

**BOARD OF ZONING APPEALS
OCTOBER 22, 2007**

9:30

Calendar No. 07-198:

729-731 East 152nd Street

Ward 10

Roosevelt Coats

9 Notices

Virtuous Counseling LLC, owner, and Avery Hill, agent, appeal to change from storage of reusable building materials to an assembly hall, the use of an existing one-story brick building, situated on a 50' x 160' parcel located in a General Retail Business District at 729-731 East 152nd Street; subject to Section 347.12(a(1) and the regulations for separation of specific uses, an assembly hall shall not be established within 500 feet of a residential district and the proposed use abuts a Two Family District; with approximately 10 off-street parking spaces proposed and 90 are required, determined upon 1,800 square feet for patron use, and each 20 square feet of ground or floor area usable for seating considered as 1 seat, according to Section 349.04(c) of the Codified Ordinances. (Filed 9-21-07)

9:30

Calendar No. 07-199:

16105 Walden Avenue

Ward 1

Nina Turner

5 Notices

Louis Black, owner, appeals to erect an 11' x 10' sunroom addition to the front of an existing dwelling house, situated on a 40' x 120' parcel, located in an A1 One-Family District on the north side of Walden Avenue at 16105 Walden Avenue; the proposed addition projecting 10 feet, and no enclosed porch may project more than 4 feet nor aggregate a vertical area in any story more than 20 percent of the façade in that story, as stated in Section 357.13b)(4) of the Codified Ordinances. (Filed 9-25-07)

9:30

Calendar No. 07-201:

2071 Cornell Road

Ward 9

Kevin Conwell

2 Notices

University Hospitals, owner, and Marc Bittinger, agent, appeal to install a new modular medical office building on a northwest corner of property located in a Multi-Family District at 2071 Cornell Road; the proposed installation being situated on the rear third of a corner lot in a Residence District, where the rear lot line abuts a Residence District, and a 6 foot distance is proposed, where the building line shall be not less than 10 feet back from the side street line, according to the provisions of Section 357.05(b) of the Codified Ordinances. (Filed 9-24-07)

9:30

Calendar No. 07-203:

3141 Fulton Road

Ward 14

Joseph Santiago

2 Notices

Owen Rex, owner, appeals to erect a 32' x 23' one-story frame, reverse gable garage on a 50' x 130.62' corner parcel, located in a B1 Two-Family District on the northeast corner of Fulton Road and Paris Avenue at 3141 Fulton Road; where a distance of 4.5 feet is proposed and an accessory garage shall be at least 10 feet from any main building on an adjoining lot, as stated in Section 337.23(7)A of the Codified Ordinances. (Filed 10-3-07)

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OCTOBER 22, 2007**

POSTPONED FROM SEPTEMBER 10, 2007

10:30	Violation Notice	Ward 20
Calendar No. 07-102:	15206 Aldene Avenue	Martin Sweeney

Robert and Sharon DeCarlo appeal under the authority of Section 76-6 of the Cleveland City Charter and Section 329.02(d) of the Cleveland Codified Ordinances from a Notice of Violation, issued by the Building and Housing Department on May 2, 2007 for failure to comply with the Zoning Code and the requirements for Yards and Courts under Section 357.13 and the Off-Street Parking and Loading requirements under Sections 349.05(a) and 349.02 of the Codified Ordinances. (Filed 6-1-07; no testimony taken.)

Third postponement granted for completion of the City's response to appellants' counsel regarding a public records request for information.

POSTPONED FROM SEPTEMBER 4, 2007

10:30		Ward 11
Calendar No. 07-117:	17149 St. Clair Avenue	Michael Polensek
		14 Notices

All City Recycling, owner, through its legal counsel, Craig Miller, appeals from a Notice of Non-Conformance issued by a Building and Housing plan examiner dated May 23, 2007, denying an application to establish use as a junk yard for the property identified as 17149 St. Clair Avenue. Appellants submit that the denial of the application by the Zoning Administrator was unreasonable and/or arbitrary and contrary to applicable law, and in the alternative, request the Board of Zoning Appeals to consider the standard for a variance from Section 345.03, where the applicant All City Recycling proposes a use and accessory uses not permitted in a Semi-Industry District, and Section 345.04(a)(4) that states a junk yard must be enclosed within a minimum 7 foot high, solid masonry wall or slightly solid, nontransparent, well-maintained substantial fence; and in any use district allowing junk or wrecking yards, the storage of such junk or used material shall not be piled higher than 3 feet above the height of the wall or fence enclosing the yard, provided that at any point closer than 5 feet, the junk or used material shall not be piled above the heights of the wall or fence, as stated in Section 347.06(d) of the Codified Ordinances.(Filed 6-21-07; no testimony taken.)

Second postponement taken due to the pending status of litigation in Common Pleas Court and a previous decision of the Board.