

BOARD OF ZONING APPEALS

MAY 12, 2008

9:30

Calendar No. 08-46:

8001 Woodland Avenue

Ward 6

Mamie Mitchell

9 Notices

The City of Cleveland, owner, and Matthew Kish, Tree Masters, prospective tenant, appeal to install 6 foot high chain link fence along the front and side street yards of a corner parcel located in split zoning between C2 Semi-Industry and C1 Multi-Family Districts on the northeast corner of Woodland Avenue and East 80th Street at 8001 Woodland Avenue; subject to Section 358.05(a)(2), except as specifically required because of the use, in non-residential and other than General and Unrestricted Industry Districts, fences in actual front yard and side street yards shall not exceed 4 feet in height and shall be at least fifty-percent open above 2 feet in height; and contrary to Section 358.04(a) in a Multi-Family District, fences in actual front yards shall not exceed 4 feet in height and shall be at least fifty-percent open, and only ornamental fences shall be installed in actual front and side street yards if located within 4 feet of the property line; however, the Board of Zoning Appeals may permit a chain link fence if the Board determines that such fence is common in the immediate vicinity of the subject property, as stated in Section 3548.04(c)(1) of the Codified Ordinances. (Filed 3-4-08)

9:30

Calendar No. 08-62:

12304 Union Avenue

Ward 3

Zachary Reed

13 Notices

Victoria N. Igboeli-Ilodi, owner, appeals to change use from a service station to an auto repair garage an existing one-story masonry building on a 120' x 132' corner parcel located in a B1 Two-Family District on the southwest corner of Union Avenue and East 124th Street at 12304 Union Avenue; subject to the limitations of Section 337.03 the proposed auto repair is not permitted in a Two-Family District and is first permitted under Section 345.03(c)(2) in a Semi-Industry District, provided it is not less than 100 feet from a residence district and the proposed auto repair abuts a Two-Family District at the rear and west side of the lot, where Section 352.09 requires that there is a 10 foot wide transition strip between the use and the residence district; and contrary to Section 349.04(g) no off-street parking is provided and 5 spaces are required, one for each 500 square feet of gross floor area; and a 6 foot high chain link fence is proposed contrary to Section 358.04 where a maximum height of 4 feet, ornamental fence that must be fifty percent open is permitted in actual front and side street yards; and the substitution of an existing nonconforming use requires the Board of Zoning Appeals approval according to the provisions of Section 359.01 of the of the Codified Ordinances. (Filed 4-4-08)

9:30

Calendar No. 08-67:

9201 Hillock Avenue

Ward 8

Sabra Pierce Scott

15 Notices

The Cleveland Metropolitan School District, owner, appeals to construct a new Kindergarten through Grade 8 elementary school on a corner acreage parcel located between Hillock and Carr Avenues in split zoning between C1 Multi-Family and B1 Two-Family Districts at 9201 Hillock Avenue; the proposed building and uses by reference are regulated in the provisions of Sections 337.02(f)(3)(A) and require the Board of Zoning Appeals approval, after public notice and hearing, to determine if there are adequate yard spaces and other safeguards to preserve the character of the neighborhood, and whether such buildings and uses are appropriately located and designed to meet a community need without adversely affecting the neighborhood; and 61 parking spaces are proposed, where the requirement is one for each two staff members and one for each six school gymnasium seats, or a total parking area equal to three times the gross floor area, whichever is greater, as stated in Sections 349.04(c)(e) of the Codified Ordinances. (Filed 4-11-08)

9:30

Calendar No. 08-68:

3232 Lakeside Avenue

Ward 13

Joe Cimperman

5 Notices

Flextron LLC, owner, and Theodore Talliere, agent, appeal to change use from a bar/restaurant to a bar/restaurant/night club with entertainment an existing two-story building on a 130.66' x 117.25' corner parcel in a General Industry District on the southwest corner of Lakeside Avenue at East 33rd Street at 3232 Lakeside Avenue; subject to the provisions of Section 349.01(c), whenever the existing use of a building or structure shall hereafter be changed to a new use, parking facilities shall be provided as required for such new use; and no accessory off-street parking is provided, where a parking area equal to three times the gross floor area, or approximately 15,300 square feet of accessory off-street parking area is required, according to Section 349.04(e) of the Codified Ordinances. (Filed 4-11-08)

9:30

Calendar No. 08-73:

2133-35 West 6th Street

Ward 13

Joe Cimperman

13 Notices

Main Street Builders, owner appeal to erect a 20' x 46' three-story two-family dwelling on a 25' x 99.90' irregular shaped corner parcel in a B1 Multi-Family District on the southwest corner of West 6th and Railway Streets at 2133-35 West 6th Street; as proposed, an accessory garage is setback 1.40 feet contrary to a 5 foot setback from the property line per the Division of Engineering and Construction, Section 327.02(e); and contrary to Section 357.09(2)A, 5 feet is provided where the total width of interior side yards on the same premises requires 10 feet and a 5 foot distance is provided where no building shall be less than 10 feet from a main building on an adjoining lot; with a 2 foot interior side yard provided contrary to 3 feet and no distance is provided where 3 foot is required for the emergency egress and window and window well and may not be less than 3 feet from the property line according to Section 357.09(2)B; a minimum lot size of 2,500 square feet is provided contrary to 6,000 square feet and a minimum floor lot width of 25 feet is provided where 50 feet is required with a maximum gross floor area of 2,929 square feet provided that exceeds fifty-percent of the lot size, contrary to the Area Regulations in Section 355.04 of the Codified Ordinances. (Filed 4-14-08)

POSTPONED FROM MARCH 31, 2008

10:30

Calendar No. 07-222:

2856 Woodhill Road

Ward 4

Kenneth Johnson

8 Notices

Dennis Cleaning Company LLC, owner, and Starr Dickson, tenant, appeal to change use from a lounge to a day care center an existing two-story building on a 32.32' x 121.21' corner parcel, located in a Multi-Family District on the northwest corner of Woodhill Road and Kolar Avenue at 2856 Woodhill Road; and no expansion or change 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, according to Section 359.01(a) of the Codified Ordinances. (Filed 10-31-07; testimony taken.)

Third postponement taken at the recommendation of the Board to allow applicant additional time to finalize responses from the City Land Bank.

10:30

Calendar No. 07-263:

4239 Lee Road

Ward 1

Nina Turner

7 Notices

Open Pantry c/o Mohammed Alahmad, owner, appeal to erect a 222 square foot storage addition to an existing service station and store on a 100' x 190' corner parcel, located in a General Retail Business District on the northeast corner of Lee Road and Deforest Avenue at 4239 Lee Road; contrary to Section 352.09, no transition strip is proposed, and a 10 foot wide transition strip is required along the northeast property line where the lot abuts a One-Family District; and contrary to Section 357.07, a dumpster is located within the 15 foot specific setback that is required along Deforest Avenue according to the Zoning Map; and 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, according to Section 359.01(a) of the Codified Ordinances. (Filed 12-26-07; testimony taken.)

Second postponement requested by the Harvard Community Development Corporation for additional discussion and review about the proposed plan.
