

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):

2736 Berkshire Road is a corner lot. The lot is located on the corner of Berkshire and Mornington Lane. We are proposing to install a 6' fence along Mornington Lane to provide safety and security to the property. In 2013 a request for a 6' fence variance was requested and granted. We are asking for the same variance.

- 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 primary fact for this property is that it is a corner property which results in no privacy for a family in the back yard. Also – as was noted in the first request for a fence, a number of neighbors have similar fences in the neighborhood.

- C. Explain whether the variance is insubstantial:

Because the lot had already had a variance granted to put a 6' fence up before and other people in the neighborhood have fencing the variance would be insubstantial.

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

Yes, The variance allows the owner to create the safe and secure back yard area she wants to attain.

- 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 primary fact for this property is that it is a corner property which results in no privacy for a family in the back yard. Also – as was noted in the first request for a fence, a number of neighbors have similar fences in the neighborhood.

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

If granted to variance would have no effect on governmental services.

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

No, The property had previously had a 6' fence installed along the area in that the variance is requested.

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

As stated the lot is a corner lot, along a street that does not have sidewalks and the homeowner is trying to create a safe and secure backyard. in 2013 a variance was granted for the same request.

- 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 primary fact for this property is that it is a corner property which results in no privacy for a family in the back yard. Also – as was noted in the first request for a fence, a number of neighbors have similar fences in the neighborhood. Also, a shorter fence would not allow the privacy that the 6' fence would as it would be allowed through the variance

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

Since the variance requested was granted before, granting it again would have the same affect it would allow the homeowner the safe and secure back yard she wants.

- 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.

The primary fact for this property is that it is a corner property which results in no privacy for a family in the back yard. Also – as was noted in the first request for a fence, a number of neighbors have similar fences in the neighborhood. Since the variance requested was granted before it's hard to believe it would confer special privilege.

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.