

### 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 backyard is narrow, and often floods.  
 Due to many openings in the back of the house, all pipes and wiring would have to go underground.

- 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.

All outside social and family gatherings would take place where the generator would be located in the backyard. The back of the lot is narrow and usually swampy.

- C. Explain whether the variance is insubstantial:

The need for the variance is strong and solid because of backyard flooding. The generator is an AC electrical unit, and in the event of a power outage during a rainstorm or melting snow, the generator cannot be sitting in water.

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

Due to the history of basement flooding in this residence, and the presence of a sump pump to prevent further severe basement flooding, a generator is needed to prevent costly damage and insure peace of mind.

- 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 generator would operate only during a community loss of power. (Ohio ranks #4 in states experiencing power loss!). The neighbor to the west of where the variance would allow the installation will have AC outlet access.

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

The only traffic near the generator would be for basement utility service and for access to hose bib. The side of the house has a secondary path from the backyard to the front along an 18" sandstone walk (rarely used).

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

The applicant did not anticipate these issues at the time of purchase. It has been through experiencing storms leading to power outages and costly flooding that has brought the home owner to seek safe solutions.

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

The owner has experienced great financial losses due to basement flooding. Half of the basement is finished with carpeting, wooden baseboards and trim. Basement appliances include furnace, water heater, washer and dryer, sump pump.

- 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 sump pump only has a 3 hour back-up. We have experienced power outages during rainstorms that last way more than 3 hours.  
The home owner is a senior with health concerns.

- 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 honor the spirit and intent of the zoning by locating the unit 18" from the house (per manufacturer's specs). The generator would be 9' from the neighbor's house. The elevations on both houses are the least used by both neighbors.

- 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.

Based on poor drainage in the backyard, and the eastern yard being the driveway location, the western elevation is the only solution for the location of the generator.  
This location does not provide any privileges denied others.

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.

Board of Zoning Appeals  
Cleveland Heights 40 Severance Circle  
Cleveland Heights, Ohio 44118

To whom it may concern,

This letter is in reference to the location and installation of a fixed generator, at 3044 Somerton Rd., that would only be activated during a power outage.

Susan "Coretta" Kutash and my family have lived next door to each other for over 20 years and have maintained a great neighborly relationship.

I definitely support the installation of the generator between our lots. The generator has an exterior current that would be available for my use in the event of an emergency power outage.

I applaud Ms. Kutash for taking care of herself and her property. I endorse the installation of the generator between our houses.

Sincerely,

Ron Patton  
3040 Somerton Rd.

Handwritten signature of Ron Patton, written in cursive. The signature is split by a diagonal slash, with "Ron Patton" on the left and "Ronald Patton" on the right.