

**BOARD OF ZONING APPEALS  
MARCH 7, 2011**

**9:30**

**Calendar No. 11-14:**

**1549 East 84<sup>th</sup> Street**

**Ward 7**

**TJ Dow**

**3 Notices**

Susan Whatley, owner, appeals to erect 32 linear feet of 4 foot high chain link fence along the front setback line of a 37' x 102' lot located in B1 Two-Family and D2 Multi-Family Districts, where ornamental fence is required and the Board of Zoning Appeals may, however, permit a chain link fence if the Board determines that such fence is common in the immediate vicinity of the subject property, as stated in Section 358.04(c)(1) of the Cleveland Codified Ordinances. (Filed 1-26-11)

**9:30**

**Calendar No.11-15:**

**4243 Fulton Road**

**Ward 13**

**Kevin Kelley**

Memphis Fulton Association, owner, and Lori Groff, lessee, appeal 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 a Notice of Violation issued by the Cleveland Department of Building and Housing on January 19, 2011 and the determination that the Ohio Internet Café LLC located at 4243 Fulton Road is in violation of Section 327.02(c) of the Cleveland Codified Ordinances. (Filed 1-28-11)

**9:30**

**Calendar No. 11-17:**

**1611 Clark Avenue**

**Ward 14**

**Brian Cummins**

**6 Notices**

Daniel Seguin, owner, appeals to change use from two dwelling units to a three family dwelling an existing residence located on a 41' x 140' lot in a B1 Two-Family District; contrary to Section 337.03 and first allowed in a Multi-Family District; and contrary to Section 355.04 a maximum gross floor area of 5,600 square feet is provided contrary to 7,200 square feet; and interior side yards equal 2.10 feet contrary to 8 feet and the provisions in Section 357.09 of the Cleveland Codified Ordinances. (Filed 3-7-11)

**9:30**

**Calendar No. 11-22:**

**3190 West 44<sup>th</sup> Street**

**Ward 14**

**Brian Cummins**

**6 Notices**

John C. Gilliam, owner, appeals to install a wheelchair ramp 44 linear feet on a 35' x 132' lot in a B1 Two-Family District and the proposed ramp projects into the front yard setback and it is not a permitted yard encroachment according to Section 357.13 of the Cleveland Codified Ordinances. (Filed 2-11-11)

**POSTPONED FROM JANUARY 10, 2011**

**10:30**

**Calendar No. 10-259:**

**4300 Bradley Road**

**Ward 12**

**Anthony Brancatelli**

**50 Notices**

W.B. and M.. Bauman and Bradley Road, Incorporated appeal under Sections 329.01(e) and 329.02(d) of the Cleveland Codified Ordnnances from the decision of the Zoning Administrator dated June 18, 2010 to deny the application for grading, filling and excavation, including mining, removal, transfer and sale of soils and minerals on acreage located in a General Industry District and consisting of parcel numbers 009-34-011, 009-36-002, 009-36,005, 009-36-006, 009-36-007, 009-34-002 and 009-34-004; that as determined by the Zoning Administrator of the Cleveland Building and Housing Department, the proposed grading/excavation use of the property is not a use permitted as of right under Section 345.04(a)(2) of the Cleveland Codified Ordinances. (Filed 12/8/10; no testimony taken.)

**POSTPONED FROM JANUARY 10, 2011**

10:30

Calendar No. 10-260:

4300 Bradley Road

Ward 12

Anthony Brancatelli

50 Notices

W.B. and M.E. Bauman and Bradley Road, Incorporated appeal under Sections 329.03 and 329.04 for a use variance to allow grading, filling and excavation, including mining, removal, transfer and sale of soils and minerals on acreage located in a General Industry District and consisting of parcel numbers 009-36-001, 009-36-002, 009-36-005, 009-36-006, 009-36-007, 009-34-002, and 009-34-004, contrary to the regulations in Sections 345.04(a) and (b) of the Cleveland Codified Ordinances. (Filed 12-8-10; no testimony taken.)

**First postponement requested by the Councilman for time to receive a response from the State for a Pubic Records Request for the appellant tenants' Operations Agreement.**

**POSTPONED FROM JANUARY 10, 2011**

10:30

Calendar No. 10-194:

4300 Bradley Road

Ward 12

Anthony Brancatelli

50 Notices

W.B. and M.E. Bauman and Bradley Road, Incorporated appeal for grading, filling and excavation, including mining, removal, transfer and sale of soils and minerals on acreage located in a General Industry District and consisting of parcel numbers 009-36-001, 009-36-002, 009-36-005, 009-36-006, 009-36-007, 009-34-002, and 009-34-004; where the proposed use is subject to the limitations in Section 345.04(b)(21) and shall not have the effect or impact of being more injurious, hazardous, noxious or offensive than the enterprises listed in division (b) of Section 345.04(b), including: asphalt or tar manufacturing or refining; blast furnaces, ore smelting or reduction, refining or smelting; carbon, coke or lampblack manufacture; coal gas manufacture; cremation; creosote manufacture or treatment; dextrine, glucose or starch manufacture; disinfectant or insecticide manufacture which emits offensive odors; dye stuffs manufacture; manufacture of steel by the Bessemer process; match manufacture; oil cloth or linoleum manufacture; paper and pulp manufacturing; reduction or refining of petroleum or other flammable liquids; rock crushing; rubber manufacture by reclaiming processes; stock feed manufacture from refuse; tanning, curing or storing of rawhides or skins; wool pulling or scouring; and hair processing. Pursuant to Sections 352.08-12, a 10 foot wide landscaped strip providing at least 75 percent year-round opacity is required where the General Industry zoned parcels abut residentially zoned districts on the northerly and easterly proposed parcel project lines; and vehicle maneuvering areas shall be surfaced with concrete, asphaltic concrete, asphalt or other paving material that is approved by the Chief Building Official for the City of Cleveland in accordance with Codified Ordinance Section 349.07. (Filed 10-6-10; testimony taken.)

**Third postponement requested by the Councilman for time to receive a response from the State for a Pubic Records Request for the appellant tenants' Operations Agreement.**

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