

**BOARD OF ZONING APPEALS  
NOVEMBER 2, 2009**

**9:30**

**Calendar No. 09-194:**

**5901 Franklin Boulevard**

**Ward 17**

**Matthew Zone**

**13 Notices**

Post Contracting LLC, owner, appeal to expand the use of an existing two-story masonry store and dwelling units building on the front part of a 58' x 225' irregular shaped parcel in a Two-Family District where a one-story masonry building exists on the rear portion of the property; subject to the limitations of Section 359.01(a) no expansion 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 9-21-09)

**9:30**

**Calendar No. 09-202:**

**1365 West 65<sup>th</sup> Street**

**Ward 17**

**Matthew Zone**

**14 Notices**

Jillian Davis, owner, appeals to change the use from a store to a restaurant an existing one-story building on a 40' x 115.78' parcel in a Two-Family District; and Section 349.04(f) defines required parking for the proposed use as one space for each employee, plus one for each 100 square feet of floor area devoted to patron use or one for each four seats, based upon maximum seating capacity, which ever is greater; and subject to the limitations of Section 359.01(a) no expansion 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 9-25-09)

**9:30**

**Calendar No. 09-203:**

**2487 West 25<sup>th</sup> Street**

**Ward 14**

**Joseph Santiago**

**8 Notices**

George Sass, owner, appeals to establish use as an auto wrecking/repair/salvage yard an acreage parcel in a General Industry District; subject to the provisions of Section 345.04(a)(4), the yard must be enclosed within a minimum 7-foot high, solid masonry wall or slightly solid, nontransparent, well-maintained substantial fence and 60 lineal feet of the rear yard is not enclosed as required in the Cleveland Codified Ordinances. (Filed 9-28-09)

9:30

Calendar No. 09-209:

500 Literary Road

Ward 13

Joe Cimperman

7 Notices

Dominic and Irene Bellomo, owners, appeal to erect a 24' x 65' one-story frame dwelling on a 28.50' x 80.50' parcel in a Multi-Family District; contrary to the Area Requirements of Section 355.04, the lot area is 2,988 square feet with a maximum gross floor area of 1,970 square feet; and contrary to Section 357.05, a distance of 3-feet is provided and 5-feet or not less than 10 percent of the average width of a corner lot is required from the side street lot line; and a rear yard depth of 8-feet is provided, contrary to 20-feet as stated in Section 357.08 of the Cleveland Codified Ordinances. (Filed 10-1-09)

9:30

Calendar No. 09-210:

12805 Watterson Avenue

Ward 2

Nathaniel Wilkes

3 Notices

Abdullah Fadzl, owner, appeals to enclose a 24.6' x 7' front porch of a single family dwelling on a 35' x 156.40' parcel in a Two-Family District; subject to the limitations for yard spaces, enclosed porches may not extend more than 4-feet, provided they do not extend within 10 feet of the street line and do not aggregate a vertical area in any story more than 20 percent of the area of the façade in that story, according to Section 357.13(b)(4) of the Cleveland Codified Ordinances. (Filed 10-2-09)

**POSTPONED FROM SEPTEMBER 21, 2009**

10:30

Calendar No. 08-68:

3232 Lakeside Avenue

Ward 13

Joe Cimperman

5 Notices

Flextron LLC, owner, and Theodore Talliere, agent, appeal to change use from a bar/restaurant to adult cabaret an existing two-story building on a 130.66' x 117.25' corner parcel in a General Industry District on the southwest corner of Lakeside Avenue at East 33<sup>rd</sup> Street at 3232 Lakeside Avenue; subject to the provisions of Section 349.01(a), whenever the existing use of a building or structure shall hereafter be changed to a new use, parking facilities shall be provided as required for such new use as stated in the Cleveland Codified Ordinances. (Denied 7-28-08; on remand from Cuyahoga County Common Pleas Court 8-25-09.)

**First postponement taken for applicants to provide a plan that shows the location for legally permitted parking use, configuration and size of the parking spaces.**

10:30

Calendar No. 09-155:

3232 Lakeside Avenue

Ward 13

Joe Cimperman

6 Notices

Charles Fleck, owner, and Theodore Talliere, agent, appeal to expand occupancy from 135 to 200 and to add entertainment use to an existing tavern/restaurant on a 130.66' x 107.67' parcel in a General Industry District; contrary to Section 349.04(e) no accessory off-street parking is provided and accessory off-street parking equal to three times the gross floor area is required; and the substitution/expansion of an existing nonconforming use requires the Board of Zoning Appeals approval in accordance with Section 359.01 in the Cleveland Codified Ordinances.(Filed 7-22-09; no testimony taken.)

**Third postponement taken for applicants to provide detail specific parking plan.**

