

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 requested structure meets all zoning setbacks and other related aspects of the ordinance. The lot itself is quite large, and can accommodate a taller structure without impinging on neighbors. The request itself is not related to the land; rather it is a request for height.

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 purpose of the request is to allow the owner/artists to produce their work from a home studio. This proposed studio would not be an obstacle to future home owners and likely would attract other artists to the neighborhood.

C. Explain whether the variance is insubstantial:

The variance request is substantial as it supports the owner/artists incomes.

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

Yes, this is the minimum necessary.

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 essential character of the neighborhood would not be altered whatsoever. The structure is set back from the street and will not be visible to passers by. The closest neighbor is in favor of the variance request (see letter.)

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

It will not adversely affect the delivery of governmental 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.

They were not 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).

The only way to have a high ceiling is to have a high roof.

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

The lot remains residential so there is not challenge to the intent behind the zoning requirement.

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 confer any special privilege.

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.