

**BOARD OF ZONING APPEALS**

**DECEMBER 7, 2009**

**9:30**

**Calendar No. 09-227:**

**7505 Detroit Avenue**

**Ward 17**

**Matthew Zone**

**13 Notices**

Rodney and Anitra Boyt, owners, appeal to establish a retail store that will include a use for tattooing in an existing one-story masonry building located on a 50.81' x 107.73' parcel in a General Retail Business District; subject to the limitations of Section 347.12(b)(1), the proposed use shall not be established within 1,000 feet of a residential district or a school and it abuts a residential district to the rear and is within 350 feet of Watterson-Lake K-8 Elementary School at 1422 West 74 Street.

(Filed 10-23-09)

**9:30**

**Calendar No. 09-229:**

**3280 Adolpha Avenue**

**Ward 12**

**Anthony Brancatelli**

**6 Notices**

Reginald Williams, owner, appeals to establish a used car sales lot on a 120' x 90' corner parcel in a Residence Industry District; and Section 358.04 requires that a 4 foot high ornamental fence be provided along the length of each street right of way, unless an alternative is otherwise approved by City Planning; and the provisions of Section 357.14 prohibit the sale of motor vehicles within the established 10 foot front yard setback unless specifically authorized by the Board of Zoning Appeals; and Sections 352.10 and 352.11 require that a used car sales lot has a 4 feet minimum width of landscape border along all public street frontage; and no customer parking is provided, contrary to Section 349.04(f) and a provision for parking at 25 percent of the gross lot area; and Section 349.07(b) requires that accessory off-street parking spaces shall be provided with wheel or bumper guards, located so that no part of a parked vehicle extends beyond such parking spaces and parking spaces shall be equal to 180 square feet, as stated in Section 325.03 of the Cleveland Codified Ordinances. (Filed 10-23-09)

**9:30**

**Calendar No. 09-231:**

**10433 Edgewater Drive**

**Ward 18**

**Jay Westbrook**

**6 Notices**

Louis Carlozzi, owner, appeals to erect a 24' x 36' two-story frame garage on a 75' x 186.90' parcel in a Limited One-Family District, where an accessory building shall not exceed 15 feet in height or the distance from the accessory building to a main building or potential location of a main building on an adjoining premises, whichever is less, as required according to Section 353.05 of the Cleveland Codified Ordinances.

(Filed 10-29-09)

**9:30**

**Calendar No. 09-233:**

**7310 Fleet Avenue**

**Ward 12**

**Anthony Brancatelli**

**7 Notices**

Mukesh Agarwal, owner, appeals to construct an approximate 3,400 square foot second floor addition to an existing day care operation and to increase the current number from 67 children served to 137 in a one-story building on an acreage 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 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; and the child care business must be at least 30 feet from neighboring premises not used for a similar purpose; and the expansion of a nonconforming use requires the Board of Zoning Appeals approval, according to the provisions of Section 359.01 of the Cleveland Codified Ordinances.

(Filed 11-2-09)

**9:30**

**Calendar No. 09-234:**

**Appeal of John Mungai  
Chauffeur License Application**

John Mungai appeals under the authority of Section 76-6 of the Charter of the City of Cleveland from a decision of the Commissioner of Assessments and Licenses for which notice was given by letter dated October 20, 2009 that an application for a Chauffeur's License was denied in accordance with the provisions of Sections 443.131(e) and 443.131(g) of the Cleveland Codified Ordinances that relate to Taxicabs. (Filed 11-3-09)

**POSTPONED FROM AUGUST 3, 2009**

**10:30**

**Calendar No. 09-14:**

**12010 Bellaire Road**

**Ward 19**

**Dona Brady**

**7 Notices**

Dolores Wagner, owner, appeals to change use from a service station to an auto repair garage a one-story masonry building on a 138' x 133' irregular shaped corner parcel in a General Retail Business District; subject to the limitations of Section 343.11(b), the proposed auto repair is not permitted and is located between 5 to 10 feet from a residential district, contrary to a distance of at least 100 feet as required under Section 345.03(c)(2); and nonconforming parking areas must be hard-surfaced according to the provisions of Section 349.07 with asphalt, concrete or with a permeable paving, engineered system that is approved by the Director of Building and Housing. A 6 foot wide landscaped frontage strip providing 50 percent year-round opacity is required where any parking areas abut the street, and a 10 foot

width of landscaping that provides 75 percent year-round opacity is required, where the proposed use abuts either a court or an alley way to the rear, as stated in Sections 352.08 to 352.12 of the Codified Ordinances. (Filed 2-11-09; no testimony taken)

**Third postponement requested by Westtown Community Development Corporation due to a rebuild of Bellaire Road, including sidewalks, curbs, driveway aprons, etc. and installation of new culverts on side streets in proximity to the applicant's business location.**

**POSTPONED FROM OCTOBER 12, 2009**

10:30

Calendar No. 09-193:

2175 Cornell Road

Ward 6

Mamie Mitchell

21 Notices

Henry E. Billingsley II, Trustee, owner, and MDR, LLC, prospective purchaser, appeal to change use from a store to a bar and restaurant a one story building on an irregular shaped corner parcel in a Multi-Family District; subject to the limitations of Section 337.08, the proposed change is not permitted and first allowed in a Local Retail Business District; and contrary to Section 352.09 a partial landscape transition strip is proposed, where a 4-foot width is required for separation from the abutting residential district; there are 4 parking spaces proposed, contrary to Section 349.04(f) and an off-street parking requirement for 33 spaces, one for each four seats, and the expansion or substitution of a nonconforming use requires the Board of Zoning Appeals approval, according to the provisions in Section 359.01 of the Cleveland Codified Ordinances. (Filed 9-16-09; testimony taken.)

**First postponement taken for applicants to work with the Little Italy Redevelopment Corporation, City Planning and the Councilwoman to address the issues related to needed parking.**

**POSTPONED TO FEBRUARY 1, 2010**

10:30

Calendar No. 09-111:

10409 Meech Avenue

PPN 136 10 040

Ward 2

Nathaniel Wilkes

19 Notices

Number One Grace Properties LLC, owner, appeals to use a 140' x 249.59' parcel located in Semi-Industry and General Industry Districts for the storage of vehicles pending wrecking and dismantling; subject to the requirements in Sections 345.03 and 345.04, the use is first permitted in a General Industry District, provided that the premises are enclosed within a minimum seven foot tall, solid fence or wall and a fence on the premises does not meet the required opacity. The provisions in Section 349.07(a) require that driveways and maneuvering areas shall be properly graded, surfaced with concrete, asphalt or similar surfacing material, maintained in good condition, free of trash and debris; and a 10 foot wide, 75 percent opaque, landscaping transition strip is required at the rear of the lot where it abuts a Residence District and none is proposed, contrary to Sections 352.10 and 352.11 of the Cleveland Codified Ordinances. (Filed 6-5-09; testimony taken.)

10:30

Calendar No. 09-112:

10409 Meech Avenue

PPN 136 10 041

Ward 2

Number One Grace Properties LLC, owner, appeals to use a 140' x 249.59' parcel located in Semi-Industry and General Industry Districts for the storage of vehicles pending wrecking and dismantling; subject to the requirements in Sections 345.03 and 345.04, the use is first permitted in a General Industry District, provided that the premises are enclosed within a minimum seven foot tall, solid fence or wall and a fence on the premises does not meet the required opacity. The provisions in Section 349.07(a) require that driveways and maneuvering areas shall be properly graded, surfaced with concrete, asphalt or similar surfacing material, maintained in good condition, free of trash and debris; and a 10 foot wide, 75 percent opaque, landscaping transition strip is required at the rear of the lot where it abuts a Residence District and none is proposed, contrary to Sections 352.10 and 352.11 of the Cleveland Codified Ordinances. (Filed 6-5-09; testimony taken.)

**POSTPONED TO FEBRUARY 1, 2010**

**10:30  
Calendar No. 09-113:**

**10409 Meech Avenue  
PPN 136 10 042**

**Ward 2  
Nathaniel Wilkes  
19 Notices**

Number One Grace Properties LLC, owner, appeals to use a 294' x 248.64' parcel located in Semi-Industry and General Industry Districts for the storage of vehicles pending wrecking and dismantling; subject to the requirements in Sections 345.03 and 345.04, the use is first permitted in a General Industry District, provided that the premises are enclosed within a minimum seven foot tall, solid fence or wall and a fence on the premises does not meet the required opacity. The provisions in Section 349.07(a) require that driveways and maneuvering areas shall be properly graded, surfaced with concrete, asphalt or similar surfacing material, maintained in good condition, free of trash and debris; and a 10 foot wide, 75 percent opaque, landscaping transition strip is required at the rear of the lot where it abuts a Residence District and none is proposed, contrary to Sections 352.10 and 352.11 of the Cleveland Codified Ordinances. (Filed 6-5-09; testimony taken.)

**Postponement requested by the Councilman elect in the interest of expanding the communication between the applicants, the neighboring community and the Union Miles Development Corporation about the proposed use, with input from the results of the suggested tour of the applicants' business operations for the benefit of concerned neighboring property owners.**

