

BOARD OF ZONING APPEALS

APRIL 20, 2009

9:30

Calendar No. 09-40: 4201 West 130th Street

Ward 19

Dona Brady

Jimmy Christian dba AAA Auto Doctor, Inc., tenant, and Gary and Mary Weinbroer, owners, appeal under Section 76-6 of the Charter of the City of Cleveland and Section 329.02(d) from being denied a Motor Vehicle Repair Garage License by the Commissioner of Assessments and Licenses upon the recommendation of the City of Cleveland Department of Building and Housing. (Filed 3-20-09)

9:30

Calendar No. 09-42: 2562 Martin Luther King Jr Blvd.

Ward 6

Mamie Mitchell

5 Notices

Richard Nickerson, owner, and Delilah Toles, tenant, appeal to install a 6 foot high fence on a 50' x 150.75' corner parcel in a Multi-Family District; contrary to Section 358.04(a) fences in actual front and side street yards shall not exceed 4 feet and be at least 50 percent open, except that in an actual side street yard a fence that is set back at least 4 feet from the side street property line may be a maximum of 6 feet in height and be open or solid. Fences in actual rear and interior side yards shall not exceed 6 feet and may be solid or pen and the proposed fence along Mt. Overlook Road is approximately 1 foot from the property line; and no portion of a fence located within 30 feet of the intersection of two street right-of-way lines shall exceed two and one-half feet in height, unless all portions of the fence above that measurement are at least 75 percent open and the same restrictions apply to any portion of a fence located along and parallel to a driveway within 15 feet of its intersection with a public sidewalk or public street if no sidewalk is present, as stated in Section 358.03(a) of the Cleveland Codified Ordinances. (Filed 3-24-09)

POSTPONED TO MAY 26, 2009

9:30

Calendar No. 09-43: 3506 Jennings (Rear) Road

Ward 15

Brian Cummins

7 Notices

Steelyard Commons LLC, owner, and No. 1 Media, tenants, appeal to erect a 14' high, 48' x 14' back to back, changeable copy billboard sign, each sign face to be 672 square feet, oriented towards State Route 176, the Jennings Road Freeway; contrary to Section 350.10(a) that prohibits billboards to be permitted on the east side of State Route 176, the Jennings Freeway, and automatic changeable copy billboard signs are not permitted, unless as a replacement for an existing, legal nonconforming billboard sign, according to the provisions of Section 350.10(j) of the Cleveland Codified Ordinances. (Filed 3-24-09)

First postponement requested by the Councilman due to a scheduling conflict.

9:30

Calendar No. 09-47: 1914 East 75th Street

Ward 7

T.J. Dow

4 Notices

Congregation of Jehovah's Witnesses Cleveland Ohio Cedar, owner, appeal to install a wall sign that is 51 square feet on the front of a building in a Multi-Family District contrary to a maximum of 40 square feet that is allowed for a wall sign, as stated in Section 350.13 of the Cleveland Codified Ordinances. (Filed 3-25-09)

POSTPONED TO MAY 26, 2009

10:30

Calendar No. 08-222:

4301-03 Clark Avenue

Ward 14

Joseph Santiago

10 Notices

Michael and Kamal Elseikali, owners, appeal for an addition/expansion of accessory repairs to the use of an existing tire sales shop on a 42' x 132' corner parcel located in a Semi-Industry District; contrary to Section 345.03(c)(2), the addition/expansion abuts a Two-Family District and a repair garage is required to be at least 100 feet from a residential district and the addition/expansion of a nonconforming use requires the Board of Zoning Appeals approval, according to Section 359.01 of the Codified Ordinances.(Filed 12-5-08; testimony taken.)

Third postponement requested by applicants to work out a plan under the guidelines of the Stockyard Redevelopment Organization that will improve the overall site appearance and does not include the Storefront Renovation Program.

POSTPONED FROM MARCH 9, 2009

9:30

Calendar No. 09-19:

2493 West 8th Street

Ward 13

Joe Cimperman

15 Notices

West 11th Street Properties, LLC, owner, appeals erect a 27' x 30' three-story single family dwelling on a 35' x 30' parcel located in a B1 Two-Family District; contrary to the Area Requirements of Sections 355.05 thru 355.07, a maximum gross floor area that is greater than 50 percent of the lot size is provided and a minimum lot width of 35 contrary to 40 feet; a minimum lot size of 1,050 square feet where 4,800 is required; and contrary to Section 357.04 no front yard setback is provided and 4.5 feet is required; contrary to Sections 357.08(b)(1) a rear yard of 3 feet and not 31 feet is provided; and a distance of 5 feet and 6 feet is provided where 10 feet is required under Section 357.09(2)A; the minimum interior side yards equal 5 feet and not 10 feet as required under Sections 357.09(2)B; and steps and landings shall not extend nearer than 1 foot from the rear property line, as stated in Sections 357.13(b)(5); and by the provisions in Section 327.02(e) a denied driveway width plan and survey approval are required by the Division of Engineering and Construction as stated in the Codified Ordinances. (Filed 2-18-09; testimony taken.)

9:30

Calendar No. 09-20:

2495 West 8th Street

Ward 13

West 11th Street Properties, LLC, owner, appeals erect a 27' x 30' three-story single family dwelling on a 35' x 30' parcel located in a B1 Two-Family District; contrary to the Area Requirements of Sections 355.05 thru 355.07, a maximum gross floor area that is greater than 50 percent of the lot size is provided and a minimum lot width of 35 contrary to 40 feet; a minimum lot size of 1,050 square feet where 4,800 is required; and contrary to Section 357.04 no front yard setback is provided where 4.5 feet is required; a rear yard of 3 feet and not 31 feet is provided contrary to Sections 357.08(b)(1); and, a distance of 5 feet and 6 feet and 4.6 feet to the rear property line are provided, contrary to Sections 357.09(2)A and the requirement for 10 feet from a main building on an adjoining lot; the minimum interior side yards equal 5 feet and not 10 feet as required under Sections 357.09(2)B; and steps and landings shall not extend nearer than 1 foot from the rear property line, as stated in Sections 357.13(b)(5); and by the provisions in Section 327.02(e) a denied driveway width plan and survey approval are required by the Division of Engineering and Construction prior to the issuance of permits as stated in the Codified Ordinances. (Filed 2-18-09)

9:30

Calendar No. 09-21:

2491 West 8th Street

Ward 13

Joe Cimperman

15 Notices

West 11th Street Properties, LLC, owner, appeals erect a 27' x 30' three-story single family dwelling on a 35' x 30' parcel located in a B1 Two-Family District; contrary to the Area Requirements of Sections 355.05 thru 355.07, a maximum gross floor area that is greater than 50 percent of the lot size is provided and a minimum lot width of 35 contrary to 40 feet; a minimum lot size of 1,050 square feet where 4,800 is required; and contrary to Sections 357.04 and 357.06(b) no front yard setback is provided and 4.5 feet is required; and a side street yard setback of 2.4 feet is provided where 6 feet is required; and contrary to Sections 357.08(b)(1) a rear yard of 3 feet and not 31 feet is provided; and contrary to Section 357.09(2)A, 5 feet is provided where no building shall be erected less than 10 feet from a main building on an adjoining lot; the total of interior side yards equals 5.4 feet and not 10 feet as required under Sections 357.09(2)B; steps and landings shall not extend nearer than 1 foot from the rear property line, as stated in Sections 357.13(b)(5); and by the provisions in Section 327.02(e) a denied driveway width plan and survey approval are required by the Division of Engineering and Construction as stated in the Codified Ordinances. (Filed 2-18-09)

9:30

Calendar No. 09-22:

2501 West 8th Street

Ward 13

West 11th Street Properties, LLC, owner, appeals erect a 27' x 30' three-story single family dwelling on a 35' x 30' parcel located in a B1 Two-Family District; contrary to the Area Requirements of Sections 355.05 thru 355.07, a maximum gross floor area that is greater than 50 percent of the lot size is provided and a minimum lot width of 35 contrary to 40 feet; a minimum lot size of 1,050 square feet where 4,800 is required; and contrary to Sections 357.04 and 357.06(b), no front yard setback is provided and 4.5 feet is required and a side street yard setback of 2 feet is provided where 10 feet is required; a rear yard of 3 feet and not 31 feet is provided contrary to Sections 357.08(b)(1); a 5 foot distance and 4.63 feet to the rear property line are provided contrary to Section 357.09(2)A and the provision that no building shall be erected less than 10 feet from a main building on an adjoining lot; interior side yards equal 5 feet and not 10 feet as required under Sections 357.09(2)B; and steps and landings shall not extend nearer than 1 foot from the rear property line, as stated in Sections 357.13(b)(5); and by the provisions in Section 327.02(e) a denied driveway width plan and survey approval are required by the Division of Engineering and Construction as stated in the Codified Ordinances. (Filed 2-18-09; testimony taken.)

First postponement taken at suggestion of the Board and with concurrence from Tremont West Development Corporation, in order for a meeting to be held that includes the developer, neighboring property owners, TWDC, and other block and street club members, the Councilman and City Planning for additional review of a detail specific plan for the overall new housing project.

