

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):

Owner plans to create 20 new affordable senior apartments in the 1st floor of the existing building, which currently has 60 units of HUD 202, affordable senior housing apartments with supportive services, on floors 2 thru 5 created in 2001 and 2010 respectively. Both previous projects were granted variances from minimum parking and covered parking requirements.

- 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.

Affordable, senior housing programs typically cannot support the construction and maintenance of covered parking. The cost of covered parking is not affordable and cannot be charged to tenant. During the 10 plus years Owner has operated affordable housing at this site the quantity of parking has never been a problem. Generally no more than 1/3 of the residents have cars.

- C. Explain whether the variance is insubstantial:

We believe the variances are insubstantial based on the same variances being granted in the past. The surface parking lots are all existing, and have been in place since the building's construction in 1960. The construction of new covered or expanded parking on this site would have a greater impact to neighboring properties.

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

Granting the variance will allow existing surface parking to remain in service to support the additional residents.

- 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 no new parking spaces being created for this project. Constructing new garages on this site would actually be more impactful to adjoining properties.

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

This variance will have no impact on delivery of governmental services.

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

The applicant has owned the property since the building's construction as a nursing home in 1960. They could not have foreseen the eventual adaptive reuse of the building into affordable senior housing with supportive services at that time.

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

The owner's actions complete the conversion and adaptive reuse of the former nursing home into new affordable, senior housing which is identified as a housing need by the City of Cleveland Heights.

- 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 believe a variance is the only viable means of resolving this matter.

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

The owner has successfully operated 60 units of HUD 202 affordable, accessible senior housing on this property without additional or covered parking for the past 20 years. Covered parking is not required, or expected by the affordable senior housing market. Generally no more than 1/3 of their residents have owned cars at any time.

- 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.

- K. We are not aware of any other high-density affordable, accessible senior housing projects in Cleveland Heights that compare to this situation.

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.

CONSENT TO ACCESS PROPERTY

I, the undersigned responsible party (owner, occupant, tenant, or agent for the property owner) of the property described herein, do hereby consent to entry upon said property, at a reasonable time and to the extent necessary, by the City of Cleveland Heights and its officers, employees, and/or agents for the purpose of inspecting said property for compliance with the City's Zoning, Housing, and/or Building Codes. I further certify that I have authority to grant access to said property.

2373 Euclid Heights Blvd. Property Address

Mary S. Manta
Signature of Responsible Party

Mary S. Manta
Name of Responsible Party (please print)

I am the: owner occupant tenant agent for property owner

216-373-1807
Telephone Number

3/8/2021
Date

PLEASE NOTE THAT FAILURE TO CONSENT TO A SITE INSPECTION OF YOUR PROPERTY MAY CAUSE DELAY IN YOUR APPLICATION AND/OR MAY CAUSE YOUR APPLICATION TO BE CONSIDERED INCOMPLETE.