

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):

Warrensville/EAST elevation is the main entrance. For optimal visibility, square feet signage on the EAST elevation should be 114. On Mayfield/NORTH elevation letters should be 20" high, 40 square feet. Mayfield Road is heavily traveled and enables patrons to easily find applicant. The pole sign will direct patrons into the appropriate entrance off Warrensville.

- 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 variances will provide patrons sufficient ability to find the applicant. The East / Warrensville elevation is required to provide direction to the main entrance. Pole sign is the wayfinding sign for the vehicle entrance.

- C. Explain whether the variance is insubstantial:

The variances are providing the opportunity for the applicant to advertise the establishment at a heavily trafficked area. With the building setback from Warrensville, the sizes noted provide adequate visibility from the street at a speed of 25 to 40 miles per hour. The pole sign is where the main vehicle entrance is.

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

The designs are of adequate size, color and contrast; visible from Warrensville and the westbound lane of Mayfield. On the Northside, the size, contrast and dimension add to the applicants's ability to be found by patrons.

- 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 neighborhood is not altered. Neighboring properties have signage on more than one elevation. Conrads has signage on the South and East elevations. Subway immediately to the east has signage on the North, East and South elevations. Both establishments would have required variances for the number of elevations and the amount overall square foot age of signage.

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

The variance will not have an impact on any governmental service.

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

The applicant was unaware of the zoning restriction when purchasing the property.

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

None of the circumstances (such as building layout) were the result of actions of the owner.

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).

We do not see a feasible method to resolve this predicament other than the 2 variances.

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

The spirit and intent behind the zoning requirement would be observed by granting the variance.

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 note in D above, neighboring establishments (SUBWAY and CONRADs) have signage on more than one elevation and with amounts greater than the allocated signage amounts.

If you have questions, please contact the Planning Department at 216-291-4878 or planning@cityofcleveland.com.

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