

**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):

Extremely dense/high tree canopy on tree lawns on both sides of Corydon Road prevents the applicants from investing in a landscaping alternative that would provide some privacy to patio in rear yard.

- 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.

4' foot high restriction for portion of corner-side yard would not yield adequate privacy to patio in rear of house.

- C. Explain whether the variance is insubstantial:

Proposed fence height of 5' + 1' lattice work presents a relatively insubstantial variance from 4' foot high restriction. Proposed fence will run a portion of the corner-side yard (approx. 32') and not the entire length of corner-side yard. Proposed fence will have half-inch space between boards, so that patio and backyard are not visually blocked in their entirety by the proposed fence.

- 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.

Cedar fence with lattice work and spacing between boards is consistent with neighborhood and consistent with similar fence height of corner-side yard directly across the street.



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

Variance would not adversely affect delivery of governmental services.

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

Yes.

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

No.

- 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).

We consulted two landscape architects that recommended a fence for privacy over landscaping due to extremely heavy tree canopy on tree lawns on both sides of Corydon. Tall growing bushes would not flourish in proposed area/yield desired privacy.

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

Requested variance will not be substantially different from variances granted to many other corner-side lots in Cleveland Hts neighborhood.

- 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.

Requested variance will not provide applicant any extraordinary privilege that would significantly disadvantage any similar situated corner-side lot.

If you have questions, please contact the Planning Department at 216-291-4878 or [planning@clvhts.com](mailto:planning@clvhts.com).

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

