



BZA Summary Document

Printed Date: March 06, 2025

Permit Number:	SV25-000004	Permit Type:	Board of Zoning Appeals Standard Variance
Property Address:	3811 BENDEMEER RD CLEVELAND HEIGHTS, OH 44118		
Application Date:	02/17/2025		
Applicant Name	Rebecca Fertel	Applicant Email	
Applicant Address		Applicant Company Name	Rebecca fertel, architect
Applicant Company Address		Applicant Home Phone	
Applicant Cell Phone		Applicant Work Phone	
Applicant Relationship to Property	Representative		
Property Owner Name	Sheldon and Mindy Tolchinsky		
Property Owner Address			
Property Owner City/State/Zip			
Property Owner Phone			
Property Owner Email			
Property Type	Single Family Residential		
Brief Summary of Variance Request	side yard variance of 2'		
Number of Variances Requested	1		
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	The subject property has a 49' lot width which is less than prescribed 50 foot minimum lot width per the table in 1121.06 of the zoning ordinances.		

STATEMENT OF PRACTICAL DIFFICULTY

Brief Summary of Variance Request:

- A. to Code Section 1103.03(b)(85) to permit two (2) tandem parking spaces;
- B. to Code Section 1121.08(c) to permit the rear yard to be less than 30 feet;
- C. to Code Section 1121.12(a)(4) to permit a carport to be less than 5 feet from the side lot line;
- D. to Code Section 1121.12(c)(1) to permit the front yard coverage to be greater than 30 percent; and
- E. to Code Section 1121.12(i)(2) to permit a fence parallel to the carport to be taller than the distance to the carport.

Number of Variances Requested: 5

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 existing lot does not meet the minimum area and width prescribed in 1121.06 of the zoning ordinances.

- 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.

A typical code compliant lot would be able to accommodate a front porch and driveway, but due to the lot area, the porch would need to be reduced in depth

- C. Explain whether the variance is insubstantial:

The variance requested is a very small area of 35 square feet or 2 percent of additional coverage.

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

The requested variance enables the owners to have a gracious outdoor seating area while also providing screening for storage of city trash cans.

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.

Because the variance is very small, no detriment would be anticipated to the adjacent properties, and even though there are additions planned, overall we are reducing the coverage on the site by removing the rear detached garage and a portion of the driveway so that there is a gain of approximately 300 s.f. of pervious area.

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

The variance would not affect any governmental services

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

N/A

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 owners could choose to have a shallower porch, but the extra depth enables them to also have a discreet area for trash storage.

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

The variance allows the owners to solve a number of design challenges that would not otherwise be doable on their lot, with an overall net increase in site permeability.

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.

There are no special privileges conferred by this variance, the project still complies with the spirit of the regulations overall

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.