



## **BOARD OF ZONING APPEALS**

601 Lakeside Avenue, Room 516

Cleveland, Ohio 44114-1071

<https://planning.clevelandohio.gov/bza/cpc.html>

216.664.2580

**AUGUST 15, 2022**

**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/](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 Board of Zoning Appeals office by phone or email by noon on August 5, 2022. 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 Board of Zoning Appeals office and request at 216-664-2580. You can also email Secretary Elizabeth Kukla at [ekukla@city.cleveland.oh.us](mailto:ekukla@city.cleveland.oh.us).**

**Calendar No. 22-131**

**1514 Mayview Ave.**

**Ward 12**

**Rebecca Maurer**

**15 Notices**

Karen O'Malley, proposes to erect 6 feet high wooden shadowbox fence with gates in an A1 One-Family Residential District. The owner appeals for relief from the strict application of the following secto

1. Section 358.03(a) which states fence running parallel to a driveway within 15 feet from property line shall not exceed (2-1/2') in height and shall be at least 75% percent open.
2. Section 358.04(a) which states fence in side street yards shall not exceed 4 feet in height and shall be at least 50 people open; Proposing 6 feet.

**Calendar No.: 22-134:**      **6015 Linwood Ave.**  
**Public Works Invoice Numbers**  
**WO-7010-1316055, WO-7010-**  
**1316057, WO-7010-1316059, WO-**  
**7010-1316060, WO-7010-1286773**  
**Ward 7 – Stephanie Howse**

Norman Brown, appeals under the authority of Section 76-6(b) of the Charter of the City of Cleveland and Section 329.02(d) of the Cleveland Codified Ordinances from the decision of the hearing officer dated May 25, 2022 to uphold the City of Cleveland's Department of Public Works to issue invoice WO-7010-1316057, WO-7010-1316059, WO-7010-1316060, WO-7010-1286773 regarding abating nuisances (grass cutting) at the subject property

**Calendar No. 22-135:**      **6016 St. Clair Avenue. (Rear)**  
**Ward 7**  
**Stephanie Howse**  
**18 Notices**

Anna Louise Real Estate LLC. proposes to establish use as dog training school that includes boarding of dogs 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 343.01(b)(2)(G) which states use for dog training school that includes boarding of dogs is not a permitted use in Local Retail Business District, first permitted in a General Retail Business District per Section 343.11 (b)(2)(Q).

**Calendar No. 22-137:**      **6016 St. Clair Avenue. (Front)**  
**Ward 7**  
**Stephanie Howse**  
**18 Notices**

Anna Louise Real Estate LLC. proposes establish use as dog training school that includes boarding of dogs 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:

2. Section 343.01(b)(2)(G) which states use for dog training school that includes boarding of dogs is not a permitted use in Local Retail Business District, first permitted in a General Retail Business District per Section 343.11 (b)(2)(Q).

**POSTPONED FROM JULY 18, 2022**

**Calendar No. 22-73:**

**1725 Holmden Ave.**

**Ward 14  
Jasmine Santana  
19 Notices**

Fisher and Payne LLC, owner, proposes to change use of existing two-family dwelling to three-family 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 337.03(a) which states a three-family dwelling is not permitted in Two-Family District but first allowed in a Multi-Family District.
2. Section 355.04(b) which states in a "B" Area District a minimum lot area of 2,400 square feet per dwelling unit is required or in this case 7,200 square feet are required and 4,550 square feet are proposed. Maximum Gross Floor area shall not be greater than 50 percent of the lot area which in this case is 2,275 square feet and the appellant is proposing 2,332.
3. Section 349.04 which states three parking spaces required are required and no parking spaces are provided. (Filed April 28, 2022-No Testimony) *FIRST POSTPONED FROM JUNE 6 WAS MADE AT THE REQUEST OF THE COUNCILWOMAN TO ALLOW TIME FOR COMMUNITY REVIEW. SECOND POSPTONEMENT WAS MADE AT THE REQUEST OF THE APPELLANT TO ALLOW TIME TO MEET WITH COMMUNITY GROUP A SECOND TIME.*

**POSTPONED FROM JULY 18, 2022**

**Calendar No. 22-111:**

**2525 Thurman Ave.**

**Ward 3  
Kerry McCormack  
19 Notices**

Orly Cohen LLC, owner, proposes to create one concrete parking space and new drive apron to existing single family residence 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) which states all parking spaces shall be located on rear half of lot at 60'.
2. Section 349.05(a) which states no parking space shall be located within 10 feet of any wall of residential building that contains ground floor windows. (Filed June 3, 2022-Testimony Taken) *POSTPONED FROM JULY 18 TO ALLOW TIME FOR THE APPELLANT TO MEET WITH THE COMMUNITY TO CONSIDER A PARKING AGREEMENT.*

**POSTPONED FROM AUGUST 1, 2022**

**Calendar No. 22-112**

**3522 Clark Ave.**

**Ward 14**

**Jasmine Santana**

**26 Notices**

Charter Food Inc, proposes to establish a new Taco Bell structure with drive-through in a G2 Limited Retail Business and an Urban Form Overlay District. The owner appeals for relief from the strict application of the following section of the Cleveland Codified Ordinances:

1. Section 343.22 which states in the Limited Retail Business District Drive-Through Restaurant is permitted only as regulated in section 348.04 in the Urban Form Overlay.
2. Section 348.04(c)(3) which states any business served by a drive-thru shall have all points of customer intersection located outside of the urban street space; proposed restaurant building is within urban street space.
3. Section 348.04(d)(2)(A) which states 80 % Principal street frontage build out is required; proposed is less than 80%.
4. Section 348.04(d)(4)(B) which states no access is permitted on a principal frontage; two drives are proposed.
5. Section 348.04(d)(4)(D) which states that the maximum permitted aisle width is 22 feet.
6. Section 348.04(d)(5)(D) which states a 6 foot wide transition strip of 100% opacity is required at the rear where lot abuts Multi-Family District.
7. Section 347.16(g)(6) which states that sales from a drive-through lanes are prohibited from 9:30pm to 6:00am.
8. Section 341.02 approval of the City Planning Commission is required. (Filed June 23, 2022-Testimony Taken) *THIS CASE WAS POSTPONED DUE TO AN ERROR IN THE ADJUDICATION.*

**POSTPONED FROM AUGUST 1, 2022**

**9:30**

**Calendar No.22-126: Denial of John's Hot Dog's  
Vendor's License  
RLUMF22-00005**

John Sisamis (AKA John's Hotdogs) owner, appeals under the authority of Section 76-6 of the Charter of the City of Cleveland and Section 329.02(d) of the Cleveland Codified Ordinances to dispute the decision of the Commissioner of Assessments and Licenses to deny vendor's license RLUMF22-0005 (based upon input from Councilman McCormack). (Filed July 8, 2022-Testimony Taken) *FIRST POSTONEMENT MADE AT THE REQUEST OF THE BOARD TO ALLOW TIME TO GET FULL FILE FROM LICENSES AND ASSESSMENTS AND TO CONFER WITH COUNCILMAN. SECOND POSTPONEMENT MADE AT THE REQUEST OF THE BOARD TO ALLOW TIME FOR THE APPELLANT TO MEET WITH THE DIVISION OF SIDEWALKS.*

