



Record Summary for Zoning BZA Application

Record Detail Information

Record Type: [Zoning BZA Application](#) Record Status: [Pending Payment](#) File Date: [September 15, 2020](#)

Record Number: [ZON-BZA-2020-00029](#) Expiration Date:

Description: Record Name: [MILES REQUEST FOR VARIANCE - REDUCTION TO REQUIRED FRONT YARD FOR CARPORT AT 1608 OLEANDER AVENUE](#)

[PHYSICAL SURVEY DATED 09/14/2020 CARPORT DID NOT COMPLY WITH THE REQUIRED SETBACK FOR THE FRONT YARD](#) Parent Record Number:

Address: [1608 OLEANDER AVE, CHESAPEAKE, VA 23325](#)

Owner Information

Primary	Owner Name	Owner Address	Owner Phone
Yes	MILES JOHN RYAN	1608 OLEANDER AVE, CHESAPEAKE, VA 23325-3740	

Parcel Information

Parcel No:
[0202001003520](#)

Contact Information

Name	Organization Name	Contact Type	Phone
John Miles	MILES JOHN RYAN	Applicant	(757) 679-4895
Address			
1608 OLEANDER AVE, CHESAPEAKE, VA 23325 374			

Application Specific Information**ADDITIONAL ADDRESS INFORMATION**

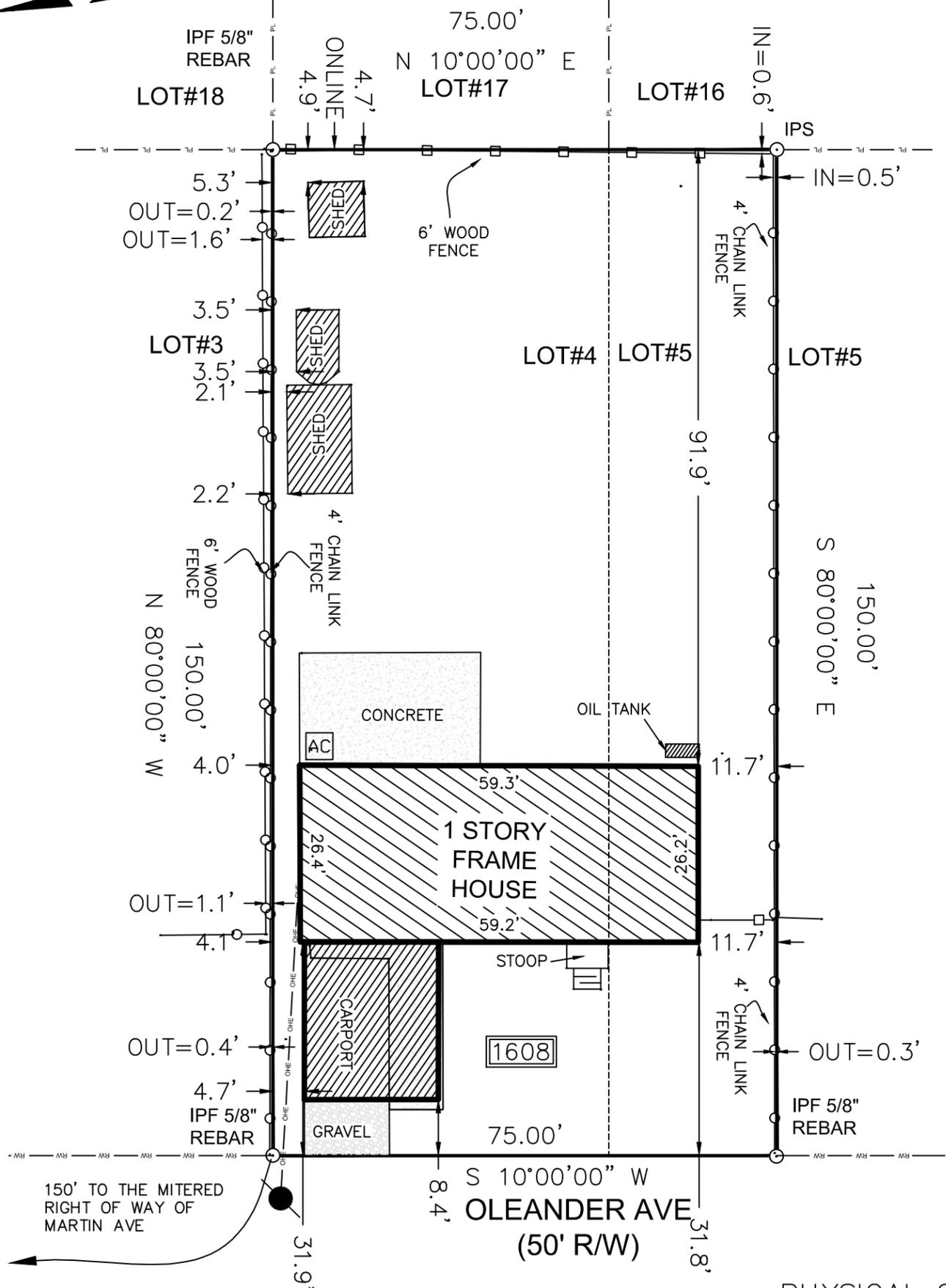
Unit Number -

APPLICATION INFORMATION

Request Type	Variance
I (we) the undersigned do hereby apply to the Chesapeake Board of Zoning Appeals for a hearing on the following request	Carport placement
A physical survey of the property must be submitted with the applications for a variance	Yes
Applicants Interest in Property	Owner
Other (Explain)	-

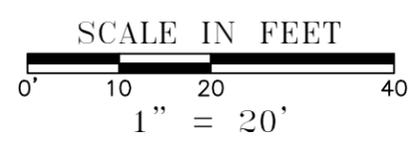
ACKNOWLEDGEMENT

Declaration of Board of Zoning Appeals Interest	None
Declaration of Accuracy	Yes
Declaration of Financial Responsibility	Yes
Declaration of Consent	Yes



LEGEND:

- Property Corner
- IPF = Iron Pin Found
- IPS = Iron Pin Set 1/2" RB
- CMF Conc. Mon. Found
- Light Pole
- Electric Transformer
- Fire Hydrant
- Power Pole
- Fence line
- Concrete
- House
- Deck



PHYSICAL SURVEY FOR:

MILES JOHN RYAN
LOT 4 & NORTHERN HALF LOT 5, Block 29
 "AMENDED PLAT OF NORFOLK
 HIGHLANDS, SUBDIVISION NO. 1"
 GPIN: 140202001003520
 11,250 S.F. 0.2582 AC
 1608 OLEANDER AVE
 CHESAPEAKE , VA 23325

- NOTES:
- 1) THIS SURVEY WAS PERFORMED WITHOUT THE BENEFIT OF A TITLE REPORT AND MAY NOT SHOW ANY/ALL EASEMENTS OR RESTRICTIONS THAT MAY AFFECT SAID PROPERTY SHOWN
 - 2) ALTA SURVEY PRO, INC. IS NOT A PARTY IN DETERMINING THE REQUIREMENTS FOR FLOOD INSURANCE ON THE PROPERTY SHOWN HEREON. THIS SURVEY DOES NOT IMPLY THAT THIS PROPERTY WILL OR WILL NOT BE SUBJECT TO FLOODING. FOR FURTHER INFORMATION, CONTACT THE LOCAL
 - 3) REFERENCE DOCUMENTS
 PB 100 PG 65 INST#289110655
 - 4) ZONING RESTRICTIONS NOT SHOWN HEREON
 - 5) A TITLE REPORT WAS NOT PROVIDED

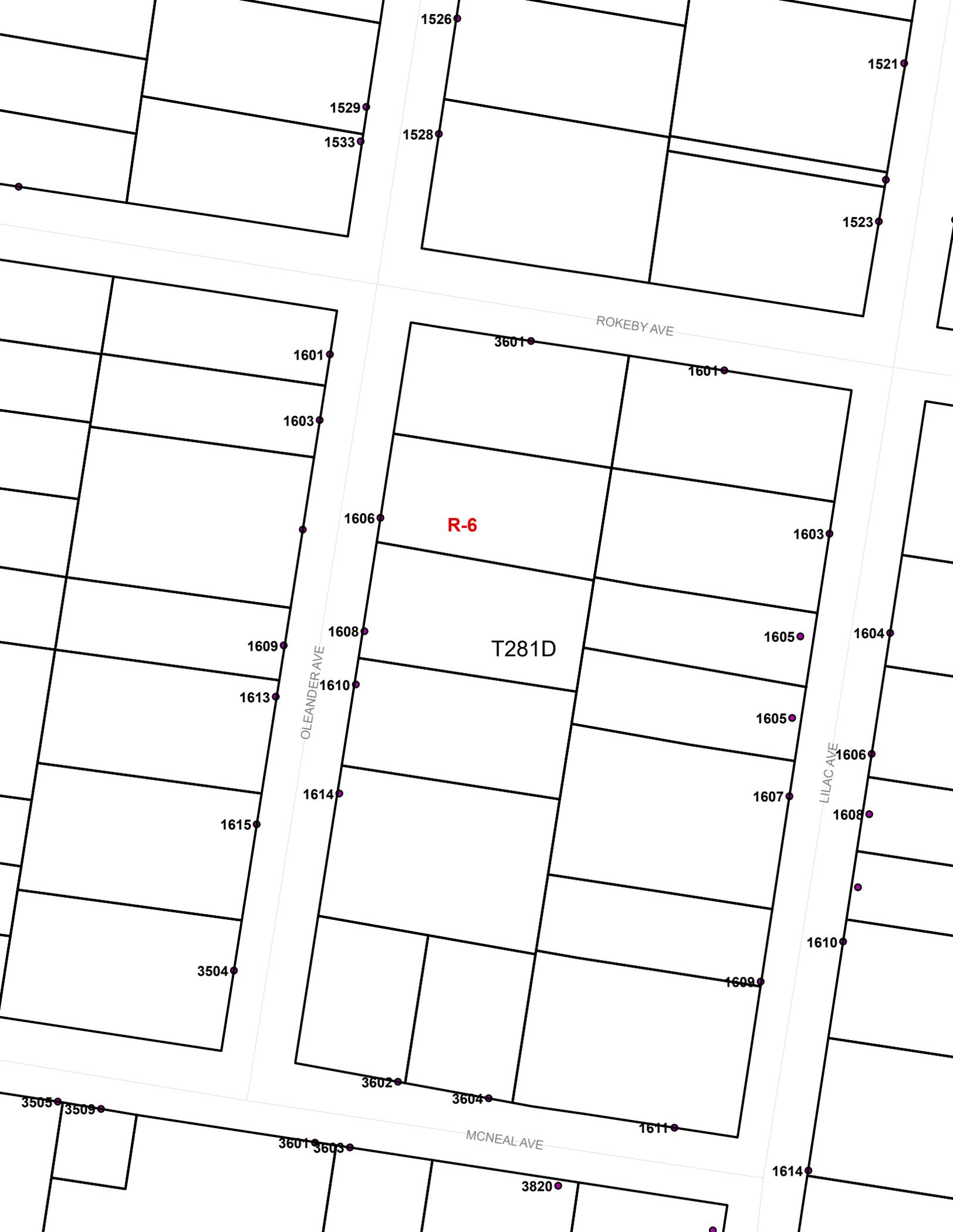
THIS IS TO CERTIFY THAT ON SEPTEMBER 14, 2020 THE PROPERTY SHOWN ON THIS PLAT WAS SURVEYED. THE TITLE LINES AND POSSESSION LINES ARE SHOWN. THE BUILDINGS STAND STRICTLY WITHIN THE TITLE AND POSSESSION LINES AND THERE ARE NO ENCROACHMENTS OF OTHER BUILDINGS ON THE PROPERTY.



ALTA SURVEY PRO
 PROFESSIONAL LAND SURVEYING
 Services
 576 N Birdneck Rd PMB 196, Virginia Beach, Va., 23451
 757-386-2207

JOB# 2008015

PLAT DATE 09/14/2020



1526

1521

1529

1528

1533

1523

ROKEBY AVE

1601

3601

1601

1603

R-6

1603

1606

1605

1604

1609

T281D

1608

1610

1605

1613

OLEANDER AVE

LILAC AVE

1606

1615

1614

1607

1608

3504

3602

3604

1609

1610

3505

3509

3601

3603

MCNEAL AVE

1611

1614

3820



1613

1609

1614

1610

1608

1606



02/04/2020

1 of 274

Select Date





MCNEAL AVE



ROKEBY AVE

MYRTLE AVE

LILAC AVE

OLEANDER AVE

CHESTNUT AVE

WALNUT AVE

PHILMONT AVE

PROVIDENCE RD

SPARROW RD

S MILITARY HWY

SILVER LEAF DR
APPLEWOOD LN
GOLDEN LEAF DR

CANDLEWOOD CIR

HILTON AVE
GARRETT ST

DORIS AVE

SUNRISE AVE

EVERS CT

KING CT

WINGFIELD AVE

FIRESIDE RD

PRIVATE 2 RD

SHELTER RD

WELCOME RD

PARKSIDE DR

ARMENTROUT CT

WINDY RD
BILL REID CT

WILLIAM CLARKE CT

BORDER RD

KETH CT

VELVA DR

STALHAM RD

FLOWER LN

FLOW LN

SHADY LN

TIMBER LN

POND LN

FARMER LN

LONGDALE CT

SIR LANCE DR

SHIELD LN

DUNBARTON DR

LONGDALE CRES

WHITEHAVEN CRES

CROWN CRES

WHITEHAVEN CT

PHYLLIS DR

EMMETT DR

ANGORA CT

ANGORA DR

SMITH AVE

PERDUE LN

VALLEY STREAM RD

LINDBERGH AVE

HAWTHORNE DR

HAZEL AVE

ELDER AVE

LAUREL AVE

WILLOW AVE

LINDEN AVE

ELM AVE

WOOD AVE

COBB AVE

TOWANDA CT

ONAWA LN

CROMWELL AVE

FONTANA AVE

MACDONALD RD

LUXOR AVE
TAMER AVE
SUN AVE

GRIFFIN ST

WEBBER AVE

SPEEDY AVE

HAYWARD AVE

FISHER AVE

SCOTT AVE

JOHN HUGGINS AVE

ENGLISH AVE

ENGL AVE

LOCKARD AVE



Parcel Number: 0202001003520
Property Address (Primary): 1608 OLEANDER AVE
 CHESAPEAKE , 23325
Parcel Class: 2010
Parcel Class Description: RESIDENTIAL - SINGLE FAMILY

Summary

Property Owner	MILES JOHN RYAN
Owner Address Address	1608 OLEANDER AVE CHESAPEAKE , VA 23325-3740
Zoning	R6: Residential
Acreage	0.259
Legal Description	4 & 1/2 5 BLK 29 N HGLDS SUB 1

Site Information

Neighborhood Number	WA028
Neighborhood Description	NORFOLK HIGHLANDS A & B & WHOLE MAP 20
Borough:	WASHINGTON
Building Name	
Frontage Length	
Other Dimensions	XIRRG
Land Use Participant	No

Assessment Information

Date	Fiscal Year	Land Value	Land Use Value	Improvement Value	Total Value
7/1/2020	2021	\$85,000		\$94,500	\$179,500
7/1/2019	2020	\$85,000		\$94,700	\$179,700
7/1/2018	2019	\$80,000		\$94,700	\$174,700
7/1/2017	2018	\$80,000		\$91,100	\$171,100
7/1/2016	2017	\$80,000		\$91,100	\$171,100
7/1/2015	2016	\$80,000		\$89,200	\$169,200
7/1/2014	2015	\$80,000		\$89,200	\$169,200
7/1/2013	2014	\$80,000		\$88,600	\$168,600
7/1/2012	2013	\$80,000		\$91,900	\$171,900
7/1/2011	2012	\$92,000		\$91,900	\$183,900
7/1/2010	2011	\$92,000		\$96,800	\$188,800
7/1/2009	2010	\$102,000		\$98,900	\$200,900
7/1/2008	2009	\$102,000		\$100,900	\$202,900
7/1/2007	2008	\$102,000		\$99,900	\$201,900
7/1/2006	2007	\$72,000		\$96,900	\$168,900
7/1/2005	2006	\$52,000		\$80,200	\$132,200

Ownership Information

Buyer Name	Seller Name	Sale Date	Sale Amount	Deed Book	Deed Page	Map Book/Page
MILES JOHN RYAN	SECRETARY HOUSING & URBAN DEVE F	12/13/2012	\$140,000	8911	655	00100065
SECRETARY HOUSING & URBAN DEVE F	HOGGE ROBERT D ET AL	8/20/2012	\$178,718	8790	190	00100065
HOGGE ROBERT D ET AL	HOGGE ROBERT D & CYNTHIA A	2/22/2011	\$	8341	116	00100065
HOGGE ROBERT D & CYNTHIA A	JONES TRACY C	7/6/2009	\$175,000	7864	138	00100065
JONES TRACY C	JONES TRACY S	3/25/2005	\$	5920	782	00100065
JONES TRACY S	OTT TONIA F	4/5/2002	\$103,500	4555	262	00100065

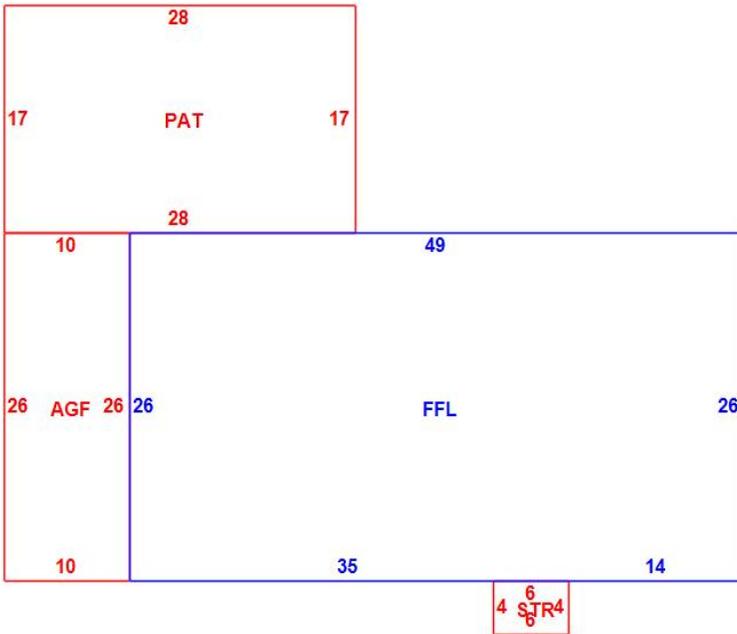
DISCLAIMER: This data is provided without warranty of any kind, either expressed or implied, including but not limited to, the implied warranties of merchantability and fitness for a particular purpose. Any person, firm or corporation which uses this map or any of the enclosed information assumes all 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.

OTT TONIA F	MYERS JEFFREY D & JASMINE E	5/13/1998	\$86,900	3669	4	00100065
MYERS JEFFREY D & JASMINE E	WIMMER LARRY E & NANCY L	11/29/1990	\$76,500	2620	274	00100065
WIMMER LARRY E & NANCY L	BEATON HOWARD H & MARY F	9/25/1985	\$47,500	2135	245	00000000
BEATON HOWARD H & MARY F	SEE DEED	7/21/1961	\$	1327	533	00100063
SEE DEED		1/1/1901	\$	1243	404	00100063

Residential Improvement

Year Built :	1956
Foundation :	Cinder Block
Square Feet :	1274
Exterior Wall :	Vinyl
Exterior Wall 2 :	
Roof Type :	Gable
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:	5
Number of Bedrooms:	3
Number of Full Bathrooms:	1
Number of Half Bathrooms:	1
Fire Place:	
Attic Stairs:	None



Segments Information

Building # 1

Segment Code	Segment Description	Square Feet
AGF	ATTACHED FINISHED GARAGE	260
FFL	FINISHED FIRST FLOOR	1,274
PAT	PATIO	476
STR	STOOP WITH IRON RAILING	24

Outbuilding Information

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Building Description	Year Built	Square Feet
STORAGE SHED (RES)	2019	160
CARPORT	2020	400

Real Estate Tax

Current Year	Bill Number	Year	Installment	Date Due	Tax Billed	Tax Paid	Balance Due
2020	51065	2020	INSTALLMENT #1	9/30/2019	\$471.71	-\$471.71	\$1,415.13
2020	51065	2020	INSTALLMENT #2	12/31/2019	\$471.71	-\$471.71	\$943.42
2020	51065	2020	INSTALLMENT #3	3/31/2020	\$471.71	-\$471.71	\$471.71
2020	51065	2020	INSTALLMENT #4	6/30/2020	\$471.71	-\$471.71	\$0.00

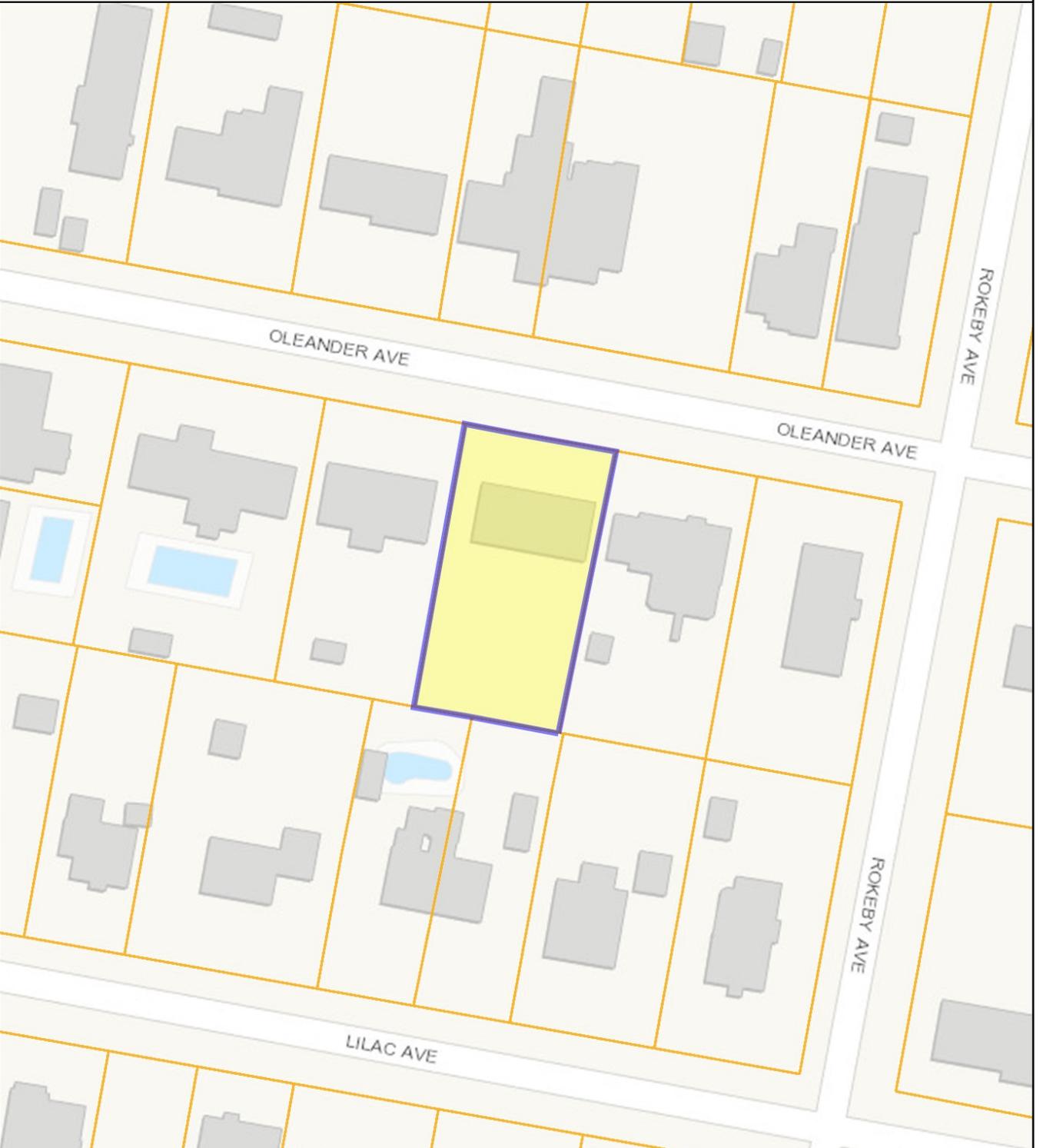
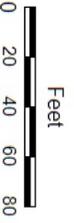
Please contact the Treasurer's Office at (757) 382-6281 if you have questions regarding Tax Paid or Balance Due. Storm Water Fees and prior balances do not show on this tab.

Real Estate Notes

Note
1-SEE DEED 000000 1243-404 00000000 00100063
2-DB5920 PG782 CORRECTION CORRECTING DB5524 PG80.DAJ
3-DB8341 PG116 NAME CHANGE ON CYNTHIA ANN HOGGE TO CYNTHIA ANN CULLEN. ET AL ISCYNTHIA ANN CULLEN.DAJ

City of Chesapeake, Virginia

- Legend**
- Parcels
 - City Boundary



Parcel Number: 0202001003520

Date: 9/15/2020

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-2020-00029
1608 Oleander Avenue

Hearing Date: October 22, 2020

Application # ZON-BZA-2020-00029

John Ryan Miles, property owner, 1608 Oleander Avenue, requesting a variance from Section 15-103.A.5.a of the Chesapeake Zoning Ordinance from the front yard setback of 20 feet to 8 feet for a carport addition constructed in the front yard of an existing dwelling without a building permit and from Section 6-1802.A.3.b.i of the Chesapeake Zoning Ordinance from the side yard setback of 5 feet to 2 feet for an existing 10' x 16' shed located in the back yard. The property is further identified as 4 & 1/2 5 BLK 29 N HGLDS SUB 1; Real Estate Parcel No. 0202001003520 - Zoning: R-6, residential.

Background Information:

The applicant installed a carport on the front of the dwelling and was issued a notice of violation for failure to obtain a building permit. Upon receiving an application for the building permit, zoning plan review of the aerial site plan submitted, failed to approve the carport location because the carport was located in the required front yard setback. The applicant then provided a physical survey and requested a variance to the front yard setback from 20 feet to 8 feet.

A building or structure that is conforming as to use, but is nonconforming as to its structural and site dimensions (e.g., floor area, lot, yard, parking, road frontage, loading spaces, etc.), may not be enlarged or structurally altered unless the enlargement or alteration itself meets all of the criteria listed in Section 15-103 of the Chesapeake Zoning Ordinance. Since the carport cannot maintain the required 20 feet to the front property line without variance, the applicant is requesting a variance to obtain a building permit to construct the addition.

During review of the physical survey for the front yard variance request, a 160 square foot shed (not visible in previous aerial surveys) and located in the rear yard did not comply

with the required 5-foot side yard requirement and was included as part of the variance request from 5 feet to 2 feet.

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 indicate an unusual situation based on the existing non-conformity, however, the request does not meet the criteria needed for the granting of a variance for the addition. The applicant also has not shown that the denial of the variance would effectively prohibit or otherwise unreasonably restrict the current use of the property. It appears that the applicant does not have a "hardship" as the applicant is currently using the property for a residence and has the ability to use the property. 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 could re-locate the carport and shed to rear yard locations and meet the required yard setbacks.

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

§ 6-1800. - R-6 and R-SFA residential districts.

§ 6-1802. - Development standards.

A. *General site standards.* Only single-family dwelling units are permitted. (The Chesapeake health department may require larger lots, widths and setbacks where deemed necessary for adequate sewage disposal.)

1. *Minimum lot size*, 6,000 square feet.
2. *Minimum lot width*, 65 feet.

Minimum lot frontage, 52 feet.

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

a. From *streets*. There shall be a minimum front yard that represents the average established front yard setback (building line) for the block in which the property is situated. The average established front yard setback shall be determined by the zoning administrator, using dwellings located on the same side of the street within two hundred fifty (250) linear feet of the subject property, as measured from each side lot line. Where the zoning administrator is unable to determine an average established front yard setback, the required front yard setback shall be a minimum of twenty (20) 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.)

b. From *lot lines*.

i. *Side yard*. Five feet or in accordance with landscape buffer requirements, whichever is greater; provided that at least six feet of separation is maintained between the proposed building and any principal building on an adjacent lot. In addition, no fence, wall, barricade or other structure may be erected between adjacent principal buildings. In all other cases 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 20 percent of the width of the lot. The minimum width of any such side yard shall not be less than six feet in width.

ii. *Rear yard*. Fifteen feet or 15 percent of the length of the lot, whichever is greater.

c. For purposes of measurement under this subsection, and notwithstanding anything to the contrary in this Code, roof overhangs, gutters, chimneys, awnings, canopies and uncovered terraces, decks, porches and patios shall be included in determining whether the expansion or alteration meets the minimum setback requirements set out above.

d. Lawfully *nonconforming lots*. For lawfully nonconforming lots as provided for in article 15, the following side yard setbacks shall apply:

- i. For lawfully nonconforming lots with a lot width between twenty-five (25) feet and forty (40) feet each side yard shall be three (3) feet.
- ii. For lawfully nonconforming lots with a lot width between forty-one (41) feet and fifty-nine (59) feet each side yard shall be four (4) feet.
- iii. For lawfully nonconforming lots with a lot width between sixty (60) feet and sixty-four (64) feet each side yard shall be five (5) feet.

4. *Maximum lot coverage of all buildings and roofed structures*, 35 percent. For lawfully nonconforming lots, as provided for in article 15 of this ordinance, with a lot width of forty (40) feet or less, the maximum lot coverage of all buildings and roofed structures shall be fifty (50) 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.) For lawfully nonconforming lots, as provided for in article 15 of this ordinance, with a lot width of thirty-seven (37) feet or less, the maximum building height for newly constructed dwellings shall be twenty-seven (27) feet, and no such dwelling shall exceed two (2) stories.
- B. *Off-street parking*. The minimum off-street parking requirements for each use in the R-6 and R-SFA districts 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.
- D. *Special site standards*. The following site standards shall strictly apply to the R-6 and R-SFA districts.
 1. No building or structure shall encroach into the visibility clearance areas required by section 19-204 of this Code or otherwise interfere with or impede traffic visibility, as determined by the department of public works.
 2. No building or structure shall encroach into any easement for public water, sewer or drainage unless written consent has been granted by the affected city department. (Ord. No. 96-O-072, 5-21-96; Ord. No. 96-O-176, 11-19-96; Ord. No. 03-O-074, 6-17-03; Ord. No. 05-O-015, 3-8-05; Ord. No. 06-O-023, 2-21-06; Ord. No. 17-O-081, 11-21-17)

§ 15-103. - Expansion and alteration of nonconforming buildings or structures.

- A. *Conditions for allowing expansion or alteration*. A building or structure that is conforming as to use, but is nonconforming as to its structural and site dimensions (e.g., floor area, lot, yard, parking, road frontage, loading spaces, etc.), may not be enlarged or structurally altered unless the enlargement or alteration itself meets all of the following criteria:
 1. The nonconforming building or structure is located on a lawful nonconforming lot shown on an approved subdivision plat that was recorded prior to the adoption of the 1993 zoning ordinance.
 2. The applicant provides a survey showing lot dimensions and the exact location of existing buildings and structures thereon, if requested by the zoning administrator to establish the extent of the nonconformity.
 3. The construction involved in the expansion or alteration does not extend beyond established nonconforming building lines of the original building or structure by further encroaching into setbacks.
 4. The construction does not otherwise increase the degree of nonconformity of the building or structure, as determined by the zoning administrator.
 5. The following setbacks are maintained without modification, reduction or variance:

- a. Front yard: Twenty (20) feet or the front building line of the principal building, whichever is greatest.
 - b. Side yards: Five (5) feet each or in accordance with landscape buffer requirements, whichever is greater. Dwellings in the R-6 and R-SFA zoning districts may be expanded to the side yard setbacks provided for in section 6-1802 of this ordinance.
 - c. Rear yard: A distance not less than fifteen (15) percent of the lot depth or fifteen (15) feet, whichever is greatest.
6. For purposes of measurement under this section, and notwithstanding anything to the contrary in this ordinance, roof overhangs, gutters, chimneys, awnings, canopies and uncovered terraces, decks, porches and patios shall be included in determining whether the expansion or alteration meets the minimum setback requirements set out in subsection 5.
 7. The lot coverage of all existing and proposed buildings and structures on the nonconforming lot does not exceed the maximum lot coverage established for the applicable zoning district.
 8. The expansion or alteration does not encroach into the visibility clearance areas required by section 19-204 of the ordinance, and the department of public works determines that the expansion will not otherwise interfere with or impede traffic visibility.
 9. The expansion or alteration does not encroach into any easement for public water, sewer or drainage unless written consent has been granted by the affected city department.
 10. For all applications to enlarge or alter a nonconforming building or structure located on a nonconforming lot in the R-6 or R-SFA Residential District, notice of the proposed enlargement or alteration shall be given to adjacent property owners and occupants in accordance with subsection 6-1803.A. of this ordinance.
 11. The applicant remits all building permit fees and otherwise complies with all applicable city ordinances.

In the event an application to enlarge or alter a nonconforming building or structure fails to meet one or more of the criteria set out above, or in the event the zoning administrator receives an objection from the owner or occupant of an adjacent property, the zoning administrator shall deny the requested building permit. The applicant may then request a variance to setbacks from the city board of zoning appeals in accordance with article 20 of this ordinance.

- B. *Expiration due to non-completion.* Notwithstanding anything to the contrary in this ordinance, any building permit issued under this section shall expire if the enlargement or alteration of the nonconforming building or structure is not completed within two years of the date the permit was issued.
- C. *Exception for indoor toilet facilities.* When a nonconforming building lacks indoor toilet facilities, alteration of the building for the construction of such facilities shall be permitted, regardless of whether such construction increases the degree of nonconformity or whether the criteria in this section are met.

D. *All other regulations apply.* Nothing in this section shall be construed as exempting or waiving any requirement of this ordinance or the city code not relating to the nonconformity of the building or structure being enlarged or altered. (Ord. No. 98-O-121, 8-25-98; Ord. No. 03-O-027, 3-18-03; Ord. No. 06-O-023, 2-21-06).

§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



01/29/2020
14:51



20-00018144
Working Without a Permit
(Zoning Enforcement
Shed,Fence)
Open - In Court
1608 OLEANDER AVE,
CHESAPEAKE, VA 23325

- Save
- New SR
- Cancel Changes
- Go Back
- Knowledge Base Items
- Copy SR
- Transfer/Change SR Type
- Summary Report

History

Service Request Participants (1) Attachments (2) Activities (9) Messages (0) Related SRs (0)

* SR Type Working Without a Permit (Zoning Enforc * Jurisdiction Chesapeake
Group: Code Compliance

* Status Open - In Court

* Priority Standard

* Method Received Phone

Created: [Jan 29, 2020 03:45:22 PM](#)

Updated: [Sep 04, 2020 11:54:57 AM](#)

Status Date: Sep 04, 2020 11:54:57 AM

Resolution Start Date: Jan 30, 2020 09:33:27 AM

Due Date: Apr 23, 2020 03:45:22 PM

* Location

[Retrieve From Map](#) [Search Common Locations](#)

1608 OLEANDER AVE [More Details](#)

CHESAPEAKE

VA

23325

CHESAPEAKE CITY

Details

[Validate \(Alt+K\)](#) [View on Map](#) [Show Geo Areas](#) [Clear \(Alt+X\)](#)

Comments

Certified Mail Receipt #7019228000063945145 HB 7-24-2020
metal carport



Flex Notes

- REQUIRED - for data collection purposes, please choose the appropriate category based on the inquiry or concern.
- Can this be seen from the street?
- If not able to see from the street, may we see this from your property?
- What is the nature of your concern?
- Has this service request been placed in urgent status priority?
- What type of structure/construction is without permit?
The City of Chesapeake's policy, subject to any limitations in the Virginia Freedom of Information Act, is to keep complainant information related to criminal investigations, zoning violations, building code enforcement, and fire code enforcement confidential. Please choose YES to confirm you would like your information to remain confidential or NO if you have no preference.
- An Inspector will visit the property within 3 business days.
- Real Estate Parcel number.
- Inspection Date
- Re-Inspection Date
- * Is this a commercial or residential use property?
- For City Manager use ONLY!! Is this a City Manager SR?
- For City Manager use ONLY!!!! Is this a City Council SR?

[Append Flex Notes to Comments](#)

[Append Flex Note Text-Answers to Comments](#)

Request for Service - SR Issued

wop

No

Addition to the house 

No

0202001003520

JAN 29, 2020 

FEB 09, 2020 

Residential Use