



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

NOVEMBER 15, 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 November 10, 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. 21-163:

2276 W. 6th St.

Ward 3

Kerry McCormack

34 Notices

Ben Mandell owner, proposes to erect a 27' x 41' 4 story frame single family residence with front loaded garage & open rear deck 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)(2) which states that an attached garage is required on rear half of lot at 40 feet back and the appellant is proposing 17 feet and have an active use of 9 feet in depth and screen from entire width & height of actual setback building line.
- 2.** Section 355.04(b) which states that the maximum gross floor area shall not exceed 50 percent of lot size or in this case 1,320 square feet and the appellant is proposing 3,095 square feet.
- 3.** Section 357.08(b)(1) which states that the required rear yard 31 feet and the appellant is proposing 19 feet and 3 inches for dwelling & rear open deck.
- 4.** Section 357.13(c) which states that air conditioning unit & unidentified use is not permitted interior side yard encroachment.
- 5.** Section 341.02 which states that approval of Cleveland City Planning Department is required. (Filed October 4, 2021)

9:30

Calendar No. 21-169:

2097 W. 26th Street

Ward 3

Kerry McCormack

9 Notices

Plum Stone CT./Timothy Delpapa owner, propose to erect a 1 story frame 8' x 12' wooden shed on vacant lot in a C1 Local Retail Business District. The owner appeals for relief from the strict application of the following section of the Cleveland Codified Ordinances:

1. Section 343.01 which states that a wooden pre-manufactured shed structure on a vacant lot is not permitted as a primary use in a Local Retail Business District. (Filed October 12, 2021)

9:30

Calendar No. 21-170:

1400 W. 3rd Street

Ward 3

Kerry McCormack

46 Notices

The Sherwin-Williams Company, owner, proposes to erect a 4-story parking structure and surface parking lot in a Limited Retail Business District and an Urban Core Overlay District and a '9' Height District. The owner appeals for relief from the strict application of the following sections of the Cleveland Codified Ordinances:

1. Section 348.05(d)(2) which states that the maximum setback permitted in Urban Core Overlay District for principal and secondary street frontages is 3 feet where a setback of 4 feet and 7 inches on principal street frontage (West 3rd St.) is proposed; 83'3" and 119'9" on secondary street frontages are proposed.
2. Section 348.05(d)(5)(B) which states that the liner building or facade along principal and secondary street frontages, that do not appear as a parking structure, are required.
3. Section 348.05(d)(5)(C) where a secondary street frontage or alley abuts the property, no access is permitted on a principal street frontage where the appellant proposes street access from principal street frontage (West 3rd).
4. Section 341.02 states that the Approval of the City Planning Commission/Landmarks Commission is required. (Filed October 20, 2021)

9:30

Calendar No. 21-171:

1450 W. 3rd Street

Ward 3

Kerry McCormack

46 Notices

The Sherwin-Williams Company, owner, proposes to erect a 36-story office building and surface parking lot in a Limited Retail Business District and an Urban Core Overlay District and a '9' Height District. The owner appeals for relief from the strict application of the following sections of the Cleveland Codified Ordinances:

1. Section 348.05(d)(2) maximum setback permitted in Urban Core Overlay District for principal and secondary street frontage is 3 feet where the appellant is proposing setbacks of 5 feet and 11 inches on principal street frontage (West 3rd), and 219 feet on West 6th St., the secondary street frontage. Open parking lot is proposed on approximately 50% of buildout on Superior Avenue secondary street frontage.
2. Section 348.05(d)(5)(B) which states that liner buildings or facades along secondary street frontages are required.
3. Section 341.02: Approval of the City Planning Commission/Landmarks Commission is required. (Filed October 20, 2021)

9:30

Calendar No. 21-172

5606 Tillman Ave.

Ward 15

Jenny Spencer

15 Notices

Mediterra Investments, owner, proposes to construct a new two story single family house with an attached garage on a 3,693 square foot lot located 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 355.04 which states that the maximum gross floor area allowed is half of the lot area or in this case 1,847 square feet; and 3,522 square feet are proposed.
2. Section 357.09 which states that the minimum distance between main buildings on adjoining lots is 6 feet where 5 feet and 2 ½ inches are proposed.
3. Section 337.23(a) which states that attached and detached garages and all other permitted accessory buildings shall be located on the rear half of the lot, a minimum of eighteen (18) inches from all property lines and at least ten (10) feet from any main building on an adjoining lot in a Residence District.
4. Section 341.02(b) City Planning approval is required prior to the issuance of a building permit. (Filed October 20, 2021)

POSTPONED FROM October 25, 2021

9:30

Calendar No. 21-098:

13001 Dove Ave.

Ward 2

Kevin L. Bishop

26 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 September 27, 2021

9:30

Calendar No. 21-130:

10404 Harvard Ave.

Ward 2

Kevin L. Bishop

Grastergirls LLC, owner, proposes to establish use as residential facility for five occupants. 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 "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 337.03(h) which states that a residential facility, as defined in Chapter 325 of this Zoning Code, for more than five (5) unrelated persons is not permitted in a Two Family Residential District, first permitted in a Multi-Family Residential District and only 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 another Residential Facility at 4080 East 108th Street.
- 3.** Section 349.04(a) which states that a minimum of three accessory off street parking spaces are required, no legal parking spaces provided due to lack of paved parking area.
- 4.** Section 349.07 which states that all parking spaces and vehicle maneuvering areas required to be paved and drained within lot (Filed August 3, 2021-Testimony Taken) *SECOND POSTPONMENT MADE AT THE REQUEST OF THE APPELLANT TO ALLOW TIME TO MEET WITH THE COMMUNITY. FIRST POSTPONEMENT MADE AT THE REQUEST OF THE BOARD TO ALLOW TIME FOR THE APPELLANT TO MEET WITH THE COUNCILMAN AND MARKA FIELDS.*