

### 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):

Due to Covid 19 social distancing requirements in the classrooms the School has insufficient space to accomodate students returning to class this fall. This variance is requested to allow the installation of a temporary modular classroom building on the play field behind the school.

- 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.

The modular classrooms are expected to be needed for about 12 months after which the modular building will be removed and the site restored to it's current condition as a play field.

- C. Explain whether the variance is insubstantial:

The variance would not be substantial in that it would be temporary, lasting only about 12 months. The site would then be returned to it's original condition as a play field.

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

The setback variance is required is necessary to allow for the installation of a six classroom temporary modular building which is expected to be the minimum needed for the current projected enrollment for the upcoming school year.

- 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 area of the proposed modular classroom is buffered from the adjacent residential back yards by large existing trees and detached garages. The classrooms would be in use only during the school days and not create any noise or other detriments to the surrounding properties.

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

The modular classroom building would not adversely affect the delivery of governmental services. Temporary connection low volumn connections to the sanitray sewer and water lines. No impact is expected on the rubbish collection.

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

No, this portion of the property was purchased for use as a play field. It will be returned to that use at the conclusion of the lone year lease.

- 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 noted above are due to the unprecedentsd conditions surrounding the efforts to contain the spread of the COVID 19 virus, not an action by 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 owner has considered several options for creating additional classroom space in the existing building including creating temporary classrooms in the Cafeterias, Gymnasium, Library, etc. These temporary arrangements will seriously impact the educational process and still not provide all for all of the needed addtion classroom space.

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

The spirit and intent of the zoning code would be observed.

- 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 unique nature of this variance request and it's temporary nature would likely not apply to other other lands, structures or buildings in the same district.

If you have questions, please contact the Planning Department at 216-291-4878 or [planning@clvhts.com](mailto:planning@clvhts.com).

The factors listed above can be found in Subsection 1115.07(e)(1) of the Cleveland Heights Zoning Code.



July 17, 2020

Karen Knittel, City Planner II  
Planning Commission  
City of Cleveland Heights  
40 Severance Circle  
Cleveland Heights, Ohio 44118  
Kknittel@clvhts.com

Re: Hebrew Academy of Cleveland  
Temporary Modular Classroom Building

Dear Ms. Knittel,

the Hebrew Academy is applying for side and rear yard variances to construct a temporary modular classroom building on their property at 1860 South Taylor Road.

The temporary additional classroom space is needed in order to comply with state COVID 19 recommendations for social distancing between student desks. We have studied several classroom seating arrangements and anticipate losing about 4-8 seats per classroom. We have studied the use of the existing cafeterias, library and multi-purpose room in the building for temporary classrooms. We also considered creating temporary classrooms in an adjacent retail building owned by HAC. This option was eliminated due to lack of sufficient toilet and HVAC facilities as well as safety and logistic concerns due to distance from the existing building. The temporary modular classroom building would provide the needed temporary additional space in the most timely, safe and cost effective manner.

The requested setback variances would be consistent with the setbacks for a commercial building. While final enrollment numbers have yet to be determined, we anticipate about the same number of students and staff at the site as were their last year. We do not anticipate any increase in vehicular traffic, traffic flow through the site or parking requirements.

The temporary modular classroom building would be located on an existing grassed play field behind the school building. We have considered several other locations on the site such as on the existing parking lots and found insufficient space for the temporary building and no practical way to relocate the needed parking spaces. The building would be occupied during typical school hours only. The classroom use would not create any additional noise or other detriments to the neighborhood. The location is buffered from the surrounding houses with existing trees and the detached garages behind the houses. The building should not be visible from the adjacent side streets. Two of the houses adjacent to the play field are owned by HAC and rented for residential use.

The modular building would not have any significant impact on the safety of fire services. A temporary electric service would be arranged with the power company and water and sanitary sewer connections made to the existing systems with city approvals.

The proposed modular building is one story with a relatively flat roof. It is a relatively new unit and unobtrusive in appearance, with beige siding and a muted burgundy band around the top. Entrance ramps and platforms would be exposed treated wood. The building would have a solid skirt at the perimeter base to prevent animal access under it.

The conditional use request is temporary for 12 - 16 months. While we do not know how long the COVID 19 social distancing will be in effect, a major addition to the HAC school at the former Oakwood Country Club site is under construction and expected to be completed by August 2021. This should provide enough permanent space for the students.

The modular classroom building lease will include removal of the building at it's conclusion, restoration of the site to it's existing condition as a grassed play field and removal of all temporary utilities.

Sincerely,



Glen D. Ramage

cc. E. Dessler  
S. Dessler  
C. Calevich  
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