

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 entry is through the garage and the street facade has no fenestration or doors visible. The homeowners struggle with welcoming guests and receiving packages. The home owners wish to make an entry that is more inviting with glazing and door visible from the street.

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 existing entry is through the garage and the street facade has no fenestration or doors visible. The homeowners struggle with welcoming guests and receiving packages. The home owners wish to make an entry that is more inviting with glazing and door visible from the street.

C. Explain whether the variance is insubstantial:

The encroachment is less than 6' and less than the neighboring homes (unenclosed) entry encroachment, and all of these are ~100' from the street. This will not be apparent from the street. It will not block any view from the neighboring properties.

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

The new entry is wide but very shallow, minimizing the encroachment.

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 ABR committee agreed that the new design is in keeping with the character of the current home only augmenting the entry sequence.

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

It will not.

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 home had a poor entry sequence when they purchased it.

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).

Not without substantial damage to the rest of the existing home.

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

The encroachment is less than 6' and less than the neighboring homes (unenclosed) entry encroachment, and all of these are ~100' from the street. This will not be apparent from the street. It will not block any view from the neighboring properties.

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.

It will not grant special privilege because the minimal encroacher will not be detectable.

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.