

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):

Along a busy road and delivery and service vehicles are not able to back out into speeding traffic. The vehicles attempt to use front driveway, but are constantly driving off the hard surface and into lawn. The property also shares the driveway with the property to the southeast. We try to maintain our separate spaces but inevitably there are crossovers that lead to conflict

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.

B. The existing driveway is neither functional or attractive. It is not large enough for large vehicles, trucks, service vehicles, and vehicles with trailers. The existing stamped concrete driveway is cheap looking, and a maintenance headache requiring constant sealing. Furthermore, it is dangerously slippery when wet.

C. Explain whether the variance is insubstantial:

C. We believe the variance is insubstantial because it will have no impact on the neighboring properties or community. In relation to the scale of the house and property, the proposed turnaround driveway is adequate and appropriate from a design standpoint.

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

The variance is the minimum necessary to achieve a proper turning radius with trucks and trailers.

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.

D. The essential characteristics of neighborhood would not be affected. In fact, the proposed design has been specifically designed to match the character and architectural integrity of tudor-style home. The proposed design will add aesthetic value and architectural integrity to the property.

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

E. This design would not affect any governmental service(water, sewer, garbage etc.)

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

F. We purchased this home with the hope to renovate the whole front entrance and enhance the curb appeal of the property. We were not aware of the zoning variances when we purchased the home.

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

G. We assumed since an existing turn around driveway was permitted, that a more functional and attractive driveway would also be permitted.

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).

H. A reduction in square footage would make the driveway less functional. The primary reason for our request is to maximize the function of the driveway.

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

I. Yes the spirit of the zoning requirement is to protect the ratio of built space to natural space. The intentional and architecturally appropriate design of the proposed driveway is not a brazen disregard of the requirement. In fact, it tastefully balances the functional requirements for today's larger vehicles and the timeless character of Cleveland Heights.

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.

J. The variance is a clear correction of the flawed existing driveway. The challenging factors of busy traffic along N. Park and the shared driveway equate to a difficult living situation. We seek to add value to our home and community by creating an attractive and functional driveway.

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.