

**BOARD OF ZONING APPEALS
SEPTEMBER 6, 2011**

9:30

Calendar No.11-146:

13600 Deise Avenue

Ward 10

Eugene Miller

18 Notices

Northeast Ohio Sewer District, owner, appeals for open, outside storage of materials, equipment and construction trailers on acreage located in a B3 Residence Industry District; contrary to Section 345.02(b) that all storage must be inside buildings and proposing a modification of conditions imposed for use and a plan approved in Board of Zoning Appeals Calendar No. 10-9, for which substitution of a nonconforming use requires Board of Zoning Appeals approval according to Section 359.01 of the Cleveland Codified Ordinances. (Filed 8-2-11)

9:30

Calendar No. 11-147:

9815 Westchester Avenue

Ward 8

Jeffrey Johnson

9 Notices

Abdul Ali, owner, and Nasima Akhler, tenant, to establish a Type A day care in a single family dwelling on a 50' x 95' parcel in an AA1 Limited One- Family District, contrary to Section 337.02(f)(3)C that prohibits a Type A day care use to be located less than 30 feet of a residential district and is subject to review and approval of the Board of Zoning Appeals to determine, after public notice and hearing, whether adequate yard spaces and other safeguards to preserve the character of the neighborhood are provided, and if in the judgment of the Board such building and use are appropriately located and designed and will meet a community need without adversely affecting the neighborhood. (Filed 8-4-11)

9:30

Calendar No. 11-149:

4780 Reid Avenue

Ward 12

Anthony Brancatelli

1 Notice

Greater Cleveland Community Improvement Corporation, owner, appeals to erect a free-standing, single face real estate sign on vacant acreage located in a B3 Semi-Industry District; proposing a sign area of 192 square feet and a height of 16.6' contrary to 48 square feet and a height of 10 feet that is allowed under Section 350.15(b) in the Cleveland Codified Ordinances. (Filed 8-8-11)

9:30

Calendar No. 11-151:

16700 St. Clair Avenue

Ward 11

Michael Polensek

4 Notices

WRRS, LLC and Frank Laske, owner, appeal to install a chain link fence 6 feet high with 3 strands of barbed wire and a dirt mound 10 feet high along the front yard of an acreage parcel located in a C2 semi-Industry District; and under the limitations in Section 358.05(a)(1) fences in Semi-Industry and Non-Residential Districts shall not exceed 4 feet in height and be at least 50 percent open above 2 feet in height and in actual rear and interior side yards shall not exceed 6 feet in height and may be open or solid. (Filed 8-10-11)

POSTPONED FROM AUGUST 1, 2011

10:30

Calendar No. 11-108:

2580 East 93rd Street

Ward 6

Mamie Mitchell

7 Notices

Kash Properties LLC, owner, appeals for a change of use from office and storage to a motor vehicle service garage (pursuant to Cleveland Zoning Code Section 325.487) an existing one-story building located on an 84' x 80' corner lot in a Semi-Industry District; subject to Section 349.07(a & b) accessory off-street parking spaces, driveways and maneuvering areas shall be hard surfaced, striped, properly graded for drainage and be provided with wheel or bumper guards located so that no part of a parked vehicle extends beyond such parking spaces; and under Section 347.08(a) trash areas shall be screened with opaque fencing not lower than the height of the refuse container it encloses; and where the parking abuts the street along East 93rd Street a landscape strip 6 feet wide is required in accordance with Section 352.10 of the Cleveland Codified Ordinances. (Filed 6-21-11; no testimony taken.)

First postponement requested by the appellant for time to meet with the Councilwoman about the proposed use.

POSTPONED FROM AUGUST 8, 2011

10:30

Calendar No. 11-123:

9025 Lorain Avenue

Ward 16

Jay Westbrook

10 Notices

The 9019-9025 Lorain Avenue LLC, owner, appeals to rebuild and re-establish use of a motor vehicle service garage located on a 60' x 142.40' irregular shaped lot in a Local Retail Business District; and under the provisions in Cleveland Codified Ordinance 359.03(b) a nonconforming building or use more than fifty percent destroyed or removed by whatever cause including acts of God, but not including acts of malicious mischief or vandalism, shall not be restored except in conformity with the regulations for the district in which it is located; and a motor vehicle service garage is first permitted in a General Retail Business District subject to the provisions under Section 343.11(b)(2)(I)(3) and in accordance with the regulations in Section 343.14 that shall be considered by the Board of Zoning Appeals:

(a) no motor vehicle service station shall be located on a parcel within 100 feet of a Residence District unless a solid wood or brick or stone wall fence 6 feet in height is placed along a property line abutting a Residence District, in addition to any otherwise required landscaping; no motor vehicle repair activity may occur within 10 feet of a Residence District; no service bay or garage door may be oriented toward a Residence District;

(b) no service station shall be located on a "mid-block" property except if on a street with a right-of-way at least 80 feet wide;

(c) no motor vehicle repairs shall be performed before 7:00 A.M. or after 9:00 P.M.

(d) a motor vehicle service garage or service station shall include no more than 4 service bays, and on corner lots the bays shall be oriented to a street characterized by commercial or industrial uses;

(e) tires, barrels, discarded auto parts and outdoor storage of materials used or sold on the premises must be screened from view from adjacent properties and streets by a "screen barrier" as required in Cleveland Codified Ordinances 352.10;

(f) no commercial tractor, trailer or semi-trailer except trailers designed to be pulled by passenger autos may be parked on the premises for more than 4 hours within any 24 hour period, except in case of emergency and not more than 4 customer vehicles may be stored overnight in an outdoor location and a vehicle not in working order shall not be stored on the premises for more than 48 hours.

(Filed 7-7-11; no testimony taken.)

First postponement requested by the Councilman for added review and to resolve issues related to the appeal.

