

CAL. No. 3496
2638 FAIRMOUNT BLVD.

Brief summary of variance request (please complete the Statement of Practical Difficulty):

Our proposal is to add a 1-door garage addition to an existing 2-door garage at our primary residence, 2638 Fairmount Boulevard. As illustrated in the attached drawings, the southwest corner of the garage appears to encroach upon the diagonal set-back line delineated within the zoning code. In supporting the character of our historic residence, the alignment of our existing garage and other precedent within the Euclid Golf neighborhood, we believe that the currently proposed 18" set back is appropriate from both a visual and architectural perspective. Therefore, we are requesting a variance as a further set-back would not be appropriate and take unnecessary space out of our rear yard.

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):

As shown in the attached photographs, the proposed garage addition sits within the existing concrete pad that has been on the property for many years. Our contention is that the garage should sit within that exact position as it fits contextually within the existing home's footprint and aligns properly with the decorative stonework on the existing garage.

- 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.

Simply put, as explained previously, this is a high quality addition to our home that we have invested in heavily since moving there seven years ago and the proposal represents the best solution for high quality architecture and construction.

- C. Explain whether the variance is insubstantial:

We consider the variance to be completely benign as our garage is so far away from the neighboring property that the minor change in the setback would be imperceptible from a visual perspective.

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

Yes, as explained previously.

- 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.

No, not at all.

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

No

- 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.

No

- 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).

No

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

Yes

- 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.

No, in fact, many of the homes in this district are large, as mine is, and have more than two garage doors which are either part of the original structure or have been added over time. Indeed, directly across the street from my home is a tudor mansion with four garage doors (two of which were added over time) that are simply aligned, as mine will be, and we feel these are a consistent compliment that will add to the character and quality of our neighborhood.

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.