

BOARD OF ZONING APPEALS
AUGUST 27, 2007

9:30

Calendar No. 07-142:

4343-49 West 130th Street

Ward 19

Dona Brady
7 Notices

Broken Wheel Auto Parts and Wrecking, owner, appeal to erect a fence, described as 95 percent opaque, 7 foot high, around an auto wrecking/dismantling yard, situated on an irregular shaped acreage parcel located in split zoning between Semi and General Industry Districts on the east side of West 130th Street at 4343-4349 West 130th Street; and a minimum 7 foot high, solid masonry wall or slightly solid, non-transparent fence is required, as stated in Section 345.049(a)(4) of the Codified Ordinances. (Filed 7-23-07)

9:30

Calendar No. 07-143:

1600 Buhrer Avenue

Ward 14

Joseph Santiago

The Cleveland Metropolitan School District and Gregory Goss, agent, appeal under the authority of Section 76-6 of the Cleveland City Charter and Section 329.02(d) of the Cleveland Codified Ordinances from two comments in the review provided by the Division of Traffic Engineering, Cleveland Department of Public Service, regarding the parking lot driveways at Buhrer Avenue and at Rowley Avenue for the property at 1600 Buhrer Avenue, the Buhrer Kindergarten through Eighth Grade public school. (Filed 7-26-07)

9:30

Calendar No. 07-144:

2331 East 55th Street

Ward 5

Phyllis Cleveland
6 Notices

James Majors, owner, appeals to use for outdoor storage of materials and parking of trucks a 100' x 220' parcel located in a General Business District on the east side of East 55th Street at 2331 East 55th Street; the proposed use being contrary to Section 343.11(b) and not permitted in a General Retail District but first permitted in a Semi-Industry District, but only when the parcel is surrounded by a 7 foot high wall or fence that provides at least a 75 percent or greater opacity to conceal the storage; and a gravel lot is proposed, where parking spaces and all vehicle maneuvering areas must be properly graded for drainage within the lot and surfaced with concrete or asphalt, according to the provisions of Section 349.07(a) of the Codified Ordinances. (Filed 7-27-07)

9:30

Calendar No. 07-146:

5100 Pearl Road

Ward 16

Kevin Kelley

The Alex Solomon Limited Family Trust, owner, and David Lynch, their attorney, appeal under the authority of Section 76-6 of the Cleveland City Charter and Section 329.02(d) of the Cleveland Codified Ordinances from a ruling made as a result of a hearing held on July 18, 2007 by the Board of Sidewalk Appeals and the Cleveland Department of Public Service, regarding a Citation issued for the property located at 5100 Pearl Road, Permanent Parcel No. 012-33-004. (Filed 8-1-07)

9:30

Calendar No. 07-147:

3858 East 147th Street

Ward 3

Zachary Reed
2 Notices

Nita Hill, owner, appeals to enclose first and second floor, 9' x 24' porches of an existing two family dwelling, situated on a 40' x 201.71' parcel located in a One-Family District on the west side of East 147th Street at 3858 East 147th Street; contrary to the Area Regulations, a 9 foot projection is proposed and an enclosed porch may not project more than 4 feet nor aggregate a vertical area in any story more than 20 percent of the area of the façade in that story, according to Section 357.13(b)4) of the Codified Ordinances. (Filed 8-1-07)

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Calendar No. 07-149:

4365 State Road

Ward 16

Kevin Kelley

14 Notices

Patricia Harris, owner, appeals to add an approximate 600 square foot outdoor patio and approximately 120 linear feet of 6 foot high wooden fence on a 36' x 117' corner parcel, located in a Local Retail Business District on the southeast corner of State Road and Montclair Avenue at 4365 State Road; contrary to Section 349.04(f), no additional parking is provided and one space per 100 square feet, or 6 additional parking spaces, are required, and a portion of the existing parking area is being eliminated by the proposed patio, contrary to Section 349.02; and contrary to Sections 352.08 through 352.10 there is no landscape transition strip and a 6 foot wide landscaped transition strip is required where the parking lot abuts the street; with an approximate 60 foot width of driveway where the maximum width of driveway may not exceed 30 feet and a 15 foot minimum distance is required between the driveway and adjoining property line, according to the provisions of Section 334.18(b)(d) of the Codified Ordinances. (Filed 8-2-07)

9:30

Calendar No. 07-161:

3282 West 90th Street

Ward 18

Jay Westbrook

1 Notice

Kathryn Fox, owner, appeals to install a central air conditioning mechanical condenser proposed to be placed in the interior side yard of a 35' x 93' parcel, located in a Two-Family District on the west side of West 90th Street at 3282 West 90th Street contrary to Section 357.13 of the Codified Ordinances. (Filed 8-7-07)

POSTPONED FROM JULY 23, 2007

10:30

Calendar No. 07-76:

2700 East 47th Street

Ward 5

Phyllis Cleveland

4 Notices

Willkoff & Sons, LLC, owners and Jim Willkoff, appeal to use as a scrap yard an acreage parcel and existing building located in a General Industry District on the east side of East 47th Street at 2700 East 47th Street; subject to the requirements of Section 345.04(a)(3) the use is permitted provided that it is enclosed within a minimum 7' high solid masonry wall or slightly solid, non-transparent, well-maintained substantial fence set not closer to the street line than the setback building line; and Section 347.06(d) requires that the height of material shall not be piled higher than 3' above the height of wall or fence enclosing the scrap yard, provided that, at any point closer then 5' from the enclosure, the scrap yard material shall not be piled above the height of the wall or fence; with accessory off-street parking spaces, driveways and maneuvering areas required to be properly graded for drainage, so that all water is drained within the lot providing the 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 5-14-07; testimony taken.)

Second postponement taken for additional dialogue between appellant and Building and Housing regarding inspection and photos of the overall fencing at the property and for the appellant to submit a plan drawn with detail specific fence(s) description, maneuvering area and indicating use of abutting properties to appellants' property.

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POSTPONED FROM JULY 23, 2007

10:30

Calendar No. 07-110:

7814 Cedar Avenue

Ward 5

Phyllis Cleveland

8 Notices

Mahmoud Jaber, owner, appeals to construct a new car wash to be situated on a 98.93' x 156.33' corner parcel located in a General Retail Business District on the northwest corner of Cedar Avenue and East 79th Street at 7814 Cedar Avenue, where an automobile laundry may not be located less than 100 feet from a Residence District, and the proposed new car wash abuts a Multi-Family District, contrary to Section 343.11(b)(2)(1) of the Codified Ordinances. (Filed 6-18-07; testimony taken.)

First postponement requested for discussion about the project between the appellant, Councilpersons from Ward 5 and Ward 6 and the local development corporation.

POSTPONED FROM AUGUST 13, 2007

10:30

Calendar No. 07-126:

2041 East 125th Street –Unit 1

Ward 6

Patricia Britt

10 Notices +

Valley Ridge Contracting LLC, owner, appeals to erect a 20' x 50' three-story frame, single family townhouse, proposed to be situated on a 27' x 73' parcel located in a Multi-Family District on the east side of East 125th Street at 2041 East 125th Street; subject to the provisions of Section 327.02(e), the location of front yard lines and side street yard lines shall be checked and approved by the Division of Engineering and Construction, and pursuant to Section 349.07(c) access to accessory parking shall be located and arranged to minimize traffic congestion. Contrary to Section 353.01, a building height of 42 feet is provided where 35 feet is the height limit allowed; and a maximum gross floor area of 1,734 square feet is contrary to fifty percent of the lot size or 867 square feet, with a lot width of 18.50 feet provided where 40 feet is required, and a minimum lot area of 1,723 square feet where 4,800 square feet is required by the provisions of Section 355.04; and contrary to Sections 357.09(b)(2) and (a)(2), no interior side yard is provided, where a 3 foot minimum and a 10 foot aggregate for both side yards are required, and there's zero distance provided where 10 feet is required from a main building on an adjoining lot within a residence district; and a 7.8' fence (a 6 foot wall plus 1 foot 8 inch fence) is provided where fences in a front yard shall not exceed a 4 foot height and be at least fifty percent open, as stated in Section 358.04(a) of the Codified Ordinances. (Filed 7-3-07)

**BOARD OF ZONING APPEALS
AUGUST 27, 2007**

10:30

Calendar No. 07-127:

2041 East 125th Street –Unit 2

Ward 6

Valley Ridge Contracting LLC, owner, appeals to erect a 20' x 50' three-story frame, single family townhouse, proposed to be situated on a 24' x 73' parcel located in a Multi-Family District on the east side of East 125th Street at 2041 East 125th Street; subject to the provisions of Section 327.02(e), the location of front yard lines and side street yard lines shall be checked and approved by the Division of Engineering and Construction, and pursuant to Section 349.07(c) access to accessory parking shall be located and arranged to minimize traffic congestion. Contrary to Section 353.01, a building height of 42 feet is provided where 35 feet is the height limit allowed; and a maximum gross floor area of 1,652 square feet is contrary to fifty percent of the lot size or 826 square feet, with a lot width of 18.50 feet provided where 40 feet is required, and a minimum lot area of 1,634 square feet where 4,800 square feet is required under the provisions of Section 355.04; and contrary to Sections 357.09(b)(2) and (a)(2), no interior side yard is provided where a 3 foot minimum and a 10 foot aggregate for both side yards are required, and there's zero distance provided where 10 feet is required from a main building on an adjoining lot within a residence district; and a 7.8' fence (a 6 foot wall plus 1 foot 8 inch fence) is provided where fences in a front yard shall not exceed a 4 foot height and be at least fifty percent open, as stated in Section 358.04(a) of the Codified Ordinances. (Filed 7-3-07)_____

Calendar No. 07-128:

2041 East 125th Street –Unit 3

Ward 6

Valley Ridge Contracting LLC, owner, appeals to erect a 20' x 52' three-story frame, single family townhouse, proposed to be situated on a 50' x 77' parcel located in a Multi-Family District on the east side of East 125th Street at 2041 East 125th Street; subject to the provisions of Section 327.02(e), the location of front yard lines and side street yard lines shall be checked and approved by the Division of Engineering and Construction, and under Section 329.04(c)(1) the Board of Zoning Appeals is limited in authority to grant front setback variances; and subject to the provisions of Section 337.23(a), all accessory parking spaces shall be located on the rear half of the lot with access to accessory parking located and arranged to minimize traffic congestion according to Section 349.07(c). Contrary to Section 353.01, a building height of 43.4 feet is provided where 35 feet is the height limit allowed; and a maximum gross floor area of 2,580 square feet is contrary to fifty percent of the lot size or 2,071 square feet and a minimum lot area of 4,142 square feet is provided where 4,800 square feet is required under the provisions of Section 355.04; and contrary to Section 357.04 a front yard setback of 9.4 feet is provided where the requirement of fifteen percent of the lot depth equals 11.5 feet; and contrary to 357.09(b)(2) no interior side yard is provided where a 3 foot minimum is required; and subject to the limitations of Section 357.13, parking in the required front yard is not a permitted encroachment; and contrary to Section 357.15(a), a distance of 36.4 feet is provided where a 40 foot distance is required between a main building and a rear building; and a fence along the rear and interior side yard exceeds the height limitations according to Section 358.04(a) of the Codified Ordinances. (Filed 7-3-07; testimony taken.)

First postponement requested by the Councilwoman for additional review of the proposed plan. _____

BOARD OF ZONING APPEALS

AUGUST 27 2007

POSTPONED FROM AUGUST 6, 2007

10:30

Calendar No. 07-135:

**Robert L. Burton Enterprise
d.b.a. J & B Club
7019 Superior Avenue**

Ward 7

Fannie Lewis

Robert L. Burton Enterprise d.b.a. J & B Club, appeals under the authority of Section 76.6 of the Cleveland City Charter and Section 329.02(d) of the Codified Ordinances from a denied Dance Hall License by the Commissioner of Assessments and Licenses for the property at 7019 Superior Avenue, upon the disapproved license application by the Cleveland Department of Building and Housing.

(Filed 7-12-07no testimony taken.)

First postponement taken due to the absence of a representative from the Building and Housing Department.
