

## 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 lot is an existing non-conforming lot due to it's small size

- 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 variance will better allow for off-street parking of the three tenants and visitors. The variance will not increase the area of non-permeable surface beyond existing conditions.

- C. Explain whether the variance is insubstantial:

The variance is insubstantial because it will not increase the area of non-permeable surface beyond existing conditions.

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

A variance is the best way to accommodate parking needs of the building.

- 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 will not be altered with granting of the variance. All work is occurring at the rear of the property and is largely hidden from view behind the house.

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

The variance would not effect delivery of any services.

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

Yes

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

The Special Condition is the small size of the lot, which is not related to the 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).

A smaller parking area would result in cars parked in the driveway or on the road, neither of which are desirable.

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

Granting of this variance would not compromise the spirit or intent of the zoning code due to the existing condition non-conforming lot.

- 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.

Granting of this variance will not grant this owner any special privilege and would be similar to variances granted for other non-conforming lots.

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](mailto:bza@clevelandheights.gov).

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