

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):

THIS LOT IS A NONCONFORMING PARCEL DUE TO ITS 70 FT FRONTAGE

- 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.

BECAUSE OF THE ZONING REQUIREMENT OF 15 FT ON EACH SIDE, IT CREATES A HARDSHIP TO ACCOMMODATE A ONE STORY HOME. THE OWNER WILL HAVE AN ELDERLY PARENT MOVE IN WITH THEM. A HOME ON ONE FLOOR WILL MAKE THIS POSSIBLE. THE FOOT PRINT OF THE HOUSE REQUIRES LESS SIDE YARD.

- C. Explain whether the variance is insubstantial:

THE FOOT PRINT OF THE PROPOSED HOUSE REQUIRES A SIDE YARD LESS THAN 15 FT.

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

THE REQUIRED 15 FT SIDE YARD IS MUCH GREATER THAN WHAT IS REQUIRED ON ADJACENT STREET IN SINGLE FAMILY RESIDENCES. THE REQUEST TO DECREASE THE SIDE YARD DISTANCE WOULD BE CONSISTENT WITH OTHER SINGLE FAMILY HOMES AND WOULD STILL LEAVE ADEQUATE SPACE BETWEEN HOUSES

- 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 ALTERED. IN THIS SAME BLOCK, THERE ARE OTHER SINGLE STORY ONE FAMILY HOMES.

- E. Explain whether the variance would adversely affect the delivery of governmental service (e.g., water, sewer, garbage).
NO ADVERSELY AFFECT TO DELIVERY OF GOVERNMENTAL SERVICE. THE OTHER PROPERTIES IN THE AREA SEEM TO BE FUNCTIONING WITHOUT PROBLEMS
- F. Did the applicant purchase the property without knowledge of the zoning restriction?
THE APPLICANT DID COMMUNICATE WITH A MEMBER OF THE CLEVELAND Hts. PLANNING DEPARTMENT AND WAS TOLD THAT HE WOULD NEED A ZONING VARIANCE TO SINGLE FAMILY USE AND A SIDE YARD VARIANCE.
- G. Explain whether the special conditions or circumstances (listed in response to question A above) were a result of actions of the owner.
BASED ON HIS COMMUNICATION WITH THE PLANNING DEPT., HE PURCHASED THE LAND.
- 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 FOOT PRINT OF THE HOUSE REQUIRES MORE FRONTAGE WHICH REQUIRES A CHANGE TO THE ISFT ZONING REQUIREMENTS
- I. Explain whether the spirit and intent behind the zoning requirement would be observed and/or substantial justice done by granting the variance.
THE GRANTING OF THIS VARIANCE WOULD CREATE A BETTER AESTHETICS HOUSE THAN A VERY NARROW HOME AND WOULD INCREASE PROPERTY VALUES.
- 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.
IN SIMILAR SINGLE FAMILY HOMES, THE LOTS ARE CLOSER AND THE SIDEYARD MUCH LESS THAN WHAT IS REQUIRED IN THIS SITUATION. THE ADJACENT LOT TO THIS PROPERTY IS A ONE STORY HOUSE. GRANTING THIS VARIANCE WILL STILL LEAVE A LARGE GREEN SPACE. THE LOT ON THE OTHER SIDE IS VACANT.

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.