

CAL. No. 3466
1970 TAYLOR RD.

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):

Taylor Road Synagogue is a Jewish religious institution. Additionally, it is a large and architecturally prominent edifice which attracts attention. As part of an overall terrorist vulnerability assessment of our facility, the U.S. Department of Homeland Security determined that a fence is required. A four foot fence would not be effective to keep out those who pose a threat either intentionally, as a result of mental illness or even as just a prank. In October 2017, someone broke windows to a classroom on the south side of the building (Cain Park side), police were summoned and even WEWS News was on the scene. Additionally, the average height of a male in the United States is 5' 9". The variance would bring the tip of the fence almost up to eye level and thus would add a layer of deterrence which a four foot height does not as it is only up to chest level.

- 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.

To the extent that any increase in a sense of safety and security is to be considered an attraction for current and future congregants and others who use the building, the variance will assist in increasing the economic viability of Taylor Road Synagogue.

C. Explain whether the variance is insubstantial:

The allowed height of the fence is 48" (four feet). The requested variance is for an additional 12" which is inconsequential especially in the context of the overall size and presence of the building on Taylor Road as well as surrounding buildings, structures and land (i.e., apartment buildings, Cain Park, other businesses across the street, etc.)

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

The variance is the minimum as the Hebrew Academy, also located on Taylor Road, has the same security risk as we do and their fence is sixty eight inches high (just short of six feet) and Hebrew Academy Oakwood Campus fence is ninety six inches high. We felt that a five foot height was a sufficient deterrent and also a taller fence might have the unintended consequence of calling unwanted attention to the building from potential intruders.

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 presence of a fence that is 12" more in height will not impact or detract from buildings and other entities that border the synagogue (i.e., apartment buildings, Cain Park, other businesses across the street, etc.) because their dimensions and scale are commensurate with the synagogue. This would not be the case if the Synagogue were bordered by single story residences for example.

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?

No

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

Taylor Road Synagogue is a Jewish religious institution. Additionally, it is a large and architecturally prominent edifice which attracts attention. These factors cause the building especially to be subject to intrusion and risk of attack. None of these factors are the result of actions of its owners other than desiring to express values and engage in activities that represent values and activities that are held sacred in this country.

- 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):

In place of the variance, one can envision a four foot fence at the top of which are razor wire or other sharp objects that would threaten bodily injury to an intruder and therefore provide a commensurate level of deterrence. This would not be a practical or reasonable alternative.

- 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 would address the security requirements of the Synagogue but maintain the decorative and esthetic aspects of the fence, thus maintaining the spirit and intent of the zoning requirement.

- 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:

Since the structure is a synagogue and has an especially large and prominent land mass resulting in special security concerns, the granting of the variance should not set a precedent for other lands, structures, buildings in the district.