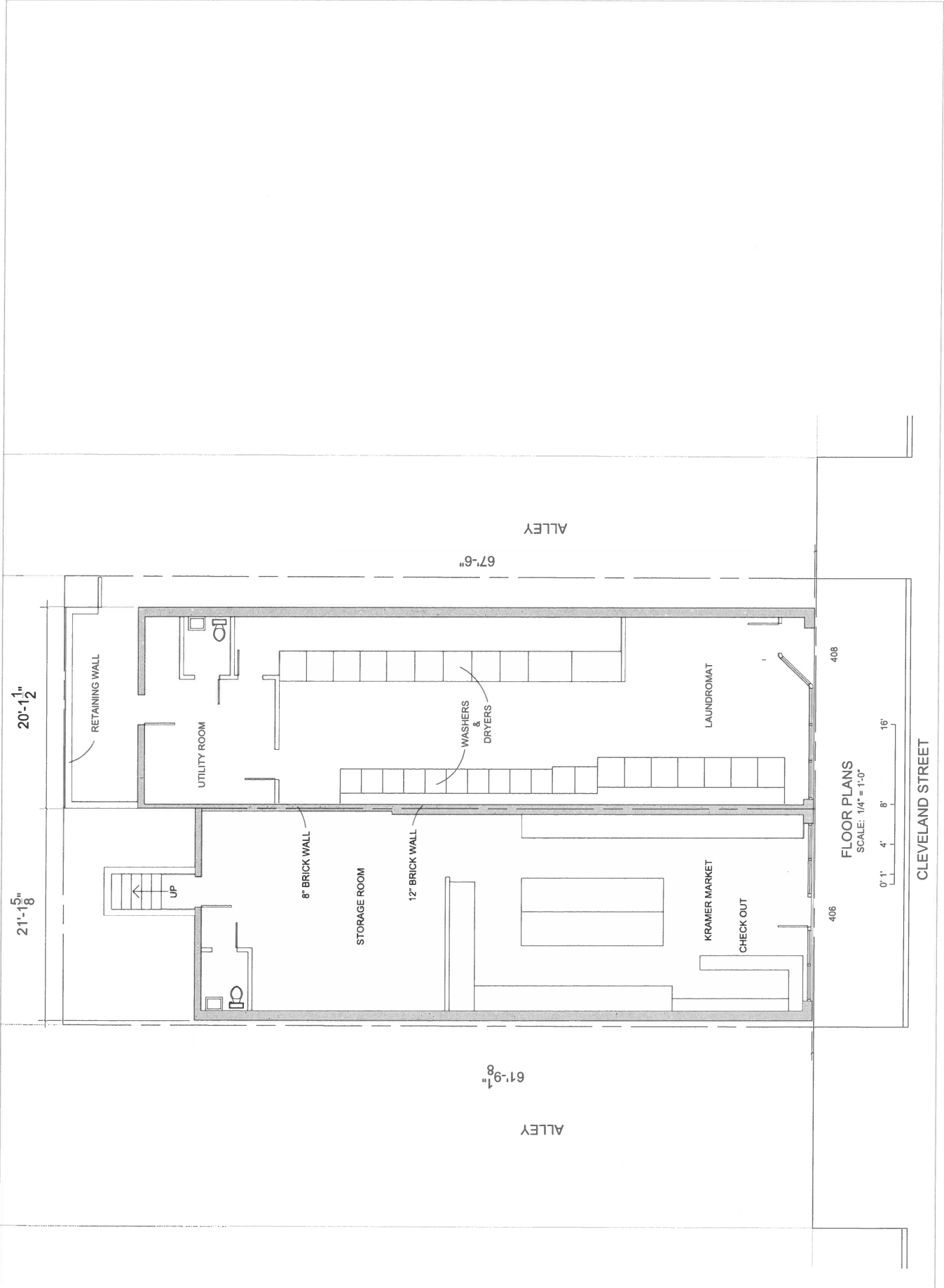
Revisions:

Sheet 1 of 1



KRAMER MARKET AND LAUNDROMAT
 406 & 408 CLEVELAND STREET
 RICHMOND, VIRGINIA

PROJECT NUMBER: 2024-59
 DATE: OCTOBER 1, 2024
 DRAWN BY: CWA



Schedule "A"

BOOK 0162 PAGE 2148

ALL that certain lot of land in the City of Richmond, Virginia, situated on the western line of Cleveland Street between Stuart Avenue and Kensington Avenue, together with all the improvements on said lot known as Numbers 406 and 408 Cleveland Street and bounded as follows:

BEGINNING at a point on the west line of Cleveland Street 135 feet south of the south line of Kensington Avenue, extending thence southwardly along and fronting on the said west line of Cleveland Street 44.85 feet to the north line of a 20 foot alley, extending thence back westwardly between parallel lines the north line being the south line of a 12-foot alley and the south line being the north line of a 20-foot alley 75 feet.

BEING the same real estate conveyed to Gary Lee Tyer, as his separate equitable estate, by deed from Max Robinson and Arleen J. Robinson, his wife, dated October 18, 1988, recorded in the Clerk's Office, Circuit Court, City of Richmond, Virginia, simultaneously herewith.

VIRGINIA: IN THE CLERK'S OFFICE OF THE CIRCUIT COURT OF THE CITY OF RICHMOND.

This deed was presented, and, with the Certificate annexed, admitted to record on
OCT. 24 1988 at 12:32 o'clock P.M.

Clerk's Fee	10.00
Transfer Fee	1.00
State Tax	-
City Tax	-
Grantor's Tax	-
Total	11.00

Teste:

File: Alfred Smith

Luan T. Purdy Clerk

CS139047



Interior



406 Cleveland Street

Exterior



Interior



408 Cleveland Street
Exterior