

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):

A standard 4' fence can not keep over kicked or overthrown balls from entering the street or into the neighboring school area. This 14' hight post system with netting would be used during practice and games to keep the balls from becoming a nuisance

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.

For safety reasons, a standard 4' fence can not keep over kicked or overthrown balls from entering the street or into the neighboring school area. This 14' hight post system with netting would be used during practice and games to keep the balls from becoming a nuisance

C. Explain whether the variance is insubstantial:

there is existing landscaping along the street that would shield the fence from passerbys. Also - sectio 1153.05b of the city's ordinance indicates that Planning Commission may require a school, park or playground to fence in the outdoor play area to minimize traffic hazards and buffer neighboring properties - so this request seems appropriate

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

A standard 4' fence can not keep over kicked or overthrown balls from entering the street or into the neighboring school area. This 14' hight post system with netting would be used during practice and games to keep the balls from becoming a nuisance. Other fencing can be used but it was felt this was the most effective least obtrusive system to use.

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.

Because of the existing landscaping, there should be minimal vision of the fence. The color of the fence coating would also help to hide it from the passerbys.

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

Will not adversely effect these items

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

No

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

the field already exists in this location. The posts and netting are up close to the field and not down by the road.

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).

Other types of fencing could be used but it was felt this was the most effective and least obtrusive and most cost effective system

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

While this is in an area zoned for single family homes, this is a school which requires different types of fencing than a single family home. so it ties in with the use of the property as a school.

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.

This will not provide any special privilege. the fence will provide safety to those passing by and the general public. The chain link allows the field to be visible from both sides. A more solid fence could have security issues.

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.