

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):

By having a Corner-Side yard property at 883 Yellowstone. We do not have backyard privacy like most of the homes in the same zoning district.

- 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.

By this property not having an enclosed backyard. It is very difficult to obtain the privacy that most of homes in this zoning district have. So without this variance the yard cannot be enjoyed at its fullest potential.

- C. Explain whether the variance is insubstantial:

This variance is substantial and will provide safety, privacy, and comfortability not only for my family. But many others decades ahead.

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

The bft variance is the minimum necessary to make the possible reasonable use of the land. Just at the right height to provide privacy without altering neighborhood quality.

- 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.

By installing this fence the essential character of our neighborhood will be improved tremendously. Showing that Cleveland Heights residents highly value the appearance and consistent maintenance of our properties and neighborhoods. NO properties at all will be affected or suffer from this addition.

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

The Fence VARIANCE would not have any affect on the delivery of governmental service. Everything that is accessible now will continue to be that way after the VARIANCE.

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

Before purchasing this property we were told by the Realtor that we could have a fence installed for privacy and safety.

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

Because of being told we could have a fence installed if we wanted. That was one of the main factors that sold us into making this a home for a long time. Also improving property value.

- 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).

This matter cannot be solved or resolved through any other methods other than a variance. This variance will provide privacy and safety for my family and many other mines.

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

By granting this variance we will have the privacy and comfort as everyone else in this zoning district with a backyard. Also providing safety to our kids and kids to come.

- 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 granting of this variance will not provide any special privilege. There are many properties and structures in this district with fencing to provide the safety, privacy, and comfort we would like to have.

If you have questions, please contact the Planning Department at 216-291-4855 or kknittel@clvhts.com.

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