



DEPARTMENT OF
**PLANNING AND
DEVELOPMENT
REVIEW**

**BOARD OF
ZONING APPEALS**

April 10, 2023

Burger King Company LLC
5707 Blue Lagoon Drive
Miami, FL 33126

Baker Development Resources
530 East Main Street, Suite 730
Richmond, VA 23219
Attn: Mark Baker

To Whom It May Concern:

RE: BZA 11-2023

You are hereby notified that the Board of Zoning Appeals will hold a public hearing on **Wednesday, May 3, 2023 at 1:00 PM** in the 5th Floor Conference Room, City Hall, 900 E. Broad Street to consider an application for a Certificate of Occupancy for a restaurant with a drive-up facility at 4800 WEST BROAD STREET (Tax Parcel Number N000-2003/018), located in a TOD-1 (Transit-Oriented Nodal) District. This meeting will be open to in-person participation. To maximize compliance with public health guidance aimed at preventing the spread of COVID-19, 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 **985 292 831#**. 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 2023 drop-down, click meeting details for May 3, 2023 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 11-2023
Page 2
April 10, 2023

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 cursive script that reads "Roy W. Benbow".

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.

2000 Maywill Llc
2035 Maywill St #100
Richmond, VA 23230

4713 West Broad Street-richmond Llc
Po Box 669
Ashland, VA 23005

Grill Out Broad St Inc
Po Box 698
Thomasville, NC 27361

Kmt Richmond Kitchens Llc C/o Andrew
S Kadish
50 South 16th St #3575
Philadelphia, PA 19102

Lidl Us Operations Llc Attn: Finance
Department
3500 S Clark St
Arlington, VA 22202

Moriconi Eleanor N And Ces 2008
Dynasty Trust Chs Trs
Po Box 2260
Mechanicsville, VA 23116

Western North Carolina Real Estate
Foundation Inc
4 Vanderbilt Park Drive Ste 300
Asheville, NC 28803

Yaqoo's Brothers Llc
4721 W Broad St
Richmond, VA 23230

Property: 4800 W Broad St **Parcel ID:** N0002003018**Parcel**

Street Address: 4800 W Broad St Richmond, VA 23230-
Owner: BURGER KING COMPANY LLC
Mailing Address: 5707 BLUE LAGOON DR, MIAMI, FL 33126
Subdivision Name : NONE
Parent Parcel ID:
Assessment Area: 446 - Broad St
Property Class: 428 - B Fast Food Restaurant
Zoning District: TOD-1 -
Exemption Code: -

Current Assessment

Effective Date: 01/01/2023
Land Value: \$557,000
Improvement Value: \$495,000
Total Value: \$1,052,000
Area Tax: \$0
Special Assessment District: None

Land Description

Parcel Square Feet: 14830.06
Acreage: 0.34
Property Description 1: NW BROAD & MAYWILL
Property Description 2: 0133.72X0110.00 IRG0000.000
State Plane Coords(?): X= 11775261 Y= 3736345.937667
Latitude: 37.57997292 , **Longitude:** -77.49113231

Description

Land Type: Commercial S3
Topology:
Front Size: 133
Rear Size: 110
Parcel Square Feet: 14830.06
Acreage: 0.34
Property Description 1: NW BROAD & MAYWILL
Property Description 2: 0133.72X0110.00 IRG0000.000
Subdivision Name : NONE
State Plane Coords(?): X= 11775261 Y= 3736345.937667
Latitude: 37.57997292 , **Longitude:** -77.49113231

Other

Street improvement:
Sidewalk:

Assessments

Assessment Year	Land Value	Improvement Value	Total Value	Reason
2023	\$557,000	\$495,000	\$1,052,000	Reassessment
2022	\$557,000	\$495,000	\$1,052,000	Reassessment
2021	\$486,000	\$468,000	\$954,000	Reassessment
2020	\$486,000	\$468,000	\$954,000	Reassessment
2019	\$423,000	\$453,000	\$876,000	Reassessment
2018	\$371,000	\$438,000	\$809,000	Reassessment
2017	\$371,000	\$438,000	\$809,000	Reassessment
2016	\$445,000	\$400,000	\$845,000	Reassessment
2015	\$326,000	\$396,000	\$722,000	Reassessment
2014	\$341,000	\$381,000	\$722,000	Reassessment
2013	\$341,000	\$380,000	\$721,000	Reassessment
2012	\$341,000	\$380,000	\$721,000	Reassessment
2011	\$341,000	\$380,000	\$721,000	CarryOver
2010	\$341,000	\$380,000	\$721,000	Reassessment
2009	\$341,000	\$379,600	\$720,600	Reassessment
2008	\$341,000	\$325,000	\$666,000	Reassessment
2007	\$337,400	\$304,700	\$642,100	Reassessment
2006	\$306,700	\$290,200	\$596,900	Reassessment
2005	\$292,100	\$276,400	\$568,500	Reassessment
2004	\$254,000	\$263,200	\$517,200	Reassessment
2003	\$249,000	\$258,000	\$507,000	Reassessment

Transfers

Transfer Date	Consideration Amount	Grantor Name	Deed Reference	Verified Market Sale Description
02/21/2023	\$0	BURGER KING CORPORATION	ID2023-2440	2 - INVALID SALE-Relation Between Buyer/Seller
06/13/2002	\$333,130	ROBERT N PRAGER LLC	ID2002-18590	
06/07/2002	\$211,250	MRO MID ATLANTIC CORP	ID2002-18587	
02/28/1990	\$0	MARRIOTT CORP #13.22	228-2007	

Planning

Master Plan Future Land Use: C-MU
Zoning District: TOD-1 -
Planning District: Far West
Traffic Zone: 1067
City Neighborhood Code: MNPK
City Neighborhood Name: Monument Avenue Park
Civic Code:
Civic Association Name: Monument Avenue Park Civic Association
Subdivision Name: NONE
City Old and Historic District:
National historic District:
Neighborhoods in Bloom:
Redevelopment Conservation Area:

Economic Development

Care Area: -
Enterprise Zone: III

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	1001	0502001	050200
1990	103	0502001	050200

Schools

Elementary School: Mary Munford
Middle School: Hill
High School: Jefferson

Public Safety

Police Precinct: 3
Police Sector: 311
Fire District: 18
Dispatch Zone: 061A

Public Works Schedules

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

Government Districts

Council District: 1
Voter Precinct: 111
State House District: 78
State Senate District: 14
Congressional District: 4

Extension 1 Details

Extension Name: C03 - Burger King/Westend
Year Built: 1985
Stories: 1
Units: 0
Number Of Rooms: 0
Number Of Bed Rooms: 0
Number Of Full Baths: 0
Number Of Half Baths: 0
Condition: good 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 Paving Yard Items) :

Extension 1 Dimensions

Finished Living Area: 3014 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

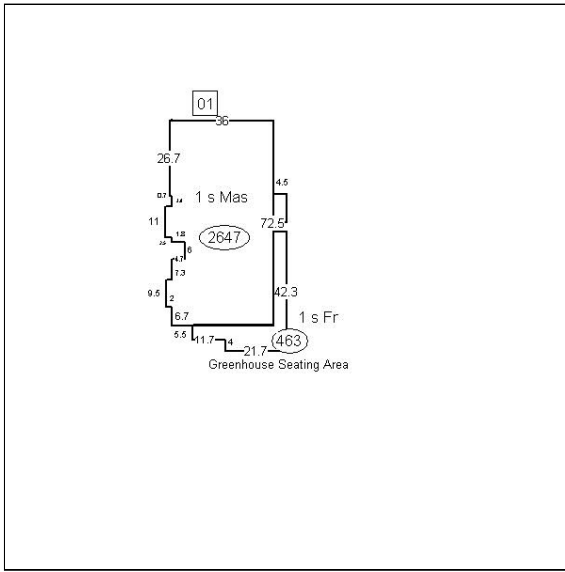
Name:N0002003018 Desc:C03



[Click here for Larger Image](#)

Sketch Images

Name:N0002003018 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: Burger King Company LLC

PHONE: (Home) () (Mobile) ()

ADDRESS 5707 Blue Lagoon Drive

FAX: () (Work) ()

Miami, FL 33126

E-mail Address:

PROPERTY OWNER'S

REPRESENTATIVE: Baker Development Resources

PHONE: (Home) () (Mobile) (804) 874-6275

(Name/Address) 530 East Main Street, Suite 730

FAX: () (Work) ()

Richmond, VA 23219

E-mail Address: markbaker@bakerdevelopmentresources.com

Attn: Mark Baker

TO BE COMPLETED BY THE ZONING ADMINISTRATION OFFICE

PROPERTY ADDRESS (ES) 4800 West Broad Street

TYPE OF APPLICATION: VARIANCE SPECIAL EXCEPTION OTHER _____

ZONING ORDINANCE SECTION NUMBER(S): 30-300, 30-457.2 & 30.800.4

APPLICATION REQUIRED FOR: A Certificate of Occupancy for a restaurant with a drive-up facility.

TAX PARCEL NUMBER(S): N000-2003/018 **ZONING DISTRICT:** TOD-1 (Transit-Oriented Nodal District)

REQUEST DISAPPROVED FOR THE REASON THAT: The proposed use (drive-up facility) is not permitted as the previous nonconforming use rights have expired. Whenever nonconforming uses of a building are discontinued for a period of two years or longer, any subsequent use of the premises shall conform to the regulations applicable in the district in which it is located.

DATE REQUEST DISAPPROVED: October 26, 2022

FEE WAIVER: YES NO:

DATE FILED: March 16, 2023 **TIME FILED:** 9:53 a.m. **PREPARED BY:** Josh Young **RECEIPT NO.** BZAC-127081-2023

AS CERTIFIED BY: [Signature] (ZONING ADMINISTRATOR)

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) (14) **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:** April 5, 2023

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

CASE NUMBER: BZA 11-2023 **HEARING DATE:** May 3, 2023 **AT** 1:00 **P.M.**

BOARD OF ZONING APPEALS CASE BZA 11-2023
150' Buffer

APPLICANT(S): Burger King Company LLC

PREMISES: 4800 West Broad Street
(Tax Parcel Number N000-2003/018)

SUBJECT: A Certificate of Occupancy for a restaurant with a drive-up facility.

REASON FOR THE REQUEST: Based on Sections 30-300, 30-457.2 & 30.800.4
of the Zoning Ordinance for the reason that:
The proposed use (drive-up facility) is not permitted as
the previous nonconforming use rights have expired.





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) or at PDRZoningAdministration@Richmondgov.com. 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.

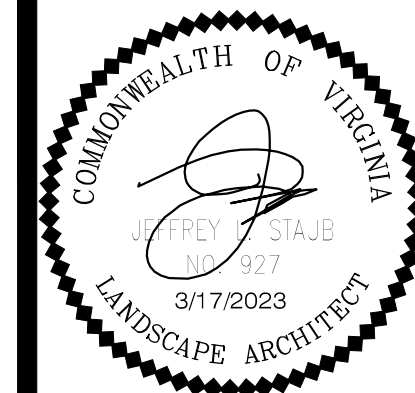
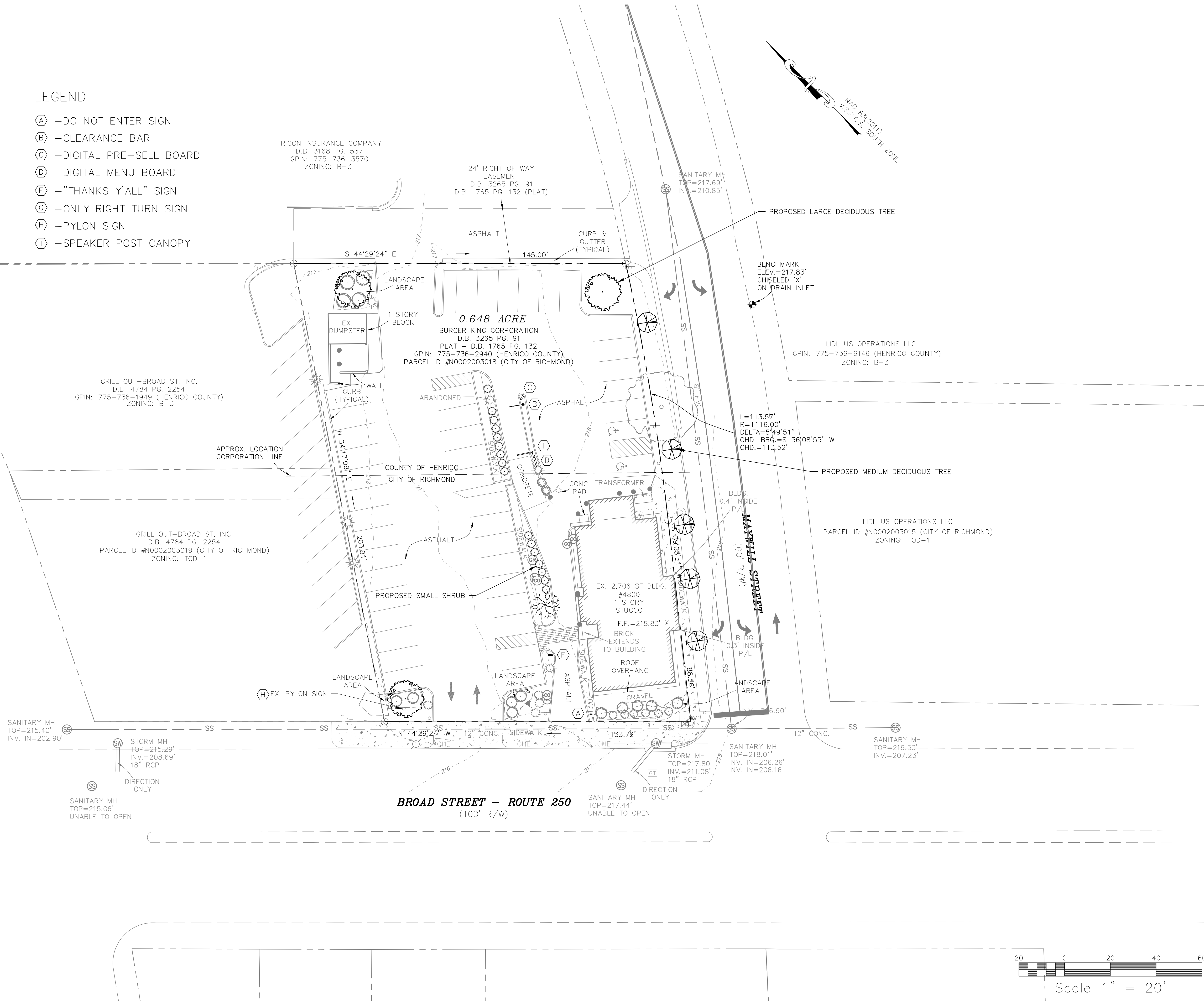
Be advised that if you fail to discuss your request with your neighbors and neighborhood association(s), you should anticipate that your case will be continued until the Board's next regularly scheduled meeting. It is highly recommended that you contact your neighborhood association as soon as possible 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 one-hundred fifty dollar (\$150) 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: _____

LEGEND

- (A) -DO NOT ENTER SIGN
- (B) -CLEARANCE BAR
- (C) -DIGITAL PRE-SELL BOARD
- (D) -DIGITAL MENU BOARD
- (E) -"THANKS Y'ALL" SIGN
- (F) -ONLY RIGHT TURN SIGN
- (H) -PYLON SIGN
- (I) -SPEAKER POST CANOPY

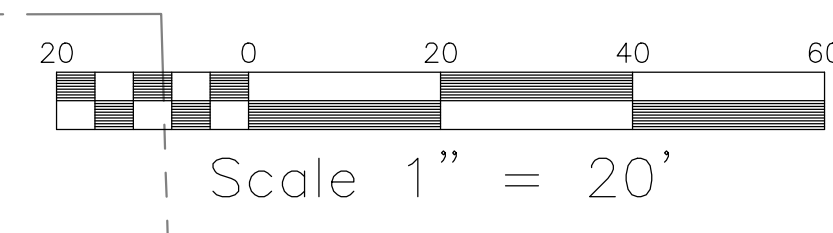


POPEYES @ 4800 WEST BROAD STREET
LAYOUT PLAN
 CITY OF RICHMOND, VIRGINIA
 HENRICO COUNTY, VIRGINIA
 FAR WEST DISTRICT
 BROOKLAND DISTRICT

REV.	DATE	DESCRIPTION
REV#1	3/7/23	

DESIGN BY: Andrew Bowman
 CHECKED BY: Jeff Staub
 DRAWING SCALE: 1"=20'
 DATE: 3/16/2023

SHEET
1
 JOB #:220540

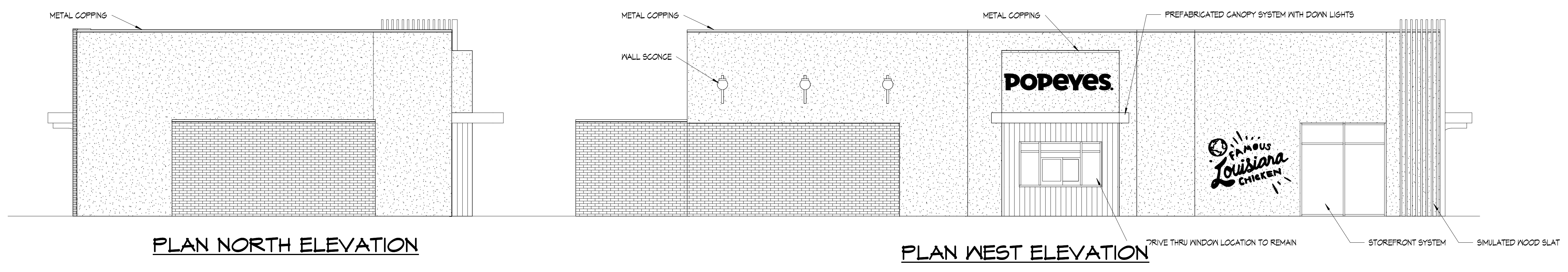
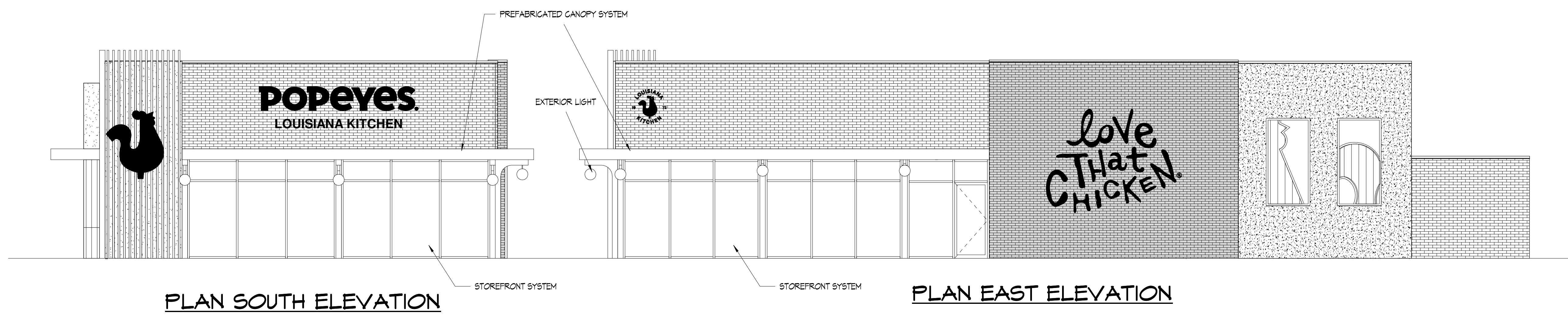


NOT FOR CONSTRUCTION

Comm # 220317
 Scale 3/16" = 1'-0"
 Designed by: CM
 Drawn by: CM
 Checked by: MM
 Issue: Date
 Design Development 03/16/2023
 Permit Set: xx/xx/xxxx
 Revision Number Date

PROJECT NAME
 4800 WEST BROAD ST - RICHMOND, VIRGINIA 23230
EXTERIOR ELEVATIONS
 Sheet Number
A3.1

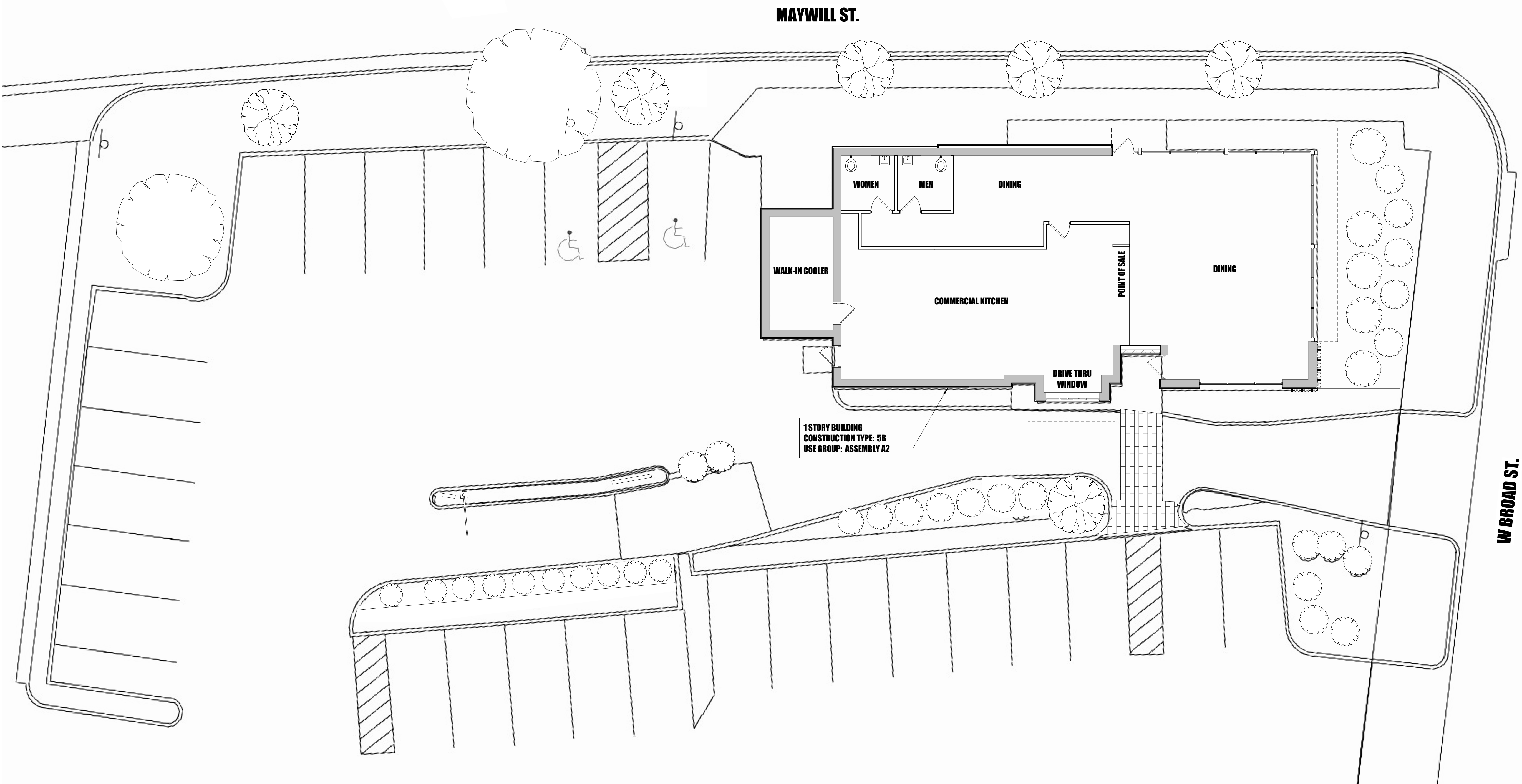
	FIBER CEMENT SIDING - VINTAGE BRICK
	FIBER CEMENT SIDING - VINTAGE BRICK
	FIBER CEMENT SIDING - VINTAGE WOOD
	EXTERIOR INSULATION FINISHING SYSTEM



1 EXTERIOR ELEVATIONS
 3/16" = 1'-0"

INTERIOR SQUARE FEET AREA = APPROXIMATELY 2,542 GROSS SQUARE FEET
 SITE ADDRESS: 4800 WEST BROAD ST - RICHMOND, VIRGINIA 23230

IONIC DEZIGN STUDIOS HEREBY RESERVES THE COMMON LAW COPYRIGHT AND OTHER PROPERTY RIGHTS IN THESE PLANS. THIS DESIGN AND DRAWING ARE NOT TO BE REPRODUCED, CHANGED, OR COPIED IN ANY FORM OR MANNER, AND NO PART THEREOF IS TO BE ASSIGNED TO ANY PARTY WITHOUT FIRST OBTAINING THE WRITTEN PERMISSION AND CONSENT OF IONIC DEZIGN STUDIOS.



1 ARCHITECTURAL SITE PLAN
1/8" = 1'-0"

INTERIOR SQUARE FEET AREA = APPROXIMATELY 2,542 GROSS SQUARE FEET
SITE ADDRESS: 4800 WEST BROAD ST - RICHMOND, VIRGINIA 23230



Ionic Dezn Studios
ARCHITECTURE • INTERIORS • GRAPHICS

RICHMOND:
3907 CHURCH ROAD
SUITE 200
RICHMOND, VA 23233
804.780.0070 FAX: 804.649.1724

VIRGINIA BEACH:
243 INDEPENDENCE BLVD
FEMBRIDGE 5 SUITE 909
VIRGINIA BEACH, VA 23464
757.499.9510 FAX: 757.499.3110

NOT FOR CONSTRUCTION

Comm #	220317
Scale	1/8" = 1'-0"
Designed by:	CM
Drawn by:	CM
Checked by:	MM
Issue:	Date
Design Development	09/16/2023
Permit Set:	xx/xx/xxxx
Revision Number	Date

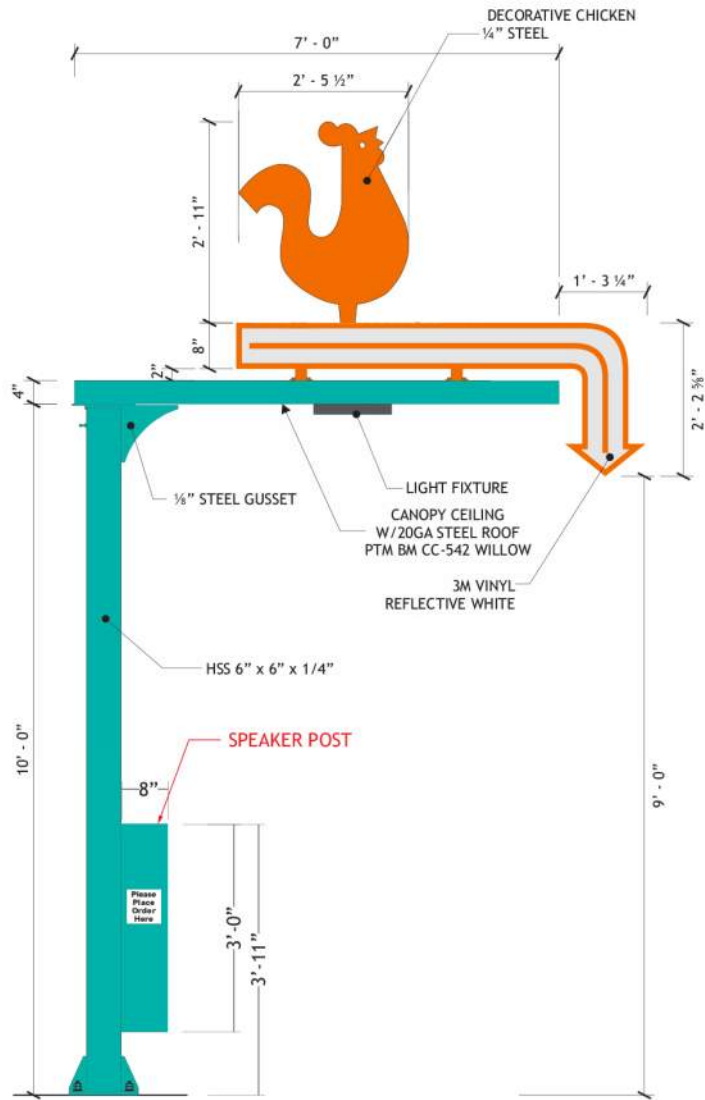
PROJECT NAME
4800 WEST BROAD ST - RICHMOND, VIRGINIA 23230

ARCHITECTURAL SITE PLAN

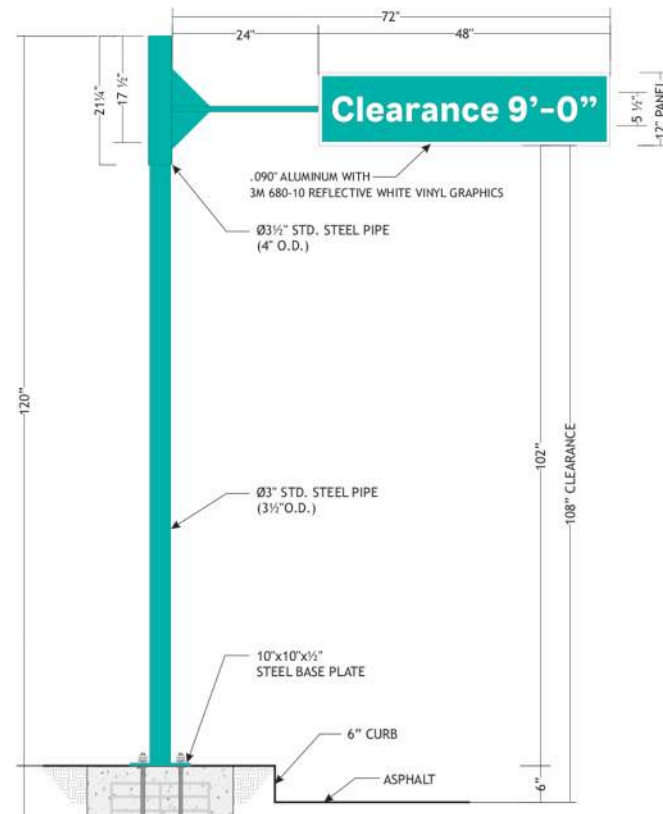
Sheet Number
A0.1

LONG DEZIGN STUDIOS EXPRESSLY RESERVES THE COMMON LAW COPYRIGHT AND OTHER PROPERTY RIGHTS IN THESE PLANS. THE DESIGN AND DRAWINGS ARE NOT TO BE REPRODUCED, CHANGED, OR LOANED IN ANY FORM OR MANNER, AND NO PART OF THESE PLANS OR DRAWINGS ARE TO BE ASSIGNED TO ANY PARTY WITHOUT FIRST WRITING PERMISSION AND CONSENT.

Drive Thru Equipment Details



10 SPEAKER POST CANOPY



11 CLEARANCE BAR

Drive Thru Equipment Details

All sites are required to install Outdoor DMBs with Pre-Sell Board.
Refer to ODMB Installation Guide for further information.



12

OUTDOOR DIGITAL PRE-SELL BOARD



13

OUTDOOR DIGITAL MENU BOARD

Young, Joshua S. - PDR

From: Blankinship, Benjamin <bla26@henrico.us>
Sent: Thursday, March 23, 2023 1:11 PM
To: markbaker@bakerdevelopmentresources.com; 'Alessandro Ragazzi'; Benbow, Roy - PDR
Cc: 'William Gillette'; Young, Joshua S. - PDR; Davidson, William C. - PDR; News, Leslie; Crady, Aimee
Subject: Re: New BZA SE - 4800 W Broad Street

CAUTION: This message is from an external sender - Do not open attachments or click links unless you recognize the sender's address and know the content is safe.

Good afternoon,

The Henrico County Planning Department has reviewed the Layout Plan for Popeyes at 4800 W Broad Street prepared by Silvercore revised 3/17/23. The County has no objection to the development or use proposed on the City portion of the site. The proposal does not appear to include any substantial changes to the existing site, therefore the proposal is satisfactory as it relates to the County portion and zoning. Any site work within the County portion of the site, including, but not limited to, pavement restriping, landscaping, lighting, walls, or fences, would require review and approval by the County.

If you have any questions, please feel free to contact me.

Benjamin W. Blankinship, AICP
Zoning Division Manager
[Henrico County Planning Dept.](#)
P.O. Box 90775, Henrico, VA 23273
(804) 501-4286 | bla26@henrico.us
[BuildHenrico](#) | [HenricoNext](#)

From: markbaker@bakerdevelopmentresources.com <markbaker@bakerdevelopmentresources.com>
Sent: Monday, March 20, 2023 2:43 PM
To: Blankinship, Benjamin <bla26@henrico.us>; 'Alessandro Ragazzi' <alessandro@bakerdevelopmentresources.com>
Cc: 'William Gillette' <will@bakerdevelopmentresources.com>; 'Young, Joshua S. - PDR' <Joshua.Young@rva.gov>; 'Benbow, Roy - PDR' <Roy.Benbow@rva.gov>; 'Davidson, William C. - PDR' <Chuck.Davidson@rva.gov>
Subject: RE: New BZA SE - 4800 W Broad Street

Ben,

Here you go.

The request here is to reutilize the building and drive thru (which are in the City) for a Popeye's restaurant. The City's zoning permits the fast food restaurant use but no longer permits the drive through. That element of the use was deemed nonconforming (grandfathered) and then that right was lost after 2 years of vacancy. The BZA request would be