

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):

We would like to widen the driveway to have free access to the garage. Our current driveway is only one car wide and we can not widen towards the neighbors house due to the property line.

- 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.

It would allow my fiance to pull into the garage w/out having to move cars as she often comes home from work late at night.

- C. Explain whether the variance is insubstantial:

The variance would allow us to fully use the garage as intended.

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

We can not widen the driveway towards the house located at 3663 Fenley due to the property line. We would like to widen the driveway towards the middle of our house.

- 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.

This would not negatively effect any of the houses as we intend to fully landscape the area.

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

This would have no affect on the above

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

Yes we did not investigate the current zoning restriction.

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

It is our goal to fully use the garage as intended and these are not a result of the actions of the owner.

- 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).

Since we have limited room, the driveway can not be expanded in any other direction.

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

Granting the variance would allow us to enjoy the use of the garage and driveway. We would not have to park in the street or move cars. Also it would allow safe arrival for my fiance who works late nights

- 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.

I do not believe this would be considered special privilege if granted.

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.