

STATEMENT OF PRACTICAL DIFFICULTY

To obtain a variance, an applicant must show, 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 location of this commercial building adjacent to residential homes requires an 8' tall fence built to protect the dogs, neighboring property owners, and create a safe location for our business to thrive.

- 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.

This building has been long vacant. This business can not operate without an 8' tall fence to safely contain the dogs. If a Dog would escape a shorter fence, the business would likely fail.

- C. Explain whether the variance is insubstantial:

A one foot fence variance for a fence in a rear yard is insubstantial and the least necessary to safely contain the dogs.

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

- 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.

There are many fences in the neighborhood and this will not impact neighborhood character. Also this fence is located in behind the building and will not be visable from the main road (Lee).

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

We do not believe that this would affect the delivery of government service as we are only increasing the fence height by 1 foot.

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

We are in the process of purchasing the property with the contingent approval of the fence variance. We were advised of the 7 foot restriction, but due to safety concerns for the Dogs, Business, and residence of the neighborhood we wanted this to be increased to 8 feet.

- G. Explain whether the special conditions or circumstances (listed in response to Question A above) were a 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).

An 8' fence is the only way to allow the dogs the necessary outdoor time and assure their safety. There is no other way to resolve this issue.

- 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 of the zoning requirement and justice done by granting this 1' variance to fence height.

- 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.

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.