

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 uses, structures or conditions):

The irregular site condition exists because the house at 17412 Shelburne Road was built more than 100 years ago, pre-dating the 50' setback requirement imposed by the City of Cleveland Heights. Other homes in the neighborhood sit much further back from the road as they were built after the 50' setback requirement was implemented. Given the historical significance of the home at 17412, and the expense, effort, and disruption required to comply with a 50' setback, it would be an insurmountable hardship to move the existing home.

- 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.

Without the variance we will severely limit the size and efficient use of play and outdoor learning space accessible to our students. Without the variance, we will not be able to provide the privacy that both Ruffing and our neighbor at 17420 Shelburne Road desire (see letter). Without the variance Ruffing will not be able to proceed with plans to improve the site.

- C. Explain whether the variance is insubstantial:

The variance is not insubstantial.

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

The requested variance is the minimum necessary to develop the best use of the open space, and the best way to provide privacy for our neighbor while minimizing noise and the occasional ball being thrown over the fence.

- 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 character of the neighborhood would not be substantially altered as a fence already exists in the very location we plan to build a new fence. The variance would actually honor our neighbor's preference for a 7' high fence extending approximately 40' into her front yard. In fact, requiring compliance with the 50' setback will indeed substantially alter the essential character of the neighborhood.

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

The variance will not change the delivery of governmental services in any way.

- 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.

- 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).

A variance is the most efficient and sensible solution to the predicament.

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

By granting the variance, the essential character of the neighborhood will be preserved.

- 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.

Ruffing does not view this as a special privilege that is denied to other lands or structures. We simply wish to preserve the historical integrity of the house and neighborhood by maintaining existing setbacks, to improve the backyard area for use as outdoor educational and play space, and to provide optimal privacy to the school and to our neighbor.

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.