

Statement of Hardship
1774 Lee Road – Cleveland Heights

Autumn Oliver and her mother, Kimonius Henderson, are Cleveland Heights residents seeking a variance from the current zoning at 1774 Lee road, in order to open a bakery within the premises. The property is currently an office and prior to that was a mikvah for Jewish ceremonies of religious conversion. The building is 2,130 SF on a .23 of an acre (10,000 SF). The building is built right up to the lot line on Lee road and the adjacent property on the left if you are facing the building.

In order to conform to the present zoning for multi-family housing, the building would have to be torn down and based on required set-backs of 30' on the front and 25' on the side yard, multi-family residences could not be built on the remaining acreage. Multi-family zoning requires a minimum of 3 dwellings at 1700 SF with two covered and one uncovered parking space needed for 3 units. Clearly the lot size of 10,000 SF cannot meet the minimum required lot size of 20,000 SF for multi-family residences.

There has been no demand for uses other than retail for the property despite considerable online marketing of the property to the brokerage community. The highest and best use even from a light retail standpoint is the subject bakery that sells its cakes primarily by order and pick-up with about 15% at the front of the building allocated to walk-in traffic for the purchase of cupcakes, slices of cake and some beverages. The remainder of the space is for the kitchen and offices for the tenant. A bakery should be welcomed by the surrounding residential community and the school across Lee road as an asset for the neighborhood.

Staffing of the bakery will be about 5-7 persons who bake and decorate cakes on rotation and a retail salesperson at the front of the store. The store will be closed to the public Monday and Tuesday, but the kitchen will be open to employees for baking. Hours of operation to the public will be 8:00 AM to 8:00 PM Wednesday to Friday for order pick-ups and retail sales and Saturday 10:00 AM to 6:00 PM. The tenant proposes to repaint the outside of the building a light color and to install an awning at the front to attract customers proceeding on Lee road. Names being considered for the bakery are "The Boujie Bakery by Autumn Oliver" or "The Cake Parlor by Autumn Oliver."

Given the obstacles described converting the building to multi-family use, a variance is respectively being requested.

Applicant's signature _____ Date _____

STATEMENT OF HARDSHIP

To obtain a use variance, an applicant must show, to the satisfaction of the Board of Zoning Appeals (BZA) that strictly adhering to the Zoning Code's limitations on the use of his or her property, would result in an "unnecessary hardship." To this end, a written statement of hardship must accompany an application for a use variance. **Please complete this Statement of Hardship, by addressing all seven (7) of the criteria listed below.** Additional documents may be submitted as further proof.

In deciding whether to grant a use variance, BZA must determine that all seven (7) of the following criteria are met by the proposed use of the property that is the subject of the use variance request:

- A. Please explain why or how the property cannot be put to any economically viable use under any of the permitted uses in the zoning district:

Zoning for Multi-family is not possible due to insufficient lot size of 10,000 SF when 20,000 SF is required. Also required set backs of 30' at front of property and 25' on side of property are not possible with existing building right on lot lines at front and side yard. Building of 2,130 SF cannot be enlarged for minimum three apartment units of 1,700 SF each.

- B. The variance requested stems from a condition which is unique to the property at issue and not ordinarily found in the same zone or district This/these condition(s) is/are:

Retail use is not permitted in existing zoning for multi-family only. Size of lot and buildig set backs are detriments to minimum standards for multi-family development.

- C. The hardship condition is not created by actions of the applicant. The hardship condition is a result of:

Hardship condition arises from minimum standards of lot size and building on lot too small for multi-family development.

- D. The granting of the variance will not adversely affect the rights of adjacent property owners or residents; because

The specific use of the property as the bakery would not adversely affect the neighbor in the immediate area of the property but would instead offer an amenity not currently available and a use for the building that is economically viable.

- E. The granting of the variance will not adversely affect the public health, safety or general welfare; because

A bakery does not impact the community negatively but offers a place for residents to gather and select cakes and other baked goods for families and social occasions, it is a "happy" place and does not endanger the neighborhood.

- F. The variance will be consistent with the general spirit and intent of the Zoning Code; because

A bakery, although partially retail in nature, does not materially deviate from the spirit of the zoning code as it fits in well with the residences approved in the zoning code.

- G. Please explain how the variance sought is the minimum which will afford relief to the applicant.

Multi-family zoning must be altered to retail because no other use can be made of the property for multi-family development and there is no demand for office space. Unless a retail zoning is permitted by variance the property may remain dormant and is of no utility for the bakery.

If you have questions, please contact the Planning Department at 216-291-4878 or planning@clvhts.com.

The criteria listed above can be found in Subsection 1115.07(e)(2) of the Cleveland Heights Zoning Code.

Other approvals

The granting of a variance does not imply approval of specific plans by the Building Dept., Architectural Board of Review, or other City entities. Questions about building permits and regulations may be addressed to the Building Dept. at 216-291-4900.