

BOARD OF ZONING APPEALS

FEBRUARY 11, 2008

9:30

Calendar No. 08-7:

3123-27 East 65th Street

Ward 12

Anthony Brancatelli

6 Notices

David Mathoslah, owner, and Daisha Thomas, prospective tenant, appeal to change the use from a store to a day care center in an existing one-story commercial building, situated on a 100' x 55' irregular shaped parcel located in a Two-Family District on the side of East 65th Street at 3123-27 East 65th Street; the proposed change, substitution, of a nonconforming use being subject to the provisions of Section 359.01(a) where existing nonconforming buildings and uses that lawfully exist on the effective date of this Zoning Code or of any amendment or supplement thereto, or for which a permit has been lawfully issued, may be continued even though such use does not conform to the provisions of the Zoning Code for the use district in which it is located, but no substitution or other change in such nonconforming use to other than a conforming use shall be permitted except by special permit from the Board of Zoning Appeals, provided that the Board finds, after public hearing, that such substitution is no more harmful or objectionable than the previous nonconforming use in floor or other space occupied, in volume of trade or production, in kind of goods sold or produced, in daily hours or other period of use, in type or number of persons to occupy or be attracted to the premises, or in any other characteristic of the new use as compared with the previous one, as stated in Section 359.01(a) of the Codified Ordinances. (Filed 1-10-08)

9:30

Calendar No. 08-9:

12106-12112 Mayfield Road

Ward 6

Mamie Mitchell

16 Notices

Flynn Properties LLC, owner, and Terry Tarantino, tenant, appeal to renovate an existing restaurant on the ground floor of a three-story building and include the addition of an 80 seat outdoor patio area, and an additional 34 indoor seats, situated on a 65.80' x 136' corner parcel located in a General Retail Business District on the southwest corner of Mayfield and Murray Hill Roads at 12106-12112 Mayfield Road; the proposed expansion being subject to the provisions of Section 349.04(f) and accessory off-street parking that is required at the rate of one space for every four seats, plus one for each employee, or an additional 29 accessory off-street parking spaces to accommodate the additional 114 seats; with the Board of Zoning Appeals approval required for the expansion of an existing nonconforming use, according to the provisions of Section 359.01 of the Codified Ordinances. (Filed 1-18-08)

REINSTATED DECEMBER 31, 2007

10:30

Calendar No. 07-241:

4450 Broadview Road

Ward 16

Kevin Kelley

17 Notices

Anthony Vanadia, owner, and Teresa Elkins, lessee, appeal to change use of a tavern in a mixed use building that includes a tavern, two storefronts and one dwelling unit, to include live entertainment/nightclub use in the tavern, located on a 40' x 139.97' parcel in a Local Retail Business District on the west side of Broadview Road at 4450 Broadview Road; subject to the limitations of Section 343.01(b)(2)(F), taverns providing entertainment or dancing are not permitted but first permitted in a General Retail Business District, and the proposed use abuts a Residence District, contrary to Section 347.12(a) that requires a nightclub use to be a 500 foot distance from a Residence District; and an approximate size of the provided parking area is equal to one times the gross floor area, contrary to Section 349.04(e) and the requirement of a total parking area in the amount of three times the gross floor area of a nightclub use; with no transition strip provided at the rear of the premises that abuts a Residence District, where a 10 foot wide landscaped strip is required in the provisions of Sections 352.08 through Section 352.11 of the Codified Ordinances. (Filed 11-20-07; dismissed 12-17-07; reinstated 12-31-07; no testimony taken.)

10:30

Calendar No. 07-242:

1016 Nathaniel Road

Ward 11

Michael Polensek

7 Notices

Lashunda Lewis, owner, appeals to change the use of an existing two family dwelling to a Type A day care on a 38' x 90.28' parcel located in a Two-Family District on the south side of Nathaniel Road at 1016 Nathaniel Road; where the change of use proposed in a Residence District must be 30 feet from any adjoining premises and is subject to the Board of Zoning Appeals approval, according to the provisions of Section 337.02(f)(3)(c) of the Codified Ordinances. (Filed 11-20-07; dismissed 12-17-07; reinstated 12-31-07; no testimony taken.)

POSTPONED FROM DECEMBER 10, 2007

10:30

Calendar No. 07-213:

5421 Fleet Avenue

Ward 12

Anthony Brancatelli

17 Notices

Fleet Avenue Investments Ltd., owner, and Patrick Farrell, tenant, appeal to expand an existing bar into an adjacent vacant tenant space in a two-story building, situated on a 40.01' x 130' parcel in a Local Retail Business District on the northwest corner of Fleet Avenue and East 55th Street at 5421 Fleet Avenue; contrary to Section 349.04(f) no additional parking spaces are proposed where a credit for the existing use equals 5 spaces and 6 additional parking spaces are required to provide a total off-street parking requirement of 11 spaces; and the proposed expansion of a nonconforming use is subject to the Board of Zoning Appeals approval, according to the provisions of Section 359.01 of the Codified Ordinances. (Filed 10-18-07; testimony taken.)

Second postponement requested by Slavic Village Development Corporation for added follow up with applicants and results from a community meeting about the proposed expansion.

POSTPONED FROM DECEMBER 3, 2007

10:30

Calendar No. 07-222:

2856 Woodhill Road

Ward 4

Kenneth Johnson

9 Notices

Dennis Cleaning Company LLC, owner, and Starr Dickson, tenant, appeal to change use from a lounge to a day care center an existing two-story building on a 32.32' x 121.21' corner parcel, located in a Multi-Family District on the northwest corner of Woodhill Road and Kolar Avenue at 2856 Woodhill Road; and no expansion or change of an existing nonconforming use shall be permitted except as a variance under the terms of Chapter 329, and no substitution or other change in such nonconforming use to other than a conforming use shall be permitted except by special permit from the Board of Zoning Appeals. Such special permit may be issued only if the Board finds after public hearing that such change is no more harmful or objectionable than the previous nonconforming use in floor or other space occupied, in volume of trade or production, in kind of goods sold or produced, in daily hours or other period of use, in the type or number of persons to occupy or be attracted to the premises or in any other characteristic of the new use as compared with the previous use, according to Section 359.01(a) of the Codified Ordinances. (Filed 10-31-07; testimony taken.)

First postponement taken for applicant to provide a detail specific plan with a confirmation from the Councilman and City Land Bank regarding the adjacent vacant city lot.

POSTPONED FROM DECEMBER 10, 2008

10:30

Calendar No. 07-233:

4323 West 130th Street

Ward 19

Dona Brady

7 Notices

Donald Kravitz dba Broken Wheel Auto Parts and Wrecking Company, owner, appeals to establish use for automobile dismantling, parts storage and fleet service on property located in split zoning between Semi-Industry and General Industry Districts on the east side of West 130th Street at 4323 West 130th Street; subject to the limitations of Section 345.03, automobile dismantling/wrecking is not permitted and first permitted in a General Industry District; and the provisions of Section 345.04(a)(4) require that the yard be enclosed within a minimum 7 foot high solid masonry wall or slightly solid, nontransparent, well-maintained substantial fence; and in any use district allowing junk or wrecking yards, the storage of such junk or used material shall not be piled higher than 3 feet above the height of the wall or fence enclosing the yard, provided that at any point closer than 5 feet, the junk or used material shall not be piled above the heights of the wall or fence, as stated in Section 347.06(d); and Section 349.07(a) requires that accessory off-street parking spaces, driveways and maneuvering areas shall be properly graded for drainage so that all water is drained within the lot providing such parking spaces, surfaced with concrete, asphaltic concrete, asphalt or similar surfacing material, maintained in good condition and free of debris and trash with the specific locations for parking indicated; and a 6 foot wide frontage landscaped strip is required at the parking lot, pursuant to Section 352.10 of the Codified Ordinances. (Filed 11-13-07; no testimony taken.)

First postponement requested by applicant to allow time for lot consolidation process to be accomplished.
