

## **BRIEF STATEMENT OF VARIANCE REQUEST**

The Kealy residence at 12626 Cedar Road and the Dunbar residence at 12628 Cedar Road are just 10' apart with the property line running between them just 5' from the foundation of each house. The kitchens of each house are placed directly opposite one-another and can look directly into the other. The existing rear patio of the Dunbar residence adjacent to the kitchen and property line also requires privacy screening from the Kealy residence back yard and vice-versa. A 6' tall fence 4'-3" from the Dunbar foundation and parallel to the property line is needed to cut off views and create the privacy needed for both residents. We envision ivy and/or ornamental vines covering the shadow-box fence, providing an attractive "green buffer" for the homeowners to enjoy. Lawn mowers and other machinery could still pass between the two properties as needed.

## **STATEMENT OF PRACTICAL DIFFICULTY**

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 side property line between the two residences oddly changes direction from east to southeast where the fence running parallel to the property line is located. The fence crosses onto the Kealy property where this change in direction occurs. The applicant has permission from the Kealys for the fence to extend onto their property at this location.

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.

C. Explain whether the variance is insubstantial:

The variance is definitely necessary. Presently, the neighboring kitchens are in very close proximity to each other with large near-floor to ceiling windows facing each other and nothing between them to screen direct viewing into one-another. Additionally, the close proximity of the two houses and/or north or east exposure creates

more shaded and darkened conditions at various times of the day inside the houses and more so on the first floor. Keeping the window blinds open allows more natural light into the affected rooms and is not only desirable but healthier.

The Dunbar rear patio is in close proximity to the Kealy backyard with nothing between them to screen direct viewing into one-another.

A large, way-overgrown evergreen hedge will be removed. When it was at its best, it served as a screen between the houses. A fence is believed to be the best replacement option as it takes up much less space than a hedge in a tight area. See the plan view. This offers more room as well as brighter back yard conditions for both residents. There is already plenty of shade from numerous large trees in the back yards of both properties and Cedar Circles in general. A fence also offers a uniform screen and eliminates concerns about plants possibly dying and creating a non-uniform screen as it grows.

The 6' fence will be located 4'-3" from the applicant's house which is taller than allowed by code. A 6' high fence is necessary to allow both residences the visual privacy they require. A shorter fence would not create the necessary visual privacy.

The thinness of the fence also has some security benefits. Driving or walking along the front circular drive, one will be able to view between the two houses through to the back yards without the fence impeding views, while offering the visual privacy desired by the homeowners.

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 fence would not be visible to any of the other surrounding neighbors. As mentioned above, the fence would only be visible if someone walking by on the front circular drive happens to glance down the narrow gap between the Kealy and Dunbar houses to the back yards and notice the fence from its narrow side profile.

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

The variance would not affect delivery of governmental services. The applicant's sprinkler lines would need to be marked out and protected during construction.

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

Yes.

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 will only remove an existing unruly overgrown hedge that needs to be removed.

The conditions that created the necessity for privacy screening between the two residences existing from the time the houses were built. See "C" above.

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 applicant believes the variance is the best and most practical option.

A 6' tall screen is the minimum height necessary for an effective privacy screen.

The fence is the best option as noted in "C" above.

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

As noted earlier in "C" and "A", a 6' screen for privacy is a necessity for the area discussed.

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,

The desire for privacy in one's own house and backyard is a necessity and is not a special privilege. The fence offers some privacy to both homeowners and as far as the applicant is aware, does not create any special privileges for the applicant.

March 10, 2021

To Whom It May Concern:

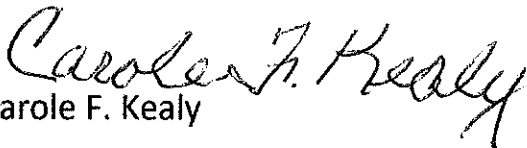
We are neighbors to Mary Dunbar to the north. Our homes are within Cedar Circles, and our address is 12626 Cedar Road.


The line of bushes that have provided privacy between our houses has become overgrown, sprawling and unsatisfactory and needs to be replaced. We agree that the proposed fence is the best alternative.

We understand that the fence does not meet requirements for height and placement as set by the Cleveland Heights codes, but the space available and outcome desired makes compliance impossible. We also understand that the fence will impinge slightly on our oddly shaped property at its east end (as our neighbor's patio already does); we have no objection to that as it will take up less space than the current bushes do. We ask the City to waive any objection to the irregularities.

It is important that the City act on this matter, and we appreciate your consideration.

Very truly yours,

  
Carole F. Kealy

  
John C. Kealy

(Call 216/225-5142 if you need to discuss this with us.)