

## STATEMENT OF HARDSHIP

To obtain a use variance, an applicant must show, to the satisfaction of the Board of Zoning Appeals (BZA) that strictly adhering to the Zoning Code's limitations on the use of his or her property, would result in an "unnecessary hardship." To this end, a written statement of hardship must accompany an application for a use variance. **Please complete this Statement of Hardship, by addressing all seven (7) of the criteria listed below.** Additional documents may be submitted as further proof.

In deciding whether to grant a use variance, BZA must determine that all seven (7) of the following criteria are met by the proposed use of the property that is the subject of the use variance request:

A. Please explain why or how the property cannot be put to any economically viable use under any of the permitted uses in the zoning district:

Zoning for multi-family is not possible for this building due to insufficient lot size (10,000 square feet) where the required amount is 20,000 square feet. Also the required set backs at 30' at the front of the property and 25' on the side of the property are not possible with the existing building directly on the lot lines at the front and side yards. The Building which is currently 2,130 square feet cannot be enlarged for the minimum three apartment units of 1,700 square feet each.

B. The variance requested stems from a condition which is unique to the property at issue and not ordinarily found in the same zone or district. This/these condition(s) is/are:

Office use is not permitted in existing zoning for multi-family only. The size of the lot and building set backs are limitations in being able to use this space for multi-family development.

C. The hardship condition is not created by actions of the applicant. The hardship condition is a result of:

The hardship condition arises from minimum standards of lot sizes and building on the existing lot is too small for multi-family development.

D. The granting of the variance will not adversely affect the rights of adjacent property owners or residents; because

The specific use of the property as an office building would not adversely affect the neighbor in the immediate area of the property. Instead, this would provide an amenity not currently available in the area and a use for a building which is economically viable.

E. The granting of the variance will not adversely affect the public health, safety or general welfare; because

An office building does not impact the public health, safety, or general welfare of the community and will instead provide a positive impact for local businesses and professionals seeking services.

F. The variance will be consistent with the general spirit and intent of the Zoning Code; because

An office building will not materially deviate with the spirit of the Zoning code.

G. Please explain how the variance sought is the minimum which will afford relief to the applicant.

We are requesting an alteration to the multi-family zoning to an office building as the property cannot be used for multi-family development. Unless use for the building as an office space is permitted by variance, the property may remain continue to remain empty.

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 criteria listed above can be found in Subsection 1115.07(e)(2) of the Cleveland Heights Zoning Code.