



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

## SEPTEMBER 13, 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/UCB8qI0Jrhm\\_pYIR1OLY68bw/](https://www.youtube.com/channel/UCB8qI0Jrhm_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 September 13, 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](mailto:cityplanning@clevelandohio.gov) . You can also email Secretary Elizabeth Kukla at [ekukla@city.cleveland.oh.us](mailto:ekukla@city.cleveland.oh.us).**

**9:30**

**Calendar No. 21-136:**

**14930 St. Clair Ave**

**Ward 10**

**Anthony T. Hairston**

**22 Notices**

Five Points Shopping Center LLC, owner, and Jalia Enterprise LLC., lessee, propose to establish use as a banquet, assembly, entertainment, party hall in an C2 Shopping Center District. The owner appeals for relief from the strict application of the following sections of the Cleveland Codified Ordinances:

- 1.** Section 343.04(a) which states that in a Shopping Center District all uses permitted and as regulated in a Local Retail Business District.
- 2.** Section 343.01(b) which states that assembly party/banquet hall is not permitted in a Local Retail Business District and is specifically first permitted in a General Retail Business District per Section 343.11(b)(2)(L). (Filed Aug 12, 2021)

**9:30**

**Calendar No. 21-139:**

**10011 Clifton Blvd**

**Ward 11**

**Brian Mooney**

**\*WITHDRAWN\***

**33 Notices**

Bighaus Development LLC, owner, proposes to erect a 11,255 square foot building professional offices and two residences 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 337.02 which states that a building with professional offices and two residences is not permitted in a One Family Zoning District.
2. Section 355.04 which states that in an "A" area district the total square footage of the building cannot exceed one half of the lot size. Lot size of prospective consolidation of two lots is 16,674 square feet, permitting a maximum of 8,337 square foot floor area and 11,225 square feet of gross floor area are proposed.
3. Section 357.06(a) which states that where no specific building line is indicated on the Building Zone Map, on a street frontage on one (1) side of a street between two (2) successive intersecting streets but excluding the frontage along the side lines of corner lots, where twenty percent (20%) or more of the aggregate street frontage of the property abutting thereon is occupied by main buildings, the average of the setbacks of the existing buildings within one hundred (100) feet on both sides of any lot shall determine the location of the required front yard line for that lot, except that such front yard line shall not be required to be more than forty (40) feet back of the street line. Average setbacks of buildings on same side of Clifton Blvd. is not provided by applicant, building is proposed in front of setback line of neighboring house. Please note that the Board of Zoning Appeals is limited in its ability to grant a setback from Clifton Boulevard unless certain conditions exists per code section 329.04(c).
4. Section 357.09(b)(2) which states that a minimum interior side yard of 10 feet is required.
5. Section 349.04(g) which states that parking for a professional office is required at the rate of one space per 500 square feet. An (approximately) 6,000 square foot office requires 12 parking spaces (5 shown). Parking is not permitted in front setback. (Filed August 16, 2021)

**9:30**

**Calendar No. 21-140:**

**2054 Fulton Rd.**

**Ward 3**

**Kerry McCormack**

**25 Notices**

FR Houses LLC, owner, proposes to establish use as restaurant in a B3 Two-Family Residential District. The owner appeals for relief from the strict application of the following sections of the Cleveland Codified Ordinances:

1. Section 337.02 which states that a restaurant is not a permitted use in a Two Family Residential District.
2. Section 349.04(f) which states that accessory, off-street parking for a restaurant is required at the rate of one space for every four seats, plus one space per employee. At least 15 spaces for seating shown on floor plan, plus any outdoor patio use, and one per employee, are required, no parking shown. (Filed August 18, 2021)

**Postponed from July 12, 2021**

**9:30**

**Calendar No. 21-095:**

**14526 Puritas Ave**

**Ward 16**

**Brian Kazy**

**26 Notices**

Northern Ohio Gas Stations (Saady Hashem), owner, proposes to use and occupancy premises as a Motor Vehicle Service station in a C2 Local Retail Business District. The owner appeals for relief from the strict application of the following sections of the Cleveland Codified Ordinances:

1. Section 343.01(b) which states that a Motor Vehicle Service Station is not a permitted use in a Local Retail Business District, first permitted in a General Retail Business District per Section 343.11(b)(2)(I)(1).
2. Section 359.02(a) A nonconforming use of a building or premises which has been discontinued shall not thereafter be returned to such nonconforming use. (Filed June 4, 2021- No Testimony) **FIRST POSTPONEMENT MADE AT THE REQUEST OF THE ATTORNEY DUE TO A SCHEDULING CONFLICT.**

**Postponed from July 19, 2021**

**9:30**

**Calendar No. 21-098:**

**13001 Dove Ave.**

**Ward 2**

**Kevin L. Bishop**

**22 Notices**

Paul Snowball, owner proposes to construct a 7 space parking lot in a B1 Two-Family Residential and a C1 Local Retail Business District. The owner appeals for relief from the strict application of the following sections of the Cleveland Codified Ordinances:

1. Section 349.07 (a) which states that accessory off-street parking spaces, driveways and maneuvering areas shall be properly graded for drainage so that all water is drained within the lot providing such parking spaces, surfaced with concrete, asphaltic concrete, asphalt or other surfacing materials.
2. Section 349.07 (b) which states that accessory off-street parking spaces shall be provided with wheel or bumper guards that are so located that no part of a parked vehicle will extend beyond such parking space.
3. Section 349.07 (c) which states that the driveway used to provide accessibility to accessory off-street parking spaces shall be so located and arranged to minimize traffic congestion.
4. Section 349.13(c) which states the Board of Zoning Appeals may permit, temporarily or permanently, the use of land in a Residence District for a parking lot.
5. 349.13(c)(6) All parking is to be kept back of the setback building line by barrier unless specifically authorized otherwise by the Board.
6. 358.04 Fences in actual front yards shall not exceed four (4) feet in height and shall be at least fifty percent (50%) open. (Filed June 7, 2021-Testimony Taken) **POSTPONEMENT MADE AT THE REQUEST OF THE CITY TO ALLOW TIME FOR THE PLANS TO BE REVIEWED BY DESIGN REVIEW.**

**Postponed from August 2, 2021**

**9:30**

**Calendar No. 21-109:**

**3912 East 155<sup>th</sup> 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-Testimony taken) *POSTPONED TO ALLOW TIME FOR THE APPELLANT TO TALK TO THE COUNCILMAN AND MARKA FIELDS. THE APPELLANT IS TO SUBMIT OPERATIONS INFO.*

**POSTPONED FROM AUGUST 16, 2021**

**9:30**

**Calendar No. 21-120:**

**2280 W. 6<sup>th</sup> Street**

**Ward 3**

**Kerry McCormack**

**12 Notices**

Aaron Price, owner, proposes to erect a 4-story frame single family residence with attached garaged 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(a)(6)(A)(2) which states that attached Accessory garage shall be placed on rear half of lot which in this case is at 50 feet back and the appellant is proposing 30.50 feet.
2. Section 355.04(b) which states that the maximum gross floor area shall not exceed 50% of the lot size or in this case 1,690 square feet and the appellant is proposing 2,645 square feet.
3. Section 357.09(b)(2)(C) which states that the Required Interior Side Yard is 3 feet; proposing 2 feet.
4. Section 341.02(b) which states that City Planning approval is required prior to the issuance of a building permit. (Filed July 20, 2021-No Testimony) *POSTPONEMENT MADE AT THE REQUEST OF COUNCILMAN MCCORMACK TO ALLOW TIME FOR COMMUNITY REVIEW.*

**POSTPONED FROM AUGUST 16, 2021**

**9:30**

**Calendar No. 21-125:**

**4815 Franklin Blvd**

**Ward 3**

**Kerry McCormack**

**23 Notices**

Chad Kertesz, owner, proposes to erect three story, 12,750 square foot, 24-unit residential building 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:

NOTE: APPLICANT SEEKS BZA APPROVAL OF SITE PLAN DIFFERING FROM THAT WHICH WAS APPROVED BY THE BZA IN CALENDAR NUMER 19-305 ISSUED JANUARY 27, 2020 AND WHICH RESULTED IN PERMIT NUMBER B20011302 ISSUED NOVEMBER 5, 2020. **THE SHADED ITEMS ARE NEW:**

1. Section 337.03 which states that multi dwelling unit building is not permitted in a Two Family residential zoning district, first permitted in a Multi-Family residential district.
2. Section 355.04 which states that the Maximum gross floor area of building in "B" area district is limited to 1/2 of lot area; per Cuyahoga County land records, half of 11,294 square foot lot is 5,647 square feet where 12,750 square feet are proposed.
3. Section 355.04 which states that in "B" area district, 2,400 square feet lot area per dwelling unit, or 57,600 square foot lot is required; 11,294 square foot lot is provided.
4. Section 349.04(a) which states that One accessory off-street parking space is required for each dwelling unit. 24 parking spaces required, **15 parking spaces are provided. Paving and drainage of parking area required, not shown.**
5. Section 349.05(a) which states that parking is not permitted within 10 feet of the wall of any residence with a required window or door.
6. Section 349.08 which states that screening, from all adjacent lots, consisting of opaque fence or four feet of landscaping of area with 5 or more parking spaces is required.
7. Section 357.13 which states that parking is not a permitted side yard encroachment.
8. Section 357.01(a)(d) which states that a specific 10-foot setback is established for Franklin Blvd. and a 4'8" front setback is proposed.
9. Section 353.01 which states that maximum building height is 35 feet at setback line: compliance cannot be determined without submission of elevation plan.
10. **Section 352.10(a)(1) which states that Six-foot-wide landscaped frontage strip is required for parking lot of over 10 spaces.**
11. Section 358.04(a) which states that the height of a fence cannot exceed the distance from the main building on adjacent lot. A 6-foot fence is proposed apparently within 6' of a main building. No height or type of fence specified on plan for proposed fence in front yard, compliance cannot be determined.
12. Section 341.02 which states that review and approval of the Cleveland Landmarks Commission is required. (Filed July 26, 2021) *POSTPONED TO ALLOW TIME FOR PLANNING AND LANDMARKS TO REVIEW THE NEW OUTDOOR SPACE AND LANDSCAPING.*

**POSTPONED FROM AUGUST 23, 2021**

**9:30**

**Calendar No. 21-132:**

**1430 E. 45 Street**

**Ward 10**

**Anthony Hairston**

**43 Notices**

Cleveland Housing Network, owner, proposes to construct a three story 50-unit apartment building providing housing and services and counseling for "Transitional Age Youth" in a B1 Multi-Family Resi-

dential District. The owner appeals for relief from the strict application of the following sections of the Cleveland Codified Ordinances:

1. Section 355.04 which states that in a 'B' Area District the maximum gross floor area of buildings cannot exceed one-half the lot area or in this case 34,217.5 square feet and 51,556 square feet are proposed. A lot size equal to 2,400 square feet per dwelling unit is required or in this case 120,000 square feet and the actual lot size is 68,435.
2. Sections 352.08 through 352.12 which state that a 6-foot-wide frontage landscape strip screening the parking lot from street is required.
3. 341.02 which states that approval from City Planning Commission is required. (Filed July 22, 2021-No Testimony) *FIRST POSTPONEMENT DUE TO A MISPRINT ON THE ADJUDICATION.*