



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

MAY 3, 2021

Under the conditions specified by law, the Board of Zoning Appeals will be conducting virtual meetings in a using the WebEx Platform. The Board of Zoning Appeals 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/UCB8ql0JrhmpYIR1OLY68bw/>

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 April 30, 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 216.664.2210 or email us at cityplanning@clevelandohio.gov You can also email Secretary Elizabeth Kukla at ekukla@city.cleveland.oh.us.

9:30

Calendar No. 21-056:

2483 Thurman Street

Ward 3

Kerry McCormack

13 Notices

Stacie & James Kavanagh, owners, propose to change the use from a non-conforming three dwelling unit building to a four dwelling unit building 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 337.03 which states that a four dwelling unit building is not permitted in a Two-Family zoning district.
- 2.** Section 355.04 which states that in a "B" area district, a lot area of 2,400 square feet per dwelling unit is required; in this case a 9,600 square foot lot is required and the actual lot size is 2,904 square feet.
- 3.** Section 349.04(a) which states that one accessory off-street parking space is required per dwelling unit; no legally conforming parking spaces are proposed. Per Section 337.23(a), parking must be in the rear half of the lot; per Section 357.13 parking is not a permitted front setback encroachment, and per Section 349.05(a) no parking space shall be within 10 feet of the wall of a residential building.

4. Section 359.01(A) which states that a use of building or land lawfully existing on the effective date of this Zoning Code or of any amendment or supplement thereto, or for which a permit has been lawfully issued, may be continued even though such use does not conform to the provisions of this Zoning Code for the use district in which it is located, but no enlargement or expansion shall be permitted except as a variance. (Filed April 14, 2021)

9:30

Calendar No. 21-057:

3712 West 129 Street

Ward 16

Brian Kazy

9 Notices

Sarah Masson, owner, proposes to erect approximately 70 linear feet of four-foot-high chain link fence in interior side/front yard in an A1 One-Family Residential District. The owner appeals for relief from the strict application from the following sections of the Cleveland Codified Ordinances:

1. Section 358.04(c)(1) which states that in Residential Districts, only ornamental fences, as defined herein, shall be installed in actual front yards and in actual side street yards if located within four (4) feet of the side street property line. The Board of Zoning Appeals may, however, permit a chain link fence if the Board determines that such fence is common in the immediate vicinity of the subject property.
2. Section 358.04(b) which states that a fence running generally parallel to and adjacent to a building on the same property shall be located no closer than three (3) feet to the closest wall of such building. Dimension not shown on site plan. (Filed April 19, 2021)

9:30

Calendar No. 21-059:

17508 Throckley Ave.

Ward 1

Joseph T. Jones

24 Notices

Valerie Starks-Hutton, owner proposes to establish use as a Residential Facility in an A1 One-Family Residential District. The owner appeals for relief from the strict application from the following sections of the Cleveland Codified Ordinances:

- 1.) Section 325.71 which states that "Residential facility" means a publicly or privately operated home or facility, licensed pursuant to state law, that provides accommodations, supervision, and personal care services to any of the following: (a) one (1) or two (2) unrelated persons with mental illness; (b) one (1) or two (2) unrelated adults who are receiving residential state supplement payments as defined in the Ohio Revised Code; or (c) three (3) to sixteen (16) unrelated adults.
- 2.) 337.03(h) which states that a residential facility, as defined in [Chapter 325](#) of this Zoning Code, for one (1) to five (5) persons, is not permitted if located less than one thousand feet from another residential facility. Proposed Residential Facility is within one thousand feet from "The Beechwood Family Home" that is located at 17302 Scottsdale. (Filed April 16, 2021)

POSTPONED FROM APRIL 12, 2021

9:30

Calendar No. 21-048:

3224 W. 73rd Street

Ward 3

Kerry McCormack

22 Notices

Fahkrim Mahmoud, owner, and Devon Gresham, lessee, propose to establish use as retail convenience store 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 337.08 which states that retail convenience store is not a permitted use in a Multi-Family Residential District.
2. Section 352.08-352.12 which state that a six-foot-wide landscape transition strip providing at least 50% year round opacity is required where proposed use abuts residential district on side and rear.
3. Section 359.02(a) which states that a nonconforming use of a building or premises which has been discontinued shall not thereafter be returned to such nonconforming use. (Filed March 22, 2021)

POSTPONED FROM February 22, 2021

RES JUDICATA

9:30

Calendar No. 21-006:

9501 Pierpont Ave.

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-NO TESTIMONY) *FIRST POSTPONEMENT MADE BY THE BOARD TO ALLOW TIME FOR THE APPELLANT TO RESEARCH THE RES JUDICATA ISSUE.*