

**BOARD OF ZONING APPEALS
SEPTEMBER 21, 2009**

POSTPONED TO OCTOBER 26, 2009

9:30

Calendar No. 09-166:

4497 Broadview Road

Ward 15

Brian Cummins

11 Notices

Angelo Gallo, TTEE, Vibra Corporation, owners, appeal to add a front patio with a 4 foot tall ornamental fence and seating for 16 patrons to an existing tavern in a two-story building on a 40.23' x 133.91' parcel in a Local Retail Business District; contrary to the Yard Regulations in Section 357.01(d) and the limitation of a specific front 10 foot setback established for Broadview Road at this location and not a permitted front yard setback encroachment, according to the provisions in Section 357.13(b) of the Cleveland Codified Ordinances. (Filed 8-4-09)

9:30

Calendar No. 09-171:

4360 Rocky River Drive

Ward 21

Martin Keane

5 Notices

Cristina Miranda, owner, appeals to enclose a 24' x 8' front porch of a one family dwelling on a 50' x 296.72' parcel in a Multi-Family District; nonconforming to Section 357.13(b)(4) that open porches or porticos may project not more than 6 feet and enclosed porches or vestibules not more than 4 feet, provided they do not extend within 10 feet of the street line and do not aggregate a vertical area in any story more than 20 percent of the area of the façade in that story, according to the Cleveland Codified Ordinances. (Filed 8-21-09)

9:30

Calendar No. 09-172:

3320 Virginia Avenue

Ward 15

Brian Cummins

5 Notices

Robert Letostak, owner, appeals to enclose a 10-6' x 8' front porch of a one family dwelling on a 31' x 118.11' parcel in a Two-Family District; nonconforming to Section 357.13(b)(4) that open porches or porticos may project not more than 6 feet and enclosed porches or vestibules not more than 4 feet, provided they do not extend within 10 feet of the street line and do not aggregate a vertical area in any story more than 20 percent of the area of the façade in that story, according to the Cleveland Codified Ordinances. (Filed 8-21-09)

10:30

Calendar No. 08-68:

3232 Lakeside Avenue

Ward 13

Joe Cimperman

5 Notices

Flextron LLC, owner, and Theodore Talliere, agent, appeal to change use from a bar/restaurant to adult cabaret an existing two-story building on a 130.66' x 117.25' corner parcel in a General Industry District on the southwest corner of Lakeside Avenue at East 33rd Street at 3232 Lakeside Avenue; subject to the provisions of Section 349.01(e), whenever the existing use of a building or structure shall hereafter be changed to a new use, parking facilities shall be provided as required for such new use as stated in the Cleveland Codified Ordinances. (Denied 7-28-08; on remand from Cuyahoga County Common Pleas Court 8-25-09.)

POSTPONED FROM AUGUST 3, 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.)

Third postponement requested by the applicant due to a scheduling conflict.

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.)

Third 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.

POSTPONED FROM JULY 27, 2009

10:30

Calendar No. 09-92:

3286 West 25th Street

Ward 14

Joseph Santiago

12 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; testimony taken.)

Second postponement granted for the applicant and Tremont West Development Corporation to follow up with a plan for landscaping and site improvement details.

POSTPONED TO OCTOBER 19 2009

10:30

Calendar No. 09-133:

3633 East 146th 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; testimony taken.)

Second postponement requested by the Mt. Pleasant NOW Community Development Corporation to organize a community meeting about the applicant's proposal.

POSTPONED FROM SEPTEMBER 14, 2009

10:30

Calendar No. 09-155:

3232 Lakeside Avenue

Ward 13

Joe Cimperman

6 Notices

Charles Fleck, owner, and Theodore Talliere, agent, appeal to expand occupancy from 135 to 200 and to add entertainment use to an existing tavern/restaurant on a 130.66' x 107.67' parcel in a General Industry District; contrary to Section 349.04(e) no accessory off-street parking is provided and accessory off-street parking equal to three times the gross floor area is required; and the substitution/expansion of an existing nonconforming use requires the Board of Zoning Appeals approval in accordance with Section 359.01 in the Cleveland Codified Ordinances.(Filed 7-22-09; no testimony taken.)

Second postponement granted upon the Board's own motion.