

**BOARD OF ZONING APPEALS  
NOVEMBER 10, 2008**

**9:30**

**Calendar No. 08-189:**

**2710 Lorain Avenue**

**Ward 13**

**Joe Cimperman**

**22 Notices**

Maggie Realty LLC and Victor Halm, owner, and Robert Ivanov, lessee, appeal to expand a legal nonconforming restaurant/tavern to a restaurant/tavern with entertainment in a three-story mixed use building, situated on a 33' x 122' parcel in a General Retail Business District; subject to the provisions of Section 359.01(a), the expansion of a nonconforming use requires the Board of Zoning Appeals approval, where the existing establishment was granted a parking variance in Calendar No. 77-151 for a shortage of 38 parking spaces, and pursuant to Section 349.04(e) the proposed bar with entertainment requires parking at three times the gross floor area, or 3,000 square feet multiplied by three, divided by 300 square feet for each space with maneuvering area, or a requirement of 30 spaces; and the proposed use will be less than 500 feet from a school and residence district, contrary to Section 347.12(a)(1) of the Codified Ordinances. (Filed 10-15-08)

**9:30**

**Calendar No. 08-190:**

**17426 Harvard Avenue  
aka 17476 Harvard Avenue**

**Ward 1**

**James Pruitt**

**14 Notices**

B&E Properties, Inc. and Tom Dorsey, appeal to add a patio to an existing restaurant in a one-story building on a 45.84' x 150' corner parcel in a Local Retail Business District; and the provisions in Section 349.04(f) for accessory off-street parking requires one space for each employee, plus one for each 100 square feet of floor area devoted to patron use or one for each four seats based upon maximum seating capacity, whichever is greater; pursuant to Section 349.07(b) such parking spaces shall be provided with wheel or bumper guards located so that no part of a parked vehicle extends beyond such parking space and Section 349.07(c)(3) provides that the maximum width of a driveway shall be 30 feet; and Section 352.10 requires that there be a 6 foot wide frontage landscaping strip on a lot where vehicles are parked over 50 feet of street frontage; and Section 357.14 prohibits the parking of motor vehicles within the established 5 foot side yard setback. (Filed 10-15-08)

**9:30**

**Calendar No. 08-193:**

**4331 State Road**

**Ward 16**

**Kevin Kelley**

**4 Notices**

Helen Sroka, owner appeals to erect a 32' x 32' garage in the rear of a 42' x 120' corner parcel located in a General Retail Business District; and no landscaping strip is provided where a lot in a General Retail District is required to install a 10 foot wide landscaped transition strip of at least 6 feet high providing 75 percent year-round opacity and separating it from the abutting One-Family District to the rear, contrary to the provisions of Sections 352.08 through 352.12 of the Landscaping and Screening Requirements. (Filed 10-21-08)

**POSTPONED FROM OCTOBER 20, 2008**

**10:30  
Calendar No. 08-176:**

**Violation Notice  
5110 Clark Avenue**

**Ward 17  
Matthew Zone**

Prime Properties Limited Partnership by and through their attorney Joseph Alexander appeal under the authority of Section 76-6 of the Cleveland City Charter and Section 329.02(d) of the Codified Ordinances from a Notice of Violation issued by the Building and Housing Department on August 26, 2008 for failure to comply with the Off-Street Parking and Loading Requirements in Sections 349.08 and 349.07(a) and Sections 347.08(a) and (c) in the Specific Uses Regulated of the Cleveland Codified Ordinances. (Filed 9-24-08; no testimony taken.)

**First postponement requested by counsel for applicants due to a scheduling conflict.**