

**BOARD OF ZONING APPEALS
FEBRUARY 9, 2009**

9:30

Calendar No. 09-1:

4060 East 116th Street

Ward 2

Nathaniel Wilkes

8 Notices

Number 1 Grace LLC, owner, appeals to install pre-manufactured, three tier vehicle racks within approximately 6 feet of the property line of an acreage parcel in a General Industry District; and the distance from grade to the top of the highest vehicle on the three tier rack being between 12 to 16 feet and wrecked/junk vehicles will be approximately 4 to 8 feet above the 8 foot high fence enclosing the yard, contrary to Section 347.06(d) that prohibits the wrecked/junk vehicles to be piled higher than 3 feet above the height of the wall or fence enclosing the yard.

(Filed 1-5-09)

9:30

Calendar No. 09-2:

15411 Marlene Avenue

Ward 20

Martin Sweeney

4 Notices

Mary O'Meara, owner, appeals to construct a 3' x 35' linear foot wolmanized wooden, wheelchair ramp at the front of an existing one family dwelling on a 65' x 100' parcel located in an A1 One-Family District; the proposed ramp not being a permitted encroachment according to Section 357.13 of the Cleveland Codified Ordinances.

(Filed 1-5-09)

9:30

Calendar No. 09-4:

7202 Union Avenue

Ward 12

Anthony Brancatelli

15 Notices

Dwayne Smith, owner, appeals for a change of use from a restaurant and game room to a tire shop an existing one-story building on a 46' x 150' corner parcel in a General Retail Business District; subject to the limitations of Section 343.11, the auto garage/tire repair or installation shop is not permitted and is first permitted in a Semi-Industry District, provided that it is a distance of not less than 100 feet from a residence district; there being 3 off-street parking spaces required according to Section 349.04(g); and contrary to Section 343.18(d) the proposed driveway exceeds the maximum allowed width of 30 feet and unsafe backing out onto the street; a 6 foot wide landscaping strip is required where the parking abuts East 72nd Street and none is proposed, contrary to Section 352.10 of the Codified Ordinances.

(Filed 1-8-09)

9:30

Calendar No. 09-5:

**10412 Elk Avenue
aka 510-540 East 105th Street**

Ward 8

Sabra Pierce Scott

25 Notices

ShoreBank Enterprise Group, owner, and Evergreen Cooperative Laundry, lessee, appeal for a change of use from a storm door assembling plan and retail store to a commercial laundry facility an existing building on a corner lot located in Local Retail Business and Multi-Family Districts; and no enlargement or expansion of an existing nonconforming use shall be permitted except as a variance under the terms of Chapter 329, and no substitution or 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 or 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) of the Codified Ordinances. (Filed 1-13-09)

POSTPONED FROM DECEMBER 22, 2008

10:30

Calendar No. 08-217:

5400 Cedar Avenue

Ward 5

Phyllis Cleveland

8 Notices

Abeco-Ayad, Inc., owner, and Mark Brown, tenant, appeal to establish use as a vehicle repair garage in an existing one-story building on a 200' x 150.25' corner lot in a General Retail Business District at 5400 Cedar Avenue; subject to the limitations of Section 343.11 a vehicle repair garage is not permitted but first permitted in a Semi-Industry District, provided that such use is located not less than 100 feet from a Residence District and the proposed use abuts a Multi-Family District; and a 10 foot wide landscaping/transition strip is required along the west side of the lot where the lot abuts a Multi-Family District, and a 6 foot wide landscaping strip is required along Cedar Avenue and East 55th Street, according to the provisions of Section 352.08 through 352.11 of the Codified Ordinances. (Filed 12-2-08; testimony taken.)

First postponement taken by the tenant to consult with the local development corporation, the Councilwoman and the City Planning representative about the proposed change of use plan.

POSTPONED FROM JANUARY 20, 2009

10:30

Calendar No. 08-235:

2950-66 East 116th Street

Ward 4

Kenneth Johnson

22 Notices

Amjad Hamdeh, owner, appeals to construct a new 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 not permitted, but is first permitted in a General Retail Business District under Section 343.11(b)(2)(I)(5); and contrary to Section 352.09, a concrete sidewalk is within the area where an 8 foot transition strip is required at the rear northeast corner of the lot where it abuts a Two-Family District; and a 6 foot wide landscape strip is required along the side street corner (Forest Avenue) where parking spaces abut the street, according to the provisions in Section 352.10 of the Codified Ordinances. (Filed 12-17-08; no testimony taken.)

First postponement requested by the local development corporation for additional community input about the project.