

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 maximum sign area allowed is only 24 square feet in a residential district. Lutheran East is the only high school in the city in a Residential District, whereas other high schools in Commercial and Special Districts are allowed 1 square foot for each linear foot of building frontage to a maximum of 150 square feet

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.

N/A

C. Explain whether the variance is insubstantial:

Lutheran East has been a fixture in Cleveland Heights since 1959, located on Mayfield Road. The granting of the variance would allow greater visibility and identification on the building, to keep enrollment up, and continue to be a leading institution providing students with the education they need to prepare for their future.

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

The variance is an opportunity for the school to increase their visibility and identification along Mayfield Road, where cars typically travel between 35 to 45 miles per hour. A building mounted sign area of 24 square feet would not be legible from the road.

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.

Granting of this variance would not alter the neighborhood nor create substantial detriment to adjoining properties.

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

Granting of this variance will have no effect on the delivery of governmental services.

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

N/A

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

Sign requirements 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).

We do not see a feasible method to resolve this predicament other than the requested variance.

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

We feel the greater visibility would strengthen the neighborhood by maintaining its status as a higher education institution as well as revitalizing the corner of Mayfield and Yellowstone Roads.

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 noted in Statement A above, this is a unique situation for this school being located on a major thoroughfare with six lanes of traffic. Visibility and identification is crucial to enrollment. Schools located in other commercial or special districts are allowed up to 150 square feet of sign area (based on frontage). The requested sign area is less than 25% of the overall frontage on each elevation.

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.