

**BOARD OF ZONING APPEALS  
NOVEMBER 5, 2007**

9:30

Calendar No. 07-209:

7200 Franklin Boulevard

Ward 17

Matthew Zone

18 Notices

Cogswell House, Inc., owner, appeal to construct a three-story addition to an existing three-story brick, multiple dwelling building proposed to be situated on a consolidated parcel being 232' x 170', **located in a B1 Two-Family District** on the north side of Franklin Boulevard at 7200 Franklin Boulevard; **the use being first permitted under Section 337.08e)(7) in a Multi-Family District and subject to the provisions of Section 359.01(a), no expansion of an existing nonconforming use shall be permitted except as a variance under the terms of Chapter 329,** and no substitution or other change in such nonconforming use to other than a conforming use shall be permitted except by special permit from the Board of Zoning Appeals. Such special permit may be issued only if the Board finds after public hearing that such change is no more harmful or objectionable than the previous nonconforming use in floor or other space occupied, in volume of trade or production, in kind of goods sold or produced, in daily hours or other period of use, in the type or number of persons to occupy or be attracted to the premises or in any other characteristic of the new use as compared with the previous use; and **contrary to Section 355.04(a), the proposed total floor area equals approximately 28,696 square feet and exceeds fifty percent of the lot size, or 19,720 square feet;** and contrary to the Height Regulations, **a height of 52 feet is proposed where the maximum building height in a number "1" Height District may not exceed 35 feet, as stated in Section 353.01 of the Codified Ordinances.** (Filed 10-12-07) \_\_\_\_\_

9:30

Calendar No. 07-210:

2710 Lorain Avenue

Ward 13

Joe Cimperman

13 Notices

Maggie Realty LLC and Victor Halm, owner, and Robert Ivanov, lessee, appeal to **expand a legal nonconforming restaurant/tavern to a restaurant/tavern with entertainment in a three-story mixed use building,** situated on a 33' x 122' parcel in a **General Retail Business District** on the north side of Lorain Avenue at 2710 Lorain Avenue; subject to the provisions of **Section 359.01(a), the expansion of a nonconforming use requires the Board of Zoning Appeals approval,** where the existing establishment was granted a parking variance in Calendar No. 77-151 for a shortage of 38 parking spaces, and the proposed bar with entertainment **requires parking at three times the gross floor area, or 3,000 square feet multiplied by three, divided by 300 square feet per parking space, or a requirement of 90 spaces, according to Section 349.04(e) of the Codified Ordinances.** (Filed 10-12-07) \_\_\_\_\_

**BOARD OF ZONING APPEALS  
NOVEMBER 5, 2007**

**9:30**

**Calendar No. 07-211:**

**3570-74 Fulton Road**

**Ward 14**

**Joseph Santiago  
20 Notices**

Liviu Uleia, owner, and Pedro Melendez, lessee, appeal to establish use as a body piercing/tattoo operation in an existing two-story building located in a **General Retail Business District** on the west side of Fulton Road at 3570-74 Fulton Road; where **tattooing and body piercing uses shall not be established within 1,000 feet of a residence district nor a public library and the proposed use is abutting a residential district and is within 500 feet of the a Cleveland Public Library at 3545 Fulton Road and contrary to Section 347.12(b) of the Codified Ordinances.** (Filed 10-17-07)

**9:30**

**Calendar No. 07-212:**

**3204 Carroll Avenue**

**Ward 13**

**Joe Cimperman  
6 Notices**

West 32<sup>nd</sup> Street Group LLC, owner, and Scott Maloney, agent, **appeal to establish a 12 car parking lot on a 64' x 59.50' corner parcel, located in a B1 Two-Family District** on the northwest corner of Carroll Avenue and West 32<sup>nd</sup> Street at 3204 Carroll Avenue; **the proposed parking lot being subject to the provisions of Section 349.13(c) and requires the Board of Zoning Appeals approval, and contrary to the 6 foot wide frontage that is required for an open, off-street parking lot, a 5 foot wide frontage strip is provided along Carroll Avenue and along West 32<sup>nd</sup> Street a 3.6 foot wide frontage strip is provided, contrary to the landscaping and screening requirements of Sections 352.08 through 352.12 of the Codified Ordinances.** (Filed 10-18-07)

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**POSTPONED FROM SEPTEMBER 24, 2007**

**10:30**

**Calendar No. 07-172:**

**4462 Denison Avenue  
General Retail Business District**

**Ward 15**

**Brian Cummins  
2 Notices**

Brenda Lovell Wakut, owner, appeals to install a fence and concrete pad at the rear property line of a mixed use building, contrary to one of the conditions imposed with a variance granted by the Board of Zoning Appeals in Calendar No. 06-221, for expansion of a restaurant, provided that appellant maintain a 20 foot distance from the rear property line, where appellant now proposes a further expansion with paving, fencing and occupying the required 20 foot clear area and requires approval from the Board of Zoning Appeals according to the provisions of Section 359.01 of the Codified Ordinances. (Filed 8-20-07; testimony taken.)

**First postponement taken for applicant and adjoining property owner to meet together with the Councilman about a possible remedy to resolve the conflict between the parties.**

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**BOARD OF ZONING APPEALS  
NOVEMBER 5, 2007**

**POSTPONED FROM OCTOBER 15, 2007**

**10:30**

**Calendar No. 07-167:**

**12501 Larchmere Boulevard**

**Ward 6**

**Patricia Britt**

**13 Notices**

John Negus, owner, and Robbie Willis, lessee, **appeal to change from a store to a day care center and a rear yard outdoor playground area, the use of an existing one-story building, situated on a 50' x 155' parcel in a Local Retail Business District on the north side of Larchmere Boulevard at 12501 Larchmere Boulevard; the proposed use being permitted under Section 343.01(b)(2) in a Local Retail District as regulated in the adjacent Two-Family District and is contrary to Section 337.02(f)(3)(C) with less than a 30 foot separation between the playground area and the abutting residential district; and the Board of Zoning Appeals approval is required to determine that there are adequate yard spaces and other safeguards to preserve the character of the neighborhood, and if such use is appropriately located and will meet a community need without adversely affecting the neighborhood; and a 10 foot wide landscape strip providing at least 75 percent year-round opacity is required to separate the retail district from the residential district at the rear, as stated in Sections 352.08 through 352.10 of the Codified Ordinances. (Filed 8-13-07; testimony taken.)**

**Second postponement granted at request of the Councilwoman's aide for additional review of the proposed plan. \_\_\_\_\_**

**10:30**

**Calendar No. 07-195:**

**17605 St. Clair Avenue**

**Ward 11**

**Michael Polensek**

Michael Hribar, appeals for a modification of the decision rendered by the Board of Zoning Appeals from a hearing held on June 18, 2007 regarding a Violation Notice issued by the Building and Housing Department for the property at 17605 St. Clair Avenue for failure to comply with the Zoning Regulations of Section 347.06 of the Cleveland Codified Ordinances. (Filed 9-17-07; no testimony taken.)

**First postponement taken due to incorrect mailing address on notice to applicant.**

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