

# STANDARD VARIANCE APPLICATION FORM

Please type or print clearly.

Calendar number 3522

Contact information:

Date submitted 4/14/21

Applicant(s) Frank Kuhar / SARAH KUHAR

Address of subject property 2613 Wellington Rd cleveland hts oh 44118

Applicant's representative, if any owner - same as above

Phone \_\_\_\_\_ e-mail address \_\_\_\_\_

fax \_\_\_\_\_

Address of representative \_\_\_\_\_

Property owner, if different from applicant same as above

Phone \_\_\_\_\_ e-mail address \_\_\_\_\_

fax \_\_\_\_\_

Address of property owner \_\_\_\_\_

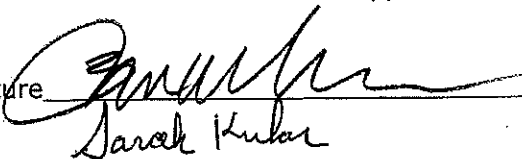
Brief summary of variance request (please complete the Statement of Practical Difficulty):

As shown on the site plan, there is a fairly big elevation jump of aprox 18" - 24" in the back yard. This elevation change is fairly significant. In lieu of this, I am proposing a set back of 8' on the side yard while keepng the 15' setback off the rear yard. Im requesting this variance due to the fact that my wife and I are tryng to maintain some distance from the other side (primary access) of the pool to the drop off in the yard (near the garage). This 12 wide area ' is needed to ensure that we have adequate space to navigate around that side of the pool where it will be accessed (safety concerns). This available 12' area will be smaller as we may have to build a small deck around the pool and additionally reduced insize as we build a short retaining

Supporting documentation (check all that apply):

- Completed Application (14 copies)
- Detailed statement of practical difficulty (14 copies)
- Proof of ownership, option, or lease agreement (1 copy)
- Scale drawings (site plan; & floor plan if applicable) in an 8-1/2-by-11 or 11-by-17 format, or, if necessary to maintain legibility, a larger format (14 copies)
- Elevations, if applicable (14 copies)
- signed Consent to Access Property form (1 copy)
- Application fee check no. 4995

I swear or affirm that the information in this application is true and correct to the best of my abilities.

Applicant's signature  Date 3/3/21  
Sarah Kuhar

## 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):

Refer to the general description above (page 3)

- 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.

Refer to the general description above (page 3)

- C. Explain whether the variance is insubstantial:

n/a

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

I feel as though we could use a 5' set back off the side ( would be optimal) but am only requesting an 8' set back as we can make the remaining space available work.

- 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.

Neighbors would not be affected or impacted by our variance request

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

It would not adversely affect the items listed above

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

We were generally aware of the existence of zoning restrictions but , at the time, we had not planned on installing a pool.

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

The elevation in the property, from all appearances, has always been there.

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 feel that there are no other alternatives due to the proximity of the garage and natural elevation differences in the yard.

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

By granting the variance, we feel that we can more safely utilize the pool with no additional impact on the neighbors.

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. It will not effect the neighbors in anyway

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.