

BOARD OF ZONING APPEALS

NOVEMBER 30, 2009

9:30

Calendar No. 09-224:

2320 Schell Avenue

Ward 16

Kevin Kelley

3 Notices

Tony Krol, owner, appeals to erect an 8' x 24.6' open porch to the front of a one family dwelling on a 45' x 216.50' parcel in an A1 One-Family District, where an open front porch may not project more than 6-feet and the proposed porch will project 8-feet, contrary to the provisions of Section 357.13(b)(4) of the Cleveland Codified Ordinances. (Filed 10-20-09)

9:30

Calendar No. 09-225:

5729 Fleet Avenue

Ward 12

Anthony Brancatelli

9 Notices

The David Wolfson Trust, owner, appeals for a change of use from a print shop to a painting contractor's office and warehouse an existing three-story building on a 40' x 150' parcel in a Local Retail Business District; subject to the limitations of Section 359.01(a) no substitution 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 10-22-09)

9:30

Calendar No. 09-226:

6918 Lorain Avenue

Ward 17

Matthew Zone

19 Notices

GM Realty Company, owner, and Westside Automotive, Inc., lessee, appeal to establish use for a repair garage and used car sales, proposed to be on consolidated parcels in a Local Retail Business District; subject to the limitations of Section 343.01, the use for a vehicle repair garage is not permitted and first allowed in a Semi-Industry District, provided it is located not less than 100 feet from a residence district; and a 10-foot wide landscaping transition strip is required along the north side of the lot, where it abuts a Two-Family District in accordance with the landscaping requirements in Sections 352.08 through 352.11 in the Cleveland Codified Ordinances. (Filed 10-22-09)

9:30

Calendar No. 09-228:

740 East 152nd Street

Ward 10

Eugene Miller

12 Notices

City of God Baptist Fellowship, owner, appeals for a change of use from a day care to a church a two-story building on a 77' x 200' lot in a General Retail Business District and the provisions in Section 343.11, require that a church shall be 15-feet from any adjoining premises in a residence district not used for a similar purpose and the lot abuts a Two-Family District; no landscaping is proposed contrary to Section 350.10 that requires a 6-foot width of landscaping along East 152nd Street and Pepper Avenue where the parking lot abuts the street. (Filed 10-23-09)

9:30

Calendar No. 09-230:

7050-7100 Denison Avenue

Ward 17

Matthew Zone

9 Notices

Alex Abou Chebl, vendor, and Thahabieh Assad, vendee, and Mike Assad, tenant, appeal for a change of use from an auto service garage to a retail store proposed to be on consolidated parcels in a Semi-Industry District; and contrary to Section 357.07(a) parking is proposed in the required, specific 10-foot setback that is shown on the zoning map; and a 6-foot wide landscape strip is required along the front of the lot where the parking abuts Denison Avenue, as stated in Section 352.10 of the Cleveland Codified Ordinances. (Filed 10-30-09)

POSTPONED FROM OCTOBER 5, 2009

10:30

Calendar No. 09-149:

14201 Harvard Avenue

Ward 1

Terrell Pruitt

10 Notices

Ellard Kinney, owner, appeals to expand the use of an existing restaurant/tavern to accommodate a patio within the front yard of a 50' x 125' parcel in a General Retail Business District; nonconforming to Section 349.04(f) and a requirement for four (4) additional, accessory off-street parking spaces, based upon one for each employee plus one for each 100 square feet of floor area devoted to patron use; and in the provisions of Section 357.13, a restaurant/patio is not a permitted front yard encroachment nor is parking in the required 10 foot setback a permitted front yard encroachment. (Filed 7-17-09; no testimony taken.)

Second postponement requested by the applicant to consult with the Councilman, the Local Design Review Advisory Committee and City Planning to complete a proposed final plan for the project.

POSTPONED FROM OCTOBER 19, 2009

10:30

Calendar No. 09-195:

13600 Deise Avenue

Ward 10

Eugene Miller

25 Notices

Northern Lakes Management Company, owner, and John Basso, Jr. appeal to establish use for a warehouse and an office “the blacksmith building”, an existing one-story structure on a portion of an acreage parcel in a Residence Industry District, where no building or premises shall be erected, altered, used, arranged or designated to be used, in whole or in part, provided that entrance and exit to any building or premises are from a street designated as a major thoroughfare on the general plan adopted by the City Planning Commission or, if the premises in question does not abut such street, then from any street approved by the Board of Zoning Appeals if it finds the probable volume and type of traffic to such premises will not change materially the existing character of such streets nor be detrimental to the adjoining or adjacent residential area; for which determination and approval is required by the Board of Zoning Appeals, according to the provisions in Section 345.02(f) of the Cleveland Codified Ordinances. (Filed 9-23-09)

10:30

Calendar No. 09-196:

13600 Deise Avenue

Ward 10

Northern Lakes Management Company, owner, and John Basso, Jr. appeal to establish storage use in an existing one-story metal structure, “the corrugated building,” on a portion of an acreage parcel in a Residence Industry District, where no building or premises shall be erected, altered, used, arranged or designated to be used, in whole or in part, provided that entrance and exit to any building or premises are from a street designated as a major thoroughfare on the general plan adopted by the City Planning Commission or, if the premises in question does not abut such street, then from any street approved by the Board of Zoning Appeals if it finds the probable volume and type of traffic to such premises will not change materially the existing character of such streets nor be detrimental to the adjoining or adjacent residential area; for which determination and approval is required by the Board of Zoning Appeals, according to the provisions in Section 345.02(f) of the Cleveland Codified Ordinances. (Filed 9-23-09)

10:30

Calendar No. 09-197:

13600 Deise Avenue

Ward 10

Northern Lakes Management Company, owner, and John Basso, Jr. appeal to establish an office use in a structure described as “the stock building” located on a portion of an acreage parcel in a Residence Industry District, where no building or premises shall be erected, altered, used, arranged or designated to be used, in whole or in part, provided that entrance and exit to any building or premises are from a street designated as a major thoroughfare on the general plan adopted by the City Planning Commission or, if the premises in question does not abut such street, then from any street approved by the Board of Zoning Appeals if it finds the probable volume and type of traffic to such premises will not change materially the existing character of such streets nor be detrimental to the adjoining or adjacent residential area; for which determination and approval is required by the Board of Zoning Appeals, according to the provisions in Section 345.02(f) of the Cleveland Codified Ordinances. (Filed 9-23-09)

10:30

Calendar No. 09-198:

13600 Deise Avenue

Ward 10

Eugene Miller

Northern Lakes Management Company, owner, and John Basso, Jr. appeal under Section 76-6 of the Charter of the City of Cleveland and Section 329.04(d) of the Cleveland Codified Ordinances from the decision of the Division of Traffic Engineering and Construction, Department of Public Service to deny approval of an application for an earthen “barrier berm” for the following reasons:

- (1) the location and grades as shown for the earthen berm adjacent to Kuhlman Avenue is an obstruction to and interfering with the adequate drainage of the property;
- (2) the location and grades as shown for the earthen berm will cause stagnant ponds of water to form on the property;
- (3) the slope of the earthen berm is in excess of 2:1 and as such is inherently unstable and prone to detrimental erosion; and
- (4) the slope of the dirt pile adjacent to the existing metal frame building is in excess of 2:1 and as such is inherently unstable and prone to detrimental erosion;

and the plan submitted for the berm does not comply with 561.04 of the Municipal Utilities and Services Code. (Filed 9-23-09)

First postponement requested by applicant's counsel due to a scheduling conflict for his client.