



Nov. 10, 2019

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):

Being a corner lot, there's no driveway and the existing apron is shallow and narrow. A car parked on the apron must be positioned parallel to Nottingham Lane, blocking access to both garage parking spaces and requiring excessive jockeying of vehicles. A car parked on Nottingham Lane obstructs passage on the narrow lane for traffic and especially City service vehicles.

- 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.

Our request is about the practical matter of parking a third car and accommodating the needs of our family, not a return on an investment.

- C. Explain whether the variance is insubstantial:

The variance is insubstantial in our opinion. Our driveway apron on Nottingham Lane is substantially more narrow than that of any other property along this same lane. We believe the addition of an additional concrete parking space will be ubiquitous with the surrounding area.

- 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.

We believe the addition of an additional concrete parking space will be ubiquitous with the surrounding area.

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

As mentioned in section "A," the addition of a third parking space will eliminate the need for us to park a third car on Nottingham Lane. This will allow clear passage of all vehicles, including City service vehicles and along this lane.

- 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.

The current parking situation is intrinsic to the property (versus the result of actions of an 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).

We negotiated a variance with the Law Department of the City of CH several years ago prior to installing a new backyard fence. With this project, it was our understanding that the CH Law Dept. was resolving our parking request internally and without the need to apply for a variance. With the subsequent turn-over of staffing in the Law Dept., this determination was reversed and we were then informed that we are indeed required to apply for a zoning variance.

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

The attached garage accommodates parking of two medium sized vehicles. We have teenage children who are now driving, and we need this added space to accommodate our changing needs, and to make this property continue to work for us.

- 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.

It will not. Many other CH properties have significantly larger concrete footprints than ours, even with installation of a third parking spot. To re-iterate, we do not have a driveway, and our garage apron is both narrow and shallow. We have teenage children who are driving, and we need this added parking space to accommodate our changing needs and to make this property continue to work for us.

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.