

**BOARD OF ZONING APPEALS**  
**JUNE 2, 2008**

**9:30**

**Calendar No. 08-79:**

**1023 Kenilworth Avenue**

**Ward 13**

**Joe Cimperman**

**20 Notices**

Betley Books LLC, owner, appeals to expand a retail book store by adding an outdoor patio with food and beverage service and live entertainment at an existing 1.5 story building located on a 33.5' x 66' parcel in a Local Retail Business District on the south side of Kenilworth Avenue at 1023 Kenilworth Avenue; subject to the limitations of Section 343.01(b)(2)(F), food service with entertainment is first permitted in a General Retail Business District and required to be 500 feet from a residential district pursuant to Section 347.12(a)(1); no off-street accessory parking is provided and approximately 12 parking spaces are required, to provide off-street accessory parking at the rate of three times the area used for food service and entertainment, according to the provisions of Section 349.04(f) of the Codified Ordinances. (Filed 4-23-08) \_\_\_\_\_

**9:30**

**Calendar No. 08-86:**

**3326 Poe Avenue**

**Ward 15**

**Brian Cummins**

**8 Notices**

Urban Investments Group, owner, and Ken White appeal to erect a two-story 18' x 36' frame dwelling with a detached 20' x 20' garage on a 31' x 129.32' parcel, located in a B1 Two-Family District on the north side of Poe Avenue at 3326 Poe Avenue; the interior side yards provided are 2 feet and 9 feet, contrary to an aggregate width of 10 feet and a minimum of 3 feet, as stated in Sections 357.09(b)(2)(c) of the Codified Ordinances. (Filed 4-29-08) \_\_\_\_\_

**9:30**

**Calendar No. 08-87:**

**771 Brayton Avenue**

**Ward 13**

**Joe Cimperman**

**6 Notices**

Sutton Builders LLC, owners, appeal to change use from a single family residence to a two family residence an existing 1.5 story building on a 30' x 150' parcel, located in a B1 Two-Family District on the south side of Brayton Avenue at 771 Brayton Avenue; contrary to Section 355.04, the lot size is 4,500 square feet and 6,000 is required; and under the provisions of Section 357.09(b)(1), no building shall be erected less than 10 feet from a main building on an adjoining lot; with interior side yards of 5.3 feet and 2 feet provided, where an aggregate width of 10 feet and a minimum of 3 feet are required, as stated in Section 357.09(b)(2)(c) of the Codified Ordinances. (Filed 4-30-08) \_\_\_\_\_

**9:30**

**Calendar No. 08-88:**

**3228 West 58<sup>th</sup> Street**

**Ward 17**

**Matthew Zone**

**8 Notices**

Russell Haynik, owner, appeals to change use from a single family residence to a two family residence an existing two-story, frame building on a 34' x 102' parcel, located in a B1 Two-Family District on the west side of West 58<sup>th</sup> Street at 3228 West 58<sup>th</sup> Street; contrary to Section 349.04 no parking is provided and 2 spaces are required; and contrary to Area Regulations in Section 355.04(4)(b), square footage of 34 feet is provided where 50 is required, a minimum lot area of 3,468 square feet is provided contrary to 6,000 square feet and the minimum floor area per building is 665 square feet where 950 square feet is required; with a distance of 6 feet, contrary to Section 357.09(2)(a) and its provision that no building shall be less than 10 feet from a building on an adjoining lot; and no distance is provided contrary to the required minimum interior side yard of 3 feet, as stated in Section 357.09(2)(b) of the Codified Ordinances. (Filed 4-30-08) \_\_\_\_\_

**9:30**

**Calendar No. 08-89:**

**3215 East 55<sup>th</sup> Street**

**Ward 12**

**Anthony Brancatelli**

**26 Notices**

Edgewood Park LP, owner, and Cleveland Housing Network appeal to construct a 63 units apartment building in a Residence Office District and a 22 spaces accessory off-street parking lot in a B1 Two-Family District, proposed to be situated on an 82.63' x 150' parcel on the east side of East 55<sup>th</sup> Street at 3215 East 55<sup>th</sup> Street; contrary to Section 355.04 a maximum lot area coverage of 46,070 square feet is proposed and in a "B" area it may not exceed one-half the lot area, or 10,496 square feet; and a front yard of 14 inches is proposed contrary to Section 357.04(a) and fifteen percent of the lot depth, or 23 feet; with a proposed height of 58.5 feet, exceeding the maximum allowed height limit of 35 feet according to Section 353.01(b); and contrary to Section 349.04(a), 22 parking spaces are proposed where one space per unit equals a requirement of 63 off-street parking spaces; and at the rear property line where the parking lot abuts a Two-Family District, a 4 foot transition strip is proposed contrary to Section 352.09 and the requirement for an 8 foot transition strip; with a fence height of 5 feet proposed in the actual front and side yards where fences shall not exceed 4 feet in height, as stated in Section 358.04(a) of the Codified Ordinances. (Filed 5-1-08)

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**BOARD OF ZONING APPEALS  
JUNE 2, 2008**

**POSTPONED FROM APRIL 14, 2008**

**10:30**

**Calendar No. 08-27:**

**13013 Corlett Avenue**

**Ward 2**

**Robert White**

**16 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.)

**Second postponement granted to allow added time for applicants to communicate with the neighboring church and the community about the project**

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**POSTPONED FROM MARCH 24, 2008**

**10:30**

**Calendar No. 08-30:**

**603 Herschel Court**

**Ward 13**

**Joe Cimperman**

**8 Notices**

Brian Devine, owner, appeals to construct a two-story room addition to an existing single family dwelling, proposed to be located on a consolidated corner parcel in a B1 Two-Family district at the southwest corner of Herschel Court and West 6<sup>th</sup> Street; contrary to Section 355.04 and area regulations for residence buildings, a maximum gross floor area of 1,925 square feet exceeds one-half of the lot size or 1,622 square feet; and a rear yard of 5 feet and not 20 feet is provided, contrary to Section 357.08(2)(b)(1); and interior side yards of 6 inches and 15 feet, are provided, contrary to a minimum requirement of 3 feet and an aggregate of 10 feet, according to Section 357.09(b)(2) of the Codified Ordinances. (Filed 2-20-08; testimony taken.)

**First postponement granted for applicant to allow time to consolidate an additional parcel and submit a plan showing any resulting changes.**

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