

## 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 existing home is located on a 'pie shaped' corner lot which hasn't any clear setback requirements as a non-conforming lot.

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.

The enhancements to the home would provide a more aesthetically pleasing appearance to be more inline with the adjacent neighboring homes.

C. Explain whether the variance is insubstantial:

The requested variances are minor in nature. They provide better use of the property that doesn't have a 'rear yard'

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

To accomplish a better front entrance that is in scale with the existing home and providing a roof covering at the entrance door, this requested variance would be a minimum setback needed. To make the proposed deck functional, this requested variance would be a minimum setback needed.

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.

The variances would not substantially alter the neighborhood or be any detriment to the adjoining properties. It would be the contrary as an improvement to the neighborhood and not impact the adjoining properties.

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

N/A

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

No.

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

No.

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).

This lot is a non-conforming lot which is why variances are needed.

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

With two front yards and the location of the existing home on the lot, the intent of the Zoning requirement would be observed with the variances granted.

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.

Being that this is an unusual lot, we don't see the variances providing special privilege to the Owner.

If you have questions, please contact the Planning Department at 216-291-4878 or [planning@clvhts.com](mailto:planning@clvhts.com).

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

# McSteen

LAND SURVEYORS

## LAND SURVEYORS

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**PREPARED FOR:** ERIE TITLE AGENCY INC.  
GUILD MORTGAGE CO.

**PRESENT OWNER:** BIG 3 CAPITAL LLC

**NEW OWNER:** LESLIE H. MENSTELL AND TERRANCE A. MENSTELL

**OCCUPIED BY:** No Answer

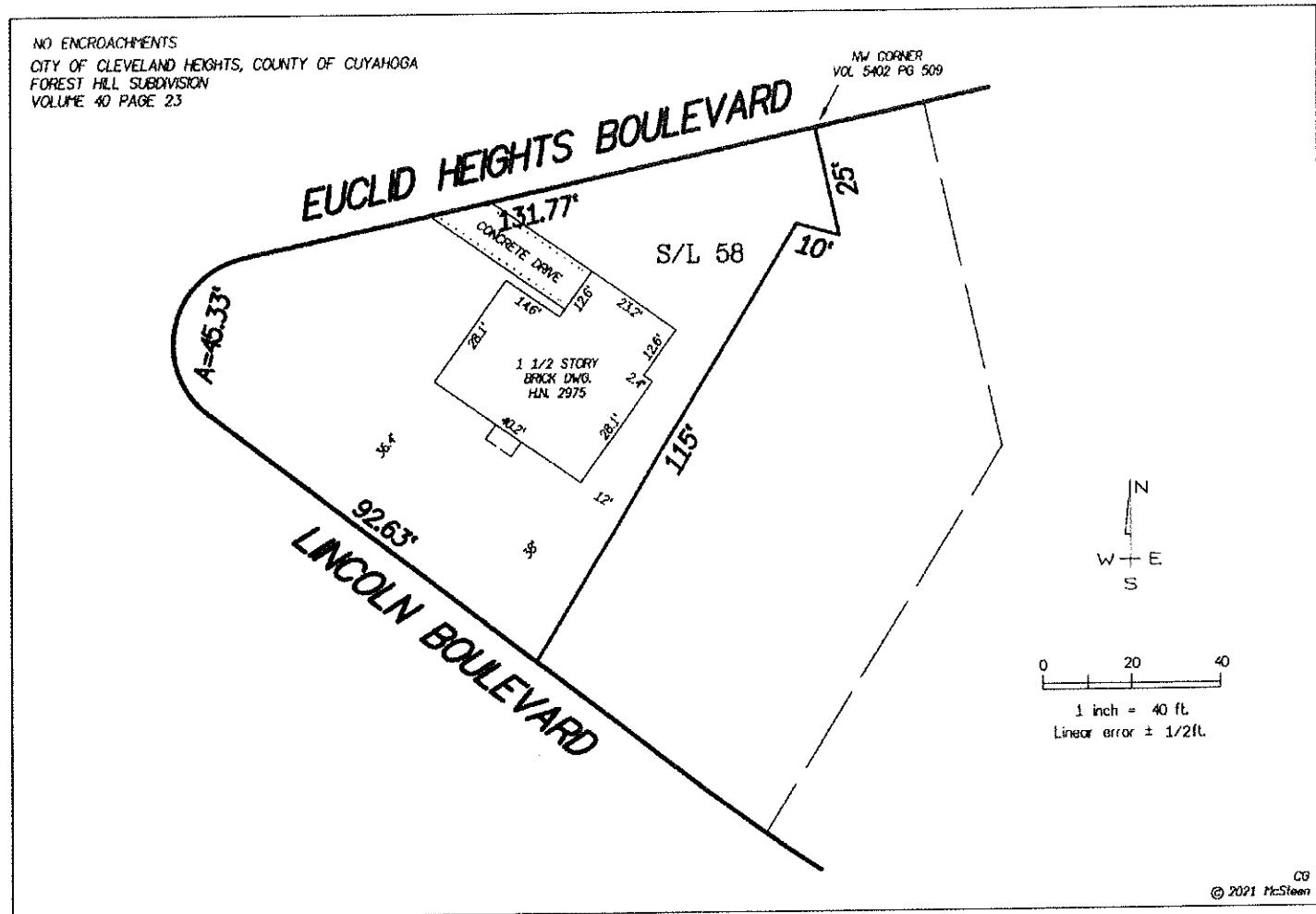
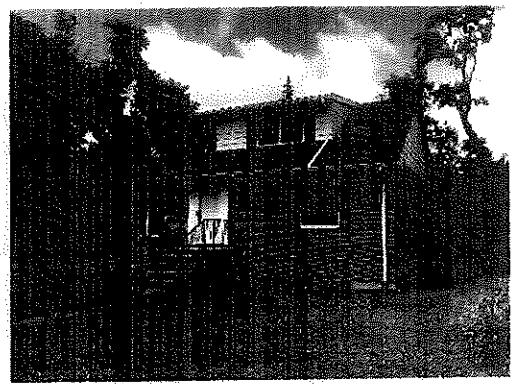
**WORK:** None Observed

**STREET IMPROVEMENTS:** None Apparent

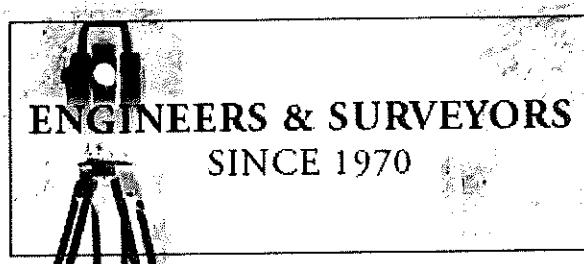
**TITLE CO. FILE #:** 202106041

**PROPERTY ADDRESS:** 2975 LINCOLN, CLEVELAND  
HEIGHTS, OH 44118

DATE: 07/02/21 TIME: 3:46 PM FILE #: 588265



*McSteen*  
Proudly Surveying all 88 Ohio  
Counties



William H. Loetz



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