



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

AUGUST 2, 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/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 July 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. 21-109:

3912 East 155th Street

Ward 1

Joseph T. Jones

22 Notices

Rita and Jesse Davidson, owners propose to establish use as Residential Facility for six occupants in an A1 One Family Residential District. The owner appeals for relief from the strict application of the following sections of the Cleveland Codified Ordinances:

1. Section 325.571 which states that a "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. Section 337.02(h) which states that a Residential Facility for more than five (5) unrelated persons is not permitted in a One Family District. A Residential Facility, as defined in Chapter 325 of this Zoning Code, is also not permitted if located less than one thousand (1,000) feet from another Residential Facility. Proposed Residential Facility use is within one thousand (1,000) feet from two other Residential Facilities, at 15503 Eldamere and 16003 Glendale. (Filed June 23, 2021)

9:30

Calendar No. 21-113:

2451 Thurman St.

Ward 3

Kerry McCormack

11 Notices

Luz Pellot and Paul Stamy's, owners, propose to erect a 26' x 50'-3" three story frame single family residence with 2 bay attached garage in a B1 Two-Family Residential District. The owner appeals for relief from the strict application of the following sections of the Cleveland Codified Ordinances:

1. Section 337.23(B)(2)(b) which states that attached garages must be located on rear half of lot.
2. Section 355.04(b) which states that maximum Gross Floor Area shall not exceed 50 percent of lot size 1,192sqft; proposing 3,346sqft. Existing lot of record for Two Family Use shall not be less than 4800sqft; 355.05(b) proposing 2,392sqft.
3. Section 357.08(b)(1) which states that the required Rear Yard is 35'; proposing 9'-9".
4. Section 357.09(b)(2) which states that the minimum distance between buildings on adjoining lot is 6'; proposing 4'.
5. Section 341.02 which states that Cleveland City Planning Department approval is required before issuance of permit. (Filed July 8, 2021)

9:30

Calendar No. 21-114:

4106 Pearl Rd

Ward 13

Kevin Kelley

18 Notices

Maathile Saad, owner proposes to erect a 2,200 square foot bank building and 15 space parking lot in a G2 Local Retail Business District and an Urban Form Overlay District. The owner appeals for relief from the strict application of the following sections of the Cleveland Codified Ordinances:

1. Section 348.04(d)(2)(E) which states that pedestrian entrance is required on secondary street frontage.
2. Section 348.04(d)(4)(A) which states that the amount of parking spaces cannot exceed 120% of standard parking requirement listed in Section 349.04 of the Zoning Code. A maximum of six spaces are permitted for a 2,200 square foot bank building: 15 parking spaces are proposed.
3. Section 348.04(d)(4)(B) which states that the parking access drive is not permitted on principal street frontage. Aggregate of parking entrance driveways on any street frontage cannot exceed 20 feet: more than 20 feet aggregate parking entrance driveways are provided on secondary street frontage.
4. Section 348.04(d)(5)(A) which states that a minimum three foot landscaped strip and a 3.5-foot street screen is required on the secondary street frontage, none is provided.
5. Section 348.04(f)(1) which states that an applicant seeking a variance shall submit a site plan, color elevations, and other drawings as requested or necessary to compare and contrast a code compliant building with the proposed non-compliant building. Such exhibits shall demonstrate, based upon a preponderance of competent, probative evidence as evaluated under the guidelines set forth in division (f)(2) below, that the standard for granting a variance has been met.
6. Section 348.04(f)(2)(B) which states that the Board may grant a variance above the maximum amount of parking spaces permitted by this section, where the applicant has either shown a good faith effort to first utilize district parking, on street parking and /or secure shared-use agreements with adjacent property owners or has agreed to make its parking lot available for shared parking with neighboring businesses. (Filed July 8, 2021)

9:30

Calendar No. 21-117:

607 E. 102 St.

Ward 9

Kevin Conwell

10 Notices

Betty Wilson, owner, proposes to erect 45 linear feet of 4-foot-high chain link fence in a B1 Two-Family Residential District. The owner appeals for relief from the strict application of Section 358.04 (c) which states that in a residential district only ornamental fences shall be installed in the actual front and actual side street yards if located within 4 feet of the actual side street property line. In this case a chain link fence is proposed. (filed July 6, 2021).

POSTPONED FROM JULY 12, 2021

9:30

Calendar No. 21-093:

16115 Waterloo Rd.

Ward 8

Michael D. Polensek

20 Notices

The McPhillip's Way, owner, proposes to erect an 80 feet tall automatic changeable copy (digital) pole sign in a C2 Local Retail Business Zoning District. The owner appeals for relief from the strict application of the following sections of the Cleveland Codified Ordinances:

1. Section 350.14(b) which states that the maximum square footage is 50 square feet and the appellant is proposing 219 square feet.
2. Section 350.14(b) which states that in the Local Retail Business district a maximum permitted height for a pole sign is 12 feet and the appellant is proposing 80 feet. (A 68-foot variance is required).
3. Section 350.14(c) which states that a free standing sign located in a Retail Business District shall be 25 feet from a Residential District Line, 3 feet from a street right of way line and 5 feet from all side and rear lot lines. (No measurement provided on site plan.)
4. Section 350.14(h) which states that Automatic Changeable Copy Signs shall be permitted in a Local Retail Business District only if the Board of Zoning Appeals grants variances in accordance with following standards:
 - A.) The proposed sign will not adversely impact the character of nearby properties and will not cause disturbance to users of those properties (including residential)
 - B.) The design and placement of the sign has been approved by City Planning or Landmarks Commission, as applicable, in accordance with the general design guidelines established for use by each Commission.
 - C.) Each display of information shall remain static or fixed for a minimum of twenty seconds, thereby prohibiting flashing, scrolling, animated or other copy that gives the appearance of motion unless the City Planning or Landmarks Commission, as applicable, determines that animated or more frequently changing displays can be accommodated in a particular location without causing disturbances to nearby properties.
5. Section 341.02 which states that City Planning Commission is required. City Planning Commission denied and an Administrative Appeal is required. (Filed June 2, 2021 updated July 12, 2021 – Testimony Taken) *FIRST POSTPONEMENT MADE AT THE REQUEST OF THE CITY TO ALLOW FOR AN UPDATE TO THE NOTICE OF NONCONFORMANCE AND READVERTISEMENT.*

