

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):

We are making some changes to our existing parking lot, and that change is demolition of the 1808 South Taylor Veterinary Hospital. We would like to maximize the number of parking spaces there and are asking for a variance for the depth of landscaping required by code.

- 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 additional parking spaces provided by this variance will allow us to meet the required vaccine parking areas for the size of our new building at 1794 South Taylor. This parking lot at 1808 South Taylor will be used for our staff parking, so maximum parking there is needed so that we may reserve all client parking to the 1794 lot.

- C. Explain whether the variance is insubstantial:

The variance allows us to meet the required code parking spaces and still provided an attractive landscape buffer. And that parking lot is already in place.

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

Minimum needed.

- 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.

We'll still have a landscape buffer as we do now.

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

No affect on these services.

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

I wasn't aware of the zoning restriction. The parking lot area has been in existence for many decades.

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

The landscape border along S. Taylor isn't currently in place because our building is there.

- 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).

Variance is requested as we restructure the parking lot.

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

We'll still have an attractive landscape barrier

- 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.

Our plan will fit in with our local business neighbors

If you have questions regarding the BZA or this application, please contact Planning & Development staff at 216.291.4878 or via email at bza@clevelandheights.gov.

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