

**BOARD OF ZONING APPEALS**

**FEBRUARY 4, 2008**

**9:30**

**Calendar No. 08-4:**

**2871 East 116<sup>th</sup> Street**

**Ward 4**

**Kenneth Johnson**

Chareese, Inc. dba Ms. Martha's Restaurant and Lounge, and their attorney James Hewitt III, appeal under Section 76-6 of the Charter of the City of Cleveland from the decision of the Commissioner of Assessments and Licenses to deny a Coin Operated Amusement Device License for the premises at 2871 East 116<sup>th</sup> Street, based upon the disapproved application by the Department of Public Safety, as stated in the notice dated January 2, 2008. (Filed 1-9-08)

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**9:30**

**Calendar No. 08-4:**

**2871 East 116<sup>th</sup> Street**

**Ward 4**

**Kenneth Johnson**

Chareese, Inc. dba Ms. Martha's Restaurant and Lounge, and their attorney James Hewitt III, appeal under Section 76-6 of the Charter of the City of Cleveland from the decision of the Commissioner of Assessments and Licenses to deny a Coin Operated Pool Table License for the premises at 2871 East 116<sup>th</sup> Street, based upon the disapproved application by the Department of Public Safety, as stated in the notice dated January 2, 2008. (Filed 1-9-08)

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**9:30**

**Calendar No. 08-5:**

**17914 Euclid Avenue**

**Ward 10**

**Roosevelt Coats**

**13 Notices**

The Cleveland Metropolitan School District, owner, appeals to construct a two-story school for Kindergarten through Eighth Grade, on an acreage parcel located in a D2 Multi-Family District on the south side of Euclid Avenue at 17914 Euclid Avenue; contrary to Sections 349.04(c)(e) there are 44 parking spaces proposed, where one space is required for each two staff members, plus one for each twelve seats in the classroom based on capacity and a parking area equal to three times the gross floor area of the gymnasium or 108 required parking spaces; no bumper guards are proposed, contrary to Section 349.07(b) where accessory off-street parking spaces shall be provided with wheel or bumper guards located so that no part of a parked vehicle will extend beyond such parking space; and parking spaces shall be separated by Island Strips of a minimum area of 100 square feet, by no more than 20 parking spaces, according to the provisions of Section 352.01(e); and contrary to the Fence Regulations, chain link fence is proposed at heights of 8 and 7 feet in the actual interior side yard and rear yards of a residential district, where the fence height may not exceed 6 feet, as stated in Sections 358.04(a) of the Codified Ordinances. (Filed 1-9-08)

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**9:30**

**Calendar No. 08-6:**

**3588 Martin Luther King, Jr. Boulevard**

**Ward 3**

**Zachary Reed**

**25 Notices**

The Cleveland Metropolitan School District, owner, appeals to construct a two-story school for Kindergarten through Eighth Grade on an acreage parcel located in a B1 Two-Family District on the west side of Martin Luther King, Jr. Boulevard at 3588 Martin Luther King, Jr. Boulevard; contrary to Sections 349.04(c)(e) there are 53 parking spaces proposed, where one space is required for each two staff members, plus one for each twelve seats in the classroom based on capacity and a parking area equal to three times the gross floor area of the gymnasium, or 120 required parking spaces; no bumper guards are proposed, contrary to Section 349.07(b) where accessory off-street parking spaces shall be provided with wheel or bumper guards so located that no part of a parked vehicle will extend beyond such parking space; and parking spaces shall be separated by Island Strips of a minimum area of 100 square feet, by no more than 20 parking spaces, according to the provisions of Section 352.01(e); and contrary to Section 357.04(e), a proposed front yard setback of 16 feet is proposed where the required setback is 20 feet and a 5 foot rear yard is proposed where 35 feet is required, as stated in Sections 357.08(b)(1) of the Codified Ordinances. (Filed 1-9-08)

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**POSTPONED FROM DECEMBER 3, 2007**

10:30

Calendar No. 07-198:

729-731 East 152<sup>nd</sup> Street

Ward 10

Roosevelt Coats

8 Notices

Virtuous Counseling LLC, owner, and Avery Hill, agent, appeal to change from storage of reusable building materials to an assembly hall, the use of an existing one-story brick building, situated on a 50' x 160' parcel located in a General Retail Business District at 729-731 East 152<sup>nd</sup> Street; subject to Section 347.12(a)(1) and the regulations for separation of specific uses, an assembly hall shall not be established within 500 feet of a residential district and the proposed use abuts a Two Family District; with approximately 10 off-street parking spaces proposed and 90 are required, determined upon 1,800 square feet for patron use, and each 20 square feet of ground or floor area usable for seating considered as 1 seat, according to Section 349.04(c) of the Codified Ordinances. (Filed 9-21-07; testimony taken.)

**Second postponement granted for additional time to work with the Councilman and the local development corporation regarding the proposal and a solution to resolve the parking deficiency.**

10:30

Calendar No. 07-229:

3920 Valley Road

Ward 15

Brian Cummins

12 Notices

Leo Margo, owner, appeals to establish use as an auto wrecking and dismantling yard and storage of auto parts on an 80' x 120' parcel located in a Semi-Industry District on the north side of Valley Road at 3920 Valley Road; subject to the limitations of Section 345.03(c), the proposed use is not permitted in a Semi-Industry District and contrary to Section 345.04(a)(4), a square foot area of 24,000 square feet is proposed and an auto wrecking and dismantling use requires a minimum square foot area of 50,000 square feet; and contrary to Section 349.07(c), a 64 foot driveway width is proposed for access to off-street parking spaces with backing out into oncoming street traffic, and a 30 foot width is the limit of a driveway width that shall be located and arranged to minimize traffic congestion; and a 6 foot wide frontage landscape strip is required for screening of parking spaces from the street, according to the provisions of Sections 352.08 through 352.11 of the Codified Ordinances. (Filed 11-8-07; no testimony taken.)

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

**POSTPONED FROM JANUARY 7, 2008**

10:30

Calendar No. 07-249:

8226 Woodland Avenue

Ward 5

Phyllis Cleveland

13 Notices

Saeid B. Amini, owner, appeals to establish use of an acreage parcel for automobile salvage, parts storage, repair and dismantling, located General Industry District on the south side of Woodland Avenue at 8226 Woodland Avenue; subject to the requirements of Section 345.04(a)(4) the use is permitted provided that it is enclosed within a minimum 7' high solid masonry wall or slightly solid, non-transparent, well-maintained substantial fence set not closer to the street line than the setback building line; and Section 347.06(d) requires that the height of material shall not be piled higher than 3' above the height of wall or fence enclosing the scrap yard, provided that, at any point closer than 5' from the enclosure, the scrap yard material shall not be piled above the height of the wall or fence; with accessory off-street parking spaces, driveways and maneuvering areas being indicated in specific locations and required to be properly graded for drainage, so that all water is drained within the lot providing the parking spaces, surfaced with concrete, asphaltic concrete, asphalt or similar surfacing material, maintained in good condition and free of debris and trash, as stated in Section 349.07(a) of the Codified Ordinances. (Filed 11-28-07; testimony taken.)

Calendar No. 07-250:

8322 Woodland Avenue

Ward 5

Saeid B. Amini, owner, appeals to establish use of an acreage parcel for automobile salvage, parts storage, repair and dismantling, located General Industry District on the south side of Woodland Avenue at 8322 Woodland Avenue; subject to the requirements of Section 345.04(a)(4) the use is permitted provided that it is enclosed within a minimum 7' high solid masonry wall or slightly solid, non-transparent, well-maintained substantial fence set not closer to the street line than the setback

building line; and Section 347.06(d) requires that the height of material shall not be piled higher than 3' above the height of wall or fence enclosing the scrap yard, provided that, at any point closer than 5' from the enclosure, the scrap yard material shall not be piled above the height of the wall or fence; with accessory off-street parking spaces, driveways and maneuvering areas being indicated in specific locations and required to be properly graded for drainage, so that all water is drained within the lot providing the parking spaces, surfaced with concrete, asphaltic concrete, asphalt or similar surfacing material, maintained in good condition and free of debris and trash, as stated in Section 349.07(a); and a 6 foot wide frontage landscaped strip is required along the parking lot, according to the provisions of Section 352.10 of the Codified Ordinances.

**Calendar No. 07-251:**

**8340 Buckeye Road**

**Ward 5**

Saeid B. Amini, owner, appeals to establish use of an acreage parcel for an automobile salvage yard, located in a Semi-Industry District on the west side of Buckeye Road at 8340 Buckeye Road; subject to the limitations of Section 345.03, the proposed use is not permitted but is first permitted in a General Industry District, provided that the lot area is a minimum of 50,000 square feet; and Section 345.04(a)(4) requires that the proposed use is enclosed within a minimum 7' high solid masonry wall or slightly solid, non-transparent, well-maintained substantial fence set not closer to the street line than the setback building line; and Section 347.06(d) requires that the height of material shall not be piled higher than 3' above the height of wall or fence enclosing the scrap yard, provided that, at any point closer than 5' from the enclosure, the scrap yard material shall not be piled above the height of the wall or fence; with accessory off-street parking spaces, driveways and maneuvering areas being indicated in specific locations and required to be properly graded for drainage, so that all water is drained within the lot providing the parking spaces, surfaced with concrete, asphaltic concrete, asphalt or similar surfacing material, maintained in good condition and free of debris and trash, as stated in Section 349.07(a) of the Codified Ordinances. (Filed 11-28-07 testimony taken.)

**Calendar No. 07-252:**

**8400 Buckeye Road**

**Ward 5**

Saeid B. Amini, owner, appeals to establish an accessory use with auto repair at an existing auto salvage yard, located in a Semi-Industry District on the south side of Buckeye Road at 8400 Buckeye Road; and the Specific Use Regulations in Section 359.01 provide that a use of building and/or land lawfully existing 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 this Zoning Code for the use district in which it is located, but no enlargement or expansion 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, issued only if after public hearing the Board finds that such substitution or expansion is no more harmful or objectionable as compared with the previous nonconforming use; the existing nonconforming use being first permitted in a General Industry District, provided that the lot area is a minimum of 50,000 square feet; and Section 345.04(a)(4) requires that the proposed use is enclosed within a minimum 7' high solid masonry wall or slightly solid, non-transparent, well-maintained substantial fence set not closer to the street line than the setback building line; and accessory off-street parking spaces, driveways and maneuvering areas being indicated in specific locations and required to be properly graded for drainage, so that all water is drained within the lot providing the parking spaces, surfaced with concrete, asphaltic concrete, asphalt or similar surfacing material, maintained in good condition and free of debris and trash, as stated in Section 349.07(a); and a fence, if located along a driveway within 15 feet of its intersection with a public sidewalk, shall meet the sight lines regulation, according to the provisions in Section 358.03(a) of the Codified Ordinances.

**First postponement taken at recommendation of the Board for a site visit by City Planning to observe property details regarding paving, landscaping and fencing.**

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**POSTPONED FROM JANUARY 22, 2008**

**10:30**

**Calendar No. 07-256:**

**14713 Lakeshore Boulevard**

**Ward 11**

**Michael Polensek**

**20+ Notices**

The Christian Fellowship Center, owner, appeals to build-out and occupy an existing approximate 135 x 115 square foot building as a church, on an approximate 200' x 1,106.23' parcel, located in split zoning with the frontage along Lakeshore Boulevard in a B1 Two-Family District and the balance of the property in an A1 One-Family District on the north side of Lakeshore Boulevard at 14713 Lakeshore Boulevard; contrary to Section 349.07(a), the parking lot spaces are not proposed to be paved for a temporary period of three (3) years, where accessory off-street parking spaces and driveways must be paved with asphalt, concrete or asphaltic concrete; and subject to the provisions of Section 349.08, a parking lot must be screened from adjacent residential lots by a wall, fence, or a four foot wide landscape strip that provides a dense, year round screen; and where the parking lot abuts Lakeshore Boulevard, a six foot wide frontage landscape strip that provides a fifty percent year round opacity is required, as stated in Sections 352.08-352.10 of the Codified Ordinances. (Filed 12-5-07; testimony taken.)

**Second postponement taken for City Planner to facilitate a meeting with the applicants, the Councilman, Northeast Shores Development Corporation and the neighboring property owners or their representatives for dialogue between the parties about the applicants' proposed plan and to submit the proposed revised plan for the Board by or before January 31, 2008.**

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