

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 desired location is closer to both the furnace location and internal electrical panel with easy access without going through any crawl spaces. Also, there is a deck that runs across 2/3 of the back of the house and a patio that runs the rest of the house.

- 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.

This variance will allow us to install whole house air conditioning. As we grow older managing window air conditioners is becoming more difficult and the quality of the air in the house will be improved along with our property value.

- C. Explain whether the variance is insubstantial:

I believe the variance is not substantial. A 5-foot set back from the property line is the current requirement. We are asking to place the condensing unit 2 feet from the property. The unit would be blocked from view by an existing 4-foot high board on board fence on two sides and a deck on the third side. It is the least unsightly location for both the residence and neighbors and the least disruption to the character of the area.

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

A different location of the AC condensing unit would be unsightly to both the current residence and to the neighbors to the North. The neighbors to the North have an outside patio that is near the property line and is used often in the summer. The desired location is along the southern property line. That part of the neighbor's yard is not used and would not be a disturbance to them.

- 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 essential character of the neighborhood would not be altered at all. The proposed location would completely hide the AC condensing unit without changing any existing structures. From both the residence and neighbors there would be no visual changes to the yard.

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

No effect whatsoever on any delivery of governmental services

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

The applicant purchased the house in 1987 and was unaware of zoning restrictions on placement of exterior AC condensers. We only became aware of the restrictions recently when purchasing the replacement furnace.

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

We have owned and lived in the residence for 34 years, purchased in 1987 from the bank as the result of a foreclosure. Since then we have made many improvements to the yard including a deck and brick patio that span the length of the back of the house. These improvements have limited us to the placement of the AC condenser.

- 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).

The other location would be both unsightly for both the neighbors and current residents. The unit would sit out in the open, where as the preferred location would be hidden and not distract from the essential character of the neighborhood.

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

The intent of the current zoning I believe is to make sure an unsightly A/C condensing unit is well hidden from the street and does not propose a nuisance to the neighbors. By placing the unit where proposed it is hidden from the street and from the neighbors and has no effect on the current landscape

- 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. The granting of the variance will not confer a special privilege to the applicant because the request meets the spirit of the current regulations of protecting the character and charm of the neighborhood.

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.