

STATEMENT OF PRACTICAL DIFFICULTY

To obtain a variance, an applicant must show by a preponderance of the evidence, to the satisfaction of the Board of Zoning Appeals (BZA), that strictly adhering to the Zoning Code's standards would result in a "practical difficulty" for the applicant. To this end, a written statement of practical difficulty must accompany an application for a standard variance. Please complete this Statement of Practical Difficulty, **by addressing all of the factors listed below that are relevant to your situation.** Additional documents may be submitted as further proof.

In deciding whether to grant a variance, BZA will consider the following factors in determining whether a practical difficulty exists:

A. Explain special conditions or circumstances that exist which are peculiar to the land or structure involved and which are not applicable generally to other lands or structures in the same Zoning District. (examples of this are: exceptional irregularity, narrowness, shallowness or steepness of the lot, or adjacency to nonconforming and inharmonious uses, structures or conditions):

Existing detached garage location, size, and topography of the lot. South property line tapers northward as you head west to the homeowners backyard. Existing Terraces and landscaping would be further impacted without the variance.

B. Explain how the property in question would not yield a reasonable return or there could not be any beneficial use of the property without the variance.

Current detached garage is too small and hazardous winter conditions exist from the detached garage to the home.

C. Explain whether the variance is insubstantial:

The variance is not substantial, the requested variance is 7.75 feet but the existing detached garage will be removed and all north sideyard structures will be pushed back an additional 14.42 feet back from the right of way with this project.

Explain whether the variance is the minimum necessary to make possible the reasonable use of the land:

It is minimum in relation to the topography of the parcel and location of the project.

D. Explain whether the essential character of the neighborhood would be substantially altered or adjoining properties would suffer a substantial detriment as a result of the variance.

No, the essential character of the neighborhood would not be substantially altered. This neighborhood has similar examples of attached garages. Adjoining properties would improve as the existing garage structure will be taken down and more landscaping will be provided closer to the right of way instead of a structure.

E. Explain whether the variance would adversely affect the delivery of governmental service (e.g., water, sewer, garbage).

No this variance would not adversely affect the delivery of governmental services.

F. Did the applicant purchase the property without knowledge of the zoning restriction?

Unknown

G. Explain whether the special conditions or circumstances (listed in response to question A above) were a result of actions of the owner.

No the special conditions/circumstances were not a result of actions of the owner.

H. Demonstrate whether the applicant's predicament feasibly can be resolved through a method other than a variance (e.g., a zone-conforming but unworkable example).

No, due to the current topography and landscaping other methods would more substantially impact the property and character of the neighborhood.

I. Explain whether the spirit and intent behind the zoning requirement would be observed and/or substantial justice done by granting the variance.

The spirit and intent behind the zoning requirement would be observed because the existing detached garage is 14+ feet closer to the right of way than this project and this structure will be removed.

J. Explain whether the granting of the variance requested will or will not confer on the applicant any special privilege that is denied by this regulation to other lands, structures, or buildings in the same district.

This variance request will not confer on the applicant any special privilege. The variance request that is being sought is minimal and in spirit of the neighborhood as other homes have similar styled projects.

If you have questions, please contact the Planning Department at 216-291-4878 or planning@clvhts.com.

The factors listed above can be found in Subsection 1115.07(e)(1) of the Cleveland Heights Zoning Code.