

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 HOUSE SITS VERY CLOSE TO THE SIDE PROPERTY LINE (10'-7") WHICH RUNS PARALLEL TO MOIRNINGTON RD. THE PORCH IS TO BE USED BY OWNER'S WHEELCHAIR BOUND DAUGHTER. IT IS NECESSARY FOR THE PORCH LOCATION TO BE CLOSE TO THE KITCHEN AREA OF THE HOUSE.

- 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.

WITHOUT THE VARIANCE IT WOULD BE IMPOSSIBLE TO CONSTRUCT AN OPEN PORCH THAT WOULD ACCOMMODATE THE OWNERS DISABLED CHILD.

- C. Explain whether the variance is insubstantial:

THE VARIANCE HAS BEEN KEPT TO A MINIMUM BUT IS REQUIRED TO ALLOW THE PORCH TO ACCOMMODATE THE NEEDS OF THE FAMILY.

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

WE HAVE LOCATED THE PORCH SO THAT IT WOULD TAKE ADVANTAGE OF A SETBACK ON THE SIDE OF THE HOUSE, SO THAT THE VARIANCE REQUIRED IS KEPT TO ABSOLUTE MINIMUM.

- 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 SUBSTANTIALLY ALTERED BY THE GRANTING OF THIS VARIANCE. I BELIEVE THE SIDE ELEVATION OF THE HOME IS IMPROVED WITH THE ADDITION OF THE PORCH + ITS GABLE ROOF BY PROVIDING A BASE FOR THE ELEVATOR STRUCTURE.

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

THE PORCH WILL NOT ADVERSELY AFFECT ANY DELIVERY OF GOVERNMENTAL SERVICES. THERE ARE NOT ANY PUBLIC UTILITIES IN THE AREA OF THE PORCH + THE GARBAGE IS COLLECTED AT THE REAR OF THE NEW GARAGE.

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

MS THOMAS WAS NOT AWARE OF THE SIDEYARD REQUIREMENTS WHEN SHE PURCHASED THE HOME. IT WAS ONLY AFTER MOVING INTO THE HOUSE + THEN MEETING HER NEIGHBORS WHILE USING THE EXISTING PORCH, DID MS. THOMAS EXPLORE THE POSSIBILITY OF INCLUDING A PORCH INTO THE CURRENT REMODELING PROJECT.

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

THE NARROW SIDEYARD SETBACK IS AN EXISTING SPECIAL CONDITION OF THE HOUSE + NOT THE RESULT OF THE ACTIONS OF THE OWNER. THE OWNER'S DISABLED DAUGHTER IS A SPECIAL CIRCUMSTANCE WHICH MAKES THE PORCH A DESIRABLE FEATURE TO HELP WITH HER CHALLENGES.

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).

WE HAVE REVIEWED THE ADDITION + PORCH DESIGN THOROUGHLY + WE FEEL THIS DESIGN SATISFIED THE FAMILY NEEDS WHILE MINIMIZING THE AMOUNT OF THE VARIANCE REQUIRED

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

VARIANCES ARE GRANTED BY SHOWING A PRACTICAL DIFFICULTY EXISTS. I BELIEVE THE LOCATION OF THE HOUSE ON THE CORNER LOTS CREATING A NARROW SIDEYARD SATISFIES THIS REQUIREMENT + BY THE GRANTING OF THE VARIANCE IT WOULD ALLOW THE THOMAS FAMILY TO FULLY ENJOY THEIR HOME.

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 THE OWNERS WILL NOT BE GIVEN ANY SPECIAL PRIVILEGES BUT INSTEAD WILL BE ABLE TO ACCOMMODATE THE SPECIAL NEEDS OF THEIR HANDICAPPED DAUGHTER

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.