



CITY OF RICHMOND

DEPARTMENT OF  
PLANNING AND DEVELOPMENT REVIEW  
BOARD OF ZONING APPEALS

February 7, 2020

Beverley R Tucker III and Mary Madelyn Trustees C/O Thalhimer  
P.O. Box 5160  
Glen Allen, VA 23058

Dan FitzGerald  
Grit Coffee  
P.O. Box 496  
Charlottesville, Virginia 22902

To Whom It May Concern:

RE: **BZA 14-2020**

You are hereby notified that the Board of Zoning Appeals will hold a public hearing on Wednesday, March 4, 2020 at 1:00 p.m. in the 5th floor conference room, City Hall, 900 East Broad Street, to consider an application for a building permit to renovate an existing restaurant (ice cream parlor) into a new restaurant (coffee shop and café) with hours of operation between 7 a.m. and 11:00 p.m. at 409 LIBBIE AVENUE (Tax Parcel Number W020-0113/003), located in an UB-PO1 (Urban Business – Parking Overlay District).

Please be advised that the applicant or the applicant's representative must be present at the hearing. 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.


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

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 <http://www.richmondgov.com/PlanningAndDevelopmentReview/civicasociationgroupin formation.aspx> . 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.

Please 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. Please note that the Board's Rules of Procedure require payment of a \$150.00 continuance fee if the applicant must request a continuance for the reason that the applicant failed to discuss their case with their neighbors and neighborhood association(s). Please contact your neighborhood association to determine their meeting schedule. Be sure you allow yourself enough time to talk to all concerned parties prior to the hearing before the Board. For your convenience a list of the property owner(s) which have been identified based on the City Assessor's records as being located within a 150' radius of subject property is being provided to you (see attachment).

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,



Roy W. Benbow, Secretary  
Phone: (804) 240-2124  
Fax: (804) 646-5789  
E-mail: Roy.Benbow@richmondgov.com

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.

Appich James E  
7101 Glen Parkway  
Henrico VA 23229

Butler-schaps Mary & Butler Rachel M  
9023 E Aqua Vista Dr  
Inverness FL 34450

Cna Properties Lc Attn E M Farley Iv  
1802 Bayberry Ct Ste 401  
Richmond VA 23226

Condon Robert B  
316 Granite Avenue  
Richmond VA 23226

Daniel Christopher L  
326 Granite Avenue  
Richmond VA 23226

Granite 322 LLC  
6335 Ridgeway Rd  
Richmond VA 23226

Jackson River Ventures LLC  
P.o. Box 89  
White Hall VA 22987

Libbie Associates LLC  
417 Libbie Ave  
Richmond VA 23226

Libbie Plaza Associates L C C/o Donald W  
Warner  
3800 Stillman Parkway Ste 200  
Richmond VA 23233

Richmond Libbie LLC  
P.o. Box 13470  
Richmond VA 23225

Southland Corp 7-eleven Inc  
1722 Routh St  
Dallas TX 75201

Westhampton LLC  
6802 Paragon Pl Suite 300  
Richmond VA 23230

Williams Shirley M & Sharron L  
318 Granite Ave  
Richmond VA 23226

Wright Gibson S  
324 Granite Ave  
Richmond VA 23226

York Court Inc C/o Alfred J Dickinson  
P O Box 8208  
Richmond VA 23226

**Property:** 407 Libbie Ave **Parcel ID:** W0200113003**Parcel**

**Street Address:** 407 Libbie Ave Richmond, VA 23226-  
**Alternate Street Addresses:** 409 Libbie Ave  
**Owner:** TUCKER BEVERLEY R III AND MARY MADELYN TRUSTEES  
**Mailing Address:** C/O THALHIMER P.O. BOX 5160, GLEN ALLEN, VA 23058-5160  
**Subdivision Name :** WESTVIEW  
**Parent Parcel ID:**  
**Assessment Area:** 450 - Fan/Near West  
**Property Class:** 410 - B General Retail/Service  
**Zoning District:** UB-PO1 - Urban Business-Parking Overlay  
**Exemption Code:** -

**Current Assessment**

**Effective Date:** 01/01/2020  
**Land Value:** \$486,000  
**Improvement Value:** \$527,000  
**Total Value:** \$1,013,000  
**Area Tax:** \$0  
**Special Assessment District:** None

**Land Description**

**Parcel Square Feet:** 10800  
**Acreage:** 0.248  
**Property Description 1:** WESTVIEW PTL1  
**Property Description 2:** 0093.90X0156.67 IRG0000.000  
**State Plane Coords( ?):** X= 11767636.630214 Y= 3734337.725274  
**Latitude:** 37.57486748 , **Longitude:** -77.51765250

**Description**

**Land Type:** Primary Commercial/Indust Land  
**Topology:**  
**Front Size:** 93  
**Rear Size:** 156  
**Parcel Square Feet:** 10800  
**Acreage:** 0.248  
**Property Description 1:** WESTVIEW PTL1  
**Property Description 2:** 0093.90X0156.67 IRG0000.000  
**Subdivision Name :** WESTVIEW  
**State Plane Coords( ?):** X= 11767636.630214 Y= 3734337.725274  
**Latitude:** 37.57486748 , **Longitude:** -77.51765250

**Other**

**Street improvement:**  
**Sidewalk:**

**Assessments**

Assessment Year	Land Value	Improvement Value	Total Value	Reason
2020	\$486,000	\$527,000	\$1,013,000	Reassessment
2019	\$432,000	\$509,000	\$941,000	Reassessment
2018	\$378,000	\$547,000	\$925,000	Reassessment
2017	\$378,000	\$547,000	\$925,000	Reassessment
2016	\$270,000	\$657,000	\$927,000	Reassessment
2015	\$270,000	\$613,000	\$883,000	Reassessment
2014	\$270,000	\$587,000	\$857,000	Reassessment
2013	\$270,000	\$587,000	\$857,000	Reassessment
2012	\$270,000	\$587,000	\$857,000	Reassessment
2011	\$270,000	\$587,000	\$857,000	CarryOver
2010	\$270,000	\$587,000	\$857,000	Reassessment
2009	\$270,000	\$587,000	\$857,000	Reassessment
2008	\$270,000	\$587,000	\$857,000	Reassessment
2007	\$270,000	\$294,500	\$564,500	Reassessment
2006	\$190,600	\$280,500	\$471,100	Reassessment
2005	\$181,500	\$267,100	\$448,600	Reassessment
2004	\$157,800	\$242,800	\$400,600	Reassessment
2003	\$154,700	\$238,000	\$392,700	Reassessment

**Transfers**

Transfer Date	Consideration Amount	Grantor Name	Deed Reference	Verified Market Sale Description
04/10/2008	\$0	TUCKER BEVERLEY R III	ID2008-9497	2 - INVALID SALE-Relation Between Buyer/Seller
04/10/2008	\$0	TUCKER BEVERLEY R	ID2008-9498	2 - INVALID SALE-Relation Between Buyer/Seller
03/29/1971	\$49,000	Not Available	00669-A0234	

**Planning**

**Master Plan Future Land Use:** CM-CO  
**Zoning District:** UB-PO1 - Urban Business-Parking Overlay  
**Planning District:** Far West  
**Traffic Zone:** 1114  
**City Neighborhood Code:** WHMP  
**City Neighborhood Name:** Westhampton  
**Civic Code:** 0  
**Civic Association Name:** Granite Area Civic Association  
**Subdivision Name:** WESTVIEW  
**City Old and Historic District:**  
**National historic District:**  
**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	2016	0504002	050400
1990	234	0504002	050400

**Schools****Elementary School:** Mary Munford**Middle School:** Hill**High School:** Jefferson**Public Safety****Police Precinct:** 3**Police Sector:** 311**Fire District:** 19**Dispatch Zone:** 058A**Public Works Schedules****Street Sweep:** TBD**Leaf Collection:** TBD**Refuse Collection:** Monday**Bulk Collection:** TBD**Government Districts****Council District:** 1**Voter Precinct:** 102**State House District:** 68**State Senate District:** 10**Congressional District:** 4

**Extension 1 Details**

age

**Extension Name:** C01 - McLaughli-Retail Clothing  
**Year Built:** 1970  
**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  
**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 Paving Yard Items) :**

**Extension 1 Dimensions**

**Finished Living Area:** 3168 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**

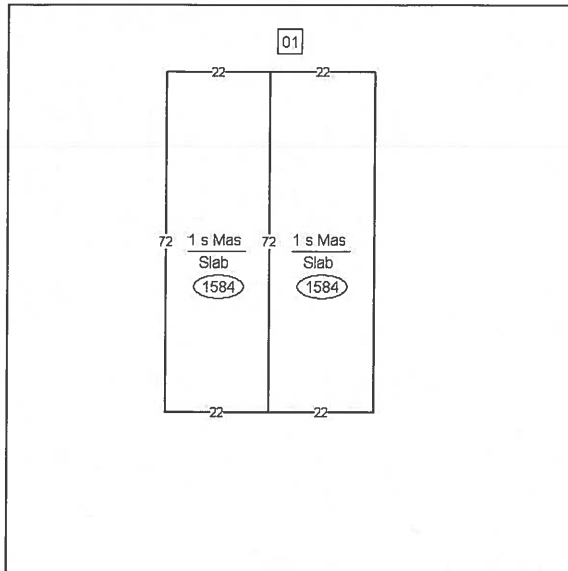
Name:W0200113003 Desc:C01

[Click here for Larger Image](#)



**Sketch Images**

Name:W0200113003 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: <u>Beverly R Tucker III and Mary Madelyn Trustees</u>		PHONE: (Home) (Mobile) (804) 543-8053
OWNER: <u>C/O Thalhimer</u>		FAX: (804) 697-3565 (Work) (804) 697-3456
ADDRESS: <u>P.O. Box 5160</u>		E-mail Address: <u>ian.riester@thalhimer.com</u>
<u>Glen Allen, VA 23058</u>		
PROPERTY OWNER'S REPRESENTATIVE: <u>Dan FitzGerald</u>		
(Name/Address) <u>Grit Coffee</u>	PHONE: (Home) ( ) (Mobile) (703) 403-8602	
<u>P.O. Box 496</u>	FAX: ( ) (Work) ( )	
<u>Charlottesville, Virginia 22902</u>	E-mail Address: <u>dan@gritcoffee.com</u>	

## TO BE COMPLETED BY THE ZONING ADMINISTRATION OFFICE

PROPERTY ADDRESS (ES) 409 Libbie Avenue

TYPE OF APPLICATION: ☒ VARIANCE ☐ SPECIAL EXCEPTION ☐ OTHER \_\_\_\_\_

ZONING ORDINANCE SECTION NUMBERS(S): 30-300, 30-910.1(b)(2) & 30-1040.2(a)

APPLICATION REQUIRED FOR: A building permit to renovate an existing restaurant (ice cream parlor) into a new restaurant (coffee shop and café) with hours of operation between 7 a.m. and 11:00 p.m.

TAX PARCEL NUMBER(S): W020-0113/003 ZONING DISTRICT: UB (Urban Business) PO-1 (Grove/Libbie Parking Overlay)

REQUEST DISAPPROVED FOR THE REASON THAT: The required parking is not met and the proposed use is not in conformity with the conditions of a previously approved Variance. Thirteen (13) spaces are required; nine are provided. The previous Board of Zoning Appeals approval (Case No. 42-05) granted a Variance from three required off-street parking spaces, subject to the conditions that alcoholic beverages may not be sold from or consumed on the premises and that the hours of operation be limited to 11:00 a.m. – 11:00 p.m., Monday through Sunday; four (4) off-street parking spaces are needed to be waived in order to accommodate a wheelchair-accessible handicap parking space and the proposed hours of operation are 6:00 a.m. – 11:00 p.m. Monday through Sunday.

DATE REQUEST DISAPPROVED: January 17, 2020

FEE WAIVER: YES ☐ NO: ☒

DATE FILED: January 17, 2020 TIME FILED: 2:00 p.m. PREPARED BY: Rich Saunders RECEIPT NO. BZAR-067837-2020

AS CERTIFIED BY: [Signature] (ZONING ADMINISTRATOR)

I BASE MY APPLICATION ON:

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

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

SECTION 1040.3 PARAGRAPH(S) \_\_\_\_\_ 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: Ian Riester DATE: 1/30/2020

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

CASE NUMBER: BZA 14-2020 HEARING DATE: March 4, 2020 AT 1:00 P.M.



BOARD OF ZONING APPEALS CASE BZA 14-2020  
150' Buffer

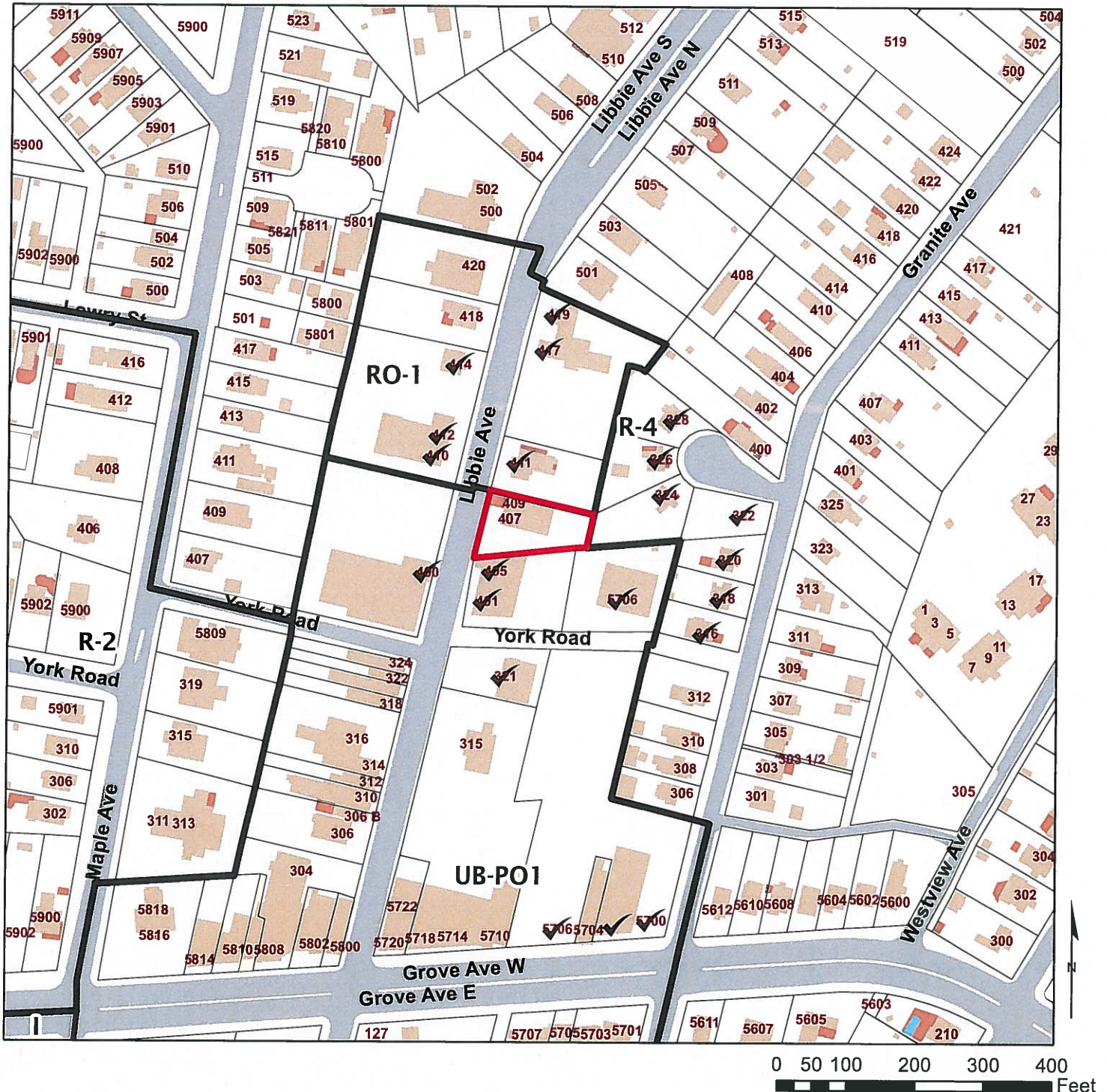
APPLICANT(S): Beverley R Tucker III and Mary Madelyn Trustees C/O Thalhimer

PREMISES: 409 Libbie Avenue  
(Tax Parcel Number W020-0113/003)

SUBJECT: A building permit to renovate an existing restaurant (ice cream parlor) into a new restaurant (coffee shop and café) with hours of operation between 7 a.m. and 11:00 p.m.

REASON FOR THE REQUEST: Based on Sections 30-300, 30-910.1(b)(2) & 30-1040.2(a)  
of the Zoning Ordinance for the reason that:

The required parking is not met and the proposed use is  
not in conformity with the conditions of a previously approved Variance.







## BOARD OF ZONING APPEALS PRESENTATION SUGGESTIONS

### CITY OF RICHMOND, VIRGINIA

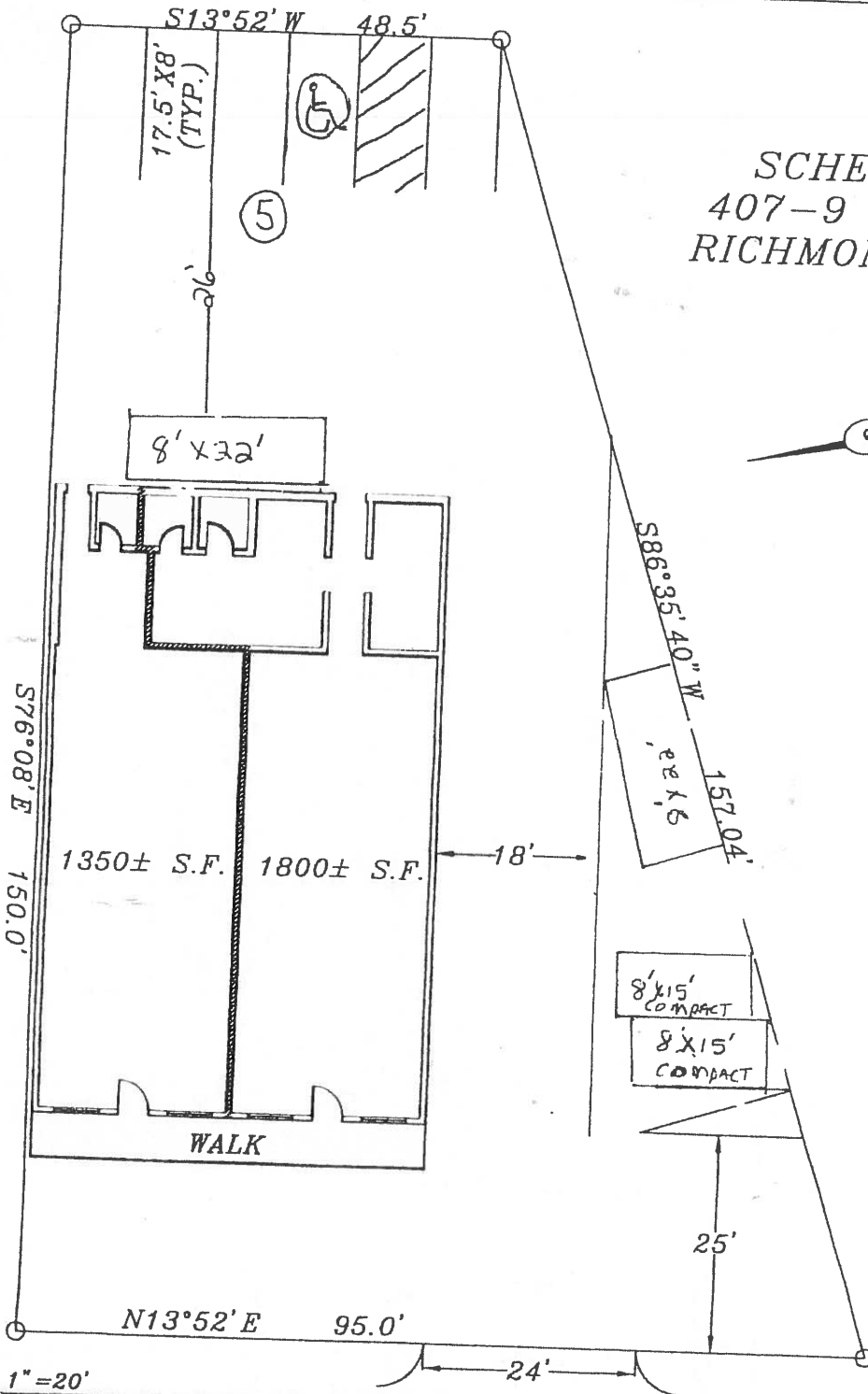
When presenting your request for a variance or exception to the Board of Zoning Appeals, it is important that you consider the points outlined below. The City Charter requires that every decision of the Board must be based upon a finding of fact that the Board must determine from sworn testimony, together 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 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 (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 absolutely essential that you discuss your case with your neighbors (notification letters are sent to property owners within a 150-foot radius of your property) as well as your neighborhood association(s). Information regarding your neighborhood association(s) and/or contact person(s) may be obtained from the City's website at <http://www.richmondgov.com/PlanningAndDevelopmentReview/civicasociationgroupinformation.aspx> 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.
4. **Please 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 \$150.00 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 (804-240-2124) well before the hearing.** The Secretary can be helpful by explaining the BZA public hearing 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: DRAX

(Revised: 4/28/16)

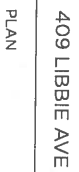
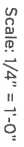
SCHEDULE "A"  
407-9 LIBBIE AVE  
RICHMOND, VIRGINIA



GRATTAN ASSOCIATES, P.C.  
CONSULTING ENGINEER

P.O. BOX 17576  
RICHMOND, VIRGINIA 23226  
TEL: (804)346-4091 FAX: (804)346-4438

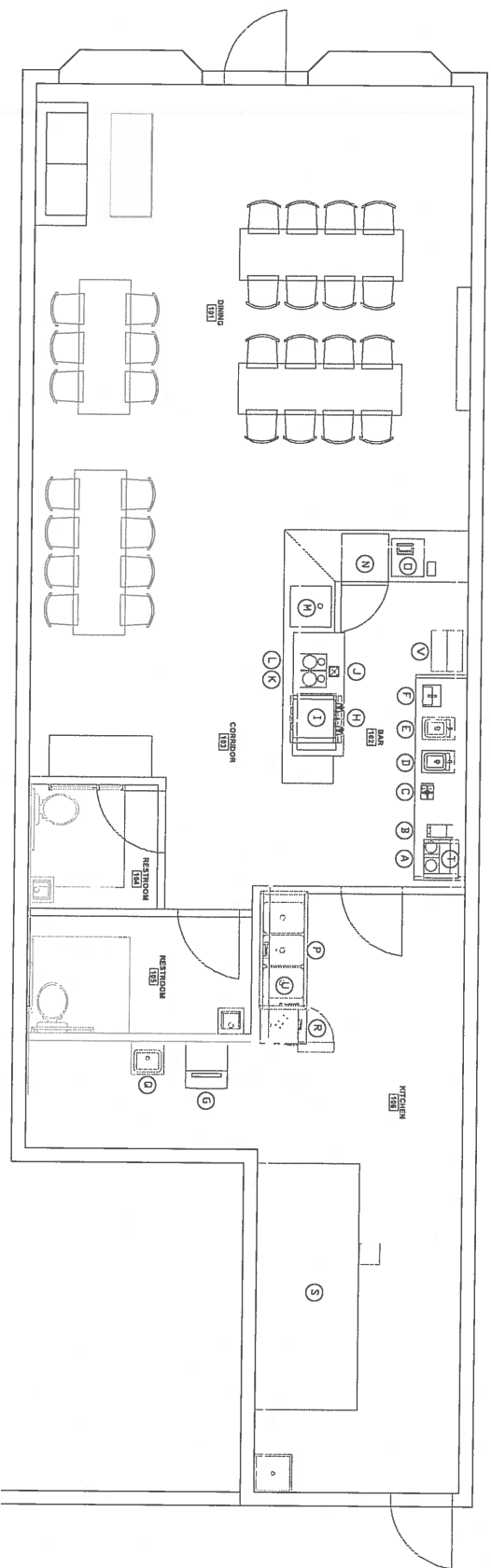
KFW 5/7/05



409 LIBBIE AVE

01/13/20

## PLAN



Scale: 1/4" = 1'-0"

Item	Equipment	Manufacturer, Model Number
A	Batch Brewer	Peco, XTS-2132
B	Batch Grinder	Mahlkoning, G12
C	Picher Rinser	Espresso Parts, 666.2
D	Dump Sink	Regency, 10x14.5
E	Hand sink	Regency, 9x9x5
F	Water Filling Station	Potter, 1400
G	Ice Machine	Socoman, CD330 Frezlogy Plus
H	Undercounter Refrigerator	Turbo Air, MTR-28-N
I	Espresso Machine	La Marzocco, Linea Classic 2-group Semi-auto
J	Knockbox	Espresso Parts, 606
K	Grinder	Mahlkoning, K30 Vario Air
L	Grinder	Mahlkoning Afirm CODY 11
M	Keypad	EdgeStar, KC3000C/PB
N	Undercounter Refrigerator	Turbo Air, MTR-28-N
O	POS	Square Signel, Cash drawer
P	Three Compartment Sink	Existing
Q	Hand sink	Existing
R	Dish Machine	AmpChlor 134, leased
S	Walk-in Cooler	Existing
T	Grease Trap	Zum G72700-20
U	Grease Trap	Zum G72700-20
V	Ice Bin	Advanced Tabco 18" x 36"



409 LIBBIE AVE

EQUIPMENT PLAN

01/13/20

BW

(Case No. 86-04) and to create two (2) single-family attached dwellings on individual lots of record.

ACTION OF THE BOARD:           Granted           (5-0)

Vote to Grant

affirmative:           Poole, Cox, Williams, Siff, Brown

negative:           none

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**CASE NO. 42-05**

APPLICANT:           Beverley R. Tucker, III

PREMISES:           409 LIBBIE AVENUE  
(Tax Parcel Number W020-0113/003)

SUBJECT:           A building permit to convert a retail store to a restaurant (ice cream parlor)

DISAPPROVED by the Zoning Administrator on April 21, 2005, based on Sections 114-300 and 114-910.1(b)(2) of the zoning ordinance for the reason that: In a UB Urban Business/PO-1 Grove/Libbie Parking Overlay District, the off-street parking requirement is not met. Thirteen (13) spaces are required for the use of the building; ten (10) spaces are proposed/exist.

APPLICATION was filed with the Board on April 13, 2005, based on Section 17.20(b) of the City Charter.

APPEARANCES:

For Applicant:       Randy Tucker  
                          Mark Bartok  
                          Jeff Williams

Against Applicant:   none

FINDINGS OF FACT: The Board finds from sworn testimony and exhibits offered in this case that the applicant, Mr. Beverley R. Tucker, III, has requested a variance to convert a retail store to a restaurant (ice cream parlor) at 409 Libbie Avenue. Mr. Tucker testified that he was the owner of the property at 409 Libbie Avenue. Mr. Tucker stated that he had entered into negotiations with Cold Stone Creamery



to lease the subject property for an ice cream parlor. Mr. Tucker stated that he had constructed the building in 1971. Mr. Tucker advised the Board that the property would accommodate a total of 10 parking spaces based on applicable zoning ordinance regulations. It was noted that the property was located in a UB, PO-1 parking overlay district and that a total of 13 parking spaces were required for the proposed uses. Mr. Tucker indicated that the current parking requirement was based on a restaurant use. Mr. Tucker stated that since seating would be included within the ice cream parlor that the use was deemed to be a restaurant under the zoning ordinance. Mr. Tucker indicated that the proposed ice cream parlor use would not generate a parking demand consistent with a restaurant. Mr. Tucker stated that he had canvassed all of the businesses within a 300-foot radius and that there was no available leasable parking at the current time. Mr. Tucker noted that there was ample on-street parking available. Mr. Tucker indicated that the Grove/Libbie shopping area functioned as a neighborhood shopping center and that customers would park at one business and typically frequent other businesses during their shopping visit. Mr. Tucker stated that these shopping patterns reduced the parking demands for all of the businesses in the area. Mr. Tucker stated that he had received the support of the neighborhood.

In response to a question from Ms. Cox, Mr. Tucker stated that the remainder of the building was utilized for a retail clothing business. Mr. Tucker indicated that the clothing business typically closed at 6 p.m. and that the majority of the ice cream parlor's business was after 6 p.m.

The Board is satisfied that the property was acquired in good faith and that an exceptional situation exists due to unusually shaped property and an inability to lease off-site parking spaces; whereby strict application of the off-street parking requirements unreasonably restricts its use, and the granting of a variance in this case will be in harmony with the intended spirit and purpose of the ordinance and the powers of the Board.

RESOLUTION: NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF ZONING APPEALS that a request for a variance from the off-street parking requirement be granted to Beverley R. Tucker, III for a building permit to convert a retail store to a restaurant (ice cream parlor), subject to the following conditions:

1. Alcoholic beverages may not be sold from or consumed on the premises.
2. The hours of operation shall be limited to 11 a.m. to 11 p.m., Monday through Sunday.

ACTION OF THE BOARD:                      Granted Conditionally                      (5-0)

Vote to Grant Conditionally  
affirmative:                      Poole, Cox, Williams, Siff, Brown



CITY OF RICHMOND

DEPARTMENT OF COMMUNITY DEVELOPMENT

BOARD OF ZONING APPEALS

June 2, 2005

Mr. Beverley R. Tucker, III  
8725 Ruggles Road  
Richmond, Virginia 23229

Dear Mr. Tucker:

RE: CASE NO. 42-05

This is with reference to your application for a building permit to convert a retail store to a restaurant (ice cream parlor) at 409 LIBBIE AVENUE (Tax Parcel Number W020-0113/003), located in a UB Urban Business/PO-1 Grove/Libbie Parking Overlay District.

The Board of Zoning Appeals, at its meeting of Wednesday, June 1, 2005, adopted a resolution granting your request for a variance from the off-street parking requirement, subject to the following conditions:

1. Alcoholic beverages may not be sold from or consumed on the premises.
2. The hours of operation shall be limited to 11 a.m. to 11 p.m., Monday through Sunday.

Please be advised that this action of the Board does not authorize variance from any other provisions of the zoning ordinance or other codes and ordinances of the City that may be applicable to the above property.

It will be necessary for you to obtain the required official permit or certificate, if required, from the Bureau of Permits and Inspections in Room 110 at City Hall to implement the permission granted by the Board within two years from the date of this meeting; otherwise this action will become void.

Very truly yours,

Roy W. Benbow, Secretary

Phone: (804)646-3409

Fax: (804)646-5789

E-mail: [benbowrw@ci.richmond.va.us](mailto:benbowrw@ci.richmond.va.us)

c: William Davidson, Zoning Administrator  
J. Neil Brooks, Planner II  
Christopher Chappell, Real Estate Assessor's Office

\_\_\_\_\_ If this underline is checked, a delinquent real estate tax balance exists. No permits will be issued until evidence is provided that any delinquent taxes have been paid.