

**BOARD OF ZONING APPEALS
AUGUST 29, 2005
CITY RECORD**

9:30

Calendar No. 05-215: 5809 Delora Avenue Ward 16

Eugene Lewandoski, owner, appeals a 22' x 26' two-story frame garage with a gambrel roof on a 40' x 110' parcel, located in a Two-Family District on the south side of Delora Avenue at 5809 Delora Avenue; contrary to Section 337.23(7)(a) a 1,040 s/f floor area is proposed and 650 s/f is allowed with a building height of 20', contrary to the 15' maximum height allowed for accessory buildings in Residence Districts, as stated in Section 353.05 of the Codified Ordinances.

9:30

Calendar No. 05-222: 13014-18 Lorain Avenue Ward 19

D.Romano LLC, owner, and Megan Roberts, agent, appeal to expand the use of an existing Body Piercing and Tattoo Shop, previously granted a variance by the Board on May 12, 2003 in Calendar No. 03-87, to add a use for tattooing in an existing legal, nonconforming body piercing shop, with conditions for specific business hours of operation from 12:00 PM to 8:00 PM, Monday through Saturday, and from 11:00 AM to 5:00 PM on Sunday, for the combined uses in a 950 s/f shop area of a two-story building, situated on a 20' x 100' lot in a General Retail Business District on the north side of Lorain Avenue at 13014 Lorain Avenue; appellant now appeals to expand the existing use and requires a special permit to be issued, if the Board of Zoning Appeals finds that such expansion is no more harmful or objectionable than the previous nonconforming use in floor or other space occupied, in volume of trade, 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 to be attracted to the premises, or in any other characteristic of the new use as compared to the previous use, according to Section 359.01 of the Codified Ordinances.

9:30

Calendar No. 05-239: 10515 Sandusky Avenue Ward 2

Anthony and Robin Pruitt, owners, appeal to establish a Type A Day Care in an existing 2 ½-story frame dwelling, situated on a 40' x 127' lot in a Two-Family District on the north side of Sandusky Avenue at 10515 Sandusky Avenue; subject to the limitations for Residence Districts, the proposed use must be not less than 30' from an adjoining premises in a residence district and requires the Board of Zoning Appeals approval to determine that there are adequate yard spaces and other safeguards to preserve the character of the neighborhood; and that such use is appropriately located and designed to meet a community need without adversely affecting the neighborhood, as stated in Section 337.02(f)(3)C of the Codified Ordinances.

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Calendar No. 05-240: Appeal of Charles Pugh Ward 8
dba Togo Contractors

Charles D. Pugh dba Togo Contractors and their attorney Thomas F. Frye, appeal under authority of Section 76-6 of the Charter of the City of Cleveland and Section 329.02(d) of the Cleveland Codified Ordinances from a Notice of Violation, issued by the Building and Housing Department on June 8, 2005, citing poor workmanship by the appellant regarding a one family dwelling located at 10937 Drexel Avenue.

9:30
Calendar No. 05-241: 3845 West 33rd Street Ward 15

Maria Sheets, owner, appeals to install approximately 83 linear feet of 4' high chain link fence in the front yard of a 33' x 78' parcel, located in a Two-Family District on the east side of West 33rd Street at 3845 West 33rd Street; contrary to the Fence Regulations that require an ornamental fence in the actual front yard of a Residence district, as stated in Section 358.04(c)(1) of the Codified Ordinances.,

9:30
Calendar No. 05-242: 15335 Waterloo Road Ward 11

The Slovenian Workmens Home, owner, and G. Wood Enterprises LLC, prospective lessee and Marlene Gatewood, agent, appeal to change from a lodge hall to a recreation and amusement use an existing 5,000 s/f of floor space in an existing two-story building, situated on a 67' x 121' corner lot in a Local Retail Business District on the northeast corner of Waterloo and Shiloh Roads at 15335 Waterloo Road; the proposed use being contrary to Section 343.01, not permitted in a Local Retail District but first permitted in a General Retail Business District, provided that it conforms to the requirements in Section 343.11(b)(2)L and as proposed, the use abuts a residence district and it may not be within 500' of a residential district, a day care center, a school, or a church, a playground or nonprofit recreation center; and it may not be located within 500' of another such use, as stated in Section 347.12(a)(1) of the Codified Ordinances.

9:30
Calendar No. 05-244: 9500 Detroit Avenue Ward 19

Frank Caporossi, owner, appeals to change from a night club to a day care center an existing one-story masonry building, situated on a 109' x 100' corner parcel located in a General Retail Business District on the northwest corner of Detroit Avenue and West 95th Street at 9500 Detroit Avenue; the proposed day care abuts a Two Family District to the north and a Multi-Family District to the west and by reference is regulated according to Section 337.08(e)(3) for a Multi-Family District, where the Board of Zoning Appeals approval is required if the day care center is located less than 15' from an adjoining premises in a Residence District.

