

**BOARD OF ZONING APPEALS  
NOVEMBER 9, 2009**

**9:30**

**Calendar No. 09-211:**

**3919 Lorain Avenue**

**Ward 14**

**Joseph Santiago**

**8 Notices**

Rach-Land Corporation and Mark Pestak, owners, appeal to install 6-foot tall ornamental fence along the front yard of an irregular shaped parcel in a Local Retail Business District; the proposed fence height exceeds the limitation of 4-feet and is contrary to Section 358.05(a)(2) of the Cleveland Codified Ordinances. (Filed 10-7-09)

**9:30**

**Calendar No. 09-212:**

**15515-19 Waterloo Road**

**Ward 11**

**Michael Polensek**

**18 Notices**

Negative Space Realty LLC and Sarit Zamir, owners, appeal to change use from a drug store to a tattoo and body piercing studio a first floor area of a two-story mixed use building, on a 48.82' x 16.01+74.79' corner parcel in a Local Retail Business District; subject to the limitations of Section 343.01 the proposed use is first permitted in a General Retail Business District in accordance with the regulations of Section 347.12, and where permitted in a particular use district, tattooing and body piercing uses as described in Section 343.11(b)(2)P are subject to location regulations that state no such use shall be established within 1,000-feet of a residential district or a day care center, kindergarten, elementary or secondary school, public library, church, playground, public or nonprofit recreation center or community center, and the proposed use is within 1,000-feet of a Two-Family District and a church, contrary to Section 347.12(b)(1) of the Codified Ordinances. (Filed 10-7-09)

**9:30**

**Blaze Building Corporation**

**Calendar No. 09-213: Appeal Office of Equal Opportunity Decision**

The Blaze Building Corporation by and through their attorney, David Cuppage, appeal under the authority of Section 76-6 of Charter of the City of Cleveland from a Finding of Noncompliance dated May 15, 2009 and determined by the Mayor's Office of Equal Opportunity from an appeal hearing held on May 26, 2009, regarding failure to comply with the provisions of the Minority Business and Female Business Enterprise Code, Chapter 187, Codified Ordinances of Cleveland, Ohio 1976, or the FBE participation provisions for Contract #60086- Upper Roadway and Contract #58811- Canopies (Filed 10-8-09)

**9:30**

**Calendar No. 09-214:**

**1980 East 57<sup>th</sup> Street**

**Ward 5**

**Eugene Miller**

**3 Notices**

WJM Enterprises, Inc. and Bill Morton III, appeal to install 7-foot tall black vinyl coated chain link fence along the side yard of a 10' x 135' parcel in Midtown Mixed Use-District 1; subject to the limitations of Section 344.09(b) only ornamental fences are permitted along side yards and the proposed fence was not approved by City Planning. (Filed 10-8-09)

**POSTPONED FROM FEBRUARY 17, 2009**

**10:30**  
**Calendar No. 08-205:**                      **Violation Notice**                      **Ward 16**  
**4965 Broadview Road**                      **Kevin Kelley**  
CSX Railroad, owner, and CBS Outdoor and Tim Keaton, tenant, appeal from a Notice of Violation issued by the Building and Housing Department on October 10, 2008 for failure to comply with the provisions of Section 350.10(j) of the Codified Ordinances. (Filed 11-12-08; no testimony taken.)  
**Third postponement at request of the City, pending an update of the zoning regulations on changeable copy billboards.**

**10:30**  
**Calendar No. 08-220:**                      **Ward 16**  
**4965 Broadview Road**                      **Kevin Kelley**  
**8 Notices**  
CSX Railroad, owner, and CBS Outdoor and Tim Keaton, tenant, appeal to install automatic changeable copy signs on an existing 14' x 48' and 70 foot high billboard, located on an acreage in a General Industry District; and under the provisions of Section 350.10(j) a billboard is permitted in general industry zoning and can only be illuminated by means of continuous reflected light; automatic changeable copy signs are not permitted. (Filed 12-4-08; no testimony taken.)  
**Second postponement requested by the City, pending an update of the zoning regulations on changeable copy billboards.**

**POSTPONED FROM SEPTEMBER 28, 2009**

**10:30**  
**Calendar No. 09-136:**                      **Ward 20**  
**4187 West 140<sup>th</sup> Street**                      **Martin Sweeney**  
**5 Notices**  
Belinda Anderson, owner, appeals to erect a 3 foot by 12 foot long wooden ramp to the front of a one family dwelling in a One Family District, and the proposed ramp is not a permitted encroachment under Section 357.13 of the Cleveland Codified Ordinances. (Filed 6-29-09; testimony taken.)  
**Second postponement requested by the applicant because of a scheduling conflict and for additional time to connect with the Bellaire Puritas Development Corporation for possible assistance with agencies and for an improved plan.**

**10:30**  
**Calendar No. 09-177:**                      **Ward 2**  
**10515 Sandusky Avenue**                      **Nathaniel Wilkes**  
**11 Notices**  
Micah Sanford, owner, and Lynette Franklin, tenant, appeal to change use from a beauty salon to a day care in a two story dwelling house located on a 40' x 127.43' parcel in a Two-Family District; contrary to Section 337.03, the proposed use is within the required distance of 30 feet from any adjoining premises in a residence district not used for a similar purpose; and contrary to Section 349.04(c) there are 2 parking spaces provided where one is required for each two staff members and other employees; and a substitution of nonconforming use requires the Board of Zoning Appeals approval in accordance with Section 359.01(a) in the Cleveland Codified Ordinances. (Filed 8-28-09; testimony taken.)  
**First postponement taken for applicants to clarify details on the plan; to seek input from the local development corporation and the Council representative.**

