

**BOARD OF ZONING APPEALS**

**AUGUST 2, 2004**

**9:30**

**Calendar No. 04-165:**

**2055 Hamilton Avenue**

**Ward 13**

**Joe Cimperman**

**5 Notices**

The 2055 Hamilton LLC c/o Bruce Botchick, owner, appeals to install an 8' tall chain link fence around the perimeter of a 30' x 120' parcel, located in a Semi-Industry District on the west side of Hamilton Avenue at 2055 Hamilton Avenue; contrary to the Fence Regulations for a Semi-Industry District, except as specifically required due to the type of use, in a Non-Residential District other than General or Unrestricted Industry Districts, fences in actual front and side street yards shall not exceed 4' in height and shall be at least 50% open above a 2' height; and in actual rear and interior side yards, fences shall not exceed a 6' height and may be open or solid as stated in Section 358.05(a)(2) of the Codified Ordinances. (Filed 7-8-04)

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**9:30**

**Calendar No. 04-166:**

**861 East 105<sup>th</sup> Street**

**Ward 8**

**Sabra Pierce Scott**

**14 Notices**

Lee Memorial AME Church c/o Reverend Wesley Reid, owner, appeal to construct a 30 car parking lot accessory to the existing church, situated on a 107' x 175' corner parcel located in split zoning for Local Retail Business and Two-Family Districts on the southeast corner of East 105<sup>th</sup> Street and Bryant Avenue at 861 East 105<sup>th</sup> Street; subject to the provisions of Section 343.01 for Business Districts and Section 337.03 for Residential Districts; and the proposed church parking lot is 10' from an adjoining Two-Family District and by reference as regulated in a One-Family District, a church and accessory uses are permitted if located not less than 15' from any adjoining premises in a Residential District as stated in Section 337.02(e)(1) of the Codified Ordinances. (Filed 7-8-04)

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**9:30**

**Calendar No. 04-167:**

**2035 West 11<sup>th</sup> Street**

**Ward 13**

**Joe Cimperman**

**4 Notices**

Cleveland Housing Network c/o Christine Robertson, owner, appeal to erect a 24' x 44' two-story frame, one-family dwelling on a 39' x 154' parcel located in a Multi-Family District on the east side of West 11<sup>th</sup> Street at 2035 West 11<sup>th</sup> Street; contrary to the Regulations for Yards and Courts, the interior side yards provided are 8.09' and 7.96' and no building shall be erected less than 10' from a main building on an adjoining lot within a Residence District as stated in Section 357.09 of the Codified Ordinances. (Filed 7-9-04)

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**BOARD OF ZONING APPEALS  
AUGUST 2, 2004**

**9:30**

**Calendar No. 04-168:           3009 Library Avenue**

**Ward 15  
Merle Gordon  
3 Notices**

Charles Detrow, Jr., owner, appeals to erect a 30' x 40' one-story frame garage with a gable roof on a 40' x 140' parcel located in a Two-Family District on the south side of Library Avenue at 3009 Library Avenue; contrary to the regulations for accessory uses in Residence Districts, the proposed square footage of the garage floor area is 1,200 s/f and 716.6 s/f is allowed according to the requirements established in Section 337.23(7)A of the Codified Ordinances. (Filed 7-9-04)

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**POSTPONED FROM JULY 6, 2004**

**10:30**

**Calendar No. 04-137:           11113 Fidelity Avenue**

**Ward 19  
Dona Brady  
3 Notices**

Cheryl Lusardo, owner, appeals to erect a 23' x 23' wolmanized wooden deck to the rear of an existing one family dwelling, situated on a 41' x 121' parcel located in a Two-Family District on the south side of Fidelity Avenue at 11113 Fidelity Avenue; contrary to Section 357.09(2)(b) of the Requirements for Yards and Courts, no distance is proposed for the interior side yard and a minimum interior side yard of 3' is required, and the aggregate of both side yards shall not be less than a total of 10' and 9'6" is proposed; and a distance of 8' is proposed where no building shall be less than 10' from a main building on an adjoining lot as stated in Section 357.09(2)(A) of the Codified Ordinances. (Filed 6-4-04; no testimony taken.)

**First postponement granted due to scheduling conflict for appellant's counsel.**

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**10:30**

**Calendar No. 04-139:           5718 Bridge Avenue**

**Ward 17  
Matt Zone  
7 Notices**

Norma Rodriquez, owner, appeals to change a mixed use, two-story brick building from a store and one dwelling unit to a restaurant and one dwelling unit, situated on a 36' x 84' parcel in a Two-Family District on the north side of Bridge Avenue at 5718 Bridge Avenue; contrary to Section 337.03, where a restaurant is not permitted in a Two-Family District but first allowed in a Local Retail Business District, and the proposed substitution of a restaurant for the nonconforming store is subject to the provisions under Section 359.01, which require that the substitution be approved by the Board of Zoning Appeals; and contrary to Section 349.04(b) of the Off-Street Parking and Loading Requirements, there may be one or three parking spaces provided in an existing garage and six parking spaces are required, one for the dwelling unit and five for the restaurant, and the Board of Zoning Appeals is limited in its power to allow uses other than those listed in the Zoning Code as permitted in the use district next lower in order of restrictiveness to the district in which such lot is located, as stated in Section 329.03(d)(3) of the Codified Ordinances. (Filed 6-7-04; no testimony taken.)

**First postponement granted at request of appellant's counsel due to conflicts with her schedule.**

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