

STATEMENT OF PRACTICAL DIFFICULTY

To obtain a variance, an applicant must show, 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 existing back yard extends 40' until a severe 50' drop in elevation to Cedar Glen Blvd below. There is no existing feature on site protecting the residents from the slope. There is a considerable amount of noise also generated from traffic on cedar glen. this fencing would reflect that noise from the back yard of the residence.

- 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 back yard space would be unsafe for the residents without the fencing installation. The back yard space would be difficult to utilize given the noise from the traffic below. this would also provide adequate privacy from the adjacent south residential village apartment buildings.

- C. Explain whether the variance is insubstantial:

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

A 6' fence would not provide the proper scale in its relation and distance to the house. the taller fence would frame in the back yard space and provide a more intimate setting for the residents. while also providing the noise cancelling and privacy benefits discussed above.

- 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 character of the neighborhood would not be adversely affected, as the fence is completely shielded from the street by the home. the structure itself will mimic the house architecture and is pulling similar features from the home to blend seamlessly.

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

water service, sewer, gas, electric, and all utilities connect through the front yard and will not be affected.

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

Yes, the homeowner was not aware of zoning restrictions regarding back yard construction.

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 conditions were not a result of any actions by 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).

a 6' fence could be installed and pass code, but would not fit in regards to scale of the back yard and the existing architecture. the extra height also provides the added benefits of noise reduction and privacy as explained above.

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

the fence is proposed to match the existing deck color and the existing trim color of the home. the features of the fence will also pull from the architecture of the home to blend seamlessly and give the appearance that it was an original installation time period wise.

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 special privilege is given with the installation of the fencing.

If you have questions, please contact the Planning Department at 216-291-4878 or planning@cvhths.com.

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



THE RUDD RESIDENCE
 2175 HARCOURT DR.
 CLEVELAND HEIGHTS, OH.

CONCEPT PLAN
 BY: [signature]
 MARCH 17, 2017

CP-1

RECEIVED
 APR 18 2017

CA#3424

NOTE: ALL WOOD
TO BE CEDAR
AND PAINTED
BROWN TO
MATCH HOUSE

6" x 8" BEAM

4" x 6" BEAM

DECORATIVE
BRACKET

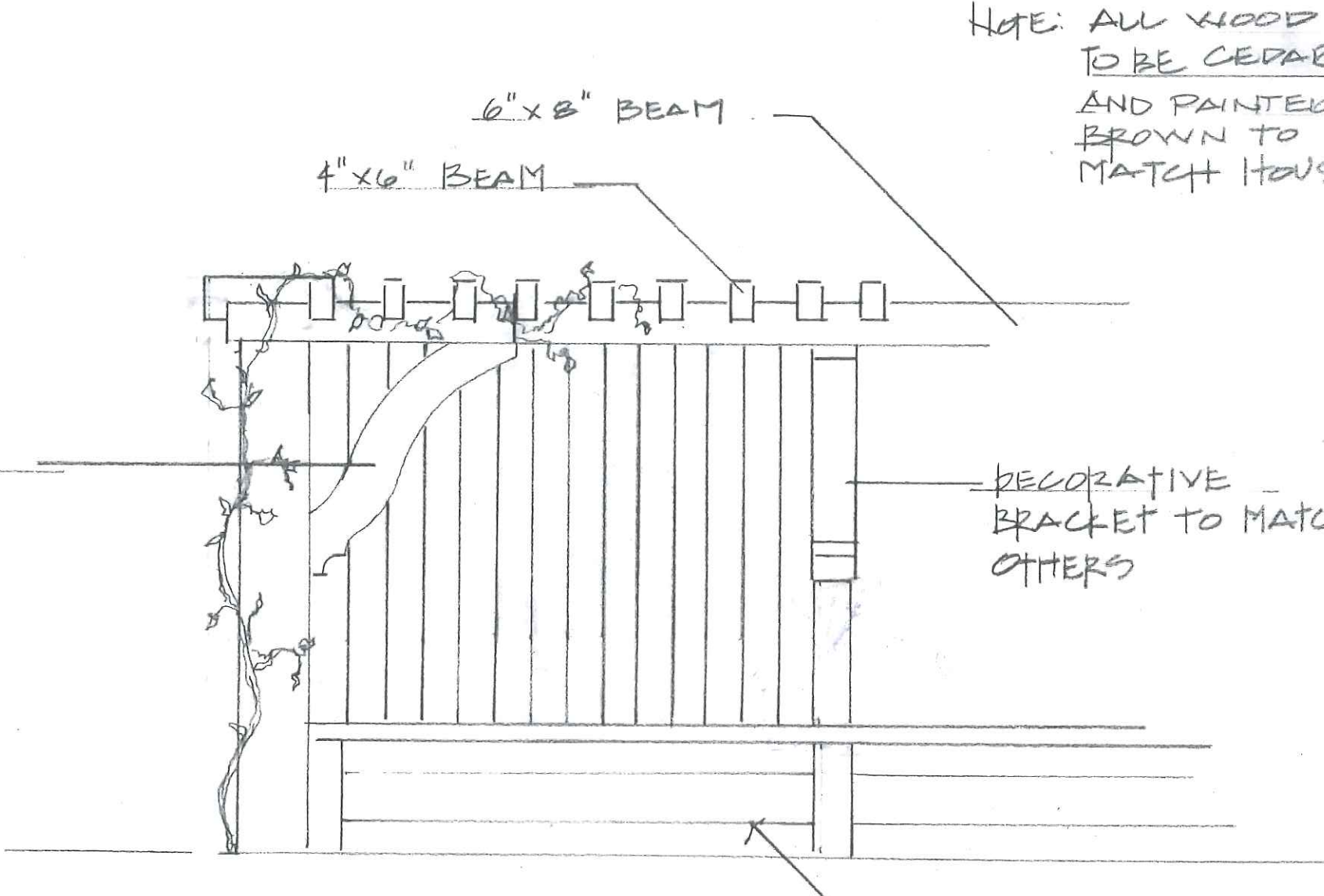
DECORATIVE
BRACKET TO MATCH
OTHERS

BUILT-IN BENCH

FENCE ELEVATION

SCALE: 1/2" = 1'-0"

ASSOCIATES
RESIDENCE



CAL No 3424

