ZONING APPEAL STAFF REPORT
BZA# VAR18-363

APPLICANT: HARRY E. GIBB, JR.
ADDRESS: PO BOX 23
PORT REPUBLIC, VA 24471

AMOUNT OF LAND: .57 ACRE ZONING: A-2
TAX MAP NO.:
DESCRIPTION: (existing use of property) according to tax records:
Single-family dwelling (to be demolished and removed as determined unsafe)
Shed

HISTORY: Applicant obtained the property in 1989. He recently had Danny Rohrer of Sustainable Solutions look at the old house on the property to determine its conditions. According to the request, the residence is substandard; and Mr. Rohrer told me that it really needs to be demolished. However, this is a very narrow lot; and a house cannot be fit on the lot and meet all setbacks under the current Code.

REQUEST: Applicant is requesting a setback reduction from 60' to 50' (10' reduction) from the center of Water Street. No matter which way he faces the home, he needs to be 60' from center of street.

THINGS TO CONSIDER:

1. Is there a topographical hardship?
2. If there is not a topographical hardship, is there a hardship approaching confiscation?
3. Is this request a necessity or is it a convenience to the applicant?
4. Is this a self-imposed hardship brought about by the applicant?
5. 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.**