

**BOARD OF ZONING APPEALS
APRIL 27, 2009**

POSTPONED TO JUNE 8, 2009

9:30

Calendar No. 09-44:

1001 Fairfield Avenue

Ward 13

Joe Cimperman

8 Notices

Gillota Fuel Products Inc., owner, appeal to establish use/maintain a gas station and repair garage located on a 95' x 66' corner parcel in a General Retail Business District; contrary to Sections 352.08 through 352.11, no landscaping is provided and a 10 foot wide landscaping strip is required along the rear property line where the lot abuts a Residence District and a 4 foot wide landscaping strip is required along the street frontages; and nonconforming to Section 343.18(d) that the width of driveways may not exceed 30 feet; and that a repair garage is first permitted in a Semi-Industry District provided, that the use is not less than 100 feet from a Residence District, according to Section 345.03(c)(2) of the Cleveland Codified Ordinances. (Filed 3-25-09; no testimony taken.)

First postponement requested by Tremont West development Corporation to consult with the applicant about the proposed plan.

9:30

Calendar No. 09-45:

3031 Clark Avenue

Ward 14

Joseph Santiago

11 Notices

Gillota Fuel Products, Inc., owner, appeals to establish use/maintain a gas station and repair garage located on a 69.08' x 100' corner parcel in a General Retail Business District; the existing nonconforming building and use being subject to the provisions of Section 359.01(a) that 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; existing conditions and other nonconformities being the absence of a 10 foot wide landscaping strip along the rear property line, 4 foot wide landscaping strips along the street frontages, a driveway width that exceeds 30 feet and a repair garage use that is first permitted in a Semi-Industry District, provided that it is not less than 100 feet from a residence district. (Filed 3-25-09)

9:30

Calendar No. 09-46:

4661 Broadview Road

Ward 16

Kevin Kelley

5 Notices

Gillota Fuel Products, Inc., owner, appeal to expand a gas station use to include an auto repair garage located on a 122.32' x 122.32' corner parcel in a Local Retail business District; subject to the limitations of Section 343.01, auto repair use is not permitted and first permitted in a Semi-Industry District provided it is at least 100 feet from a residence district and the proposed use abuts a Multi-Family District at the east rear corner; and nonconforming to Sections 352.09 and 352.10, a 4 foot wide transition strip is proposed contrary to a 10 foot width and a 6 foot wide landscape strip is required where parking abuts the street along Scaaf and Broadview Roads. Contrary to Section 343.15(b)(2) a canopy is proposed less than 2 feet from the property line adjacent to Broadview Road and no structure, including a pump island may be built less than a 20 foot distance from the property line adjacent to the public right of way and two driveways are proposed along Schaaf and Broadview Roads with frontage of less than 130 feet, contrary to Section 343.18(a) where only one driveway is permitted on as lot of land that is less than 150 feet; and 4 additional parking spaces are required for auto repair at one space for every 500 square feet of gross floor area, according to the provisions of Section 349.04(g) of the Cleveland Codified Ordinances. (Filed 3-25-09)

POSTPONED TO JUNE 1, 2009

9:30

Calendar No. 09-49:

1385 East 36th Street

Ward 13

Tyler Industrial Park, LLC, owner, and Factory Restaurant, Inc. and Jack Miller, tenant, appeal under the authority of Section 76-6 of the Charter of the City of Cleveland from the decision of the Public Safety Department to disapprove an application for a Coin Operated Pool Table License for the premises at 1385 East 36th Street, as stated in the notice issued March 11, 2009 from the Commissioner of the Cleveland Division of Assessments and Licenses.

9:30

Calendar No. 09-50:

1385 East 36th Street

Ward 13

Tyler Industrial Park, LLC, owner, and Factory Restaurant, Inc. and Jack Miller, tenant, appeal under the authority of Section 76-6 of the Charter of the City of Cleveland from the decision of the Public Safety Department to disapprove an application for a Coin Operated Amusement Device License for the premises at 1385 East 36th Street, as stated in the notice issued March 11, 2009 from the Commissioner of the Cleveland Division of Assessments and Licenses.

9:30

Calendar No. 09-51:

1385 East 36th Street

Ward 13

Tyler Industrial Park, LLC, owner, and Factory Restaurant, Inc. and Jack Miller, tenant, appeal under the authority of Section 76-6 of the Charter of the City of Cleveland from the decision of the Public Safety Department to disapprove an application for a Dance Hall License for the premises at 1385 East 36th Street, as stated in the notice issued March 11, 2009 from the Commissioner of the Cleveland Division of Assessments and Licenses.

9:30

Calendar No. 09-52:

1385 East 36th Street

Ward 13

Tyler Industrial Park, LLC, owner, and Factory Restaurant, Inc. and Jack Miller, tenant, appeal under the authority of Section 76-6 of the Charter of the City of Cleveland from the decision of the Public Safety Department to disapprove an application for an Outdoor Restaurant License for the premises at 1385 East 36th Street, as stated in the notice issued March 11, 2009 from the Commissioner of the Cleveland Division of Assessments and Licenses.

9:30

Calendar No. 09-54:

1385 East 36th Street

Ward 13

Tyler Industrial Park, LLC, owner, and Factory Restaurant, Inc. and Jack Miller, tenant, appeal under the authority of Section 76-6 of the Charter of the City of Cleveland from the decision of the Public Safety Department to disapprove an application for a Music License for the premises at 1385 East 36th Street, as stated in the notice issued March 11, 2009 from the Commissioner of the Cleveland Division of Assessments and Licenses.

First postponement requested by the Councilman for time to meet with property owners, tenant and St. Clair Superior Development Corporation.

POSTPONED FROM FEBRUARY 2, 2009

10:30

Calendar No. 08-223:

6611 Barberton Avenue

Ward 16

Kevin Kelley

22 Notices

Calogero Monastra, owner, and AMS International Samidam Trading, tenant, appeal to establish use for motor vehicle storage on acreage located in a General Industry District; contrary to Sections 352.08 and 352.11 of the Cleveland Codified Ordinances, no landscaping strip is proposed and an 8 foot wide (75 percent year-round opacity) landscaping strip is required at the front yard between the General Industry and Local Retail Business District; and under the provisions of Sections 349.07 (a) and (b), accessory off-street parking spaces, driveways and maneuvering areas shall be properly graded for drainage so that all water is drained within the lot providing such parking spaces, surfaced with concrete, asphaltic concrete, asphalt or similar surfacing material, maintained in good condition and free of debris and trash and provided with wheel or bumper guards that are located so that no part of a parked vehicle will extend beyond such parking space. (Filed 12-5-08)

10:30

Calendar No. 08-224:

3584 West 67th Street

Ward 16

Kevin Kelley

22 Notices

Calogero Monastra, owner, and Samidam Trading Modern Welding, Inc., tenant, appeal to establish use for motor vehicle repair and storage on a 192.86' x 180.44' parcel located in a Semi-Industry District; subject to the limitations of Section 345.03(c)(2) a repair garage is permitted, provided that it is located not less than 100 feet from a residence district and the proposed use abuts a Two-Family District; and contrary to Sections 352.08 and 352.11, no landscaping is proposed, and a 10 foot wide (75 percent opacity) landscaping strip is required at lot lines which are also the boundary lines of a residence district. (Filed 12-5-08; testimony taken.)

First postponement granted for applicant to work with the Building and Housing Department for an improved plan that would include a lot consolidation.

POSTPONED TO MAY 18, 2009

10:30

Calendar No. 09-28:

75 Public Square B-100

Ward 13

Joe Cimperman

Northpoint Athletic Club II, Inc., owner, and Donald Dzina aka TH & Sons, tenant, appeal under Section 76-6 of the Charter of the City of Cleveland and Section 329.02(d) of the Codified Ordinances from a denied application for a Dance Hall License by the Commissioner of Assessments and Licenses pursuant to Section 690.03 and disapproval of the application by the City of Cleveland Fire Department. (Filed 3-23-09; no testimony taken.)

Applicants' second request for postponement granted for a response from the City of Cleveland Fire Department on the emergency procedures plan submitted to them by the applicant.