

STATEMENT OF PRACTICAL DIFFICULTY

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):

Existing first floor foundation was found to be too shallow to support a new second floor as planned. It is therefore proposed to support new second floor on posts overh porch below four feet forward of the blockface. There is already an existing covered porch in this area which is in need of replacement.

- 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.

The other options for the homeowners are 1. To underpin existing foundation. This would be too costly to allow the project to move forward. 2. Not to build over the first floor in the area of the shallow foundation. This would eliminate a bedroom and bathroom which would otherwise have been permitted by zoning requirements, and are needed to accommodate homeowner's growing family.

- C. Explain whether the variance is insubstantial:

The requested variance is minimal since there is already a covered first floor porch in this area. The addition meets all other zoning requirements. We propose to bring the second floor forward over the porch to address the structural issue encountered during preliminary planning.

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

We believe the four foot variance allows for a first floor porch of a suitable depth and is a reasonable assumption for the excavation and setting post footings without compromising adjacent shallow foundation.

- 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.

To the contrary, extending the second floor slightly beyond the block face will allow for a new front gable which will add visual interest to the facade and make it appear less boxy. It will also help the addition be more in keeping with modest scale of the adjacent homes. The proposed new front porch will only enhance the appearance of the street view.

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

No impact is anticipated.

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

No.

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

No the shallow foundation was existing at the time the homeowner purchased the property.

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).

If the variance is not approved, then the homeowner will not be able to build above the first floor in this area due to the cost and disruption of underpinning. This means they would be short an additional bedroom and bathroom outlined in their project requirements to accommodate their growing family, and otherwise permitted by zoning regulations.

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

The variance will allow the homeowners to expand their second floor for their maximum benefit within zoning parameters. At the same time it will enhance the appearance of the home by breaking up the scale and boxiness of the addition and providing for a gracious front porch below.

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 size and location of the second floor addition meet all zoning requirements with the exception of the block face. The variance is requested to address a constructability issue. It is not our belief that any special privilege is being conferred here.

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.