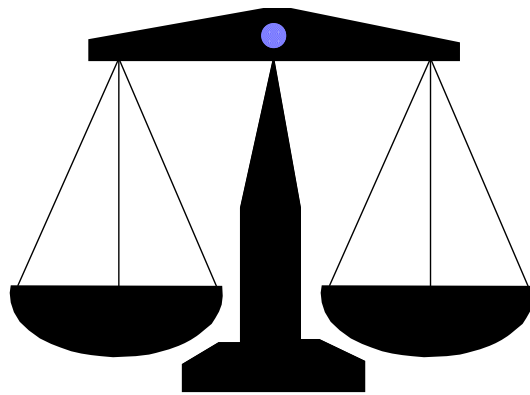




BOARD OF ZONING APPEALS



INFORMATION AND APPLICATION PACKAGE

INTRODUCTION

This information explains the zoning variance and appeals process for the City of Chesapeake as well as your rights and responsibilities in filing an application. Provided are helpful suggestions to assist you, or your representative, to prepare an application and presentation for the Board.

ZONING

The power to zone derives from the inherent power vested by the State General Assembly in the Chesapeake City Council. The zoning regulations for Chesapeake have been enacted by the City Council in the form of a Zoning Ordinance. The most recent Zoning Ordinance was adopted October 21, 1993.

The general purpose of zoning is to control and order the growth and development of Chesapeake in accordance with the City's Comprehensive Plan. The Comprehensive Plan is required by State law to be updated every five years.

WHO IS THE ZONING ADMINISTRATOR?

The Zoning Administrator is a city staff member authorized to administer, interpret, and enforce the Zoning Ordinance on behalf of City Council. This person has the authority and power to order, in writing, the remedy of any condition found in violation of the Ordinance and, if necessary, to bring legal action to ensure compliance with its provisions. The Zoning Administrator's authority is strictly defined.

By law, the Zoning Administrator does not have discretionary authority and therefore can only approve a request that clearly conforms to the requirements of the Zoning Ordinance. This provision is deliberate in that it is designed to prevent favoritism, unequal treatment to landowners in similar circumstances, and other abuses, which stem from the unfettered exercise of administrative powers.

WHAT HAPPENS WHEN UNIQUE CIRCUMSTANCES OCCUR?

The General Assembly has recognized that zoning regulations cannot be written to accommodate every set of circumstances, which arise when Council attempts to plan and control the use of land. That is, a Zoning Ordinance cannot provide for all conceivable situations to which it must apply. There are times when an interpretation is needed to determine if a variance in the application of specific

terms of the Zoning Ordinance are appropriate and justified. Hence, provisions must be made to balance the strict application of the Ordinance with the purpose and intent established by it. Such judgments are the responsibility of the Board of Zoning Appeals (BZA). The powers and duties of the Board of Zoning Appeals are discussed in the following pages.

WHAT IS THE BOARD OF ZONING APPEALS?

The Board of Zoning Appeals (BZA) is a semi-judicial body established by State law and City Code to provide relief in special circumstances where the exact application of the terms of the Ordinance would be unduly restrictive and cause a demonstrated hardship. Without this body to decide on such matters, solutions to unique development problems would have to be accomplished by numerous detailed amendments to the Zoning Ordinance or through a lawsuit. Therefore, the function of the BZA is to hear and decide upon the interpretation and the application of the provisions of the Zoning Ordinance in such cases.

Although the BZA has certain discretionary powers in making decisions, these powers have definite limits. The BZA must always abide by and comply with the powers granted to it by the Zoning Ordinance and the State enabling act.

WHO ARE THE MEMBERS OF THE BZA?

The Board of Zoning Appeals consists of ten (seven regular and three alternates) residents of Chesapeake appointed by the Circuit Court. Board Members are normally appointed for a term of five years. There is no limit on the number of terms that a member may serve. A member may be removed by the court for just cause upon written charges and after a public hearing. Owing to the care exercised by the court in its appointments to the BZA, it has never been necessary to remove a member from the Board.

WHAT IS THE BZA EMPOWERED TO DO?

The Board of Zoning Appeals is empowered by Title 15.2, Counties, Cities and Towns - Section 15.2-2308 - 2315 (Chapter 22) of the State Code and Section 20 – 300 et seq. of the Zoning Ordinance to:

1. Hear and decide on variances to the Zoning Ordinance.
2. Hear and decide on appeals from any order, requirement, decision, or determination made by the Zoning Administrator in the enforcement or interpretation of the Zoning Ordinance. The Zoning Administrator is responsible for interpreting the terms and conditions that are not specifically addressed in the Ordinance. The Zoning Administrator's decision must be issued in writing, filed and available for review. The written interpretation must include the rationale for the decision and cite

specific policies of City Council as articulated in the adopted Comprehensive Plan supporting the interpretation.

3. Hear and decide on applications for interpretation of zoning maps.

WHAT IS A VARIANCE?

A variance permits a reasonable deviation from the provisions in the Zoning Ordinance regulating the size or area of a lot or parcel of land, or the size, area, bulk or location of a building or structure when the strict application of the Ordinance would result in unnecessary or unreasonable hardship to the property owner, and such need for a variance is not shared generally by other properties, and provided that such a variance is not contrary to the intended spirit and purpose of the Ordinance, and if granted, would result in substantial justice being done. An approved variance becomes a vested right that is transferred with the property.

Use variances are not authorized by the BZA. The board shall not be empowered to vary any of the provisions of the Ordinance relating to the use of land, buildings, or structures.

A variance request shall not include a change to a land use as defined in the Table of Permitted and Conditional Uses.

WHAT IS THE PURPOSE OF A VARIANCE?

A variance is designated as an escape hatch from the literal terms of the Ordinance which, if strictly applied, would deny a property owner beneficial use of the land. Thus, a variance can render justice in unique and individual cases of unnecessary or unreasonable hardship resulting from a literal application of the Zoning Ordinance.

WHERE DO I FILE MY BZA APPLICATION?

File your completed application with the BZA Secretary by noon on the fourth Friday of the month, prior to the next month's scheduled meeting date. The Board meets on the fourth Thursday of each month, except in November and December when the meeting is scheduled for the second Thursday of December.

A schedule of meeting dates and application deadline dates for the current year may be obtained from the Secretary or by visiting the city's website, www.cityofchesapeake.net.

ARE THERE FILING FEES?

Yes. There are non-refundable processing fees. A filing fee of \$175.00 is required to process a BZA application. The filing fee shall be paid at the time of filing an application to constitute a complete application package. In addition, you will be responsible for paying the fee(s) associated with the legal advertisements, newspaper ads; as described on the Acknowledgement Form included in the application package.

WHAT HAPPENS NEXT?

Staff will review the application to verify its completeness. Once the application is accepted and rendered complete, it will be placed on the agenda for the public hearing corresponding to the application deadline date. All documents submitted with this application are made public record. Legal notices advertising the public hearing will be published in the local paper once a week for two consecutive weeks. In addition, the Secretary will notify, by letter, all adjacent property owners regarding your variance request. You will receive written notice of the date, time, and place for the public hearing approximately two weeks prior to the meeting. Applicants requesting a variance must post a Zoning Variance Sign on the property in accordance to Section 20-702.E of the Chesapeake Zoning Ordinance as described below. You are responsible for retrieving the sign(s) from the Office of the Zoning Administrator on the second business day, after twelve o'clock noon, following the date of the first legal advertisement or as soon thereafter as notified by the Secretary.

The Secretary of the Board will provide a staff report to the Board concerning your request that includes pertinent code sections and factual statements. The staff report will be available for review in the Office of the Zoning Administrator approximately one week prior to the public hearing.

Members of the Board may inspect your property prior to the public hearing to gain better appreciation of the circumstances occasioning your variance request and the land or structure involved. However, the board members do not meet with the applicant during the inspection or prior to the public hearing.

VARIANCE SIGN POSTING REQUIREMENTS

Section 20-702.E - Notice. In addition to any requirements contained in the Code of Virginia, the Zoning Administrator shall require the following:

- Each applicant for a variance is required to post a sign(s) indicating the date and time that the application has been scheduled for a public hearing.
- The Office of the Zoning Administrator will prepare each sign as required.

- The applicant shall post the sign(s) on the property in the manner prescribed by Section 16-105.A.6 of this Ordinance for fourteen (14) consecutive days before the scheduled public hearing.
- The applicant shall not be required to post the sign(s) for any subsequent public hearings if the Board of Zoning Appeals approves a continuance during the scheduled public hearing.
- The applicant shall remove the sign(s) from the property within five (5) days of the date of the final public hearing on the application.

Section 16-105.A.6 - Additional Sign Requirements

- It shall be the responsibility of the applicant to post on the property, for which the application is filed, one or more signs provided by the city so that at least one (1) sign is facing and clearly visible from each public right-of-way from which the property is visible.
- In cases where the property is not visible from a public right-of-way, the location of the sign shall be specified by the Zoning Administrator.
- Where the subject property abuts more than one right-of-way and is one acre or more in size, signs shall be placed on all rights-of-way at every five hundred (500) feet of road frontage.
- As used in this subsection, the term "right-of-way" shall not include interstates.
- All signs required under this subsection shall be erected not less than fourteen (14) days prior to the date of the first scheduled public hearing before the BZA and shall include notice of the time and place of that first hearing and the specific nature of the matter involved.
- The posting of the signs shall be in accordance with Section 14-700 of the Ordinance.
- The signs shall not be posted on trees, towers, utility poles, fence posts or similar freestanding objects or on buildings or structures unless the application pertains to the reconstruction, renovation or expansion of the building or structure to which the sign is attached.
- The signs shall be continually maintained by the applicant on the site to the conclusion of the public hearing by the BZA.
- In the event it is shown to the satisfaction of the BZA that improper posting or removal of required signs has occurred, the hearing on the application may be continued at the discretion of the Board of Zoning Appeals.
- Nothing in this subsection shall be construed to invalidate any subsequently adopted amendment or ordinance because of the failure to post signs in accordance with the requirements herein so long as all notice procedures in Virginia Code, Section 15.2-2204, are met.
- All signs shall be removed from the property within five (5) days of final determination by the Board of Zoning Appeals. Any sign remaining on a property more than five (5) days after final action on the application to which it refers shall be an illegal sign and a violation of the Ordinance.

WHAT HAPPENS AT THE PUBLIC HEARING?

Upon arrival, you and any others who wish to speak must fill out a speaker registration form and submit it to the Recording Secretary of the BZA. The BZA Chairperson will call the meeting to order, welcome the attendees, and have the Board attendance taken by the Secretary. The Chairperson will present procedural information to aid applicants and interested parties in their presentations. This includes a brief description of the BZA and its duties, an outline of the procedures used for the public hearing and a description of the findings required for any case action before the Board.

For each application, the Secretary will provide a verbal summary of the application. The Chairman will then open the public hearing and you will be provided the opportunity to appear on your own behalf, or be represented by a Power of Attorney or an agent. Members of the general public who have filled out a speaker form will then be given the opportunity to speak. After these speakers, city representatives will be given an opportunity to express their views. If the Board wishes to hear more from you, they may call you up to speak again at this point. The Chairman will close the public hearing and the Board will deliberate and provide a decision in the form of a resolution approved by at least three members of the Board.

Applications are considered by the Board in the order that they are formally received by the Secretary.

DO I HAVE TO ATTEND THE PUBLIC HEARING?

Attendance by you or your representative is required. Otherwise, the Board may continue your application to be heard at the next scheduled public hearing, or withdraw your application from the agenda in accordance to the Code of Virginia and BZA By-Laws.

DO I NEED A LAWYER OR PROFESSIONAL REPRESENTATIVE?

Many individual property owners appear on their own behalf. However, it is acceptable if you are more comfortable with professional representation to assist with your application and answer questions on your behalf. In this scenario, a Power of Attorney Form must be executed by the property owner and submitted with the application.

HOW LONG DO I HAVE TO WAIT FOR A DECISION?

As soon as the public hearing for your request is concluded, the Board will deliberate and weigh the evidence presented. If the application is extremely complex, the Board may vote to continue the case to the next scheduled public hearing or until another meeting date. In the majority of cases, you can expect a decision the same night. However, there is a thirty (30) day waiting period before the decision rendered becomes effective. The Board Secretary will mail a final decision letter for all applications heard before the BZA.

WILL THE CITY SUPPORT MY APPLICATION?

The decision of the City to recommend the approval or denial of an application is made by the Zoning Administrator in consultation with staff. This decision is not made until after the application has been filed and advertised for public hearing. The Zoning Administrator's interpretation of the Ordinance follows strict guidelines and will only make recommendations for the granting of a variance for those applications that very clearly meet every requirement to the fullest extent.

WILL LACK OF SUPPORT BY THE ZONING ADMINISTRATOR WEIGH HEAVILY AGAINST APPROVAL OF MY APPLICATION BY THE BOARD OF ZONING APPEALS?

As noted previously, the members of the Board are appointed by the Circuit Court and the Board is a quasi-judicial body. Therefore, the Board does not automatically follow the recommendation of the Zoning Administrator. In considering an application, the Board will take all aspects of a case into consideration before reaching a final decision. The recommendation of the Zoning Administrator is only one of many factors considered. The factors that determine an "unreasonable restriction of the utilization of the property" are unique for each application; see the section that references "Standards for variances".

HISTORICAL FACTS

(Applicable to variance applications only)

The Board of Zoning Appeals had forty-four (44) requests for variances in 2014 and granted twenty-six (26). The Board of Zoning Appeals had forty-one (41) requests for variances in 2013 and granted twenty-seven (27). In 2012, the Board heard thirty-one (31) variance applications and granted twenty-one (21). In 2011, the BZA entertained thirty-three (33) variance applications and granted twenty-two (22). Twenty-eight (28) variance applications were heard by the BZA and eighteen (18) were granted in 2010. The Board had sixteen (16) variance applications come before them in 2009 and granted fifteen (15).

WHAT ARE SOME THINGS I SHOULD DO?

Review the following standards or guidelines the Board is required to use in rendering a decision and consider how these affect your request. A variance will be evaluated based on the following criteria (Section 20-402) from the Chesapeake Zoning Ordinance.

FOR A VARIANCE

In accordance with Section 15.2-2309 of the Code of Virginia, the Board of Zoning Appeals must find the following facts to grant a variance:

General standards; the Board of zoning appeals (BZA) shall authorize a variance from the terms of this ordinance only when such authorization will not be contrary to the public interests and when, owing to special conditions, a literal enforcement of the provisions of this ordinance would unreasonably restrict the utilization of the property, provided that the spirit of the ordinance shall be observed and substantial justice done.

Action and specific findings required; the BZA shall either: approve, deny or approve with conditions the request for a variance.

A "Variance" means, in the application of a zoning ordinance, a reasonable deviation from those provisions regulating the shape, size, or area of a lot or parcel of land or the size, height, area, bulk, or location of a building or structure when the strict application of the ordinance would unreasonably restrict the utilization of the property, and such need for a variance would not be shared generally by other properties, and provided such variance is not contrary to the purpose of the ordinance. It shall not include a change in use, which change shall be accomplished by a rezoning or by a conditional zoning.

Notwithstanding any other provision of law, general or special, a variance shall be granted if the evidence shows that the strict application of the terms of the ordinance would unreasonably restrict the utilization of the property or that the granting of the variance would alleviate a hardship due to a physical condition relating to the property or improvements thereon at the time of the effective date of the ordinance, and

1. The property interest for which the variance is being requested was acquired in good faith and any hardship was not created by the applicant for the variance;
2. The granting of the variance will not be of substantial detriment to adjacent property and nearby properties in the proximity of that geographical area;

3. The condition or situation of the property concerned is not of so general or recurring a nature as to make reasonably practicable the formulation of a general regulation to be adopted as an amendment to the ordinance;
4. The granting of the variance does not result in a use that is not otherwise permitted on such property or a change in the zoning classification of the property; and
5. The relief or remedy sought by the variance application is not available through a special exception process at the time of the filing of the variance application

OTHER PERTINENT INFORMATION FOR A VARIANCE

Exhibits and photographs, reduced to 8½" x 11" paper, can be beneficial to the graphical presentation of your request. Petitions and written statements of support from adjacent property owners are permitted. Items presented as evidence will be maintained by the BZA Secretary and will become documents of permanent record. Copies of original documents may be supplied upon written request of the applicant and collection of any associated fees for reproduction.

A decision of the BZA is not bound by precedent as in a court of law. Each case has its own unique set of facts and the Board must determine the merits of a case on the information that is presented at the public hearing.

You, your representative, or elected local official should not contact the members of the Board regarding the application prior to the public hearing. The decision of the Board shall be based only on the facts presented at the public hearing where all members, as well as the public at large, have an opportunity to consider the information presented. Decisions of the Board are based on the merits of each case and political issues are never a factor.

Provisions of a sales agreement or contract to purchase property subject to obtaining a variance should give you the option to apply for a variance with a Power of Attorney executed by the property owner.

There is no exact definition of a "hardship." Some guidelines, based on legal precedent, for applying the concept of unnecessary hardship are:

1. The premises cannot be used in a manner permitted by the Zoning Ordinance unless the variance is granted.
2. A strict application of the terms of the Zoning Ordinance precludes its use for any purpose to which the land is reasonably adopted.
3. Inability to put the property to its most profitable use does not constitute "hardship."

4. Mere inconvenience to you is not a sufficient ground for determining a "hardship." In granting a variance, the BZA may not make any decision that is contrary to the purpose and intent of the Zoning Ordinance. For example, the BZA has no authority to permit a business to be established in a residential district or a residence to be established in a business or industrial district. To do so would require an amendment to the Zoning Ordinance, which requires City Council approval.

FOR AN APPEAL

1. The Board will examine the language of the Ordinance to determine whether the language is clear or is subject to more than one interpretation.
2. If, in the opinion of the Board, the language is clear, the Board will require you to show that your case is not within the intent of the regulation. In these cases, the Board will assume that the administrative decision is correct and the applicant will bear the burden of proof.
3. If the language of the Ordinance is unclear, the Board will inquire as to whether the decision made by the official involved is consistent with previous administrative determinations in similar situations.
4. If the administrative decision is consistent with prior decisions, your application will prevail only if the administrative decision is not within the intent and purpose of the Ordinance and, therefore, so arbitrary or unreasonable that the Board of Zoning Appeals must substitute its own interpretation and overturn the administrative decision. If the administrative decision is both consistent and reasonable, the Board will uphold it.
5. If the administrative decision is inconsistent with prior decisions, the Board will carefully examine all factors involved to ensure that the appearance of an arbitrary decision is overcome by a legitimate attempt to further the intent and purpose of the Ordinance. In applying these guidelines, the Board will consider any pertinent factors that arise during the public hearing.

CAN THE DECISION BE APPEALED IF MY APPLICATION IS DENIED?

Yes, if you disagree with the Board's decision, you have the right to appeal that decision to the Chesapeake Circuit Court. You must exercise your right to appeal no later than thirty (30) calendar days following the Board's decision. A petition is required to be filed with the Circuit Court specifying the grounds on which the person(s) are aggrieved.

CAN I ASK THE BOARD TO RECONSIDER MY APPLICATION?

If your application is denied or withdrawn, the Ordinance does not permit the same application or one of similarity to be considered by the Board for one (1) year after the date of action. However, the Board has discretionary authority to grant a request for a rehearing where it is evident that a substantial procedural error occurred which deprived either the city, the applicant or the landowner of actual notice of the original hearing on any matter reviewed by the Board.

BZA APPLICATION INSTRUCTIONS

The following is provided to assist in completing an application for a variance and/or appeal of the Zoning Administrator's decision. On the following page, you will find a blank application form with certain areas numbered and highlighted. ***Page 16 is for illustration purposes, only.***

You are required to attach a copy of your physical survey, reduced to 8½" x 11" paper, with your variance request application showing all existing buildings, including porches, stoops, steps, bay windows, accessory buildings, roof overhangs, and the proposed structure or alteration requiring the variance.

Following is an explanation of the information required for each numbered item on the application.

1. Describe your request for a variance and/or appeal detailing the action sought from the BZA. Be as specific and detailed as possible. Additional pages may be attached.
2. Location of the property involved in this request to include the following:
 - a) Address of the property,
 - b) Lot number, block, section, phase/part, subdivision and borough; this information can be found on your physical survey, in the Real Estate Assessor's Office, on the tax records or real estate assessment of the property.
3. List the legal property owner(s)' name(s) as found on the real estate tax records.
4. The Applicant Information section requires your name and/or company name, if applicable, mailing address including zip code and a daytime telephone number and e-mail address, if applicable. This information will be provided to the local newspaper for billing purposes for the legal ad because of the required advertisement of your application.
5. Indicate the appropriate status of the applicant. Anyone other than the legal property owner must submit an executed Power of Attorney form (included in this package). The signature of the property owner is required and shall be notarized on the Power of Attorney form. You or your Power of Attorney/agent must appear before the BZA on the scheduled hearing date.

The filing fee per application is \$175.00 and is due when the application is submitted for processing. Cash, checks, debit and credit cards are accepted payment methods. Checks should be made payable to the City of Chesapeake.

Additionally, you will be billed separately and directly for the cost affiliated with legal advertisements.

**CITY OF CHESAPEAKE
BOARD OF ZONING APPEALS
2017 MEMBERSHIP ROSTER**

REGULAR MEMBERS

**FLOYD, Claude Ross III– Chairperson
712 Brandermill Drive
Chesapeake, VA 23322
Term Expires: 12-31-2018
1st Appt'd March 1, 2009**

**BEDOIS, Erin Evans- Vice Chairperson
2006 Old Greenbrier Road, Suite 7
Chesapeake, VA 23320
Term Expires: 06-30-2018
1st Appt'd July 2012**

**WOODHOUSE, Terry
1901 Lancing Crest Lane
Chesapeake, VA 23323
Term Expires: 12-31-2019
1st Appt'd October 1999**

**WETHINGTON, Bruce
117 Cottonwood Lane
Chesapeake, VA 23320
Term Expires: 12-31-2017
1st Appt'd April 2011**

**KUBOVCIK, Andrew D.
411 Cedar Road
Chesapeake, VA 23322
Term Expires: 06-30-2018
1st Appt'd July 2012**

**THRIFT, Carl C.
513 Archer Drive
Chesapeake, VA 23323
Term Expires: 12-31-19
1st Appt'd February 2014**

**LAINE, Herbert W.
411 Cedar Road
Chesapeake, VA 23322
Term Expires: 12-31-2017
1st Appt'd March 1998**

ALTERNATE BOARD MEMBERS

**MATTHEWS, Carl D.
1112 Virginia Avenue
Chesapeake, VA 23324
Term Expires: 10-31-2017
1st Appt'd November 2002**

**Lomax, Tanya L.
5900 E. Virginia Beach Blvd. #220
Norfolk, VA 23502
Term Expires: 06-30-18
1st Appt'd July 2015**



APPLICATION INSTRUCTIONS

Board of Zoning Appeals City of Chesapeake, Virginia

Please print or type

I (we) the undersigned do hereby apply to the Chesapeake Board of Zoning Appeals for a hearing on the following request:

_____ 1 _____

COMPLETE, SIGN, AND SUBMIT PAGES 14, 15 and (16, WHEN APPLICABLE)

Use extra sheets if necessary

Location of Property Involved in this Request

Address

Legal Description: **THIS INFORMATION MAY BE OBTAINED FROM YOUR REAL ESTATE RECORDS**

Lot Block Section Phase/Part
Subdivision Borough 2

Property Owner(s):

AS IT APPEARS ON THE REAL ESTATE RECORDS

3

Tax Map ID or Real Estate Parcel Number:

--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--

Application Information

Name 4 _____

Mailing Address _____

City/State/Zip _____

Home Phone Number E-Mail Address Cell Phone Number

5

Applicant's Interest in the Property

Owner *(A Power of Attorney Form is required) Contract Purchaser Owner's Agent Lessee/Tenant
 Other (explain)

Applicant's Signature

Reviewing Zoning Official: _____
Date and Time Received _____
Zoning District: _____
Zoning Map Number: _____
Receipt Number: _____

Applicant's Signature

<u>Board of Zoning Appeals Use Only:</u>				
BZA APPLICATION NUMBER: _____	HEARING DATE: _____			
<input type="checkbox"/> Granted	<input type="checkbox"/> Denied	<input type="checkbox"/> Withdrawn	<input type="checkbox"/> Upheld	<input type="checkbox"/> Overtumed
Conditions: _____				



**APPLICATION
To
Board of Zoning Appeals
City of Chesapeake, Virginia**

Please print or type

I (we) the undersigned do hereby apply to the Chesapeake Board of Zoning Appeals for a hearing on the following request:

Use extra sheets if necessary

Location of Property Involved in this Request

Address

Legal Description:

<small>Lot</small>	<small>Block</small>	<small>Section</small>	<small>Phase/Part</small>
<small>Subdivision</small>	<small>Borough</small>		

Property Owner(s):

Tax Map ID or Real Estate Parcel Number:

--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--

Application Information

Name

Mailing Address

City/State/Zip

Home Phone Number E-Mail Address Cell Phone Number

Applicant's Interest in the Property

Owner *(A Power of Attorney Form is required) Contract Purchaser * Owner's Agent * Lessee/Tenant
 Other (explain)

Applicant's Signature

Reviewing Zoning Official: _____ Date and Time Received: _____ Zoning District: _____ Zoning Map Number: _____ Receipt Number: _____
--

Applicant's Signature

<small>Board of Zoning Appeals Use Only:</small>	
BZA APPLICATION NUMBER: _____	HEARING DATE: _____
<input type="checkbox"/> Granted <input type="checkbox"/> Denied <input type="checkbox"/> Withdrawn <input type="checkbox"/> Upheld <input type="checkbox"/> Overtumed	
Conditions: _____	

ACKNOWLEDGEMENT

BZA APPLICATION NUMBER: _____ (to be completed by BZA Secretary)

DECLARATION OF BOARD OF ZONING APPEALS INTEREST:

State whether any member of the Board of Zoning Appeals owns or has any personal or financial interest in the land that is subject to the application, or has any personal or financial interest in the outcome of the decisions, as defined by the Virginia Conflict of Interest Act.

DECLARATION OF ACCURACY:

I, the undersigned, certify that this application is complete, accurate and contains all required and requested information, documents, and other submittals, and that all statements made, herein, are to the best of my knowledge, true and correct. I further certify that I have exercised due diligence to obtain the most recent, complete and correct information available. I understand that wrongful certification or failure to provide required or requested documents that become available after the initial submittal of this application may result in a delay in, or invalidation of, any official governmental action taken. Fraudulent representations may lead to additional penalties under law.

DECLARATION OF FINANCIAL RESPONSIBILITY FOR LEGAL ADVERTISEMENT:

By signing below, I understand that the cost of advertising for public hearing notification purposes is my responsibility and do hereby agree to pay all notices of payment due and invoices associated with advertising costs for this application, including newspaper and, all re-advertisements for continuances, re-hearings and appeals, as applicable.

DECLARATION OF CONSENT:

By signing below, the applicant/agent consents to entry upon the subject property by public officers, employees, and agents of the City of Chesapeake wishing to view the site for purposes of processing, evaluating, or deciding upon this application. Check the **party responsible for advertising:** **Applicant** **Agent**

Owner/Applicant Signature: _____
Owner/Applicant Signature: _____
Owner/Applicant Printed Name(s): _____
Owner/Applicant Address: _____
Telephone Number(s) _____ Date: _____
Email Address: _____

POWER OF ATTORNEY

This _____ day of _____, 20____, the below-signed individuals do hereby appoint _____, mailing address of _____, as their Attorney-In-Fact and grant and confer to them the following powers with respect to the property located at _____, Chesapeake, Virginia:

- 1. Full authority to file an application with the Chesapeake Board of Zoning Appeals for a variance and/or appeal of a decision rendered by the Zoning Administrator.
- 2. The power to amend, in whole or in part, any of the documents relating to the above-referenced application to the Chesapeake Board of Zoning Appeals.
- 3. Full authority to appear before the Chesapeake Board of Zoning Appeals at such time the Board may consider the application for a variance or appeal.

The powers confirmed herein shall terminate upon a final determination by the Chesapeake Board of Zoning Appeals on the application for variance or appeal.

_____, Property Owner
_____, Property Owner

**STATE OF VIRGINIA,
CITY OF CHESAPEAKE, to wit:**

Subscribed and sworn to before me this _____ day of _____, 20____,
by _____.

Notary Public

My commission expires: _____

**STATE OF VIRGINIA,
CITY OF CHESAPEAKE, to wit:**

Subscribed and sworn to before me this _____ day of _____, 20____,
by _____.

Notary Public

My commission expires: _____