ZONING APPEAL STAFF REPORT
BZA# VAR16-028

APPLICANT: CROSSROADS FARM LLC
ADDRESS: PO BOX 218
PENN LAIRD, VA 22846

AMOUNT OF LAND: 70+/- IN UNDEVELOPED PORTION ZONING: R-5
TAX MAP NO.: 126-(A)- L24
DESCRIPTION: (existing use of property) according to tax records:
Planned neighborhood subdivision

HISTORY: The subject property was rezoned to R-5 in 1999 with further master changes made following that. At the time of the rezoning the 10% grade was not a factor. However, over the years, Codes have changed, and the applicants, who are not the original owners, are attempting to finish up the subdivision. However, under current Codes, no road shall have more than a 10% grade.

REQUEST: Applicant requests a variance to Section 17-701.03(b) to increase the road grade from 10% to 16% which would have been permitted under the Code when the development was begun.

FACTORS:

1. The development was started under a Code that did not require the maximum 10% grade.
2. Applicants were not the original developers so they have purchased a parcel of land that had this problem.
3. The variance, if approved, provides additional ingress/egress for Emergency Services.
4. Emergency Services has expressed they have no problem with this request.

THINGS TO CONSIDER:

1. Is there a topographical hardship?
2. Is this request a necessity or is it a convenience to the applicant?
3. Is this a self-imposed hardship brought about by the applicant?
4. Does the applicant have an alternative that could be used which would bring the property into compliance with the law?

POINTS TO REMEMBER:

1. **THE BURDEN OF THE PROOF IS ON THE APPLICANT. IT IS NOT UP TO THE BOARD TO FIND A WAY TO GRANT THE VARIANCE. IT IS UP TO THE APPLICANT TO PROVE TO THE BOARD WHY THE VARIANCE SHOULD BE GRANTED.**
2. **THE BOARD SHOULD BASE ITS DECISION ON THE EVIDENCE PRESENTED TO IT.**
3. **FINANCIAL HARDSHIP CANNOT BE THE SOLE REASON USED FOR GRANTING A VARIANCE.**
4. **THE CRITERIA SET ASIDE BY THE STATE OF VIRGINIA FOR GRANTING A VARIANCE MUST BE MET. IF THAT CRITERIA CANNOT BE MET, THE VARIANCE SHOULD NOT BE GRANTED.**