

**BOARD OF ZONING APPEALS**  
**NOVEMBER 12, 2007**

**9:30**  
**Calendar No. 07-207:**

**Violation Notice**  
**8500 Aetna Road**

**Ward 2**  
**Robert White III**

FPT Real Estate LLC, property owner, appeals under the authority of Section 76-6 of the Cleveland City Charter and Section 329.02(d) of the Cleveland Codified Ordinances from a Notice of Violation, issued by the Building and Housing Department issued September 13, 2007 for failure to comply with the provisions of Section 349.07(a) and the requirements for maintenance of accessory off-street parking spaces and maneuvering areas located at 8500 Aetna Road according to the Codified Ordinances. (Filed 10-12-07)

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**9:30**  
**Calendar No. 07-208:**

**Violation Notice**  
**8550 Aetna Road**

**Ward 2**  
**Robert White III**

FPT Real Estate LLC, property owner, appeals under the authority of Section 76-6 of the Cleveland City Charter and Section 329.02(d) of the Cleveland Codified Ordinances from a Notice of Violation, issued by the Building and Housing Department issued September 27, 2007 for failure to comply with the provisions of Section 349.07(a) and the requirements for maintenance of accessory off-street parking spaces and maneuvering areas located at 8550 Aetna Road according to the Codified Ordinances. (Filed 10-12-07)

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**9:30**  
**Calendar No. 07-213:**

**5421 Fleet Avenue**

**Ward 12**  
**Anthony Brancatelli**  
**18 Notices**

Fleet Avenue Investments Ltd., owner, and Patrick Farrell, tenant, appeal to expand an existing bar into an adjacent vacant tenant space in a two-story building, situated on a 40.01' x 130' parcel in a Local Retail Business District on the northwest corner of Fleet Avenue and East 55<sup>th</sup> Street at 5421 Fleet Avenue; contrary to Section 349.04(f) no additional parking spaces are proposed where a credit for the existing use equals 5 spaces and 6 additional parking spaces are required to provide a total off-street parking requirement of 11 spaces; and the proposed expansion of a nonconforming use is subject to the Board of Zoning Appeals approval, according to the provisions of Section 359.01 of the Codified Ordinances. (Filed 10-18-07)

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**BOARD OF ZONING APPEALS  
NOVEMBER 12, 2007**

**9:30**

**Calendar No. 07-214:**

**11621 Euclid Avenue**

**Ward 9**

**Kevin Conwell**

**9 Notices**

Isabella Basile, owner, and Bassem Abdelhamid, tenant, appeal for a change of use from a carryout restaurant to a hookah lounge, serving flavored tobacco and non-alcoholic beverages in a first floor space of a four-story mixed use building, located in split zoning between General Retail Business and Multi-Family Districts on the northeast corner of Euclid Avenue and East 116<sup>th</sup> Street at 11621 Euclid Avenue; the proposed use being subject to the limitations of Section 337.08 and not permitted in a Multi-Family District but first permitted in a Local Retail Business District; and contrary to Section 349.04(f) no parking is proposed where 16 off-street parking spaces are required; and the substitution of a nonconforming use requires the Board of Zoning Appeals approval as stated in Section 359.01 of the Codified Ordinances. (Filed 10-19-07)

**9:30**

**Calendar No. 07-215:**

**4010 John Avenue**

**Ward 13**

**Joe Cimperman**

**4 Notices**

Tony Vento, owner, appeals to erect a 6' x 18' open front porch to the front of an existing dwelling, located on a 30' x 74' parcel in a Two-Family District on the northwest side of John Avenue at 4010 John Avenue; as proposed the open porch extends to within 6 feet of the street line, contrary to the requirement that open porches shall not extend within 10 feet of the street line according to Section 357.13(b)4 of the Codified Ordinances. (Filed 10-22-07)

**POSTPONED FROM OCTOBER 8, 2007**

**10:30**

**Calendar No. 07-187:**

**4200 East 71<sup>st</sup> Street**

**Ward 12**

**Anthony Brancatelli**

**30 Notices**

Newburgh & South Shore Railway LLC, owner, and North Coast Ferrous Supply, Inc., tenant, appeal to use as a scrap yard a five acre portion of an approximate fifty-five acre railroad yard located, in a General Industry District on the west side of East 71<sup>st</sup> Street at 4200 East 71<sup>st</sup> Street; as proposed, the yard areas used to process scrap metals are not designated nor enclosed as required and the lot abuts a Two-Family District, contrary to Section 345.04(a)(3) that requires a scrap yard to be enclosed within a minimum seven foot high, solid masonry wall or slightly solid, nontransparent, well-maintained substantial fence, located not closer to the street line than the setback building line and not closer than fifty feet to any Residence District; and under the provisions of Section 347.06(d), the height of material shall not be piled higher than three feet above the wall or fence height enclosing the yard, provided that at any point closer than five feet, the material shall not be piled above the heights of the wall or fence; and accessory off-street parking spaces, driveways and maneuvering areas shall be properly graded for drainage so that all water is drained within the lot providing such parking spaces, surfaced with concrete, asphaltic concrete, asphalt or similar surfacing material, maintained in good condition and free of debris and trash, as stated in Section 349.07(a) of the Codified Ordinances. (Filed 8-31-07; no testimony taken.)

**First postponement requested by counsel for applicant due to scheduling conflict.**

