

CAL. No. 3464  
2375 Roxboro

# 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 proposed fence is scalloped. At its low point, it will conform to the zoning code standard. The variance will be a maximum of six inches higher than the code (at the posts), with an average of just three inches higher than the code. The effect to the observer of the fence will be very close to the code.

- 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.

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- C. Explain whether the variance is insubstantial:

The proposed fence is scalloped. At its low point, it will conform to the zoning code standard. The variance will be a maximum of six inches higher than the code (at the posts), with an average of just three inches higher than the code. The effect to the observer of the fence will be very close to the code.

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

The minimum height we need to contain and ensure the safety of our dog is 4 feet. Because of the scallops, this requires a height of 4'6" at the posted. The average height of the fence will be 4'3".

- 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 entire reason for us requesting this variance is so that we can install an aesthetically-pleasing scalloped fence that will enhance the character of the neighborhood.

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

No, it will not.

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

The owner was not aware of the 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.

N/A

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 straight, 4' wooden fence would accomplish our objective of containing and ensuring the safety of our dog, but would be significantly less aesthetically-pleasing, and would detract from the 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 variance will be a maximum of six inches higher than the code (at the posts), with an average of just three inches higher than the code. The effect to the observer of the fence will be very close to the 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.

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.