



**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:

TO REMOVE REAR YARD SETBACK FROM 30' TO 23' TO
BUILD NEW SUNROOM AND SMALL DECK WHERE EXISTING
DECK IS CURRENTLY. NEW SUNROOM SIZE PROPOSED IS
12'X18' AND APPROX 10'X14' OPEN DECK.

Use extra sheets if necessary

Location of Property Involved in this Request

2645 DEERFIELD CRESCENT, CHESAPEAKE, VA 23321
Address

Legal Description:

196 7
TAYLOR WOOD ESTATES WESTERN BOROUGH
Subdivision Block Borough Phase/Part

Property Owner(s):

ROBERT & SCARLETT CAMPBELL

Tax Map ID or Real Estate Parcel Number:

0092018001960

Application Information

ELLO REMODELING, INC BY ED CAMPBELL
912 VENTURES WAY
CHESAPEAKE, VA 23320
757-424-0022 ECAMPBELL@ELLOREMODELING.COM 757-362-7446
Name Mailing Address City/State/Zip Home Phone Number E-Mail Address Call 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)

[Signature]
Applicant's Signature

Applicant's Signature

Reviewing Zoning Official: [Signature]
Date and Time Received: 09/24/2010 5:30pm
Zoning District: R-121A3
Zoning Map Number: 505
Receipt Number: 572254

Board of Zoning Appeals Uses Only:

BZA APPLICATION NUMBER: 10-31 HEARING DATE: 10-22-2010
 Granted Denied Withdrawn Upheld Overturned
Conditions: _____

POWER OF ATTORNEY

This 23 day of Sept, 2020, the below-signed individuals do hereby appoint ED CAMPBELL mailing address of 912 VENTURES WAY, CHESAPEAKE, VA 23320 as their Attorney-In-Fact and grant and confer to them the following powers with respect to the property located at 2645 DEERFIELD CRESCENT, 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.

Scarlett S Brown aka Scarlett Caporal, Property Owner
_____, Property Owner

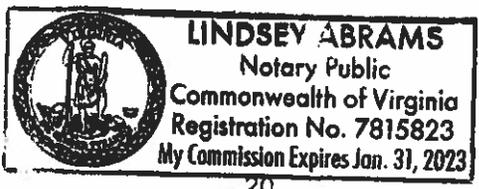
**STATE OF VIRGINIA,
CITY OF CHESAPEAKE, to wit:**

Subscribed and sworn to before me this 23RD day of SEPTEMBER, 2020,
by SCARLETT CAPORAL

Lindsey Abrams

Notary Public

My commission expires: Jan 31, 2023



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

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

Notary Public

My commission expires: _____

ACKNOWLEDGEMENT

BZA APPLICATION NUMBER: 120-31 (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.

NO

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: | <u>[Signature]</u> |
| Owner/Applicant Signature: | _____ |
| Owner/Applicant Printed Name(s): | <u>E.L. CAMPBELL</u> |
| Owner/Applicant Address: | <u>912 VENTURE WAY, CHESAPEAKE, VA 23320</u> |
| Telephone Number(s) | <u>757-424-0022 - Cell 757-362-7446</u> Date: <u>9/30/2020</u> |
| Email Address: | <u>ECAMPBELL@ELLOREMODELING.COM</u> |

THIS SURVEY IS BASED ON A PLAT RECORDED IN THE CLERK'S OFFICE OF THE CIRCUIT COURT OF THE CITY OF CHESAPEAKE, VIRGINIA, IN MAP BOOK 112, AT PAGES 80 AND 80A.

THIS IS TO DECLARE THAT WE, ON AUGUST 16, 2001, SURVEYED THE PROPERTY SHOWN HEREON, AND THAT THE TITLE LINES AND PHYSICAL IMPROVEMENTS ARE AS SHOWN ON THIS PLAT. THE IMPROVEMENTS STAND STRICTLY WITHIN THE TITLE LINES AND THERE ARE NO ENCROACHMENTS OR VISIBLE EASEMENTS EXCEPT AS SHOWN.

THE PROPERTY EMBRACED WITHIN THE LIMITS OF THIS SURVEY APPEARS TO LIE WITHIN FLOOD ZONE "X" ACCORDING TO THE FEDERAL EMERGENCY MANAGEMENT AGENCY- NATIONAL FLOOD INSURANCE PROGRAM COMMUNITY NUMBER 510034-0004 C, DATED MAY 2, 1999.

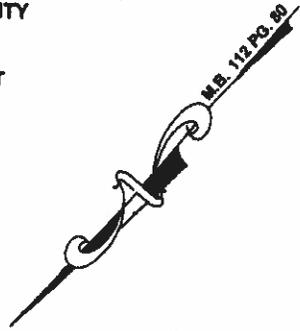
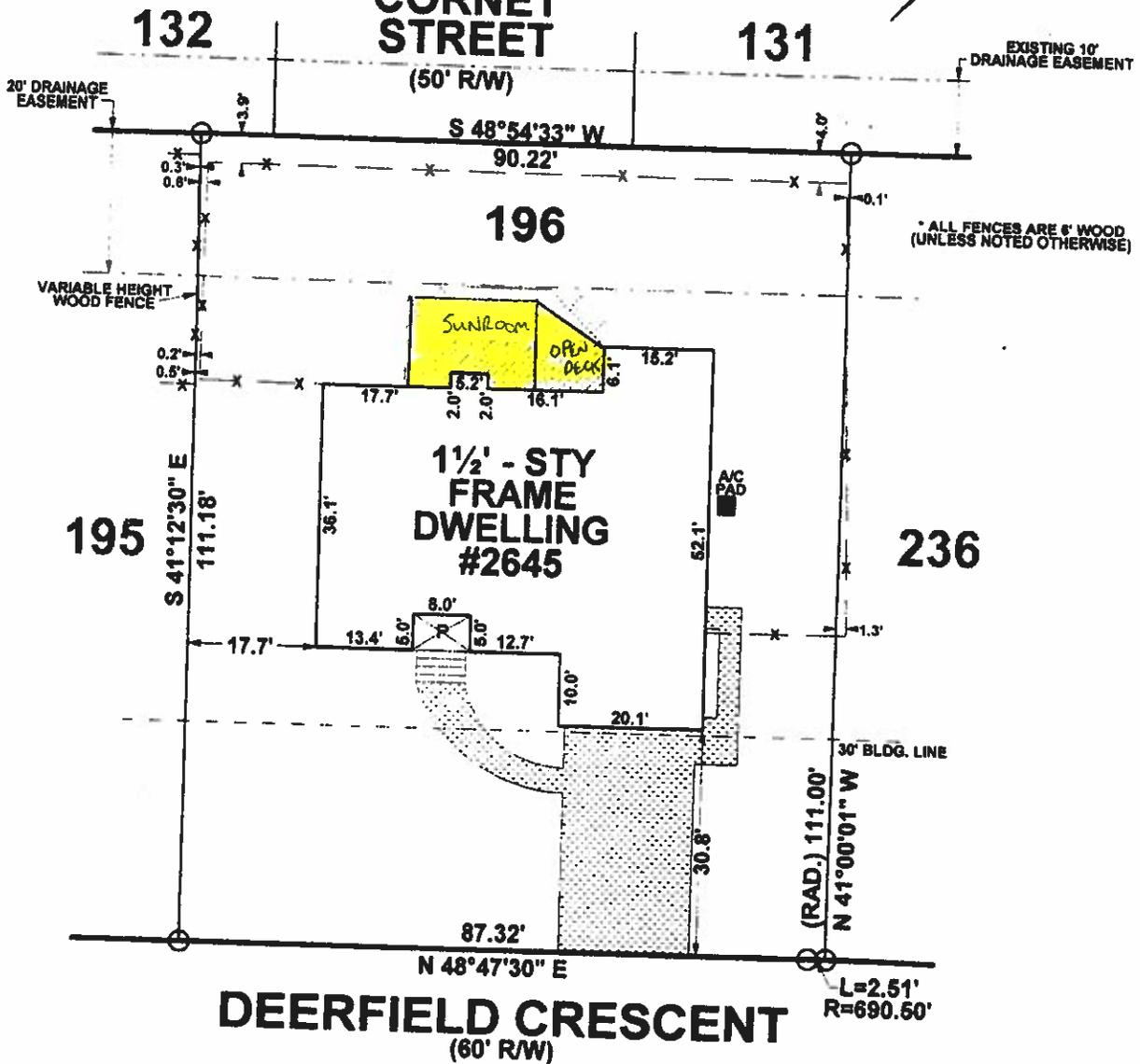
THIS SURVEY PERFORMED WITHOUT BENEFIT OF A CURRENT TITLE REPORT AND CONSEQUENTLY MAY NOT DEPICT ALL TITLE MATTERS AFFECTING THE PROPERTY SHOWN HEREON.

THE EXISTENCE OF: HAZARDOUS WASTES, VEGETATED WETLANDS, OR TIDAL WETLANDS, WAS NEITHER INVESTIGATED, NOR CONFIRMED DURING THE PERFORMANCE OF THIS SURVEY.

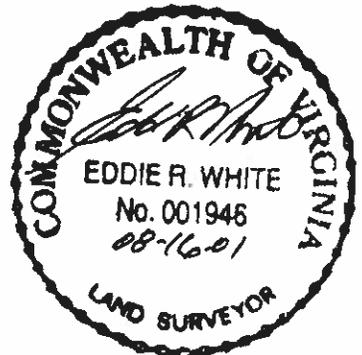
○ DENOTES I. PIN (F)

**SUBDIVISION OF
DRUM CREEK FARMS
(M.B. 35, PGS. 70 & 71)**

CORNET STREET



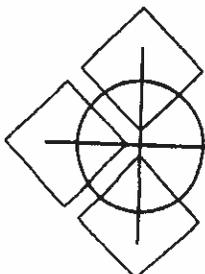
CORNET STREET
(50' R/W)
(M.T.S.)



PHYSICAL SURVEY
OF
LOT 196
SUBDIVISION OF
TAYLORWOOD ESTATES

SECTION SEVEN
WESTERN BRANCH BOROUGH-CHESAPEAKE, VIRGINIA
FOR

**ERIC K. BROWN AND
SCARLETT S. BROWN**

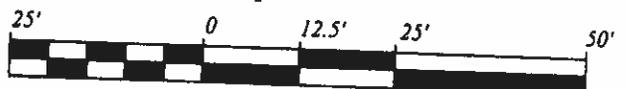


Causeway Consultants, P.C.

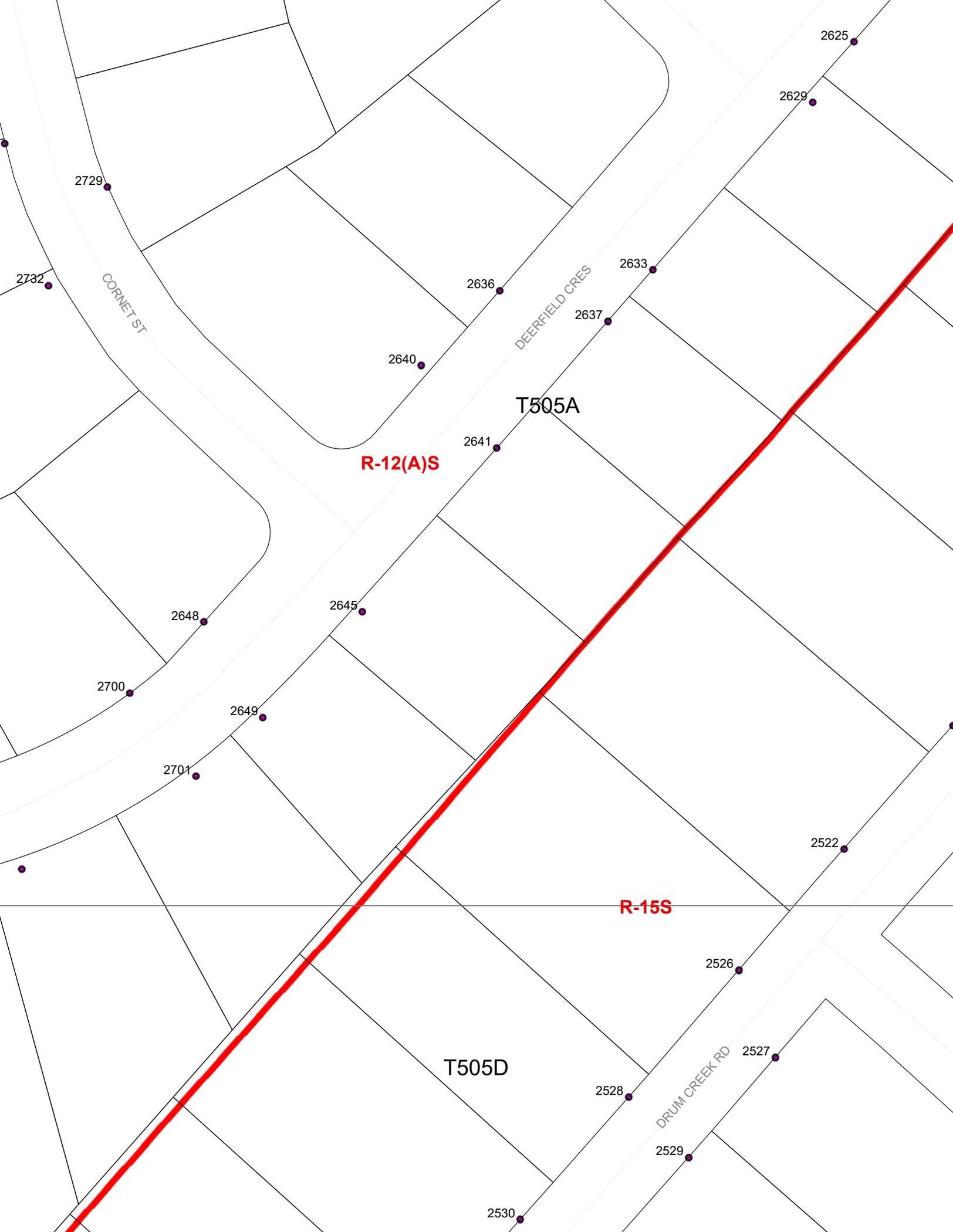
Land Surveyors

1005 S. BATTLEFIELD BLVD.
SUITE B
CHESAPEAKE, VA 23322-4214
PHONE: 757-482-0474

Graphic Scale



1" = 25'



2625

2629

2729

2732

CORNET ST

2636

DEERFIELD CRES

2633

2637

2640

T505A

R-12(A)S

2641

2648

2645

2700

2649

2701

2522

R-15S

2526

T505D

2528

DRUM CREEK RD

2527

2529

2530



2518

2516

2518

2521

2520

2522

2526

2637

2641

2645

2649

2648

2700

2701

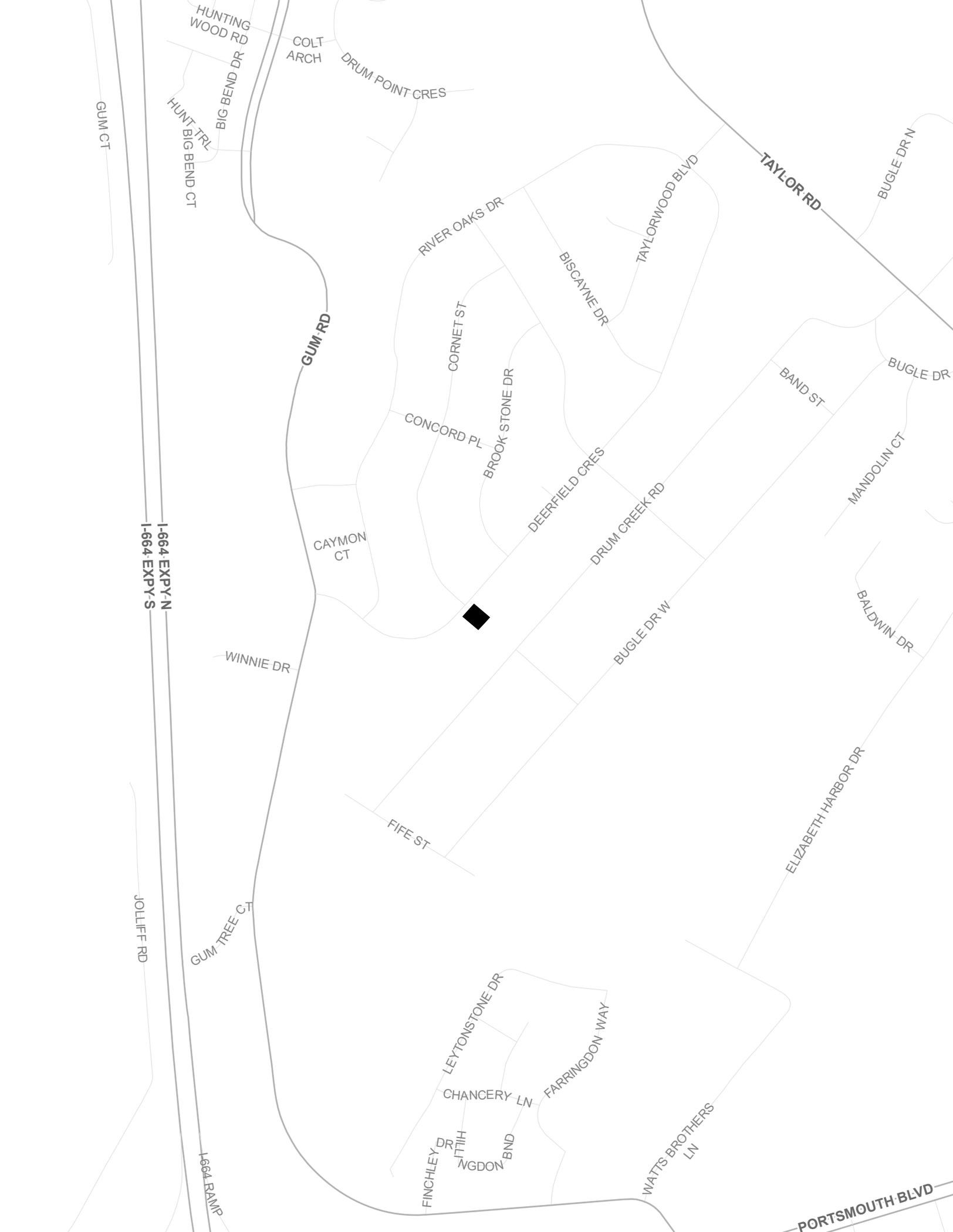
2704

2708

2705

2707

2709



GUM CT

I-664 EXPY-N
I-664 EXPY-S

JOLLIFF RD

1664 RAMP

GUM TREE CT

WINNIE DR

GUM RD

CAYMON CT

FIFE ST

FINCHLEY DR

LEYTONSTONE DR

CHANCERY LN

NGDON BND

FARRINGTON WAY

CONCORD PL

BROOK STONE DR

CORNET ST

RIVER OAKS DR

DEERFIELD CRES

BISCAYNE DR

TAYLORWOOD BLVD

DRUM CREEK RD

BUGLE DR W

WATTS BROTHERS LN

ELIZABETH HARBOR DR

BAND ST

MANDOLIN CT

BALDWIN DR

BUGLE DR

BUGLE DR N

TAYLOR RD

PORTSMOUTH BLVD





Parcel Number: 0092018001960
Property Address (Primary): 2645 DEERFIELD CRES
 CHESAPEAKE , 23321
Parcel Class: 2010
Parcel Class Description: RESIDENTIAL - SINGLE FAMILY

Summary

| | |
|------------------------------|---------------------------------------------------|
| Property Owner | BROWN SCARLETT S |
| Owner Address Address | 2645 DEERFIELD CRES CHESAPEAKE , VA 23321-2418 |
| Zoning | R12AS: Residential |
| Acreage | 0.23 |
| Legal Description | 196 TAYLORWOOD ESTATES SEC 7 |

Site Information

| | |
|---------------------------------|---------------------------------|
| Neighborhood Number | WB023 |
| Neighborhood Description | TAYLORWOOD ESTATES,POINT HARBOR |
| Borough: | WESTERN BRANCH |
| Building Name | |
| Frontage Length | 89.83 |
| Other Dimensions | X111.18X90.22X111.00 |
| Land Use Participant | No |

Assessment Information

| Date | Fiscal Year | Land Value | Land Use Value | Improvement Value | Total Value |
|----------|-------------|------------|----------------|-------------------|-------------|
| 7/1/2020 | 2021 | \$100,000 | | \$183,600 | \$283,600 |
| 7/1/2019 | 2020 | \$90,000 | | \$181,800 | \$271,800 |
| 7/1/2018 | 2019 | \$80,000 | | \$183,600 | \$263,600 |
| 7/1/2017 | 2018 | \$80,000 | | \$180,400 | \$260,400 |
| 7/1/2016 | 2017 | \$80,000 | | \$170,200 | \$250,200 |
| 7/1/2015 | 2016 | \$80,000 | | \$170,200 | \$250,200 |
| 7/1/2014 | 2015 | \$80,000 | | \$170,200 | \$250,200 |
| 7/1/2013 | 2014 | \$80,000 | | \$170,200 | \$250,200 |
| 7/1/2012 | 2013 | \$80,000 | | \$170,200 | \$250,200 |
| 7/1/2011 | 2012 | \$92,000 | | \$173,900 | \$265,900 |
| 7/1/2010 | 2011 | \$97,000 | | \$191,300 | \$288,300 |
| 7/1/2009 | 2010 | \$102,000 | | \$202,700 | \$304,700 |
| 7/1/2008 | 2009 | \$102,000 | | \$212,300 | \$314,300 |
| 7/1/2007 | 2008 | \$102,000 | | \$206,400 | \$308,400 |
| 7/1/2006 | 2007 | \$87,000 | | \$172,200 | \$259,200 |
| 7/1/2005 | 2006 | \$67,000 | | \$140,600 | \$207,600 |

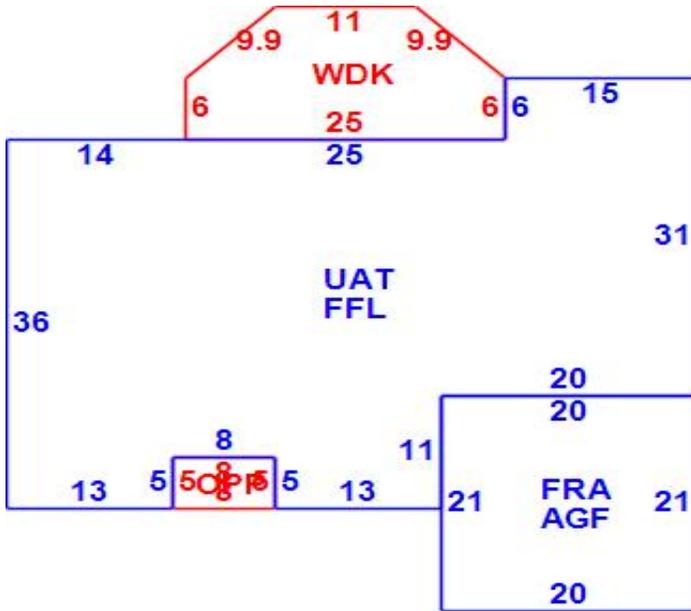
Ownership Information

| Buyer Name | Seller Name | Sale Date | Sale Amount | Deed Book | Deed Page | Map Book/Page |
|-------------------------------|-------------------------------|------------|-------------|-----------|-----------|---------------|
| BROWN SCARLETT S | BROWN ERIC K & SCARLETT S | 2/15/2008 | \$ | 7382 | 240 | 01120080 |
| BROWN ERIC K & SCARLETT S | GIBSON THERESE O'CONNOR | 8/27/2001 | \$178,000 | 4361 | 395 | 01120080 |
| GIBSON THERESE O'CONNOR | JAMES MARTIN CONSTRUCTION INC | 11/21/1996 | \$145,200 | 3426 | 822 | 01120080 |
| JAMES MARTIN CONSTRUCTION INC | TAYLOR BROS BUILDERS INC | 6/17/1996 | \$40,000 | 3364 | 863 | 01120080 |
| TAYLOR BROS BUILDERS INC | TAYLORWOOD CORP | 1/6/1995 | \$ | 3180 | 543 | 01120080 |
| TAYLORWOOD CORP | | 1/5/1968 | \$ | 1503 | 659 | 01120080 |

Residential Improvement

| | |
|---------------------|------------|
| Year Built : | 1996 |
| Foundation : | Brick Wall |
| Square Feet : | 2026 |
| Exterior Wall : | Vinyl |
| Exterior Wall 2 : | |
| Roof Type : | Hip |
| Roof Cover : | Asphalt |
| Air Conditioned : | Full |
| Air Conditioned 2 : | |
| Air Conditioned 3 : | |

| | |
|---------------------------|----------------|
| Central Heating: | Forced Hot Air |
| Central Heating 2: | |
| Central Heating 3 : | |
| Number of Stories: | 1.00 |
| Number of Rooms: | 7 |
| Number of Bedrooms: | 4 |
| Number of Full Bathrooms: | 3 |
| Number of Half Bathrooms: | |
| Fire Place: | 1 |
| Attic Stairs: | None |



Segments Information

Building # 1

| Segment Code | Segment Description | Square Feet |
|--------------|-------------------------------|-------------|
| AGF | 20 - ATTACHED FINISHED GARAGE | 420 |
| FFL | FINISHED FIRST FLOOR | 1,774 |
| FRA | 23 - FINISHED ROOM ABOVE | 252 |
| OPP | 30 - OPEN PORCH | 40 |
| UAT | 100% ATTIC - UNFINISHED | 1,774 |
| WDK | 36 - WOOD DECK | 276 |

Outbuilding Information

| Building Description | Year Built | Square Feet |
|----------------------|------------|-------------|
|----------------------|------------|-------------|

Real Estate Tax

DISCLAIMER: This data is provided without warranty of any kind, either expressed or implied, including but not limited to, the implied warranties of merchantability and fitness for a particular purpose. Any person, firm or corporation which uses this map or any of the enclosed information assumes all risk for the inaccuracy thereof, as City of Chesapeake expressly disclaims any liability for loss or damage arising from the use of said information by any third party.

| Current Year | Bill Number | Year | Installment | Date Due | Tax Billed | Tax Paid | Balance Due |
|--------------|-------------|------|----------------|------------|------------|-----------|-------------|
| 2020 | 9394 | 2020 | INSTALLMENT #1 | 9/30/2019 | \$713.48 | -\$713.48 | \$2,140.44 |
| 2020 | 9394 | 2020 | INSTALLMENT #2 | 12/31/2019 | \$713.48 | -\$713.48 | \$1,426.96 |
| 2020 | 9394 | 2020 | INSTALLMENT #3 | 3/31/2020 | \$713.48 | -\$713.48 | \$713.48 |
| 2020 | 9394 | 2020 | INSTALLMENT #4 | 6/30/2020 | \$713.48 | -\$713.48 | \$0.00 |

Please contact the Treasurer's Office at (757) 382-6281 if you have questions regarding Tax Paid or Balance Due. Storm Water Fees and prior balances do not show on this tab.

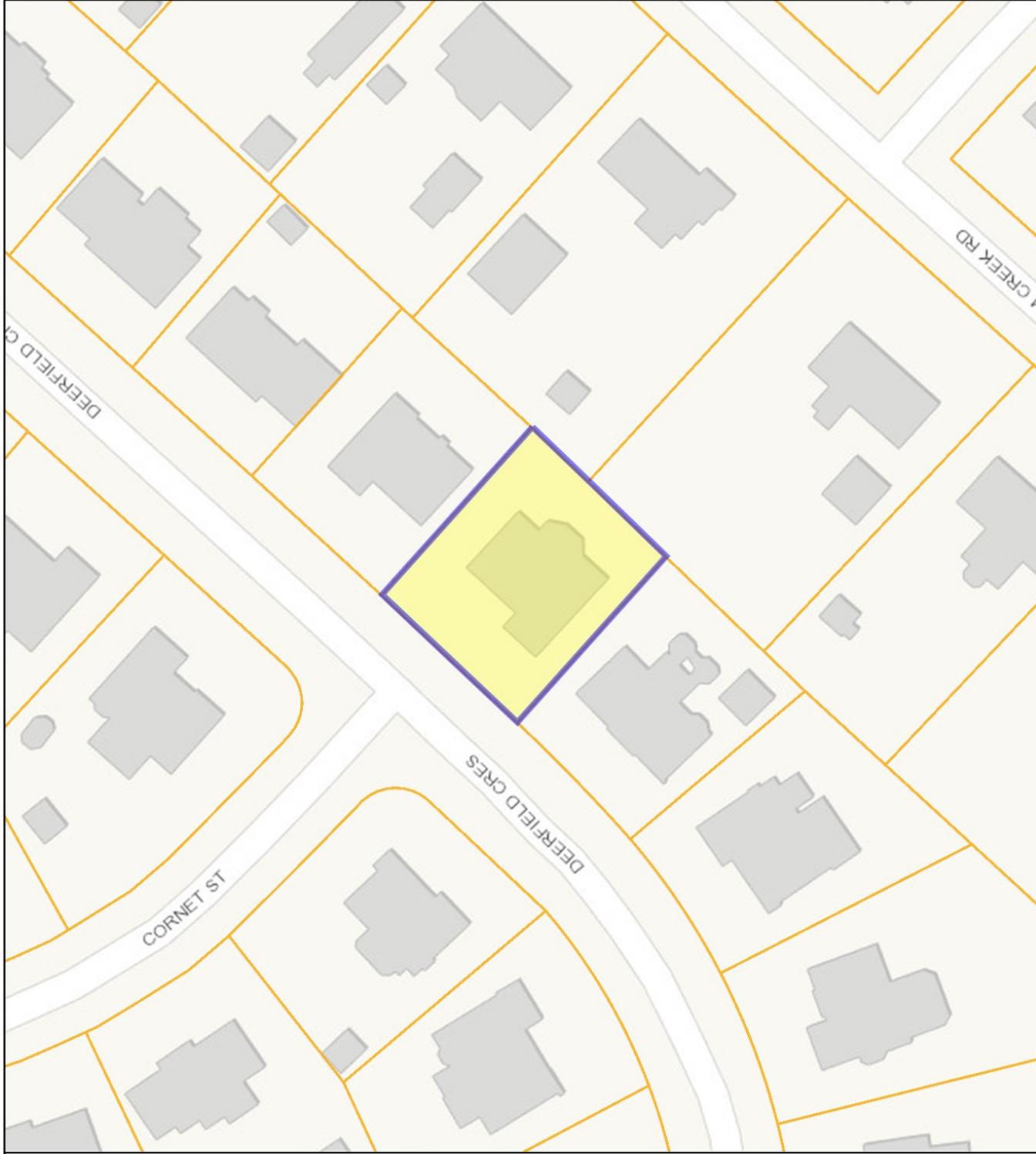
Real Estate Notes

| Note |
|------------------------------------|
| 1-FENCE ADDED TAX YEAR 1996-97/BDA |

City of Chesapeake, Virginia

Legend

- Parcels
- City Boundary



Parcel Number: 0092018001960

Date: 9/25/2020

DISCLAIMER: This drawing is neither a legally recorded map nor a survey and is not intended to be used as such. The information displayed is a compilation of records, information, and data obtained from various sources, and City of Chesapeake is not responsible for its accuracy or how current it may be.

Staff Report

TO: Chesapeake Board of Zoning Appeals

FROM: Dale Ware, AICP, CZA

RE: Application # ZON-BZA-2020-00031
2645 Deerfield Crescent

Hearing Date: October 22, 2020

Application # ZON-BZA-2020-00031

ECCO Remodeling, Inc., by Ed Campbell POA for Scarlett S Brown aka Scarlett S Caporal, property owner for 2645 Deerfield Crescent, requesting a variance from Section 6-1002.A.3.b.ii of the Chesapeake Zoning Ordinance from the rear yard setback of 30 feet to 23 feet for a proposed 12' x 18' sunroom with 10' x 14' open deck addition on an existing dwelling. The property is further identified as 196 TAYLORWOOD ESTATES SEC 7; Real Estate Parcel No. 0092018001960 - Zoning: R-12AS, residential.

Background Information:

The applicant is requesting permission to place a sunroom (12' x 18') and deck (10' x 14') addition where the existing deck is currently in the rear yard 23 feet from the rear property line instead of the required 30-foot rear yard setback in order to allow for the use of a new sunroom and deck on the property.

The applicant was advised of financial responsibility for advertising costs. This application was advertised in the Chesapeake Clipper section of the Virginian Pilot Newspaper and adjacent property owners were mailed notice of this request in accordance with Section 15.2-2204 of the Code of Virginia. A public notice sign was provided to the applicant to post on the property pursuant to the requirements of Section 20-702.E of the Chesapeake Zoning Ordinance.

Staff Analysis and Recommendation:

Sections 20-402.A & B of the Chesapeake Zoning Ordinance and Section 15.2 – 2309 of the Code of Virginia require certain standards be met for the Board of Zoning Appeals to grant a variance. These standards are listed at the end of this report as an excerpt from Section 20-402.A & B of the Zoning Ordinance.

To approve the variance the Board must find, conditioned upon the applicant having acquired the property in good faith, that the applicant's situation is unique due to the particular physical surroundings, size, shape, topographical condition or other extraordinary situation and not shared by other properties in the same zoning district and vicinity, that the denial of the variance would result in undue hardship rather than an inconvenience, that the character of the district would not be changed as a result of the granting of the variance, and that the situation is not such of a general nature that would require a text amendment to the Zoning Ordinance to achieve compliance.

The variance application and background information provided by the applicant does not indicate an unusual situation and does not meet the criteria needed for the granting of a variance. The applicant has not shown that the denial of the variance would effectively prohibit or otherwise unreasonably restrict the current use of the property. Moreover, the applicant does not have a "hardship" as the applicant has the ability to use the property for an existing structure.

There appears to be no evidence to show that the variance application, if granted by the Board, would amount to alleviating a hardship rather than an inconvenience as the applicant has areas on the property to add an addition without a variance. Staff believes the granting of the variance would change the character of the zoning district in which the property is located. With this information and along with the strict construct of state law and the Zoning Ordinance dealing with the requirements for the granting of the variance, staff recommends denial of this variance application.

EXCERPTS FROM CHESAPEAKE ZONING ORDINANCE

§ 6-1100. - R-12(a) s residential district.

§ 6-1102. - Development standards.

A. *Minimum lot size.* Minimum lot sizes may vary to a minimum of 10,000 square feet, provided that no more than 25 percent of the lots in any single development are less than 12,000 square feet in lot area.

B. *Average lot size.* The average lot size for any single development shall not be less than 12,000 square feet.

C. *Minimum lot width.* For those lots which are less than 12,000 square feet in size, the minimum lot width shall be eighty (80) feet. The minimum lot width shall be ninety (90) feet for all other lots. For lots used exclusively for storm water management, open space or conservation that comply with section 19-201.D.6 of this ordinance, the minimum lot width shall be 50 feet. The planning director or designee may approve a further reduction or waiver of minimum lot width equal to a reduction in minimum lot frontage approved in accordance with section 19-201.D.7 of this ordinance.

Minimum lot frontage, sixty-four (64) feet for lots with a required minimum lot width of eighty (80) feet and seventy-two (72) feet for lots with a required minimum lot width of ninety (90) feet. For lots used exclusively for storm water management, open space or conservation that

comply with section 19-201.D.6 of this ordinance, the minimum lot frontage shall be 50 feet. The planning director or designee may approve a further reduction or waiver of minimum lot frontage in accordance with section 19-201.D.7 of this ordinance.

D. *Side yards.* Minimum side yards shall not be less than 20 percent of the lot width. The minimum width of any such side yard shall not be less than 6 feet in width.

E. *Other requirements.* All other dimensional and development requirements for R-12s lots shall apply. (Ord. No. 96-O-072, 5-21-96; Ord. No. 05-O-071, 6-21-05)

§ 6-1000. - R-12s residential district.

§ 6-1002. - Development standards.

A. *General site standards.* (The Chesapeake health department may require larger lots, widths and setbacks where deemed necessary for adequate sewage disposal.)

1. *Minimum lot size,* 12,000 square feet.

2. *Minimum lot width,* 85 feet. For lots used exclusively for storm water management, open space or conservation that comply with section 19-201.D.6 of this ordinance, the minimum lot width shall be 50 feet. The planning director or designee may approve a further reduction or waiver of minimum lot width equal to a reduction in minimum lot frontage approved in accordance with section 19-201.D.7 of this ordinance.

Minimum lot frontage, 68 feet. For lots used exclusively for storm water management, open space or conservation that comply with section 19-201.D.6 of this ordinance, the minimum lot frontage shall be 50 feet. The planning director or designee may approve a further reduction or waiver of minimum lot frontage in accordance with section 19-201.D.7 of this ordinance.

3. *Principal building setback (required yards).*

a. From *streets (front yards),* 30 feet. (Setback from streets shall be measured from the reservation line established in accordance with the city's adopted Master Transportation Plan. Where a reservation line cannot be established under the provisions of the adopted Master Transportation Plan, setbacks shall be measured as provided for in section 19-202. See section 19-202C. for treatment of corner lots.)

b. From *lot lines.*

i. *Side yard.* There shall be a side yard along each side of each building, and the sum of the widths of the two side yards shall not be less than 25 percent of the width of the lot. The minimum width of any such side yard shall be 10 percent of the width of the lot, provided that no such side yard shall be less than 10 feet in width, and provided further, that in any case where the total required width of the two side yards is more than 25 feet, one side of such yard need not be more than 10 feet in width.

ii. *Rear yard,* 30 feet.

4. *Maximum lot coverage of all buildings and roofed structures, 35 percent.*

5. *Maximum building height, 35 feet.* (Note: Under section 19-205, this maximum building height may be exceeded upon approval of a conditional use permit.) B. *Off-street parking.* The minimum off-street parking requirements for each use in the R-12s district shall be determined from the standards set forth for the applicable parking group as defined in section 19-411 and from the "parking" column on the use schedule established under section 6-2102.

C. *Other development standards.* Other development standards pertaining to all residential districts are set out in section 6-2000 et seq. (Ord. No. 96-O-072, 5-21-96; Ord. No. 05-O-015, 3-8-05; Ord. No. 05-O-071, 6-21-05; Ord. No. 17-O-081, 11-21-17)

§20-402. Standards for variances

General standards; the Board of zoning appeals 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 board 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.

END OF REPORT