

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):

our lot is relatively narrow, and our neighbor's house does not have the minimum rear yard depth required for their lot, which affects the front yard 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.

Without the variance, we would lose the ability to add some more livable space by enclosing the porch.

- C. Explain whether the variance is insubstantial:

I feel the variance is insubstantial because we are enclosing an existing porch and not adding substantially to the structure of our house.

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

The variance is the most cost-effective way to expand the living space of our house. Enclosing the porch is much cheaper than an addition.

- 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.

I don't think much would be altered since the porch already exists, and it is bordered by landscaping.

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

The variance would have no effect on any governmental services.

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

Yes.

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 porch is an existing structure that was ~~at~~ there at time of purchase.

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).

Short of enclosing only half of the porch, I see no other way to enclose the entire porch without a variance.

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

I believe the spirit & intent are observed because there already is a porch structure bounded by landscaping, so enclosing the porch does not drastically change the area.

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.

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