

**BOARD OF ZONING APPEALS  
OCTOBER 26, 2009**

**9:30**

**Calendar No. 09-189:**

**2185 East 86<sup>th</sup> Street**

**Ward 6**

**Mamie Mitchell**

**16 Notices**

Cleveland Green Homes LPI, owner, appeals to construct a 34' x 70' one-story frame dwelling on a 63.5' x 93.45' parcel in a Two-Family District; and subject to the Front Yard Regulations in Section 357.04, on any street frontage, excluding frontage along the side lines of corner lots, a line which is set back of the street line a distance equal to 15 percent of the average depth of the lots having their front lines along such street frontage, shall be the front yard line, but the distance from the front yard line to the street line shall not be required to exceed 30 feet; and a rear yard depth of 8.6-feet is provided, where a rear yard depth shall not be less than 15 percent of the lot depth but in no case less than 20 feet, provided that such depth is not less than one-half the height of the main building on the lot according to the provisions in Section 357.08 of the Cleveland Codified Ordinances. (Filed 9-14-09)

**9:30**

**Calendar No. 09-190:**

**2301 East 86<sup>th</sup> Street**

**Ward 6**

Cleveland Green Homes LPI, owner, appeals to construct a 34' x 70' one-story frame dwelling on a 90.15' x 93.26' parcel in a Two-Family District; and a rear yard of 10-feet is provided where a rear yard depth shall not be less than 15 percent of the lot depth but in no case less than 20 feet, provided that such depth shall be not less than one-half the height of the main building, as stated in Section 357.08 of the Cleveland Codified Ordinances. (Filed 9-14-09)

**9:30**

**Calendar No. 09-191:**

**2302 East 86<sup>th</sup> Street**

**Ward 6**

Cleveland Green Homes LPI, owner, appeals to construct a 34' x 70' one-story frame dwelling on a 63' x 92.50' parcel in a Two-Family District; and a rear yard of 5.6-feet is provided where a rear yard depth shall not be less than 15 percent of the lot depth but in no case less than 20 feet, provided that such depth shall be not less than one-half the height of the main building according to the provisions in Section 357.08 of the Cleveland Codified Ordinances. (Filed 9-14-09)

**9:30**

**Calendar No. 09-207:**

**1249 East 67<sup>th</sup> Street**

**Ward 7**

**T.J. Dow**

**9 Notices**

Cynthia Darling, owner, appeals to construct an accessory parking lot on an approximate 80' x 187' parcel in a Two-Family District; subject to the provisions defined in Section 349.13(c):

- 1) parking shall be used only by employees, customers or guests of person or firm responsible for parking lot maintenance;
- 2) no charge is to be made for parking on the lot;
- 3) the lot is not to be used for sales, repair work or service of any kind;
- 4) entrance to and exit from the lot are located so as to do the least harm to the residence district;
- 5) no advertising sign or material is to be located on the lot;
- 6) all parking is to be kept back of the setback building line by barrier unless specifically authorized otherwise by the Board;
- 7) parking lot and driveway are to be adequately screened from the street and adjoining property in a residence district by a hedge, sightly fence or wall not less than 4 feet 6 inches high and not more than 5 feet high, located back of the setback building line; all lighting is to be arranged so that there will be no glare that annoys the occupants of adjoining property in a residence district and the surface of the lot is to be smooth, graded, hard surfaced and adequately drained;
- 8) the building permit number under which the lot is established is to be posted;

9) and such other and further conditions may be imposed as the Board may deem necessary in any specific case to reduce the adverse affect of the proximity of a parking lot upon the character, development and maintenance of the residence district in which the parking lot is located. (Filed 9-28-09)

**9:30**

**Calendar No. 09-208:**

**1705 East 55<sup>th</sup> Street**

**Ward 7**

**T. J. Dow**

**15 Notices**

Eleanor B. Rainey Memorial Institute, owner, appeals to construct a facility for arts and education, proposed to be on consolidated parcels located in zoning for a Semi-Industry, Multi-Family and Two-Family District; subject to the limitations of Section 337.03 and by reference as regulated in a One-Family District, Section 337.02(f)(3)(a), the proposed facility and its uses are permitted if not located less than 30 feet from any adjoining premises in a Residence District not used for a similar purpose and are subject to the review and approval of the Board of Zoning Appeals. (Filed 9-30-09)

**POSTPONED FROM SEPTEMBER 21, 2009**

**10:30**

**Calendar No. 09-45:**

**3031 Clark Avenue**

**Ward 14**

**Joseph Santiago**

**14 Notices**

Gillota Fuel Products, Inc., owner, appeals to establish use/maintain a gas station and repair garage located on a 69.08' x 100' corner parcel in a General Retail Business District; the existing nonconforming building and use being subject to the provisions of Section 359.01(a) that 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; existing conditions and other nonconformities being the absence of a 10 foot wide landscaping strip along the rear property line, 4 foot wide landscaping strips along the street frontages, a driveway width that exceeds 30 feet and a repair garage use that is first permitted in a Semi-Industry District, provided that it is not less than 100 feet from a residence district. (Filed 3-25-09; testimony taken.)

**Postponed for applicants to meet with the Local Design Review Advisory Committee to finalize the plan for improvements.**

**10:30**

**Calendar No. 09-166:**

**4497 Broadview Road**

**Ward 15**

**Brian Cummins**

**11 Notices**

Angelo Gallo, TTEE, Vibra Corporation, owners, appeal to add a front patio with a 4 foot tall ornamental fence and seating for 16 patrons to an existing tavern in a two-story building on a 40.23' x 133.91' parcel in a Local Retail Business District; contrary to the Yard Regulations in Section 357.01(d) and the limitation of a specific front 10 foot setback established for Broadview Road at this location and not a permitted front yard setback encroachment, according to the provisions in Section 357.13(b) of the Cleveland Codified Ordinances. (Filed 8-4-09; no testimony taken.)

**First postponement mutually requested by the Councilman and the applicant for additional review of the proposed project.**