

# 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):

There is not sufficient clearance for safe passage of a vehicle if the condensers are installed on the south side of the house (driveway side). There is not sufficient clearance on the north side of the house. If the condensers are placed on the west side of the house, they will pose a hazard to vehicles entering garage.

- 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 addition of air conditioning to this duplex will increase the value by \$6,000 - \$10,000  
CANNOT A/C SYSTEMS WITHOUT THE VARIANCE

- C. Explain whether the variance is insubstantial:

The condensers will be blocked from the street by a huge tree and are green in color. Each condenser measures 29H x 33W x 30D and operates at 63 decibels.

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

There is no other location to place the condensers that is feasible and safe. The climate of our society dictates that homes have air conditioning.

- 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.

There would be no detriment to the adjoining properties. UNITS WILL BE CONCEALED



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

The utilities or government services will not be impacted by the placement of the condensers.

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.

No, they were not caused by the homeowner.

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).

There is no other location to safely install the condensers but in the front of the house.

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 that the granting of the variance would be in the best interest of the neighborhood and would not be doing an injustice to the zoning code.

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.

By granting the variance, you are enabling these residents to have air conditioning which is enjoyed by the majority of homes in the area.

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.