

**BOARD OF ZONING APPEALS
JUNE 30, 2008**

9:30

Calendar No. 08-76:

13528-30 Miles Avenue

Ward 1

Nina Turner

13 Notices

Marvin Butler, owner, appeals to change from a poultry house to auto repair, towing and wrecking and parts, the use of an existing 48' x 76' one-story, brick building, located on an irregular shaped acreage parcel in a Semi-Industry District on the south side of Miles Avenue at 13528-30 Miles Avenue; contrary to Section 345.03, the proposed use is not permitted in the Semi-Industry District but first permitted in a General Industry District and is subject to Sections 345.04(a)(4) that require auto wrecking to be in an area of 50,000 square feet and enclosed within a minimum of 7 foot high, solid masonry wall or slightly solid, non-transparent, well-maintained substantial fence, as stated in Sections 345.04(a)(4) of the Codified Ordinances. (Filed 4-21-08)

9:30

Calendar No. 08-103:

11521-25 Clifton Boulevard

Ward 18

Jay Westbrook

18 Notices

Forest & Associates, owner, appeal to build an addition to an existing gas station and store, located on a 90' x 90' parcel in a Local Retail Business District on the south side of Clifton Boulevard at 11521-25 Clifton Boulevard; and no expansion of an existing nonconforming use shall be permitted except as a variance under the terms of Chapter 329, and 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 nor 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 contrary to Section 357.07 no setback is proposed along West 116th Street where a 10 foot specific building line setback is required; and no landscaping is proposed along the frontage of either Clifton Boulevard or West 116th Street where a 4 foot width is required, nor is any landscaping proposed, where a 10 foot transition strip is required between the gas station and the abutting Two-Family District, contrary to Sections 352.08 through 352.11 of the Codified Ordinances. (Filed 5-19-08)

9:30

Calendar No. 08-107:

2950-66 East 116th Street

Ward 4

Kenneth Johnson

20 Notices

Amjad Hamdeh, owner, appeal to construct a service/gas station on consolidated parcels located in a Local Retail Business District on the northwest corner of East 116th Street and Forest Avenue at 2950-66 East 116th Street; subject to the limitations of Section 343.01 a service/gas station is first permitted in a General Retail Business District; and a dumpster is within the 8 foot transition strip area at the rear of the lot where it abuts a Two-Family District, contrary to the provisions of Section 352.09 of the Codified Ordinances. (Filed 5-21-08)

9:30

Calendar No. 08-109:

1331 West 117th Street

Ward 18

Jay Westbrook

6 Notices

Fox Family Management, LLC, owner, appeal to construct a new restaurant on a 150' x 150' parcel located in a Semi-Industry District on the east side of West 117th Street at 1331 West 117th Street; contrary to Sections 352.10 and 352.11, no landscaping is provided along the rear of the property, where a 10 foot wide landscaping transition strip with 75 percent year-round opacity is required between the Semi-Industry District and a Two-Family District; and contrary to Sections 352.09 and 352.11, a dumpster enclosure within the required 10 foot transition strip is proposed; and customer parking spaces are approximately 162 square feet and shall be at least 180 square feet, as stated in Section 325.03 of the Codified Ordinances. (Filed 5-27-08)

9:30

Calendar No. 08-113:

16801 Elsienna Avenue

Ward 21

Martin Keane

4 Notices

Douglas Angeletti, owner, appeals to erect an 18' x 20' one-story, frame garage on a 60' x 170' corner parcel located in an A1 One-Family District on the southwest corner of Elsienna Avenue and West 168th Street at 16801 Elsienna Avenue; contrary to the area regulations, a 14.4 foot setback line is proposed, where the established building setback line required is 21.6 feet for a side street yard on the rear of a corner lot, according to the provisions of Section 357.05(2) of the Codified Ordinances. (Filed 6-1-08)

9:30

Calendar No. 08-114:

2906 Natchez Avenue

Ward 16

Kevin Kelley

3 Notices

Thomas Tindira, owner, appeals to erect a 10' x 16' one-story, frame garage on a 35' x 77.76' parcel located in a B1 Two-Family District on the north side of Natchez Avenue at 2960 Natchez Avenue; the proposed garage is 6 feet away from the neighboring dwelling and an accessory building in a residential district shall be located at least 10 to 15 feet away from the neighboring dwelling, according to the provisions of Section 337.23(a) of the Codified Ordinances. (Filed 6-3-08)

9:30

Calendar No. 08-118:

17007 Lorain Avenue

Ward 21

Martin Keane

12 Notices

Sandra Papcum, owner, and David Renick, tenant, appeal to change/expand use by adding entertainment to an existing tavern/restaurant and adding front and rear patios to a one-story building, located on a 52.50' x 169.17;' parcel in a Local Retail Business District on the south side of Lorain Avenue at 17007 Lorain Avenue; subject to the limitations of Section 343.01(b)(2)(F), a tavern with entertainment is not permitted in a Local Retail Business District and contrary to Section 347.12(a) the proposed use is within 300 feet of a residence district and shall not be established within a distance of 500 feet; and a parking area of less than 1,500 square feet is provided contrary to Section 349.04(e) and a total accessory off-street parking area that is equal to one-third the gross floor area, or an area of 6,174 square feet; and subject to Section 357.07(a) a specific 15 foot building line, zoning map setback exists for Lorain Avenue at this site and a patio for a tavern is not a permitted front building setback encroachment in the provisions of Section 357.13(b) of the Codified Ordinances. (Filed 6-10-08)

**BOARD OF ZONING APPEALS
JUNE 30, 2008**

POSTPONED FROM MAY, 19, 2008

10:30

Calendar No. 08-31:

3364 East 118th Street

Ward 3

Zachary Reed

8 Notices

Scott Everett, owner, appeals to establish use for a group home in an existing two-story, single family dwelling, located on a 40' x 130' parcel in a B1 Two-Family District on the west side of East 118th Street at 3364 East 118th Street; the proposed use being first permitted in a Multi-Family District and not permitted in a Two-Family District, according to Section 337.03 of the Codified Ordinances. (Filed 2-20-08; testimony taken.)

Second postponement requested by applicant's representative for additional time to establish dialogue with the neighboring community and to formalize an overall business plan, policies and procedures for the proposed group home project.

POSTPONED FROM MAY 12, 2008

10:30

Calendar No. 08-46:

8001 Woodland Avenue

Ward 6

Mamie Mitchell

9 Notices

The City of Cleveland, owner, and Matthew Kish, Tree Masters, prospective tenant, appeal to install 6 foot high chain link fence along the front and side street yards of a corner parcel located in split zoning between C2 Semi-Industry and C1 Multi-Family Districts on the northeast corner of Woodland Avenue and East 80th Street at 8001 Woodland Avenue; subject to Section 358.05(a)(2), except as specifically required because of the use, in non-residential and other than General and Unrestricted Industry Districts, fences in actual front yard and side street yards shall not exceed 4 feet in height and shall be at least fifty-percent open above 2 feet in height; and contrary to Section 358.04(a) in a Multi-Family District, fences in actual front yards shall not exceed 4 feet in height and shall be at least fifty-percent open, and only ornamental fences shall be installed in actual front and side street yards if located within 4 feet of the property line; however, the Board of Zoning Appeals may permit a chain link fence if the Board determines that such fence is common in the immediate vicinity of the subject property, as stated in Section 3548.04(c)(1) of the Codified Ordinances. (Filed 3-4-08; no testimony taken.)

First postponement granted at request of the Community Development Department for additional review of the proposed plan.
