



BOARD OF ZONING APPEALS
601 Lakeside Avenue, Room 516
Cleveland, Ohio 44114-1071
<https://planning.clevelandohio.gov/bza/cpc.html>
216.664.2580

FEBRUARY 22, 2021

Under the conditions specified by law, the Board of Zoning Appeals will be conducting virtual meetings using the WebEx Platform. The Board of Zoning Appeals meetings will also be live streamed on YouTube. The links for the live streams will be available before the meeting on our website at:

<http://www.clevelandohio.gov/CityofCleveland/Home/Government/CityAgencies/CityPlanningCommission/ZoningAppeals>

Or https://www.youtube.com/channel/UCB8ql0Jrhm_pYIR1OLY68bw/

In order to keep the WebEx session manageable we are asking individuals that wish to participate in the meeting to contact the City Planning office by phone or email by noon on February 19, 2021. Those individuals not planning to comment on any agenda item during the WebEx session are encouraged to view one of the live streams.

IF YOU WISH TO PARTICIPATE AND OR GIVE TESTIMONY contact the City Planning office and request access to the WebEx Board of Zoning Appeals Meeting please call 216.664.3826 or email us at cityplanning@clevelandohio.gov You can also email Secretary Elizabeth Kukla at ekukla@city.cleveland.oh.us.

9:30

Calendar No. 21-004

1470 E. 116th Street

Ward 9

Kevin Conwell

11 Notices

Cuyahoga County Land Revitalization Corp, owner, proposes to erect a 2 story frame single family residence with detached garage. The owner appeals for relief from the strict application from the following sections of the Cleveland Codified Ordinances:

- 1.** Section 357.06(a) which states that existing average setback line 30' feet; proposing 25.8 (dining room bump-out of 4.2') (Note: The Board's powers are restricted per code section 329.04(c); please refer to said code section for description of the instances when the board *can* grant a front yard variance)
- 2.** Section 341.02(b) which states that City Planning Approval is required before issuance of building permit. (Filed January 21, 2021)

9:30

Calendar No. 21-006

9501 Pierpoint

Ward 9

Kevin Conwell

16 Notices

Chase White & Dave Lewis, owners, proposes to change the use from a two family to a three family dwelling in a B1 Two-Family Residential. The owner appeals for relief from the strict application from the following sections of the Cleveland Codified Ordinances:

- 1.** Section 337.03 which states that in a Two-Family district, a three family dwelling is not permitted; it is first permitted in a Multi-Family district.
- 2.** Section 337.03(c) which states that the Board of Zoning Appeals may grant special permit for remodeling of existing dwelling houses to provide for more than two dwelling units provided that:
 - (1) The square feet of lot area to be allotted to each dwelling unit is in accordance with the area regulations included in Chapter 355;
 - (2) The dwelling units to be created will be not smaller than two (2) rooms and a bathroom;
 - (3) There will be no exterior evidence that a remodeled dwelling house is occupied by more than two families, except such as may be permitted by the Board;
 - (4) The building when altered or erected and when occupied will conform to all the applicable provisions of the Building and Housing Codes and as the Commissioner of Building and the Commissioner of Housing so certify;
 - (5) Garage space or hard surfaced and drained parking space will be provided upon the premises for the cars of the families to be accommodated on the premises at the rate of not less than one (1) car per family.
 - (6) Section 355.04 which states that the minimum lot area for a three-family dwelling is 7, 200 square feet. The lot area proposed is 4,180 square feet. (Filed January 14, 2021)

9:30

Calendar No. 21-007

5800 Brookside Dr.

Ward 13

Kevin J. Kelley

6 Notices

David Margolius & Tekeshe Mekonnen, owners, proposes to install a pergola and 2 basement window wells to existing single family residence in an A1 One-Family Residential. The owner appeals for relief from the strict application of the following sections of the Cleveland Codified Ordinances:

- 1.** Section 357.09(b)(2)(B) which states that the minimum required interior side yard is 10'; proposing 2.21' for pergola.
- 2.** Section 357.13(c) which states that the window wells are not permitted required interior sideyard encroachments. (Filed January 2, 2021)

9:30

Calendar No. 21-008

887-915 E. 72nd Street

Ward 10

Anthony T. Hairston

26 Notices

WRJ Investment Fund LLC, prospective purchaser, proposes to construct a new 4 story apartment building on City of Cleveland Land Bank parcels and State of Ohio Owned parcels in a C1 Multi-Family zoning district. The owner appeals for relief from the strict application from the following sections of the Cleveland Codified Ordinances:

- 1.** Section 357.09 (C) which states that a 7 foot interior side yard is required and an aggregate of 14 feet for both side yard. This code section also states that a minimum distance of 10 feet from a main building on an adjacent lot is required where a zero foot interior side yard is proposed.
- 2.** Section 353.01 which states that in Height District "1" a 35 feet high building is permitted and 40 feet are proposed.
- 3.** Section 355.04 which states that the maximum gross floor area permitted in a area "C" district is ½ lot area or in this case 20,650 square feet and the appellant has proposed 59,795 square feet.
- 4.** Section 349.04(a) which states that 64 parking spaces are required, 42 spaces provided.
- 5.** Section 349.08 which states that 4' wide, densely screened year-round landscape strip or 3 to 6 feet high screening is required between parking lot and adjacent residence district.
- 6.** Section 349.15 which states that 4 bicycle parking spaces required; none proposed. (Filed January 21, 2021)

9:30

Calendar No. 21-009

4720 Brookpark Rd

Ward 13

Kevin J. Kelley

6 Notices

Brookpark Auto Auction Corp, owner, proposes to build a fence in a B3 Semi-Industry District. The owner appeals for relief from the strict application of the following sections of the Cleveland Codified Ordinances:

- 1.** Section 358.05(a)(2) which states that in nonresidential districts other than General and Unrestricted Industry Districts, fences in actual front yards shall not exceed four (4) feet in height the proposed fence is six (6) feet high. (Filed January 27, 2021)

9:30

Calendar No. 21-010

4820 Brookpark Rd

Ward 13

Kevin J. Kelley

6 Notices

Brookpark Auto Auction Corp, owner, proposes to build a fence in a B3 Semi-Industry District. The owner appeals for relief from the strict application of the following sections of the Cleveland Codified Ordinances:

- 1.** Section 358.05(a)(2) which states that in nonresidential districts other than General and Unrestricted Industry Districts, fences in actual front yards shall not exceed four (4) feet in height the proposed fence is six (6) feet high. (Filed January 27, 2021)

9:30

Calendar No. 21-011

**4720 Brookpark Rd
(PPN012-36-010)**

**Ward 13
Kevin J. Kelley
6 Notices**

Brookpark Auto Auction Corp, owner, proposes to build a fence in a B3 Semi-Industry District. The owner appeals for relief from the strict application of the following sections of the Cleveland Codified Ordinances:

1. Section 358.05(a)(2) which states that in nonresidential districts other than General and Unrestricted Industry Districts, fences in actual front yards shall not exceed four (4) feet in height the proposed fence is six (6) feet high. (Filed January 27, 2021)

9:30

Calendar No. 21-012

1878 East 90th St.

**Ward 7
Basheer S. Jones**

Central Property 2 LLC, owner, proposes to erect a four story, 131 unit apartment building and accessory parking lot in an E2 Multi-Family Residential District. The owner appeals for relief from the strict application from the following sections of the Cleveland Codified Ordinances:

1. Section 355.04 which states that in an "E" area district, the maximum gross floor area cannot exceed one and one-half the lot size. 73,812 square foot maximum gross floor area is permitted, 93,495 square foot gross floor area is proposed.

3. Section 357.04(a) which states that a front yard of 15% of the depth of the lot, 27.45 feet, is required; front yard setback varying from 8 to 15 feet is proposed. (Note: The Board's powers are restricted per code section 329.04(c); please refer to said code section for description of the instances when the board *can* grant a front yard variance)

2. Section 357.08(b)(1) which states that in a multi-family district such depth shall be not less than one-half (1/2) the height of the main building; 31.5 foot rear yard required, 18.6 feet, are proposed.

3. Section 349.04(a) which states that accessory off-street parking at the rate of one space per dwelling unit is required. Parking can be reduced by one space for every six bicycle parking spaces, up to 5% of requirement, per section 349.15(d). 131 parking spaces, minus 7 spaces due to provision of accessory bicycle parking room, results in 124 parking spaces required; 69 parking spaces provided.

4. Section 341.02(b) which states that approval of the City Planning Commission is required.

POSTPONED FROM Janary 11, 2021

9:30

Calendar No. 20-204:

2429 Superior Ave

**Ward 3
Kerry McCormack
149 Notices**

Cuyahoga County, owner, and Grammar Properties propose to erect an 11 story, 233,000 square foot mixed use development consisting of 167 apartment units, 130 hotel rooms, 2,000 square feet of commercial use,

and an 180 space parking garage. The owner appeals for relief from the strict application from the following sections of the Cleveland Codified Ordinances:

1. Section 348.04(d)(1)(A&B) which states that front setbacks in urban form overlay district are limited to 8 feet maximum: varying proposed setbacks exceed 8 feet, including up to more than 30 feet. Setbacks on secondary streets are limited to 6 feet: varying setback exceeds 6 feet, including up to more than 30 feet.
2. Section 348.04(d)(2)(A&B) which states that frontage build out of 80% of street frontage required, 63% frontage build out provided. Secondary street frontage build out of 100% is required, less than 100% build out is provided.
3. Section 341.02 which states that review and approval of the Cleveland Landmarks Commission is required. (Filed December 17, 2020-No Testimony) **FIRST POSTPONEMENT MADE AT THE REQUEST OF THE APPELLANT TO ALLOW TIME FOR DESIGN REVIEW.**

POSTPONED FROM JANUARY 11, 2021

9:30

Calendar No. 20-205:

835 Brayton Ave

Ward 3

Kerry McCormack

10 Notices

Brett McCoy, owner, proposes to erect a 20' x 32' 2 story frame rear in-law suite and 16' x 49' 2 story frame rear addition attached to existing single family residence in a B1 Two-Family Residential District. The owner appeals for relief from the strict application from the following sections of the Cleveland Codified Ordinances:

1. Section 357.08(b)(1) which states that the required rear yard is 24'; proposing 26' room addition & 25'-7" in law suite.
2. Section 357.15(a) which states that the distance between two separate dwellings shall not be less than 40'; proposing 8'.
3. Section 341.02(b) which states that City Planning Approval is required prior to the issuance of a building permit. (Filed December 17, 2020-No Testimony) **FIRST POSTPONEMENT MADE AT THE REQUEST OF THE APPELLANT TO ALLOW TIME FOR COMMUNITY REVIEW.**