

**BOARD OF ZONING APPEALS
FEBRUARY 26, 2007**

9:30

Calendar No. 07-15:

4559-61 West 174th Street

Ward 20

Martin Sweeney

4 Notices

The Cuyahoga Metropolitan Housing Authority, owner, appeals to install 37 linear feet of 4' high chain link fence in a front yard and 90 linear feet of 8' high chain link fence in a northerly side yard portion of an acreage parcel, situated in an A1 One-Family District on the east side of West 174th Street where it intersects with Parkmount Avenue at 4559-61 West 174th Street; contrary to the Fence Regulations a chain link fence is not permitted in the front yard of a Residence District and an 8' fence height is proposed where a fence in the interior side yard may not exceed 6' in height, with a distance between 3' to 4' where the fence may not be placed closer to a residence on the neighboring lot than the height of the fence, as stated in Section 358.04(c) of the Codified Ordinances. (Filed 2-2-07)

9:30

Calendar No. 07-20:

9921 Elk Avenue

Ward 8

Sabra Pierce Scott

13 Notices

Howard Hendershot, owner, and Dimitri Salivaras, prospective purchaser, appeal to change the use from a factory and offices to a construction company proposed to be situated on a consolidated parcel located in split zoning between a B3 Semi-Industry District and a B1 Two-Family District on the north side of Elk Avenue at 9921 Elk Avenue; subject to the limitations for existing nonconforming buildings and uses, the proposed change of use for a building or land lawfully existing on the effective date of the Zoning Code or any amendment or supplement thereto, or for which a permit has been lawfully issued, may be continued even though such use does not conform to the Zoning Code for the use district in which it is located, but no enlargement or expansion shall be permitted except as a variance under the terms of Chapter 329, and no substitution or other change in a nonconforming use to other than a conforming use is permitted except by special permit from the Board of Zoning Appeals, if after public hearing the Board finds that the substitution or other 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 to be attracted to the premises or in any other characteristic of the new use as compared with the previous use, as stated in Section 359.01(a) of the Codified Ordinances. (Filed 2-7-07)

**BOARD FO ZONNG APPEALS
FEBRUARY 26, 2007**

9:30

Calendar No. 07-21:

3901 Lakeside Avenue

Ward 13

Joe Cimperman

7 Notices

The 3849 Group Partnership LLC, owner, and Escape, Inc., lessee, appeal to change the use from offices to a private club/ nightclub a tenant space situated on a 49.10' x 120' portion of a corner parcel located in a B3 General Industry District on the northeast corner of Lakeside Avenue and East 39th Street at 3901 Lakeside Avenue; contrary to the Off-Street Parking and Loading Requirements, places of assembly, dance halls and similar indoor amusement or recreation uses require a total parking area that is equal to three times the gross floor area, or 18,780 square feet, and 6,750 square feet of parking area is provided, and additional parking is required for all other tenants and uses in the building, according to the provisions of Section 349.04(e) of the Codified Ordinances. (Filed 2-9-07)

POSTPONED FROM JANUARY 16, 2007

10:30

Calendar No. 06-256:

16606-16702 S. Waterloo Road

Ward 11

Michael Polensek

12 Notices

Joseph Mobily, owner, and Jim Dupree, tenant, appeal change use from a factory and warehouse to a use for truck sales and salvage that is proposed to be on consolidated acreage parcels, where 125' of the frontage is located in a Semi-Industry District and the remainder of the land is in a General Industry District on the south side of South Waterloo Road at 16606-16702 South Waterloo Road; and the operation of wrecking or dismantling of motor vehicles, or the storage of motor vehicles pending wrecking or dismantling (salvage) is contrary to Section 345.03 and first permitted in a General Industry District; and 7 parking spaces are provided where 19 parking spaces are required, according to Section 349.04(j) of the Codified Ordinances. (Filed 12-15-06; testimony taken.)

First postponement granted for appellants to consult with the Councilman about resolving issues raised with illegal parking, debris and dirt being tracked onto the Public Right of Way; and for a plan to be submitted that shows parking for all uses on the lot, installation of landscaping and relocation of the dumpster according to Code requirements.
