

## 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):

Street parking is not allowed on our block of North Park Blvd, and the westbound traffic is reduced to one lane, and there are 2 lanes plus a bike lane running eastward to the traffic light at South Park/North Woodland. Safely turning in and out of our driveway has become difficult and dangerous, especially at rush hours, with only a 13' turn radius.

- 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.

Creating a turnout area near our front entrance stairs would allow guests and deliveries to enter the front door without blocking all ingress and egress in the driveway. Currently, guests often choose to park on Arlington Rd and walk the distance...which has become increasingly difficult as we, and our guests have aged. Entertaining during the snow months is now almost impossible.

- C. Explain whether the variance is insubstantial:

There is a 152' set back from the sidewalk to the house and the lot is 110 front feet wide for a total of 16,720 sq. ft. of front yard. The asphalt driveway is approx. 10' wide x 152' long, or approx. 1,520 sq. ft. The proposed turnout is approx 22' x 30', or 660 sq. ft. Total area of asphalt vs. green space, including the proposed turnout, would comprise less than 8% of the total area.

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

Our proposed turnout will allow guests to enter through the front door, and when leaving, turn their car around to leave face forward as opposed to trying to back out into the traffic. We have considered a circular driveway or a courtyard solution, but concluded a turnout is the minimum solution.

- 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.

This proposed change will not alter the character or the neighborhood. The property to our east has a horseshoe drive, and the property to the west has a drive begins off North Park and runs behind their house allowing cars to exit onto Arlington.

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

The mail carrier would be delighted. She now blocks the one lane of North Park and walks the 152' distance. No governmental service is adversely affected.

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

48 years ago when we purchased the property North Park was 4 lanes and parking was allowed with restricted hours.

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

The new traffic patterns on North Park, including a newly created turning lane and bike lane, and through traffic now reduced to one lane each way, is the result of governmental decisions...perhaps at the Cuyahoga County or ODOT level.

- 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 can not think of any. This appears to be the easist solution.

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

I think providing a place for visitors and deliveries to turn in, and allow them to drive out forwards will help prevent accidents on North Park Blvd.

- 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.

As I walk the neighborhood, I see that turnouts and horseshoe driveways are common, especially on our busy streets such as North Park and Fairmount.

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

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