



BZA Summary Document

Printed Date: December 23, 2024

Permit Number:	SV24-000023	Permit Type:	Board of Zoning Appeals Standard Variance
Property Address:	3543 SHANNON RD CLEVELAND HEIGHTS, OH 44118		
Application Date:	12/19/2024		
Applicant Name	Jacob Berger	Applicant Email	
Applicant Address	3543 Shannon Road Cleveland Heights OH 44118	Applicant Company Name	
Applicant Company Address	Applicant Home Phone		
Applicant Cell Phone	Applicant Work Phone		
Applicant Relationship to Property	Owner		
Name	Jacob Berger		
Home Address	3543 Shannon Road		
Home Address City/State/Zip	Cleveland Heights, Ohio 44118		
Phone Number			
Email Address			
Property Type	Two-Family Residential		
Brief Summary of Variance Request	Addition to the home includes removing a deteriorating garage and attaching it to the house, allowing increased greenspace.		
Number of Variances Requested	4		

STATEMENT OF PRACTICAL DIFFICULTY

Brief Summary of Variance Request:

- A. to Code Section 1121.08 to permit an addition to be less than 30 feet from the rear property line;
- B. to Code Section 1121.12(a)(8) to permit a sidewalk to be less than 3 feet from the rear property line;
- C. to Code Section 1121.12(b): to permit a porch to extend more than 6 feet into the required corner side yard; and
- D. to Code Section 1121.12(c)(3): to permit the maximum coverage of the corner side yard to be greater than 30 percent.

Number of Variances Requested: 4

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 current configuration of the lot includes a detached garage and minimal grassy area, limiting functional yard space. The proposed addition would attach the garage to the house, significantly increasing green space. This condition is peculiar because the detached garage placement and small grass patch are uncommon in this Zoning District. The placement and shape of the house on this corner lot necessitated the proposed plan which is utilizing existing concrete area for the proposed driveway and walkway.

The bay window extends into the proposed porch area, restricting its use. Therefore, we are requesting a 2-foot variance to accommodate the porch.

- 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's usability is limited without the variance due to the detached garage and small grass area. The current layout restricts outdoor space for recreation, landscaping, and general enjoyment, reducing the property's functional and aesthetic value. Granting the variance would allow a more efficient design, increasing the yard size and enhancing overall livability, which is essential for maintaining reasonable property value and use. The bay window extends into the proposed porch area, restricting its use. Therefore, we are

requesting a 2-foot variance to accommodate the porch.

C. Explain whether the variance is insubstantial:

The variance is insubstantial as currently, there is an existing garage and concrete driveway covering a substantial area of the property. The change does not negatively impact neighboring properties, maintain aesthetics, and enhances functionality, making the variance minimal in scope.

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

These variances will enable the reasonable use of the land, both by expanding the living space and allowing yard space while improving the aesthetics of the property.

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 proposed changes will not alter the essential character of the neighborhood, nor will they negatively impact any adjacent properties. In fact, granting these variances will benefit the neighboring property by relocating the garage farther from their property line.

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

There would be no adverse effect on the delivery of any government services.

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

Yes.

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

The special circumstances were not a result of the actions of the owner.

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).

There is no feasible way this can be resolved without a variance.

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

Granting these variances will uphold the spirit and intent of the zoning requirement.

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.

The granting of the variance will not confer any special privilege, as it is consistent with the needs of the property and does not provide advantages not available to other properties in the same district.

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.