

BOARD OF ZONING APPEALS

SEPTEMBER 11, 2006

9:30

Calendar No. 06-158:

3051 East 65th Street

Ward 12

Anthony Brancatelli

9 Notices

Fred Schaeffer, owner, appeals for an expansion of use as a carry-out restaurant/deli in an existing two-story, mixed use building, situated on a corner parcel in a Two-Family District on the southeast corner of East 65th Street and Lederer Avenue at 3051 East 65th Street; the proposed expansion of a nonconforming use requires that the Board of Zoning Appeals issue a special permit, provided that after a public hearing it finds that such expansion 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 of the Codified Ordinances. (Filed 7-28-06)

9:30

Calendar No. 06-160:

2161 Murray Hill Road

Ward 6

Patricia Britt

15 Notices

Diana and Leo Lenzo, owners, appeal to change to a restaurant/tavern the use of an existing two-story store building, situated on a 33' x 100' parcel located in a Multi-Family District on the east side of Murray Hill Road at 2161 Murray Hill Road; contrary to Section 349.04, there is no parking provided where the proposed restaurant/tavern with 40 seats and 3 staff persons requires 13 parking spaces; and the substitution of a nonconforming use requires that the Board of Zoning Appeals issue a special permit, provided that after a public hearing it finds that such substitution 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 of the Codified Ordinances. (Filed 8-1-06)

9:30

Calendar No. 06-161:

1426-1428 East 41st Street

Ward 13

Joe Cimperman

9 Notices

Baird Lair LLC, owner, appeal to construct a parking lot proposed to be situated on a 40' x 140' parcel located in a B1 Multi-Family District on the west side of East 41st Street at 1426-28 East 41st Street; subject to the limitations of Section 337.04 the proposed parking is not permitted in a Multi-Family District but first permitted in a Local Retail Business District as stated in Section 343.01; and no landscape schedule is proposed, contrary to the requirement that there be a 6' wide landscape strip along the property line where it abuts East 41st Street, as stated in Section 352.10 of the Codified Ordinances. (Filed 8-2-06)

**BOARD OF ZONING APPEALS
SEPTEMBER 11, 2006**

9:30

Calendar No. 06-162:

1377-87 West 87th Street

Ward 18

Jay Westbrook

15 Notices

Felicia and Virgil Tent, owners, appeal to change to a group home the use of an existing two-story, multiple dwelling unit building, situated on a 118.13' x 113.13' parcel located in a B1 Two-Family District on the east side of West 87th Street at 1377-87 West 87th Street; the proposed group home being first permitted in a Multi-Family District and not permitted in a Two-Family District, under the provisions of Section 337.03 of the Codified Ordinances. (Filed 8-2-06)

POSTPONED FROM AUGUST 7, 2006

10:30

Calendar No. 06-140:

4134 East 119th Street

Ward 2

Robert White, Jr.

8 Notices

Marvin Wolfe, owners, appeals to install a 6' high wooden, privacy fence in the actual front and actual side street yards of a 40' x 100' corner parcel located in a Two-Family District on the southwest corner of East 119th Street and Putnam Avenue at 4134 East 119th Street; contrary to Section 358.04(a) fences in actual front yard shall not exceed 4' in height and shall be at least 50% open; and no portion of a fence located within 30' of the intersection of two street right-of-way lines shall exceed a 2 ½' height unless all portions of the fence above 2 ½' are at least 75% open, and the same restriction applies to any portion of a fence, located along and parallel to a driveway within 15' of its intersection with a public sidewalk or public street if no sidewalk is present, as stated in Section 358.03(a) of the Codified Ordinances. (Filed 7-11-06; testimony taken.)

First postponement granted for appellant to consult with City Planning about alternative fence material and placement on the appellant's property.

POSTPONED FROM AUGUST 14, 2006

10:30

Calendar No. 06-146:

10108 St. Clair Avenue

Ward 8

Sabra Pierce Scott

27 Notices

Emerald Alliance LP II, owner, and Terry Grdina, agent, appeal to construct a parking lot for 27 spaces on an irregular shaped 158' x 103' parcel, located in a Local Retail Business District on the south side of St. Clair Avenue at 10108 St. Clair Avenue; subject to the limitations of Section 349.13(c), a parking lot in a Local Retail Business District must be used only as an accessory and maintained by the principal user; no charge may be made for parking on the lot; the lot is not to be used for sales, repair work or servicing of any kind; no advertising sign or material is to be located on the lot and all parking is to be kept back of a 15' setback line and as proposed the parking is within a 6' setback line; and the provisions of Section 352.10 require a 6' wide landscape strip between the parking lot and St. Clair Avenue; and a 6' tall fence is proposed in the setback area where the fence height may not exceed 4' in height, as stated in Section 358.05(a)(2) of the Codified Ordinances. (Filed 7-17-06; testimony taken.)

10:30

Calendar No. 06-147:

10004 St. Clair Avenue

Ward 8

Emerald Alliance LP II, owner, and Terry Gridna, agent, appeal to construct a four-story, 72 dwelling units building, to be situated on a 126.13' x 200.19' parcel located in a Local Retail Business District on the south side of St. Clair Avenue at 10004 St. Clair Avenue; contrary to Section 355.04, a maximum building coverage of 43,324 square feet is proposed and 8,395 square feet is permitted, and a front yard depth of 11' is proposed where 18' is required under Section 357.04; and a 19' rear yard depth is proposed instead of 21', which equals one-half of the height of the building, and is required in Section 357.08(b)(2) of the Codified Ordinances. (Filed 7-17-06; testimony taken.)

First postponement granted for appellants to provide a plan that shows landscaping and fencing; a copy of the service manual for the building occupants, and to allow time for community discussion to occur about the proposed project.
