

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 land which we purchased at 3360 Berkeley is a non conforming lot which is 6250 feet in total while a standard lot would be minimum 7500 feet. We purchased the lot at this location because as religious Jews it is crucial that we be within walking distance of our synagogues and close to the community and there are not many vacant parcels around the area. Our goal is to build from

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.

Without the variance, we would be unable to make the pool and pool room as we would like and therefore it would negate the purposes of the whole building project.

C. Explain whether the variance is insubstantial:

We are not asking for a substantial difference. We are asking to make the house very similar in size to many houses in Cleveland Heights which includes 3 bedrooms and 2.5 bathrooms which is more than enough for a standard family and would look very similar to other houses on the block. We would like to request to have the living space be 1250 feet instead of 1500 and to request the backyard setback be 27 feet instead of 30 feet.

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

Yes, the variance would be the minimum necessary to have reasonable use of the land.

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.

As explained previously, the house will be very similar in style to other houses in the neighborhood (with the exception of the house being built from storage containers, something which is both sustainable, good for the environment, and more affordable). The pool will significantly improve the value of the house and improve the essential character of the neighborhood. The adjoining properties would greatly benefit in value from having a new house and pool next door instead of a

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

The variance should not in any way affect the delivery of governmental services.

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

I assumed that these would be minor inconsequential issues that the city would be happy to work with us to increase available housing in the area instead of a vacant uncared for lot.

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

No. This lot was a non conforming lot when we purchased it. We assumed that since there was previously a house at this location it would be doable to make a new house with allowed accessories.

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).

In theory, we could make the house bigger and the pool smaller but then it would not meet our needs. The variance would allow us to have adequate space both for the house and the pool. The pool will significantly increase the value of the home and nearby properties and be something which many people can benefit from.

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 and intent of the variance seems to be to have a minimum amount of living space to be adequate for a family. Due to the house having all the standard features, and the pool although it doesn't count as living space, will definitely be an area that any family living there would significantly, if more than meets the spirit and intent of the zoning requirement in my opinion.

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.

I do not believe that the granting of the variance would give us any special privilege.

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.