

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):

Towards the end of last summer The City of Cleveland Heights Forestry dept. cut down a mature row of trees, plants and bushes that ran along edge of our front yard and along the side of the house. We were not asked or informed about this. This plant life (growing on our land) afforded the same privacy and noise buffer (from the adjoining playground and street) as a 6' fence. The property is a corner lot at Derbyshire and Overlook Lane, across Overlook Lane is the Church & parking lot. We need a 6' tall fence for security, privacy and a noise buffer.

- 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.

This is request is for a 6' fence that will replace the existing 6' fence. It will run along the back of the back yard, down the west side of the back yard and along the west side of the house. From here we would like a 4' fence to run the length of the front yard.

- C. Explain whether the variance is insubstantial:

The existing 6' tall fence has been there since we moved in (August 2014) but has clearly been in place a lot longer as it is suffering from wet rot.

Explain whether the variance is the minimum necessary to make possible the 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.

No character will be lost if altered.

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

N/A

- 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.

This is a corner property, our rear neighbor's house is located closer to the right-of-way (lane) than the fence is/will be located.

- 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).

N/A

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

N/A

- 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.

N/A

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.