

**BOARD OF ZONING APPEALS  
DECEMBER 21, 2009**

**9:30**

**Calendar No. 09-232:**

**15701 Waterloo Road**

**Ward 11**

**Michael Polensek**

**19 Notices**

Eric Kunde, owner, and Chris McNeill, tenant, appeal to establish use for body piercing and tattooing in an existing two-story building on a 40' x 224.67' parcel in a Local Retail Business District; subject to the limitations of Section 343.01, the proposed use is not permitted and first allowed in a General Retail Business District provided that it is at least 1,000 feet from a residential district; and the proposed use is 20 to 30 feet from a residential district to the rear and contrary to the provisions of Section 347.12(b)(1) of the Cleveland Codified Ordinances. (Filed 10-30-09)

**9:30**

**Calendar No. 09-239:**

**4830 Superior Avenue**

**Ward 7**

**T J Dow**

**13 Notices**

Raymond Adamic, owner, and John Dunlap, prospective purchaser, and Mizo Peldich, tenant, appeal to expand the use for a store to include an 835 square foot outside patio for food service and consumption on a corner parcel in a Semi-Industry District; contrary to Section 349.04(f), no parking is proposed and 9 new parking spaces, one per 100 square feet, are required; and the expansion of a nonconforming use requires the Board of Zoning Appeals approval as stated in Section 359.01 of the Cleveland Codified Ordinances. (Filed 11-6-09)

**9:30**

**Calendar No. 09-240:**

**7515 Euclid Avenue**

**Ward 6**

**Mamie Mitchell**

**18 Notices**

Cleveland Housing Network, owner, and Emerald Alliance V, LP, appeal to construct a 70 unit apartment building on consolidated parcels in a Midtown Mixed Use District 1; contrary to Section 344.08 there are 24 spaces proposed and 50 percent of 70 spaces required according to Section 349.04(a) equals a required total of 35 parking spaces according to the Cleveland Codified Ordinances. (Filed 11-9-09)

**9:30**

**Calendar No. 09-241:**

**6605 Barberton Avenue**

**Ward 16**

**Kevin Kelley**

**8 Notices**

Kenneth Easterly, owner, appeals to change the use of a one-story brick building from storage to a vehicle repair garage on an acreage parcel in a General Industry District; and a 6-foot wide frontage landscaping strip is required along the parking lot where the lot borders the street, as stated in Sections 352.08 through 352.11 of the Cleveland Codified Ordinances. Filed 11-9-09)

**9:30**

**Calendar No. 09-242:**

**5705 Franklin Boulevard**

**Ward 17**

**Matthew Zone**

**6 Notices**

Lynnhaven Development Group, LLC, owner, appeal to erect a 14' x 18' one-story, frame accessory garage on an irregular shaped corner parcel in a Two-Family District; contrary to Section 357.05(b)(1) a distance of 5-feet 22-inches is provided where the building line shall not be less than 10 feet on the rear third of a corner lot where the rear lot abuts a residence district; and along the side street line, yard space of 3-feet and 5-feet 2-inches are provided, contrary to the provisions in Section 357.05(b)(2) and a building setback line of 20-feet that is established where the rear lot line is the side line of the butt lot. (Filed 11-11-09)

**9:30**

**Calendar No. 09-243:**

**11010 Ashbury Avenue**

**Ward 9**

**Kevin Conwell**

**10 Notices**

Samona Johnson, owner, appeals to establish a day care use in an existing dwelling located on a 48' x 168.43' parcel in a Two-Family District; subject to the limitations of Section 337.03, and by reference to Section 337.02(f)(3)(C), the proposed use must be not less than 30 feet from any adjoining premises in a residence district and requires public notice, hearing and approval by the Board of Zoning Appeals to determine if adequate yard spaces and other safeguards to preserve the character of the neighborhood are provided, and if in the judgment of the Board, such buildings and uses are appropriately located and designed and will meet a community need without adversely affecting the neighborhood. (Filed 11-12-09)

**9:30**

**Calendar No. 09-246:**

**3436 Broadview Road**

**Ward 15**

**Brian Cummins**

**5 Notices**

Aqua Santi Builders, owner, appeal to erect a 16' x 20' two-story, frame room addition contrary to the requirements for yard space, 1-foot is provided where the minimum interior side yard requires 8-feet and a distance of 4-foot 8-inches is provided where no building shall be erected less than 10-feet from a main building on an adjoining lot, as stated in Sections 357.09(b)(2)C and A of the Cleveland Codified Ordinances. (Filed 11-13-09)

**9:30**

**Calendar No. 09-249:**

**4641 Broadway Avenue**

**Ward 5**

**Eugene Miller**

Katherine Kirschnick dba Finn Cafe appeals under the authority of Section 76-6 of the Charter of the City of Cleveland from the decision of the Department of Public Safety to disapprove an application for a Coin Operated Amusement Device License for the premises at 4641 Broadway Avenue, as stated in the notice issued November 12, 2009 from the Commissioner of the Cleveland Division of Assessments and Licenses. (Filed 11-18-09)

**9:30**

**Calendar No. 09-253:**

**1070 Brookpark Road**

**Ward 16**

**Kevin Kelley**

Joseph Ritondaro dba Maaco Collision Repair and Auto Painting, appeals under Section 76-6 of the Charter of the City of Cleveland and Section 329.02(d) from being denied a Motor Vehicle Repair Garage License by the Commissioner of Assessments and Licenses upon the recommendation of the City of Cleveland Department of Building and Housing. (Filed 11-24-09)