

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 land of this lot has unevenness and looks like a slope sloping towards the street. Steepness of the lot requires the garage door to face the street. This is the only one way to build garage, because of that conditions of the land.

- 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.

Because the land is uneven and has a slope sloping towards the street, so we have only one way to build the garage towards the street.

- C. Explain whether the variance is insubstantial:

It is substantial, because it is only one way to build the garage.

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

Yes, because this only one variance that we are asking for and this is only garage.

- 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.

Neighbor house from the right and from the left have same garage towards to the street. So, we think that it's not will be altered and nobody would suffer substantial detriment as a result of the variance.

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

This variance would not affect governmental service, it is not related to any governmental service.

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

We didn't expect that would be a problem, because we have house from left and right with same garage towards to the street.

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

No, since the land was originally.

- 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 only way to build this garage is towards the street, we can only ask for a variance, especially when two houses around has same style garage

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

Our case is unique. Only way to do that is getting granting the variance.

- 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.

It is not a privilege, based on the houses around with same garage doors towards to the street.

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.