

**BOARD OF ZONING APPEALS**

**JANUARY 14, 2008**

**9:30**

**Calendar No. 07-260:**

**11333-37 Superior Avenue**

**Ward 9**

**Kevin Conwell**

**9 Notices**

Gerald DeBose, owner, appeals to change from stores to a beauty salon and a barber shop the use of an existing one-story commercial building, situated on a 60.40' x 45.63' corner parcel located in a Multi-Family District on the northwest corner of Superior Avenue and East 114<sup>th</sup> Street at 11333-37 Superior Avenue; and no substitution of an existing nonconforming use shall be permitted except as a variance under the terms of Chapter 329. No substitution nor 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, according to Section 359.01(a); and no parking is proposed where a retail service use requires parking at the rate of one space per 500 square feet and four parking spaces are required according to the provisions of Section 349.04(g) of the Codified Ordinances. (Filed 12-20-07)

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**9:30**

**Calendar No. 07-261:**

**12222 Soika Avenue**

**Ward 3**

**Zachary Reed**

**13 Notices**

Abdul Muhammad, aka AKM Properties Management LLC, owner, appeals to change from a retail store to a barber shop and carry out restaurant the use of an existing one-story building on a 45' x 125.25' corner parcel, located in a Local Retail Business District on the southwest corner of Soika Avenue and East 123<sup>rd</sup> Street at 12222 Soika Avenue; the proposed change being subject to the requirements of Yards and Courts Regulations and Sections 357.04, 357.05 and 357.14, that prohibit the parking of motor vehicles within the front yard and side street yard setback; and under the provisions of Sections 352.09 and 352.11, a dumpster enclosure within the required 8 foot transition strip is not permitted, according to the Landscaping and Screening requirements of the Codified Ordinances. (Filed 12-20-07)

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JANUARY 14, 2008

9:30

Calendar No. 07-263:

4239 Lee Road

Ward 1

Nina Turner

7 Notices

Open Pantry c/o Mohammed Alahmad, owner, appeal to erect a 222 square foot storage addition to an existing service station and store on a 100' x 190' corner parcel, located in a General Retail Business District on the northeast corner of Lee Road and Deforest Avenue at 4239 Lee Road; contrary to Section 352.09, no transition strip is proposed, and a 10 foot wide transition strip is required along the northeast property line where the lot abuts a One-Family District; and contrary to Section 357.07, a dumpster is located within the 15 foot specific setback that is required along Deforest Avenue according to the Zoning Map; and no expansion 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, according to Section 359.01(a) of the Codified Ordinances. (Filed 12-26-07)

**POSTPONED FROM NOVEMBER 12, 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; testimony taken.) **Second postponement granted for applicants to meet with the Councilman and local development corporation to produce an improved plan regarding fencing along the north property line and paving for ingress and egress to the area where the weigh scale is located.**



