



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 applicant made attempts to work out an agreement with alley owners to the north with intentions to provide wider south landscape buffer, additional parking spaces, and meet internal landscape requirements but was unsuccessful. The narrow shape of the lot limits the efficiency of the parking lot. Internal lanscape requirements reduces this efficiency even more.

- 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.

District parking is stressed during peak hours, therefore every spot matters. 64 parking spaces are being proposed, but still does not satisfy the complete need. Incoporating the island and landscape requirments significantly reduces the total parking spaces making the cost of the parking lot vs. total parking spaces achieved not worth the significant investment.

- C. Explain whether the variance is insubstantial:

The owner is proposing to invest in exterior and perimeter landscape above the code requirement to balance the reduction in required interior landscape making the lack of parking lot landcape insubstantial.

- 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 is an extension of an existing parking lot adjacent to a commercial district. Character will remain the same for most neighbors. An evergreen low shrub screening will be provided for neighbors west of the lot on Bellfield. Additinal landscape as mentioned above is proposed to help soften the view of the parking lot from neighbors.

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

No service will be affected.

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

Yes. Some of the parcels were purchased decades ago and have remained as housing. Code has been revised in 2012 and 2017 which affect proposed parking lot requirements.

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

Existing parcels are proposed to be consolidated. Parcel width severely limits parking lot design, hence applicants attempt to work with owners to north.

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).

Applicant attempted to purchase additional property to provide a parking lot with landscape above and beyond code requirements. Agreements could not be reached. Cost feasibility becomes less and less with every parking space that is eliminated.

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

Although internal landscape requirements would not be met, as previously mentioned the applicant is proposing landscape around the parking lot that is above and beyond what is required by code.

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.

The demand for parking and space, timing of purchasing properties prior to code amendments, and spacial limitations are unique to this project.

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.