

**BOARD OF ZONING APPEALS  
FEBRUARY 14, 2011**

**9:30  
Calendar No. 10-242:**

**Appeal of Administrative Decision  
4210 Franklin Boulevard**

**Ward 3  
Joe Cimperman**

Ohio City Near West Development Corporation appeals under the authority of Section 76-6 of the Charter of the City of Cleveland and Section 329.02(d) of the Cleveland Codified Ordinances from the decisions of the Cleveland Department of Building and Housing and issuing of Permit No: B10034525 dated September 13, 2010, granting permission to establish use of a three-story wood frame boarding house located in B1 Two-Family District at 4210 Franklin Boulevard as a youth hostel with 11 rooming occupancies. (Filed 11-16-10)

**9:30  
Calendar No. 10-265:**

**3301 Monroe Avenue**

**Ward 3  
Joe Cimperman  
18 Notices**

Brandon Partners, owner, and Scrap Processors of Ohio LLC, tenant, appeal to establish use as a recycling and storage facility for auto parts and components materials on a corner acreage parcel in a B1 General Industry District; contrary to Section 345.04(a)(3), a non-opaque fence is proposed within less than 50 feet from a residence district to the east, where a non-transparent fence or wall 7 feet high is required no less than 50 feet from the residence district; and pursuant to Section 347.06(d) storage of used material shall not be piled higher than 3 feet above the height of fence or wall enclosing the storage; no landscaping is proposed along the east property line where a 10 foot wide landscaped transition strip providing 75 percent year round opacity is required and a landscaped frontage strip 6 feet wide with 50 percent year round opacity is required where new parking abuts Monroe Avenue pursuant to Sections 352.08 through 352.10 of the Cleveland Codified Ordinances. (Filed 12-16-10)

**9:30  
Calendar No. 10-266:**

**13933 Lakewood Heights Boulevard**

**Ward 19  
Martin Keane  
17 Notices**

Campbell Properties Incorporated, owner, appeal for an addition to an existing gas station/convenience store and a new canopy located on an irregular shaped corner lot in a B1 Local Retail Business District; subject to the limitations of Section 343.16 only remodeling an existing service station is permitted and pursuant to Sections 343.11(b)(2)(I)(5) a service station is first permitted in a General Retail Business District; and contrary to Sections 343.15(b)(2) the proposed pump canopy is 17 feet from the sidewalk and no structure, including a pump island, may be built less than 20 feet distant from the property line adjacent to the public right of way. (Filed 12-16-10)

**9:30  
Calendar No. 10-269:**

**2516 East 40<sup>th</sup> Street**

**Ward 5  
Phyllis Cleveland  
2 Notices**

Mt. Herman Baptist Church, owner, appeals to erect a 4' x 6' x 11' 2" high double faced message ground sign on a 190' x 250' parcel in a Local Retail Business District; and the proposed sign is contrary to the regulations for retail use and structural type and first allowed in a General Retail Business District in accordance with Section 350.14(b)(3) of the Cleveland Codified Ordinances. (Filed 12-22-10)

**9:30**

**Calendar No. 10-274:**

**4135 Lee Road**

**Ward 1**

**Terrell Pruitt**

**12 Notices**

Toris Realty Company, owner, David Grimmer and Jonathon Hayden, tenant, appeal to establish use as a tattoo/body piercing parlor in a one-story retail plaza space, located in a C1 Shopping Center District that abuts a residence district and is within 1,000 feet of JFK High School; and by the limitations of Section 343.04 the proposed use is not permitted and first allowed in a General Retail Business District, provided that it meets the distance separation of 1,000 feet pursuant to Sections 347.12(b) of the Cleveland Codified Ordinances.

(Filed 12-29-10)

**9:30**

**Calendar No. 11-1:**

**10435 Clifton Boulevard**

**Ward 16**

**Jay Westbrook**

**11 Notices**

Ronald Marthaller, owner, appeals for a change of use from a store to a coffee shop within the easterly portion of an existing three-story nonconforming stores and dwelling units building on an irregular shaped, southeasterly corner lot located in an A1 One-Family District; subject to the limitations in Section 359.01(a) and the required approval from the Board of Zoning Appeals to allow the substitution of a nonconforming use; and pursuant to Sections 349.04(f) accessory off-street parking spaces are required to be 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 upon the maximum seating capacity, whichever is greater; and the front yard encroachment of the coffee shop/patio requires the Board of Zoning Appeals approval in accordance with Sections 357.14(a) of the Cleveland Codified Ordinances.

(Filed 1-5-11)

**9:30**

**Calendar No. 11-2:**

**3299 East 142<sup>nd</sup> Street**

**Ward 1**

**Terrell Pruitt**

**4 Notices**

EJ Fletcher, owner, appeals to change use from two dwelling units to a three family dwelling (third unit located in the attic) of an existing residence located on a 40' x 133' lot in a B1 Two-Family District; contrary to the zoning regulations and first allowed in a Multi-Family District in Section 337.08; two parking spaces are provided and three are required according to Section 349.04; a minimum lot area of 5,320 square feet is provided contrary to 7,200 square feet and Section 355.04; the interior side yards provided are 3 feet and a minimum of 8 feet is required, pursuant to Sections 357.09(2)(C) of the Cleveland Codified Ordinances.

(Filed 1-12-11)

**9:30**

**Calendar No. 11-10:**

**3662 East 108<sup>th</sup> Street**

**Ward 2**

**Zachary Reed**

**4 Notices**

Betty Russell, owner, appeals to erect a 5' x 5' pre-manufactured wheelchair lift in the front yard area of a 40' x 117' parcel in a B1 Two-Family District and in the provisions of Sections 329.04(c)(1), a wheelchair lift is not a permitted encroachment in the front yard area.

(Filed 1-20-11)