

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):

The yard is extremely wet and muddy even with better grading.

- 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.

Back yard is not conducive to set up furniture or entertain as it is always muddy.

- C. Explain whether the variance is insubstantial:

It is only 620 less green space

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

With this variance the home owner will have a functional backyard space.

- 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.

This variance would not affect any of the surrounding properties

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

It would not have any affect on any necessary government services at all.

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

They had no idea about restrictions for maximum green coverage (most people would not think any of this makes a bit of difference as long as the yard is attractive, well maintained & addresses the homeowners needs without interfering with neighboring properties)

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

The yard has been this way since they have owned the house.

- 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).

We considered alternative aspects of design such as alternative grass mixtures, ground cover, drains & re-grading. Lawns will not hold up to unavoidable dog & foot traffic, pet urine, & standing water and therefore not provide adequate coverage of soil.

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

The proposed garden plan increased the number and diversity of native pollinator plants & provides additional areas for cultivation of vegetables therefore honoring the intent of the zoning requirement to encourage & allow natural percolation of rainwater-based on standards recommended by NORS D

- 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.

It would not confer special privilege. The need exists due to the convergence of the conditions making the yard more difficult to maintain as a useful space. In 38 years of designing gardens (say) in Cleveland Heights, we have never requested a zoning variance

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.

STANDARD VARIANCE APPLICATION

2584 SHAKER ROAD

Statement of practical difficulty:

The challenges of the current yard layout are a pre-existing garage and large driveway apron which would be difficult to alter, poor site drainage, and difficulty maintaining a lawn due to water retention, foot and dog traffic and dog urine.

We were asked to design an easy-maintenance yard with tidy beds for perennials and vegetables, a slightly larger patio, a dedicated dog area, and a back yard free of water and mud for placement of existing lawn furniture.

After observing the water retention for a season and even with better site grading, mud is going to be an ongoing issue for maintaining a lawn along the back property line. Permeable gravel appears to be the best option, but reduces the green coverage to 34 percent. The proposed gravel areas are designed in accordance with NORSD recommendations for permeable compliance omitting the top paver layer and using only washed #57 open graded river stone.

