

Form BZ-SV, page 4 of 8
 Applicant's signature

Date 2/13/19

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 PRIMARY ENTRANCE TO OUR BUILDING IS IN THE REAR. THE MAJORITY OF OUR CUSTOMERS PARK IN THE BACK LOTS. BOTH OF OUR NEIGHBORS HAVE REAR ENTRANCES AND WE FREQUENTLY HAVE CUSTOMERS ENTERING THROUGH OUR SERVICE ENTRANCE THIS IS DUE TO OUR LARGE REAR EXTERIOR AND NO APPROPRIATE SIGNAGE.

- 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 A SIGNIFICANT REAR SIGN FACING THE PRIMARY PARKING AREA MANY PEOPLE DO NOT KNOW WHAT BUSINESS EXISTS THERE. 90% OF POTENTIAL CUSTOMERS PARK IN THE REAR LOT AND GARAGE. MANY WALK INTO THE BACK SERVICE ALLEY, NOT KNOWING WHERE THE BOSS DOG ENTRANCE IS.

- C. Explain whether the variance is insubstantial:

THE FRONT SIGNAGE TO BE INSTALLED IS ONLY 22 SQ FT. WE ARE PERMITTED 76 SQ FT OF SIGNAGE. BECAUSE THE MINI PARK ON THE SIDE OF OUR BUILDING IS CONSIDERED A RIGHT OF WAY, WE ARE PERMITTED TO HAVE A LARGE SIGN PLACED THERE, BUT WE WILL NOT.

- 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.

THERE ARE SEVERAL OTHER ADJOINING BUSINESSES THAT HAVE REAR ENTRANCES AND SIGNS. THE CEDAR LEE THEATRE HAS A GIANT MURAL ON THE BACK OF THEIR BUSINESS. WE DO NOT BELIEVE THERE WOULD BE ANY DETRIMENT.

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

IT WOULD NOT

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

No

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).

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.

BOSS DOG IS SIMPLY TRYING TO HAVE A VISABLE SIGN FACING THE REAR LOT AND PARKING STRUCTURE. BECAUSE THE LOT/GARAGE AREA IS SO LARGE AND THE REAR OF OUR BUILDING IS SO LARGE, WE FEEL THE 15 SQ FT OF SIGNAGE WOULD BE DIFFICULT TO VIEW AND THAT THE 19 SQ FT WOULD BE LEGIBLE AND VISABLE

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 ONLY OTHER BUILDING WITH THE REAR FACING SIZE OF BOSS DOG IS THE CEDAR LEE THEATRE WHO HAS A LARGE PAINTED MURAL.

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.