

**BOARD OF ZONING APPEALS  
JUNE 15, 2009**

**9:30**

**Calendar No. 09- 90:**

**15116 Lakeshore Boulevard**

**Ward 11**

**Michael Polensek**

**10 Notices**

B & M Lunch School Providers LLC, owner appeal to establish use at an existing restaurant to accommodate a party center in a one-story building on a 145.67' x 100' parcel in a Local Retail Business District; subject to the limitations of Section 343.01, the proposed use is not permitted and first permitted in a General Retail District, provided that it complies with the location regulations in Section 347.12, where such use shall not be established within 500 feet of a residence district, day care center, kindergarten, elementary or secondary school, public library, church, playground, public or nonprofit recreation center or community center; and 15 parking spaces are provided, contrary to parking required at three times the gross floor area or approximately 67 spaces, according to the provisions in Section 349.04(e) of the Cleveland Codified Ordinances. (Filed 5-8-09)

**9:30**

**Calendar No. 09-91:**

**4844 Broadview Road**

**Ward 16**

**Kevin Kelley**

**11 Notices**

Fred Tadrous, owner, and George Hasrouni, tenant, appeal for an expansion of an existing auto repair shop to include tire sales in a one-story building on a 78.63' x 130.54' irregular shaped corner lot in a Local Retail Business District; the auto repair garage nonconforming to Section 343.01 and first permitted in a Semi-Industry District; contrary to Section 349.07(a) a gravel surface is proposed on the rear half of the lot where accessory off-street parking spaces, driveway and maneuvering areas shall be properly graded for drainage and hard surfaced and only one driveway is permitted for each 100 feet of lot frontage where off-street parking is provided, and a driveway shall not be less than 15 feet from the property line on the approach side of an intersection and not less than 5 feet on the leaving side; and a maximum width of a driveway is 30 feet in the provisions of Section 349.07(c); and the expansion of a nonconforming use requires the Board of Zoning Appeals approval according to Section 359.01; and no transition strip is proposed between the Local Retail District and a Two-Family District in the rear of the lot contrary to Section 352.09 of the Cleveland Codified Ordinances. (Filed 5-12-09)

**9:30**

**Calendar No. 09-92:**

**3286 West 25<sup>th</sup> Street**

**Ward 14**

**Joseph Santiago**

**14 Notices**

N.G.N. Investments LLC, owner, and Nick Pandapas appeal for a change from storage to auto repair the use of an existing structure on a 192' x 196.67' lot located in Semi-Industry and Two-Family Districts; subject to the limitations of Section 337.03 auto repair is not permitted and permitted in a Semi-Industry District but must be at least 100 feet from a residence district; and nonconforming to Sections 352.09 and 352.10, no transition strip is proposed and a 10 foot wide strip is required where the semi-industry use abuts the Two-Family District and a 6 foot wide landscape strip is required at the front where parking abuts the street; and in the actual front yard of a Semi-Industry District no fence height shall exceed a 4 foot height as stated in Section 358.05(a)(2) and the expansion of a nonconforming use requires the Board of Zoning Appeals approval in accordance with Section 359.01 of the Cleveland Codified Ordinances. (Filed 5-12-09)

**9:30**

**Calendar No. 09-93:**

**7646 Lorain Avenue**

**Ward 17**

**Matthew Zone**

**8 Notices**

Irene Fanara, owner, appeals to change use of an existing two-story building from a store and one dwelling unit to a restaurant on a 35' x 132' parcel in a General Retail Business District; nonconforming to Section 349.04(f) no off-street parking is proposed and 12 parking spaces are required. (Filed 5-12-09)

**9:30**

**Calendar No. 09-94:**

**2320-2390 Center Street**

**Ward 13**

**Joe Cimperman**

**6 Notices**

Downtown Self-Storage LLC, and John Deluca appeal to change the use within the fourth floor of an existing four-story warehouse building located on a 140.31' x 128.61' corner parcel in a General Industry District; the proposed change subject to Section 357.08(b)(2) and a required rear yard for a building of residential occupancy to be not be less than 15 percent of the depth of the lot but in no case less than 20 feet or less than one-half the height of the main building; and under the provisions of Section 357.09(b)(2)C, no interior side yard in connection with multiple dwelling units shall be less than one-fourth the height of the main building on the premises or less than 8 feet; and by reference as regulated in a Semi-Industry District, Section 345.03(b), no multiple dwelling shall be located within 200 feet of the boundary line of an adjoining General or Unrestricted Industry District, and no existing building within 200 feet of such boundary line shall be converted or altered to any such use, except that the Board of Zoning Appeals may, in specific instances, permit such conversion or alteration when the development of the immediately surrounding area is essentially residential in character, as stated in Section 345.04 of the Cleveland Codified Ordinances. (Filed 5-14-09)

**9:30**

**Calendar No. 09-98:**

**4960 Old Grayton Road**

**Ward 20**

**Martin Sweeney**

**2 Notices**

City of Cleveland Department of Port Control appeals to expand an existing parking lot located on acreage in a General Retail Business District; and under the provisions in Section 352.10, a 4 foot wide, 100 square foot island strip is required and shall be separated by no more than 20 parking spaces. (Filed 5-18-09)

**9:30**

**Calendar No. 09-102:**

**4395 East 143<sup>rd</sup> Street**

**Ward 1**

**Terrell Pruitt**

**5 Notices**

Catherine Johnson, owner, appeals to erect a 5 foot by 39 foot u-shaped wolmanized wooden wheelchair ramp at the front of a single family dwelling on a 40' x 120' parcel in a One-Family District; and ramps are not a permitted encroachment in the provisions of Section 357.13 of the Cleveland Codified Ordinances. (Filed 5-22-09)

**9:30**

**Calendar No. 09-106:**

**3914 John Avenue**

**Ward 13**

The City of Cleveland Department of Building and Housing 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 May 14, 2009 to disapprove a Certificate of Appropriateness for the demolition and removal of a house on the property at 3914 John Avenue.

10:30

Calendar No. 09-68:

Appeal of Ron A. Spach

Ron A. Spach appeals under the authority of Section 76-6 of the Charter of the City of Cleveland from the decision of the Commissioner of Assessments and Licenses on March 27, 2009 to not issue a Tow Truck Drivers License, based upon the disapproval of his application for a Tow Truck Drivers License by the Department of Public Safety. (Filed 4-8-09; Dismissed 5-11-09; Reinstated 5-18-09)

**POSTPONED FROM APRIL 27, 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; testimony taken.)

10:30

Calendar No. 08-224:

3584 West 67<sup>th</sup> 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.)

**Second postponement granted for applicant to complete lot consolidation process and to provide a new site plan.**

**POSTPONED FROM MAY 18, 2009**

10:30

Calendar No. 09-74:

11213 Detroit Avenue

Ward 18

Jay Westbrook

10 Notices

Detroit Avenue Ltd., owner, and Paul Shlachter, tenant, appeal for an expansion of use at an existing restaurant to accommodate a patio within the front yard of a 52.21' x 138.81' parcel in a Local Retail Business District; subject to Section 349.04(f) off-street parking based on the front yard seating configuration equals 8 spaces; and a front yard encroachment for a restaurant/patio requires the Board of Zoning Appeals approval according to the provisions of Section 357.14(a) of the Cleveland Codified Ordinances. (Filed 4-16-09; no testimony taken.)

**First postponement requested by property owner due to a work schedule conflict.**