

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 house is twice the size as the neighboring house so the unit will not be next to the 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.

Since the ABR already approved the deck and its size, we have no other place to locate the AC unit

C. Explain whether the variance is insubstantial:

The variance was designed to keep the AC UNIT away from the neighboring house, our placement accomplishes that.

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

Yes this is the best placement of the AC UNIT

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 nor the adjoining properties would suffer any detriment as a result of the approval of this request

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

No this request would not affect any governmental service

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

No, However we are aware of AC UNITS on the side of homes in Cleveland Heights. Mine at 3315 Mayfield is on the side of the house

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

No from the begining we were assuming that we could put the unit on the side

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 looked at the other side of the house and the back and determined that this is the best option

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

Yes, the spirit of the zoning requirement is to protect the neighbors. We have a placement 30ft away from the back of the 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.

Granting this will not confer any special privilege that has not already been used in the city

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.