

**STATEMENT OF PRACTICAL DIFFICULTY - SEE ATTACHED**

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):

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.

C. Explain whether the variance is insubstantial:

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.

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

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

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.

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](mailto:planning@clvhts.com).

The factors listed above can be found in Subsection 1115.07(e)(1) of the Cleveland Heights Zoning Code.

## 2465 Marlboro

- A). The house is on a corner lot, although the address is Marlboro the front door faces Fairfax. We consider & use the Marlboro yard as back yard. For the safety and security of our 2 young boys we would like to enclose a portion of the Marlboro yard to keep strangers & animals out of the yard.
- B) The house was for sale & vacant for several years. Being a corner lot people used the yard as a cut through. We have also found people wandering through the yard looking in the windows thinking the house was still vacant. We had to post no trespassing signs around the house to deter people from coming on the property.
- C) I think the fence will be very unobtrusive considering it is a simple open metal style & will be placed in heavy landscaping. We would like to continue the height of the neighbor's fence that runs along the back of both yards. The neighbor's fence is 5' 6", we would like to raise the height of our fence to 5' 2" from the ground with a 5' 4" post height. We feel this is necessary not only for aesthetics, but for security as well.

- C) The fence is set back from the sidewalk approximately 20 feet & placed in heavy landscaping. Over time the fence will fade out of sight while protecting the family.
- D) The fence is a classic black metal style that is appropriate to be house & neighborhood as well. It is a good looking extension of the neighbor's lovely fence. Over time it will fade further into the landscape while still protecting the family.
- E) There would be no effect to governmental services.
- F) We did not realize that the "backyard" is considered front yard because it is on a corner.
- G) N/A
- H) We believe that the 5' 2" fence height & 5'4" post height will look better butted up to neighbor's 5'6" fence, but most importantly keep the yard more secure.
- I) The higher fence will offer more security to the backyard, keeping strangers & animals out of the yard.
- J & K) I have noticed other homes in the neighborhood have fences in their front yards over 4'. I don't think the extra 14" of height is an unreasonable request to protect

our family. It is an attractive fence that is appropriate to the home.