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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 CHURCH IS LANDLOCKED IN ITS CURRENT POSITION. THE NEW PROPOSAL IS NOT AN INHABITED CONDITIONED SPACE IT IS A LANDSCAPE FEATURE SIMILAR TO A FLAG POLE OR MONUMENT. IN THIS CASE THE DOME & BELL IS A SYMBOL OF THE GREEK ORTHODOX CHURCH.

- 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.

ARCHITECTURALLY THE COMPTON ROAD SIDE DOES NOT HAVE A PERSONAL SCALE W/ ITS MASSIVE WALLS. THE PROPOSAL WOULD BE TO TRANSITION THE BUILDING TO A RESIDENTIAL SCALE

- C. Explain whether the variance is insubstantial:

THE SCALE OF THE PROPOSAL IS VERY SMALL COMPARED TO THE SCALE OF THE BUILDING. THE CURRENT BLDG IS +/- 40'-0" ABOVE GDDDE & 45'-0" ABOVE COMPTON. THE PROPOSED STRUCTURE IS 20'-0" HIGH

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

THE STRUCTURE WAS SIZED IN RELATION TO THE SCALE OF THE BLDG. ANY SMALLER WALL WOULD LOOK OUT OF SCALE

- 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.

REVISIT THE EXISTING RAMP W/ BLANK BRICK WALLS INTO A NEW OPEN RAMP W/ LANDSCAPING SHOULD BE A GREAT IMPROVEMENT TO THE SITE & BE A VERY NICE FEATURE.

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

NO EFFECT

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).

THE LOCATION OF THE NEW ADA IS REQUIRED TO BE ON THAT SIDE OF THE BUILDING TO GET TO COMPTON. WE ARE ALSO ELIMINATING THE STAIRS TO MAINFIELD & REPLACING WITH LANDSCAPING TO LOOK MORE PLEASING

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

WE ARE NOT PROPOSING AN INHABITED SPACE & IT WOULD BE SCALED TO MATCH PEDESTRIAN SCALE

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.

NO, IT WOULD BE MOST SIMILAR TO A MONUMENT OR FLAG POLE

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.