

**BOARD OF ZONING APPEALS
MAY 2, 2011**

9:30

Calendar No. 11-43:

3857 East 189th Street

Ward 1

Terrell Pruitt

4 Notices

Myron and Tiffany Washington, owners, appeal to install a wheelchair lift with a 6' x 8' landing that projects 22 feet into the front yard setback of a 50' x 119.50' lot in an A1 One-Family District, where the proposed lift and landing are not permitted encroachments according to the provisions in Section 357.13 of the Cleveland Codified Ordinances. (Filed 3-31-11)

9:30

Calendar No. 11-44:

2092 West 105th Street

Ward 16

Jay Westbrook

5 Notices

Kenneth Baker, owner, appeals to install a wheelchair lift with a 5' x 5' landing that projects 5 feet into the front yard setback of a 27.5' x 113' lot in a B1 Two-Family District, where the proposed lift and landing are not permitted encroachments according to the provisions in Section 357.13 of the Cleveland Codified Ordinances. (Filed 3-31-11)

9:30

Calendar No. 11-45:

12212 Brighton Avenue

Ward 17

Dona Brady

6 Notices

Walter Worsham, Jr., owner, appeals to install a wheelchair lift with a 5' x 5' landing that projects 5 feet into the front yard setback of a 35' x 105' lot in an A1 One-Family District, where the proposed lift and landing are not permitted encroachment according to the provisions in Section 357.13 of the Cleveland Codified Ordinances. (Filed 3-31-11)

9:30

Calendar No. 11-46:

3158 West 43rd Street

Ward 14

Brian Cummins

4 Notices

Lydia Nieves, owner appeals to rebuild a 5' x 12' side porch to a one-family dwelling on a 35' x 125' lot in a B1 Two-Family District; subject to the limitations of Section 337.23 an accessory use in a residence district shall be located on the rear half of the lot, a minimum of 18 inches from all property lines and at least 10 feet from any main building on an adjoining lot, and accessory off-street parking shall be provided as required in Section 349.01, and contrary to Section 357.09 an aggregate width of interior side yards equals 7 feet and 10 feet is required. (Filed 4-4-11)

9:30

Calendar No. 11-53:

1393 East 51st Street

Ward 8

Jeffrey Johnson

26 Notices

Ohio Technical College, Inc., owner, appeals to surface a vacant 30' x 125.07' parcel for a parking lot in a B1 Two-Family District, where the Board of Zoning Appeals may permit, temporarily or permanently, the use of land, other than that in a Limited One-Family District, for a parking lot when the best interests of the community will be served, provided that (1) the lot is used only for parking of passenger automobiles of employees, customers or guests of the person or firm controlling and operating the lot who shall be responsible for its maintenance; (2) no charge is to be made for parking; (3) the lot is not used for sales, repair work or servicing of any kind; (4) entrance to and exit from the lot are to be located so as to do the least harm to the Residence District; (5) no advertising sign or material is to be located on the lot; (6) all parking is to be kept back of the setback building line by barrier unless specifically authorized otherwise by the Board; (7) the parking lot and portion of the driveway back of the building line are to be adequately screened from the street and from adjoining property in a Residence District by a hedge, sightly fence or wall not less than four feet six inches high and not more than five feet high located back of the setback building line; all lighting is to be arranged so that there is no glare that annoys occupants of adjoining property and the surface of the lot is to be smoothly graded, hard surfaced and adequately drained; (8) the building permit number under which the lot is established is to be posted; (9) and such other conditions may be imposed as the Board deems necessary in a specific case to reduce the adverse effect of the proximity of a parking lot upon the character, development and maintenance of the Residence District in which the parking lot is located according to Section 349.13(c); and the proposed parking lot plan shows two (2) spaces in the front setback, shows no landscaping nor screening and driveway access to the lot is from another, separate parcel. (4-15-11)

9:30

Calendar No. 11-54:

1368 East 52nd Street

Ward 8

Jeffrey Johnson

26 Notices

Ohio Technical College, Inc., owner, appeals to construct a parking lot on a 70' x 125' parcel consolidated with an existing parking lot in a B1 Two-Family District, where the Board of Zoning Appeals may permit, temporarily or permanently, the use of land, other than that in a Limited One-Family District, for a parking lot when the best interests of the community will be served, provided that (1) the lot is used only for parking of passenger automobiles of employees, customers or guests of the person or firm controlling and operating the lot who shall be responsible for its maintenance; (2) no charge is to be made for parking; (3) the lot is not used for sales, repair work or servicing of any kind; (4) entrance to and exit from the lot are to be located so as to do the least harm to the Residence District; (5) no advertising sign or material is to be located on the lot; (6) all parking is to be kept back of the setback building line by barrier unless specifically authorized otherwise by the Board; (7) the parking lot and portion of the driveway back of the building line are to be adequately screened from the street and from adjoining property in a Residence District by a hedge, sightly fence or wall not less than four feet six inches high and not more than five feet high located back of the setback building line; all lighting is to be arranged so that there is no glare that annoys occupants of adjoining property and the surface of the lot is to be smoothly graded, hard surfaced and adequately drained; (8) the building permit number under which the lot is established is to be posted; (9) and such other conditions may be imposed as the Board deems necessary in a specific case to reduce the adverse effect of the proximity of a parking lot upon the character, development and maintenance of the Residence District in which the parking lot is located according to Section 349.13(c). A wood stockade fence 6 feet high is proposed contrary to Section 358.04 that limits fence height to 4 feet in the actual front yard of a residence district and requires it to be at least 50 percent open; and less than 10 feet from an adjacent residential building is proposed for the accessory off-street parking contrary to Section 339.02(a). Pursuant to Section 349.07, all accessory parking spaces shall be provided with wheel or bumper guards located so that no part of a parked vehicle extends beyond the parking spaces; and no landscaping is proposed where the lot abuts East 52nd Street and where a landscape transition strip 8 feet wide is required, landscaping 3 feet and 5 feet in width is proposed adjacent to the residential lot and contrary to Sections 352.09-11 of the Cleveland Codified Ordinances. (Filed 4-15-11)

POSTPONED FROM APRIL 4, 2011

10:30

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; testimony taken.)

Second postponement granted to allow time for a community meeting about the requested use.

POSTPONED FROM APRIL 18, 2011

10:30

Calendar No. 11-31:

4374-76 Pearl Road

Ward 13

Kevin Kelley

11 Notices

George McPherson, owner appeals to establish an outdoor restaurant on a 47.02' x 159.48' lot in a Local Retail Business District where an eight (8) foot wide landscaping strip is required along the rear of the property to separate the lot from a Residence District in accordance with Sections 352.08-11 of the Cleveland Codified Ordinances. (Filed 3-3-11; no testimony taken.)

First postponement requested by the Councilman for the purpose of local design review for the project.