

**BOARD OF ZONING APPEALS  
AUGUST 3, 2009**

**9:30**

**Calendar No. 09-133:**

**3633 East 146<sup>th</sup> Street**

**Ward 3**

**Zachary Reed**

**13 Notices**

Linda Williams, owner, appeals to change use from a two family dwelling to a group home located on a 40' x 142.24' parcel in a Two-Family District; subject to the limitations of Section 337.03 the proposed use is not permitted and first permitted in a Multi-Family District as stated in the Cleveland Codified Ordinances.

(Filed 6-25-09)

**9:30**

**Calendar No. 09-134:**

**3414 East 137<sup>th</sup> Street**

**Ward 3**

**Zachary Reed**

**4 Notices**

Nadine Davis, owner, appeals to install a 46 linear foot wheelchair ramp in the front yard of a 35' x 137' parcel in a One-Family District and the proposed ramp projects 10 feet into the front yard setback and is not a permitted encroachment under Section 357.13 of the Cleveland Codified Ordinances. (Filed 6-24-09)

**9:30**

**Calendar No. 09-135:**

**13835 Lorain Avenue**

**Ward 20**

**Martin Sweeney**

J-SET Limited LLC, owner, and Jesse Adkins dba Fat Boys Sports Bar, Inc., 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 13835 Lorain Avenue, as stated in the notice issued June 16, 2009 from the Cleveland Division of Assessments and Licenses.

(Filed 6-29-09)

**9:30**

**Calendar No. 09-136:**

**4187 West 140<sup>th</sup> Street**

**Ward 20**

**Martin Sweeney**

**5 Notices**

Belinda Anderson, owner, appeals to erect a 3 foot by 12 foot long wooden ramp to the front of a one family dwelling in a One Family District, and the proposed ramp is not a permitted encroachment under Section 357.13 of the Cleveland Codified Ordinances. (Filed 6-29-09)

**9:30**

**Calendar No. 09-138:**

**3896-98 East 74<sup>th</sup> Street**

**Ward 12**

**Anthony Brancatelli**

**3 Notices**

Joan Walker, owner, appeals to erect an above ground swimming pool that is 18 feet in diameter and 52 inches high on a 49.5' x 145' parcel in a Two-Family District; and a swimming pool is not a permitted front yard encroachment in Section 357.13 and a front yard of 20 feet is required according to the provisions of Section 357.15(a) in the Cleveland Codified Ordinances. (Filed 7-2-09)

**POSTPONED FROM JUNE 1, 2009**

10:30

Calendar No. 09-14:

12010 Bellaire Road

Ward 19

Dona Brady

7 Notices

Dolores Wagner, owner, appeals to change use from a service station to an auto repair garage a one-story masonry building on a 138' x 133' irregular shaped corner parcel in a General Retail Business District; subject to the limitations of Section 343.11(b), the proposed auto repair is not permitted and is located between 5 to 10 feet from a residential district, contrary to a distance of at least 100 feet as required under Section 345.03(c)(2); and nonconforming parking areas must be hard-surfaced according to the provisions of Section 349.07 with asphalt, concrete or with a permeable paving, engineered system that is approved by the Director of Building and Housing. A 6 foot wide landscaped frontage strip providing 50 percent year-round opacity is required where any parking areas abut the street, and a 10 foot width of landscaping that provides 75 percent year-round opacity is required, where the proposed use abuts either a court or an alley way to the rear, as stated in Sections 352.08 to 352.12 of the Codified Ordinances. (Filed 2-11-09; no testimony taken)

**Second postponement requested by the City due to a rebuild of Bellaire Road, including sidewalks, curbs, driveway aprons, etc. and installation of new culverts on side streets in proximity to the applicant's business location.**

**POSTPONED FROM JUNE 8, 2009**

10:30

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.)

**Second postponement requested by the Councilman for additional review and evaluation of the applicants' project.**

**POSTPONED FROM JUNE 8, 2009**

10:30

Calendar No. 09-45:

3031 Clark Avenue

Ward 14

Joseph Santiago

10 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; testimony taken.)

**Second postponement granted for applicants to meet with the Local Design Review Advisory Committee and present a detail specific plan for site improvements, fencing, landscaping, marked spaces for overnight parking and customer parking, replacing sidewalks, paving gravel area; with additional photos to be provided showing removal of "junk vehicles" and all debris for the rescheduled hearing and also providing a "receipt" that shows disposal of tires, parts, etc.**