

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):

North of and behind 3271 there is a three car garage structure that spans the property lines between parcel 68431006 and 68431005. While this is two structures, they share a wall and their front is a unified style to match the houses on said properties. Parcel 68431096 is much larger than 68431091 but there is a three car garage on this lot with a porch. The proposed garage on 3271 will not be out of place in comparison to these other close by garages.

- 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.

3271 is a six bedroom home. Future occupants with five children will need a driveway, garage, storage, and home office of significance to accommodate the cars of more than the average 3 - 4 bedroom property in the area are able to house.

Previously, this property appraised for \$86k. Key Bank through the Heritage Loan program appraised it at \$164k with this completed garage.

As more and more people telecommute or work from home, a devoted space for a home based business as part of this garage will make it an even more appealing real estate property for the future.

Without this variance we will be forced to consider other options and potentially leave 3271 without a garage.

- C. Explain whether the variance is insubstantial:

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

Considering the size of the ~25' x 18' garage/s behind 3271, the size of the garage at 3248

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Euclid Heights, and the size of the house on 3271 itself, the proposed variance will not provide an incongruous experience for neighbors or passers by.

Our art/craft/design home based business requires a certain amount of square footage for our equipment and storage of finished product. We need both the space for cars and for said business. We would like to build a 40' - 44' wide garage but realize that *WOULD* create an eyesore just by size alone and not leave us space to create a rain garden.

- 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.

The seven additional feet of width that is critical to our business and appropriately matched size of garage in comparison to the house would

If we were to have proposed a garage that was 25' x 24' a variance would not needed but the additional space is required space for our art/design/craft based business. That seven additional feet of width will have no bearing or visual impact on any surrounding neighbors. The large three car garage structure from the neighbors north will shield the majority of the view of the proposed garage. A large row of arborvitae shield the view of the back yard from neighbors on the one side and existing large trees in the other neighbor's yard provide a screen such that they would never know the difference between 29' and 36' width.

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

There will be no bearing on delivery of governmental services.

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

The property was purchased with the understanding that the lack of a garage was grandfathered in but with the intent of building a garage to match the character and potential usage of four or more drivers and cars. The west most bay of the proposed garage will be used for studio/office/shop that would not be wide enough without the proposed variance. With the variance, the "devoted home based business/office" space will add significantly to the property's resale value. While this might not be to code, it honors the spirit of the code by improving the property for the benefit of the neighborhood and city housing stock.

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

The special circumstances and conditions are not a result of 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). The need for studio/office/workshop space cannot be facilitated by any other reasonable means. A basement for a garage with a smaller footprint is possible and would alleviate the

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floor area variance, but would be absurdly expensive to build. Workshop space is scarce in and near Cleveland Heights and the cost of renting space is beyond the means of the current size of our home based business. Not only do we want to keep our arts based business in Cleveland Heights as a point of pride, I am the primary caregiver for our Cleveland Heights Tiger children during the school year and need to be available for transport, homework, and care in the case of illness. This is the only way to make this situation work for my family and business while staying in Cleveland Heights.

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

A difference of nine feet of width will not be a substantial burden to the neighborhood and will in fact increase the value of the home by \$78k according to the appraisal by Key Bank's representative. The house itself is large and the proposed garage would not be outside the scale of the home even if it were to be eight feet wider. Note that the ABR review of this garage found no issues with the scale of the proposed building. In that 12 feet west of the proposed garage we will be creating a 384 sq ft rain garden fed by the garage roof's storm water runoff.

- 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.

Based on numerous and obvious variances in coverage on homes east of South Taylor, our requested variance would not be considered special privilege. Specifically, parcel numbers: 68320017, 68320016, and especially 68320014. There are numerous other examples, but these are physically closest to 3271 Beechwood, Severn being the "sister" street.

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.