

**BOARD OF ZONING APPEALS
NOVEMBER 28, 2005**

9:30

Calendar No. 05-332:

2849 East 55th Street

Ward 12

Anthony Brancatelli

12 Notices

Joe Immormino, owner, appeals to install approximately 190 linear feet of 6' tall privacy fencing to enclose a 40' x 151' corner parcel, located in a Semi-Industry District on the southeast corner of East 55th Street and Bower Avenue at 2849 East 55th Street; as proposed, the fence installation is contrary to Section 358.03(a), where it is stated that no portion of a fence within 30' of an intersection within two right-of-way street lines shall exceed 2 ½' in height, unless all portions above the height limit are at least 75% open, and the same restriction applies to any portion of a fence located along or parallel to a driveway within 15' of its intersection with a public sidewalk or public street if there is no sidewalk; and fences in actual front and side street yards shall not exceed a 4' height and above 2' must be at least 50% open, as stated in Section 358.05(a)(2) of the Codified Ordinances. (Filed 10-31-05)

9:30

Calendar No. 05-333:

3800 Carlyle Avenue

Ward 14

Nelson Cintron

4 Notices

Arazael Velazquez, owner, appeals to install approximately 70 linear feet of 6' tall privacy fence to enclose the rear yard of a 31' x 80' corner parcel located in a Two-Family District on the northwest corner of Carlyle Avenue and West 38th Street at 3800 Carlyle Avenue; the proposed fence is contrary to Section 358.03(a), that prohibits any portion of a fence within 30' of an intersection within two right-of-way street lines to exceed 2 ½' in height, unless all portions above the height limit are at least 75% open, and the same restriction applies to any portion of a fence located along or parallel to a driveway within 15' of its intersection with a public sidewalk or public street if no sidewalk is present; and fences in actual front and side street yards shall not exceed a 4' height and above 2' must be at least 50% open, as stated in Section 358.05(a)(2) of the Codified Ordinances. (Filed 11-1-05)

9:30

Calendar No. 05-334:

2301 Thurman Avenue

Ward 13

Joe Cimperman

6 Notices

Jeff Eizember, owner, appeals to raise by 4' the height of a roof on an existing two family dwelling, situated on a 30' x 100' parcel located in a Two-Family District on the east side of Thurman Avenue at 2301 Thurman Avenue; contrary to the Regulations for Yards and Courts, no interior side yard is provided where 3' is required and no building shall be erected less than 10' from a main building on an adjacent lot; and an interior side yard width may not be less than ¼ the height of the main building, or a requirement of 6' according to Section 357.09(2)(b) of the Codified Ordinances. (Filed 11-1-05)

**BOARD OF ZONING APPEALS
NOVEMBER 28, 2005**

9:30

Calendar No. 05-335:

7202 Union Avenue

Ward 12

Anthony Brancatelli

8 Notices

Dwayne Smith, owner, appeals to add a 22' x 26' one-story expansion to a tire shop and include a tire repair service with the existing business that is situated on a 46' x 150' corner lot, located in a General Retail Business District on the southeast corner of Union Avenue and East 72nd Street at 7202 Union Avenue; contrary to Section 343.11, tire repair is first permitted in a Semi-Industry District, Section 345.03(c)(2), provided that it is located at least 100' from a Residence District; and no additional parking is provided where two additional off-street spaces are required, as stated in Section 349.2(g) of the Codified Ordinances. (Filed 11-2-05)

9:30

Calendar No. 05-338:

18501 Neff Road

Ward 11

Michael Polensek

10 Notices

Tops Markets, LLC, owner, appeal to install a 4' tall solid wood fence along the northern perimeter of an irregular shaped parcel that faces Shawnee Avenue, located in a Local Retail Business District at the northeast corner of East 185th Street and Neff Road; contrary to the Fence Regulations, a solid wood fence is proposed where a fence in an actual side street yard must be at least 50% open above 2' in height, as stated in Section 358.05(a)(2) of the Codified Ordinances. (Filed 11-4-05)

POSTPONED FROM OCTOBER 10, 2005

10:30

Calendar No. 05-255:

2780 East 116th Street

Ward 6

Patricia Britt

12 Notices

Hanini Properties, owner, and Carleton Moore, agent, appeal to expand a gas station by constructing a 40' x 60' one-story retail sales building in a Local Retail Business District, proposed to be situated on the southwest corner of East 116th Street and Shaker Boulevard at 2780 East 116th Street; contrary to Section 343.01, a gas station is first permitted in a General Retail business District and a 6' wide landscape transition strip is proposed where 8' is required between the proposed gas station and the abutting Multi-Family District and a 4' wide landscaping frontage strip is required along Shaker Boulevard and East 116th Street as stated in Sections 352.11 and 351.10; and Section 357.14(a)(1) prohibits parking of motor vehicles along Shaker Boulevard in the established 21' building line setback; and enlargement or expansion of the existing nonconforming gas station requires the Board of Zoning Appeals approval as stated in Section 359.01 of the Codified Ordinances. (Filed 8-2-05; no testimony taken.)

Second postponement requested by the appellants' representative due to their absence at the scheduled hearing.

**BOARD OF ZONING APPEALS
NOVEMBER 28, 2005**

POSTPONED FROM OCTOBER 24, 2005

10:30

Calendar No. 05-162:

2603 Scranton Road

Ward 14

Nelson Cintron

20 Notices

Eugene Staiger, owner, and Rebecca Riker, tenant, appeal to extend the use of a dog day care business to include a rear 30' portion of a 40' x 169' parcel, located in split zoning between Semi-Industry and Multi-Family Districts on the east side of Scranton Road at 2603 Scranton Road; the 30' extension of use is in residence district zoning and a dog care business is not permitted in a Multi-Family District as stated in Section 337.08 of the Codified Ordinances. (Filed 9-23-05; no testimony taken.)

10:30

Calendar No. 05-302:

1623 Allman Court

Ward 14

Eugene Staiger, owner, and Rebecca Riker, tenant, appeal to use a 33' x 85' "L" shaped parcel located in a Multi-Family District at 1623 Allman Court, as accessory outside area for a dog day care business situated on an adjoining lot in a one-story brick building that fronts on Scranton Road; and the proposed use of property is contrary to Section 337.08 where it is not permitted in a Multi-Family District and the Board of Zoning Appeals approval is required for the substitution of a nonconforming use, as stated in Section 359.01 of the Codified Ordinances. (Filed 9-23-05; no testimony taken.)

Appellant's first postponement requested for additional time to continue gathering community support for the proposed plan.
