

**BOARD OF ZONING APPEALS
MARCH 23, 2009**

9:30

Calendar No. 09-24:

603 Herschel Court

Ward 13

Joe Cimperman

7 Notices

Brian Devine, owner appeals to erect a 22' x 24' two-story frame accessory garage with second floor area storage for personal items on an irregular shaped corner parcel in a Two-Family District; subject to the limitations of Sections 337.14, 337.23(a), and 337.23 7A, applicant provides a distance of 7 feet where no such parking space shall be within 10 feet of any wall or building that contains ground floor openings; the garage is location is proposed at 21 feet and not on the rear half of the lot which equals 33 feet; and 1,056 square feet is requested for an accessory garage that may not exceed 650 square feet; contrary to Section 353.05 an overall height of 23.7 feet ad mean height of 19-11 feet is requested and exceeds the maximum height of 15 feet that is allowed for an accessory garage; and a distance of 1 foot is provided at the side street yard contrary to Section 357.05(b)(1) where it states that the building line shall not be less than 10 feet from the property line on the rear third of a corner lot where the rear lot line abuts a residence district.

(Filed 2-24-09)

9:30

Calendar No. 09-25:

6101-05 Memphis Avenue

Ward 16

Kevin Kelley

18 Notices

Somerset Investments LLC, owner, and Bill Dotsikas, appeal to change use for a portion of a one-story retail building from a tavern to a bar with entertainment, located on a corner parcel in a Local Retail Business District; subject to the limitations of Section 343.01(b) a bar with entertainment is not permitted but is first permitted in a General Retail Business District and only if it is 500 feet from a residential district, and the proposed use abuts a residence district; and contrary to Section 349.04(e) 21 parking spaces are shown, 2 of which are located within the required setback and reducing the legal proposed parking spaces to 19, and contrary to 36 that are required to be striped and showing handicap spaces and accessibility, with wheel and bumper guards provided for parking according to Section 349.07(b); and under the provisions of Section 347.08, a trash enclosure is required to screen a dumpster from the public street or lots designated for residential purpose; and under Section 352.07, a change of use requires compliance with the Landscaping and Screening section of the Zoning Code. A dumpster is not a permitted form of landscaping and a 6 foot wide frontage landscaped strip with a 50 percent year-round opacity is required where the parking lot abuts the streets and a transition landscaped strip in a width of 10 feet that provides 75 percent opacity year-round is required where the use abuts a One Family District to the rear, according to the provisions under Section 358.08 in the Cleveland Codified Ordinances.

(Filed 2-24-09)

9:30

Calendar No. 09-26:

3348 East 140th Street

Ward 4

Kenneth Johnson

10 Notices

Lynette Franklin, owner, appeals to establish use as a Type A day care in an existing two family residence located on a 40' x 145.31' parcel in a Two-Family District; subject to the limitations of Section 337.03, and by reference to Section 337.02(f)(3)(C), the proposed use is located within the distance requirement of not less than 30 feet from a residential district and requires the Board of Zoning Appeals review and approval, according to the stipulations of the Zoning Code for residence districts. (Filed 2-25-09)

9:30

Calendar No. 09-27:

4931 State Road

Ward 16

Kevin Kelley

9 Notices

Ioannis Vasilakis, owner, and Charles Mouzoys, tenant, appeal for a change of use from an auto parts store to a vehicle repair garage an existing one-story building on a 41.67' x 105.64' corner parcel in a General Retail Business District; subject to the limitations of Section 343.11, a vehicle repair garage is not permitted but first allowed in a Semi-Industry District , provided that it is not less than 100 feet from a residence district and the proposed use abuts a Two-Family District; a frontage landscaped width of 6 feet is required along State Road and none is proposed contrary to Sections 352.08 thru 352.11; and under Section 347.07(b), off-street parking spaces shall be provided with wheel or bumper guards located so that no part of a parked vehicle extends beyond such parking space, and the width of an existing driveway is approximately 37 feet contrary to Section 343.18(d) and a driveway width of 30 feet; and no parking configuration is proposed contrary to Section 325.03 and that parking spaces shall equal 180 square feet. (Filed 2-26-09)

9:30

Calendar No. 09-28:

75 Public Square B-100

Ward 13

Joe Cimperman

Northpoint Athletic Club II, Inc., owner, and Donald Dzina aka TH & Sons, tenant, appeal under Section 76-6 of the Charter of the City of Cleveland and Section 329.02(d) of the Codified Ordinances from a denied application for a Dance Hall License by the Commissioner of Assessments and Licenses pursuant to Section 690.03 and disapproval of the application by the City of Cleveland Fire Department. (Filed 3-23-09)

POSTPONED FROM FEBRUARY 2, 2009

10:30

Calendar No. 08-208:

4250 East 68th Street

Ward 12

Anthony Brancatelli

21 Notices

PSC Metal, Inc., owner, appeals for an expansion of use to add storage, dismantling and compacting of vehicles (a wrecking yard) to a scrap metal processing yard on an acreage parcel in a General Industry District; subject to Section 359.01(a) approval is required by the Board of Zoning Appeals for the proposed expansion of the existing nonconforming buildings and use that are contrary to Section 345.04(a)(3) being located within 50 feet of a Residence District; and accessory off-street parking spaces, driveways and maneuvering areas shall be properly graded for drainage so that all water is drained within the lot providing such parking spaces, surfaced with concrete, asphaltic concrete, asphalt or similar surfacing material, maintained in good condition and free of debris and trash as stated in Section 349.07(a) of the Codified Ordinances. (Filed 11-14-08; no testimony taken.)

Second postponement granted for the Councilman and the Slavic Village Development Corporation to hold a community meeting between the applicants and the neighboring property owners regarding the proposed expansion..