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 lot is a corner lot. The designated front yard by ordinance is the physical side yard of the home. The physical front yard, where the front door is, faces Wellington, unlike other homes on Fairmount Blvd. The front yard offers no private area, and no possibility of a private area, for outdoor activities

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 orientation of the house on the lot, with no direct access to areas of the yard that could be used for outdoor activities, creates a situation of functional obsolescence.

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 configuration of the home and lot offered no direct access to any yard area that could be used for outdoor activities. We added a French door from the dining room that exits to the designated front yard; at the time we obtained the permit, we explained the plans for a patio in that area, but no mention of a zoning restriction was made.

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 would not be affected, nor would the adjacent property suffer any harm.

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

> No

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

> Yes. This property was purchased as a bank foreclosure, so there was no opportunity to obtain any information from the former owner.

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

> No

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).

> It is not possible to resolve the problem by other means.

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

> As the plans show, we intend to install landscaping along Fairmount to improve the vista from the street while also screening the planned patio area. We will also be landscaping along the patio itself to further screen the area from view.

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.

> N/a

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.