

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 existing, non-conforming, encroaching, dilapidated garage structure is built on an irregular and narrow lot. The location and orientation of the existing main dwelling makes it impossible to construct a new conforming structure on the lot. The problem is further exacerbated by the very small rear yard area.

- 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.

N/A

- C. Explain whether the variance is insubstantial:

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

By approving a variance it would be the minimum necessary to construct a 9'x20' parking space (pad) in lieu of a garage which would be the best possible use of the land.

- 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 variance only impacts this property and would have no detriment to adjoining properties nor effect the neighborhood as a whole.

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

No impact.

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

Yes, homeowner was not aware of the zoning restrictions when purchasing the property.

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

These special conditions or circumstances are not as a result of any action 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).

Allowing the building of a 9'x20' parking space (pad) in lieu of the existing derelict structure would resolve the issue at hand.

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

The Zoning Code does not address the non-conforming nature of the existing structure, nor allow for any new, conforming replacement structure. The Zoning requirement would be observed by the granting of this variance.

- 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.

As this request addresses an existing non-confirming issue, the granting of this variance does not confer any special privilege to the property owner.

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.