

BOARD OF ZONING APPEALS
JULY 30, 2007

9:30

Calendar No. 07-116:

4190 Bradley Road

Ward 15

Brian Cummins

9 Notices

Ron and Debra Roy, owners, appeal to establish use of a 377' x 368' parcel for auto storage, repair and sales, situated in a Residence Industry District on the south side of Bradley Road at 4190 Bradley Road; subject to the limitations of Section 345.02, auto storage and a repair garage are not permitted and first permitted in a Semi-Industry District, provided that the auto storage lot is enclosed by a 7 foot high, solid fence and the use for auto repair may not be located less than 100 feet from a residence district, and as proposed, there is no fence that complies with Section 345.03(c)(2) and the property is less than 100 feet from a Multi-Family District; and no barrier is proposed, where a used car lot must maintain a one and a half foot barrier at the setback line (15 feet) behind which all vehicles, advertising and parking must be kept; no landscaping is proposed and a 4 foot wide, frontage landscape strip is required where the lot abuts the street, according to the provisions of Section 352.10 of the Codified Ordinances. (Filed 6-21-07)

9:30

Calendar No. 07-117:

17149 St. Clair Avenue

Ward 11

Michael Polensek

14 Notices

All City Recycling, owner, through its legal counsel, Craig Miller, appeals from a Notice of Non-Conformance issued by a Building and Housing plan examiner dated May 23, 2007, denying an application to establish use as a junk yard for the property identified as 17149 St. Clair Avenue. Appellants submit that the denial of the application by the Zoning Administrator was unreasonable and/or arbitrary and contrary to applicable law, and in the alternative, request the Board of Zoning Appeals to consider the standard for a variance from Section 345.03, where the applicant All City Recycling proposes a use and accessory uses not permitted in a Semi-Industry District, and Section 345.04(a)(4) that states a junk yard must be enclosed within a minimum 7 foot high, solid masonry wall or slightly solid, nontransparent, well-maintained substantial fence; and in any use district allowing junk or wrecking yards, the storage of such junk or used material shall not be piled higher than 3 feet above the height of the wall or fence enclosing the yard, provided that at any point closer than 5 feet, the junk or used material shall not be piled above the heights of the wall or fence, as stated in Section 347.06(d) of the Codified Ordinances.(Filed 6-21-07)

9:30

Calendar No. 07-118:

833 Brayton Avenue

Ward 13

Joe Cimperman

10 Notices

Clarence Court Townhomes LLC, owner, appeal to erect a two-story frame dwelling unit with an attached garage, proposed to be situated on a 20' x 162.50' parcel located in a Two-Family District on the southwest corner of Brayton Avenue and West 9th Street at 833 Brayton Avenue; contrary to Section 355.04, a street frontage area of 10 feet is provided and 25 feet is required; and a rear yard depth of 3.10 feet is provided contrary to 20 feet as required according to Section 357.08(2)(b)(1) of the Codified Ordinances. (Filed 6-22-07)

BOARD OF ZONING APPEALS
JULY 30, 2007

9:30

Calendar No. 07:119:

944 East 152nd Street

Ward 10

Roosevelt Coats
10 Notices

Rajamikant Patel, owner, appeals to establish use as a day care center in a one-story retail building situated on a through parcel between East 150th Street and East 152nd Street in split zoning between a Local Retail Business District and a Multi-Family District on the west side of East 152nd Street at 944 East 152nd Street; and no substitution 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, as stated in Section 359.01(a) of the Codified Ordinances. (Filed 6-22-07)

9:30

Calendar No. 07:121:

1109 Starkweather Avenue

Ward 13

Joe Cimperman
15 Notices

Delta Management Properties LLC and Bonnie Flinner appeal to add an outdoor patio and expand the use from a restaurant and tavern to a restaurant and tavern with live entertainment in an existing two-story mixed use building, situated on a 60' x 144' parcel located in a Two-Family District on the south side of Starkweather Avenue at 1109 Starkweather Avenue; and no off-street parking spaces are proposed where 10 spaces are required, according to Section 349.04(f) of the Codified Ordinances. (Filed 6-25-07)

POSTPONED FROM JUNE 25, 2007

10:30

Calendar No. 07-58:

3902 Lee Road

Ward 1

Nina Turner
16 Notices

John Barnes, Jr., owner, appeals to erect a 2nd and 3rd floors addition to an existing one-story building, situated on a 38' x 125.59' parcel located in a Local Retail Business District on the west side of Lee Road at 3902 Lee Road; subject to Section 357.07(a) there is a 10' specific setback required from Lee Road; and the expansion of an existing nonconforming use requires the Board of Zoning Appeals approval, according to the provisions of Section 359.01 of the Codified Ordinances. (Filed 4-25-07; testimony taken.)

Second postponement taken for the Building and Housing Department to provide outcome on pending action in Cleveland Municipal Court.

**BOARD OF ZONING APPEALS
JULY 30, 2007**

POSTPONED FROM JUNE 25, 2007

10:30

Calendar No. 07-60:

5918 Hawthorne Avenue

Ward 5

Phyllis Cleveland

6 Notices

Monique Williams, owner, appeals to change use of a 2 ½-story frame dwelling to a use for a child boarding home, situated on a 45' x 150' parcel, located in a Multi-Family District on the south side of Hawthorne Avenue at 5918 Hawthorne Avenue; as proposed the use is adjacent to a residence district and is required to be 15' from an adjoining residence district not used for a similar purpose; no legal parking spaces are shown on the plan and four spaces are required, one per each six beds and one per each staff member, according to Section 349.04(c) of the Codified Ordinances. (Filed 4-26-07; testimony taken.)

Second postponement requested by the appellant for follow up on the proposed plan with the Councilwoman and the Burten Bell Carr Development Corporation.

POSTPONED FROM JULY 16, 2007

9:30

Calendar No. 07-107:

10921 Carnegie Avenue

Ward 9

Kevin Conwell

5 Notices

The Cleveland Clinic Foundation, owner, appeals to construct a parking lot, proposed to be situated on a 159.50' x 114.34' parcel located in split zoning between a General Retail Business District and a Multi-Family District on the northwest corner of Carnegie Avenue and Stearns Road at 10921 Carnegie Avenue; subject to the limitations of Section 349.13(c) and (d), when in the opinion of the Board of Zoning Appeals the best interests of the community will be served, a temporary or permanent use of land in a Residence District other than a Limited One-Family District, may be permitted for a parking lot provided that:

- 1) it is used only for parking of passenger automobiles of employees, customers or guests of the person or firm controlling and operating the lot who shall be responsible for its maintenance;
- 2) no charge is to be made for parking on the lot;
- 3) the lot is not to be used for sales, repair work or servicing of any kind;
- 4) the entrance to and exit from the lot are located so as to do the least harm to the Residence District;
- 5) no advertising sign or material is to be located on the lot;
- 6) all parking is to be kept back of the setback building line by barrier unless specifically authorized otherwise by the Board;
- 7) the parking lot and that portion of the driveway back of the building line are to be adequately screened from the street and from adjoining property in a Residence District by a hedge, sightly fence or wall not less than 4' high and not more than 5' high located back of the setback

building line, and all lighting is to be arranged so that there will be no glare that is annoying to occupants of adjoining residential property, and the surface of the parking lot is to be smoothly graded, hard surfaced and adequately drained;

- 8) the building permit under which the lot is established is to be posted;
- 9) such other and further conditions as may be imposed where the Board deems necessary in any specific case to reduce the adverse effect of the proximity of a parking lot upon the character, development and maintenance of the Residence District in which the parking lot is to be located.

The Board may, after public notice and hearing, and subject to appropriate conditions and safeguards, permit a public parking lot or one-story public garage in a Residence District, provided the Board finds there is need for such facility to serve the permitted uses in the District. Further subject to the provisions of Section 325.03, parking spaces shall be at least 180 square feet; and contrary to Sections 352.10 and 352.11, no frontage landscape strips are provided along Carnegie Avenue and East 109th Street where 6 foot wide frontage landscaping is required; with a 5 foot setback required along East 109th Street and a 10 foot setback is required on the rear third of the lot along East 109th Street, as stated in Sections 357.05(a) and (b)(1) of the Codified Ordinances. (Filed 6-13-07; testimony taken.)

First postponement taken for submittal of current detailed site plan.
