

BOARD OF ZONING APPEALS
JUNE 12, 2006

9:30

Calendar No. 06-81:

12000 Harvard Avenue

Ward 2

Robert White

17 Notices

School House Finance, LLC, owner and Alan Oaks, appeal to change from a warehouse to a school the use of an existing two-story building, situated on an approximate 218' x 553' irregular shaped parcel in a General Industry District on the south side of Harvard Avenue at 12000 Harvard Avenue; as proposed, parking for the school is 10' from an adjoining Multi-Family District and a school is required to be 15' from any adjoining premises in a residence district not used for a similar purpose, as stated in Section 337.08(e) of the Codified Ordinances. (Filed 5-11-06)

9:30

Calendar No. 06-82:

15430 Waterloo Road

Ward 11

Michael Polensek

7 Notices

Jerry Kelly, owner, and Miesha Nelson, prospective tenant, appeal to change from a retail store to recreation and entertainment the use of an existing two story brick building, situated on a 40' x 113' parcel in a Local Retail Business District on the south side of Waterloo Road at 15430 Waterloo Road; subject to the limitations of Section 343.01, the proposed aerobic classes are not permitted in a Local Retail District but first permitted in a General Retail Business District under Section 343.11(b)(2)(L) and limited by Section 347.12, that does not allow the use to be established within 500' of a residential district, and the lot abuts a Two-Family District at the rear, nor may the use be established within 500' of a day care center, school, public library, church, playground, public or nonprofit recreation center, nor within 500' of another such use; and Section 349.04(e) requires 30 parking spaces, where 8 spaces are credited from the former use and 22 additional spaces are required; and contrary to Section 355.04(b) for Area Requirements, the maximum gross floor area proposed is 11,937 s/f where one half the lot size, or 2,400 s/f, is permitted; and Sections 352.09 and 352.10 require an 8' wide landscape transition strip between the lot and the Two-Family District at the rear and a 6' wide landscape strip between the parking and the street; and an 18' front yard is required, as stated in Section 357.04(a) of the Codified Ordinances. (Filed 5-11-06)

9:30

Calendar No. 06-83:

4466 Warner Road

Ward 12

Anthony Brancatelli

6 Notices

Vince Yafanaro, owner, appeals to change from sheet metal work to a repair/sales shop for lawn mowers and other small engines, the use of an existing 26' x 42' one-story masonry building situated on a 38' x 116' irregular shaped lot, located in a Local Retail Business District on the west side of Warner Road at 4466 Warner Road; subject to the limitations of Section 343.01 the use is not permitted in a Local Retail Business District but first permitted under Section 345.03 in a Semi-Industry District; and the proposed substitution of a nonconforming use requires the Board of zoning Appeals approval as stated in Section 359.01 of the Codified Ordinances. (Filed 5-15-06)

BOARD OF ZONING APPEALS
JUNE 12, 2006

9:30

Calendar No. 06-84:

4726 Superior Avenue

Ward 13

Joe Cimperman

7 Notices

Carmelo Cario, owner, appeals to construct a 6' high chain link fence with barbwire in the actual front yard of an existing warehouse building situated on a 50' x 200' irregular shaped lot, located in a Semi-Industry District on the south side of Superior Avenue at 4726 Superior Avenue; contrary to the Fence Regulations for a non-residential district, a 6' fence height is proposed where not more than 4' is allowed and a fence with barbwire shall be located at least 4' from the sidewalk in a public-right-of-way, as stated in Section 358.05(2) of the Codified Ordinances.

(Filed 5-16-06)

POSTPONED FROM MAY 22, 2006

9:30

Calendar No. 06-65:

1230 Broadway Avenue

Ward 13

Joe Cimperman

4 Notices

The Norfolk Southern Corporation, owner, and Parking Endeavors, LLC, prospective lessee c/o Jason Modlik, appeal to establish use for a temporary parking lot to be situated on an acreage parcel located in a General Industry District on the south side of Broadway Avenue at 1230 Broadway Avenue; as proposed the temporary parking lot is contrary to Section 325.03 that requires parking spaces to be at least 180 square feet and Section 349.07(a) requires that accessory off-street parking spaces, driveways and maneuvering areas be properly graded for drainage so that all water is drained within the lot providing such parking spaces, surfaced with concrete, asphaltic concrete, asphalt or similar surfacing material, maintained in good condition and free of debris and trash; and a 6' wide frontage landscaped strip is required along Broadway Avenue according to the provisions of Section 352.11 of the Codified Ordinances. (Filed 4-18-06; no testimony taken.)

First postponement requested by the Councilman for additional time to review the proposed plan.

POSTPONED FROM MAY 15, 2006

9:30

Calendar No. 06-69:

2905-11 Chester Avenue

Ward 13

Joe Cimperman

11 Notices

The 2905 Chester Avenue, LLC, owner, and Michael Prosser, agent, appeal to erect a 340 room, 4-story dormitory with an accessory 120 space parking lot, proposed to be situated on consolidated parcels located in split zoning for General Retail Business and Semi-Industry Districts on the northwest corner of Chester Avenue and East 30th Street at 2905-11 Chester Avenue; contrary to Section 349.04(a), 120 parking spaces are provided where the rate of one space per four beds, or 170 spaces, are required, plus additional spaces in an undetermined number for managers and other employees; and subject to the limitations of Section 355.04, in a "C" Area District the maximum gross floor area cannot exceed one-half of the lot area; and contrary to Section 357.07(a), portions of the proposed building and parking are setback 5' to 8' along East 30th Street, where there is a specific 10' setback established; and no landscaping is provided along East 30th Street where a 6' landscaping strip of 50% opacity is required to screen the parking lot from the street, and a landscape plan listing botanic and common names of plants, quantities of planting, height and installation at maturity are required to be shown on a landscaping plan, as stated in Sections 352.08 through Section 352.12 of the Codified Ordinances. (Filed 4-20-06; no testimony taken.)

First postponement requested by City Planning for additional review of the proposed plan with the local design review committee of the Midtown Business Revitalization District.
