

**BOARD OF ZONING APPEALS
AUGUST 8, 2005**

9:30

Calendar No. 05-217:

1020 East 185th Street

Ward 11

Michael Polensek

9 Notices

William Dagg, owner, appeals to construct a new parking lot for 28 spaces to the west of an existing tavern and restaurant, and proposed to be constructed on an approximate 140' x 158' corner lot, situated in a Local Retail Business District and a One-Family District on the southwest corner of East 185th Street and Mozina Drive at 1020 East 185th Street; subject to the limitations of Section 349.13(c), where in the opinion of the Board of Zoning Appeals the best interests of the community will be served, the Board may permit a temporary or permanent use of the land in a residential district for a parking lot, if the land abuts or is across the street from a district other than a Residence District; and provided that the lot is only for parking automobiles of employees, customers or guests of the person or business responsible for the operation and maintenance of the lot; that there's no charge for parking; that the lot is not to be used for sales, repair work or servicing of any kind; that entrance to and exit from the lot are located so as to do the least harm to the Residence District; no advertising or material is to be located on the lot; all parking is to be kept back of the setback building line by barrier, unless specifically authorized otherwise by the Board; and that the parking lot and portion of the driveway back of the building line are adequately screened from the street and the adjoining residence district property by either a hedge, sightly fence or wall not less than 4' but not more than 5' high, and located back of the setback building line; that lighting is arranged so that there is no glare to annoy occupants of adjoining property in the Residence District; and that the surface of the parking lot is smoothly graded, hard surfaced and adequately drained; and the proposed parking along the building setback line of Mozina Drive is contrary to Section 357.14(as)(1) with a 6' high board on board fence along the south side of the parking lot, where no fence shall be higher than its distance from a residence building on an adjoining lot, as stated in Section 358.04(a) of the Codified Ordinances. Filed 6-23-05)

9:30

Calendar No. 05-220:

4104 West 160th Street

Ward 21

Michael Dolan

4 Notices

Teresa Crowley, owner appeals to install 107 linear feet of 6' high windsor vinyl privacy fence along the south side of a 40' x 120' corner lot in an A1 One-Family District, situated on the southeast corner of West 160th Street and Melgrave Avenue at 4104 West 160th Street; the proposed height and placement at 1' off of the side street property line are contrary to Section 358.04(a), that requires fences in side street yards of Residence Districts to be 4' tall and at least 50% open, unless the fence is set back 4' from the side street property line and then it may open or solid and a 6' maximum height; and no portion of a fence located within 30' of the intersection of street right of way lines shall exceed a 2 ½' height, unless all portions above 2 ½' height are at least 75% open and the same restrictions apply to any portion of a fence located along and parallel to a driveway with 15' of its intersection with a public sidewalk, as stated in Section 358.03(a) of the Codified Ordinances. (Filed 6-27-05)

**BOARD OF ZONING APPEALS
AUGUST 8, 2005**

9:30

Calendar No. 05-221: 9127 Broadway Avenue

**Ward 2
Robert White
4 Notices**

Amelia and Christopher Penman, owners, appeal to install approximately 70 linear feet of 6' high bamboo fence along three sides of a 60' x 64' lot situated in a General Retail Business District on the north side of Broadway Avenue at 9127 Broadway Avenue; contrary to the Fence Regulations for non-residence districts, a 6' high solid fence is proposed within the 10' established building line setback and no more than a 4' high fence, at least 50% open above 2' is allowed, as stated in Section 358.05(a)(2) of the Codified Ordinances. (Filed 6-28-05)

9:30

Calendar No. 05-223: 3700 Burten Court

**Ward 5
Frank Jackson
4 Notices**

Willie and Jessie Tate, owners, appeal to erect a 12' x 19' one and a half-story frame room addition to the front of an existing one family dwelling, situated on a 50' x 111' lot in a Multi-Family District on the south side of Burten Court at 3700 Burten Court; contrary to the front yard regulations, a 12' setback is provided instead of a distance equal to 15% of the lot depth, or a setback of 16.6' as stated in Section 357.04(a) of the Codified Ordinances. (Filed 6-28-05)

9:30

Calendar No. 05-224: 13835 Enterprise Avenue

**Ward 20
Martin Sweeney
17 Notices**

Nick Gantner, owner, appeals to establish a second bingo hall amusement operation in a 9,500 s/f former warehouse on premises where a separate bingo hall is located on acreage in a Semi-Industry District on the south side of Enterprise Avenue at 13825 Enterprise Avenue; as proposed, the amusement use is contrary to Sections 347.12(a)(1) and (2), with a 260' distance from a residential district to the north of the premises instead of 500' and with less than the required 500' from another separate bingo hall operation on the same premises; and 78 parking spaces are needed to provide the 190 parking spaces required for two bingo assembly uses, as calculated according to Section 349.04(e) of the Codified Ordinances. (Filed 6-29-05)

9:30

Calendar No. 05-225 11509 Hopkins Avenue

**Ward 9
Kevin Conwell
4 Notices**

Mary Robinson, owner, appeals to install approximately 88.5 linear feet of 4' high chain link fence in the front setback of an existing one family dwelling, situated on a 40' x 146' lot in a Two-Family district on the north side of Hopkins Avenue at 11509 Hopkins Avenue; contrary to the Fence Regulations, a chain link fence is proposed where only an ornamental fence may be erected in the actual front and side yards of a residential district, according to Section 358.04(c)(1) of the Codified Ordinances. (Filed 6-29-05)

**BOARD OF ZONING APPEALS
AUGUST 8, 2005**

9:30

Calendar No. 05-227: 17406 Grovewood Avenue

**Ward 11
Michael Polensek
12 Notices**

Daina Butkus, owner, appeals to expand an existing restaurant by adding a 28' x 28' deck at the west side of a one-story building situated on a 90' x 53' corner lot in a Multi-Family District on the southwest corner of Grovewood Avenue and East 175th Street at 17406 Grovewood Avenue; contrary to Section 349.03, no off-street parking spaces are provided for the addition to the premises; and a 7.5 to 8' high fence is provided, contrary to Section 358.04(a) that states fences in rear yards shall not be taller than 6' and approval from the Board of Zoning Appeals is required for expansion of the nonconforming restaurant use in a Multi-Family District, according to Section 359.01(a) of the Codified Ordinances. (Filed 6-30-05)

9:30

Calendar No. 05-232:

12913 Bennington Avenue

Ward 20

**Martin Sweeney
26 Notices**

The Catholic Diocese of Cleveland, owner, and Hope Academy West, tenant, appeal to place a 48' x 68' one-story, 3,664 s/f modular classroom building to the east of an existing modular classroom unit, situated on acreage in a One-Family District and a General Retail Business District on the south side of Bennington Avenue at 12913 Bennington Avenue; the proposed expansion of a school must be 30' away from an adjoining premises in a Residence District and is subject to the Board of Zoning Appeals approval to determine that there are adequate yard spaces and other safeguards to preserve the character of the neighborhood; that such use and the building are appropriately located and designed and will meet a community need without adversely affecting the neighborhood, according to Section 337.02(f)(3)A of the Codified Ordinances. (Filed 7-6-05)

POSTPONED FROM JUNE 27, 2005

10:30

Calendar No. 05-143:

11812 Kinsman Road

Ward 3

**Zachary Reed
9 Notices**

Arthur Doxey, owner, appeals to construct a new parking lot on a 42' x 115' lot in a B1 Two-Family District on the south side of Kinsman Road at 11812 Kinsman Road; contrary to Section 337.03, the parking lot is not permitted in a Two-Family District but first allowed in a General Retail Business District; and Section 352.09 requires a 10' wide transition strip where none is proposed at both sides and at the rear of the lot, abutting the Two-Family District; and a driveway must be 15' from the property line when it abuts another driveway on an adjacent lot, according to Section 343.18(c) of the Codified Ordinances; and new parking lot construction requires an approval from City Divisions of Water Pollution Control, Traffic, Engineering and Construction. (Filed 5-9-05; testimony taken.)

First postponement requested by the Councilman for added review of the appellant's project.

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POSTPONED FROM JULY 11, 2005

10:30

Calendar No. 05-168:

4835 Broadview Road

Ward 16

**Kevin Kelley
8 Notices**

Villa Care Realty, owner, and Scott Soeder dba Home Team Properties, prospective purchaser, appeal to change from a nursing home to commercial offices the use of an existing two-story brick building, situated on an approximate 104' x 132' corner lot in a C1 Multi-Family District, located on the northeast corner of Broadview Road and Merl Avenue at 4835 Broadview Road; the proposed use is contrary to Section 337.08 that does not permit offices in a Multi-Family District and offices occupied by more than 5 persons are first permitted in a General Retail Business District; 5 parking spaces are provided, contrary to Section 349.04(g) that requires parking provided at the rate of one space per 500 square feet, or 20 spaces; and no transition strip is provided along the rear property line, where a 10' wide landscaped transition strip is required to separate the proposed use from the abutting One-Family District, according to Sections 352.08-352.12 of the Codified Ordinances. (Filed 6-2-05; no testimony taken.)

First postponement at Councilman's request for community discussion about the proposed plan. _____