

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):

One lot is L shape of 10,405 sq.ft next to a lot of 5,100 sq.ft. I like to reduce the size of one lot and increase the size of the other lot by 2,380 sq.ft.

- 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 part of the lot that will be taking from one lot will be more of a use to the other lot and will make it more equal in size and shape.

- C. Explain whether the variance is insubstantial:

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

The variance is necessary to complete the lot subdivision.

- 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.

In the neighborhood there are many lots under 10,000 sq.ft. see attached list,

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

No adversely affect will be.

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.

By creating equal size lots.

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).

the lots subdivision can not be completed without the variance

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

The variance will make the smaller lot bigger and closer to the zoning requirement.

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.

Many lots in the area are smaller, this variance will help to get the shape of the two lots equal.

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.