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):

> This property has a unique L-shape with frontage and on two different streets (Fairmount and Guilford) and is not a corner lot. The existing house has been placed on the National Register of Historic Places, and the existing garage crosses over the inferred lot line where L-shaped lot would logically be split. Removal of the garage would change the character of the historic house.

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 property would have limited use without the ability to develop the site, and a new residence would be positive.

C. Explain whether the variance is insubstantial:

> While the variance may be a little unusual, the results of providing a second principal residence on the site will be in keeping with the neighborhood.

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

> Without the ability to split the parcel due to the existing garage placement, the variance would be required to develop the site.

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.

> We feel that with keeping the wooded front yard the neighborhood impact will be minimal.

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

A second address on Guilford would be desireable. This has occured in other locations in Cleveland Heights.

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

The applicant purchased the property understanding the parcel was zoned residential, but not all of the particularities.

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

N/A

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).

The issue of not being able to split the lot into two parcels requires a variance for two principal residences.

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

We can meet the requirements for zoning for the lot as if it was split.

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 is a very unique lot.

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.