

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):

Having our parking out front and to the side allows us to construct the new hospital around our existing building. It is essential that our current business remains operational during construction. Our lots are narrow, and having parking as we do now allows us to have a building size that meets our business needs. Parking out back prohibits our new hospital expansion.

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.

To have our parking as requested allows our business to stay at our current location in Cleveland Heights. We have been a veterinary hospital since 1950 at our current location serving our community, and our buildings are aging, our business is growing, and in order to continue operation we need to construct a new building. Without this variance, we would have to relocate our business which is likely to be outside of the city of Cleveland Heights.

C. Explain whether the variance is insubstantial:

The variance for the location of our parking lot is imperative to our business growth plans. We need to have our new hospital large enough to accommodate our business workflow. We have continue to operate our business with our parking facing South Taylor and Desota Ave since 1950. Having our business entry facing our current direction also affords us an attractive, clean, and welcoming presentation to clients and new clients interacting with our business.

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

We are on a corner lot. The variance requested for parking facing the streets is necessary no matter how we can figure a new hospital design. This is the only variance that we are requesting, for portions of our parking lot to be facing the street(s). We will abide by all other zoning regulations as outlined in the site overlay of our proposed new Hospital design.

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.

We feel that our residential zoning neighbors to the west would prefer not to have an entire parking lot facing their properties. The aesthetics and new construction of our building would provide a clean and attractive separation between our business and our neighbors. Having a parking lot facing their property would expose our neighbors to continuous client and vehicle traffic.

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

The variance would not adversely affect any utility services. In truth, the variance would allow Services to be more easily routed to our new building, and would allow easier access for deliveries, trash pick up, and mail delivery.

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

We have a pending real estate transaction for the properties at 1788 and 1784 S. Taylor Rd. Those are the two lots directly to the north of our building. We will not close on these purchase agreements until we have an acceptance of the variance in place. We had started this project with the city of Cleveland Heights and our architect in the first quarter of 2020. At that time, we were granted verbal approval for a hospital design that would include parking out front.

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

We are seeking approval for the variance of our parking lot to be in the front of our building before we commit to purchasing the two properties to our north. We currently operate our hospital with our parking lot out front and are asking for an extension of this zoning variance. We need to be able to construct a new hospital with the square footage size to accommodate our growing business and our communities needs for their pets healthcare.

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).

Through the efforts of our architect, we have determined that construction of our new hospital around our existing building allows us to remain operational during the construction phase. Once the hospital is constructed, our current hospital building will be removed and will represent a portion of our new parking lot. It is imperative that we remain operational during the construction. We have specific medically designed departments that cannot be relocated during construction.

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

We have architectural design plans for a new veterinary hospital and have been preapproved from our lender for the new construction regardless of where we build. We would prefer to stay at our current location in the city of Cleveland Heights as we have been for over 70 years. The variance allows us to remain where we are. Not being granted the variance is likely to result in the relocation of our business outside of the city of Cleveland Heights. We do not want to do that.

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.

Most all of the other businesses along our S. Taylor Rd. Corridor have parking at the front of the building facing S. Taylor Rd. This variance affords us no special privilege. Masterworks Automotive Swedish Solutions Automotive, the Family Dollar shopping plaza, Macs Auto, Mikes Convenient store plaza, and University Corners all have parking out front. They are all in very close proximity to our business. This variance would conform with most businesses on the South Taylor Corridor.

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.