

BOARD OF ZONING APPEALS
AUGUST 17, 2009

9:30

Calendar No. 09-143:

11903 Hirst Avenue

Ward 19

Dona Brady

3 Notices

Edwin Ocasio, owner, appeals to install a 4 foot tall fence on a 40' x 110.79' parcel in a One-Family District; contrary to Section 358.04(b) a fence running parallel to and adjacent to a building on the same property shall be located no closer than 3 feet to the nearest wall of such building; and no portion of a fence located within 30 feet of the intersection of two street right-of-way lines shall exceed two and one-half feet in height, unless all portions of the fence above two and one-half feet in height are at least 75 percent open; and the same restrictions apply to any portion of a fence located along and parallel to a driveway within 15 feet of its intersection with a public sidewalk or street if no sidewalk is present, according to Section 358.03(a) of the Cleveland Codified Ordinances. (Filed 7-13-09)

9:30

Calendar No. 09-144:

6104 West Clinton Avenue

Ward 17

Matthew Zone

7 Notices

Ian Rosby, owner, appeals to erect a 31' x 43.3' three-story frame, three family dwelling on a 45.50' x 135' parcel in a Two-Family District; subject to the limitations of Section 337.03, a three family dwelling is not allowed and is first allowed in a Multi-Family District; a minimum interior side yard of 6.11 feet is provided contrary to the minimum requirement of 8 feet; and a sunken patio that projects 8 feet is not a permitted front yard encroachment in the provisions of Section 357.13(b) of the Cleveland Codified Ordinances. (Filed 7-14-09)

9:30

Calendar No. 09-147:

4455 Pearl Road

Ward 16

Kevin Kelley

15 Notices

Matthew Fuchs, owner, appeals to change use from a dwelling unit to a retail sales (farmer's market) and to use the front yard for display and sale of produce on a 50' x 112.40' parcel in a Local Retail Business District; nonconforming to Section 349.04(f) with a credit for 1 parking space where 3 accessory off-street spaces are required; and in the provisions of Section 357.14(a), the sale and display of produce or any other merchandise within the established 17 foot front yard setback requires the Board of Zoning Appeals approval. (Filed 7-15-09)

9:30

Calendar No. 09-148:

5604 Franklin Boulevard

Ward 17

Matthew Zone

5 Notices

Darwin McLellan, owner, appeals to install a 6 foot tall fence on an approximate 56.52' x 112.15' parcel in a Two-Family District; contrary to Section 358.04(a), fences in actual side street yards shall not exceed 4 feet in height and shall be at least 50 percent open; and no portion of a fence located within 30 feet of the intersection of two street right-of-way lines shall exceed two and one-half feet in height, unless all portions of the fence above two and one-half feet in height are at least 75 percent open; and the same restrictions apply to any portion of a fence located along and parallel to a driveway within 15 feet of its intersection with a public sidewalk or street if no sidewalk is present, according to Section 358.03(a) of the Cleveland Codified Ordinances. (Filed 7-16-09)

9:30

Calendar No. 09-149:

14201 Harvard Avenue

Ward 1

Terrell Pruitt

10 Notices

Ellard Kinney, owner, appeals to expand the use of an existing restaurant/tavern to accommodate a patio within the front yard of a 50' x 125' parcel in a General Retail Business District; nonconforming to Section 349.04(f) and a requirement for four (4) additional, accessory off-street parking spaces, based upon one for each employee plus one for each 100 square feet of floor area devoted to patron use; and in the provisions of Section 357.13, a restaurant/patio is not a permitted front yard encroachment nor is parking in the required 10 foot setback a permitted front yard encroachment. (Filed 7-17-09)

9:30

Calendar No. 09-151:

14916 Kinsman Road

Ward 3

Zachary Reed

13 Notices

Riley Dawson, owner, and Cleo McCoy, lessee, appeal to use a 45' x 140' parcel for the purpose of outdoor sales in a Local Retail Business District; no accessory off-street parking is provided and it is required at the rate of one space for each two employees plus an area equal to 25 percent of the total lot area in the provisions under Section 349.04(f) of the Cleveland Codified Ordinances. (Filed 7-21-09)

9:30

Calendar No. 09-152:

14918 Kinsman Road

Ward 3

Riley Dawson, owner, and Cleo McCoy, lessee, appeal to use a 45' x 140' parcel for the purpose of outdoor sales in a Local Retail Business District; no accessory off-street parking is provided and it is required at the rate of one space for each two employees plus an area equal to 25 percent of the total lot area in the provisions under Section 349.04(f) of the Cleveland Codified Ordinances. (Filed 7-21-09)

POSTPONED FROM JULY 6 2009

10:30

Calendar No. 09-29:

9525 Woodland Avenue

Ward 6

Mamie Mitchell

12 Notices

Eaton Park Leasing, Inc., owner, appeals to change from a scrap yard to a construction distribution facility the use of 2.23 lot acres in a General Industry District; nonconforming to Section 349.07 that 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 in a General Industry District open yard storage of second-hand lumber or other used building material, junk, paper, rags, unrepaired or uncleaned containers or other such salvaged articles may be allowed, provided that such uses are enclosed within a minimum seven feet high solid masonry wall or slightly solid, nontransparent, well maintained substantial fence as stated in Sections 345.04(a)(10)(c)(3) of the Cleveland Codified Ordinances; and all dust, odor, noise and vibration must be confined to the premises and concrete crushing is not permitted on the premises. (Filed 2-26-09; testimony taken.)

Second postponement requested by mutual agreement between applicants and Fairfax Development Corporation in the interest of continuing their efforts to resolve issues raised about the proposed change, the specific parcels involved and the impact of the proposed use overall.

10:30

Calendar No. 09-111:

10409 Meech Avenue

PPN 136 10 040

Ward 2

Nathaniel Wilkes

19 Notices

Number One Grace Properties LLC, owner, appeals to use a 140' x 249.59' parcel located in Semi-Industry and General Industry Districts for the storage of vehicles pending wrecking and dismantling; subject to the requirements in Sections 345.03 and 345.04, the use is first permitted in a General Industry District, provided that the premises are enclosed within a minimum seven foot tall, solid fence or wall and a fence on the premises does not meet the required opacity. The provisions in Section 349.07(a) require that driveways and maneuvering areas shall be properly graded, surfaced with concrete, asphalt or similar surfacing material, maintained in good condition, free of trash and debris; and a 10 foot wide, 75 percent opaque, landscaping transition strip is required at the rear of the lot where it abuts a Residence District and none is proposed, contrary to Sections 352.10 and 352.11 of the Cleveland Codified Ordinances. (Filed 6-5-09; no testimony taken.)

