



Cleveland Board of Zoning Appeals

Monday January 3, 2022

**** PLEASE MUTE YOUR MICROPHONE ****

Kelley Britt, Board Chair

Elizabeth Kukla, Secretary

Cleveland Board of Zoning Appeals

January 3, 2022

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.

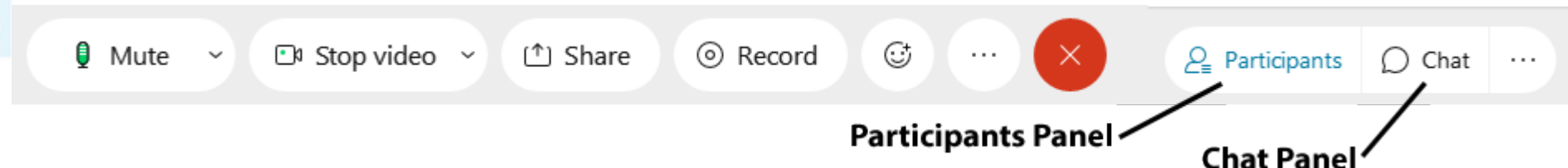
IN ORDER TO ENSURE THAT EVERYONE PARTICIPATING IN THE MEETING HAVE THE OPPORTUNITY TO BE HEARD, WE ASK THAT YOU USE THE RAISE HAND FEATURE BEFORE ASKING A QUESTION OR MAKING A COMMENT. THE RAISE HAND FEATURE CAN BE FOUND IN THE PARTICIPANTS PANEL ON THE DESKTOP AND MOBILE VERSION AND ACTIVATED BY CLICKING 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.



CALL-IN USERS CAN UNMUTE BY USING *6



Cleveland Board of Zoning Appeals

January 3, 2022

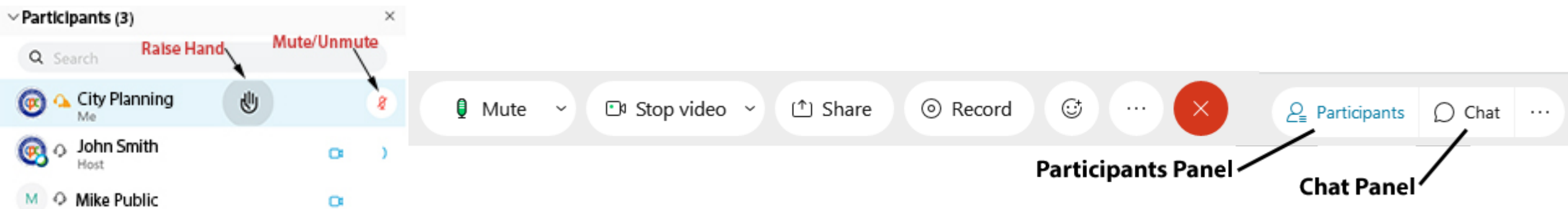
Preamble

ALL MEETING ACTIVITY IS BEING RECORDED VIA THE WEBEX PLATFORM.
THESE PROCEEDINGS ARE ALSO BEING LIVE STREAMED 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



Calendar No. 21-189:

12945 Lorain Ave.

Ward 16

Withdrawn

Cleveland Board of Zoning Appeals

Public Hearing



Public Hearing



Calendar No. 21-189:

12945 Lorain Ave.

Ward 16

Joe Carrino, owner, proposes to change the use from auto repair garage to drive through retail store in local retail zoning district. The owner appeals for relief from the strict application of the following sections of the Cleveland Codified Ordinances:

1. Section 347.16(d)(1): Drive-through Lane Requirement:

Shall have at least 5 parking spaces from right-of-way of street from which vehicles enter the drive-through. At least 5 spaces abutting drive-through lane closest to the entrance to the lane from the street.

At least 2 spaces closest to the exit from the lane to the street. At least 1 space from the right-of-way of the street onto which vehicles exit from the drive-through lane.

2. Section 347.16(2&3): Drive-through establishment shall provide a bypass lane of minimum of 10' wide, striped and marked.

3. Section 347.16(4): Pedestrian routes between the entrances to the principal structure and any parking area or sidewalk which require the crossing of drive-through lanes shall either be avoided or shall be clearly identified to pedestrians and motorists by pavements markings or signage.

4. Section 347.16(g)(6): Retail sales drive-through lanes of a drive-through establishment abutting a residential use shall be prohibited from 9:30P.M. to 9:00A.M. daily.

5. Section 352.10 8' wide transition strip is required at the rear where lot abuts residential district.

6. Section 352.07(b): Upon a change of use with non-conforming landscaping, the Board of, the Board of Zoning Appeals must determine if the non-conformity may continue. Non-conformities include lack of 6' wide frontage landscaping strip where lot abuts streets, and 8' wide transition strip abutting resident district.

7. Section 341.02: City Planning Commission approval required for listed exterior alterations. (Filed Nov 17, 2021)



Public Hearing

Calendar No. 21-189:

12945 Lorain Ave.

Ward 16



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 I DO, YOUR NAME and YOUR ADDRESS.**



HISTORY OF THE PROPERTY





LEGAL STANDARD

Madam Chair, Members of the Board, Appellant is requesting area variances from the requirements of the zoning code regarding drive-through lanes and landscaping and/or approval to continue non-conforming landscaping.

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 zoning code.

Section 352.07(b) states that upon a change of use, the Board may determine if non-conforming landscaping may continue. In making its determination, the Board shall require full or partial compliance with the regulations of the Code if such compliance would not require the acquisition of additional land, full or partial removal or relocation of a sound major structure(s), or other circumstances which would produce hardship or practical difficulties.



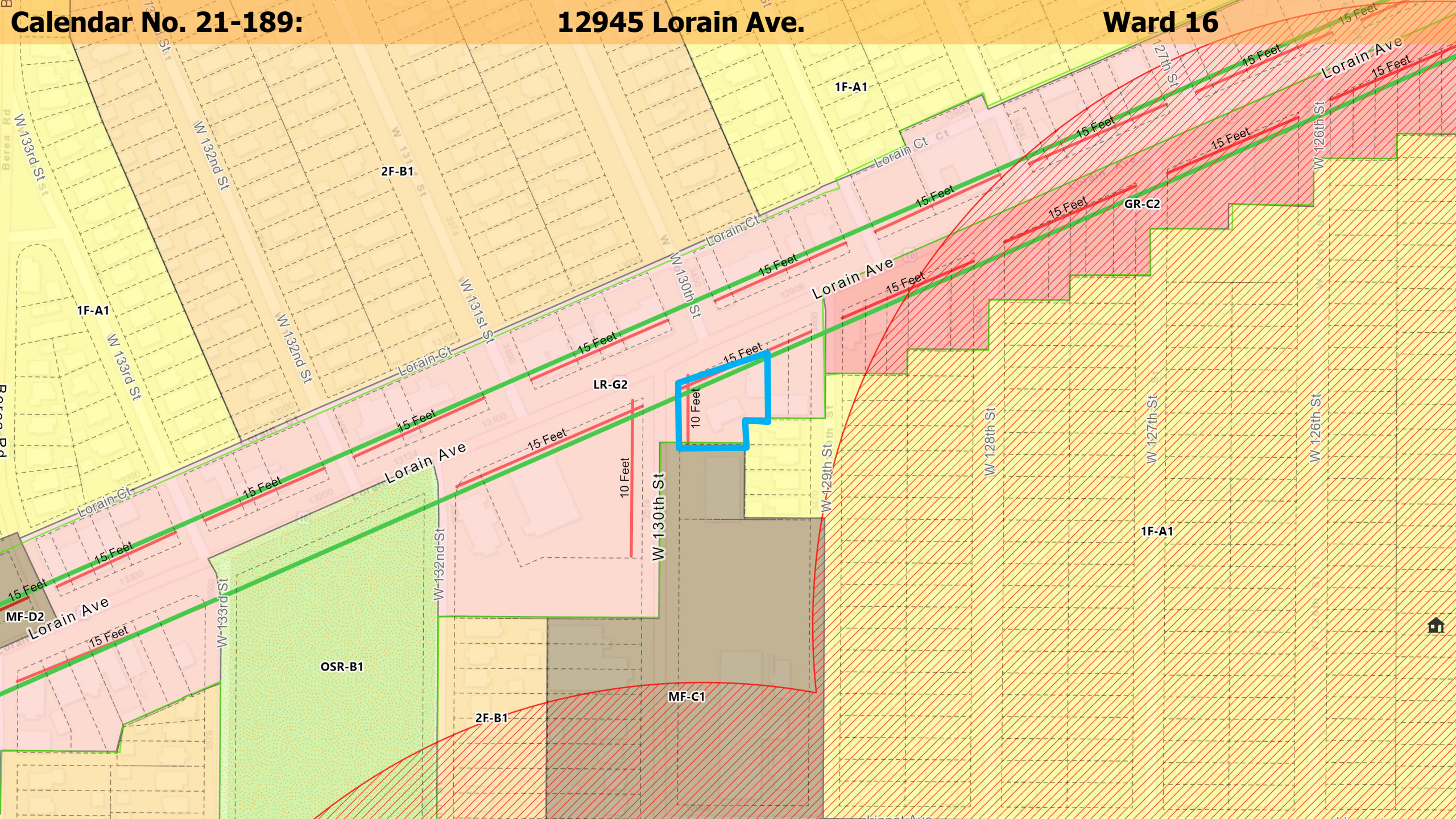


West 129th Street

West 130th Street

Lorain Avenue (SR 10)

West 130th Street



EXISTING BUILDING (TYP.)

LORAIN AVE.

EXISTING CONCRETE APRON

EXISTING SIDEWALK (TYP.)

PROPERTY LINE 152.30' (TYP)

EXISTING PARKING AREA

EXISTING ADJACENT BUILDING

PROPERTY LINE 123.30' (TYP)

EXISTING CONCRETE APRON

W. 130 ST.

EXISTING SIDEWALK (TYP.)

EXISTING PARKING AREA

EXISTING BUILDING
12945 LORAIN AVE.
CLEVELAND, OHIO

EXISTING BUILDING (TYP.)

EXISTING BUILDING (TYP.)

34.22'

40.00'

PROPERTY LINE 105.00' (TYP)

EXISTING BUILDING (TYP.)

EXISTING BUILDING (TYP.)

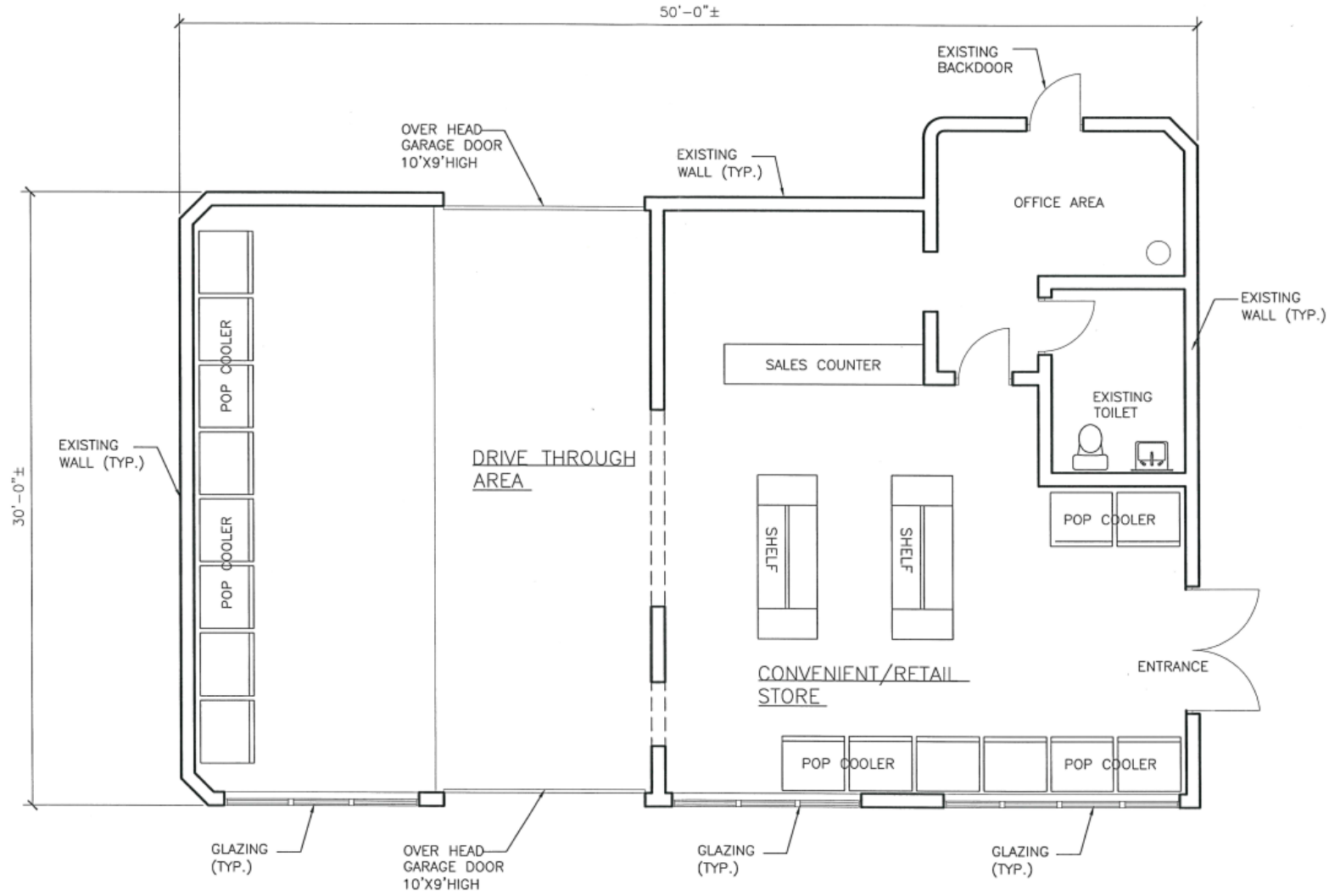
EXISTING

EXISTING SITE PLAN

SCALE: 1" = 20'-0"

NORTH





FLOOR PLAN

SCALE 3/16" = 1'-0"



Public Hearing



Calendar No. 21-189:

2268 W. 28th Street

Ward 3

Matthew Moss, owner, proposes to build a two-story 896 SF single family residence with attached garage on a 1,628 SF lot. The owner appeals for relief from the strict application of the following sections of the Cleveland Codified Ordinances:

1. Section 355.04(a): the minimum lot width for a single family dwelling in a "B" area district is 40 feet; a 37-foot-wide lot is proposed. A Minimum lot area of 4,800 SF is required for a single family dwelling; a lot area of 1,628 Sf is proposed.
2. Section 355.04(b): Minimum floor area per primary residential unit is 950SF. Proposed floor area is 896SF.
3. Section 357.08(B)(1): Depth of required rear yard shall in no case be less than 20'-0" or be less than the height of the main building.
4. Section 357.09(b)(2): Required interior side yard is 3'-0"
5. Section 341.02(b): City Planning approval is required prior to the issuance of a building permit. (Filed Nov 24,2021)



Public Hearing

Calendar No. 21-189:

2268 W. 28th Street

Ward 3



SWEARING IN ALL WHO ARE PRESENT FOR THIS CASE:

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IS THE WHOLE TRUTH AND NOTHING BUT THE TRUTH?

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HISTORY OF THE PROPERTY





LEGAL STANDARD

Madam Chair, Members of the Board, Appellant is requesting area variances from the minimum lot width, minimum lot area, minimum floor area, rear yard and side yard requirements of the zoning code.

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

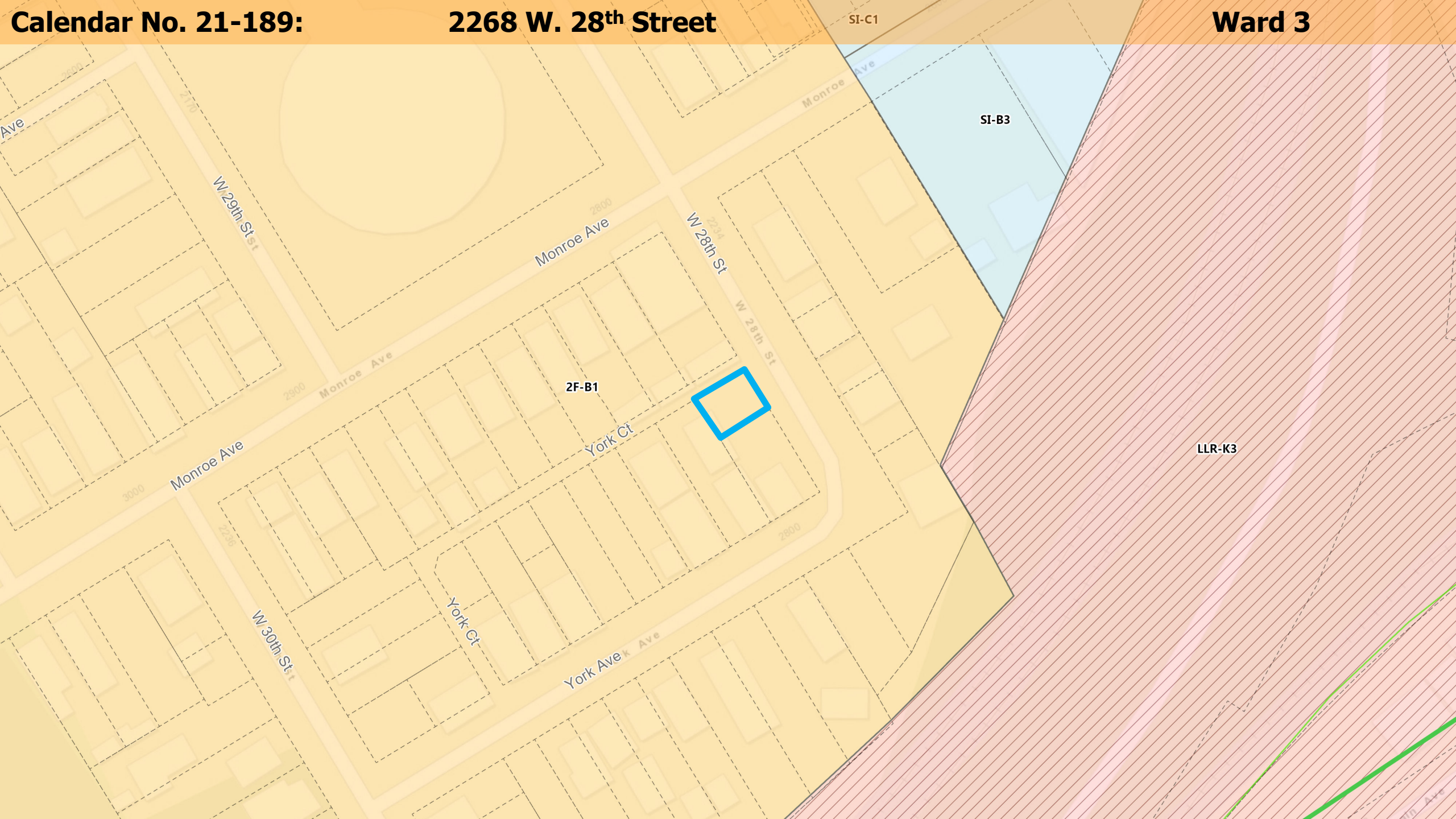
1. Will create a **practical difficulty** not generally shared by other land or buildings in the same district;
2. Will deprive the Appellant of substantial property rights; and
3. That granting the variances will not be contrary to the purpose and intent of the zoning code.





York Court

West 28th Street



SI-B3

2F-B1

LLR-K3

Ave

W 29th St

Monroe Ave

W 28th St

Monroe Ave

Monroe Ave

Monroe Ave

York Ct

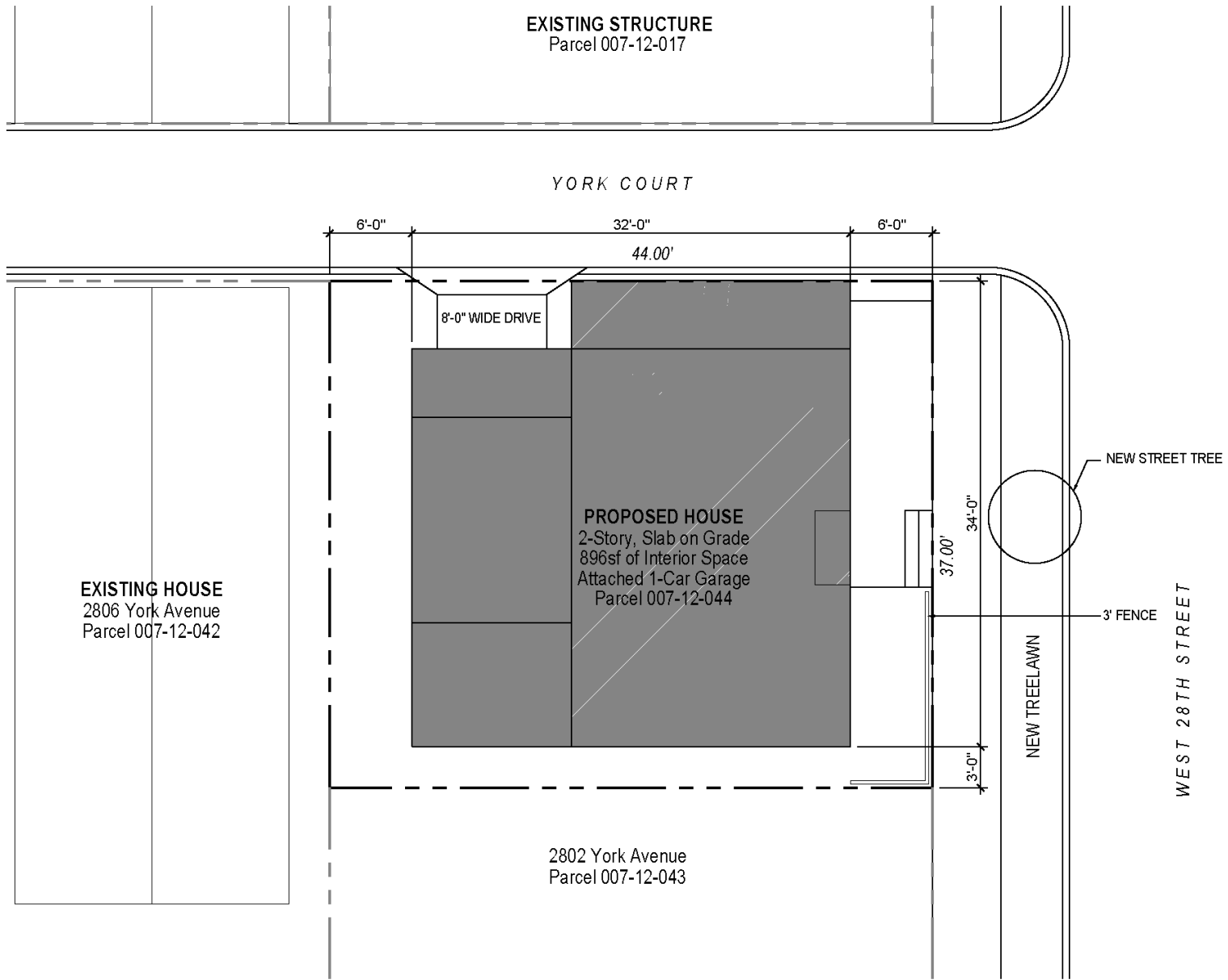
W 28th St

W 30th St

York Ct

York Ave

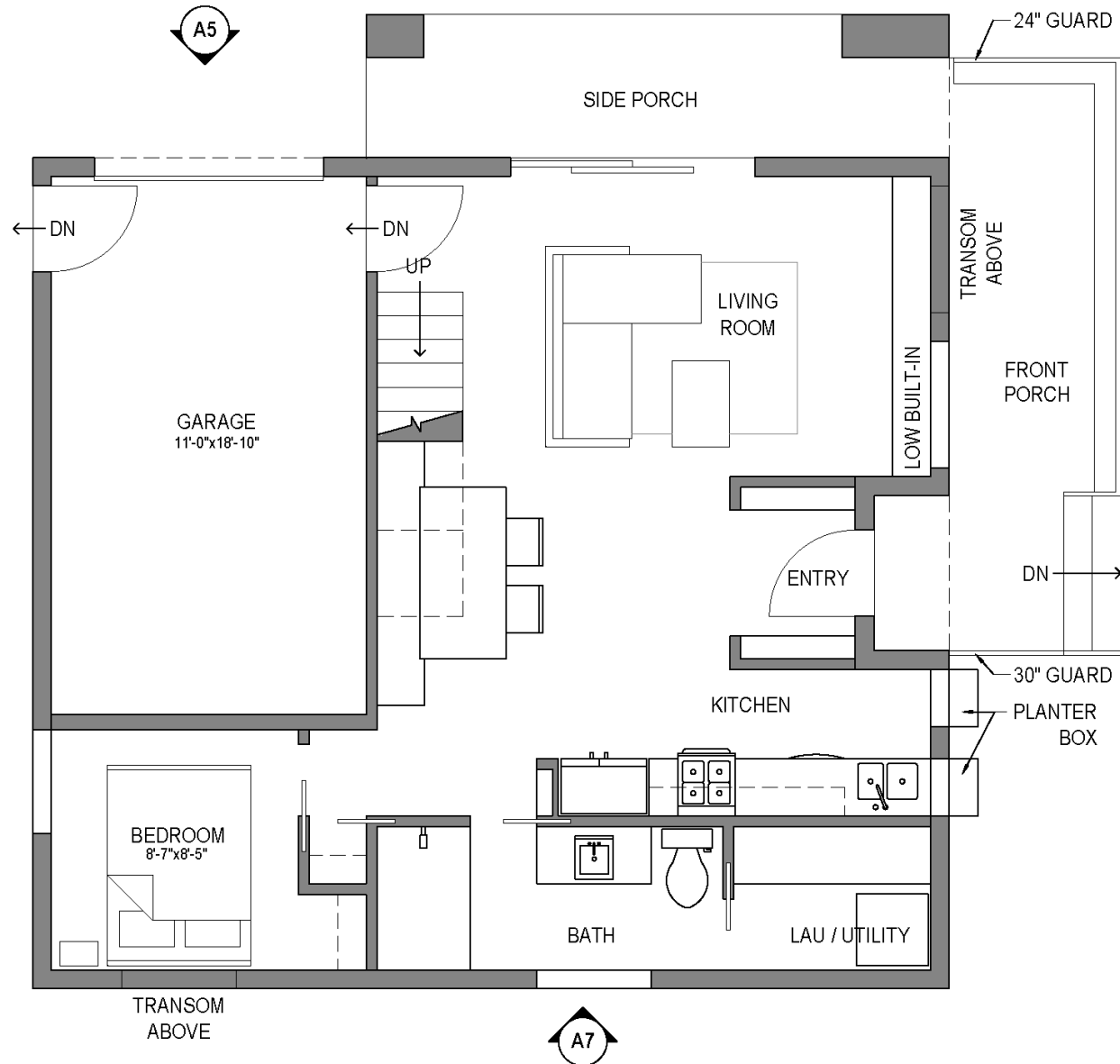
th Ave



A1

W28TH & YORK COURT
 Proposed Site Plan
 Scale: 1" = 10'-0" N1
 September 16, 2021

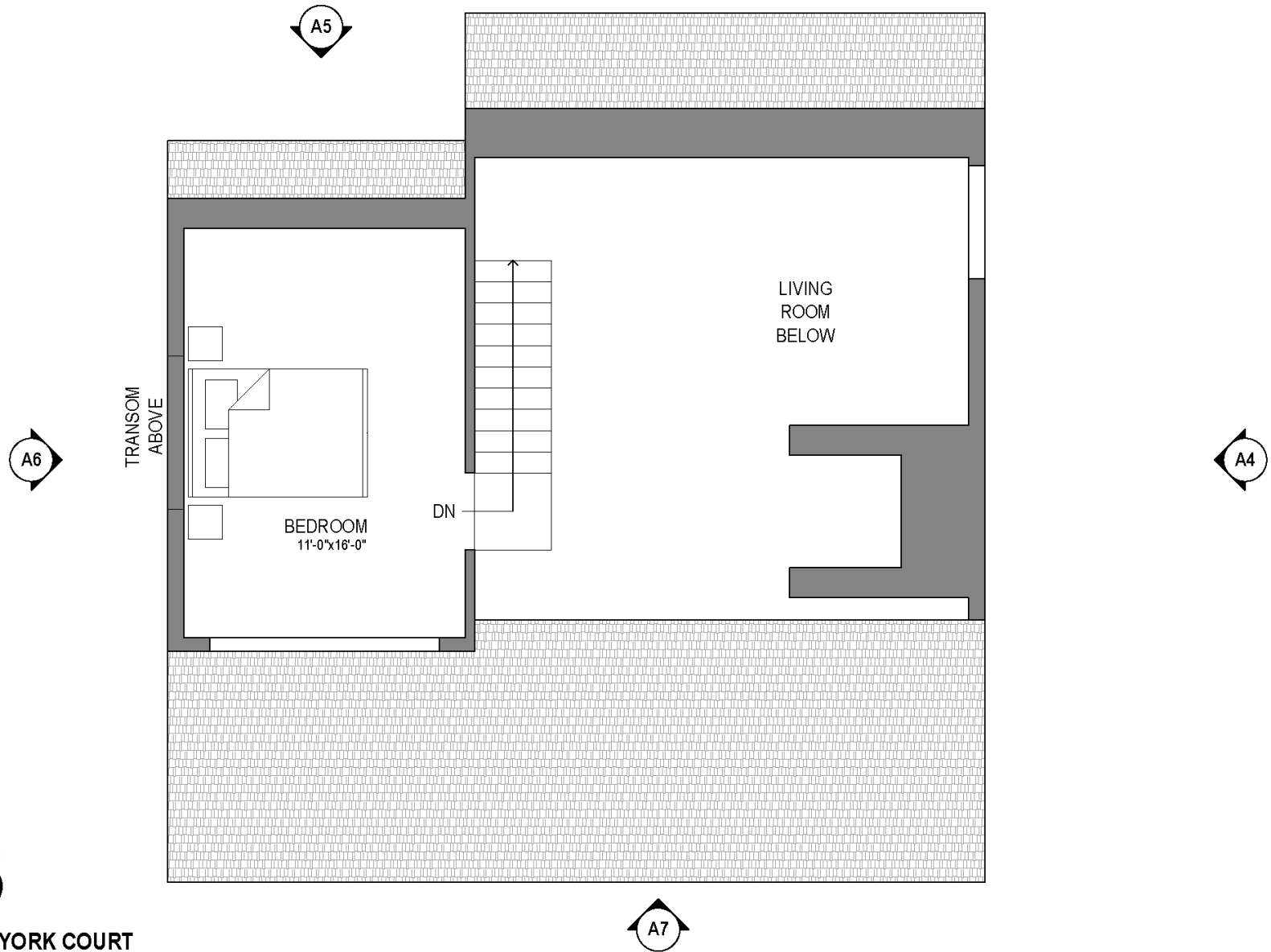




A2

W28TH & YORK COURT
 Proposed 1st Floor Plan
 Scale: 3/16" = 1'-0" N7
 September 16, 2021

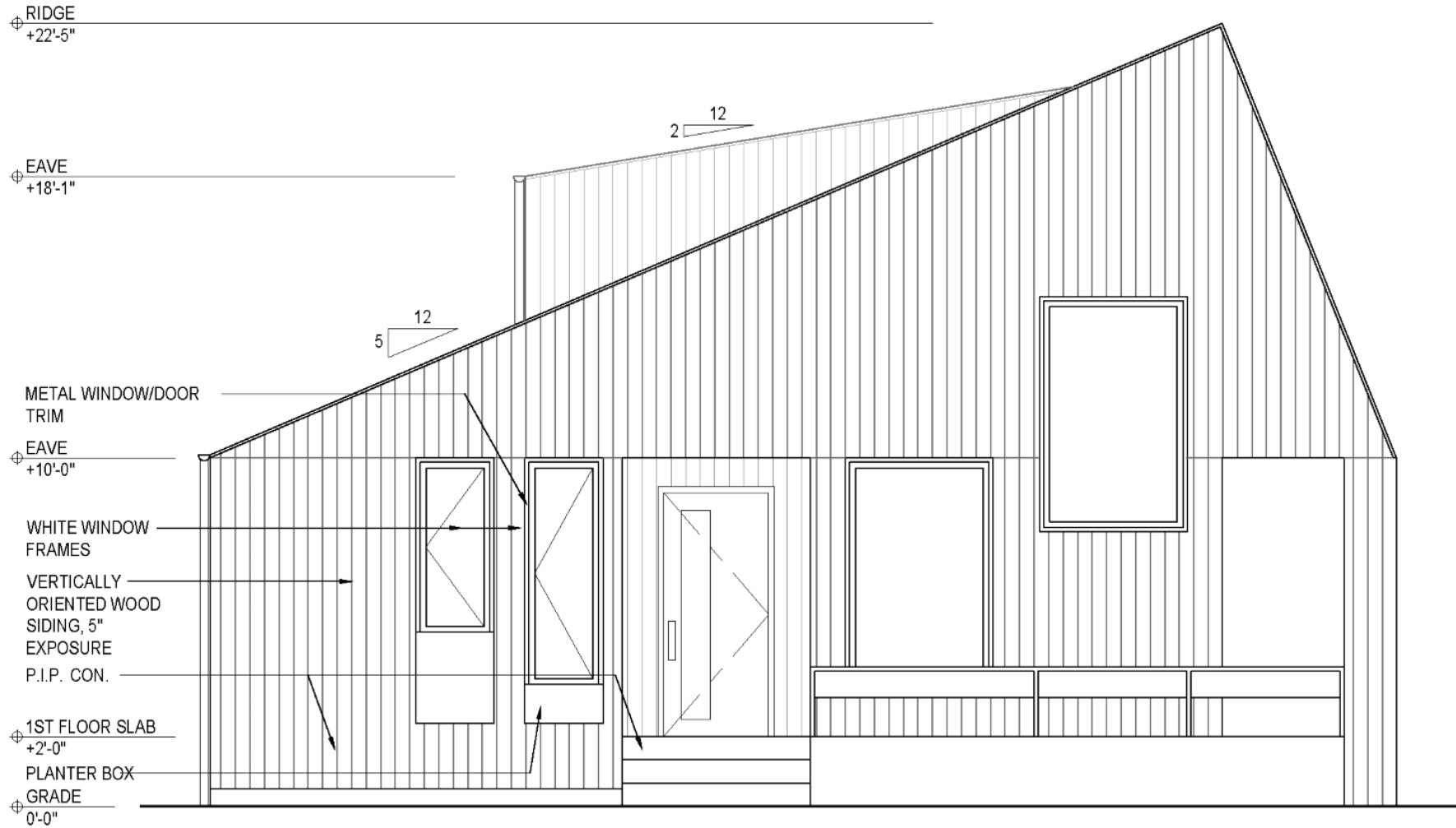




A3

W28TH & YORK COURT
Proposed 2nd Floor Plan
Scale: 3/16" = 1'-0" N7
September 16, 2021





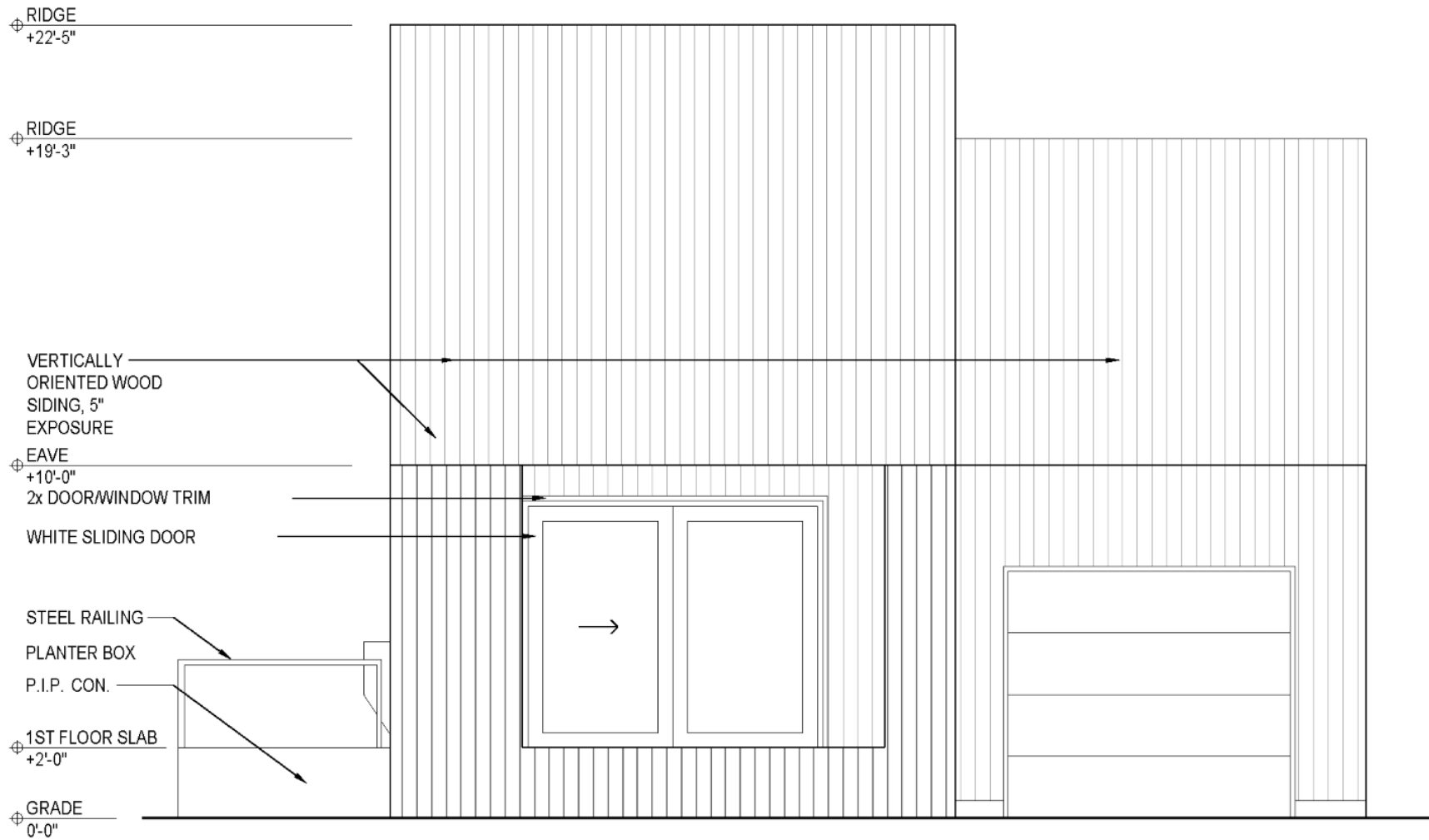
A4

W28TH & YORK COURT
 East Elevations
 Scale: 1/4" = 1'-0"
 September 16, 2021



West 28th Street Elevation

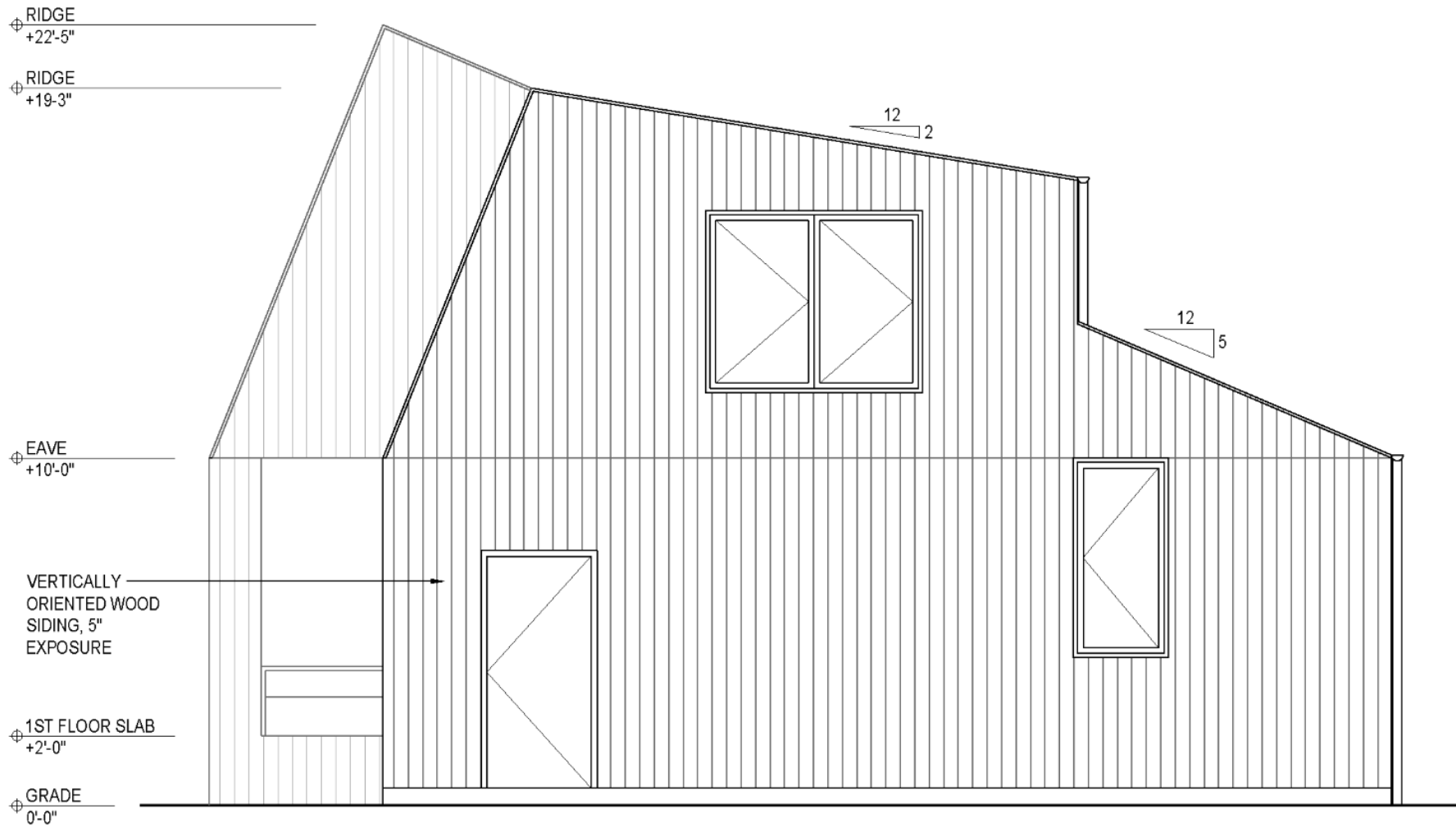




A5

W28TH & YORK COURT
 North Elevation
 Scale: 1/4" = 1'-0"
 September 16, 2021

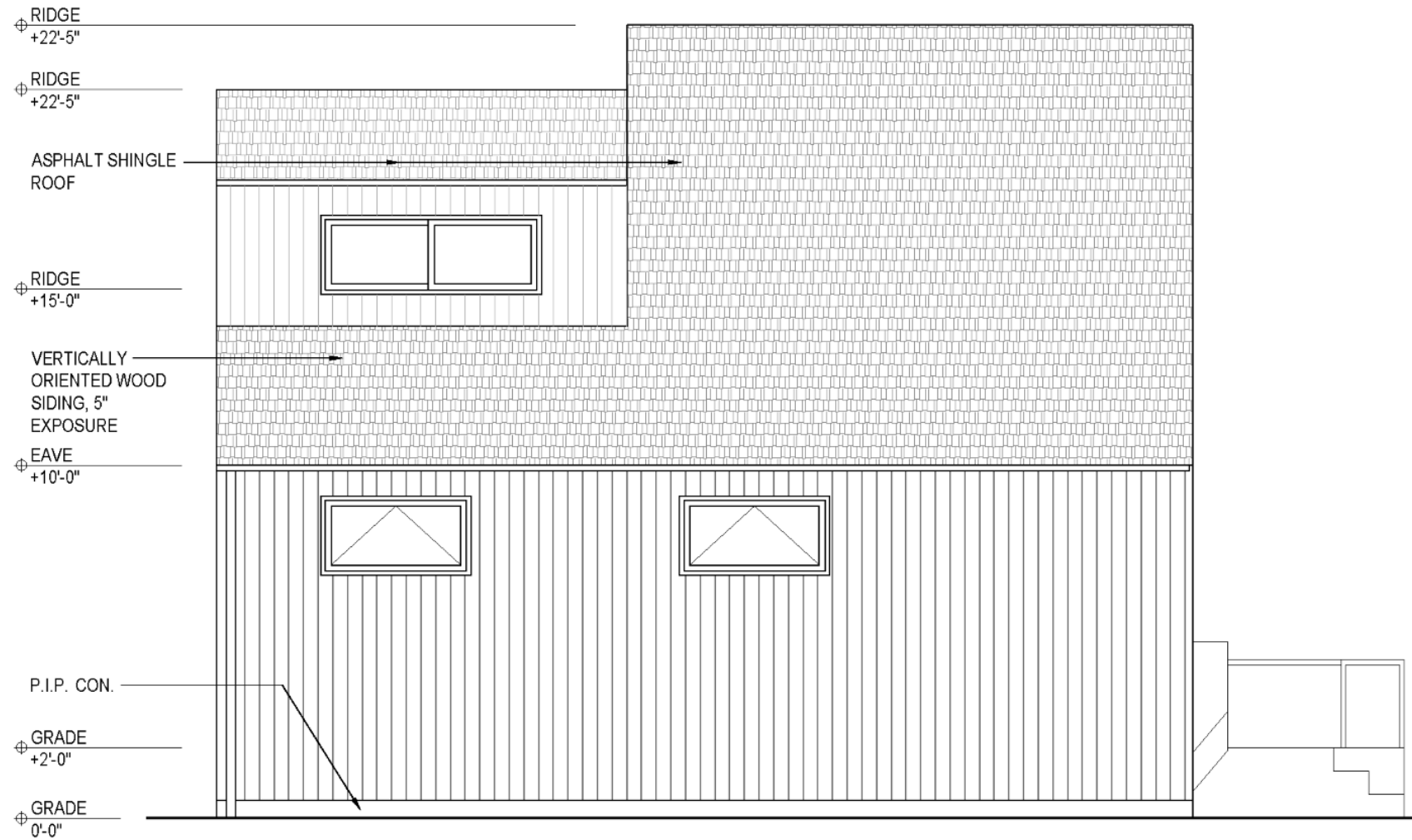




A6

W28TH & YORK COURT
 West Elevation
 Scale: 1/4" = 1'-0"
 September 16, 2021





A7

W28TH & YORK COURT
 South Elevation
 Scale: 1/4" = 1'-0"
 September 16, 2021





W28TH & YORK COURT
Exterior Rendering

September 16, 2021



Public Hearing

Calendar No. 21-193:

12017 Emery Ave

Ward 11

Second Calvary, owner, proposes to change free standing signage to electronic changeable copy. The owner appeals for relief from the strict application of the following sections of the Cleveland Codified Ordinances:

1. Section 350.13(a): automatic changeable copy signs are prohibited in all residence Districts.
2. Section 350.13(g): A variance shall be required and may be granted for identification or bulletin board signs using electronically changeable copy to display information pertinent to a community use only if the Board of Zoning Appeals determines that the sign will provide community information without adversely affecting the character of nearby residential properties. (Filed December 6, 2021)



Public Hearing

Calendar No. 21-193:

12017 Emery 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?

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Reply with I DO, YOUR NAME and YOUR ADDRESS.**



HISTORY OF THE PROPERTY





LEGAL STANDARD

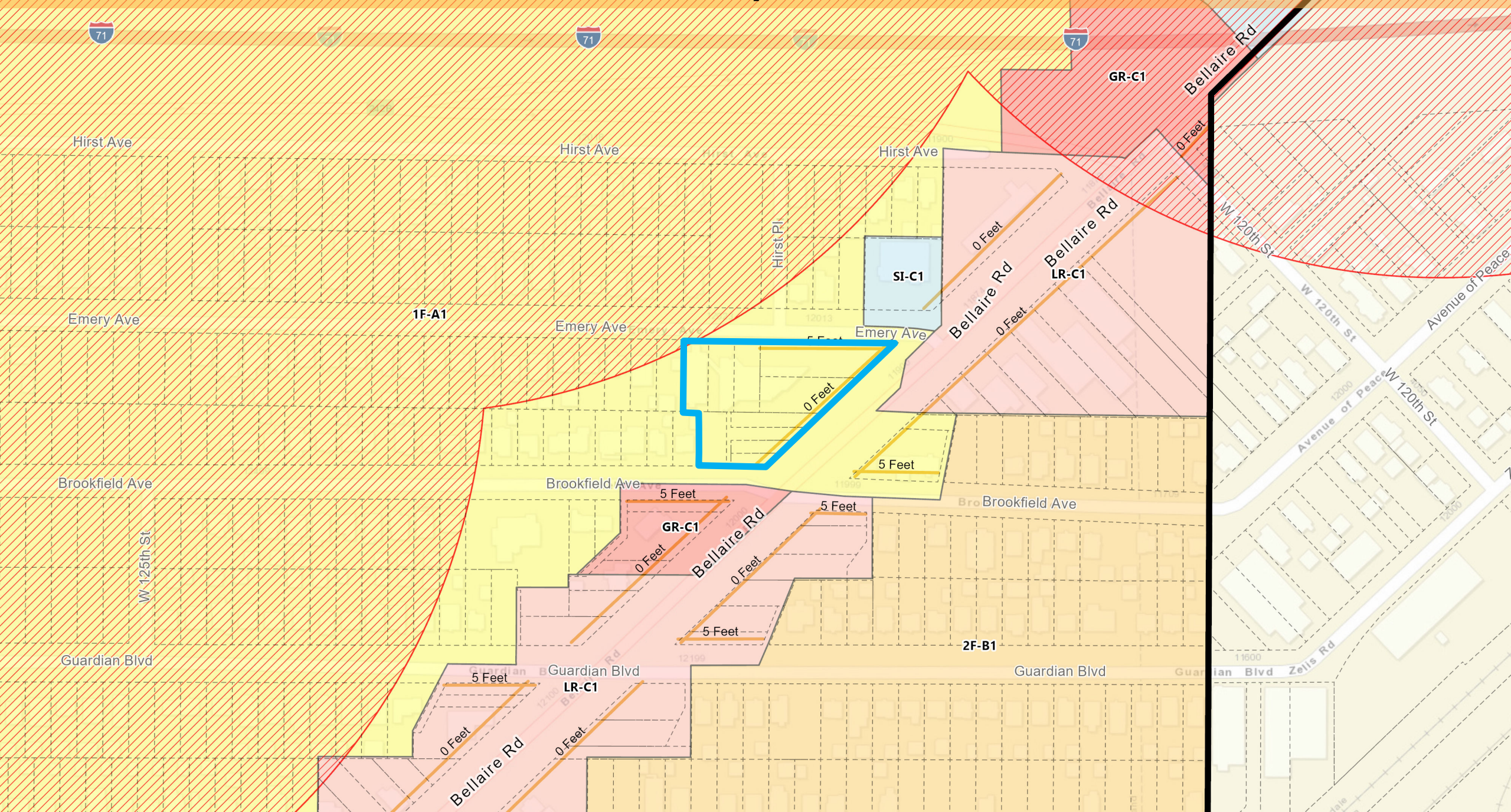
Madam Chair, Members of the Board, Appellant is requesting permission to operate an electronic changeable copy sign in a Residential District.

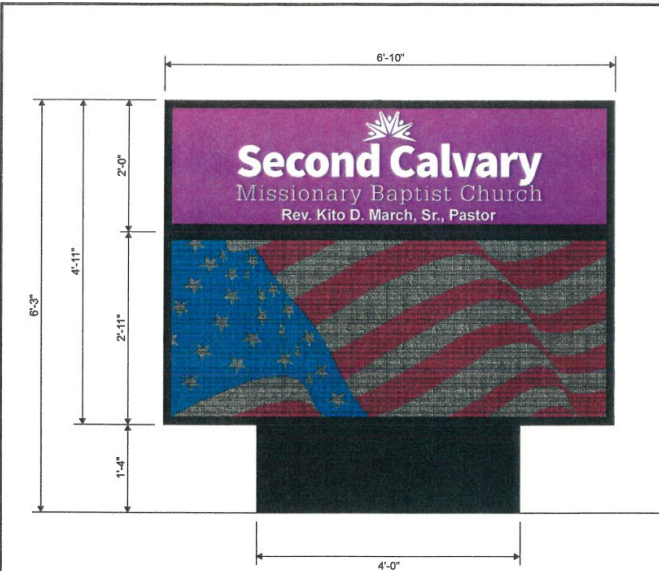
Section 350.13(g) of the zoning code requires Board of Zoning Appeals approval for an Identification or Bulletin Board sign using electronic changeable copy to display information pertaining to a Community Facility, and provides that the Board may grant a variance for such a sign if it determines that the sign will provide community information without adversely affecting the character of nearby residential properties in accordance with the following provisions:

1. Information on the sign must be limited to that which pertains to the Community Facility at which the sign is located;
2. Each display of information must remain static for a minimum of twenty (20) seconds, thereby prohibiting flashing, scrolling, animated or other copy that gives the appearance of motion;
3. The sign shall be a wall sign or free standing sign, with the electronic display area not exceeding thirty (30) square feet in area; and
4. The placement and design of the sign must be approved by Planning Commission or Landmarks Commission, as applicable, using design review guidelines established by the zoning code with the intent of ensuring compatibility with the character of nearby residential properties.
5. A sign which varies from these provisions may be approved if it receives Planning Commission/Landmarks Commission approval and will meet a community need without adversely impacting the character of nearby residential properties.









(1) COMPLETE D/F INTERNALLY ILLUMINATED CABINET SIGN WITH FLAT WHITE POLYCARBONATE FACES. FIRST SURFACE VINYL DECORATION. THE CABINET DEPTH IS TO BE 2'-0". THE RETAINER IS TO BE 1 1/2". THE SIGN IS TO INCLUDE A D/F FULL COLOR ELECTRONIC MESSAGE DISPLAY. THE CABINET AND DISPLAY ARE TO BE CENTER POLE MOUNTED, USING EXISTING POLE. NEW ALUMINUM POLE COVER. THE SIGN IS TO BE UL LISTED WITH A SERVICE SWITCH INSTALLED. LED ILLUMINATION.

COLORS:
 CABINET: BLACK
 POLE COVER: BLACK
 FACE BKGD: 3630-128 PLUM PURPLE
 COPY: WHITE
 MSG DISPLAY: FULL COLOR

SECOND CALVARY
 MISSIONARY BAPTIST CHURCH
 12017 EMERY AVE
 CLEVELAND, OH
 ORDER #:

ALL INFORMATION CONTAINED ON THIS DRAWING IS CONFIDENTIAL AND PROPRIETARY. IT IS THE SOLE PROPERTY OF ADAMS SIGNS AND IS NOT TO BE REPRODUCED BY ANYONE WITHOUT WRITTEN CONSENT FROM ADAMS SIGNS. ACCEPTED BY: _____ DATE: _____

THIS SIGN SHALL REMAIN THE PROPERTY OF ADAMS SIGNS UNTIL FULLY PAID FOR. THE INTENT OF THIS DRAWING IS TO SHOW A CONCEPTUAL REPRESENTATION OF THE PROPOSED SIGNAGE. DUE TO VARIATIONS IN PRINTING DEVICES AND SUBSTRATES, THE FINISHED PRODUCT MAY DIFFER SLIGHTLY FROM DRAWING.

	ADAMS ELECTRIC SIGNS	SCALE: 1:16	DATE: 9-29-21 / 10-5-21
	MASSILLON, OHIO	SALES: JASON	ART: RS
		DWG. #: 0921040	CKD.:

AS BUILT: CABINET TRIM SIZE: _____ FACE TRIM SIZE: _____

EXISTING



PROPOSED

SECOND CALVARY
 MISSIONARY BAPTIST CHURCH
 12017 EMERY AVE
 CLEVELAND, OH
 ORDER #:

ALL INFORMATION CONTAINED ON THIS DRAWING IS CONFIDENTIAL AND PROPRIETARY. IT IS THE SOLE PROPERTY OF ADAMS SIGNS AND IS NOT TO BE REPRODUCED BY ANYONE WITHOUT WRITTEN CONSENT FROM ADAMS SIGNS. ACCEPTED BY: _____ DATE: _____

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	ADAMS ELECTRIC SIGNS	SCALE: NTS	DATE: 9-29-21 / 10-5-21
	MASSILLON, OHIO	SALES: JASON	ART: RS
		DWG. #: 0921040	CKD.:

AS BUILT: CABINET TRIM SIZE: _____ FACE TRIM SIZE: _____

Google Maps 11921 Bellaire Rd



Image capture: Aug 2019 © 2021 Google

Cleveland, Ohio

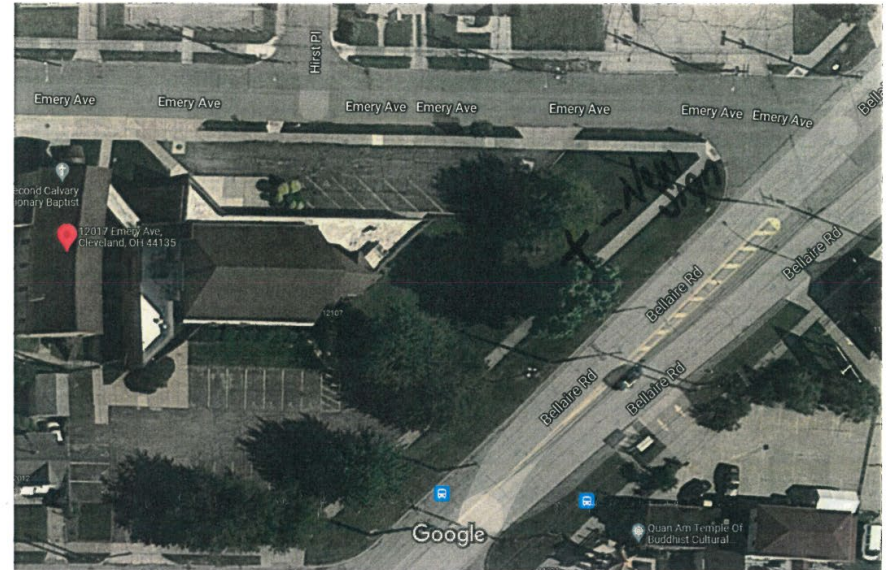
Google

Street View - Aug 2019



Replacing existing sign with new sign.
Keeping old foundation & pole

12017 Emery Ave



Imagery ©2021 Maxar Technologies, Map data ©2021 20 ft

21-193
RECEIVED
DEC - 6 2021
BOARD OF
ZONING APPEALS

Public Hearing



Calendar No. 21-184:

2312 West 5th Street Back

Ward 3

Key State, owners, proposes to erect a 27' x 22.7' 4 story single family residence with attached garage. The owner appeals for relief from the strict application of the following sections of the Cleveland Codified Ordinances:

1. Section 355.04(a): The minimum lot area is 4,800 sqft; proposing 1,281 sqft. The minimum lot width of 50' required; proposing 33'. Maximum gross floor area shall not exceed 50 percent of lot size 640sqft, proposing 1,224sqft.
2. Section 357.08(b): the required rear yard 27.8'; proposing 4.4'.
3. Section 341.02(b) City Planning approval is required prior to the issuance of a building permit.



Public Hearing

Calendar No. 21-184:

2312 West 5th Street Back

Ward 3



SWEARING IN ALL WHO ARE PRESENT FOR THIS CASE:

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**Please Raise Your Hand.
Reply with I DO, YOUR NAME and YOUR ADDRESS.**



HISTORY OF THE PROPERTY





LEGAL STANDARD

Madam Chair, Members of the Board, Appellant is requesting area variances from the minimum lot area, minimum lot width, maximum gross floor area, front yard, rear yard, and side yard requirements of the zoning code.

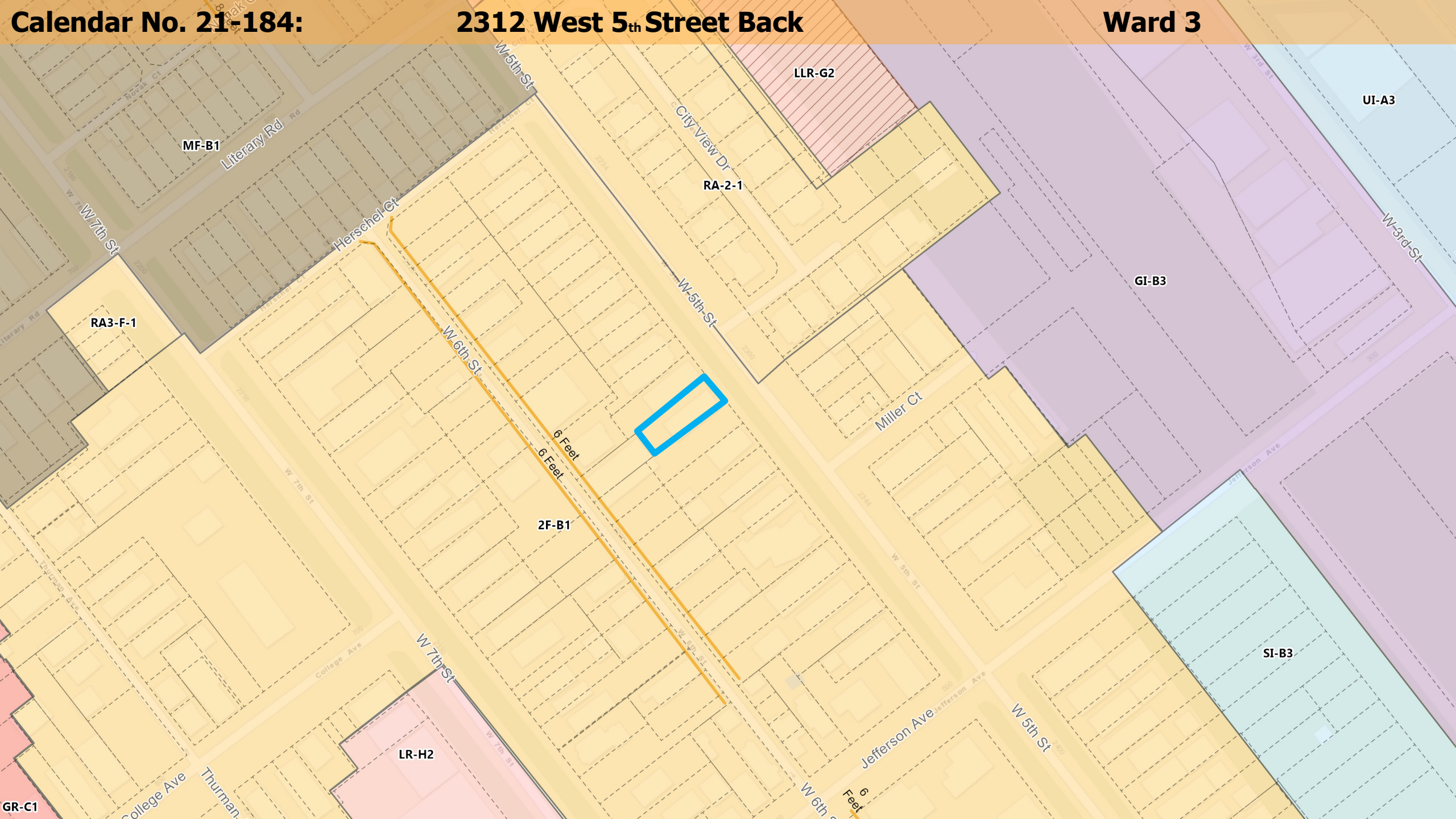
To obtain the area variances, Appellant must prove that denying the request:

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 zoning code.

Please note that Section 329.04(c) may limit the Board's ability to grant the requested front yard setback variance.







LLR-G2

UI-A3

MF-B1

RA-2-1

GI-B3

RA3-F-1

2F-B1

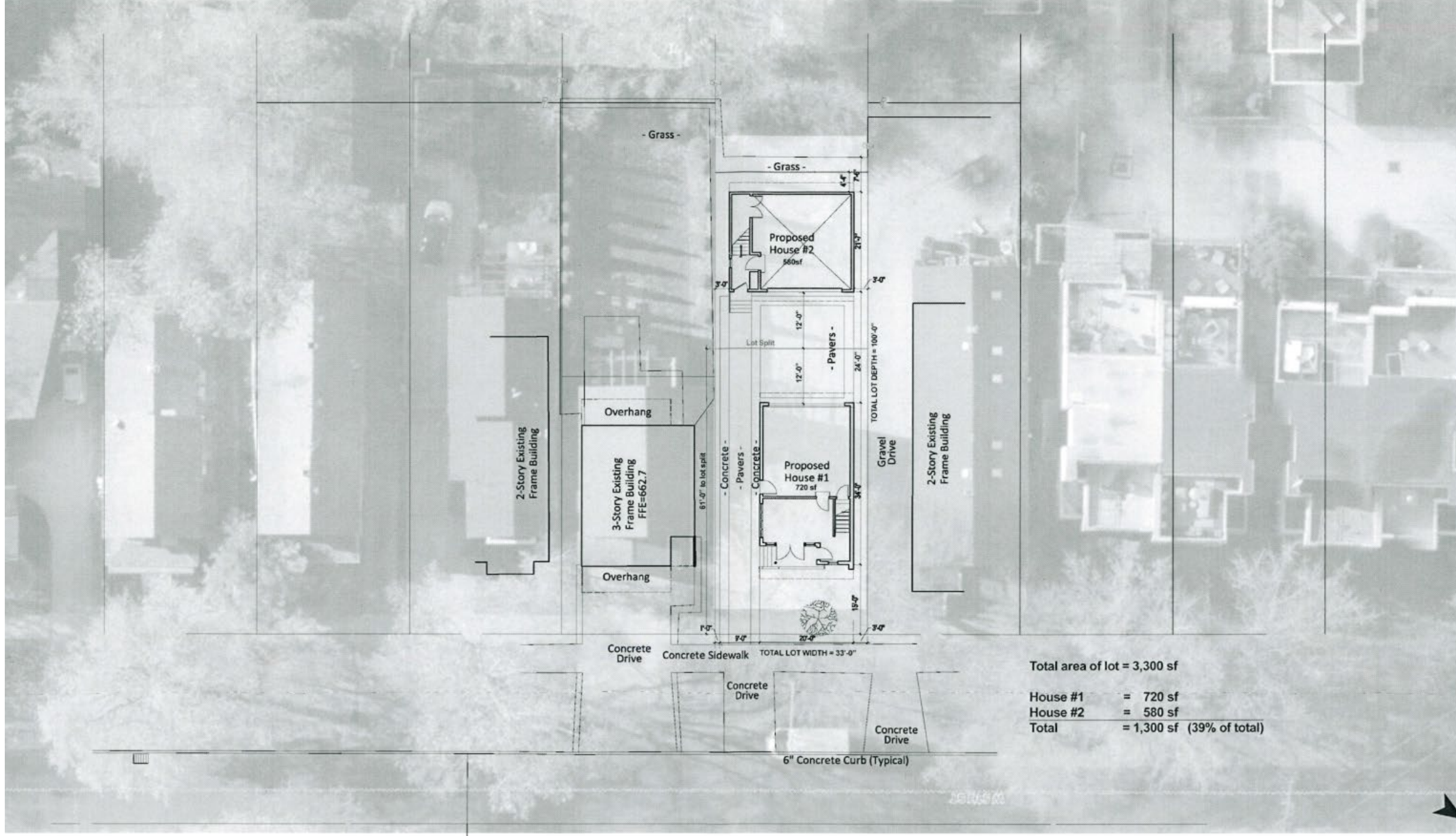
SI-B3

LR-H2

GR-C1

6 Feet
6 Feet

6 Feet



- Grass -

- Grass -

Proposed House #2
580sf

Lot Split
- Pavers -

Proposed House #1
720 sf

Overhang

3-Story Existing Frame Building
FFE=662.7

Overhang

2-Story Existing Frame Building

2-Story Existing Frame Building

61'-0" to lot split

- Concrete -

- Pavers -

- Concrete -

TOTAL LOT DEPTH = 100'-0"

Gravel Drive

Concrete Drive

Concrete Sidewalk

TOTAL LOT WIDTH = 33'-0"

Concrete Drive

Concrete Drive

6" Concrete Curb (Typical)

Total area of lot = 3,300 sf

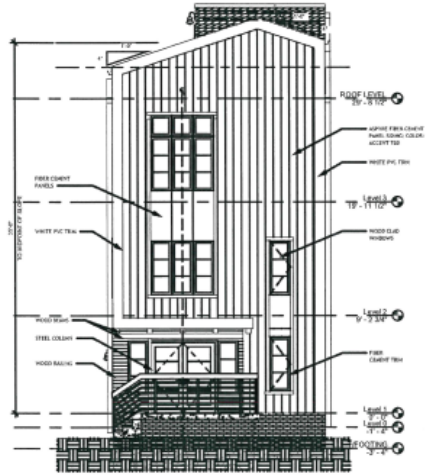
House #1 = 720 sf

House #2 = 580 sf

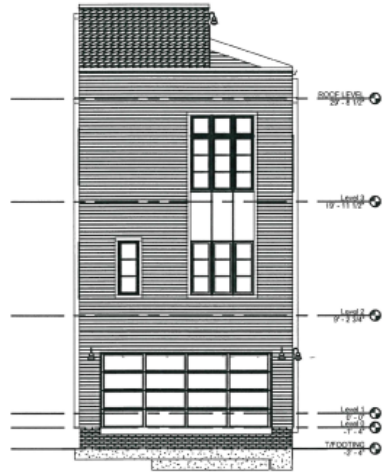
Total = 1,300 sf (39% of total)

10/15/2016

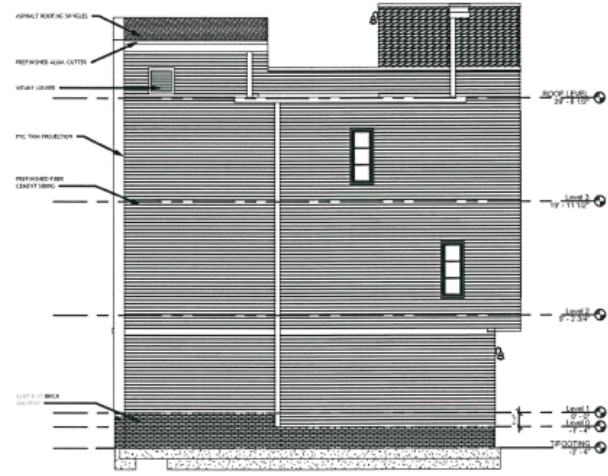




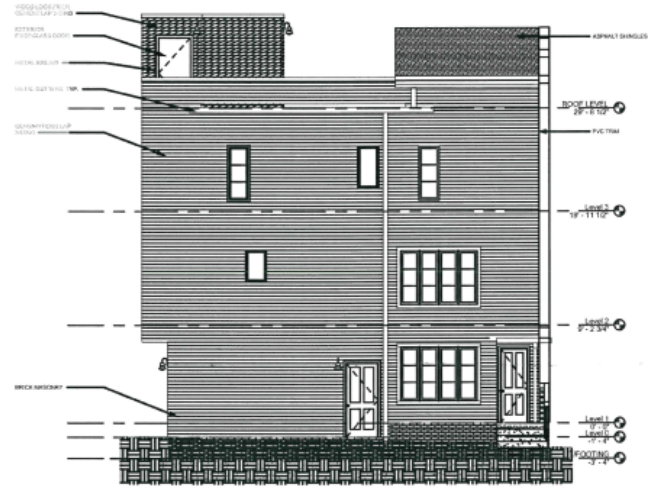
1 2-CAR UNIT FRONT ELEVATION
A1.2b SCALE: 1/8"=1'-0"



3 2-CAR UNIT REAR ELEVATION
A1.2b SCALE: 1/8"=1'-0"

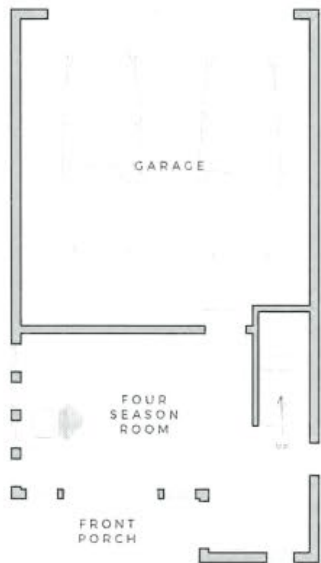


2 2-CAR UNIT RIGHT SIDE ELEVATION
A1.2b SCALE: 1/8"=1'-0"



4 2-CAR UNIT LEFT SIDE ELEVATION
A1.2b SCALE: 1/8"=1'-0"

SCALE: 1" = 20'



FIRST FLOOR
223



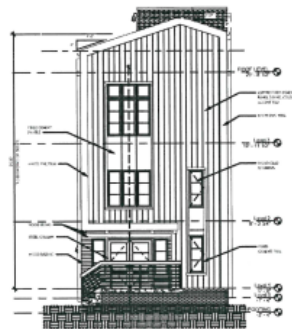
SECOND FLOOR
753



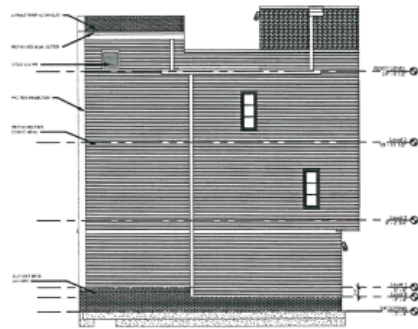
THIRD FLOOR
656



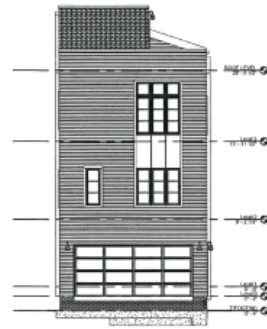
ROOF
37



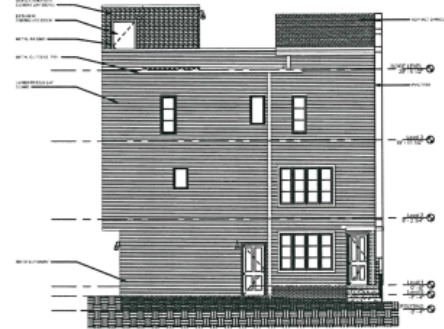
1 2-CAR UNIT
FRONT ELEVATION
A1.2b SCALE: 1/8"=1'-0"



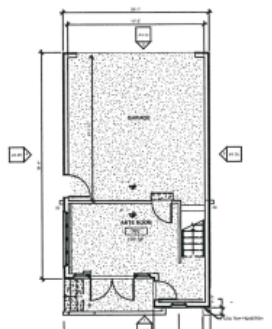
2 2-CAR UNIT
RIGHT SIDE ELEVATION
A1.2b SCALE: 1/8"=1'-0"



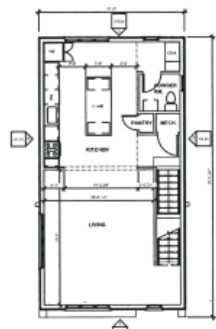
3 2-CAR UNIT
REAR ELEVATION
A1.2b SCALE: 1/8"=1'-0"



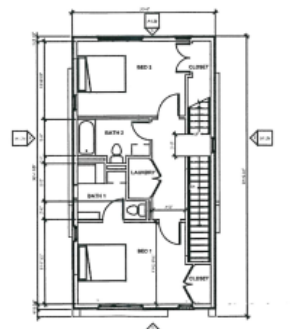
4 2-CAR UNIT
LEFT SIDE ELEVATION
A1.2b SCALE: 1/8"=1'-0"



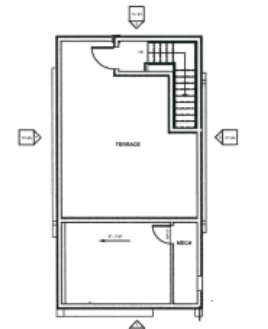
A 2-CAR UNIT
FIRST FLOOR PLAN
A1.2b SCALE: 1/8"=1'-0"



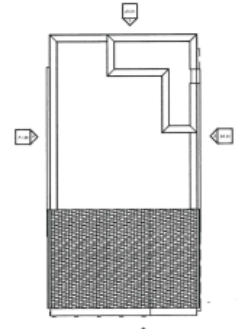
B 2-CAR UNIT
SECOND FLOOR PLAN
A1.2b SCALE: 1/8"=1'-0"



C 2-CAR UNIT
THIRD FLOOR PLAN
A1.2b SCALE: 1/8"=1'-0"



D 2-CAR UNIT
ROOF LEVEL FLOOR PLAN
A1.2b SCALE: 1/8"=1'-0"



E 2-CAR UNIT
ROOF PLAN
A1.2b SCALE: 1/8"=1'-0"

SUBLOTS 1A, 4A, & 5A



Public Hearing

Calendar No. 21-185:

2312 West 5th Street Front

Ward 3

Key State, owners, proposes to erect a 20' x 37' 4 story single family residence with attached garage. The owner appeals for relief from the strict application of the following sections of the Cleveland Codified Ordinances:

1. Section 355.04(a): The minimum lot area is 4,800 sqft; proposing 2,019 sqft. The minimum lot width of 50' required; proposing 33'. Maximum gross floor area shall not exceed 50 percent of lot size 1,009sqft, proposing 1,669sqft.
2. Section 357.06(a): The required front yard setback is 14.8'; proposing 13' cantilever.
3. Section 357.08(b): the required rear yard 35'; proposing 12'.
4. Section 341.02(b) City Planning approval is required prior to the issuance of a building permit.
5. Section 357.15: The required rear yard between buildings is 40'; proposing 24'. (Filed November 10, 2021)



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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 I DO, YOUR NAME and YOUR ADDRESS.

Public Hearing

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Ward 3



HISTORY OF THE PROPERTY



LEGAL STANDARD

Madam Chair, Members of the Board, Appellant is requesting area variances from the minimum lot area, minimum lot width, maximum gross floor area, front yard, rear yard, and side yard requirements of the zoning code.

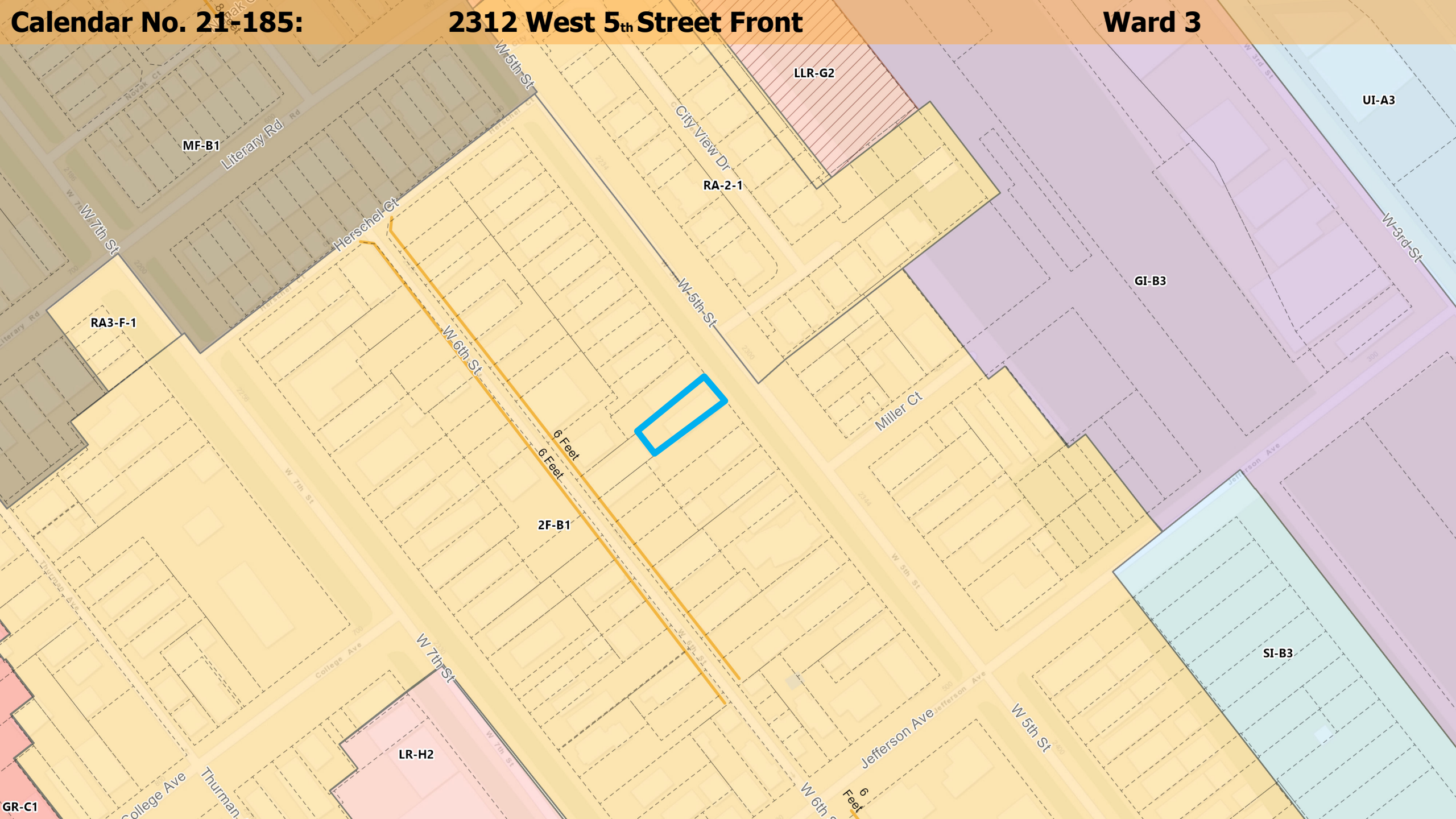
To obtain the area variances, Appellant must prove that denying the request:

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 zoning code.

Please note that Section 329.04(c) may limit the Board's ability to grant the requested front yard setback variance.







MF-B1

LLR-G2

UI-A3

RA-2-1

GI-B3

RA3-F-1

2F-B1

SI-B3

LR-H2

GR-C1

6 Feet

6 Feet

6 Feet

Literary Rd

W 7th St

Herschel Ct

W 6th St

W 5th St

City View Dr

Miller Ct

W 3rd St

Jefferson Ave

Jefferson Ave

W 5th St

College Ave

College Ave

Thurman

W 6th St

Cleveland Board of Zoning Appeals

Old Business



Public Hearing



Cleveland Board of Zoning Appeals

Adjournment

