

**BOARD OF ZONING APPEALS
FEBRUARY 23, 2009**

9:30

Calendar No. 09-3:

3102-04 Franklin Boulevard

Ward 13

Joe Cimperman

Michael DeCesare, statutory agent for 3104 Hilliard Boulevard LLC, owner, appeals under the authority of Section 76-6 of the Charter of the City of Cleveland and Section 161.05 of the Codified Ordinances from a ruling of the Cleveland Landmarks Commission on December 11, 2008 to disapprove a Certificate of Appropriateness for the demolition and removal of a house, located on the property at 3102-04 Franklin Boulevard. (Filed 1-7-09)

9:30

Calendar No. 09-10:

5935 Ackley Road

Ward 12

**Anthony Brancatelli
22 Notices**

Cleveland Metropolitan School District, owner, appeals to construct a two-story Kindergarten through Eighth Grade school on a 183.31' x 289.78' corner parcel in a Residence Industry District between Ackley Road and Linton Avenue; contrary to Section 349.04(c), 63 parking spaces are proposed and 91 spaces are required, based upon 71 spaces for the 7,020 square feet of gymnasium and 20 spaces for 40 staff members; and accessory off-street parking spaces shall be provided with wheel or bumper guards, located so that no part of a parked vehicle extends beyond such parking space, as stated in Section 349.07(b) of the Codified Ordinances. (Filed 2-2-09)

9:30

Calendar No. 09-11:

3518 West 25th Street

Ward 15

**Brian Cummins
6 Notices**

Children's Services, Inc., owner, and Applewood Centers appeal to install a 10 foot high ornamental and chain link fence on a corner acreage parcel located in Semi-Industry and Two-Family Districts; contrary to Sections 358.04 and 358.05, fences in actual rear yards and actual interior side yards shall not exceed a 6 foot height. (Filed 2-3-09)

POSTPONED FROM JANUARY 12, 2009

10:30

Calendar No. 08-185:

3264 Scranton Road

Ward 14

Joseph Santiago

13 Notices

Fethi Betlhouane, owner, appeals to build an addition for a drive-through at an existing store in a two-story mixed use building located on a 52.10' x 127.85' corner lot in a Multi-Family District; the lot size being contrary to Section 347.16(f) and a minimum lot width of 80 feet and lot area of not less than 12, 000 square feet for a drive-through establishment; no spaces are proposed and one is required between the last station and public right-of-way according to Section 347.16(d)(1); no landscaping is proposed contrary to Sections 352.08 through 352.11 and a required 8 foot wide landscaping strip (75 percent year-round opacity) on the north, west, and south sides of the property to separate a Local Retail Business use from the abutting Residential District; and 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, as stated in Section 359.01(a) of the Codified Ordinances. (Filed 10-10-08; no testimony taken.)

Second postponement requested by applicant for time to meet with the local development corporation and the neighboring community about the project.

POSTPONED FROM JANUARY 5, 2009

10:30

Calendar No. 08-228:

2674 East 63rd Street

Ward 5

Phyllis Cleveland

3 Notices

Peace Missionary Baptist Church, owner, appeals to erect a 4 foot by 4 foot by 7 foot high freestanding sign on a 100.01' x 203.50' corner parcel, located in a Multi-Family District; contrary to the provisions of Section 327.02, the plot plan for sign placement shows an area of 1-2 feet and a 4-6 foot area is requested from the elevation drawing; and a 7 foot height is requested, contrary to a maximum height of 5 feet that is allowed, and a setback from the lot lines equal to 1 foot is requested, contrary to a setback of 20 feet from all lot lines, as stated in Section 350.13 of the Codified Ordinances. (Filed 12-10-08; testimony taken.)

First postponement granted to applicants for additional review of the exact type of sign, its dimensions and placement.

POSTPONED FROM JANUARY 26, 2009

10:30

Calendar No. 08-211:

3929 Lorain Avenue

Ward 14

Joseph Santiago

26 Notices

Louis Bodnar Funeral Home, owner, appeals to construct an addition to an existing funeral home and expand the use to include cremation services, located on a 50' x 106.50' corner lot in a Local Retail Business District at 3929 Lorain Avenue; subject to the limitations of Section 343.01, the proposed expansion of use is first permitted in a General Industry District as an accessory use or incidental to a permitted use, and only on special permit from the Board of Zoning Appeals when such use is within 300 feet of a Residence District, according to Sections 345.04(b)(5) of the Codified Ordinances. (Filed 11-21-08; testimony taken.)

Second postponement requested by the Director of Public Health to review the drawings and a model of the manufacturer's equipment to determine the potential level of mercury emission that may occur.