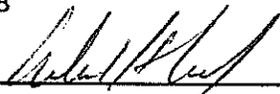


* SEE ATTACHMENT FOR ANSWERS TO QUESTIONS

Form BZ-SV, page 4 of 8

Applicant's signature



Date

8/17/20

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):

- 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.

- C. Explain whether the variance is insubstantial:

Explain whether the variance is the minimum necessary to make possible the reasonable 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.

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

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

G. Explain whether the special conditions or circumstances (listed in response to question A above) were 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).

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

WILLIAM H. CHILDS, JR. & ASSOCIATES, INC.

ARCHITECTS / PLANNERS

6 W. WASHINGTON STREET CHAGRIN FALLS, OHIO 44022 | TEL: 440-247-4122

Statement of Practical Difficulty

Client: Brooks / Meyer
Address: 2500 Guilford Road
Date: August 12, 2020

- 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. (example of this are: exceptional irregularity, narrowness, shallowness or steepness of the lot, or adjacency to nonconforming and inharmonious uses, structures or conditions):

A.) *Answer: This particular property has a vacant lot to the north of the existing home. The client would like to take advantage of the consolidated lots to build not only a needed addition for the nonfunctional areas of their home, but to also provide a space for their aging mother. This space will have a bedroom, bathroom, closet, family room, breakfast nook and a kitchen. The kitchen's main purpose is for full-time help to prepare meals for the owner's mother. Due to the COVID pandemic, the owner wants to build this space for their mother rather than having to place her in a nursing home.*

B.) *Answer: The existing property will be consolidated, which is unusual in the neighborhood. A low walled auto court in the front part of the property is much in keeping with traditional architecture. The new low walls of the auto court would be a continuation of the existing original wall at the garage and would appear as if it were built when the original home was built. Having the auto court behind the front of the existing home would not provide sufficient room to park or maneuver car, and would look contrived.*

- 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.

A.) *Answer: The property would not yield a reasonable return without the variance. The owner would not be able to accommodate their mother's and caregivers' needs. No amount of reasonable return would or could replace the peace of mind of having a loved one in their own home versus in the care of a nursing home during a national pandemic.*

B.) *Answer: I think the property would not yield a reasonable return with a contrived auto court, which would devalue the architectural quality of the property. Having the proposed auto court would not only yield a higher return, it would also function much better.*

- C. Explain whether the variance is insubstantial:

A.) *Answer: The variance is insubstantial because it does not affect the life safety or general welfare of the public. However, in this circumstance it would greatly affect the owner's mother receiving proper care in a home-like setting in her own kitchen. If the caregivers have to prepare the food in the existing home's kitchen, it would be disruptive to the regular*

use of the home's kitchen, as well as leave the mother unattended for extended periods of time.

B.) The variance is insubstantial because it does not affect the life safety, or general welfare of the public. The auto court is not a structure. It would be virtually unnoticed, and would be a continuation of the proposed hardscape material. The low wall would be an architectural element with beautiful landscaping.

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.

A.) Answer: The essential character of the neighborhood would not be substantially altered or adjoining properties would not suffer substantial detriment as a result of the variance. The life safety and general welfare of the public would not be affected by the additional kitchen. The addition we are proposing would appropriately fit into the existing massing, proportion and detailing of the original composition of the home. All material and colors would match the original home to provide a seamless addition.

B.) Answer: The essential character of the neighborhood would not be substantially altered or adjoining properties would not suffer substantial detriment as a result of the variance. The life safety and general welfare of the public would not be affected by the auto court. In fact, it would help from a safety point with traffic flow. It would also enhance and add value to the property and neighboring properties.

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

A.) Answer: No.

B.) Answer: No.

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

A.) Answer: Yes.

B.) Answer: Yes.

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

A.) Answer: The owner was not initially planning to have their mother live with them. But, because of the national pandemic, and the status of the nursing homes during this pandemic, she feels it is essential to keep their mother out of a nursing home environment and living at home with them.

B.) Answer: The owner's action to construct an addition does require a solution for parking and vehicular circulation. The new auto court allows for safe vehicular and pedestrian circulation.

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)

A.) *Answer: If the applicant does not have a kitchen in the mother's space the caregivers would use the kitchen in the existing home which is very far away from the mother's space. This would be a life safety issue for the mother and would be a burden on the family for privacy and security, because the caregivers would have full access to their home.*

B.) *Answer: If the applicant does not have the auto court, the vehicular and pedestrian circulation could potentially be a life safety issue. Not having appropriate distances to park or back out could lead to a potential accident. In addition, the walled auto court would enhance not only the owner's property, but it would also enhance the overall neighborhood.*

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

A.) *Answer: The variance would be in the spirit and intent of the zoning requirements. The country is in unpredictable times, and the uncertainty of the nursing homes is a life safety issue for the owner's mother.*

B.) *Answer: The variance would be in the spirit and intent of the zoning requirements. The walled in auto court would be in keeping with the beautiful architectural character of the neighborhood and would only resolve the owner's vehicular and pedestrian circulation.*

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 districts.

A.) *Answer: Granting this variance would not confer the applicant any special privileges that is denied by this regulation to other lands, structures, or buildings in the same district. Many homes in the area have second kitchens in the basement / lower area of their homes for entertainment. It is also common for homes of Jewish families to have double kitchens in order to remain kosher.*

B.) *Answer: Granting this variance would not confer the applicant any special privileges that is denied by this regulation to other lands, structures, or buildings in the same district. Many homes in the area have distinctive historic architectural characteristics. The auto court would embellish the home.*