

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):

Property is on a corner lot and is exposed to the street as well as neighbors' front yards across the street. The backyard lacks privacy.

- 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.

Installation of the fence would increase value and benefit use of the property by providing privacy and increasing security.

- C. Explain whether the variance is insubstantial:

The variance is NOT insubstantial.

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

Granting the variance of allowing a 6 foot fence along the all sides of the backyard creates maximum use of the property and creates privacy + security for homeowners.

- 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. The neighborhood would not be altered and no detriment will be suffered due to variance.

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

Delivery of government service will not be adversely affected.

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

The zoning restriction was not known by applicant at time of purchase of the property.

- G. Explain whether the special conditions or circumstances (listed in response to question A above) were a result of actions of the owner.

The special condition referenced in question A was not created by or a result of the 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).

The 6 foot fence provides privacy and security. There is no other method of providing privacy + security other than issuing variance.

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

By granting the variance, the spirit and intent behind the zoning requirement will be observed.

- 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.

Granting of the variance will not confer any special privilege that is denied to other lands, structures or buildings.

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.