



## **BZA Summary Document**

Printed Date: August 29, 2025

<b>Permit Number:</b>	SV25-000024	<b>Permit Type:</b>	Board of Zoning Appeals Standard Variance
<b>Property Address:</b>	1933 LEE RD CLEVELAND HEIGHTS, OH 44118		
<b>Application Date:</b>	07/28/2025		
<b>Applicant Name</b>	GEORGE HAYEK	<b>Applicant Email</b>	
<b>Applicant Address</b>		<b>Applicant Company Name</b>	CLEVELAND HEIGHTS NOBLE LLC
<b>Applicant Company Address</b>		<b>Applicant Home Phone</b>	
<b>Applicant Cell Phone</b>		<b>Applicant Work Phone</b>	
<b>Applicant Relationship to Property</b>	Owner		
<b>Name</b>	George Hayek (Trainoo LLC)		
<b>Home Address</b>			
<b>Home Address City/State/Zip</b>			
<b>Phone Number</b>			
<b>Email Address</b>			
<b>Property Type</b>	Multi-Family Residential, Commercial, etc.		
<b>Brief Summary of Variance Request</b>			

Number of Variances

# STATEMENT OF PRACTICAL DIFFICULTY

Brief Summary of Variance Request:

- A. to Code Section 1123.06:
  - 1. to permit the land area per dwelling unit to be 900 square feet when the minimum is 1,750 square feet; and
  - 2. to permit a density of 48.4 units per acre when the maximum is 25 units per acre;
- B. to Code Section 1123.10 to permit 1 dwelling unit to be 438 square feet when the minimum is 500 square feet; and
- C. to Code 1161.03(4) to permit 13 off-street parking spaces when 14 are required.

Number of Variances Requested: 3

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):

With enough space in the basement for an additional unit we are requesting a density variance that would allow the addition of one more unit to the building. The Building's parking lot is large enough and many tenants do not have cars or commute via public transportation, so we are requesting a variance to have an extra unit without a dedicated parking spot.

- 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 requested variances—the project would yield too few units to cover construction and building maintenance and utility costs, undermining a reasonable return and leaving the site underutilized.

- C. Explain whether the variance is insubstantial:

The parking variance and the density variance are insubstantial as they would not impact the safety or current functionality of the property.

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

Yes. The variance would allow for addition of a new unit with another variance for the parking spot for that additional unit. The variances would not affect the functionality or safety of the building.

- 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.

Neighborhood character will not be altered. The use and scale are consistent with the mixed-use/multifamily context on Lee Rd. The additional space is internal to the site and will not create noise, glare, or traffic beyond typical residential levels. Nearby properties will not experience detriment.

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

Governmental services will not be adversely affected. Utilities are unchanged, refuse collection remains standard, and no special infrastructure is required for the variances.

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

The applicant purchased the property without knowledge of the zoning restriction. The variances requested are of a minor nature and will not impact property's functionality or character.

- 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 site conditions are not the result of the owner's actions; they stem from the lot's historic configuration, corner location, and surrounding built context.

- 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).

No feasible conforming alternative exists. Without an additional unit, income will be hampered and keeping up with maintenance and building expenses becomes very challenging.

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

The spirit and intent of the zoning requirements are observed. The code aims to ensure adequate, orderly, and safe parking. By adding these variances, the project fulfills that intent while advancing City goals for housing, reinvestment, and walkability along Lee Rd.

- 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 the variance will not confer on the applicant any special privilege that is denied to other lands or structures.

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](mailto:bza@clevelandheights.gov).

The factors listed above can be found in Subsection 1115.07(e)(1) of the Cleveland Heights Zoning Code.