

**BOARD OF ZONING APPEALS
MAY 18, 2009**

9:30

Calendar No. 09-69:

9604 Kirkwood Avenue

Ward 18

Jay Westbrook

7 Notices

Tom Karnavas, owner, appeals to erect a 35 foot by 25 foot one-story wooden addition to an existing 38 foot by 25 foot masonry garage proposed to be on an 80' x 130' parcel in a B1 Two-Family District; contrary to the maximum square footage allowed for an accessory garage, 3,075 square feet is proposed and 1,116 square feet is allowed; and the nonconforming garage is less than 18 inches from the property line and requires the Board of Zoning Appeals approval according to Section 359.01(a) of the Cleveland Codified Ordinances. (Filed 4-8-09)

9:30

Calendar No. 09-70:

1702 West 28th Street

Ward 13

Joe Cimperman

12 Notices

Kirt Montlack, Ltd., owner, appeals for a change of use from office to apartments an existing four-story building on an irregular shaped corner parcel in a Local Retail Business District; contrary to Section 355.04 a lot area of 36,483 square feet is proposed contrary to 24,700 square feet that is allowed; and nonconforming to Section 357.04(a) in Yards and Courts Regulations no front yard is provided where 9 feet is required and contrary to Section 357.08(b)(2), no rear yard is provided and 20 feet is required. Nonconforming to Section 352.10, no landscape is provided where parking abuts West 28th Street and Fulton Road where a 6 foot wide landscape strip is required; and a fence that varies in height to a maximum of 6 feet exceeds 4 feet in height that is allowed in an actual front yard of a Local Retail District. (Filed 5-9-09)

9:30

Calendar No. 09-72:

13835 Lorain Avenue

Ward 20

Martin Sweeney

J-SET Limited LLC, owner, and Jesse Adkins dba Fat Boys Sports, Inc., tenant, appeal under the authority of Section 76-6 of the Charter of the City of Cleveland from the decision of the Public Safety Department to disapprove an application for a Dance Hall License for the premises at 13835 Lorain Avenue, as stated in the notice issued March 27, 2009 from the Commissioner of the Cleveland Division of Assessments and Licenses. (Filed 4-14-09)

9:30

Calendar No. 09-74:

11213 Detroit Avenue

Ward 18

Jay Westbrook

10 Notices

Detroit Avenue Ltd., owner, and Paul Shlachter, tenant, appeal for an expansion of use at an existing restaurant to accommodate a patio within the front yard of a 52.21' x 138.81' parcel in a Local Retail Business District; subject to Section 349.04(f) off-street parking based on the front yard seating configuration equals 8 spaces; and a front yard encroachment for a restaurant/patio requires the Board of Zoning Appeals approval according to the provisions of Section 357.14(a) of the Cleveland Codified Ordinances. (Filed 4-16-09)

9:30

Calendar No. 09-76:

10801 Meech Avenue

Ward 2

Nathaniel Wilkes

8 Notices

Dumpsites Unlimited LLC, owner, appeals to establish use for processing and storing of landscaping materials for distribution and sale and a use of the premises for recycling of construction debris material and sale, with the proposed uses to be on an acreage parcel located in a General Industry District on the south side of Meech Avenue at 10801 Meech Avenue; where open yard storage of secondhand lumber, other used building material or salvaged articles is permitted, provided that such uses are enclosed within a minimum 7 foot high solid wall or fence as stated in Section 345.04(a)(3); and subject to the limitations of Section 347.05, no space for storage or distribution of stone, sand, or similar dust producing material shall be located less than 300 feet from a residence district, and the proposed use is approximately 125 feet from a One-Family District; and the provisions of Section 347.06(d) limit the storage of junk or other used material to be piled not higher than 3 feet above the height of the enclosure wall or fence; and accessory off-street parking spaces, driveways and maneuvering areas shall be properly graded for drainage so that all water is properly drained within the lot, surfaced with concrete, asphalt or similar surfacing material, maintained in good condition and free of debris and trash, according to the provisions of Section 349.07(a) of the Codified Ordinances. (Filed 4-21-09)

9:30

Calendar No. 09-77:

8500 Aetna Avenue

Ward 2

Nathaniel Wilkes

9 Notices

FPT Cleveland, LLC, owner, appeals to change and expand use as a scrap metal processing facility on several contiguous parcels located in a General Industry District; subject to the provisions of Section 349.07(a) accessory off-street parking spaces, driveways and maneuvering areas shall be properly graded for drainage so that all water is drained within the lot providing such parking spaces, surfaced with concrete, asphalt concrete, asphalt or other surfacing materials approved by the Director of Building and Housing, maintained in good condition and free of debris and trash; and in any use district allowing junk or wrecking yards the storage of such junk or used material shall not be piled higher than three feet above the height of the wall or fence enclosing the yard, provided that at any point closer than five feet, the junk or used material shall not be piled above the heights of the wall or fence according to Section 347.06(d) and subject to Sections 345.04(a)(3) and (4), the premises shall be enclosed within a seven foot high (minimum) solid masonry wall or slightly nontransparent, well-maintained, substantial fence; and the Board of Zoning Appeals approval is required for change/expansion of use, the vehicle wrecking, dismantling, metal and non-ferrous metal processing facility; unpaved parking and maneuvering areas, adequate fencing, height and placement to enclose the facility according to the provisions of Section 359.01(a) of the Cleveland Codified Ordinances. (Filed 4-23-09)

POSTPONED FROM APRIL 27, 2009

10:30

Calendar No. 09-28:

75 Public Square B-100

Ward 13

Joe Cimperman

Northpoint Athletic Club II, Inc., owner, and Donald Dzina aka TH & Sons, tenant, appeal under Section 76-6 of the Charter of the City of Cleveland and Section 329.02(d) of the Codified Ordinances from a denied application for a Dance Hall License by the Commissioner of Assessments and Licenses pursuant to Section 690.03 and disapproval of the application by the City of Cleveland Fire Department. (Filed 3-23-09; no testimony taken.)

Applicants' second request for postponement granted for a response from the City of Cleveland Fire Department on the emergency procedures plan submitted to them by the applicant.

