

BOARD OF ZONING APPEALS
APRIL 16, 2007

9:30

Calendar No. 07-9:

11333-35-37 Superior Avenue

Ward 9

Kevin Conwell

10 Notices

Gerald DeBose, owner, appeals to change the use from stores, retail sales, to retail services, a beauty salon and a barber shop, in an existing one-story commercial building, situated on a 60.40' x 45.63' corner parcel located in a Multi-Family District on the northwest corner of Superior Avenue and East 114th Street at 11333-37 Superior Avenue; the proposed substitution of a nonconforming use being subject to the provisions of Section 359.01(a) where existing nonconforming buildings and uses that lawfully exist on the effective date of this Zoning Code or of any amendment or supplement thereto, or for which a permit has been lawfully issued, may be continued even though such use does not conform to the provision of the Code for the use district in which it is located, but no enlargement or expansion shall be permitted except as a variance under the terms of Chapter 329. 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, provided that the Board finds, after public hearing, that such substitution 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 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 one, as stated in Section 359.01(a); and no parking is proposed where a retail service use requires parking at the rate of one space per 500 square feet and four parking spaces are required according to the provisions of Section 349.04(g) of the Codified Ordinances. (filed 1-22-07; hearing held 2-12-07; remanded to Building & Housing 4-2-07)

9:30

Calendar No. 07-33:

3781 East 77th Street

Ward 12

Anthony Brancatelli

19 Notices

General Investment Funds, Inc., owner, and Alan Rimer, agent, appeal to erect recreational grounds for a public high school that include a football field with new bleachers seating 600 patrons, proposed to be situated on a corner acreage parcel located in split zoning between Semi- Industry and General Industry Districts on the northeast corner of East 77th Street and Marble Avenue at 3781 East 77th Street; and subject to the parking requirement for public places of assembly, one space per six seats, 100 new parking spaces, are required according to the provisions of Section 349.04(e) of the Codified Ordinances. (Filed 3-15-07)

BOARD OF ZONING APPEALS

APRIL 16, 2007

9:30

Calendar No. 07-39:

3866 West 118th Street

Ward 19

Dona Brady

8 Notices

Ion Psepolshi, owner, and Viola Pugh, tenant, appeal to establish use as a Type A Day Care in an existing one family dwelling situated on a 56' x 107' parcel, located in an A1 One-Family District on the west side of West 118th Street near the intersection of West 118th Street and Summerland Avenue; the proposed use being located less than 30' from an adjoining premises in a residential district contrary to Section 337.02(f)(3)(C) and is subject to the review and approval of the Board of Zoning Appeals to determine if adequate yard spaces and other safeguards to preserve the character of the neighborhood are provided, and if in the judgment of the Board such use is appropriately located and designed and will meet a community need without adversely affecting the neighborhood. (Filed 3-26-07)

POSTPONED FROM MARCH 19, 2007

10:30

Calendar No. 07-18:

Violation Notice

8200 Aetna Road

Ward 2

Robert White

Robert Modic, property owner, appeals under the authority of Section 76-6 of the Charter of the City of Cleveland and Section 329.02(d) of the Codified Ordinances from a Notice of Violation, issued by the Building and Housing Department for failure to comply with the provisions of Section 676.13 and the requirements for screening of the property located at 8200 Aetna Road according to the Codified Ordinances. (Filed 2-6-07; no testimony taken.)

First postponement granted at the request of appellant's attorney to obtain requested information from the City.
