

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 west side of house is where the flower bed and garden are located. At least 5 established perennials.

- 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 placement of the AC unit is aesthetic issue not as dramatic as "beneficial use of property".
It simply looks better on east side and is inobtrusive there.

- C. Explain whether the variance is insubstantial:

~~The~~ Instead of 5 ft from property line it's 2' 2" from property line. So 2' 10" feels insubstantial to me.

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

It is minimum necessary. It's as far away from neighbor's property line as it can be. And still be effective.

- 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 essential character would be improved if the variance is granted as the ugly unit is off to the side hidden by bushes and not glaringly obvious to all who pass by.

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

It is away from all utilities it kept on east side. It is closer to sewer lines on west side

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

I did not.

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

Yes. we added AC and put the unit in the least visible and ugly place and then found out about the 5 ft rule...

- 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 can move it to the west side and reduce the charm and curb appeal of our lovely home. And ruin the established plantings that exist. But it would be tragic.

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

Substantial justice to the existing perennial bed. Spirit and intent would be observed because I spoke w/ my neighbor and did due diligence around the issue of the AC unit being a burden to my neighbor

- 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.

NO special privilege at all!! Especially as it appears many of my neighbors seem to have gotten their variance for the same issue.

If you have questions regarding the BZA or this application, please contact Planning & Development staff at 216.291.4878 or via email at bza@clevelandheights.gov.

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