

## 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):

The proximity to Cain Park traffic and parking, and a three unit rental property with tenant parking. Park events create increased foot and car traffic that being on a corner lot is fully exposed to. The rental property has drawn added coming & going and parking, not all tenants are respectful of the neighbors (noise and litter)

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.

We have a privacy issue. We like to use our backyard a lot in warm weather. There is a high volume of parking and foot traffic during the Cain Park Summer season which would be nice to have more screening from.

C. Explain whether the variance is insubstantial:

This has been an annoyance for years, with the exception of last year due to Covid.

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

Yes. We would like to replace just the part of the the existing fence that runs along the most exposed area of the back yard with new fence that is one foot higher. The area of the fence that runs along the house would be lower - 4'.

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.

We intend on replacing the existing fence with a much nicer cedar fence (see mock up) The proposed fence section faces our neighbors garages, tall bushes and fences on Minor Park. None of the proposed fence faces a front yard.

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

No it would not.

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

I did not know about a zoning restriction.

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

No. This is about the location and the size of the backyard.

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).

A 4 foot fence is to low for the backyard section. It does not provide enough privacy. We do not want to grow a solid high hedge fence, we think the cedar fence is far more attractive and friendly.

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

We believe the intent behind the zoning requirement would be observed because of the limited area (see mock-up) of the taller portion and that the top foot of the proposed fence is a lattice.

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.

We believe it will not as the surrounding neighbors backyards we face already have tall fences and high hedgerows to mitigate the Cain Park car and foot traffic. Our neighbors on minor park have been show the mock-ups and are in favor of the proposed fence.

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.