

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):

Corner property. Fence will be considered backyard area.

- 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.

This area needs to be designated as the backyard to conform
 To the zoning guidelines. This fence would give me a sense
 Of privacy and security.

- C. Explain whether the variance is insubstantial:
 The variance calls for part of this yard to only have
 4 foot of height. I am asking for at least 6-foot height due to it being
 the backyard.

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

I need at least 6 foot height for safety and security.

- 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.

Not at all. The fence would run adjacent to my driveway to it would not
 Effect my neighbors

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

NO not at all. A new mailbox will be placed outside of the fence.

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

Yes, no knowledge. Home has been in the family for 40 years.

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).

I need at least a 6 foot fence in my backyard which would give me a sense of privacy and security. My property is across the street from the Synagogue so it will not be a blight to my neighbors.

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

Corner property, this area is considered the backyard.

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.

No I don't believe so, there are many corner properties throughout Cleveland Heights that have much higher than 5 foot fencing.

If you have questions, please contact the Planning Department at 216-291-4878 or planning@clvhts.com.