

**BOARD OF ZONING APPEALS**

**APRIL 14, 2008**

**9:30**

**Calendar No. 08-49:**

**1455 East 185<sup>th</sup> Street**

**Ward 11**

**Michael Polensek**

**45 Notices**

E-Poch Properties, owner and Safe Soil LLC, tenant, appeal to operate outdoor leaf and wood composting and a storage use on acreage located in split zoning between B1 Residence Industry and B3 General Industry Districts on the east side of East 185<sup>th</sup> Street at 1455 East 185<sup>th</sup> Street; contrary to Section 345.02(b) outdoor storage is proposed and all materials must be stored on the inside of buildings; and subject to Section 345.02(f), entrance and exit to any premises must be from a street designated as a major thoroughfare on the general plan adopted by the city Planning Commission, or if the premises does not abut such street, then from any street approved by the Board of zoning Appeals if it finds the probable volume and type of traffic to such premises will not change materially the existing character of such streets nor be detrimental to the adjoining or adjacent residential area; and under the provisions of Section 347.05, no space for storage of dust-producing material shall be located less than 300 feet from a residence district, except where the dust and odor will be effectively confined to the premises. No fence nor wall are shown on applicants' plan and an area marked "visual screen" is less than 50 feet from the residence district, contrary to Section 345.04(3) that requires open yard storage use to be enclosed with a minimum 7 foot high solid masonry wall or slightly solid, nontransparent, well maintained substantial fence not closer than 50 feet to any residence district. The proposed expansion of a nonconforming use requires the Board of Zoning Appeals approval as stated in Section 359.01(a) and a previous variance granted by the Board in Calendar No. 05-330 required all grass clippings and other yard maintenance byproducts to be emptied in the interior of the building and allowed only emptied and clean containers to be stored on the exterior of the building; and the proposed use encompasses unloading and storage of yard maintenance byproducts on the outside of the building. (Filed 3-6-08)

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**9:30**

**Calendar No. 08-57:**

**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 3-25-08)

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9:30

Calendar No. 08-58:

1701 Spring Road

Ward 15

Brian Cummins

3 Notices

Kenneth Sundermeier, owner, appeals to construct a 4 foot high chain link fence in the side street yard of a corner parcel, located in an A1 One-Family District on the southwest corner of Spring and Broadale Roads at 1701 Spring Road; the proposed chain ink fence not permitted in an actual side street yard of a residential district, where only ornamental fences shall be installed if located within 4 feet of the street property line, as stated in Section 358.04(c)(1) of the Codified Ordinances.

(Filed 3-28-08)

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**REINSTATED MARCH 17, 2008**

10:30

Calendar No. 08-6:

3588 Martin Luther King, Jr. Blvd.

Ward 3

Zachary Reed

45 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 n Sections 357.08(b)(1) of the Codified Ordinances. (Filed 1-9-08; testimony taken 2-4-08; dismissed 3-10-08; reinstated 3-17-08.)

**Postponement granted on February 4, 2008 at recommendation of the Board to allow time for community dialogue between the Cleveland Metropolitan School District and the neighboring property owners.**

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**POSTPONED FROM MARCH 17, 2008**

**10:30**

**Calendar No. 08-27:**

**13013 Corlett Avenue**

**Ward 2**

**Robert White**

**18 Notices**

The Cleveland Metropolitan School District, owner, and Jeff Henderson, agent, appeal to construct a Kindergarten through Eighth Grade public school building on an acreage parcel between East 129<sup>th</sup> and East 131<sup>st</sup> Streets in a B1 Two-Family District at 13013 Corlett Avenue; the proposed building and uses being subject to the provisions of Sections 337.02(f)(3)(A) and required to be not less than 30' from any adjoining premises in a residence district not used for a similar purpose; and requires the Board of Zoning Appeals approval, after public notice and hearing, to determine if there are adequate yard spaces and other safeguards to preserve the character of the neighborhood and whether such buildings and uses are appropriately located and designed to meet a community need without adversely affecting the neighborhood; 53 parking spaces are proposed, where the required parking equals 91 spaces, one for each two staff members and other employees and one for each six school gymnasium seats or a total parking area equal to three times the gross floor area, whichever is greater, according to the provisions of Sections 349.04(c)(e); and a 6 foot wide frontage landscaped strip is required along the parking lot areas that front along East 129<sup>th</sup> Street and Gay Avenue, as stated in Sections 352.10 and 352.11 of the Codified Ordinances. (Filed 2-13-08; testimony taken.)

**First postponement granted to applicants for additional dialogue with the neighboring church and the community about the project.**

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