

BOARD OF ZONING APPEALS
JUNE 1, 2009

9:30

Calendar No. 09-81:

1337 West 116th Street

Ward 18

Jay Westbrook

Donald P. Shury, owner, appeals under the authority of Section 76-6 of the Cleveland City Charter and Section 329.02(d) of the Cleveland Codified Ordinances from a Notice of Violation, issued by the Building and Housing Department on November 26, 2008 for failure to comply with the provisions of Sections 357.14 and 349.14(c)(6), regarding the parking of motor vehicles in the setback area at the location of 1337 West 116th Street, contrary to the Cleveland Codified Ordinances. (Filed 4-29-09)

9:30

Calendar No. 09-83:

11633 Clifton Boulevard

Ward 18

Jay Westbrook
10 Notices

Lee Solding Company, owner, appeals to establish use of an existing bar to accommodate a social club with live entertainment and to construct a roof deck with an enclosed bar located on the southwest corner of Clifton Boulevard and West 117th Street in a Local Retail Business District; subject to the limitations of Section 343.01, the proposed social club with live entertainment is not permitted but first allowed in a General Retail Business District, provided that such use is not within 500 feet of a Residence District; and the accessory off-street parking requirement for the roof deck/bar equal one for each employee, plus one for each 100 square feet of floor area devoted to patron use or one for each 4 seats based upon the maximum seating capacity, whichever is greater, according to the provisions in Section 349.04(f) of the Cleveland Codified Ordinances. (Filed 4-30-09)

9:30

Calendar No. 09-84:

1101 Center Street

Ward 13

Joe Cimperman
12 Notices

Old River Road Cleveland LLC, owner, appeal to construct a 9,676 square foot restaurant, night club, adult cabaret on acreage located in a General Industry District; and 75 parking spaces are provided contrary to 127 accessory off-street parking spaces required for 29,028 square foot of floor space, including an outside patio, according to the provisions in Section 349.04(e) of the Cleveland Codified Ordinances. (Filed 4-30-09)

9:30

Calendar No. 09-85:

3540 Croton Avenue

Ward 5

Phyllis Cleveland
16 Notices

The Cuyahoga County Board of County Commissioners, owner, appeal to erect a 52,916 square foot correctional institution on acreage in a General Industry District; and 75 parking spaces are provided, contrary to the requirement for 176 accessory off-street parking spaces determined at the rate of one space per 300 square feet of gross floor area in accordance with the provisions in Section 349.04(d) of the Cleveland Codified Ordinances. (Filed 5-4-09)

POSTPONED FROM MARCH 2, 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)

First postponement requested by the Councilwoman primarily 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 APRIL 27, 2009

10:30

Calendar No. 09-49:

1385 East 36th Street

Ward 13

Tyler Industrial Park, LLC, owner, and Factory Restaurant, Inc. and Jack Miller, 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 Coin Operated Pool Table License for the premises at 1385 East 36th Street, as stated in the notice issued March 11, 2009 from the Commissioner of the Cleveland Division of Assessments and Licenses.

10:30

Calendar No. 09-50:

1385 East 36th Street

Ward 13

Tyler Industrial Park, LLC, owner, and Factory Restaurant, Inc. and Jack Miller, 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 Coin Operated Amusement Device License for the premises at 1385 East 36th Street, as stated in the notice issued March 11, 2009 from the Commissioner of the Cleveland Division of Assessments and Licenses.

10:30

Calendar No. 09-51:

1385 East 36th Street

Ward 13

Tyler Industrial Park, LLC, owner, and Factory Restaurant, Inc. and Jack Miller, 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 1385 East 36th Street, as stated in the notice issued March 11, 2009 from the Commissioner of the Cleveland Division of Assessments and Licenses.

10:30

Calendar No. 09-52:

1385 East 36th Street

Ward 13

Tyler Industrial Park, LLC, owner, and Factory Restaurant, Inc. and Jack Miller, 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 an Outdoor Restaurant License for the premises at 1385 East 36th Street, as stated in the notice issued March 11, 2009 from the Commissioner of the Cleveland Division of Assessments and Licenses.

10:30

Calendar No. 09-54:

1385 East 36th Street

Ward 13

Tyler Industrial Park, LLC, owner, and Factory Restaurant, Inc. and Jack Miller, 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 Music License for the premises at 1385 East 36th Street, as stated in the notice issued March 11, 2009 from the Commissioner of the Cleveland Division of Assessments and Licenses.

First postponement requested by the Councilman for time to meet with property owners, tenant and St. Clair Superior Development Corporation.