

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 horseshoe shaped driveway is preventing safe maneuverability to access and exit the existing garage space. There are no viable locations for an additional parking pad for guest parking in compliance with Codified Ordinance 1121.12 Accessory Use Regulations Section (k)

- 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 horseshoe shaped driveway is preventing safe maneuverability to access and exit the existing garage space. There are no viable locations for an additional parking pad for guest parking in compliance with Codified Ordinance 1121.12 Accessory Use Regulations Section (k)

- C. Explain whether the variance is Insubstantial:

The variance is substantial by providing safe access and accommodations for vehicular maneuverability

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

The additional 10'-0" width at the central area of the driveway would provide substantial maneuverability to access the garage as well as provide safe occasional guest parking.

- 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 would not cause substantial alteration of the character of the neighborhood

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

The variance would help improve the delivery of governmental service by accomodating heightened efficiency in the driveway for delivery of services.

- 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.

No

- 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).

The existing limitations of driveway access is preventative to alternate solutions

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

The variance request would observe the spirit and intent of the Codified Ordinance 1121.12 Accessory Use Regulations (p) Driveways - Section (2) Pavement width shall not exceed (12) feet except where necessary to provide direct access to the garage, by providing additional space where there is direct access to the garage while accomodating additional parking and manuverability.

- 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 unique existing driveway access conditions and dimensions are specific to the property and would not present a case of special privelage to other lands, structures, or buildings.

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.