

**BOARD OF ZONING APPEALS
JANUARY 20, 2009**

9:30

Calendar No. 08-235:

2950-66 East 116th Street

Ward 4

Kenneth Johnson

22 Notices

Amjad Hamdeh, owner, appeals to construct a new service/gas station on consolidated parcels located in a Local Retail Business District on the northwest corner of East 116th Street and Forest Avenue at 2950-66 East 116th Street; subject to the limitations of Section 343.01, a service/gas station is not permitted, but is first permitted in a General Retail Business District under Section 343.11(b)(2)(D)(5); and contrary to Section 352.09, a concrete sidewalk is within the area where an 8 foot transition strip is required at the rear northeast corner of the lot where it abuts a Two-Family District; and a 6 foot wide landscape strip is required along the side street corner (Forest Avenue) where parking spaces abut the street, according to the provisions in Section 352.10 of the Codified Ordinances. (Filed 12-17-08)

9:30

Calendar No. 08-236:

4120 Lee Road

Ward 1

Terrell Pruitt

23 Notices

Sherry Wingfield, owner, and Eddie Adya, prospective purchaser appeal to construct a new restaurant on a 40' x 135' parcel in a General Retail Business District at the northwest corner of Lee Road and Judson Drive; and a driveway access to the property is contrary to Section 343.18(c), being located less than 15 feet between the point of tangency of the driveway apron radius and a prolongation of the property line to the curb line measured at the curb line; and subject to Section 357.07, motor vehicle parking is prohibited within the 50 foot specific building line front yard setback measured from the center line of Lee Road; and an open 24 hours drive through for retail sales that abuts a residential use shall be prohibited from 11:00 PM to 6:00 AM daily and conform to the applicable requirements of Section 347.16(g)(6) and its other divisions concerning regulations for location and operation of drive through establishments; and an 8 foot high fence is proposed along the west property line, contrary to Section 358.05(a)(2) that states fences in actual front and side street yards shall not exceed a 4 foot height and shall be at least 50 percent open above 2 feet in height and that fences in actual rear and interior side yards shall not exceed a 6 foot height. (Filed 12-18-08)

9:30

Calendar No. 08-237:

**Julius Ngana
Hack License Suspension**

Julius Nganga appeals under Chapter 76-6 of the Charter of the City of Cleveland and Section 443.36 of the Codified Ordinances from the suspension of a City of Cleveland Hack License for a period of fourteen (14) days from 12:01 a.m. on January 5, 2009 and until 12:01 a.m. on January 19, 2009 as issued by the City of Cleveland Commissioner of Assessments and Licenses. (Filed 12 -22-08)

POSTPONED FROM NOVEMBER 24, 2008

10:30

Calendar No. 08-167:

5110 Clark Avenue

Ward 17

Matthew Zone

11 Notices

Prime Properties, LLC, owner, appeal to add a drive-through at an existing gas station located on a 117.33' x 132' corner parcel in a General Retail Business District; contrary to Sections 347.16(d)(4), pedestrian routes between the entrances to principal structures and any parking area or sidewalk that require the crossing of drive-through lanes to be either avoided or clearly identified by pavement markings or signage and none is proposed; no measurement is shown for drive-through and by-pass lanes that must be a minimum of 10 feet wide and the number for off-street stacking spaces is not indicated for customer vehicles in a drive-through lane, contrary to Sections 347.16(d)(3) and Sections 347.16(d)(1). No landscaping is proposed where a 10 foot wide landscaping strip with 75 percent year-round opacity is required at the rear of the property between the General Retail District and the abutting Two-Family District, and a 4 foot wide landscaping frontage strip with 50 percent year-round opacity is required along Clark Avenue contrary to Section 352.11. (Filed 8-19-08; testimony taken.)

Third postponement taken for applicants to consult with the Stockyard Redevelopment Organization to improve the details needed on a revised plan for the project.

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; dismissed for want of prosecution 11-10-08; reinstated 11-17-08.)