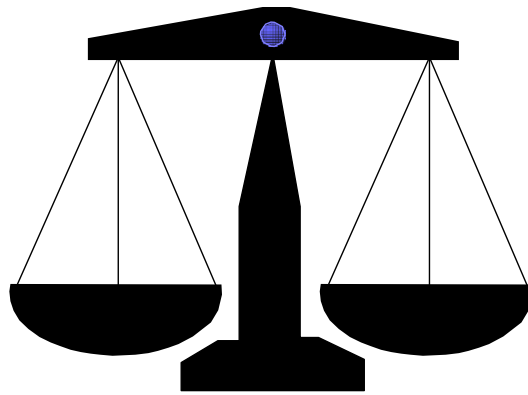




BOARD OF ZONING APPEALS



INFORMATION AND APPLICATION PACKAGE

GUIDELINES FOR A COMPLETE APPLICATION

(Incomplete applications will not be processed)

- Please read pages 3 – 12 carefully. It explains the Board of Zoning Appeals and their duties.
- Please clearly print the application (page 14) in full and have all parties interested sign the bottom (i.e., owner(s) and/or agent). Remember to submit the highlighted information on the application.
- Carefully read pages 15 and 16; the worksheet on page 17 helps you assess if you have a hardship. You must prove a hardship to get a variance.
- Page 17 is a Declaration page. Please read the first paragraph (highlighted) and answer with “yes” or “no”. Refer to the list of Board Members on page 13 to see if any of the Board Members associate with this statement. Check the box for the party responsible for advertising (highlighted). Remember to sign and fill in information on bottom of page.
- Page 18 is a Power of Attorney specific to the Board of Zoning Appeals only. If you are representing the property owners, please complete this form. The Power of Attorney is required for anyone who is not the legal owner of the property (i.e., tenant, family member, lawyer, contractor, etc.).

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 decide on variance applications and appeals to include: (1.) An appeal from any decision of the zoning administrator or from any order, requirement, decision, or determination made by any other administrative officer in the administration or enforcement of the zoning ordinance; (2.) Interpretation of the Official Zoning Map where there is any uncertainty as to the location of a district boundary; and (3.) A variance from a provision of the zoning ordinance.

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" as defined in § 15.2-2201 of the Code of Virginia shall mean a reasonable deviation from zoning ordinance requirements 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 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 property; and provided such variance is not contrary to the purpose of the zoning ordinance.

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?

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 or alleviate a hardship by permitting a reasonable modification be made to a property for the benefit of a person with a protected disability status.

WHERE DO I FILE MY BZA APPLICATION?

File your completed application with the BZA Secretary by noon on the filing deadline according to the BZA Public Hearing Schedule approved by the Board. The Board meets on the fourth Thursday of each month, except in November and December when the meetings are combined and scheduled for the second Thursday of December.

A schedule of meeting dates and application deadline dates for the year are approved at the October hearing and 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 **\$300.00 (effective July 1, 2022)** - 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, your application fee includes the cost for legal advertisements in 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 a majority of the 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 approval of a variance request are unique for each application; see the section that references "Standards for variances".

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 grant a variance 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 zoning ordinance or alleviate a hardship by permitting a reasonable modification be made to a property for the benefit of a person with a protected disability status.

Action and specific findings required; the BZA shall either: approve, deny, or approve with conditions the request for a variance. It shall not include a change in use, which change shall be accomplished by a rezoning or by a conditional zoning.

A "Variance" means, in the application of the zoning ordinance, a reasonable deviation from zoning ordinance requirements 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 property, and provided such variance is not contrary to the purpose of this 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 this 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 conditional use permit, rezoning, or amendment of this ordinance at the time of the filing of the variance application.

Any variance granted to provide a reasonable modification to a property or improvements thereon requested by, or on behalf of, a person with a protected disability status may expire when the person benefited by it is no longer in need of the modification to such property or improvements provided by the variance, subject to the provisions of state and federal fair housing laws or the Americans with Disabilities Act of 1990 (42 U.S.C. Section 12131 et seq., as amended), as applicable. If a request for a reasonable modification is made and is appropriate under the provisions of state and federal fair housing laws or the Americans with Disabilities Act of 1990, as applicable, such request shall be granted unless a variance from the board of zoning appeals is required in order for such request to be granted.

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.

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) is 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.

**CITY OF CHESAPEAKE
BOARD OF ZONING APPEALS
2021 – 2022 MEMBERSHIP ROSTER**

REGULAR MEMBERS

DEBOER, Stephen J. Esq - Chairman

Crowley Liberatore, P.C.
Towne Point Center, Suite 604
Norfolk, Virginia 23510
Term Expires: 01-31-2024
1st Appt'd February 1, 2018

SAMUEL, Robert L., Esq. Jr – Vice Chairman

1032 Shernado Ct.
Chesapeake, VA 23320
Term Expires: 06-30-2024
1st Appt'd April 12, 2019

RANDOLPH, Clifton

456 Blue Beech Way
Chesapeake, VA 23320
Term Expires: 12-31-2025
1st Appt'd September 2022

ZIEGENFUSS, Robert C.

308 Hickory Road E
Chesapeake, VA 23322
Term Expires: 02-29-2024
1st Appt'd March 1, 2018

ROWLAND, Bethany

1236 Edgewood Ave
Chesapeake, VA 23324
Term Expires: 01-07-2026
1st Appt'd June 2018

BILLET, Adam, Dr.

1227 Lake Point Drive
Chesapeake, VA 23320
Term Expires: 12-31-2024
1st Appt'd October 2019

JANKELL, Peter J.

1202 Woodstream Court
Chesapeake, VA 23322
Term Expires: 06-30-2024
1st Appt'd: July 1, 2021

ALTERNATE BOARD MEMBERS

MATTHEWS, Carl D.

1112 Virginia Avenue
Chesapeake, VA 23324
Term Expires: 10-30-2023
1st Appt'd Nov 2002

TAYLOR, Cynthia

2856 Meadowview Road
Chesapeake, Virginia 23321
Term Expires: 06-30-2024
1st Appt'd July 1, 2021

WOOTEN, Matthew C.

Plumlee, Wooten & Overton, PC
620 Cedar Road
Chesapeake, Virginia 23322
Term Expires: 08-31-2024
1st Appt'd Sep 1, 2021

BOARD OF ZONING APPEALS PETITION APPLICATION

OWNER INFORMATION

USE CURRENT CONTACT INFORMATION FOR ALL PROPERTY OWNERS.
(AN ADDITIONAL SHEET MAY BE ATTACHED FOR MULTIPLE OWNERS)

Name:		
Mailing address:		
City:	State:	ZIP Code:
Phone:	Email:	

AGENT INFORMATION (If applicant is not the owner)

Name:		
Corporation:		
Mailing address:		
City:	State:	ZIP Code:
Phone:	Email:	Fax:

APPLICATION DETAILS

Application For: Appeal of Zoning Decision / Notice of Violation: Variance:

Appeal Details: Date of Decision/Notice of Violation: _____	Regarding:
Variance Details: Section of Zoning Ordinance: _____ Basis for Request: <input type="checkbox"/> Unreasonable Restriction <input type="checkbox"/> Hardship Due to Physical Condition of the Property	To Allow:

PROPERTY INFORMATION

Address:		
Legal Description:		
Tax Map #:	Zoning District:	Present Use:

APPLICATION CHECKLIST

- | | |
|---|--|
| <input type="checkbox"/> Letter detailing justification for request | <input type="checkbox"/> A scale drawing of the property & proposed project, if applicable |
| <input type="checkbox"/> Copy of Decision Letter/Notice of Violation (Appeals Only) | <input type="checkbox"/> Application Fee |

SIGNATURES

I certify that the information supplied on this application and on the attachments provided (maps and other information) is accurate and true to the best of my knowledge. In addition, I hereby grant permission to the agents and employees of the City of Chesapeake to enter the above property for the purposes of processing and reviewing the above application. Also, the petitioner understands that a "Public Notice Sign" provided by the city must be retrieved from the city and required on any property which is involved with a variance and posted on the property 14 days prior to the public hearing.

Signature of Owner:	Date:
Signature of Owner:	Date:
Signature of Agent:	Date:

The Board of Zoning Appeals may only approve a variance when the following conditions exist, according to the Code of Virginia (1950, as amended) Section 15.2-2309:

1. That the subject property was acquired in good faith.
2. That the subject property has at least one of the following characteristics:
 - a. Exceptional narrowness at the time of the effective date of the Ordinance;
 - b. Exceptional shallowness at the time of the effective date of the Ordinance;
 - c. Exceptional size at the time of the effective date of the Ordinance;
 - d. Exceptional shape at the time of the effective date of the Ordinance;
 - e. Exceptional topographic conditions;
 - f. An extraordinary situation or condition of the subject property, or;
 - g. An extraordinary situation or condition or development of property immediately adjacent to the subject property that the strict application of the terms of the ordinance would effectively prohibit or unreasonably restrict the utilization of the property.
3. That the strict application of the Ordinance would produce undue hardship.
4. That such hardship is not shared generally by other properties in the same zoning district and the same vicinity.
5. That authorization of such variance will not be of substantial detriment to adjacent property.
6. That the character of the district will not be changed by the granting of the variance.
7. That the condition or situation of the subject 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.
8. That the variance is not of such a scope as to amount to a rezoning of the property.
9. That the variance will be in harmony with the intended spirit and purpose of this Ordinance and will not be contrary to the public interest.

The Board of Zoning Appeals can grant a variance only if certain legal requirements have been met. The following questions are intended to help the applicant show that a variance is appropriate.

Please answer all questions as completely as possible. Attach additional pages if necessary.

1. Does the zoning ordinance unreasonably restrict the use of the property? If so, how is the zoning ordinance unreasonable?

2. Is there a **hardship** related to the physical conditions of the property? If so, what physical conditions make the variance necessary? Were those physical conditions present when the ordinance was adopted?

3. Is a variance necessary to make a reasonable modification to the property or improvements requested by, or on behalf of, a *person with a disability*? If so, describe what modification is needed and why.

4. If there is a hardship, was it created by the applicant? If so, explain how the hardship was created.

5. Is the condition or situation unique to this property, or is it common among other properties in the area?

6. Would the variance have a negative effect on other property in the area?

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.

YES 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: _____
Owner/Applicant Signature: _____
Owner/Applicant Printed Name(s): _____
Owner/Applicant Address: _____
Phone Number: _____ 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: _____