

STANDARD VARIANCE APPLICATION FORM

March 9, 2021
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Brief summary of variance request (please complete the Statement of Practical Difficulty):

We would like to replace the existing 101-year-old, undersized garage with a new functional two-car garage that will also include a space for a home gym, workbench/storage on the ground floor and a storage/studio loft above. This necessary program element in addition to garage use requires that it be categorized as an accessory structure per zoning requirements.

We request a variance from the recommended 5'-0" setback requirement and allow us to build the new garage/accessory structure at the same setback as the current/existing garage has from the corner of the lot (3'-0" from the south property and 1'-9" from the east property). Without this variance we could not build the garage as designed and also satisfy the suggested setback from Stratford Road.

We also request a variance from the prescribed 15'-0" center-of-pitch height limit. This will allow for a more functional and usable upper storage and studio loft space. The designed height also accommodates a larger south-facing roof designed at a slope that is optimal for the installation of future solar panels.

The requested variances will allow us to build a garage structure that fulfills our need for a functioning garage, storage and flexible activity space to suit our interests. The need for flexible spaces has only been amplified by the current Covid pandemic that will forever change how people live; this structure will add functional value to the property and will be an asset to our Cleveland Heights neighborhood.

The new structure, with granted variances, will provide the additional usable functional and storage spaces that our existing small two-story, 1,422 SF house is lacking. There is very little closet space, no useable attic and a very low basement ceilings with access limited by the stair width. In the 17 years since we bought the property, we've never been able to park our cars in the garage; partly because it's undersized but mostly because we need it for storage. In addition to the storage of bikes, yard care equipment, outdoor furniture etc., typical for a garage, we have to store all our seasonal clothing and household items in plastic containers there, in addition to anything else that can't fit in the house.

Since we bought the house in 2004, we have updated the exterior with new historically appropriate insulated windows and replaced the second-floor shake siding. The entire house has been foam insulated. We have completely updated the kitchen and bathrooms and in the process, we have opened up the back of the house with sliding French doors to what is now a very attractive patio and backyard. The backyard is screened from Stratford Road with a

modern privacy fence we installed after being granted a height/location variance from the City in the 2000's required because of our corner lot location.

Over the years, we have discussed the need to replace the garage, even considering building it as an addition to the house which would require no variances. But that option would destroy the backyard views and much of the improvements we have made. It would essentially cut-off the house from what would be left of a functional backyard. It would also require the removal of several more trees along Stratford Road to accommodate the relocation of a curb cut and driveway with major regrading up the 4' elevation change from the street up to our yard. We considered those changes to be very costly and very much out of character with our house and the neighborhood which is why that option was not pursued.

The new garage structure as designed, built in the same place as the current one, will allow us to re-use the existing curb-cut and driveway location and all the trees on our property along Stratford Road. This would retain the overall character of the property and neighborhood. It will allow us to store household items inside a warm, safe and dry environment AND finally park our cars inside a garage as well. The additional of a home gym space will allow us to have the proper equipment that we can't fit in our basement. The space, with south facing windows, will also function as winter storage for large potted plants that we currently have to take back and forth to an elderly parent's larger home in Lake County every year.

We request a variance from the prescribed setback for accessory structures and a variance from the prescribed height for garage structures so that we can build a much-needed structure to fulfill our program safe requirements with the most minimal changes to conditions affecting our neighbors and neighborhood. The garage structure, located at a transition between single and multi-family zoning, will provide much functional and economic value to our property and be an asset to our neighborhood. The design incorporates a profile, massing and materials that is complementary and will act as a positive addition to the collection of duplex homes and garages nearby. With a south-facing roof maximized for solar panels, built-in charging for electric cars, and flexible spaces to accommodate the changing needs of modern living, especially after the pandemic, we intend for this structure to have a positive effect of the future of Cleveland Heights.

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 structures or conditions):**

Response:

Our corner lot width is only 50' as opposed to others at our intersection which are 70' wide. The lot was reduced by 20' when the original owner of ours and the neighboring property had built a house across the original property line and later had the lots replotted to allow our house to be built. Our house and garage are 1'-6" from the neighboring property line. Our lot's narrow width reduces our allowable buildable area per the corner lot setback requirements that our corner-lot neighbors do not have a problem complying with. Should the garage structure be required to be built at a 5'-0" setback from the adjacent properties, it would push the structure as currently designed out forward of the Stratford Road setback by 3'-6" and forward of the neighboring garage by that much. This would require a different variance request, but it is not the preferred option and not most beneficial to the neighborhood. It would require the removal of the largest oak tree on our property along Stratford Road. It would also shorten our driveway to a length of 17'-6" thus making it too short for most parked cars without blocking the sidewalk.

Because of the narrower corner lot, the house footprint and square footage is small with little storage space in particular. A 4' level change from the street to our house makes an addition to solve the space problems costly and a more severe change to the character of the neighborhood. Adding an addition directly to the house now for the program we need would destroy much of what we've built already and would destroy the character of the house and backyard that, while screened by a fence, is very visible to the neighborhood

The needed uses in an accessory garage building is the best solution to address the deficiencies of the property. We would not go to the effort and cost of constructing a new garage, without it being larger and provide additional square footage for storage and fitness/hobby space. While we are generally happy with the function and design of the spaces our house has now that it's mostly renovated, we have very little square footage for storage and other activity space.

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.

Response:

Should neither setback variance options be approved the additional storage functional workspaces proposed at the garage level would not fit and it would not be worth the effort and cost of building a structure without the proposed features that would solve our lack-of-space issues.

C. Explain whether the variance is insubstantial:

Response:

The variances request is insubstantial as we are asking to retain the setbacks of the current 101-year old garage (3' from the south property line and 1'-6" from the east) and relief from the 5' setback requirement along with 2'-0" relief from the height requirement. These variances are minor and there are examples of similar reduced setbacks and taller garages in the neighborhood.

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

Response:

The requested variance will allow us to construct a functional, two-car garage along with a "warm and dry" flexible space that can accommodate a workbench area, home gym and storage. The requested height variance will allow us to reasonably configure the upper-level loft to store household goods and clothing with the remaining space used for an open arts/crafts studio space surrounded by additional storage shelves.

These are all program elements that our current house can't accommodate. The house has three small bedrooms with tiny closets under the hip roofs. It requires us to use one bedroom as walk-in closet and another as a guest room with additional clothing storage. Our basement footprint is small with its area mostly taken up by utilities, laundry and a bathroom. It has low 6'-10" ceilings and is surrounded by steam piping at 5'-10" high that one has to walk under to enter the space. The stairway down to the basement is only 2'-6" wide which makes it impossible to bring any items of significant size to the basement. This makes it difficult to use for home gym purposes, art/craft space and storage.

The additional 200 SF provided for non-garage uses on the ground and +/-500 SF for storage and arts/crafts work above is a small amount of space that will be very impactful and useful for us to continue to live in our house and will add value to the property.

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.

Response:

The front façade will align with the neighboring garage to the south, respecting the setback established along Stratford Road. The curb cut and driveway would remain in the same location which would also allow us to retain the largest oak tree on our property and closest to Stratford Road. The garage location is such that it would have the least change of conditions to the neighbors, and the height is such that it will not put any neighboring spaces in shade or block existing views. The existing garage has small setbacks that would not change with the new garage. The drawing package I have submitted shows a few of the garages in the neighborhood that have been also been built taller than zoning current allows without detriment to the area. I also include a large 3-car garage built several years ago, diagonally across the street from our property.

The garage design is a contemporary interpretation of the gable forms and dormers characteristic of the multi-family homes along Kensington Road that is directly south of the garage site. Its asymmetry is a function of the optimal pitch for future solar panels on the south-facing roof. The exterior material and color palette is inspired by the simple board fencing and rail details we have incorporated in our previous improvements along Stratford Road and also are compatible with the adjacent homes.

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

Response:

No, the variance should not have any adverse effect on the delivery of governmental services. The intent is to connect to existing sanitary sewer if location and cost is not prohibitive. The existing garage does not have a floor drain that code prescribes for new construction, but we would like the new one to have that as well as the potential to have a sink in the workbench area. There will be space for garbage bins.

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

Response:

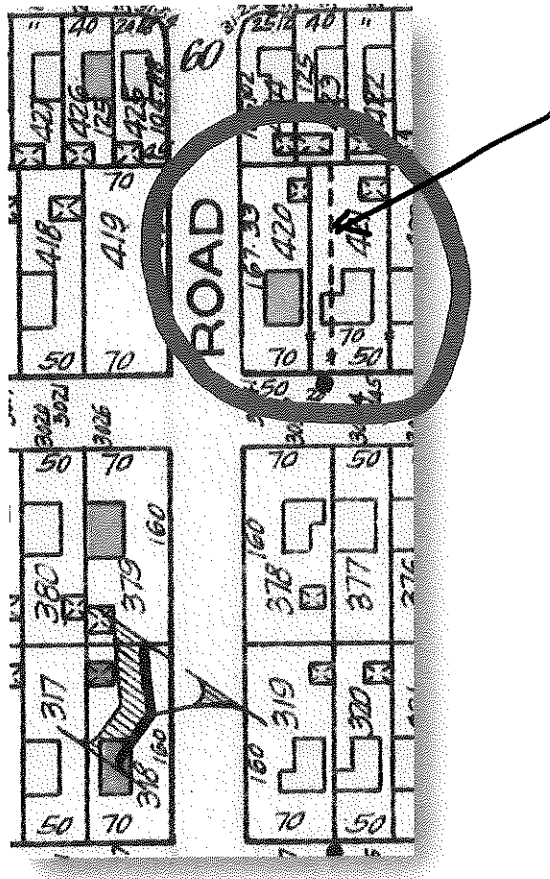
Yes. At the time of purchase in 2004, we were not aware of the corner lot zoning restrictions, setbacks for accessory structures or the prescribed maximum center-of-pitch height for a garage roof.

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

Response:

These special conditions were created in the 1920's when our property and the adjacent property at 3045 Essex were owned by the same person and they built a first house across the property line. The lots were re-platted, reducing the width of the remaining lot that our house was eventually built on by 20'. Our corner lot is now 50' wide while our

neighboring corner lots are 70' wide. That additional 20' is valuable to our neighbors in maintaining a buildable area while also honoring the setbacks from the streets applied to corner lots. Our house was built at the proper setbacks from Stratford and Essex Roads but required that our already small house was built at 1'-9" from the shared property line to the east. The current garage was built at a similar east setback. The garage was built 3' from the south property. (See attached Sanborn Map from the 20's.)



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).

Response:

If we can't build a larger garage structure as designed, it would not be worth the cost and effort of construction as it would not solve our problems in having a place to park cars inside AND have additional storage space and flexible support space. With the current size we have to choose between one or the other. A zone-conforming solution would result in loss of usable backyard space, require the realignment of the current driveway curb cut and the loss of mature oak trees along Stratford Road.

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

Response:

The spirit and intent of the zoning requirement will be observed. The existing properties to the south and west of the garage site are built above their allowable lot coverage according to today's zoning code. The predominant and common characteristic of the adjacent properties surrounding the garage structure site is that of a higher density that is actually the norm, not the exception. The new garage structure will be very compatible with that context yet help facilitate the transition to the single-family zoning that predominates the neighborhood to the south. We are observing the overall rear yard coverage requirement and are not overbuilding the lot.

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, K. structures, or buildings in the same district.

Response:

Granting the variances will not confer special privileges to us over other similar lots. The existing properties to the south and west of the garage site are densely built and are over their allowable lot coverage by today's zoning code standards yet they are a common and accepted element of the neighborhood and similar neighborhoods in Cleveland Heights. The variances will allow a new garage structure to be built with the least change and disturbance the adjacent properties and neighborhood.

Summary of Practical Difficulty:

As mentioned at the beginning of this document, we would like to replace the existing 101-year-old, undersized garage with a new functional two-car garage that will also include a space for a home gym, workbench/storage on the ground floor and a storage/studio loft above.

This will provide the additional usable functional and storage spaces that our existing small two-story, 1,422 SF house is lacking. There is very little closet space, no useable attic and very low basement ceilings with access limited by the stair width.

The variances will provide us with the storage and additional square footage we need and also allow us to park our cars inside a garage the first time since we bought the house in 2004.

The new garage structure as designed, built in the same place as the current one, will allow us to re-use the existing curb-cut and driveway location and all the trees on our property along Stratford Road. This would retain the overall character of the property and the neighborhood..

We request a variance from the prescribed setback for accessory structures and a variance from the prescribed height for garage structures so that we can build a much-needed structure to fulfill our program safe requirements with the most minimal changes to conditions

affecting our neighbors and neighborhood. The garage structure, located at a transition between single and multi-family zoning, will provide much functional and economic value to our property and be an asset to our neighborhood.

The design incorporates a profile, massing and materials that is complementary and will act as a positive addition to the collection of duplex homes and garages nearby. With a south-facing roof maximized for solar panels, built-in charging for electric cars, and flexible spaces to accommodate the changing needs of modern living, especially after the pandemic, we intend for this structure to have a positive effect of the future of Cleveland Heights.