

**BOARD OF ZONING APPEALS
SEPTEMBER 8, 2009**

9:30

Calendar No. 09-153:

4360 West 130th Street

Ward 20

Martin Sweeney

12 Notices

Nancy Taylor, owner, appeals to establish use as an auto repair garage in a one-story building on a 40.67' x 143' corner parcel in a General Retail Business District; subject to the limitations of Section 343.11 the use is not permitted and first permitted in a Semi-Industry District, Section 345.03(c)(2), provided that it is not less than 100 feet from a residence district and the use abuts a One-Family District at the rear property line; contrary to Section 352.10, a landscape width of 4 feet is proposed where 6 feet is required along West 130th Street and no landscaping is proposed contrary to Section 352.09 that requires a 10 foot wide transition strip along the rear property line to separate the use from a One-Family District; and a front setback of 4 feet is proposed, where a 10 foot specific setback is required according to the provisions of Section 357.07 in the Cleveland Codified Ordinances. (Filed 7-21-09)

9:30

Calendar No. 09-164:

4098-4100 East 78th Street

Ward 2

Nathaniel Wilkes

18 Notices

Rodney Spates, owner, appeals to establish use as an adult group home/adult care facility for 12 physically and mentally disabled adults in an existing two story dwelling on a 66' x 260' parcel located in split zoning between Two-Family and Semi-Industry Districts; contrary to Sections 337.03(b) and 337.02(f)(3)(D), the use is approximately 15 feet from an adjoining premises and it must be not less than 30 feet from any adjoining premises in a residential district not used for a similar purpose; there are 3 to 4 parking spaces provided while 6 accessory off-street parking spaces are required, calculated at the rate of one space for each employee plus one for each 6 beds, determined according to Section 349.04(d) of the Cleveland Codified Ordinances. (Filed 8-3-09)

9:30

Calendar No. 09-165:

1068 East 174th Street

Ward 11

Michael Polensek

5 Notices

Frank Schultz, owner, appeals to erect a 22' x 40' one-story frame, gable garage to be attached to an existing 22.6' x 18.5' reverse gable garage on a 41' x 197.51' parcel in a Two-Family District contrary to Section 337.23(a) a distance of 8 feet is provided and 10 feet is the minimum distance required from a dwelling on an adjoining lot; the maximum square footage allowed for an accessory garage on the lot size is 925 square feet and the total square footage requested would be 1,300 square feet, nonconforming to Section 337.23 in the Cleveland Codified Ordinances. (Filed 8-3-09)

9:30

Calendar No. 09-167:

1588 East 34th Street

Ward 13

Joe Cimperman

4 Notices

Jing Xi Tang, owner, appeals to erect a 20' x 20' one-story frame, gable garage on a 40' x 137.13' parcel in a Two-Family District; contrary to Section 337.23(a) the accessory garage would be located at 50 feet and not on the rear half of the lot at 68 feet; and the existing nonconforming use dwelling requires the Board of Zoning Appeals approval as stated in Section 359.01 of the Cleveland Codified Ordinances. (Filed 8-5-09)

POSTPONED FROM JULY 20, 2009

10:30

Calendar No. 09-126:

2806 East 79th Street

Ward 5

Phyllis Cleveland

8 Notices

Frank Sims, owner, appeals to establish use as an auto parts store in an existing mixed use building and proposed on consolidated parcels located in split zoning between a General Retail Business District and a Multi-Family District; subject to the limitations of Section 337.08 the proposed use is not permitted and first permitted in a Local Retail Business District; 8 off-street parking spaces are required according to Section 349.04(f) and none are proposed; and in Section 352.09 a 6 foot wide landscape transition strip is required at the rear and rear sides of the lot where it abuts a Multi-Family District; and the maximum height of fence may not exceed 4 feet in the actual front yard of a General Retail Business District, as stated in Section 358.05(a)(2) of the Cleveland Codified Ordinances. (Filed 6-18-09; no testimony taken.)

First postponement granted to applicant Sims for approval from the Kinsman Area Council for use of their property and to consult with City Planning about the project.

POSTPONED FROM AUGUST 17, 2009

10:30

Calendar No. 09-148:

5604 Franklin Boulevard

Ward 17

Matthew Zone

5 Notices

Darwin McLellan, owner, appeals to install a 6 foot tall fence on an approximate 56.52' x 112.15' parcel in a Two-Family District; contrary to Section 358.04(a), fences in actual side street yards shall not exceed 4 feet in height and shall be at least 50 percent open; 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 two and one-half feet in height 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 street if no sidewalk is present, according to Section 358.03(a) of the Cleveland Codified Ordinances. (Filed 7-16-09; testimony taken.)

First postponement granted at request of a representative from the Detroit Shoreway Community Development Organization for a review of the project by the Local Design Review Advisory Committee.