

## STATEMENT OF PRACTICAL DIFFICULTY

To obtain a variance, an applicant must show, 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 historical relevance of the house and lot, the extreme slope to the back yard, the large "front yard" as defined by code.

- 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.

the driveway is currently dominating the front of the home and is a focal eyesore in disrepair. the aluminum fencing would be dwarfed in scale in relation to the size of the site overall. the cedar fencing provides screening from the maintenance entrance/ equipment storage area. the pillars provide scale and framing for the entrance to the home while providing a placeholder for a future gate.

- 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:

the minimum necessary to make possible the reasonable use of the land would be to adhere to existing zoning regulations.

- 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 will be enhanced by returning the majority of the site and materials to their original form.

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

n/a

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.

the homeowners wish is to keep the home and property within its historical context while not compromising the integrity of the home and the landscape design. her wish with the exterior and gardens is to restore everything to its original state - she has in her possession pictures from the early 1920's and 30's of the estate and its condition. These were a driving force behind design decisions and programming.

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 can use 3' height fencing for the aluminum fence - but this will not match the original existing wrought iron fencing on site currently. maintenance storage and equipment will be visable to the neighbors if 6' cedar fence is eliminated. Driveway will dominate the front landscape if not repositioned and screened with plantings.

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

since the homeowners wish is to keep the home and property within its historical context, I believe we are providing the home and district with an architectural showpiece that will only benefit the surrounding areas and neighborhood.

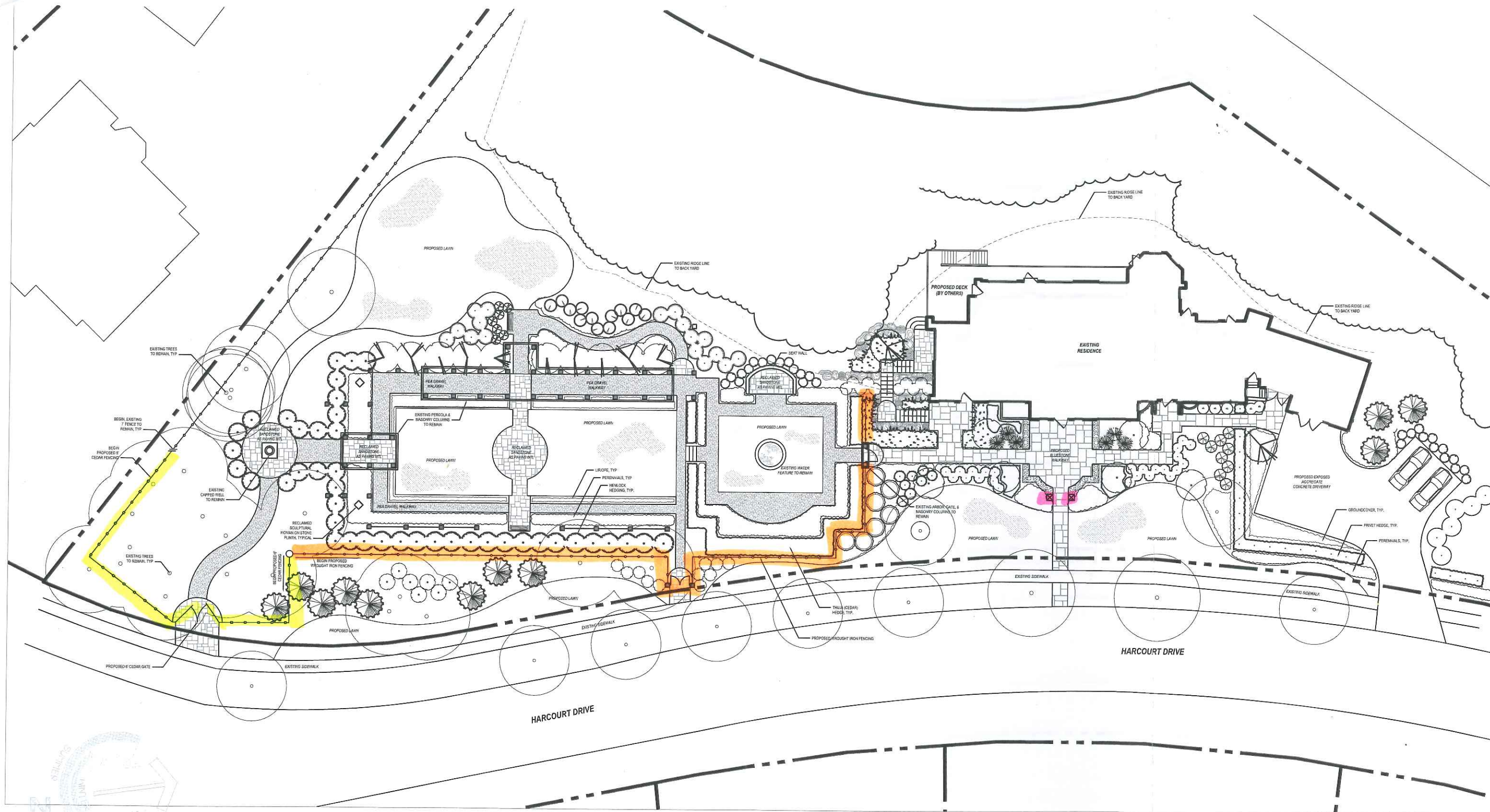
J. Explain whether the granting of the variance requested will or will not confer on the applicant any special privilege that is denied by this regulation to other lands, structures, or buildings in the same district.

this will not provide any special privilege to the homeowner that would not be available to other lands, structures, or buildings in this district.

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.





0 15' 30' 60'  
SCALE: 1"=30'

CAL. NO. 3415  
rcvd 2/8/2017

**RUDD RESIDENCE**  
2178 HARCOURT DR. | CLEVELAND HTS. OH  
CONCEPTUAL PLAN

FEBRUARY 08, 2017



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