

## Cleveland Board of Zoning Appeals 9:30 am Monday October 25, 2021 \*\*PLEASE MUTE YOUR MICROPHONE\*\*

Kelley Britt, Board Chair Elizabeth Kukla, Secretary

### **Cleveland Board of Zoning Appeals**

October 25, 2021

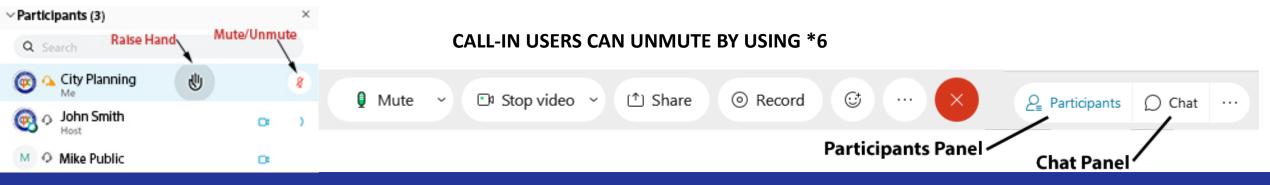
Preamble

IN COMPLIANCE WITH NOTIFICATION REQUIREMENTS OF THE CITY'S OPEN MEETING LAW, AND SECTION 101.021 OF THE CODIFIED ORDINANCES OF CLEVELAND, OHIO, 1976, NOTICE OF THIS MEETING HAS BEEN PUBLICLY POSTED.

All BOARDS AND COMMISSIONS UNDER THE PURVIEW OF THE CITY PLANNING DEPARTMENT CONDUCTS ITS MEETINGS ACCORDING TO ROBERT'S RULES OF ORDER. ACTIONS DURING THE MEETING WILL BE TAKEN BY VOICE VOTE. ABSTENTIONS FROM ANY VOTE DUE TO A CONFLICT OF INTEREST SHOULD BE STATED FOR THE RECORD PRIOR TO THE TAKING OF ANY VOTE.

IN ORDER TO ENSURE THAT EVERYONE PARTICIPATING IN THE MEETING HAVE THE OPPORTUNITY TO BE HEARD, WE ASK THAT YOU USE THE RAISE HAND FEATURE BEFORE ASKING A QUESTION OR MAKING A COMMENT. THE RAISE HAND FEATURE CAN BE FOUND IN THE PARTICIPANTS PANEL ON THE DESKTOP AND MOBILE VERSION AND ACTIVATED BY CLICKING THE HAND ICON. PLEASE WAIT FOR THE CHAIR OR FACILITATOR TO RECOGNIZE YOU AND BE SURE TO SELECT UNMUTE AND ANNOUNCE YOURSELF BEFORE YOU SPEAK. WHEN FINISHED SPEAKING, PLEASE LOWER YOUR HAND BY CLICKING ON THE RAISE HAND ICON AGAIN AND MUTE YOUR MICROPHONE.

WE WILL ALSO BE UTILIZING THE CHAT FEATURE TO COMMUNICATE WITH PARTICIPANTS. THE CHAT FEATURE CAN BE ACTIVATED BY CLICKING THE CHAT BUTTON LOCATED ON THE BOTTOM OF THE WEBEX SCREEN.



### Cleveland Board of Zoning Appeals October 25, 2021

Preamble

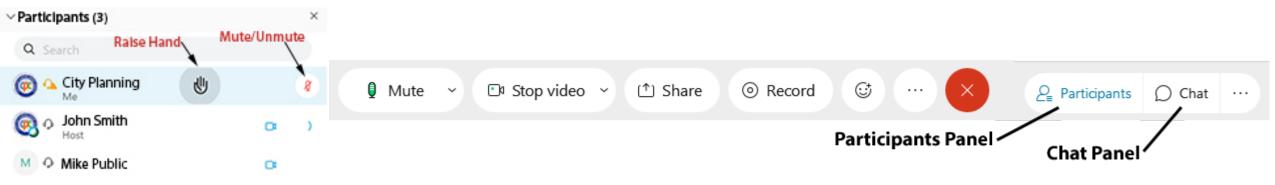
### ALL MEETING ACTIVITY IS BEING RECORDED VIA THE WEBEX PLATFORM.

## THESE PROCEEDINGS ARE ALSO BEING <u>LIVE STREAMED</u> VIA YOUTUBE FOR PUBLIC VIEW.

WE HAVE PROVIDED A LINK TO THE MEETING FOR THOSE WHO WISH TO SPEAK ON A PARTICULAR CASE VIA OUR WEBSITE AND EMAIL.

### ALL REQUESTS TO SPEAK ON A PARTICULAR MATTER HAVE BEEN CONSIDERED.

### WE HAVE ALSO RECEIVED EMAILS FROM THOSE WHO HAVE PROVIDED WRITTEN COMMENT ON A PARTICULAR MATTER.



### **Cleveland Board of Zoning Appeals**

## Call to Order & Roll Call



## **Cleveland Board of Zoning Appeals**

## **Postponements/Withdrawals**



### **Postponements / Withdrawals**

## **POSTPONEMENT REQUEST**

#### Calendar No. 21-098:

#### 13001 Dove Ave.



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. 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 June7, 2021)

## WITHDRAWN

### Calendar No. 21-095:

### 14526 Puritas Ave

### Ward 16

Ward 2

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)

### **Cleveland Board of Zoning Appeals**

## **Public Hearing**



### Calendar No. 21-157: 1571 East 32nd Street

### Ward 7

Marcia Sachs & Robert Garrity, owners, propose to build a seven-car parking lot in a B1 Two-Family Residential District. This application is an amendment to a previously granted variance in Calendar Number 20-145. The owners appeal for relief from the strict application of the following sections of the Cleveland Codified Ordinances:

1. Section 337.18(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 similar surfacing material, maintained in good condition and free of debris and trash.

2. Section 337.18(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 349.08 which states that where five (5) or more accessory off-street parking spaces are provided, and are located on a lot that is adjacent to a Residence District or that adjoins a building containing dwelling units, such parking spaces shall be screened from all adjoining lots in the Residence District or a building containing dwelling units, by an opaque wall, a uniformly painted fence of fire-resistant material or a strip of land at least four (4) feet wide and densely planted with shrubs that form a dense screen year-round. Such wall, fence or shrubs shall be at least three (3) feet, but not more than six (6) feet six (6) inches in height. 4. Section 349.13(c)which states that Board of Zoning Appeal's approval is required for a parking lot in a residence district.

**5.** Section 352.10 which states that a six (6) foot wide landscaped frontage strip is required. (Filed September 23, 2021)





Calendar No. 21-157:

1571 East 32nd Street

Ward 7

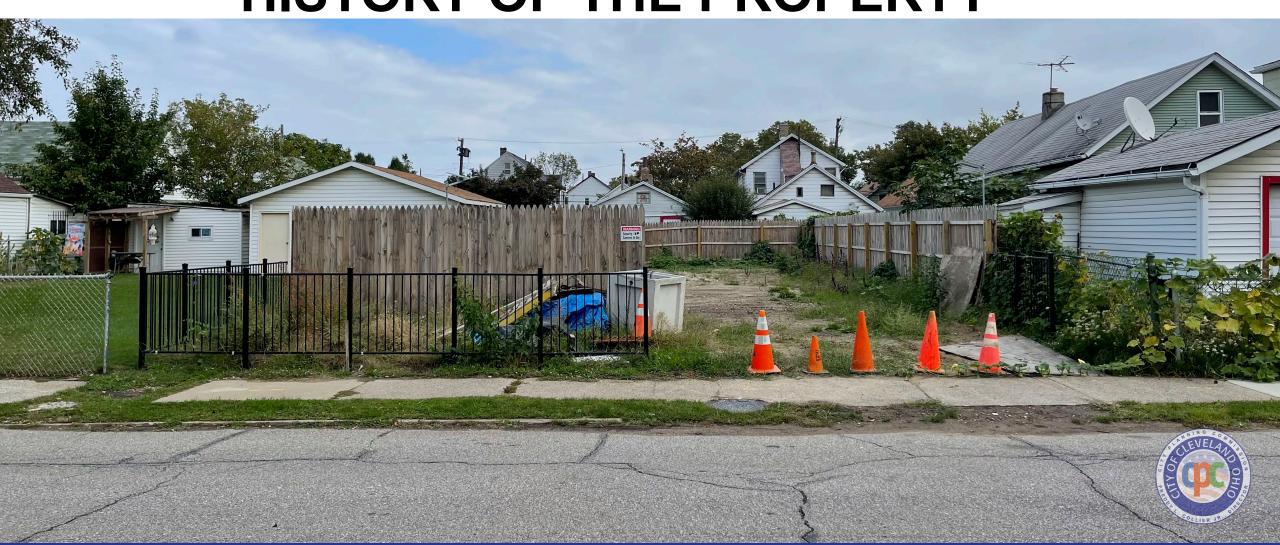


**SWEARING IN ALL WHO ARE PRESENT FOR THIS CASE:** 

DO YOU SWEAR OR AFFIRM THAT THE TESTIMONY YOU ARE ABOUT TO GIVE IS THE WHOLE TRUTH AND NOTHING BUT THE TRUTH?

### Please Raise Your Hand. Reply with <u>I DO,YOUR NAME and YOUR ADDRESS.</u>

## Calendar No. 21-157: 1571 East 32nd Street Ward 7 HISTORY OF THE PROPERTY



Calendar No. 21-157:

1571 East 32nd Street

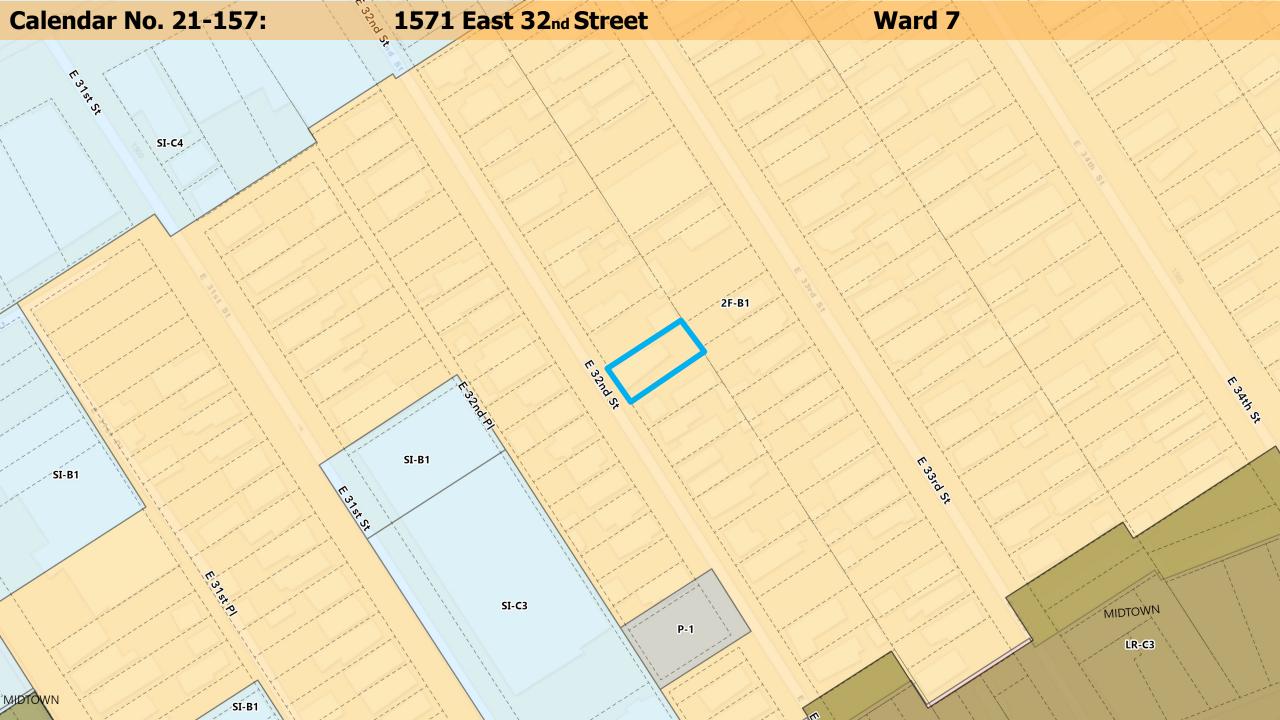
Ward 7

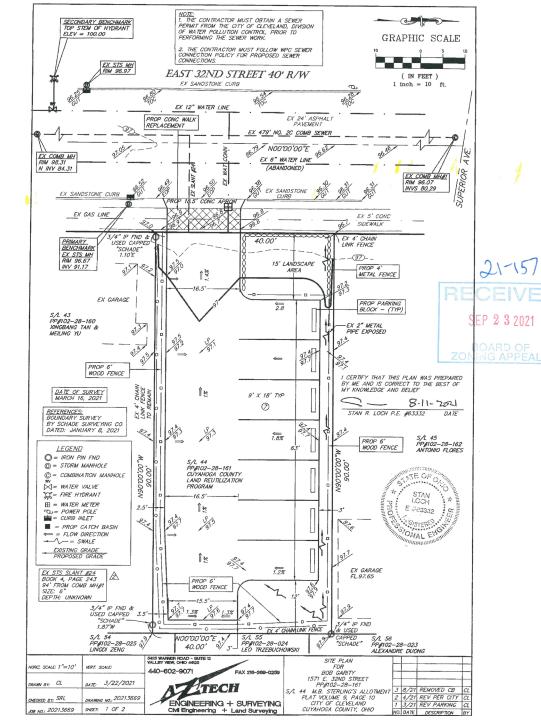


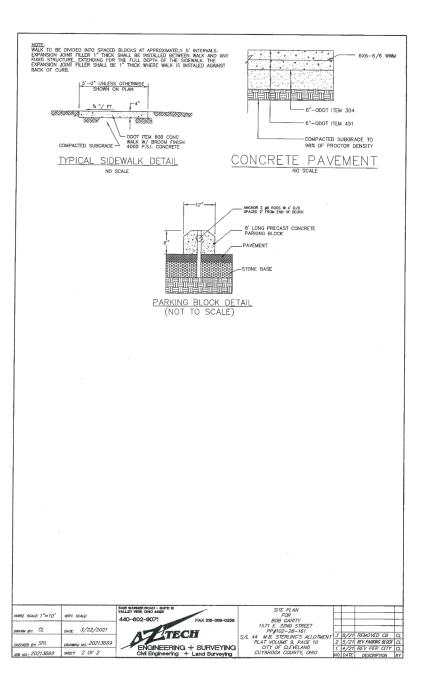
## LEGAL STANDARD



# Calendar No. 21-157: Ward 7 1571 East 32nd Street 月泉 .... East 32nd Street 5 1/9









### Calendar No. 21-159:

### 12502 Leelia Ave

Timothy Frick & Stan Warren, owners propose to erect 15' x 29' 1 story frame room addition to existing single-family residence 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 357.05(b)(1) which states that on the rear third of a corner lot in a Residence District where the rear lot line abuts a Residence District the building line shall be not less than ten (10) feet back from the side street line.

2. Section 357.09(b)(2) B which states that the minimum required interior yard is 10 feet and the appellants are proposing 1 foot.

**3.** Section 337.23(a) which states that the minimum distance from property line for off-street parking space is 18 inches and 12 inches are provided. (filed September 18, 2021)





### Ward 11

Calendar No. 21-159:

12502 Leelia Ave

Ward 11



#### **SWEARING IN ALL WHO ARE PRESENT FOR THIS CASE:**

DO YOU SWEAR OR AFFIRM THAT THE TESTIMONY YOU ARE ABOUT TO GIVE IS THE WHOLE TRUTH AND NOTHING BUT THE TRUTH?

### Please Raise Your Hand. Reply with <u>I DO,YOUR NAME and YOUR ADDRESS.</u>

Calendar No. 21-159:

12502 Leelia Ave



Ward 11

## **HISTORY OF THE PROPERTY**



Calendar No. 21-159:

12502 Leelia Ave

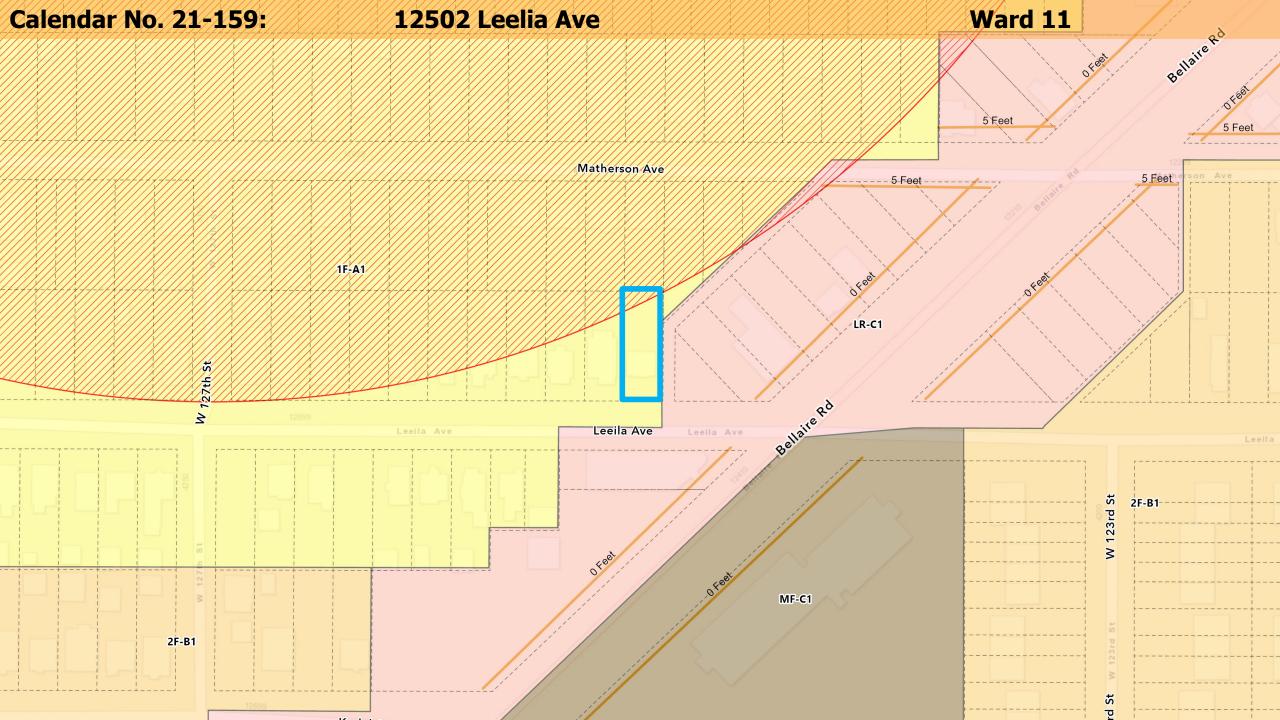


Ward 11

## **LEGAL STANDARD**







SCOPE OF PROJECT: Build a one-story 15'-O" addition (415 SF) on the back of the house with a 10'-0" porch beyond. Englarge the existing kitchen and include an eat-in area and add a new bedroom. This will be built over a crawl space to match the existing. There will be no new plumbing.

#### GENERAL NOTES:

1. All existing dimensions and conditions shall be verified in the field by the Contractor(s) prior to the construction of any part of the work and prior to ordering materials. Do not scale drawings. Notify the Architect in writing of any discrepancies.

2. All laws in force at the building location shall govern. Each Contractor and Sub-contractor shall perform all work in conformity with those laws whether or not such work is specifically shown on these drawinas.

3. Each contractor is responsible for compliance with the design. Any inconsistencies between the as-built conditions and these drawings shall be reported immediately to the Architect before CONSTRUCTION. ANY REVISIONS, CHANGES, OR DEVIATIONS PROPOSED BY THE CONTRACTOR OR TENANT MUST BE SUBMITTED TO THE ARCHITECT & CLIENT IN WRITING AND RECEIVE APPROVAL PRIOR TO PROCEEDING WITH THE WORK.

4 The General Contractor shall determine the exact locations of all public utilities prior to initiating any demolition or construction.

5. Each Contractor shall be registered with the city where the work is being conducted and shall carry Workmens Compensation and Liability insurance in amounts requested by the Owner. Contractors Llability Insurance shall include a "Hold Harmless" clause to Indemnify the Architect and the Owner against any and all claims that may arise during the life of this contract, in accordance with generally accepted construction practices, the Contractor(s) shall be solely responsible for the conditions at the job site, including the safety of all persons and property during the performance of the work.

6. The Contractor shall notify the Architect in writing of any materials or apparatus believed to be inadequate, unsuitable, in violation of laws, ordinances, rules, or regulations of authorities having Jurisdiction prior to construction.

7. It is the intent of these drawing to have all of the work done and completed in a good workerlike manner. All work shall be furnished and installed complete in every detail, ready for satisfactory operation, and all required apparatus and material shall be furnished even though not specifically mentioned herein.

8. All materials, finishes and equipment shall be erected, installed, connected, cleaned, adjusted, tested, conditioned and placed in service in accordance with the manufacturer's directions and recommendations.

9. The General Contractor shall coordinate with the Owner the location, on site, for the storage of construction materials and the areas to be protected from the work.

10. The Owner does not assume any responsibility for conditions under which the contract work must be performed and shall not be held liable for any delays or damage caused to the Contractor by reasons beyond the control of the Owner.

11. Protect existing occupancy that is to remain in continuous operation during the construction activity. Carefully remove portions that are to be removed and protect portions that are to remain temporarily or permanently in place. Provide shoring as required.

12. No extras will be authorized unless they are approved in writing by the Owner.

13. Each Contractor and Sub-contractor shall be responsible for his/her own construction tools and materials. Each Contractor and Sub-contractor shall be responsible for the quality of the work.

14. Each Contractor & Sub-contractor shall obtain & pay for all contractor required costs & trade permits. Sales tax shall be included in all bids.

15. Each Contractor shall keep the area clean at all times and remove all rubbish from the premises each day. After completion of the work, the site shall be cleaned wherever such cleaning is required, including areas of the building made dirty by the construction work. Each contractor shall remove from the premises trash, rubbish, tools, equipment and excess materials. The site is to be left in perfectly clean condition.

16. OBC 3302.1 - Required exits, existing structural elements, fire protection devices and sanitary safeguards shall be maintained at all times during remodeling, alterations, repairs, or additions to any building or structure.

17. OBC 3404.1 - Additions or alterations to existing systems, materials, or components shall not cause them to become unsafe, hazardous, overloaded, or become less effective than when originally installed, constructed, and/or approved.

18. All work shall be guaranteed for a period of one year from date of final payment to contractor.

19. Unless noted otherwise all dimensions and profiles are to match existing conditions. 20. Provide fire rated wood backing at all surface mounted fixtures and accessories. 21. No smoking in home/building. Remove all cigarette butts from property.

DESIGN CRITERIA: Zone 5 Use Group: R 2019 Residential Code of Ohio (RCO) Roof Design Loads: 15 psf dead load 12 psf wind load (90 mph max) 30 psf live load 30 psf snow load 1. Ground Snow Load: 30 PSF 2. Basic wind speed: 115 MPH (ULT), EXP B 90 MPH, Design Speed 3. Wind exposure category - B 4. High wind design criteria - B 5. Seismic design category - B 6. Weathering - Severe 7. Termite area: Heavy to Moderate 8. Winter design temperature: 5º F 9. Floor loads for decks and floor joists 30 psf live load 15 psf dead load 12 psf wind load (90 mph max) 30 psf snow load 10. Concrete compressive strength: 4000 psi for 28 days 11. Load bearing value of soil: 1500 psi 12. Energy Efficiency minimums - RCO 2019 Door (exterior) R-Value: 4.75 Fenestration U-Factor: 0.30 Skylight U-Factor: 0.55 Ceiling R-value: 49/Ceiling U-factor: 0.026 Floor R-value: 30 or insulation filled R19/Floor U-factor: 0.033 Basement Wall R-value: 10/13/Basement Wall U-factor: 0.059 Slab R-value & Depth: 10 & 2 ft. Crawl Space Wall R-value:10/13/Crawl Space Wall U-factor: 0.065 Roof; insulation entirely above deck: R-30 Attic: Residential: R49 Wood framed wall R-value: R13 + R5ci or R20/ Frame wall U-factor: 0.060 Mass Wall R-value: 13/17; Mass Wall

U-factor: 0.082

List of Drawings

A1 Site Plan

A2 Existing Floor Plan and Elevation

A4 Proposed Floor Plan

A5 Reflected Ceiling Plan

A8 Proposed Back Elevation

A9 Proposed Side Elevation

All Crawlspace Addition Detail

A12 Roof Plan and Roof Framing

A13 Roof Details

A14 Porch Details

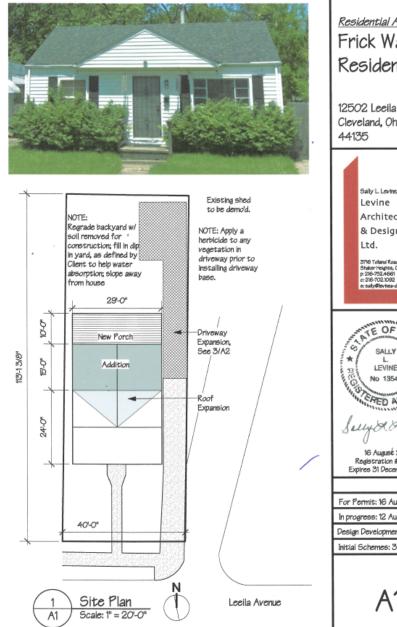
A15 Photos

A3 Existing Side and Back Elevations

A10 Foundation Plan and Floor Framing

A6 Existing Kitchen and Interior Elevations/Details

A7 Proposed Kitchen and Interior Elevations



Residential Addition Frick Warren Residence

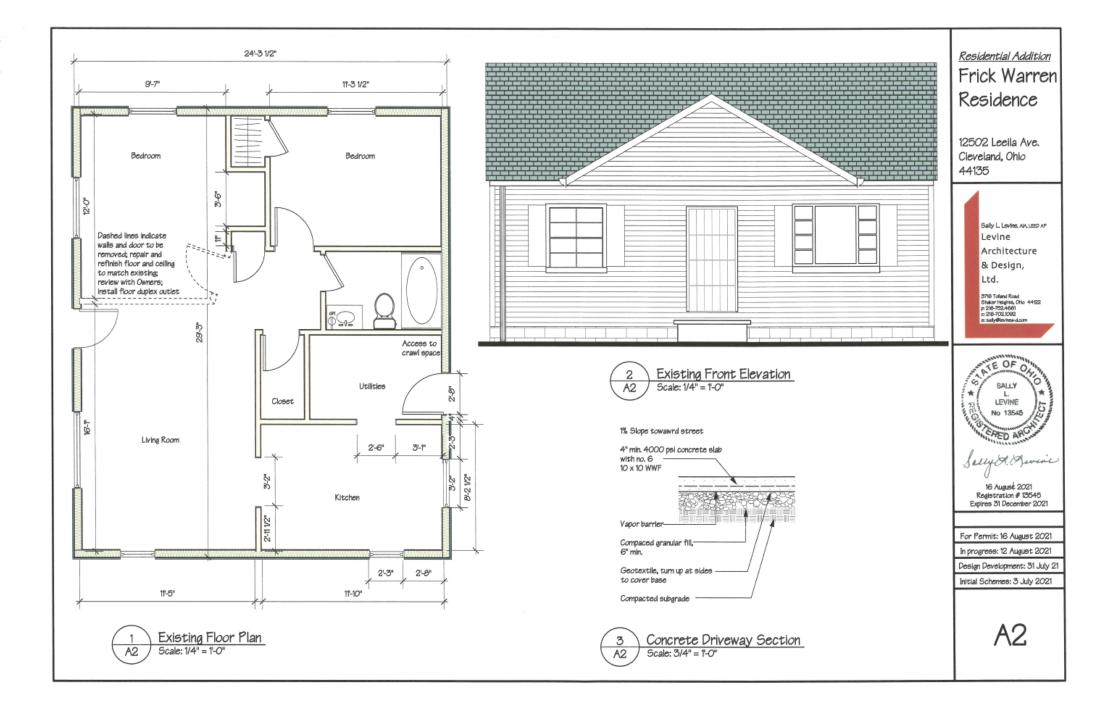
12502 Leeila Ave. Cleveland, Ohio

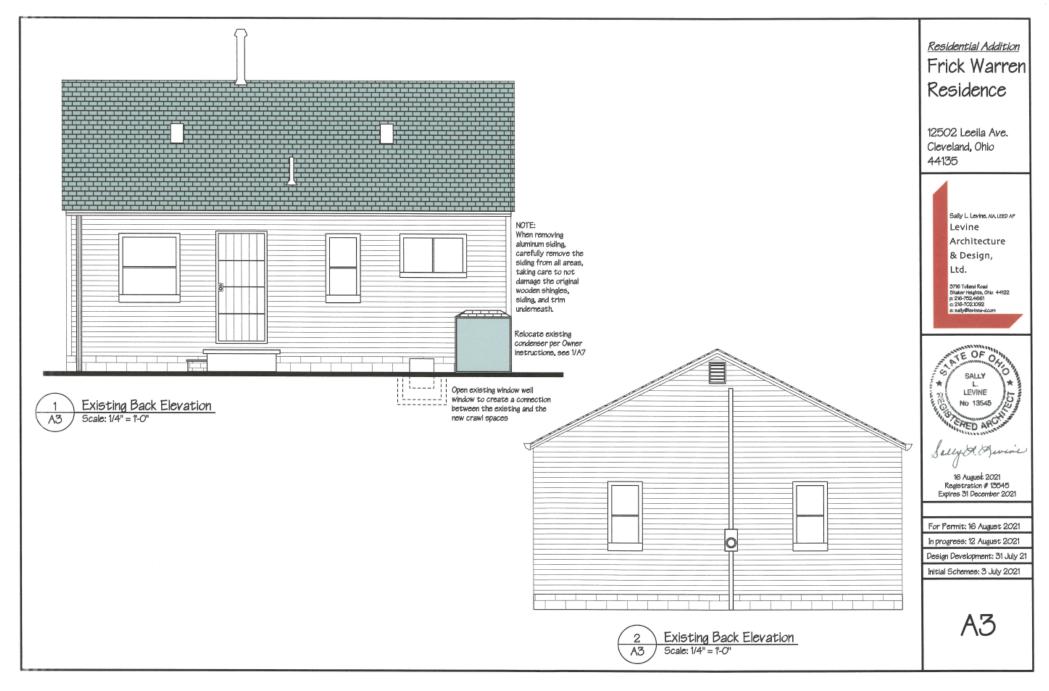
> Sally L. Lovine, MA, LEED AP Architecture & Design, 3716 Tolland Road Shaker Heights, Ohio 44122 p: 216-752.4661 c: 216-702.1092 o: saly@iovince-d.com

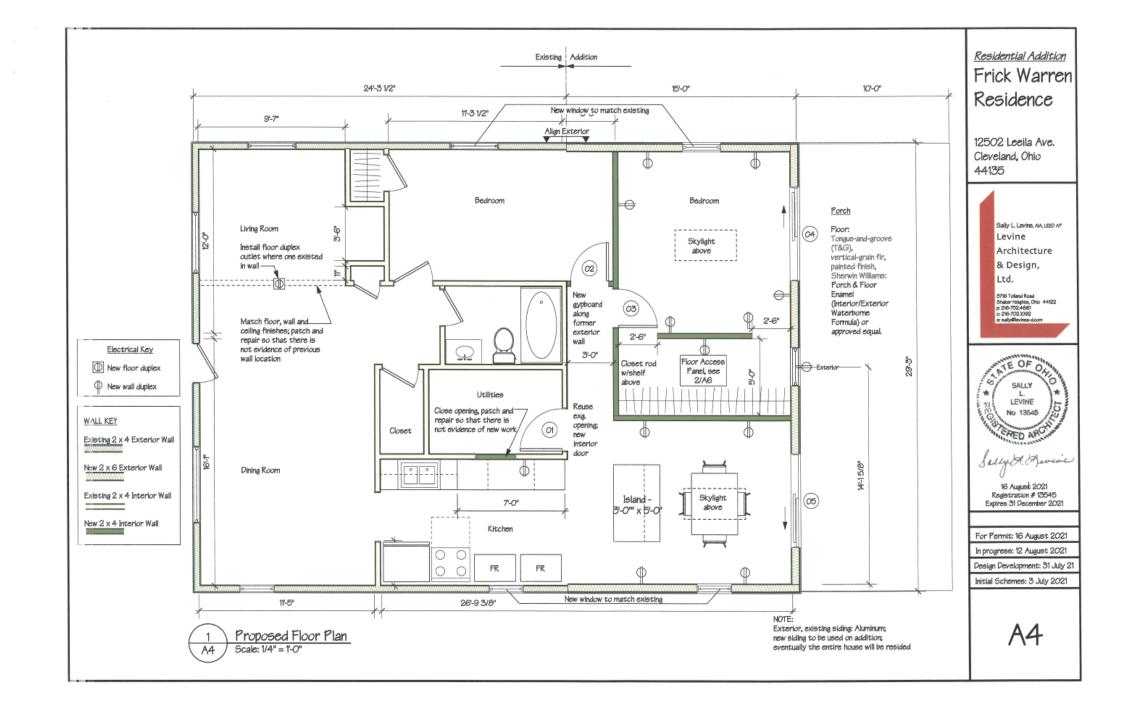


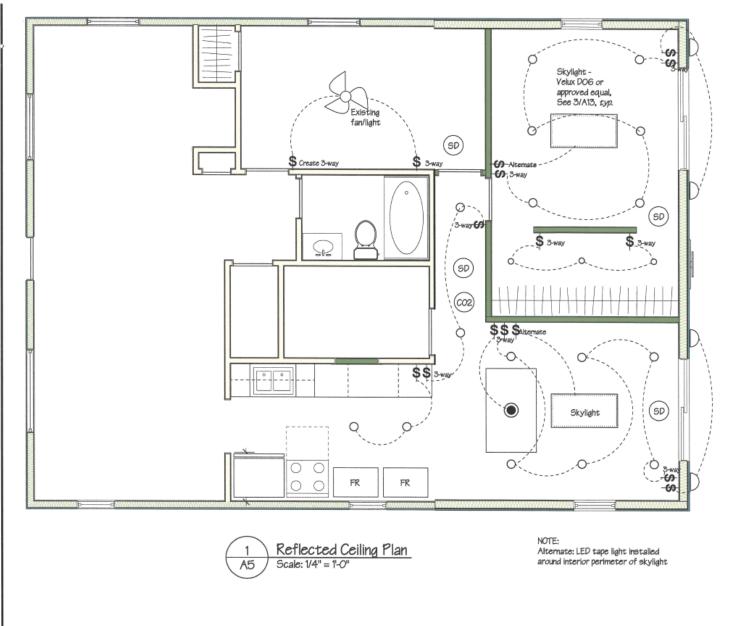
Initial Schemes: 3 July 2021

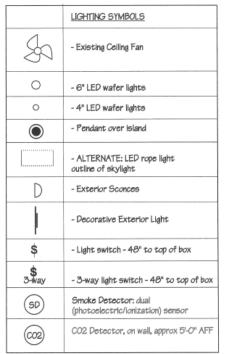
A1











Residential Additio

Frick Warre

Residence

12502 Leeila Ave.

Sally L. Levine, AIA, LEED AP

Architecture

3716 Tolland Road Shaker Heights, Ohio 44122 p: 216-752.4661 c: 216-702.1092

s: sally@isvinsa-d.com

TE OF

SALLY

L. LEVINE

No 13545

ERED ARC

Jelly & Awin

16 August 2021

Registration # 13545

Expires 31 December 202'

For Permit: 16 August 20%

In progress: 12 August 202

Desian Development: 31 July

Initial Schemes: 3 July 204

A5

6

\*

23

& Design,

Levine

Ltd.

Cleveland, Ohio

44135

ELECTRICAL NOTES: All electrical must be per National Electrical Code

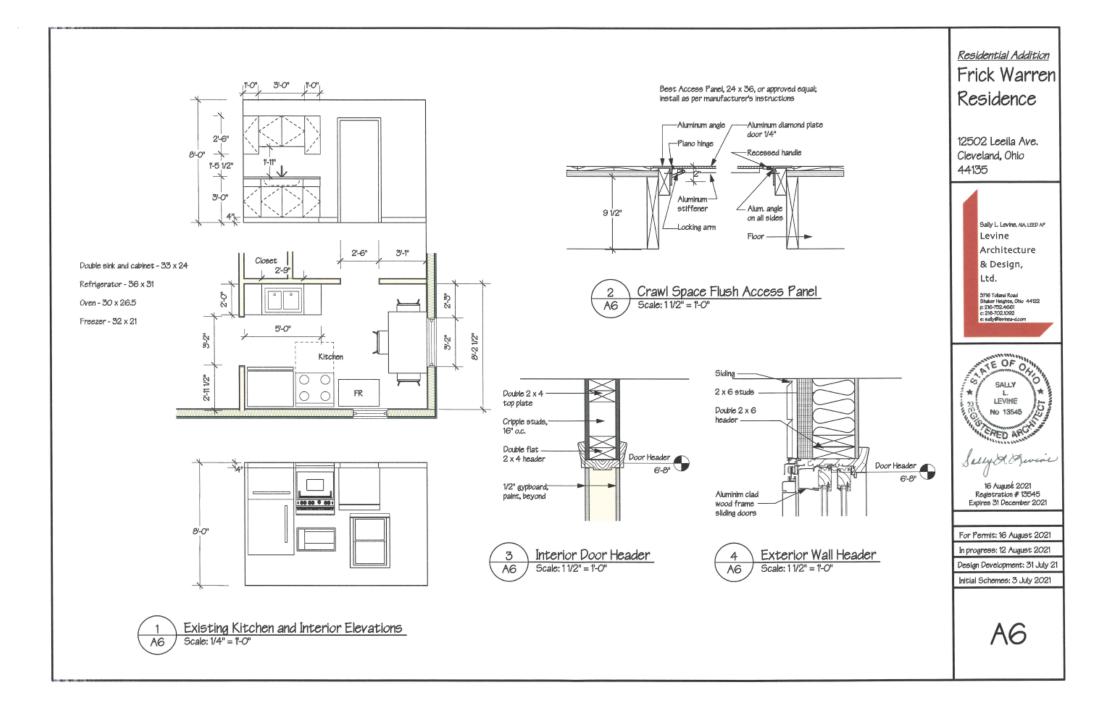
 It is the Electrical Contractor's responsibility to provide a complete and operating electrical system. The Electrical Contractor is responsible for providing all labor, materials, tools, equipment and other related accessories.

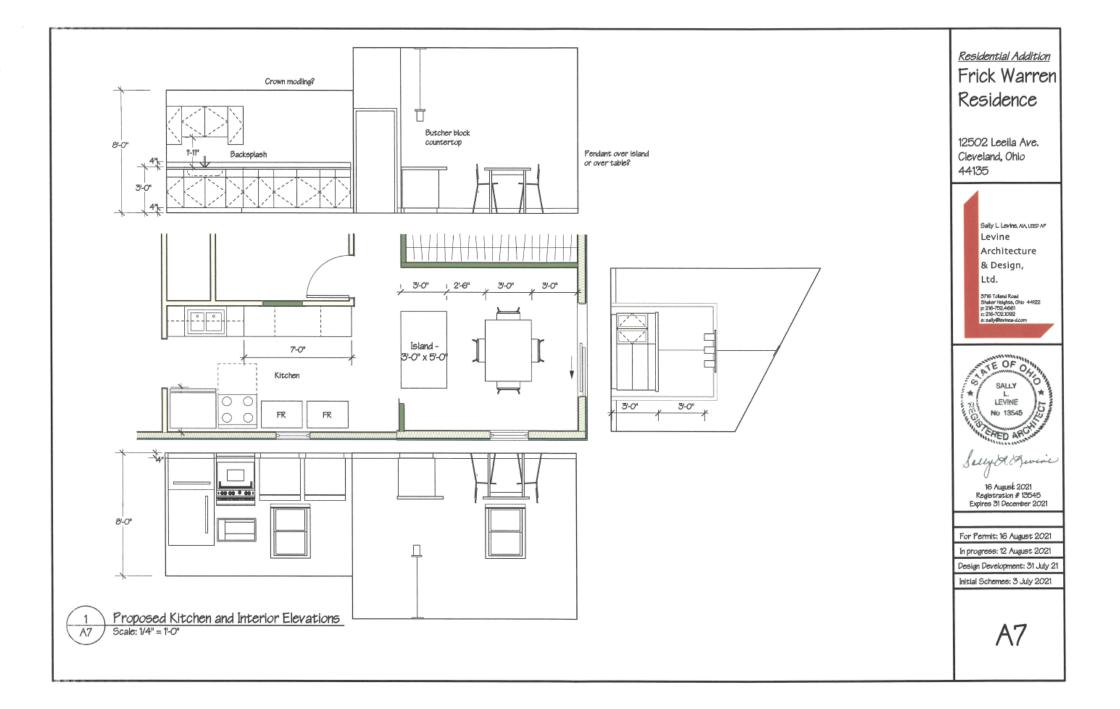
 The Electrical Contractor shall coordinate w/the Owner the installation of the electrical work. The Owner shall verify the locations of all electrical duplex outlets, lighting switches, lighting fixtures and all other electrical devices prior to closing-in or covering wining runs, circuits, or devices.

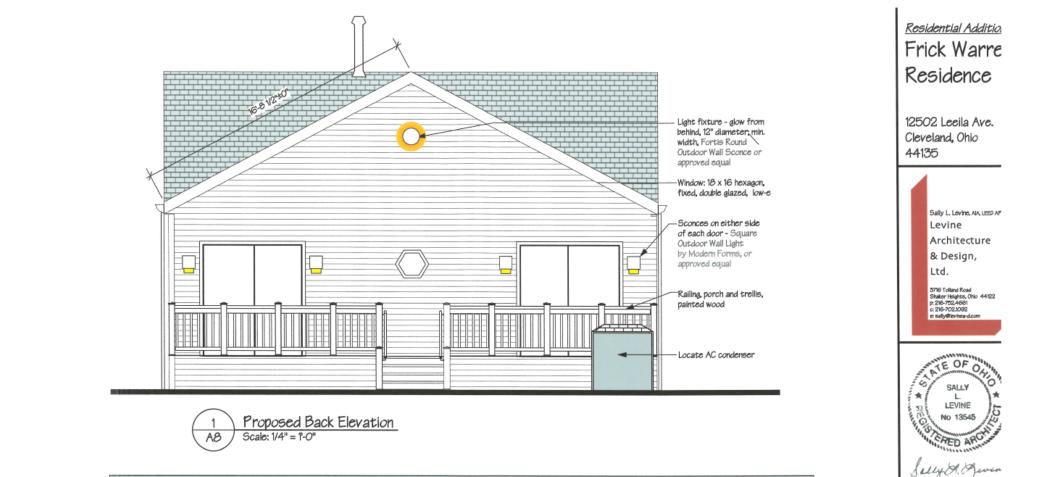
3. All work, material, equipment, electrical system circuits, components & over current devices shall comply with all of the latest editions of the National Electrical Code Sections 110.9 and 110.10, National Electrical Safety Codes, NFPA and all local and state codes, Residential Coade of Ohio Chapter 34 & ordinances & all 0.5.H.A. standards; Electrical system circuits, components & over current devices shall be provided to meet the requirements of National Electrical Code (NEC) Sections 10.0.9 and 110.10 & shall be installed as required by the most current devices.

4. The Electrical Contractor shall obtain and pay for all permits required to perform the work.

5. All electrical materials shall be new and bear the Underwriter's Laboratory, Inc. (UL) label.





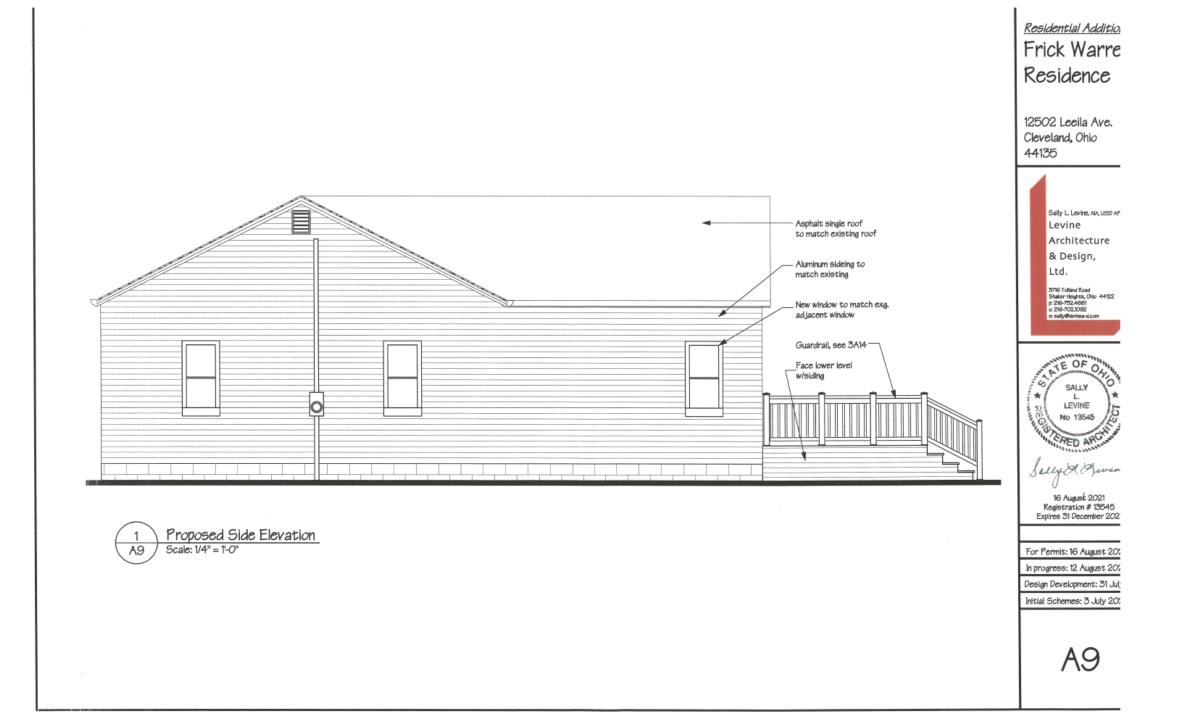


16 August 2021 Registration # 13545 Expires 31 December 202

For Permit: 16 August 20% In progress: 12 August 20% Design Development: 31 July Initial Schemes: 3 July 20%

A8

		Nominal Size			Door Style Door		Frame Frame		Details	
	Mark	Width	Height	Thickness	Configuration	Jamb Thick	Jamb Depth	Head Detail	Jamb Detail	Comments
	01	2'9"	6'8"	13/4"	Swing	3/4"	4 1/2"	3/A6	3/A6 sim.	
	02	2'6"	6'8''		Swing	3/4"			3/A6 sim.	
	03	2'6"	6'8''		Swing	3/4"	4 1/2"	3/A6	3/A6 sim.	
	04	6'0"	6'8"	13/4"	Sliding	3/4"	4 1/2"	4/A6	4/A6 sim.	w/sliding screeb
-	- 04 -	60"	6'8'	13/4	Sliding	3/4"	4 1/2"			
T	05	60"	6'8''		Sliding	3/4"	4 1/2"	\$/A6	4/A6 sim.	w/sliding screeb
_	- 05	8'0"	8'8"	13/4*	Slidina	3/4"	4 1/2			





Side of House



Back of House



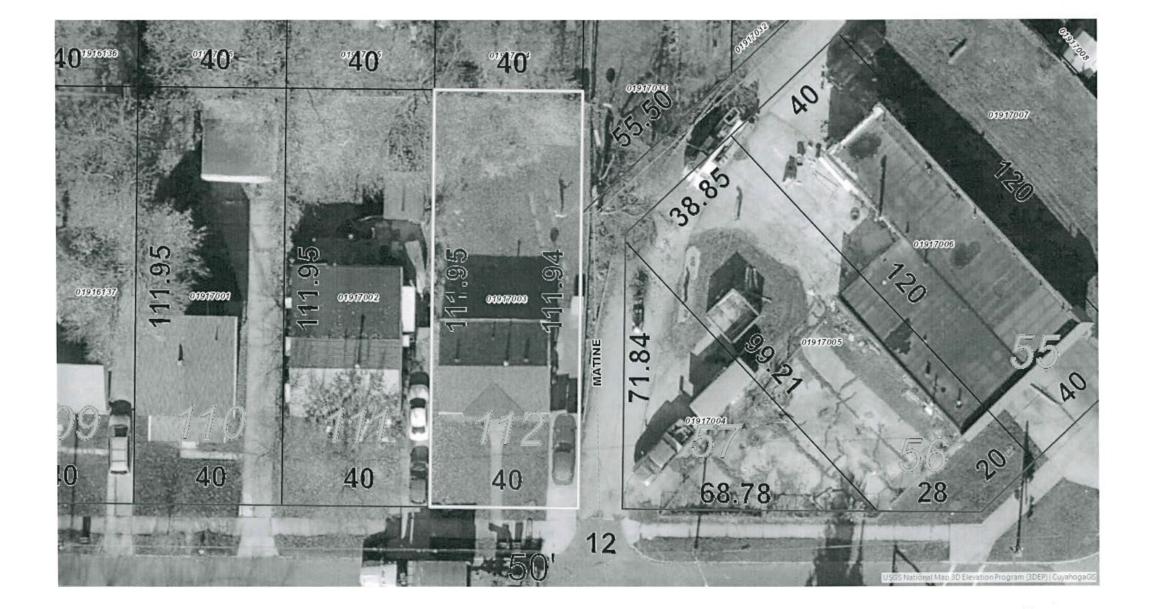
#### Residential Addition Frick Warre Residence

12502 Leeila Ave. Cleveland, Ohio 44135

> Sally L. Levine, ALA LEED AP Levine Architecture & Design, Ltd. 3746 Fielden Road Balaor Holgies, Olio 44922 p.286-7824660 c.2166-702.0992 e; sally@levines-dcom







1/1

**From:** Brian Mooney <bmooney@clevelandcitycouncil.org>

Sent: Friday, October 22, 2021 8:35 AM

- **To:** Kukla, Elizabeth <Ekukla@clevelandohio.gov>; Chad Dasher <dasher@westowncdc.org>;
- Davenport, Adam <adavenport@clevelandohio.gov>

Subject: Re: Board of Zoning Appeals October 25 agenda

Liz,

i have a conflict with oct 25 meeting, i have a council meeting.

however i wish to convey my support for Timoth Frick and Stan Warren for their boza case. please convey to BOZA for me

brian mooney

ward 11

Calendar No. 21-159:

12502 Leelia Ave

Ward 11 Brian Mooney

Calendar No. 21-095:

#### 14526 Puritas Ave

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)





Calendar No. 21-095:

14526 Puritas Ave





**SWEARING IN ALL WHO ARE PRESENT FOR THIS CASE:** 

DO YOU SWEAR OR AFFIRM THAT THE TESTIMONY YOU ARE ABOUT TO GIVE IS THE WHOLE TRUTH AND NOTHING BUT THE TRUTH?

### Please Raise Your Hand. Reply with <u>I DO,YOUR NAME and YOUR ADDRESS.</u>

Calendar No. 21-095:

14526 Puritas Ave



Ward 16

## **HISTORY OF THE PROPERTY**



Calendar No. 21-095:

14526 Puritas Ave



**Ward 16** 

# LEGAL STANDARD

Madam Chair, Members of the Board, Appellant is requesting a use variance.

To obtain the use variance, Appellant must prove that denying the request:

- 1. Will result in an **unnecessary hardship** particular to the property such that there will be no economically feasible use of the property without the variance;
- 2. Will deprive the Appellant of substantial property rights; and
- 3. That granting the variance will not be contrary to the purpose and intent of the zoning code.

### Calendar No. 21-095:

#### 14526 Puritas Ave

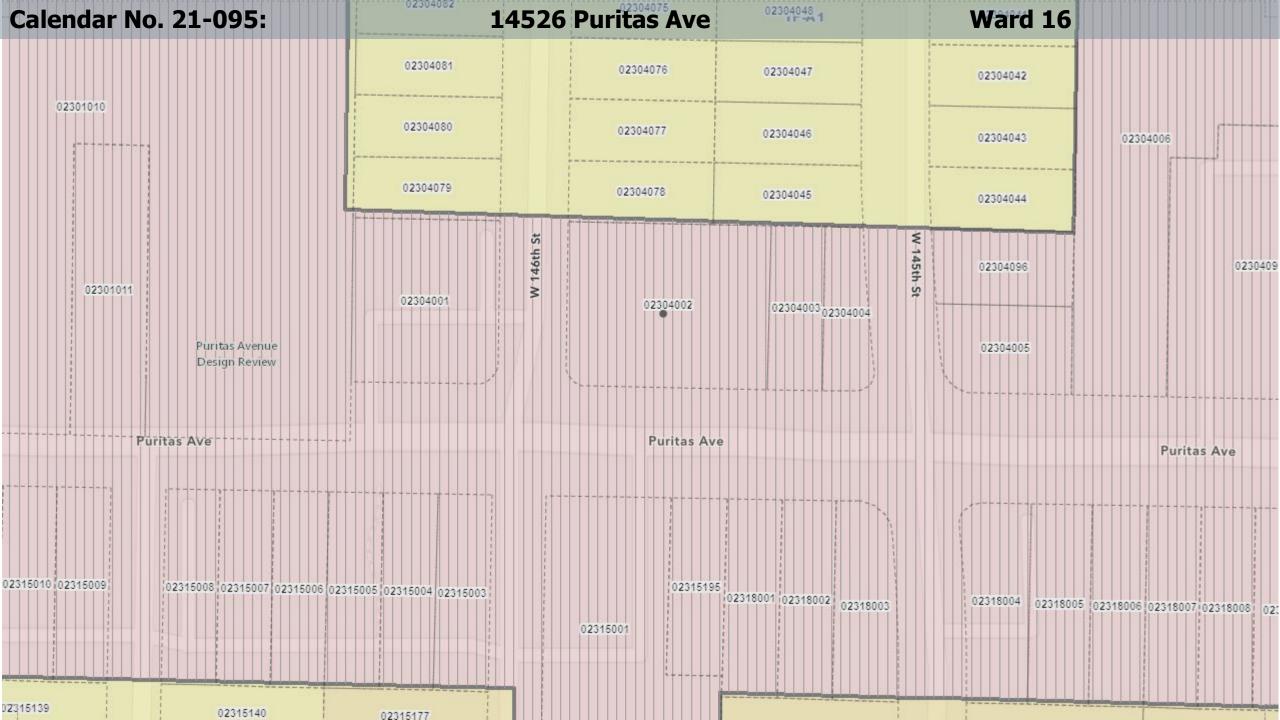




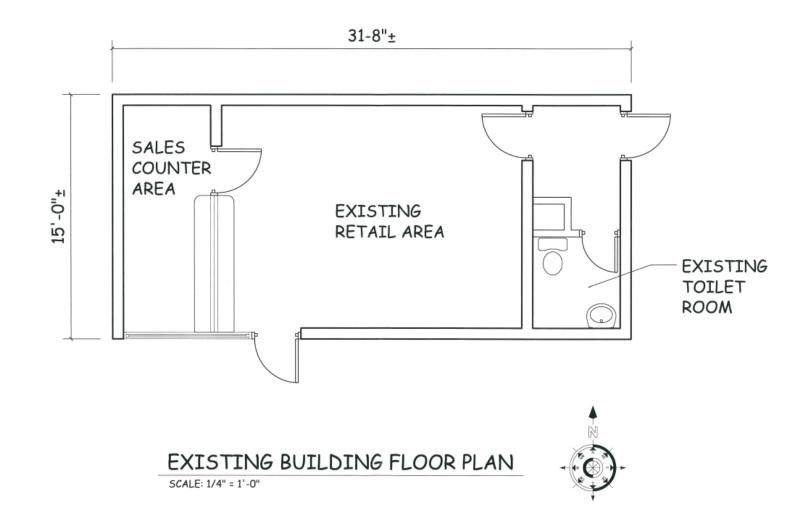












#### Calendar No. 21-098:

#### 13001 Dove Ave.

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. 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 June7, 2021)





Calendar No. 21-098:

13001 Dove Ave.

Ward 2



#### **SWEARING IN ALL WHO ARE PRESENT FOR THIS CASE:**

DO YOU SWEAR OR AFFIRM THAT THE TESTIMONY YOU ARE ABOUT TO GIVE IS THE WHOLE TRUTH AND NOTHING BUT THE TRUTH?

### Please Raise Your Hand. Reply with <u>I DO,YOUR NAME and YOUR ADDRESS.</u>

Calendar No. 21-098:

13001 Dove Ave.

Ward 2



## **HISTORY OF THE PROPERTY**



Calendar No. 21-098:

13001 Dove Ave.



## **LEGAL STANDARD**

Madam Chair, Members of the Board, Appellant is requesting area variances from the off-street parking and fence requirements of the zoning code, as well as permission to construct a parking lot in a residential district.

To obtain the area variances, Appellant must prove that denying the request:

1. Will create a practical difficulty not generally shared by other land or buildings in

the same district;

- 2. Will deprive the Appellant of substantial property rights; and
- 3. That granting the variances will not be contrary to the purpose and intent of the

Subsection 349.13(c) provides that the Board may permit, temporarily or permanently, the use of land in a residential district for a parking lot, when the best interests of the community will be served and provided that:

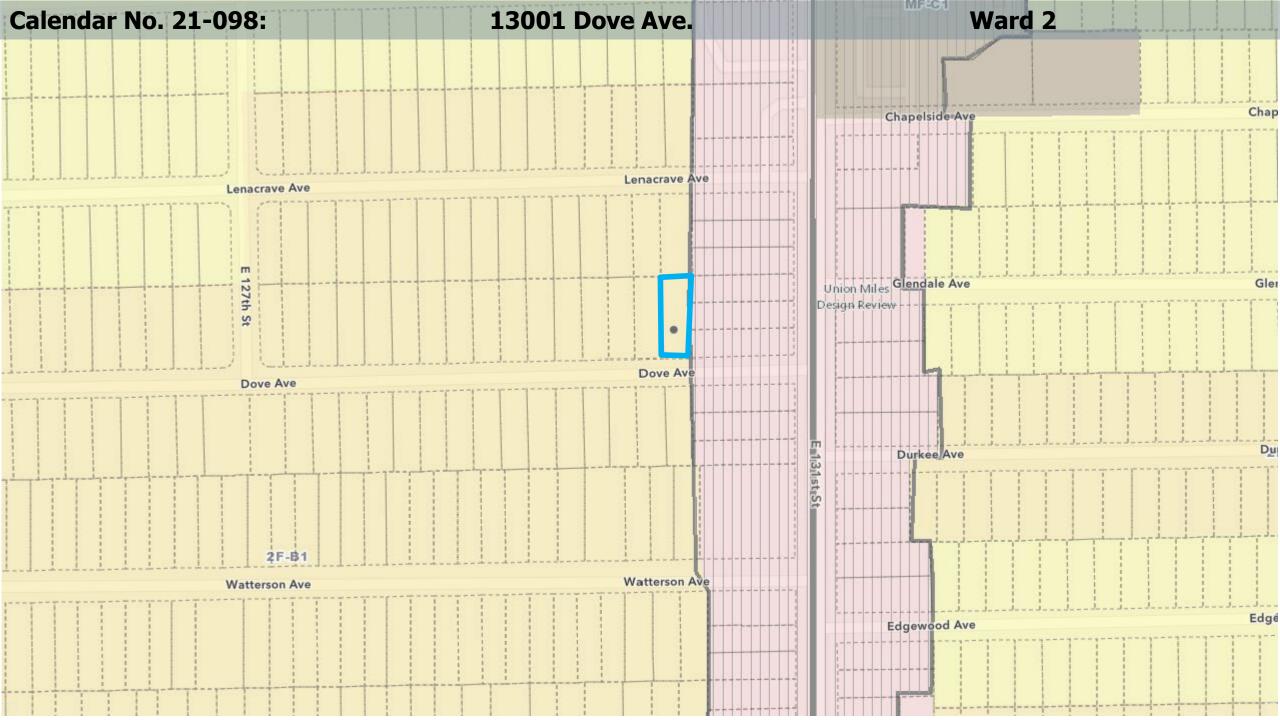
- 1) The lot is to be used only for the parking of passenger automobiles of employees, customers, or guests of the person or firm controlling and operating the lot, who shall be responsible for its maintenance;
- 2) No charge is to be made for parking on the lot;
- 3) The lot is not to be used for sales, repair work or servicing of any kind;
- 4) Entrance to and exit from the lot are to be located so as to do the least harm to the Residence District;
- 5) No advertising sign or material is to be located on the lot;
- 6) All parking is be kept back of the setback building line by barrier unless specifically authorized otherwise by the Board;
- 7) The parking lot and that portion of the driveway back of the building line are to be adequately screened from the street and from adjoining property in a Residence District by a hedge, sightly fence or wall not less than four (4) feet six (6) inches high and not more than five (5) feet high located back of the setback building line. All lighting is to be arranged so that there will be no glare that is annoying to the occupants of adjoining property in a Residence District, and the surface of the parking lot is to be smoothly graded, hard surfaced and adequately drained;
- 8) The building permit number under which the lot is to be established is to be posted; and
- 9) The Board may impose such other and further conditions as it may deem necessary to reduce the adverse effect of the proximity of a parking lot on the character, development and maintenance of the Residence District in which the parking lot is to be located.

zoning code.

#### 13001 Dove Ave.







From: Kevin Bishop [mailto:kbishop@clevelandcitycouncil.org] Sent: Friday, July 09, 2021 9:46 AM To: Kukla, Elizabeth <EKukla@city.cleveland.oh.us> Cc: Naila Deskins <ndeskins@clevelandcitycouncil.org> Subject: 13001 Dove

Dear Secretary,

I want to express my objection to the parking lot on 13001 Dove Ave. Thank you for your consideration.

Kevin Bishop Council Member Ward 2 Typos courtesy of my iPhone





### Calendar No. 21-141:

### 7202 Hague Ave.

Travis Tomlinson, owner proposes to establish use as motor vehicle service garage in 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 325.487 Which states that "Motor vehicle service garage" means a building or part thereof in which the motor vehicle servicing and repairs performed are limited to "minor re-pair" of motor vehicles as defined in Section 325.483.

**2.** Section 325.483 which states that "Motor vehicle minor repair" means repairs and servicing that produce relatively low levels of noise, vibration and fumes and, more specifically, include the following types of repairs to motor vehicles of a gross vehicle weight of no more than six thousand (6,000) pounds:(a) "Motor vehicle maintenance" as defined in 325.482;(b) Air conditioning, starting and charging service;(c) Brake repair and replacement; (d) Engine oil changes, fluids replacement; (e) Exhaust system repair and replacement; (f) Automotive electrical work other than audio sound system installation; (g) Shock absorber, spring, and strut replacement; (h) Upholstery work; (i) Tire balancing, tire installation; wheel alignment; (j) Wind-shield and glass installation; (k) Tune-ups, diagnostics; spark plug replacement, emission control service; and (l) Other repairs of a similar nature with respect to impacts on nearby proper-ties.

**3.** Section 343.14(a) which states that no motor vehicle service garage shall be located on a parcel that is within one hundred (100) feet of a Residence District unless the following conditions are met: (1) A solid board-on-board wood fence or brick or stone wall at least six (6) feet in height is placed along any property line abutting a Residence District, in addition to any otherwise required landscaping; and (2) No motor vehicle repair activity occurs within ten (10) feet of a Residence District. In this case no 6-foot fence proposed, no landscaping proposed and motor vehicle repair building is within 10 feet of residence district.

**4.** Section 352.08 through 352.12 which states that a six-foot frontage landscaped strip is re-quired where lot abuts street. A 10 foot landscaped transition strip is required where property abuts residence district. No landscaping is proposed. Landscape plan required. (Filed August 19, 2021)





Calendar No. 21-141:

7202 Hague Ave.



**Ward 15** 

#### **SWEARING IN ALL WHO ARE PRESENT FOR THIS CASE:**

DO YOU SWEAR OR AFFIRM THAT THE TESTIMONY YOU ARE ABOUT TO GIVE IS THE WHOLE TRUTH AND NOTHING BUT THE TRUTH?

### Please Raise Your Hand. Reply with <u>I DO,YOUR NAME and YOUR ADDRESS.</u>

Calendar No. 21-141:

#### 7202 Hague Ave.



Ward 15

## **HISTORY OF THE PROPERTY**



Calendar No. 21-141:

7202 Hague Ave.



## LEGAL STANDARD



Calendar No. 21-141: Lorain Avenue (SR 10)

01

R.

West 74th Street

7202 Hague Ave.

West 73rd Street

Ward 15

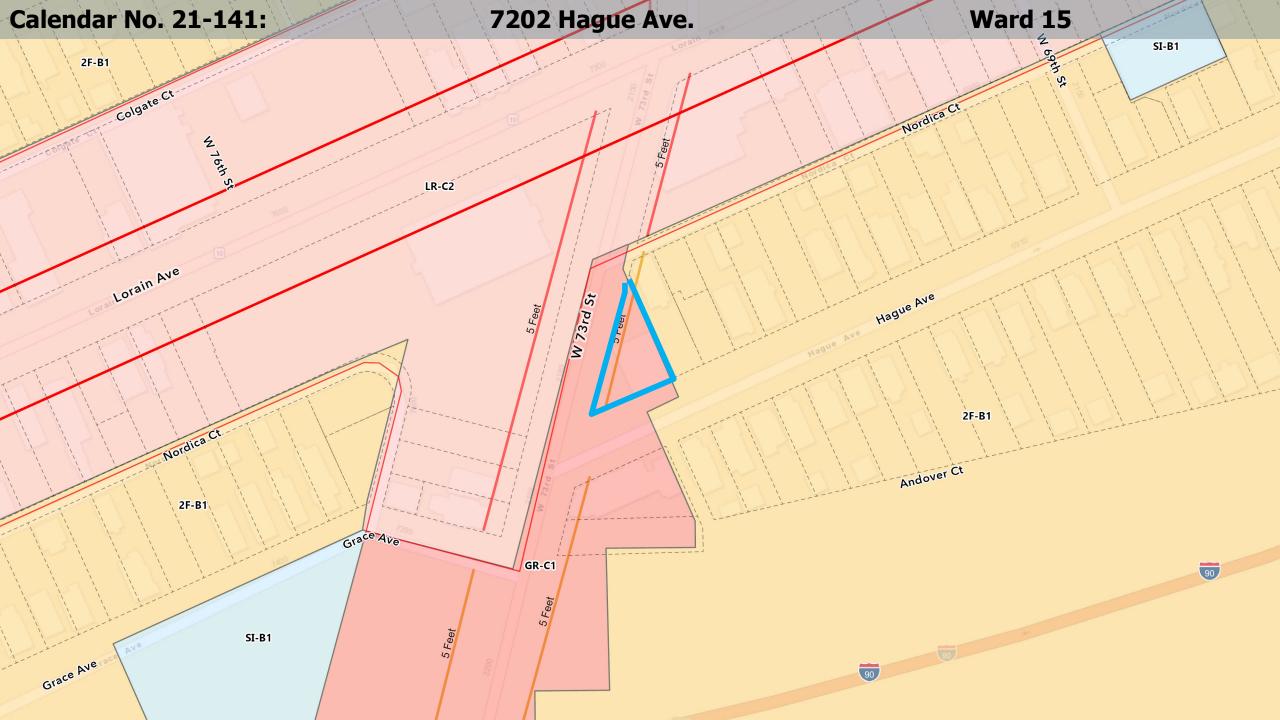
Hague Avenue

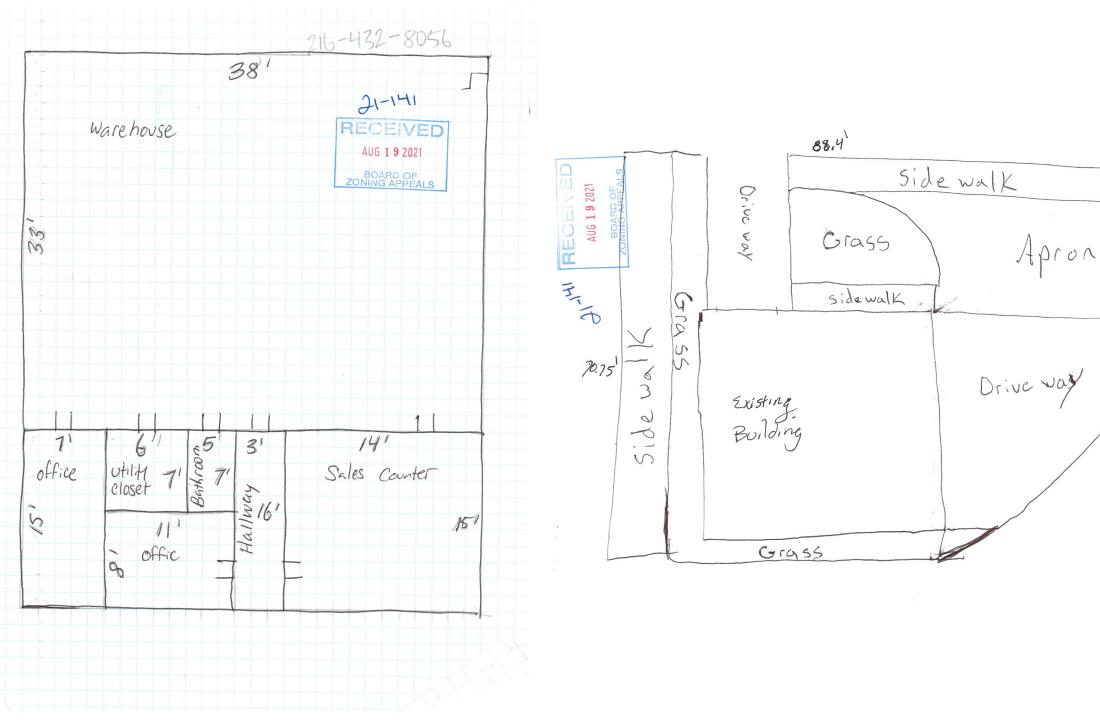
0-0

place

Nordica Court

Andover Cour







www.clevelandcitycouncil.org

#### Jenny Spencer COUNCIL MEMBER, WARD 15

COMMITTEES: Health & Human Services • Safety • Transportation • Workforce & Community Benefits

October 22, 2021

Board of Zoning Appeals Attn: Secretary Elizabeth Kukla Cleveland City Hall 601 Lakeside Ave E #516 Cleveland, OH 44114

Calendar No. 21-141, 7202 Hague Avenue Re:

Dear Ms. Kukla,

On October 5, property owner Travis Tomlinson, lessee Anthony Kovach and business owner Angel Norbelto attended a community meeting to present their plans around the zoning variance for 7202 Hague Avenue. The meeting was attended by multiple community members and by the Ward 15 Council office.

Based on the community's receptiveness to the proposed plans, as well as property beautification that has taken place since that date, I do not oppose the requested zoning variance.

One outstanding matter is the privacy fence that will be needed for the property. Mr. Kovach has indicated that he is getting a permit for our privacy fence, and that he will send me a drawing of the fence once completed for my records.

Best regards,

masourcer

Jenny Spencer Ward 15 Councilmember jspencer@clevelandcitycouncil.org (216) 664-4235

Ce: Adam Davenport, Cleveland City Planning Commission Heather Lazar, Ward 15 Council office

#### Calendar No. 21-144:

#### 1392 E. 111 St.

CNLP L.P., owner, proposes to install approximately 200 linear feet of six-foot-high wooden fence and 34 linear feet of four-foot-high wood fence in side yard. The owner appeals for relief from the strict application of the following sections of the Cleveland Codified Ordinances:

**1.** Section 358.03(a) which states that no portion of a fence located along and parallel to a driveway within fifteen (15) feet of its intersection with a public sidewalk shall exceed two and one- half (2- 1/2) feet in height, unless all portions of the fence above two and one-half (2-1/2) feet in height are at least seventy-five percent (75%) open. A six-foot-high opaque wood fence is proposed along driveway.

**2.** Section 358.04(a) which states that fences in actual side street yards shall not exceed four (4) feet in height and shall be at least fifty percent (50%) open, except that, in an actual side street yard, a fence that is set back at least four (4) feet from the side street property line may be a maximum of six (6) feet in height and may be open or solid. A solid, six-foot-high opaque fence is proposed in the actual side street yard, less than four feet from side street property line. (Filed August 20,2021)





Calendar No. 21-144:

1392 E. 111 St.

Ward 9



#### **SWEARING IN ALL WHO ARE PRESENT FOR THIS CASE:**

DO YOU SWEAR OR AFFIRM THAT THE TESTIMONY YOU ARE ABOUT TO GIVE IS THE WHOLE TRUTH AND NOTHING BUT THE TRUTH?

### Please Raise Your Hand. Reply with <u>I DO,YOUR NAME and YOUR ADDRESS.</u>

Calendar No. 21-144:

#### 1392 E. 111 St.

Ward 9



# **HISTORY OF THE PROPERTY**



Calendar No. 21-144:

1392 E. 111 St.

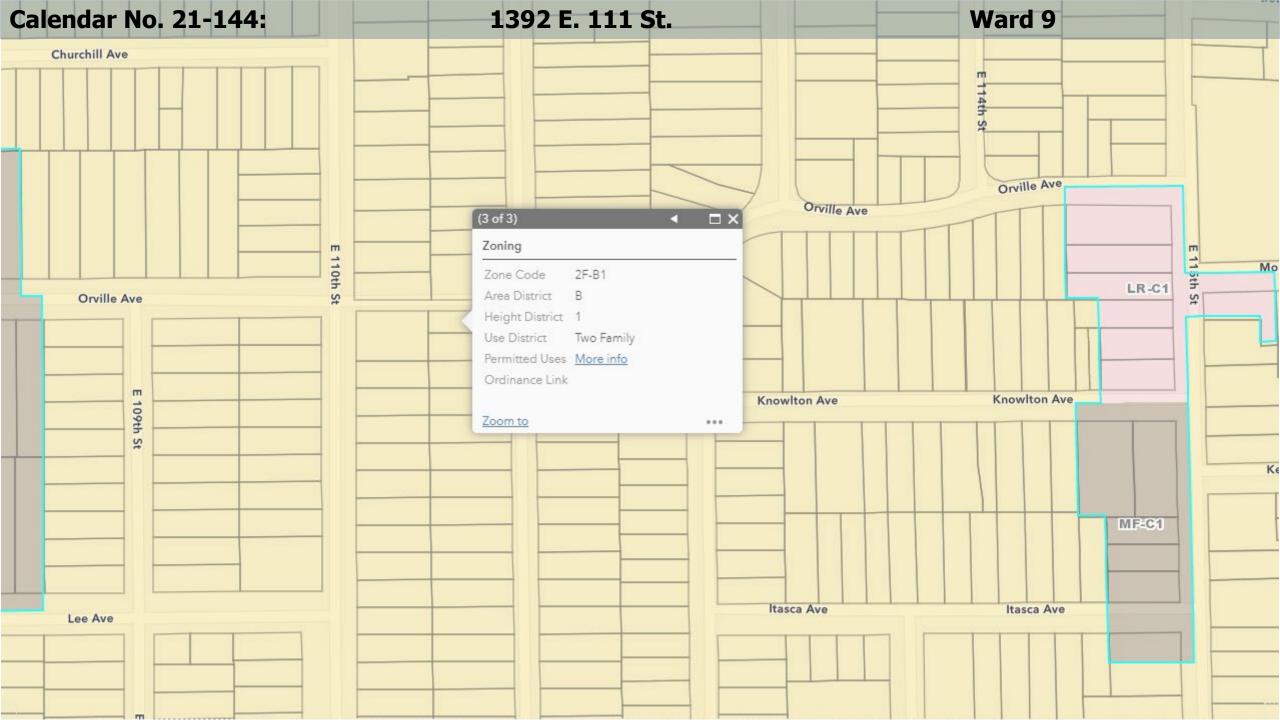
Ward 9



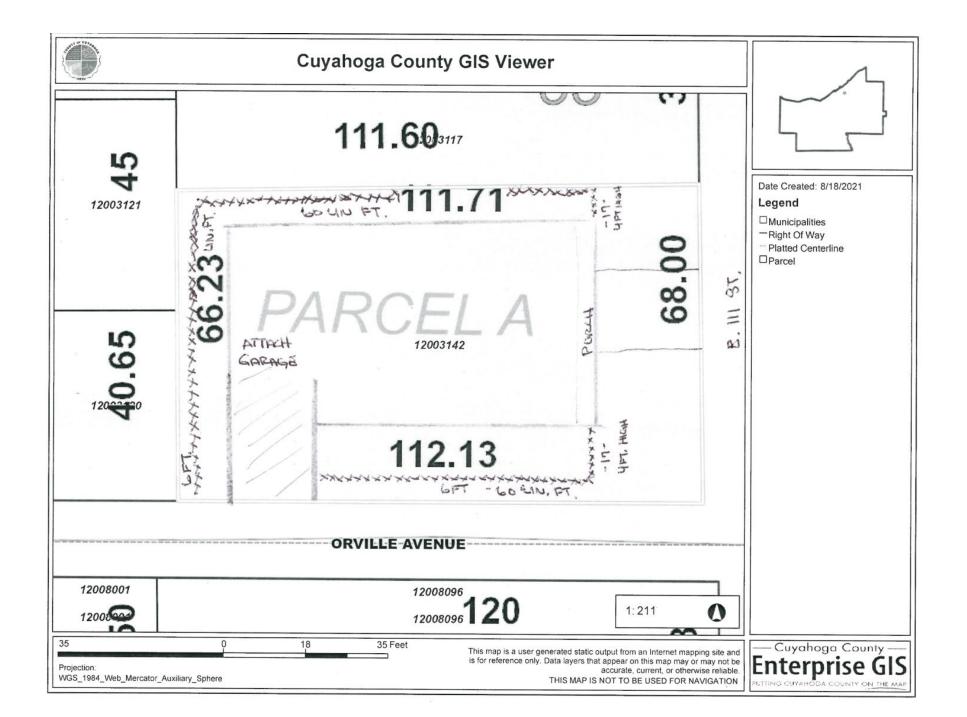
## LEGAL STANDARD













## **Cleveland Board of Zoning Appeals**

## **Old Business**





Cal. No. 21-158:	4200 Buechner Ave.	(KB,AF,MB, B)
Cal. No. 21-156:	3160 West 33 <sup>rd</sup> Street	(KB,AF,MB, B)
Cal. No. 21-154:	4408 E. 175 <sup>th</sup> Street	(KB,AF,MB, B)
Cal. No. 21-153:	9412 Miles Ave.	(KB,AF,MB, B)*
Cal. No. 21-137:	921 Jefferson Ave.	(KB,AF,MB, B)*
Cal. No. 21-090:	1317 W. 74 <sup>th</sup> Street	(KB,MB,AF)* 7/26/21
Cal. No. 21-092:	3332 West 32. St.	(KB,D, AF,MB)* 7/26/21
Cal. No. 21-091:	4157 Lorain Ave.	(D,KB,AF,MB)* 7/12/21
Cal. No. 21-006:	9501 Pierpoint Ave.	(J,D,KB,AF,MB)*5/3/21
Cal. No. 20-098:	1854 W. 48 <sup>th</sup> Street	(J,D,KB,AF,MB)*8/24/2020 (lot cons)
	Cal. No. 21-156: Cal. No. 21-154: Cal. No. 21-153: Cal. No. 21-137: Cal. No. 21-090: Cal. No. 21-092: Cal. No. 21-091: Cal. No. 21-006:	Cal. No. 21-156:3160 West 33rd StreetCal. No. 21-154:4408 E. 175th StreetCal. No. 21-153:9412 Miles Ave.Cal. No. 21-137:921 Jefferson Ave.Cal. No. 21-090:1317 W. 74th StreetCal. No. 21-092:3332 West 32. St.Cal. No. 21-091:4157 Lorain Ave.Cal. No. 21-006:9501 Pierpoint Ave.

**<u>REQUESTS FOR AFFIRMATION</u>**: BZA21-035: 3907 Brookside Boulevard- Emerald Development was granted variances to erect a new 1 story single family house on April 12, 2021. They have not yet completed the construction drawings due to a funding issue.

#### **REQUEST FOR REINSTATEMENT : NONE.**

#### **REQUEST FOR UPCOMING POSTPONEMENT:**

MISC- None

~ Items received

\* Pending the receipt of requested information by the Board.

\*\*\* Request for Rehearing/Reconsideration.

## **Cleveland Board of Zoning Appeals**

# Adjournment

