

STATEMENT OF PRACTICAL DIFFICULTY

CAL NO 3439

To obtain a variance, an applicant must show, 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):

Present use of this property is not harmonious with a use already allowed at another location on Mayfield Road owned by Applicant because of dissimilar appearances, which would be corrected if similar signage is allowed at both sites.

- 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 this site is part of one large commercial operation, an absence of consistent signage affects the ability of Applicant to market its business in a reasonable manner.

- C. Explain whether the variance is insubstantial:

The variances requested will be consistent with variances already granted and therefore would not be substantial. Also, the freestanding sign requested is consistent with signage already allowed and approved in numerous sites along the Mayfield Road corridor and therefore would not involve substantial changes.

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

The variances requested allow for the minimum change necessary to bring this property into visual conformity with other property owned by Applicant.

- 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.

No change in the nature of the commercial use conducted on this property is proposed and therefore the essential character of the neighborhood will not be affected.

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

As the variances only pertain to signage, there would be no effect on the delivery of governmental services if they are granted.

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

Applicant has been aware that zoning restrictions might require a request for variances in order to provide for additional or changed signage.

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

Applicant received permissions from this Board to install similar signage at another location it owns on Mayfield Road.

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 method available to allow installation of the requested signage is the seeking of variances.

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

Approval of this signage request will enhance operation of one of the City's largest tax-paying commercial enterprises and therefore will be in accordance with the spirit and intent of the Zoning Code. Substantial justice would be done by allowing Applicant to install the same kind of signage on this property that it previously has been allowed to install at another site on Mayfield Road.

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.

The granting of variances in this case will confer no special privilege as other sites along the Mayfield Road corridor already have similar signage because of approvals from this Board.

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.