

**BOARD OF ZONING APPEALS**

**NOVEMBER 23, 2009**

**9:30**

**Calendar No. 09-217:**

**2070 West 25<sup>th</sup> Street**

**Ward 14**

**Joseph Santiago**

**9 Notices**

United 25<sup>th</sup> Building, owner, and Dave Stalter, tenant, appeal to change from a beauty salon to a piercing and tattooing use the first floor space of a two-story mixed use building on a 57.08' x 112.04' parcel in a General Retail Business District, where the proposed use must be at least one thousand feet from a residence district, school and other tattoo establishments and it abuts a residential district, is within 100 feet of, or is an expansion of, another tattoo establishment and it is within 1,000 feet of St. Ignatius High School and contrary to Section 347.12(b)(1)(2) of the Cleveland Codified Ordinances. (Filed 10-13-09)

**9:30**

**Calendar No. 09-219:**

**1917 West 25<sup>th</sup> Street**

**Ward 14**

**Joseph Santiago**

**15+ Notices**

Tony Iwais, owner, and Wael Ayyad, tenant, appeal for a restaurant expansion from 75 seats to 125 seats and to include live entertainment in the first floor space of a two-story building on a 30.17' x 156.75' parcel in a General Retail Business District; for which 28 off street parking spaces are required according to Section 349.04(e) and none are proposed; and the provisions of Section 347.12(a)(1) state that no such use shall be established within 500 feet of a residential district, a day care center, kindergarten, elementary or secondary school, public library, church, playground, public or nonprofit recreation or community center; nor shall such use for live entertainment be established within 500 feet of another such use as stated in Section 347.12(a)(2) of the Cleveland Codified Ordinances. (Filed 10-13-09)

**9:30**

**Calendar No. 09-220:**

**5604 Franklin Boulevard**

**Ward 17**

**Matthew Zone**

**4 Notices**

Darwin McLellan, owner, appeals to construct a 3.7' x 7.5' extension to an existing front porch of a one family dwelling on an approximate 56.52' x 112.15' corner parcel in a Two-Family District; the porch as proposed will project 9-feet contrary to Section 357.13(b)(4) where open porches shall not project more than 6-feet for required yard space in the Cleveland Codified Ordinances. (Filed 10-14-09)

**9:30**

**Calendar No. 09-222:**

**9704-06 Pierpont Avenue**

**Ward 8**

**Shari Cloud**

**11 Notices**

Vera Payne, owner, appeals to establish use as a Type A day care a two family dwelling on a 40' x 110' parcel located in a B1 Two-Family District; subject to the limitations for Residential Districts, a day care must be 30' from an adjoining premises in a Residence District not used for a similar purpose and the proposed day care is less than the required distance and also requires the Board of Zoning Appeals approval to determine if adequate yard spaces and other safeguards are provided; if the use is appropriately located and designed, and will meet a community need

without adversely affecting the neighborhood, as stated in Section 337.02(f)(3)(C) of the Cleveland Codified Ordinances. (Filed 10-16-09)

**9:30**

**Calendar No. 09-223:**

**2783 East 124<sup>th</sup> Street**

**Ward 6**

**Mamie Mitchell**

**4 Notices**

Cleveland Green Homes East LP I, owner, appeals to erect a 16' x 28' second floor addition to a single family dwelling on a 40' x 100' parcel in a B1 Two-Family District; contrary to Section 357.09(2)B an interior side yard of 1.6' is provided and 3-feet is required, and the Board of Zoning Appeals approval is required for the expansion of a nonconforming use according to the provisions in Section 359.01 of the Cleveland Codified Ordances. (Filed 10-19-09)

**POSTPONED FROM SEPTEMBER 14, 2009**

**10:30**

**Calendar No. 09-118:**

**3710 Fulton Road**

**Ward 15**

**Brian Cummins**

**8 Notices**

Sheila Maurer, owner appeals to expand the use of an existing automobile repair garage to include used car sales on an irregular shaped corner lot in a General Retail Business District; subject to the provisions in Section 359.01(a) a use of a building or land lawfully existing on the effective date of this Zoning Code or any amendment or supplement thereto for which a permit has been lawfully issued may be continued even though it does not conform to the use district in which it is located, but no enlargement nor expansion shall be permitted except as a variance under the terms of Chapter 329 and no other change in such nonconforming use shall be permitted except by special permit from the Board of Zoning Appeals issued only if the Board finds after public hearing that such substitution or other change is no more harmful or objectionable than the previous nonconforming use in floor or other space occupied in volume 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 the Cleveland Codified Ordinances. (Filed 6-10-09; no testimony taken.)

**Second postponement requested by the applicants for additional review of the proposed plan for an expansion of use.**