

**BOARD OF ZONING APPEALS
OCTOBER 17, 2011**

9:30

Calendar No. 11-170:

11607 Euclid Avenue

Ward 9

Kevin Conwell

9 Notices

Maximum Accessible Housing of Ohio appeals to construct a four (4) story apartment building on consolidated parcels located in a D2 Local Retail Business District, subject to the limitations of Area Regulations under Sections 357.04 and 357.08(b)(2) a distance of 10 feet is proposed and 30 feet is required from the front yard line to the street line and a rear yard depth of 3 feet contrary to 30 feet that is required. A gross floor area of 45,496 square feet is proposed and under Section 355.04 the maximum coverage permitted is 22,748 square feet with 24 off-street parking spaces, contrary to Section 349.02(a) and a requirement for 36 spaces; and a landscape strip 3 feet wide along East 116th Street, where a width of 6 feet is required under Sections 352.08-10; and an ornamental fence 6 feet high in the actual front yard is proposed along East 116th Street, contrary to Section 358.05(2) that limits the maximum fence height to 4 feet according to the Cleveland Codified Ordinances. (Filed 9-8-11)

9:30

Calendar No. 11-172:

12645 Lorain Avenue

Ward 17

Dona Brady

7 Notices

The Salvation Army, owner, appeals to erect a 5'-3" x 7'-9" double faced projecting sign on a one-story building located on a 37.43' x 131.87' corner lot in a C2 General Retail business District; contrary to Section 350.08(e) the projecting sign extends 7 feet horizontally from the building wall surface and no more than a projection of 4 feet is permitted; and 41.87 square feet is requested for the projecting sign that is limited to a maximum square footage of 12 square feet in the provisions of Section 350.14 in the Cleveland Codified Ordinances. (Filed 9-14-11)

9:30

Calendar No. 11-173:

12307 St. Clair Avenue

Ward 10

Eugene Miller

12 Notices

The 12307 St. Clair Ltd., owner, appeals for an addition to an existing gas station located on a 170' x 150' corner lot in a C2 Local Retail Business District and under the provisions in Section 359.01(a) the proposed nonconforming expansion requires approval from the Board of Zoning Appeals. A landscaping transition strip 10 feet wide is required at the rear of the property between the use and adjacent Residence District and landscaping a width of 4 feet with fifty percent year-round opacity is required along East 123rd Street according to Sections 352.10 and 11. A dumpster enclosure within the 10 foot transition strip at the rear of the lot is not permitted under Sections 352.09 and 352.11 in the Cleveland Codified Ordinances. (Filed 9-14-11)

9:30

Calendar No. 11-174:

1306 West 112th Street

Ward 16

Jay Westbrook

5 Notices

Valerie Totire, owner, appeals to erect a 9' x 26'-6" wooden, open platform front porch to a two family dwelling located on a 50' x 140' lot in a B1 Two-Family District; subject to the limitations under Section 357.13(b)(4), not more than a projection of 6 feet is allowed for an open porch and 9 feet is requested. (Filed 9-14-11)

9:30

Calendar No. 11-175:

17722 Grovewood Avenue

Ward 11

Michael Polensek

10 Notices

Brenda Armstrong-Gary, owner, appeals to use as a Type A Day Care the first floor of a two family dwelling, located on an irregular shaped corner parcel in a C1 Multi-Family District and according to Section 337.08(e) in the Cleveland Codified Ordinances a day care in a Multi-Family District must be separated by 15 feet from an adjoining residential lot. (Filed 9-14-11)

POSTPONED TO OCTOBER 31, 2011

10:30

Calendar No. 11-32:

961 Jefferson Avenue

Ward 3

Joe Cimperman

19 Notices

Angel Cuevas, owner, appeals to install two (2) prefab sheds and a fence 6 feet high on a triangular shaped corner parcel in a B1 Two-Family District, subject to the provisions in Section 359.01(a) and a special permit from the Board of Zoning Appeals for expansion of a nonconforming use; and contrary to the limitations of the Fence Regulations in Section 358.03(a) that prohibit a fence located within thirty feet of the intersection of two street right-of-way lines to exceed two and one-half feet in height, unless all portions of the fence above two and one-half feet are at least 75 percent open and the same restriction applies to fence located along and parallel to a driveway within fifteen feet of its intersection with a public street if no sidewalk is present; and the limitations of Section 358.04(a) prohibit fences in actual front and side street yards to exceed four feet in height and to be at least 50 percent open, except that in an actual side street yard, a fence set back at least four feet from the side street property line may be a maximum of six feet in height and open or solid. (Filed 3-3-11; no testimony taken.)

Postponement granted to appellant's request because of his absence due to travel.

POSTPONED FROM OCTOBER 3, 2011

10:30

Calendar No. 11-123:

9025 Lorain Avenue

Ward 16

Jay Westbrook

8 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.)

Third postponement requested by appellant’s counsel for the plan to be reviewed by the Cleveland Landmark Commission.

POSTPONED FROM SEPTEMBER 12, 2011

10:30

Calendar No. 11-141:

3829 Lorain Avenue

Ward 15

Matthew Zone

15 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; testimony taken.)

First postponement granted for the appellant to clarify the proposed use or uses for the property.