

**BOARD OF ZONING APPEALS
JANUARY 23, 2006**

9:30

Calendar No. 05-386:

5801 Wetzel Avenue

Ward 16

Kevin Kelley

56 Notices

The Mini Maxi Corporation, owner, and Matthew Boros appeal to construct two individual one-story masonry and frame storage buildings that provide a total of 13 units to be added on the westerly part of an existing nonconforming mini-storage complex, situated on a 1,350' x 225' irregular shaped acreage parcel, located in a Two-Family District for a depth of 150' and in a General Industry District for the remainder of the property at 5801 Wetzel Avenue; said buildings within the Residence District portion of the property being contrary to Section 337.03 and the expansion of a nonconforming use requires the Board of Zoning Appeals approval, as stated in Section 359.01 of the Codified Ordinances. (Filed 12-16-05)

9:30

Calendar No. 05-387:

Appeal of Larry Saulsberry

Hack License Suspension

Larry Saulsberry appeals under Section 76-6 of the Charter of the City of Cleveland from the suspension of a City of Cleveland Hack License, issued by the Commissioner of Assessments and Licenses and scheduled to begin December 18, 2005 as a result of an incident that occurred on November 5, 2005. (Filed 12-15-05)

9:30

Calendar No. 05-388:

16416 Westview Avenue

Ward 1

Nina Turner

11 Notices

Melanie Y. Chapman-Bowen, owner, appeals to establish use as a Type A day care in an existing single family dwelling, situated on a 40' x 140' parcel in an A1 One-Family District on the south side of Westview Avenue at 16416 Westview Avenue; the proposed Type A day care is subject to the limitations of Sections 337.02(f)(3)(C), that require the Board of Zoning Appeals approval, if it is located less than 30' from an adjoining premises in a residential district not used for a similar purpose, to determine if adequate yard spaces and other safeguards to preserve the character of the neighborhood are provided and that the use is appropriately located and designed to meet a community need without adversely affecting the neighborhood. (Filed 12-19-05)

9:30

Calendar No. 05-389:

3915 Buechner Avenue

Ward 16

Kevin Kelley

4 Notices

Agnes Livengood, owner, appeals to install a 4' tall chain link fence in the front yard setback of a single family dwelling situated on a 50' x 120' parcel in an A1 One-Family District on the south side of Buechner Avenue at 3915 Buechner Avenue; contrary to the Fence Regulations, where only ornamental fences are permitted in the actual front yards of a Residence District, unless the Board of Zoning Appeals determines that legally permitted chain link fences are common in the immediate vicinity of the subject property, as stated in Section 358.04(c)(1) of the Codified Ordinances. (Filed 12-19-05)

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9:30

Calendar No. 05-390:

1055 Ivanhoe Road

Ward 11

Michael Polensek

10 Notices

Ivanhoe-Cleveland Associates, Ltd. c/o Fred Richman, owner, and Ishmeal Pettigrew, prospective purchaser, appeal to construct a one-story auto garage proposed to be built on a vacant 150' x 165' corner lot, located in a Local Retail Business District on the northeast corner of Ivanhoe Road and Halliday Avenue at 1055 Ivanhoe Road; the proposed auto garage being contrary to Section 343.01 and not permitted in a Local Retail District but first permitted in a Semi-Industry District, provided that it is 100' from a Residence District; and no landscaping is proposed where Section 352.10 requires that there be a 6' wide landscape strip between the parking lot and Halliday Avenue; with 8 parking spaces proposed instead of 10 that are required according to Section 349.04(g); and a 6' tall fence is proposed in the actual front yard of a Residence District, where the maximum height of fence permitted is 4' as stated in Section 358.05(a)(2) of the Codified Ordinances. (Filed 12-19-05)

POSTPONED FROM JANUARY 3, 2006

10:30

Calendar No. 05-377:

3341 Broadview Road

Ward 15

Brian Cummins

12 Notices

Tom Pavlicka, owner, and Marcia Wrick, tenant, appeal to establish a two room space in an existing two-story office building a use for medical and cosmetic tattooing, situated on a 135' x 89' corner parcel in a Local Retail Business District on the southwest corner of Broadview and Pearl Roads at 3341 Broadview Road; the proposed use being subject to the provisions of Section 343.11P(1 and 2), that tattooing and body piercing as used in this division: (1) that "Body Piercing" means the piercing of any part of the body by someone other than a physician licensed under Chapter 4731 of the revised Code, who utilizes a needle or other instrument for the purpose of inserting an object into the body for non-medical purposes; body piercing includes ear piercing except when the ear piercing procedure is performed on the ear with an ear piercing gun; and (2) that "Tattoo" means any method utilizing needles or other instruments by someone other than a physician licensed under Chapter 4731 of the Revised Code, to permanently placer designs, letters, scrolls, figures, symbols or any other marks upon or under the skin of a person with ink or any other substance resulting in an alteration of the appearance of the skin; and tattooing and body piercing are first permitted in a General Retail Business District, provided that all conditions of Section 347.12(b) are satisfied, with the proposed use here being within 1,000' of a church and a residential district and not permitted in a Local Retail Business District, according to Section 343.01 of the Codified Ordinances. (Filed 12-7-05; testimony taken.)

First postponement granted for additional review of the proposed plan.

**BOARD OF ZONING APPEALS
JANUARY 23, 2006**

POSTPONED FROM JANUARY 9, 2006

10:30

Calendar No. 05-378: 3249 East 143rd Street

Ward 4

Kenneth Johnson

9 Notices

Rashiqa Abukhalil, owner, appeals to rebuild an existing nonconforming building with stores, situated on a 40' x 133' parcel located in a Two-Family District on the east side of East 143rd Street at 3249 East 143rd Street; subject to the limitations of Repairs and Restorations of Buildings of Nonconforming Use, if more than 50% destroyed or removed by whatever cause, a nonconforming building shall not be restored or replaced except in conformity with the regulations for the district in which it is located, as stated in Section 359.03(b) of the Codified Ordinances. (Filed 12-9-05: no testimony taken.)

First postponement requested by counsel for the appellant to have additional time for review of the plan with the Councilman.

10:30

Calendar No. 05-379: 3060 West 121st Street

Ward 19

Dona Brady

5 Notices

Larjon Corporation, dba American Tank & Fabricating Company, owner, and Robert Ripich, appeal to install approximately 195 linear feet of 6' high chain link fence with 1' of barbed wire on a 209' x 237' parcel located in split zoning between Semi-Industry and General Industry Districts on the west side of West 121st Street at 3060 West 121st Street; as proposed, the fence installation exceeds the allowable 4' height and location permitted under Section 358.05(a)(2) and further subject to the Fence Regulations, a barbed wire fence, where permitted, must be located at least 4' from a sidewalk in a public right of way and the required setback must be planted with shrubs spaced no more than 5' apart or trees spaced not more than 20' apart, as stated in Sections 358.05(b)(1)(3) of the Codified Ordinances. (Filed 12-12-05; testimony taken.)

First postponement granted for appellant to locate a permit for the existing fence and to revise his plan.
