

**BOARD OF ZONING APPEALS
JANUARY 18, 2011**

9:30

Calendar No. 10-227:

820 College Avenue

Ward 3

Joe Cimperman

21 Notices

Tom Leneghan, owner, appeals to remove a parking lot and add outdoor patios for a bar/restaurant/tavern on a 38' x 70' lot in a General Retail Business District; contrary to Section 349.02 where existing parking facilities, in all use districts, shall not voluntarily be reduced below the requirements in Chapter 349 of the Cleveland Zoning Code, and four (4) spaces are eliminated at the existing lot, reducing accessory off-street parking, with no approvable plan submitted to replace the spaces or for the required spaces with the new patio use; and accessory off-street parking for an bar/restaurant/tavern use is determined at the rate of either one(1) space for each 100 square feet of floor area devoted to patron use or one(1) space for each four(4) seats based upon the maximum seating capacity, whichever is greater, plus one(1) parking space per employee; no parking plan is provided and parking is required for both new patio areas; and a 10 foot wide landscaping strip providing, 75 percent year round opacity, is required where the proposed patio use abuts a residential district to the east, and no landscaping plan is provided, contrary to Sections 352.08 through 352.12 of the Cleveland Codified Ordinances. (Filed 11-9-10)

9:30

Calendar No. 10-229:

1365 West 65th Street

Ward 15

Matthew Zone

14 Notices

Jill Davis, owner, appeals for a change of use from a store to a restaurant an existing one-story building on a 40' x 115.78' parcel in a Local Retail Business District; subject to the provisions of Section 349.04(f) that require off-street parking at the rate of one (1) for each employee, plus one (1) for each 100 square feet of floor area devoted to patron use or one (1) space for each four (4) seats based on the maximum capacity, whichever is greater, according to the Cleveland Codified Ordinances. (Filed 11-11-10)

9:30

Calendar No. 10-237-:

9515 Woodland Avenue

Ward 6

Mamie Mitchell

20 Notices

Independence Excavating, Inc., owner, appeals for a change of use for stockpiling of various construction materials, storage and processing of recycled material that includes rock crushing on acreage in a General Industry District; subject to the limitations of Section 345.04(b)(1) rock crushing is not permitted and first permitted pursuant to Section 345.05 in an Unrestricted Industry District; and dust, odor, noise and vibration shall be confined to the premises, as required in Section 347.05 of the Cleveland Codified Ordinances. (Filed 11-12-10)

9:30

Calendar No. 10-238:

9521 Woodland Avenue

Ward 6

Mamie Mitchell

20 Notices

Eaton Park Leasing, Inc., owner, appeals for a change of use for stockpiling of various construction materials, storage and processing of recycled material that includes rock crushing on acreage in a General Industry District; subject to the limitations of Section 345.04(b)(1) rock crushing is not permitted and first permitted pursuant to Section 345.05 in an Unrestricted Industry District; and dust, odor, noise and vibration shall be confined to the premises, as required in Section 347.05 of the Cleveland Codified Ordinances. (Filed 11-12-10)

9:30

Calendar No. 10-239:

9525 Woodland Avenue

Ward 6

Mamie Mitchell

20 Notices

Eaton Park Leasing, Inc., owner, appeals for a change of use for stockpiling of various construction materials, storage and processing of recycled material that includes rock crushing on acreage in a General Industry District; subject to the limitations of Section 345.04(b)(1) rock crushing is not permitted and first permitted pursuant to Section 345.05 in an Unrestricted Industry District; and dust, odor, noise and vibration shall be confined to the premises, as required in Section 347.05 of the Cleveland Codified Ordinances. (Filed 11-12-10)

9:30

Calendar No. 10-250:

1122 Ansel Road

Ward 7

TJ Dow

12 Notices

Cleveland Metropolitan School District, owner, appeals to construct a new 40 car parking lot in a Multi-Family District at the southwest corner of Ansel Road and Pulaski Avenue; subject to the provisions in Section 359.01(a), except as provided in Section 347.06 and Chapter 351, use of building or land lawfully existing on the effective date of the Zoning Code, or any amendment or supplement thereto or for which a permit has been lawfully issued may be continued even though such use does not conform to the zoning district where it is located; but no expansion, substitution or other change in such nonconforming use to other than a conforming use is permitted, except as a variance under the terms of Chapter 329 and by special permit issued only if the Board of Zoning Appeals finds, after public hearing, that such expansion or substitution or other change is no more harmful or objectionable than the previous nonconforming use in floor or other space occupied, in volume of trade or production, in kind of goods sold or produced, in daily hours or other period of use, in the type or number of persons to occupy or to be attracted to the premises or in any other characteristic of the new use as compared with the previous use. (Filed 11-30-10)

POSTPONED FROM NOVEMBER 22, 2010

10:30

Calendar No. 10-204:

7101-03 Wade Park Avenue

Ward 7

TJ Dow

11 Notices

Moorad Rabah, owner, and Sidney Little, lessee, appeal to establish use as a motor vehicle sales facility on a 90' x 95.07' lot in a General Retail Business District contrary to Section 352.10 that requires a motor vehicle sales facility to provide a four foot wide landscaping strip where the use abuts the street and a ten foot wide landscape transition strip, with screening of at least 75 percent opacity to a height of six feet, where the proposed use abuts a residence district. (Filed 10-15-10; testimony taken.)

First postponement requested by appellant to consult with City Planning about an improved plan for the proposal.

POSTPONED FROM DECEMBER 20, 2010

10:30

Calendar No. 10-210:

6209 Edna Avenue

Ward 7

City of Cleveland, owner, appeals to erect 126 linear feet of 4 foot high chain link fence on a 33' x 126' lot in a Two-Family District, subject to the limitations in Section 358.04(c)(1) that do not permit a chain link fence in front yards of residential districts unless it is specifically permitted by the Board of Zoning Appeals.

First postponement requested by the City for additional review of the plan and landscape treatment.