

**BOARD OF ZONING APPEALS
NOVEMBER 17, 2003**

9:30

Calendar No. 03-288:

1420 West 48th Street

Ward 17

Matt Zone

6 Notices

United Construction Company c/o Ekrami Ayoub, owner, appeals to change the use of an existing 1 1/2-story frame, two family dwelling to a one family dwelling situated on a 25' x 150' parcel located in a Two-Family District on the west side of West 48th Street at 1420 West 48th Street; the proposed construction and change being contrary to the Yards and Courts Requirements under Sections 357.09(2)(b)(2)(B), where an interior side yard of 3' is required and none is provided and an aggregate side yard width of 10' is required where 3' is proposed and Sections 357.09(2)(b)(2)(A) that require there must be no less than a 10' distance from a main building on an adjoining lot in a Residence District and subject to the provisions under Nonconforming Uses that require the Board of Zoning Appeals approval for the change in a nonconforming use as stated in Section 359.01 of the Codified Ordinances. (Filed 10-10-03)

9:30

Calendar No. 03-289:

9616 Gaylord Avenue

Ward 2

Robert White

5 Notices

Robert Lanier, owner, appeals to enclose an existing 14' x 10' front porch of a one family, frame dwelling situated on a 42' x 176' parcel located in a Two-Family District on the south side of Gaylord Avenue at 9616 Gaylord Avenue; the proposed enclosure being contrary to the Yards and Courts Requirements, where the proposed porch enclosure has a 10' projection and enclosed front porches may not project more than 4' as stated in Section 357.13(b)(4) of the Codified Ordinances. (Filed 10-13-03)

9:30

Calendar No. 03-290:

12510-12 Buckeye Road

Ward 4

Kenneth Johnson

7 Notices

Margrette Williams, owner, appeals to establish use of an existing approximate 28' x 93' first floor store space in a two-story mixed use, brick building, situated on a 40' x 135' parcel in a Local Retail Business District on the south side of Buckeye Road at 12510-12 Buckeye Road; the proposed use being subject to Section 343.01 of the Business District Requirements and by reference, because it abuts a Two-Family District at the rear, it is regulated as in a Multi-Family District, where a day care and its uses if located less than 15' from any Residence District requires the Board of Zoning Appeals approval as stated in Section 337.08(e) of the Codified Ordinances. (Filed 10-14-03)

**BOARD OF ZONING APPEALS
NOVEMBER 17, 2003**

9:30

Calendar No. 03-291:

5747 Portage Avenue

Ward 12

Edward Rybka

4 Notices

John Lesko, owner, appeals to enclose an existing 6'-2" x 14' open front porch of a 2-story frame, one family dwelling situated on a 40' x 122' parcel located in a Two-Family District on the north side of Portage Avenue at 5747 Portage Avenue; the proposed enclosure being contrary to the Yards and Courts Requirements, where a 14' porch projection is proposed and no front porch may project more than 4' as stated in Section 357.13(b)(4) of the Codified Ordinances. (Filed 10-14-03)

9:30

Calendar No. 03-294:

11420 Buckeye Road

Ward 4

Kenneth Johnson

4 Notices

McDonald's Corporation, owner, appeals to add a 3' x 8' electronic message center sign to an existing 8' x 10' freestanding ID pole sign located at the front of an existing one-story masonry restaurant building and accessory parking lot, situated on a 207' x 195' irregular shaped parcel located in a Local Retail Business District on the south side of Buckeye Road at 11420 Buckeye Road; contrary to the Sign Regulations where free-standing ID and business signs using animation or electronically-changeable copy are permitted in either a General Retail Business District or a Shopping Center District but not in a Local Retail Business District as stated in Sections 350.14(b)(3) of the Codified Ordinances. (Filed 10-15-03)

9:30

Calendar No. 03-295:

7804 Eve Avenue

Ward 17

Matt Zone

9 Notices

Richard Bennett, owner, appeals to construct a 24' x 24' one-story, frame accessory parking garage to the east of an existing two-story, frame dwelling house situated on an approximate 193' x 88' irregular triangle shaped parcel in a Two Family District on the north side of Eve Avenue where it intersects with Dudley Avenue at 7804 Eve Avenue; the proposed construction being contrary to Section 349.05 of the Off-Street Parking and Loading Regulations, where all accessory off-street parking spaces shall be located behind the setback building line and contrary to the Side Street Yard Regulations of the Yards and Courts Requirements, where 36" and 38" are proposed and no accessory building or use shall be less than 10' from the side street line as stated in Section 357.05(a) of the Codified Ordinances. (Filed 10-15-03)

**BOARD OF ZONING APPEALS
NOVEMBER 17, 2003**

POSTPONED FROM OCTOBER 13, 2003

10:30

Calendar No. 03-254:

9305 Miles Avenue

Ward 2

Robert White

8 Notices

Alex Mirza, owner, appeals to add a fuel filling station use with an existing 42' x 70' one-story convenient (retail) store, all situated on an approximate 136' x 143' acreage parcel in a Local Retail Business District located on the northeast corner of East 93rd Street and Miles Avenue at 9305 Miles Avenue; the proposed additional use being contrary to the Business District Regulations of Section 343.01, where a gas station is not permitted in a Local Retail Business District but first permitted in a General Retail Business District; and contrary to the requirements of Sections 343.15(b)(2) where no structure may be built less than 20' from the property line adjacent to the public right of way and a proposed canopy is within 10' of the right of way; and contrary to the provisions of Sections 343.18(a) and (b) where no two driveways may be permitted on a lot with a frontage of not less than 130' and only 103.53' is provided for two driveways along the East 93rd Street frontage and where no driveway shall be located so that there would be less than 15' between the point of tangency of the driveway apron and the outside crosswalk line at the intersection when such a driveway is on the approach side of an intersection and a proposed driveway fronting on East 93rd Street is less than a 15' distance; and contrary to the Landscaping and Screening requirements where a 4' wide landscaping strip is required along East 93rd Street and along Miles Avenue and a 10' wide landscaping strip is required between the proposed lot and the abutting Two-Family District to the east as stated in Section 352.10 of the Codified Ordinances. (Filed 8-28-03; no testimony taken.)

First postponement granted for property owner's authorization and additional review of the plan.

POSTPONED FROM OCTOBER 27, 2003

9:30

Calendar No. 03-265:

Appeal of

Northeast Ohio Telephone, Inc.

Northeast Ohio Telephone, Inc., owner c/o Ronald Jacobs, President, appeals from an order to remove multiple outdoor pay phones identified by the Commissioner of Assessments and Licenses on September 5, 2003 under the authority of Section 670B.06, where the appellant is ordered to remove the payphones that are determined to be in violation by their location in the public right-of-way and within 500 feet of a City permitted payphone that is in the right-of-way and to comply with the requirements of Chapter 670B of the Codified Ordinances. (Filed 9-19-03; no testimony taken.)

First postponement requested by the Commissioner of Assessments and Licenses.

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NOVEMBER 17, 2003**

POSTPONED FROM NOVEMBER 3, 2003

10:30

Calendar No. 03-285:

222-248 Euclid Avenue

Ward 13

Joe Cimperman

7 Notices

222, LLC;240 Euclid LLC, owners c/o John Monroe, agent, appeal to expand the use previously granted on June 24, 2002 by the Board of Zoning Appeals from retail and 73 apartment units to retail, 182 residential condominium units and a reduced number of 57 apartments, all proposed to be in two irregular shaped buildings located in a General Retail Business District on the south side of Euclid Avenue at 222-248 Euclid Avenue; said expansion being contrary to the Area Requirements Regulations of Section 355.04, where in an "E" Area District, the gross floor area is limited to one and one-half times the total lot size and 470,156 s/f is proposed where the maximum gross floor area permitted is 58,213 s/f, and the proposed expansion being contrary to the Yards and Courts Requirements of Section 357.08(b)(2) where no rear yard is provided and a rear yard equal to one-half the height of the building is required, and no side yards are provided where a side street yard of 5' and an interior side yard of 5' are required as stated in Sections 357.05 and 357.09 of the Codified Ordinances. (Filed 10-7-03; no testimony taken.)

Appellants' first postponement granted for additional time to prepare their presentation.
