

Karen Knittel

From: STAUFFER, THOMAS <tstauffe@kent.edu>
Sent: Tuesday, September 04, 2018 3:24 PM
To: Karen Knittel
Subject: Re: 3559 Birch Tree Path variance
Attachments: Site Plan with context.pdf

Hello Karen,

Please add the following to the statement of practical difficulty.

This request for a front yard variance at 3559 Birch Tree Path accommodates the construction of a new two-stall garage.

The unique dimensional constraints of the width and the geometry of the cul-de-sac parcel form the basis for this appeal. The configuration of the garage 22'x20'-6" aligns with the existing construction and does not impinge upon neighbor views nor interrupts the continuity of contextual front yard alignments. The proposed garage foot print conforms to the existing concrete driveway [the 67.5% of parcel coverage remains unchanged] without additional impervious surface.

The value of the additional 400sf of multi-purpose space on the ground floor will enhance livability for the new owners in retirement. The garage door will obliquely face the cul-de-sac as the existing driveway curves [similar to the current design]. The front yard tree and landscaping to remain.

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 gross floor area of 1,536 sf of 1st floor of the house is not adequate for the applicants. The applicants are requesting an approval for the front yard setback variance to accommodate an addition of two-stall garage prior to an agreement to purchase. The existing garage is to be renovated for a multi-purpose room.

- 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 gross floor area of living space is not adequate.

- C. Explain whether the variance is insubstantial:

The variance is requested to accommodate a new 22'x20'-6" garage on a cul-de-sac with minimally consistent front yard alignments of neighboring properties.

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

The variance is the minimum necessary to accommodate a new 2-stall garage.

- 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 would not be substantially altered.

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

The variance would not adversely affect the delivery of governmental service.

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

N/A

- 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).

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

N/A

- 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.

N/A

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.