

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 Building is in mixed use zone so the parking spaces in the alley can be use for the store in day time and for the Apartment tents at night.

- 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 Best use of the second floor is Apartment.

- C. Explain whether the variance is insubstantial:

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

As it is now the second floor office is 1572 sq.ft By code use 6 parking. By converting to Apartment it will need only 2 parking. This way will be more parking available for the store.

- 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 adjoining properties have Apartment on the second floor and do not have Garage so by giving me the variance it will be just like other similar buildings.

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

NO EFFECT ON SERVICES

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

YES I PURCHASE THE PROPERTY NEXT TO THIS BUILDING (2560 NOBLE) AND THE SECOND FLOOR HAS EXISTING 2 UNIT APARTMENT. THEREFOR I WAS TOLD THE ZONING IS THE SAME AND I COULD HAVE 2 UNIT ON THE SECOND FLOOR.

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

I PURCHASE THE PROPERTY WITH THE HOPE TO MAKE IT THE SAME AS MY OTHER BUILDING.

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 OTHER THAN A VARIANCE WILL RESOLVE THE PROBLEM BECAUSE IT IS IMPOSSIBLE TO BUILD A GARAGE IN THE ALLEY.

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

BY GRANTING THE VARIANCE IT WILL BENEFIT THE STORES OWNER AND THEIR CUSTOMERS SINCE THEY WILL HAVE MORE PARKING. (EXISTING USE 6 APARTMENT USE 2)

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.

ALL OTHER BUILDINGS IN THE SAME DISTRICT WITH MIXT USE DO NOT HAVE GARAGES FOR THE APARTMENTS ABOVE THE STORES.

If you have questions, please contact the Planning Department at 216-291-4878 or planning@clvhts.com.

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