

7/16/2019

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):

BEING A BELL TOWER IT IS NOT A TYPICAL ACCESSORY STRUCTURE. WE FEEL THE ADDITION OF THE CROSS IS IMPORTANT TO THE CHURCH & THE TOWER & PROPORTIONALLY WORKS WELL.

- 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.

N/A

- C. Explain whether the variance is insubstantial:

THE ADDITIONAL HEIGHT OF THE CROSS STILL KEEPS T/OF THE BELL TOWER APPROX. 19' LOWER THAN THE MAIN BUILDING THAT IS ABOUT 12' AWAY FROM THE BELL TOWER. THE CROSS IS VISIBLE BUT DOES NOT NEGATIVELY IMPACT THE SURROUNDING ENVIRONMENT.

- 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 CHARACTER OF THE NEIGHBORHOOD WOULD NOT BE SUBSTANTIALLY ALTERED AS THE EX. BLDG. HAS A SIMILAR CROSS & IS SIGNIFICANTLY HIGHER w/ GREATER IMPACT.

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

NO.

- 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.

YES. A BELL TOWER IS UNIQUE TO CHURCHES & PROVIDES AN OPPORTUNITY TO BE VISIBLE & AUDIBLE TO THE COMMUNITY. THE CROSS WILL BE AN ACCENT VISIBLE CONNECTING DETAILS TO THE PR. 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).

THE BELL TOWER COULD BE LOWERED ALTHOUGH IT REDUCES ITS SIGNIFICANCE & VISUAL IMPACT.

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

YES. VARIANCES ARE TO BE CONSIDERED ON A CASE BY CASE BASIS & THIS REQUEST IS UNIQUE IN THAT THE CODE DOES NOT ADDRESS THIS SPECIFICALLY.

- 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.

NO, BUT RATHER EXPRESS THE UNIQUE STRUCTURE & THE CONSIDERATIONS OF ARCHITECTURAL FEATURES THAT ADD TO THE AESTHETICS OF OUR COMMUNITIES.

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.