

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):

PPN 682-24-033 had an abandoned structure on it that CCLRC acquired through tax foreclosure and demolished, leaving a vacant lot and creating potential for the neighbor to purchase in order to expand their property. Cleveland Heights Code does not account for this type of land use.

- 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.

Erecting fencing for the neighbor's newly expanded side yard will add clear ownership and privacy to the property. As the lot sits now - waiting to be fenced - it has already been run over by non-neighbors, leaving ruts in the surface and creating an eye sore and real danger.

- C. Explain whether the variance is insubstantial:

The variance is substantial because it is just allowing for a property improvement that is not included in the current code because vacant land was not anticipated in the time the code was written.

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

Variance is minimal necessity to providing permanent privacy and protection for newly expanded side yard.

- 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.

Fencing that would result from variance would add character and a positive aesthetic to surrounding neighbors. If the lot is not fenced it will be unsecure and appear as a missing tooth along the street.

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

It would not.

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.

Yes, they were created as a result of demolition of the property's structure due to abandonment and blight.

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).

No. Permanent, physical fencing is the most secure and aesthetically pleasing form of privacy and protection.

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

If variance is approved, the resulting fence would increase the property values of surrounding neighbors - justifying the demolition of the structure and transfer of the vacant lot to the qualified homeowner next door.

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 will not confer any special privilege to the homeowner because this is a special circumstance not widely present in the City of Cleveland Heights. However, going forward CCLRC will seek a variance IF other opportunities for side yards are created by demolition and approved by the City of Cleveland Heights.

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.