

BOARD OF ZONING APPEALS
JUNE 16, 2008

9:30

Calendar No. 08-91:

3905 Brooklyn Avenue

Ward 16

Kevin Kelley

11 Notices

Janae Whitmore, owner, appeals to change use from a two family dwelling house to a Group Home an existing three-story residence, located on a 40' x 143' parcel in a B1 Two-Family District at 3905 Brooklyn Avenue; subject to the limitations of Section 337.03 the proposed use is not permitted but is first permitted in a Multi-Family District as stated in Section 337.08 of the Codified Ordinances.

(Filed 5-5-08)

9:30

Calendar No. 08-95:

17214-18 Grovewood Avenue

Ward 11

Michael Polensek

9 Notices

Marlon Davis appeals to establish use for a beverage/deli in an existing two-story mixed use building located on a 100' x 129' corner parcel in a Multi-Family District on the southwest corner of Grovewood Avenue and East 173rd Street at 17214-18 Grovewood Avenue; subject to the limitations of Section 337.08, the proposed use is not permitted in a Multi-Family District but first permitted in a Local Retail Business District, and the provisions of Section 343.18(d) require the maximum width of a driveway to be 30 feet measured at right angles to the angle of the driveway entrance, and an 8 foot wide landscaped transition strip that creates a 75 percent year-round opacity is required along the south side of the lot, according to Sections 352.10 and 352.11; and the substitution of a nonconforming use requires the Board of Zoning Appeals approval, according to Section 359.01(a) of the Codified Ordinances. (Filed 5-8-08)

9:30

Calendar No. 08-97:

12510 Triskett Road

Ward 19

Dona Brady

5 Notices

Triskett Road Storage LLC, owner, and Clear Channel Outdoor, tenant, appeal to change an existing billboard to a digital electronic billboard unit, located on an acreage parcel in a Semi-Industry District on the north side of Triskett Road at 12510 Triskett Road; contrary to a denied permit application on February 29, 2008 and the required approval from the City Planning Commission for replacement/reconstruction of an existing nonconforming billboard, according to the provisions of Section 350.10(1) of the Codified Ordinances. (Filed 3-14-08)

9:30

Calendar No. 08-98:

3919 Lorain Avenue

Ward 14

Joseph Santiago

21 Notices

Rachland Corporation and Mark Pestak, owner, and Meagen Kresge, tenant, appeal to erect an 8' x 8' chicken enclosure on an irregular shaped parcel located in a Local Retail business and Semi-Industry split zoning district on the south side of Lorain Avenue at 3919 Lorain Avenue; contrary to Section 347.02(c), the proposed enclosure is within approximately 55 feet of a residence and it may not be less than 100 feet from an existing residence building on other premises in any use district nor from any obvious residence building site on other premises lot in a Residence District; and subject to the limitations of Section 343.01 an urban garden is proposed and not located in an Urban Garden District as provided in the provisions of Chapter 336 of the Codified Ordinances. (Filed 5-12-08)

9:30

Calendar No. 08-99:

3169 Scranton Road

Ward 14

Joseph Santiago

6 Notices

Salwa Race, owner, appeals to install parking spaces in the front yard setback of a 36.75' x 183.80' parcel located in a Local Retail Business District on the east side of Scranton Road at 3169 Scranton Road; subject to the requirements for off-street parking, such spaces shall be located behind the setback building line and no such parking space shall be located within 10 feet of any wall of a residential building, if such wall contains a ground floor opening designed to provide light or ventilation for such building as stated in Section 349.05 of the Codified Ordinances. (Filed 5-14-08)

POSTPONED FROM MAY 5, 2008

10:30

Calendar No. 08-42:

801 Literary Road

Ward 13

Joe Cimperman

11 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. (Filed 2-26-08; testimony taken.)

Second postponement taken to allow for an exchange of information between the local development corporation, the applicants and the neighbor whose property is adjacent to the proposed project.

POSTPONED FROM MAY 19, 2008

10:30

Calendar No. 08-53:

464 East 105th Street

Ward 8

Sabra Pierce Scott

6 Notices

Cleveland Steel Tool company, owner, and Clear Channel Outdoor, tenant, appeal to change an existing billboard to a digital electronic billboard unit, located in a Semi-Industry District on the west side of East 105th Street at 464 East 105th Street; contrary to a denied Permit Application on February 29, 2008 and the required approval from the City Planning Department/Commission for the replacement/reconstruction of a nonconforming billboard, according to the provisions of Section 350.10(l) of the Codified Ordinances. (Filed 3-14-08; testimony taken.)

Second postponement taken for applicants to provide additional billboard sites to satisfy the provisions of Section 350.10(1)(5) regarding Nonconforming Billboards and Changeable Copy.

POSTPONED FROM MAY 27, 2008

10:30

Calendar No. 08-80:

5209 Euclid Avenue

Ward 7

Fannie Lewis

6 Notices

Community Action Against Addiction, owner, appeals to construct a 7 foot high ornamental fence in an actual front yard of a 150' x 393.12' irregular shaped parcel, located in a Midtown Mixed Use District at 5209 Euclid Avenue; and in a non-residential district, a fence in an actual front yard shall not exceed a 4 foot height, as stated in Section 358.05(2) of the Codified Ordinances. (Filed 4-23-08; testimony taken.)

First postponement taken at recommendation of the Board to allow additional time for discussion about the project between the applicants and Midtown Cleveland, Inc. that may also include the Councilwoman.
