

BOARD OF ZONING APPEALS
JULY 27, 2009

9:30

Calendar No. 09-117:

3314 Broadview Road

Ward 15

Brian Cummins

16 Notices

Samantha Harr-Pirovolos, owner, appeals to establish use as a bar with entertainment and approximately 480 square feet of outdoor patio on a 45' x 220' parcel in a Local Retail Business District; subject to the limitations of Section 343.01(b)(2)(F), the use is not permitted and first permitted in a General Retail Business District; no parking is provided and a parking area equal to three times the gross floor area is required according to the provisions of Section 349.04(e) of the Cleveland Codified Ordinances. (Filed 6-10-09)

9:30

Calendar No. 09-118:

3710 Fulton Road

Ward 15

Brian Cummins

8 Notices

Sheila Maurer, owner appeals to expand the use of an existing automobile repair garage to include used car sales on an irregular shaped corner lot in a General Retail Business District; subject to the provisions in Section 359.01(a) a use of a building or land lawfully existing on the effective date of this Zoning Code or any amendment or supplement thereto for which a permit has been lawfully issued may be continued even though it does not conform to the use district in which it is located, but no enlargement nor expansion shall be permitted except as a variance under the terms of Chapter 329 and no other change in such nonconforming use shall be permitted except by special permit from the Board of Zoning Appeals issued only if the Board finds after public hearing that such substitution or other change is no more harmful or objectionable than the previous nonconforming use in floor or other space occupied in volume of use, in the type or number of persons to occupy or to be attracted to the premises or in any other characteristic of the new use as compared with the previous use, as stated in the Cleveland Codified Ordinances. (Filed 6-10-09)

9:30

Calendar No. 09-130:

7218 Carnegie Avenue

Ward 5

Phyllis Cleveland

10 Notices

Marc Levin, owner, and Tom Li, tenant, appeal to establish use for outdoor display on a 41' x 188' vacant parcel in a Midtown Mixed Use District 3, and the proposed use is permitted only as an accessory use and not a principal use according to Section 344.04 of the Cleveland Codified Ordinances. (Filed 6-24-09)

9:30

Calendar No. 09-131:

3731 East 71st Street

Ward 12

Anthony Brancatelli

11 Notices

Marcel Grayer, owner, and Latoya White appeal to change use of an existing two dwelling unit residence to a day care on a 45' x 110.62' parcel in a Multi-Family District; contrary to Section 337.08(e)(3) the proposed use is bordered on two sides by a Multi-Family District and is required to be 15 feet from any adjoining premises in a residence district not used for a similar purpose; and off-street parking is required at the rate of one for each two staff members and other employees according to Section 349.04(c) of the Cleveland Codified Ordinances. (Filed 6-25-09)

9:30

Calendar No. 09-132:

10301 Lake Avenue

Ward 18

Jay Westbrook

8 Notices

Lake Edge Condominiums Association, in care of Mark Detelich, appeals to erect a 5' x 7.1' double faced, identification ground sign in the front of a multiple dwellings building on a 473' x 200' corner parcel in a Multi-Family District; contrary to Section 350.13(b) a distance of 3 feet is provided and 20 feet is required from all property lines for placement of the proposed sign, as stated in the Cleveland Codified Ordinances. (Filed 6-25-09)

POSTPONED FROM JUNE 8, 2009

10:30

Calendar No. 09-87:

2331 East 55th Street

Ward 5

Phyllis Cleveland

15 Notices

James Majors owner, appeals to establish use as trucking terminals, indoor storage of material such as lawnmowers, rakes and brooms in the General Retail area of a 50' x 220' vacant lot located in split zoning between General Retail Business and Multi-Family Districts and also to establish a flea market use in both zoning district areas; subject to the limitations of Section 337.08 the retail flea market use is nonconforming and first permitted in a General Retail District; the proposed trucking terminal/motor freight depot use being contrary to Section 343.11 and first permitted in a Semi-Industry District, provided it is not less than 300 feet from a residence district and it abuts a Multi-Family District at the rear of the lot where the flea market is proposed, contrary to Section 345.03(c)(13) of the Cleveland Codified Ordinances. (Filed 5-7-09; no testimony taken.)

First postponement requested by City Law Department for review and clarification on applicable standard/ordinance language.

POSTPONED FROM JUNE 15, 2009

10:30

Calendar No. 09-92:

3286 West 25th Street

Ward 14

Joseph Santiago

14 Notices

N.G.N. Investments LLC, owner, and Nick Pandapas appeal for a change from storage to auto repair the use of an existing structure on a 192' x 196.67' lot located in Semi-Industry and Two-Family Districts; subject to the limitations of Section 337.03 auto repair is not permitted and permitted in a Semi-Industry District but must be at least 100 feet from a residence district; and nonconforming to Sections 352.09 and 352.10, no transition strip is proposed and a 10 foot wide strip is required where the semi-industry use abuts the Two-Family District and a 6 foot wide landscape strip is required at the front where parking abuts the street; and in the actual front yard of a Semi-Industry District no fence height shall exceed a 4 foot height as stated in Section 358.05(a)(2) and the expansion of a nonconforming use requires the Board of Zoning Appeals approval in accordance with Section 359.01 of the Cleveland Codified Ordinances. (Filed 5-12-09; testimony taken.)

First postponement taken at recommendation of the Board for additional review and approval of a plan by the Local Design Review Advisory Committee.

POSTPONED FROM JUNE 29, 2009

10:30

Calendar No. 09-107:

10617 Prince Avenue

Ward 2

Nathaniel Wilkes

4 Notices

William Congress, owner, appeals to install 33 linear feet of 4 foot tall chain link fence in the actual front yard of a 40' x 173' parcel in a Two-Family District; contrary to Section 358.04(c)(1) in the Cleveland Codified Ordinances, where it states that only ornamental fences shall be installed in actual front yards in a Residence District. (Filed 6-3-09; testimony taken.)

First postponement taken at recommendation of the Board for applicant to consult with City Planner regarding an alternate fence material.

POSTPONED FROM JULY 13, 2009

10:30

Calendar No. 09-82:

18308 Ferncliff Avenue

Ward 21

Martin Keane

15 Notices

The Islamic Mosque, owner, and Ayham Abazid appeal to establish a day care in an existing building on a 59' x 186' parcel in a One-Family District; nonconforming to the limitations of Section 337.02(f)(3)(C) that a day care use must be at least 30 feet from an adjoining premises in a residential district and requires the Board of Zoning Appeals review to determine if adequate yard spaces and other safeguards to preserve the character of the neighborhood are provided, and if such building and use are appropriately located and designed and will meet a community need without adversely affecting the neighborhood. (Filed 4-29-09; testimony taken.)

Second postponement taken for applicant to present the plan with lot consolidation of the existing mosque and school use for review by City Planning staff showing the enhancements for appearance of the overall site, areas for patron drop off and pick up and how parking is provided for staff and visitors.