

**BOARD OF ZONING APPEALS
SEPTEMBER 12, 2011**

9:30

Calendar No. 11-141:

3829 Lorain Avenue

Ward 15

Matthew Zone

16 Notices

Ellen Mueller, owner, and Alfonso Lugo, prospective tenant, appeal to establish use for piercing and tattooing in a one-story building on an 80.60' x 82.09' lot in a D3 Local Retail Business District; contrary to permitted uses under Section 343.01(b) and allowed first in a General Retail Business District, provided that it is at least 1,000 feet from a residence district, library, church, parks, and playgrounds and the proposed use is within 100 feet of a residential district and within 1,000 feet of St. Patrick's Church, Zion United Church and Greenwood Park/Playground; and subject to the limitations of Section 343.01 in the Cleveland Zoning Code, tire storage, sales and service shown on the site plan are not a permitted use in a Local Retail Business District. (Filed 7-29-11)

9:30

Calendar No.11-148:

1222 Prospect Avenue

Ward 3

Joe Cimperman

10 Notices

RTN Limited Partners, owner, and David Parker, prospective tenant, appeal to establish use as a bar with live entertainment in an existing two-story building on a flag shaped corner parcel in an E5 General Retail Business District, located within 500 feet of the Hanna Theater, and under Cleveland Codified Ordinance 347.12(a)(2), no such use, as described in Section 343.11, shall be established within 500 feet of another amusement use. (Filed 8-5-11)

9:30

Calendar No. 11-150:

12702 Bellaire Road

Ward 17

Dona Brady

8 Notices

ASMAR Properties, LLC and Raed Albanna, owner, appeal for a change of use from a service station to a motor vehicle service garage as defined in Cleveland Codified Ordinance 325.487 and located on a triangular shaped corner parcel in a C1 General Retail Business District; contrary to Section 358.05(2) a 6 foot chain link fence is provided and in a non-residential district fence in the actual front and side street yards shall not exceed 4 feet in height and shall be at least 50 percent open; and in accordance with Section 347.08(a), trash areas shall be screened with opaque fencing not lower than the height of the refuse container therein; and a landscape strip 6 feet wide is required along Bellaire Road and Wanda Avenue where parking abuts the street according to Section 352.10 of the Cleveland Codified Ordinances. (Filed 8-8-11)

9:30

Calendar No. 11-152:

8411 Broadway Avenue

Ward 12

Anthony Brancatelli

11 Notices

Community Assessment and Treatment Services, owner, appeals to expand occupancy of an existing Correctional Halfway House by adding 8 residents for a total of 56 beds in an existing building located in General Retail Business District; and subject to the provisions in Section 347.15(b)(c), no Certificate of Occupancy for establishment or expansion of a Correctional Halfway House shall be issued without approval of the Board of Zoning Appeals, after public notice and hearing, in order to ensure compatibility between a proposed correctional halfway house, expansion, thereof, and surrounding properties. The Board may require modifications to a proposal as a condition of its approval and shall determine the suitability of a proposed Correctional Halfway House, or expansion thereof, at a particular location, through consideration of, among others, the following factors: (1) conformance of the proposal to the requirements of this section and to other applicable regulations of the City's Codified Ordinances; (2) the record of the proposed operator in managing similar facilities; and (3) the size of the proposed facility as it affects potential over-concentration of a correctional system population in the immediate vicinity.

(Filed 8-10-11)

POSTPONED FROM JULY 25, 2011

10:30

Calendar No. 11-82:

3801 St. Clair Avenue

Ward 3

Joe Cimperman

10 Notices

Van Kim Enterprises LLC, owner, and William Ronny, tenant, appeal for use as private club meeting and live entertainment with food and beverage service in a one-story building on a 170' x 165' corner lot located in a General Industry District and contrary to Section 349.04(e) 40 parking spaces are proposed where three times the gross floor area, plus 3 spaces for the remainder of the building that will be used for storage, equals an off-street parking requirement of 51 spaces; and under Section 349.07(b) the parking spaces shall be provided with wheel or bumper guards and no landscaping is proposed contrary to Section 352.10 that requires a landscape strip 6 feet wide where the lot abuts the street; and no such use shall be established within 500 feet of a residential district or day care center, a kindergarten, elementary or secondary school, a public library or church, a playground, a public or non profit recreation center or community center, and no such use for entertainment shall be established within 500 feet of another such use, according to the provisions in Sections 347.12(a)(1) and (2) of the Cleveland Codified Ordinances. (Filed 5-25-11; testimony taken; amended 8-23-11)

Second postponement granted for the appellant to submit a more detailed plan.

POSTPONED FROM AUGUST 15, 2011

9:30

Calendar No. 11-129:

4029-33 St. Clair Avenue

Ward 3

Joe Cimperman

11 Notices

Wai Hung Ltd., owner, and Raseem Parker, prospective tenant, appeal for a change of use from a store to a restaurant in a one-story building located on a 40' x 140' lot in a B3 Residence Industry District; and under Section 349.04(f) the off-street parking requirement equals one space 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. (Filed 7-15-11; testimony taken.)

First postponement granted for additional review of the proposed plan with the Councilman and the St. Clair Superior Development Corporation.