

**BOARD OF ZONING APPEALS
MAY 4, 2009**

9:30

Calendar No. 09-53:

4103 East 79th Street

Ward 2

Nathaniel Wilkes

Leea Knapik appeals under the authority of Section 76-6 of the Charter of the City of Cleveland and Section 329.02(d) of the Codified Ordinances, from a Violation Notice issued by the Department of Building and Housing on February 27, 2009 regarding the property at 4103 East 79th Street and a violation of Sections 327.02(B) of the Cleveland Codified Ordinances. (Filed 3-31-09)

9:30

Calendar No. 09-55:

1140 Terminal Tower

Ward 14

Joseph Santiago

Scranton-Averell, Inc. and their counsel Andrew M. Fowerbaugh, appeal under Section 76-6 of the Charter of the City of Cleveland and Section 329.02(d) of the Cleveland Codified Ordinances from a Notice of Violation issued by the Harbor Master of the City of Cleveland Department of Port Control March 2, 2009, for violation of ordinance 573.10 at the property described in the violation as 1140 Terminal Tower Cleveland Ohio 44113, Permanent Parcel Number 004-29-010. (Filed 3-31-09)

9:30

Calendar No. 09-56:

1800 Scranton Avenue

Ward 14

Joseph Santiago

Scranton-Averell, Inc. and their counsel Andrew M. Fowerbaugh, appeal under Section 76-6 of the Charter of the City of Cleveland and Section 329.02(d) of the Cleveland Codified Ordinances from a Notice of Violation issued by the Harbor Master of the City of Cleveland Department of Port Control March 2, 2009, for violation of ordinances 573.02, 573.04 and 573.10 at the property described in the violation as 1800 Scranton Avenue Cleveland Ohio 44113, Permanent Parcel Number 004-29-014. (Filed 3-31-09)

9:30

Calendar No. 09-57:

1840 Carter Road

Ward 14

Joseph Santiago

Scranton-Averell, Inc. and their counsel Andrew M. Fowerbaugh, appeal under Section 76-6 of the Charter of the City of Cleveland and Section 329.02(d) of the Cleveland Codified Ordinances from a Notice of Violation issued by the Harbor Master of the City of Cleveland Department of Port Control March 2, 2009, for violation of ordinances 573.10 at the property described in the violation as 1840 Carter Road Cleveland, Ohio 44113, Permanent Parcel Number 004-29-013. (Filed 3-31-09)

9:30

Calendar No. 09-58:

1878 Carter Road

Ward 14

Joseph Santiago

Scranton-Averell, Inc. and their counsel Andrew M. Fowerbaugh, appeal under Section 76-6 of the Charter of the City of Cleveland and Section 329.02(d) of the Cleveland Codified Ordinances from a Notice of Violation issued by the Harbor Master of the City of Cleveland Department of Port Control March 2, 2009, for violation of ordinances 573.10 at the property described in the violation as 1878 Carter Road Cleveland, Ohio 44113, Permanent Parcel Number 004-29-012. (Filed 3-31-09)

9:30

Calendar No. 09-59:

1898 Carter Road

Ward 14

Joseph Santiago

Scranton-Averell, Inc. and their counsel Andrew M. Fowerbaugh, appeal under Section 76-6 of the Charter of the City of Cleveland and Section 329.02(d) of the Cleveland Codified Ordinances from a Notice of Violation issued by the Harbor Master of the City of Cleveland Department of Port Control March 2, 2009, for violation of ordinances 573.10 at the property described in the violation as 1898 Carter Road Cleveland, Ohio 44113, Permanent Parcel Number 004-29-009. (Filed 3-31-09)

9:30

Calendar No. 09-60:

1970 Carter Road

Ward 14

Joseph Santiago

Carter Peninsula, Inc. and their counsel Andrew M. Fowerbaugh, appeal under Section 76-6 of the Charter of the City of Cleveland and Section 329.02(d) of the Cleveland Codified Ordinances from a Notice of Violation issued by the Harbor Master of the City of Cleveland Department of Port Control March 2, 2009, for violation of ordinances 573.02, 573.04 and 573.10 at the property described in the violation as 1970 Carter Road Cleveland, Ohio 44113, Permanent Parcel Number 004-28-001. (Filed 3-31-09)

9:30

Calendar No. 09-61:

Riverbend Rear

Ward 17

Matthew Zone

Ontario Stone Corporation and their counsel Nicholas C. York, appeal under Section 76-6 of the Charter of the City of Cleveland and Section 329.02(d) of the Cleveland Codified Ordinances from a Notice of Violation issued by the Harbor Master of the City of Cleveland Department of Port Control March 2, 2009, for violation of ordinances 573.02, 573.04 and 573.10 at the property described in the violation as Riverbend Rear Cleveland, Ohio, Permanent Parcel Number 003-03-006. (Filed 3-31-09)

9:30

Calendar No. 09-62:

Riverbed Street

Ward 13

Joe Cimperman

Westbank Development Corporation and their counsel Edward F. Siegel, appeal under Section 76-6 of the Charter of the City of Cleveland and Section 329.02(d) of the Cleveland Codified Ordinances from a Notice of Violation issued by the Harbor Master of the City of Cleveland Department of Port Control March 2, 2009, for violation of ordinances 573.02, 573.04 and 573.10 at the property described in the violation as Riverbed Street Cleveland, Ohio 44102, Permanent Parcel Number 003-15-054. (Filed 3-31-09)

9:30

Calendar No. 09-63:

University Road & West 14th Street

Ward 13

Joe Cimperman

University Cuyahoga Inc. and their counsel Robert W. McIntyre, appeal under Section 76-6 of the Charter of the City of Cleveland and Section 329.02(d) of the Cleveland Codified Ordinances from a Notice of Violation issued by the Harbor Master of the City of Cleveland Department of Port Control March 2, 2009, for violation of ordinances 573.02, 573.04 and 573.10 at the property described in the violation as University Road & West 14th Street Cleveland, Ohio 44113, Permanent Parcel Number 004-27-002. (Filed 3-31-09)

9:30

Calendar No. 09-64:

6204 Detroit Avenue

Ward 17

Matthew Zone

4 Notices

Gordon Square Arts District LLC, owner, appeals to install approximately 220 lineal feet of 8 foot high black, vinyl coated chain link fence on a 162.80' x 43.39' parcel in a Local Retail Business District, contrary to the Fence Regulations a height of more than 6 feet for fences is prohibited in actual rear and interior side yards as stated in Section 358.05(a)(2) of the Cleveland Codified Ordinances. (Filed 4-6-09)

POSTPONED FROM MARCH 23, 2009

10:30

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; testimony taken.)

First postponement by applicant for time to consult with the Councilman and Old Brooklyn Community Development about the proposed plan and use.

POSTPONED FROM MARCH 30, 2009

10:30

Calendar No. 09-30:

12304 Union Avenue

Ward 3

Zack Reed

14 Notices

Victoria N. Igboeli-Iloidi, owner, appeals to change use from a service station to an auto repair garage an existing one-story masonry building on a 120' x 132' corner parcel located in a B1 Two-Family District on the southwest corner of Union Avenue and East 124th Street; subject to the limitations of Section 337.03 the proposed auto repair is not permitted in a Two-Family District and is first permitted under Section 345.03(c)(2) in a Semi-Industry District, provided it is not less than 100 feet from a residence district and the proposed auto repair abuts a Two-Family District at the rear and west side of the lot; and parking in a front yard is not a permitted encroachment under the provisions of Section 357.13; and the substitution of a nonconforming use, from a service station to auto repair, requires the Board of Zoning Appeals approval as stated in Section 359.01 of the Codified Ordinances. (Filed 2-27-09; no testimony taken.)

First postponement requested by applicant due to a scheduling conflict.

POSTPONED FROM APRIL 13, 2009

10:30

Calendar No. 09-48:

2247 Professor Street

Ward 13

Joe Cimperman

19 Notices

6530 Carnegie Ltd. and Giancarlo Calicchia, owner, appeal to establish use as a restaurant and to construct a kitchen addition to an existing two-story building on a 132.24' x 100.32' parcel in a General Retail Business District; nonconforming to off-street parking spaces with a credit of 5 spaces and 31 spaces required, one for each employee, plus one for each 100 square feet of floor area devoted to patron use, or one for each four seats based on maximum seating capacity, which ever is greater as stated in Section 349.04(f) of the Cleveland Codified Ordinances. (Filed 3-30-09)

First postponement requested by applicants for time to present the project to the Central Tremont Block Club organization.