

BOARD OF ZONING APPEALS

MAY 5, 2008

9:30

Calendar No. 08-64:

1170 Ivanhoe Road

Ward 10

Roosevelt Coats

2 Notices

1170 Ivanhoe Road, LLC, owner, and Peter Shokalook, agent, appeal to install approximately 650 linear feet of 6 foot high chain link fence with three strings of barbed wire in the actual front yard of an irregular shaped acreage, corner parcel, located in a Semi-Industry District at 1170 Road; contrary to the Fence Regulations, the proposed height exceeds 4 feet and a fence with barbed wire shall be located at least 4 feet from a sidewalk in the public right-of-way, as stated in Section 358.05(a)(1) of the Codified Ordinances. (Filed 4-8-08)

9:30

Calendar No. 08-65:

1719 East 116th Street

Ward 9

Kevin Conwell

7 Notices

Case Western Reserve University, owner, appeals to reconstruct and reconfigure a parking lot to an existing multi-family building, located in a Multi-Family District on the east side of East 116th Street at 1719 East 116th Street; contrary to Section 357.14(a)(1) two parking spaces are shown in the front setback and not permitted unless specifically authorized and permitted by the Board of Zoning Appeals, and no parking spaces shall be located within 10 feet of a wall of a residential building or structure, according to the provisions of Section 349.05(a) of the Codified Ordinances. (Filed 4-8-08)

9:30

Calendar No. 08-66:

11635 Euclid Avenue

Ward 9

Kevin Conwell

7 Notices

University Circle Development Foundation, owner, and the Cleveland Hearing and Speech Center, prospective purchaser, appeal to erect a four story Hearing and Speech Center for office and treatment purposes and an accessory parking lot, in split zoning between General Retail and Multi-Family Districts along the northwest corner of Euclid Avenue and East 117th Street at 11635 Euclid Avenue; and subject to the front yard regulations of Section 357.01(d), a 10 foot specific setback as noted on the Cleveland Zoning Map is required; and contrary to Section 357.05(a) no side street yard is proposed where a 5 foot wide side street yard is required; and at the rear of the property where it abuts a multi-family residence district an 8 foot wide landscaped transition strip is required, as stated in Sections 352.08 through 352.12 of the Codified Ordinances. (Filed 4-8-08)

9:30

Calendar No. 07-117:

17149 St. Clair Avenue

Ward 11

Michael Polensek

13 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; postponed and held pending as of 10-22-07; no testimony taken.)

POSTPONED FROM MARCH 31, 2008

10:30

Calendar No. 08-28:

1901 West 25th Street

Ward 14

Joseph Santiago

14 Notices

Metzner Building LLC, owner, and Natalie Roelle and David Stalter, tenants, appeal to establish use for tattooing in the first floor space of an existing three-story mixed use building, located on a 66' x 156.75' parcel in a General Retail Business District at 1901 West 25th Street; subject to the limitations of Section 347.12(b)(1), where permitted in a particular use district, tattooing use cannot be established within 1000 feet of a residential district, a school or a church; and the proposed use is within 400 feet of residential districts to the north and south and is within 600 feet of St. Ignatius High School and St. Mary's Chapel; and contrary to the provisions for Specific Uses Regulated, the proposed tattooing use is within 300 feet of another such use at 2074 West 25th Street and, where permitted in a particular use district, cannot be within 1000 feet of another such use, according to Section 347.12(b)(2) of the Codified Ordinances.

First postponement requested by the property owner for additional plan review and dialogue about it with the neighboring community.

POSTPONED FROM MARCH 31, 2008

10:30

Calendar No. 08-41:

3136-42 West 63rd Street

Ward 17

Matthew Zone

8 Notices

Richard R. Kassouf, Inc., owner, appeals to establish use as a used car lot, in-door prep/service area and storage in an existing building on a triangular shaped acreage parcel in an A3 Unrestricted Industry District located between West 63rd Street and Stock Avenue on the west side of West 63rd Street at 3136-3140 West 63rd Street; contrary to Section 358.05(a)(1) there is an eight foot tall chain link fence where in an Unrestricted Industry District the fences in actual front and side street yards shall not exceed a six foot height; and a four foot wide frontage landscaped strip that provides a fifty percent year-round opacity is required along West 63rd and West 65th Street by the provisions of Section 352.11; and accessory off-street parking spaces shall be provided with wheel bumper guards, located so that no part of a parked vehicle will extend beyond such parking space and no bumper guards are proposed, contrary to Section 349.07(b) of the Codified Ordinances. (Filed 2-26-08; dismissed 3-31-08; reinstated 4-7-08)

10:30

Calendar No. 08-42:

801 Literary Road

Ward 13

Joe Cimperman

10 Notices

BH&R Properties and Sean Whalen appeal to restore a nonconforming building located in a General Retail Business District on a 30' x 66' corner parcel on the southwest corner of Literary Road and Thurman Court at 801 Literary Road; subject to the limitations of Section 359.03(b), a nonconforming building or use more than 50 percent destroyed or removed by whatever cause, including acts of God but not including acts of malicious mischief or vandalism, shall not be restored or replaced except in conformity with the regulations for the district in which it is located; and the calculations provided in Section 357.09(b)(2)C measure approximately 13 feet for the required interior side yard where an existing approximate distance of 5 feet is proposed; and subject to the provisions of Section 357.08(b)(2), in a use district other than a Residence District a required rear yard depth in connection with a building of residential occupancy or Institutional H Occupancy Classification shall be not less than 15 percent of the depth of the lot but in no case less than 20 feet or less than one-half the height of the main building and the existing rear yard depth proposed is 6 feet; and according to Section 357.05(b)(2), on the rear lot of a corner lot in any use district where the rear lot line of the corner lot is also the side line of the butt lot in the rear, and a setback building line is established for such butt lot, no building shall be erected nearer to the side street at the rear line of the corner lot than the setback building line of the butt lot, provided that for each foot the building on the corner lot sets in from the rear lot line, it may be set one foot nearer to the side street line; and 6 parking spaces are required, one space for each dwelling unit and one for each 500 square feet of retail gross floor area, and none are proposed, contrary to Section 349.04 of the Codified Ordinances.

First postponement requested by Tremont West Development Corporation for the opportunity to review the applicants' plan with their staff, their board, and the North of Literary Block Club.

POSTPONED FROM APRIL 7, 2008

10:30

Calendar No. 07-261:

12222 Soika Avenue

Ward 3

Zachary Reed

12 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 123rd 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; testimony taken.)

Second postponement requested by the applicant at the hearing for an opportunity to consult with the Councilman and the Mt. Pleasant NOW Development Corporation about the proposal._____

