



# **Cleveland Board of Zoning Appeals**

**Monday October 23, 2023 at 9:30 AM**

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

Kelley Britt, Board Chair

Elizabeth Kukla, Secretary

# Cleveland Board of Zoning Appeals

October 23, 2023

## 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.

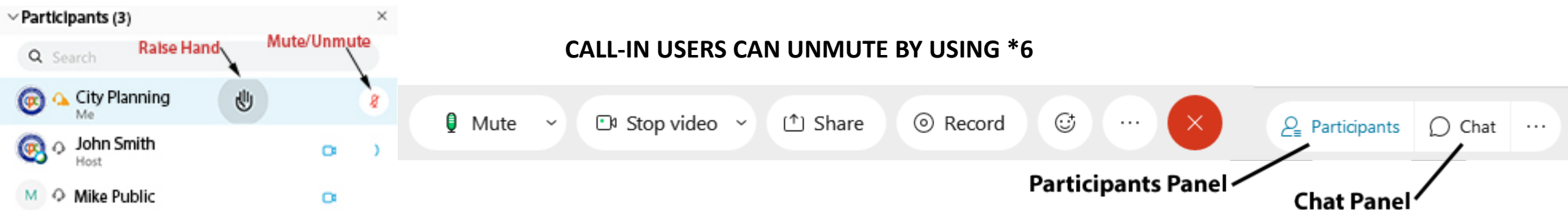
ALL BOARDS AND COMMISSIONS UNDER THE PURVIEW OF THE CITY PLANNING DEPARTMENT CONDUCTS ITS MEETINGS ACCORDING TO ROBERT'S RULES OF ORDER. ACTIONS DURING THE MEETING WILL BE TAKEN BY VOICE VOTE. ABSTENTIONS FROM ANY VOTE DUE TO A CONFLICT OF INTEREST SHOULD BE STATED FOR THE RECORD PRIOR TO THE TAKING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



The screenshot displays the Webex interface. On the left, the 'Participants (3)' panel is visible, listing 'City Planning Me', 'John Smith Host', and 'Mike Public'. Annotations with arrows point to the 'Raise Hand' icon (a hand) and the 'Mute/Unmute' icon (a microphone) in the participants list. At the bottom, the toolbar contains buttons for 'Mute', 'Stop video', 'Share', 'Record', and a red 'X' button. To the right of these are the 'Participants' and 'Chat' buttons. Arrows point from the text labels 'Participants Panel' and 'Chat Panel' to their respective buttons in the toolbar.

Participants Panel

Chat Panel

# Cleveland Board of Zoning Appeals

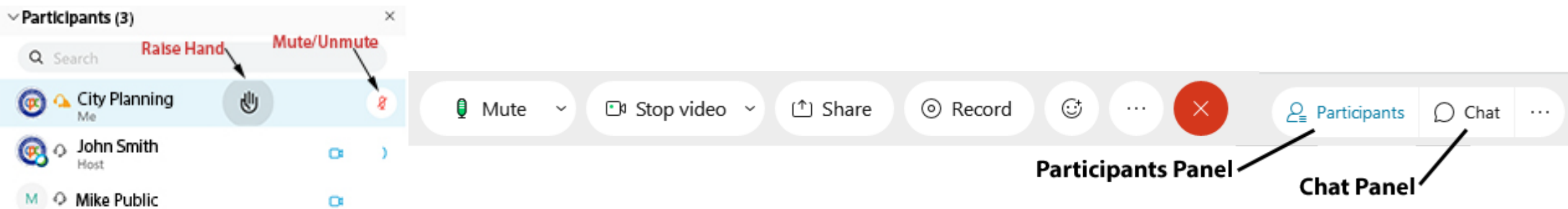
## October 23, 2023

### 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

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# Cleveland Board of Zoning Appeals

## Postponements/Withdrawals

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**NONE TODAY**

# Cleveland Board of Zoning Appeals

## Public Hearing

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# Public Hearing

## **Calendar No.23-165: Brent Eysenbach's Appeals the Decision of the Cleveland Landmarks Commission**

Brent Eysenbach 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 from the decision of the Cleveland Landmarks Commission to issue a Certificate of Appropriateness for new construction of Marion C. Seltzer PreK-8 School and joint City Recreational space at 1468 W. 98 Street.



# Public Hearing

**Calendar No.23-165: Brent Eysenbach's Appeals the Decision of the Cleveland Landmarks Commission**



**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.**



## LEGAL STANDARD

Madam Chair, Members of the Board, Appellant is appealing the decision of the Cleveland Landmarks Commission to issue a Certificate of Appropriateness. The standard of review to be applied is whether the administrative decision was illegal, arbitrary, capricious, unreasonable or unsupported by the preponderance of substantial, reliable, and probative evidence. If the Appellant fails to meet this burden, the administrative decision must be affirmed.



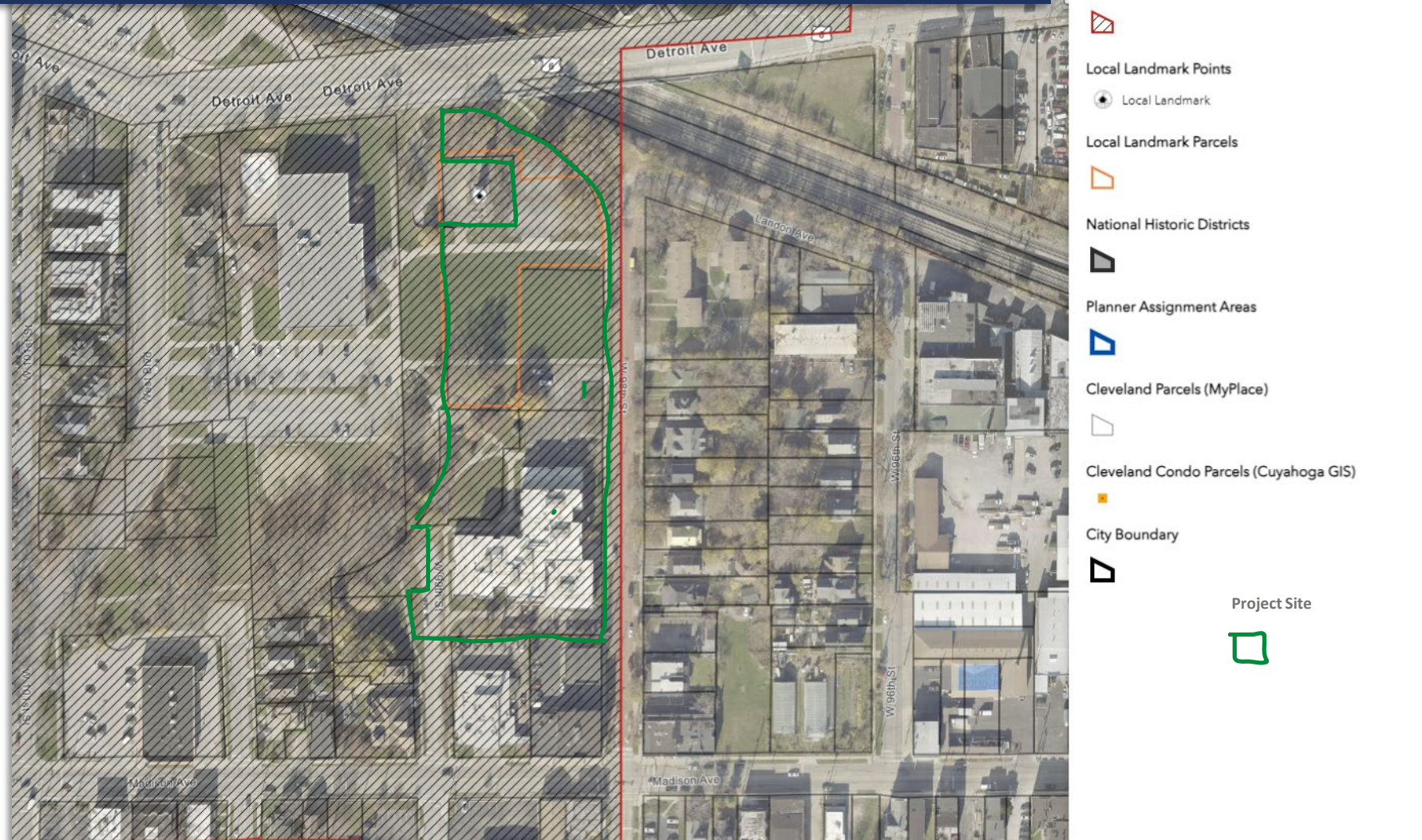


# Board of Zoning Appeals Calendar 23-165

**1468 West 98<sup>th</sup> Street**  
**Marion C. Seltzer Pre K – 8 School**  
**Cleveland Landmarks Commission Case 22-064**

# Cudell Clock Tower (Cudell Park) - Individually Designated Landmark

## Clifton Blvd/West Blvd Historic District – Landmarked Historic District



## Timeline of Case 22-064

- ✓ August 10, 2022 – Concept Review by Clifton/West Blvd Design Review Committee
  - Feedback provided by committee
- ✓ August 25, 2022 – Concept Review by Cleveland Landmarks Commission
  - Feedback provided by Commission
- ✓ January 18, 2023 – Final Review by Historic West Cleveland Design Review Committee
  - Approved by Committee
- ✓ February 9, 2023 – Final Review by Cleveland Landmarks Commission
  - Approved by Commission
- ✓ May 1, 2023 – Certificate of Appropriateness Issued



## Concept plan

Mann C. Setzler  
 Deming - Build model  
 new bldg. th  
 IDA Carter's architect  
 transfered to dem - build ten  
 Modern RPM  
 Dem - Build architects  
 will take 2 more lead role  
 archs + engineers  
 Green space construction merger  
 land swap City + CMSD  
 may be other parcels.  
 Pre-K-8 School  
 typology: 450 students not  
 2 classrooms per grade  
 site: Gaskell Rec.  
 Clock Tower  
 northern part / ad swapped  
 south: existing  
 all zoned MF

Clock Tower new bldg.  
 w/in 45 ft.

as City property  
 clean up around the tower  
 Rec Center  
 campus feel over taken from  
 W 98th: brick road  
 playground removed, re-zoned

worked w/ Jim McKnight  
 site plan  
 playground  
 City: surrounding Clock Tower area  
 Tower Rice  
 large open field

- exist bldg will remain on site ch  
 98th still part of draft

Brent (Carter)  
 central axis to Detroit (Charles  
 1st pass Jim McKnight suggested  
 another meeting scheduled to look at det  
 big oaks huge there in orig. W.B.  
 trees/land

Row out of our realm, need to be  
 good partners  
 work in progress  
 - connecting to Gaskell Rec + Fine Arts  
 area of fine arts display  
 - architecture  
 cost elevation  
 height/width  
 - way to incorporate lines of tower in  
 main entrance portico?  
 mismatched w/ tower  
 overall great presentation

Kunstz - support a lot of colleagues  
 - Brent: Western CDC  
 committed a plan to study  
 Rights of way, traffic  
 column  
 entrance ped zones, crossing  
 make some skeletons one  
 make safer  
 - framing the corner  
 bch of house turning its  
 back on neighborhood  
 ways to incorporate some line  
 (gym area, e.g.)

## August 10, 2022 - Design Review Committee Meeting

- Concept Level Review
- Feedback Provided by Committee with No Vote Taken
- Committee Comments and Feedback Provided to Landmarks Commission

CMSD some use of rec center

- next to TRM: 4 ft.  
 Slow plan  
 public spaces to be used for



Cleveland Metropolitan School District  
Marion C. Seltzer PK-B School  
Site Plan In-Context - August 10, 2022



## August 25, 2022 - Cleveland Landmarks Commission Meeting

- Concept Level Review
- Feedback Provided by Commission with No Vote Taken

Cleveland Landmarks Commission August 25, 2022



City Planning Commission  
355 subscribers

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## January 18, 2023 - Historic West Cleveland Design Review Committee Meeting

- Committee voted to recommend approval to the Landmarks Commission and requested that the applicant return for landscaping changes on the joint City/school common space, by a vote of 5-2.

0:06:54

CONFIRMED Historic West Cleveland Design



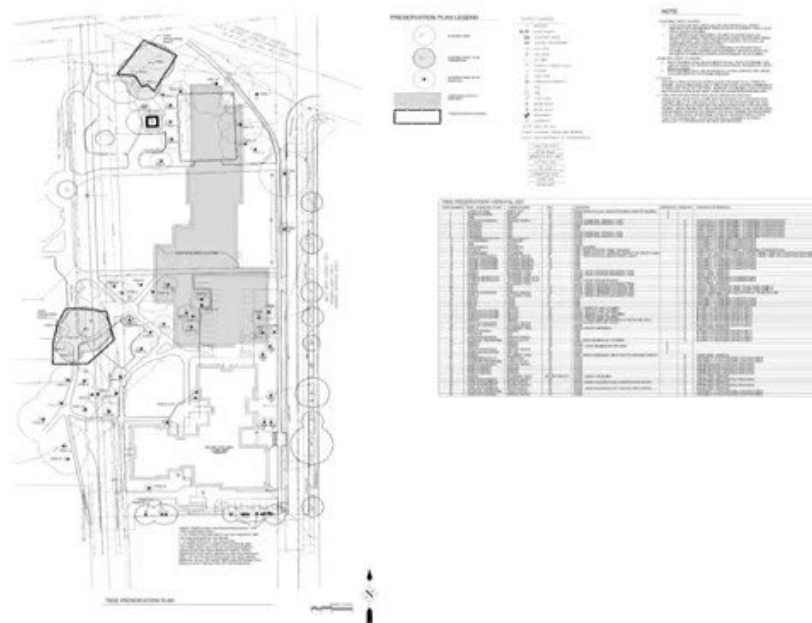
Daniel Musson

julie.trott

jeff henderson

Bob Strickland

Jonathan Bonezzi



Cleveland Metropolitan School District  
Marion C. Seltzer PK-8 School  
Tree Preservation Plan – 9 February 2023



## February 9, 2023 - Cleveland Landmark Commission Meeting

- Approved unanimously with consideration to review the color and/or extent of the metal panels and return to staff for the final solution.
- Tree Preservation Plan included in presentation

Cleveland Landmarks Commission February 9, 2023




City Planning Commission  
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# May 1, 2023 - Certificate of Appropriateness Issued

- Issued after conditions of Landmarks Commission approval were met

CLEVELAND LANDMARKS COMMISSION

 **CERTIFICATE OF APPROPRIATENESS**

**No. 22-064**

**CITY OF CLEVELAND**  
Mayor Justin M. Bibb


Name Marion C. Setler PreK-8 School

Project Address 1468 W 98th Street

Description Approval of the project, as presented, with a consideration to review the color and/or extent of the metal panels and return to staff for the final solution.

Date  
Approved by Commission  
February 9, 2023

Date  
Approved Administratively  
May 1, 2023



Daniel A. Musson  
Secretary

A CERTIFICATE OF APPROPRIATENESS IS REQUIRED FOR A BUILDING PERMIT FOR A DESIGNATED CLEVELAND LANDMARK OR A PROPERTY WITHIN A DESIGNATED HISTORIC DISTRICT. THIS CERTIFICATE SIGNIFIES APPROVAL BY THE LANDMARKS COMMISSION BUT DOES NOT SIGNIFY APPROVAL BY OTHER CITY DEPARTMENTS OR BOARDS.

“Firstly, I assert the Landmarks Commission issued a certificate of appropriateness illegally approving a site plan which contradicts the approved legislation governing the development of the site.”

– Appellant

- **“If the Commission finds that the environmental change proposed by the applicant will not adversely affect any significant historical or aesthetic feature of the property and is appropriate and consistent with the spirit and purposes of this chapter, or will remedy conditions imminently dangerous to life, health or property, as determined in writing by the Division of Building and Housing or the Division of Fire or the Department of Public Health, then the Commission shall issue a certificate of appropriateness.”**

– Cleveland Zoning Code Chapter 161.05(c)

“Secondly, I assert the Landmarks Commission acted arbitrarily by not properly receiving, reviewing, or approving the final environmental changes as required by Cleveland Codified Ordinance Chapter 161.05.”

– Appellant

- **“"Environmental change" means any alteration, demolition, removal or construction of any property subject to the provisions of this chapter.”**

– Cleveland Zoning Code Chapter 161.02(e)

- The Cleveland Landmarks Commission followed the policies and procedures outlined in Chapter 161 and in the Rules of the Cleveland Landmarks Commission in the review of this proposed environmental change.



“Thirdly, I assert the Landmarks Commission acted arbitrarily when the Commission failed to protect a landmark parcel within a landmark district in violation of their defined public purpose.”

“By not conducting a thorough review of the circumstances which led to a land swap of a historic parcel and the subsequent development of that parcel they failed to fulfill their public purpose of “safeguarding the heritage of the City.”

– Appellant

- As defined in Chapter 161.05, the Landmarks Commission regulates environmental changes through the issuance of Certificates of Appropriateness. **If there is no environmental change being proposed**, e.g. the transfer of property or a change in property ownership, **the Commission does not have authority to intervene.**

# Conclusion

- The Cleveland Landmarks Commission was neither arbitrary nor capricious in its review and issuance of a Certificate of Appropriateness 22-064 for the Marion C. Seltzer School.

## CLEVELAND LANDMARKS COMMISSION



CITY OF CLEVELAND  
Mayor Justin M. Bibb

## CERTIFICATE OF APPROPRIATENESS

No. 22-064

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# Public Hearing



## Calendar No. 23-173:

## 1772 W 50<sup>th</sup> Street.

## Ward 15

Dan Barson, owner, proposes to erect a 2 story frame single family residence in-law suite on second floor above a 2 car garage 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(a) which states that a minimum lot width of 50 feet is required where the appellant is proposing 30 feet. This section also states that a minimum floor area per residential unit is 950 square feet and the appellant is proposing 572 square feet. The Maximum Gross Floor area shall not be greater than 50 percent of lot size or in this case, 1,422 square feet, and the appellant is proposing 2,052 square feet.
2. Section 357.08(b)(1) which states that the Required Rear Yard is 21 feet and 6 inches where the appellant is proposing zero feet.
3. Section 357.09(b)(2) which states that the Minimum Distance of Required Interior Side yard is 3 feet and the appellant is proposing 0 feet. Total width of both Interior Side Yards shall not be less than 6 feet proposing and the appellant is proposing 4 feet. The minimum distance between main buildings on adjacent lot shall not be less than 6 feet and the appellant is proposing 4 feet and 10 inches.
4. Section 357.15(a) which states the distance between main building and in-law suite shall not be less than 40 feet and the appellant is proposing 30 feet.
5. Section 341.02(b) which states City Planning Approval is required prior to the issuance of a building permit.



# Public Hearing

Calendar No. 23-173:

1772 W 50<sup>th</sup> Street.

Ward 15



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

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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 minimum lot width, minimum floor area, maximum gross floor area, required rear yard, interior side yard, minimum distance between main buildings on adjacent lot, and minimum distance between main building and in-law suite 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.







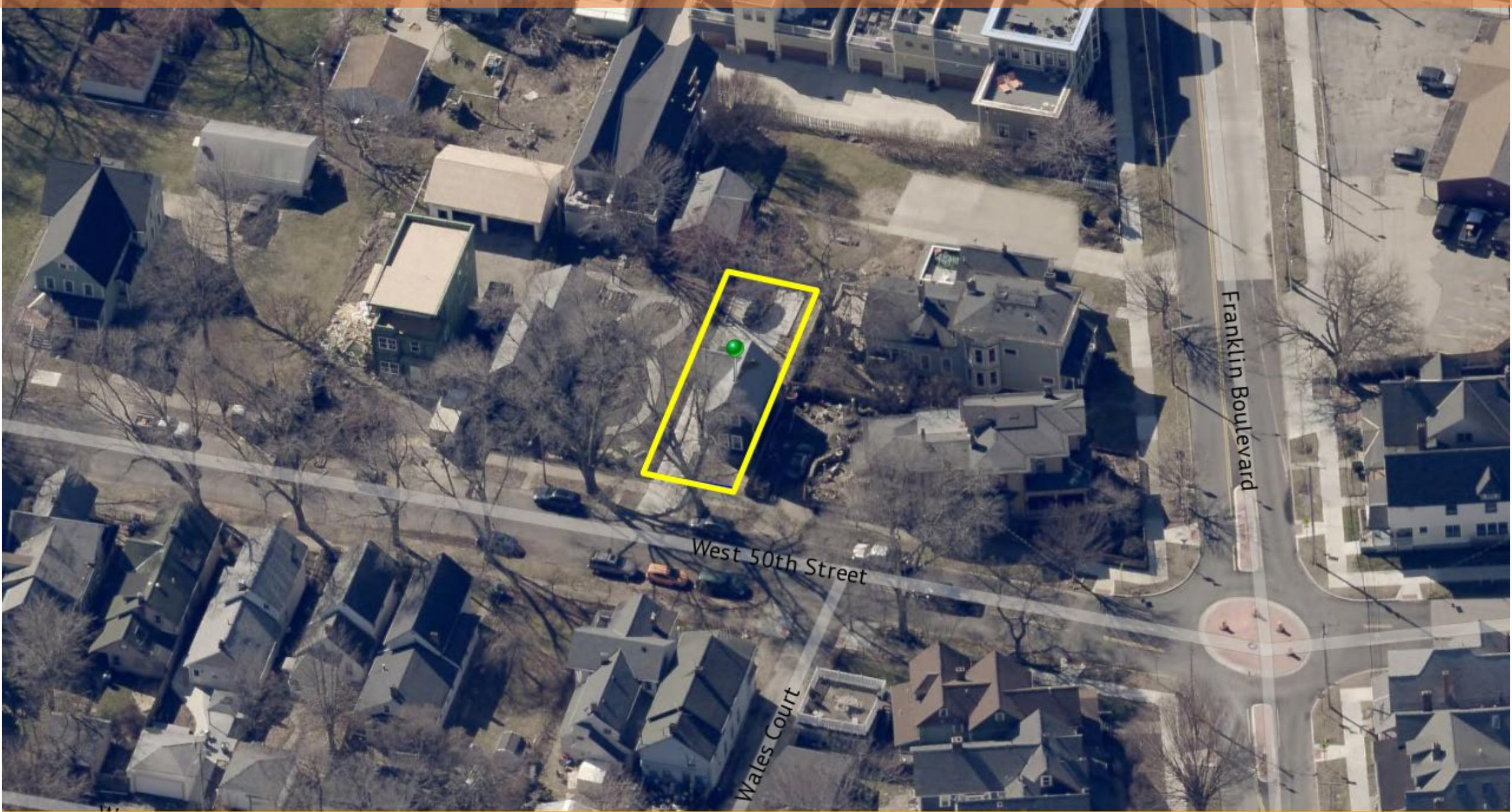




**Calendar No. 23-173:**

**1772 W 50<sup>th</sup> Street.**

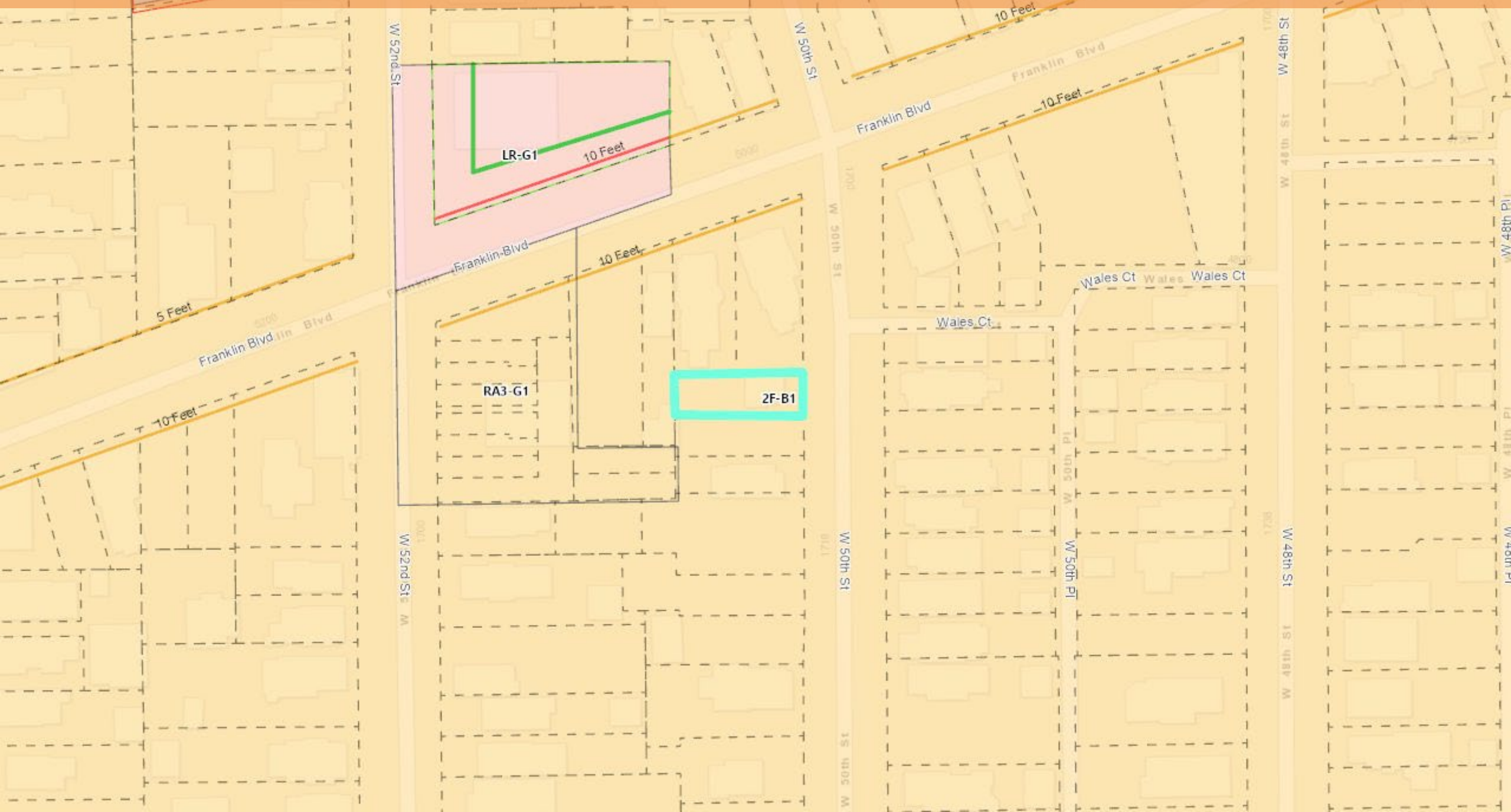
**Ward 15**

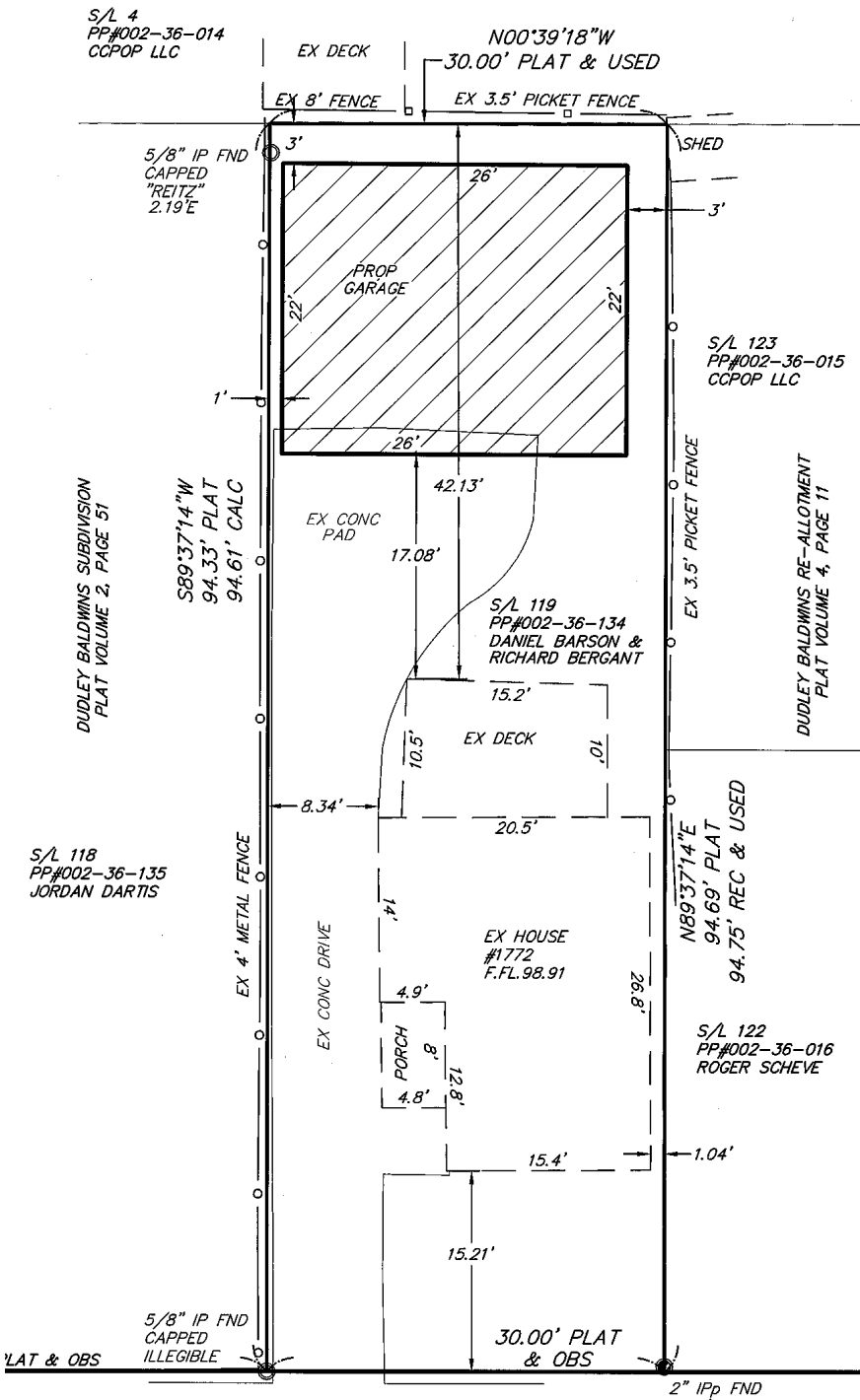






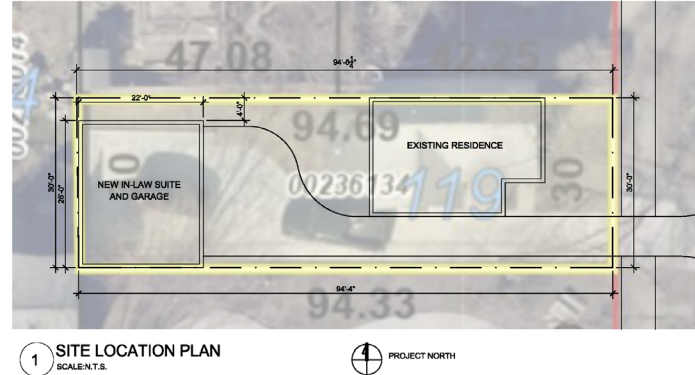






PROPOSED NEW CONSTRUCTION FOR:  
**BARSON RESIDENCE**  
1772 West 50th, Cleveland, Ohio, 44102

**SITE PLAN**



1 SITE LOCATION PLAN  
SCALE: 1/8" = 1'-0"



"All three sides and the rear must be fire-rated with no burn."

**CODE INFORMATION**

- GENERAL CONDITIONS OF THE PROJECT:**
- ALL WORK SHALL BE PERFORMED IN COMPLIANCE WITH THE 2019 RESIDENTIAL CODE OF OHIO, THE 2017 OHIO BUILDING CODE AND ALL APPLICABLE NATIONAL, STATE AND LOCAL CODES AND REGULATIONS THAT MAY HAVE JURISDICTION. THIS PROJECT WAS DESIGNED TO COMPLY WITH THE OHIO HOME BUILDERS ASSOCIATION ALTERNATIVE ENERGY CODE OPTION COMPLIANCE PATH #1 PER RCO 1112.
  - CONTRACTOR SHALL VERIFY ALL CONDITIONS AND DIMENSIONS AT THE SITE PRIOR TO CONSTRUCTION START. REPORT ALL DISCREPANCIES, IRREGULARITIES OR CONCERNS WITH THE PLANS OR THE SITE CONDITIONS TO THE OWNER AND THE ARCHITECT IMMEDIATELY.
  - THE CONTRACTOR AND SUB-CONTRACTORS SHALL APPLY FOR AND PAY THE FEES FOR ALL APPROVALS THAT MAY BE REQUIRED.
  - THE CONTRACTOR SHALL PROVIDE FOR THE COMPLETE COORDINATION OF ALL SUB-TRADES AND ARRANGE FOR ALL MEETINGS, INSPECTIONS, ETC., FOR A COMPLETE JOB.
  - THE CONTRACTOR SHALL PROVIDE FOR THE PROTECTION AND SAFETY OF ALL INDIVIDUALS AND OF ALL PROPERTY AGAINST ALL HAZARDS FOR THE ENTIRE DURATION OF THE PROJECT.
  - DO NOT SCALE DRAWINGS. ALWAYS USE PLAN DIMENSIONS OR CALCULATIONS.
  - ALL DIMENSIONS ARE FOR ROUGH FRAMING OR ROUGH MASONRY UNLESS NOTED OTHERWISE. EXTERIOR WALL THICKNESS DIMENSION INCLUDES 1/2" NOMINAL EXTERIOR SHEATHING MATERIAL. (CONTRACTOR SHALL MAKE A FIELD ADJUSTMENT TO THE MAIN FLOOR PERIMETER DIMENSIONS OF 3/4" FOR FURRING IF THE EXTERIOR SIDING IS EXTENDED TO COVER PORTIONS OF THE FOUNDATION BELOW.) CONTRACTOR ASSUMES RESPONSIBILITY TO ASSURE THAT THE BUILDING IS COMPATIBLE WITH ALL SITE REQUIREMENTS.
  - CONTRACTOR ASSUMES RESPONSIBILITY FOR ADJUSTING AND VERIFYING ALL STRUCTURAL DETAILS AND REQUIREMENTS TO MEET ALL LOCAL CONDITIONS AND CODES.
  - VERIFY ALL REQUIRED WALL THICKNESSES WITH THE PLUMBING AND HVAC CONTRACTORS PRIOR TO CONSTRUCTION.
  - HVAC, PLUMBING AND/OR ELECTRICAL ENGINEERING DRAWINGS AND SPECIFICATIONS, THAT MAY BE REQUIRED FROM AUTHORITIES HAVING JURISDICTION, SHALL BE PROVIDED BY THE CONTRACTOR AND/OR THE SUB-CONTRACTORS.
  - VERIFY ALL COLOR SELECTIONS AND FINISH SELECTIONS WITH OWNER.
  - PROVIDE RADON TEST AND PROTECTION SYSTEM IF REQUIRED BY OWNER.
  - ALL EQUIPMENT, FINISH SYSTEMS, FINISHING SYSTEMS, PRE-FABRICATED DEVICES AND APPLIANCES, AND STRUCTURAL SYSTEMS, ETC., SHALL BE INSTALLED IN STRICT ACCORDANCE WITH THE MANUFACTURER'S SPECIFICATIONS AND INSTALLATION INSTRUCTIONS.
  - PROVIDE ALL NECESSARY BLOCKING TO ANCHOR/ATTACH FIXTURES SUCH AS CABINETS, CLOSET RODS, CEILING FANS, BATHROOM ACCESSORIES, RAILINGS, ETC.
  - ALL INTERIOR SPECIFICATIONS, DESIGN AND DETAILING (I.E. CABINETS, MOLDINGS, RAILINGS, CLOSET LAYOUTS, FLOOR, CEILING AND WALL FINISHES, FIREPLACE SPECIFICATIONS AND DESIGN, HARDWARE SPECIFICATIONS, ETC.) ARE THE RESPONSIBILITY OF THE OWNER AND CONTRACTOR AND ARE NOT COVERED BY THE ARCHITECT'S PLANS AND SPECIFICATIONS.

- CARPENTRY:**
- ALL COLUMNS AND SOLID END BEARING MATERIALS TO BE DESIGNED SUFFICIENTLY TO CARRY THE APPLIED LOADS AND SHOULD EXTEND CONTINUOUSLY THROUGH ALL LEVELS TO TERMINATE ON SOLID MASONRY, STEEL OR FOOTINGS DESIGNED TO SUPPORT THE LOADS.
  - ALL FRAMING LUMBER TO BE STRUCTURAL GRADE F<sub>b</sub> = 1200 PSI MIN.
  - WALL FRAMING 2X6 OR 2X8 OR 2X10.
  - ALL LUMBER IN CONTACT WITH MASONRY OR IN DAMP LOCATIONS SHALL BE PRESURE PRESERVATIVE TREATED TO RESIST ROTTERING.
  - ALL JOISTS, TRUSSES AND RAFTERS TO BE ALIGNED OVER STUDS BELOW.
  - PROVIDE DOUBLE FLOOR JOISTS AND CROSS-BLOCKING UNDER ALL PARTITIONS AND WALLS PARALLEL TO JOISTS.
  - INSTALL SOLID BLOCKING AT 48" ON CENTER CONTINUOUS IN TWO BAYS WHEN JOISTS RUN PARALLEL TO FOUNDATION WALL.
  - PROVIDE DOUBLE FLOOR JOISTS FOR THOSE IN WHICH SANITARY LINES ARE DRILLED THROUGH.
  - ALL HEADERS TO BE 2X10s.
  - PROVIDE CROSS-BRIDGING AT MID SPAN OR AT 8'-0" ON CENTER MAX., OF ALL FLOOR JOISTS AND TRUSSES.
  - PROVIDE DOUBLE 2X8 STRONG BACKS AT MID SPAN OF CEILING JOISTS WITH SPANS GREATER THAN 12'.
  - WHERE THE ROOF STRUCTURE IS RAFTERS, PROVIDE COLLAR TIES AT THE UPPER 10' OF THE VERTICAL DISTANCE BETWEEN THE RIDGE AND THE CEILING JOISTS SPACED AT 4'-0" ON CENTER.
  - HP RAFTERS, VALLEY RAFTERS AND RIDGE BOARDS SHALL BE ONE "2X" SIZE (MIN.) LARGER THAN THE RAFTERS.
  - WHERE PRE-ENGINEERED FLOOR OR ROOF TRUSSES ARE USED, TRUSS MANUFACTURER SHALL PROVIDE SHOP DRAWINGS WHICH BEAR THE SEAL OF AN OHIO REGISTERED DESIGN PROFESSIONAL.
  - MODIFICATIONS OR VARIATIONS TO THE ARCHITECT'S FRAMING PLANS IS THE RESPONSIBILITY OF THE CONTRACTOR, SUCH MODIFICATIONS OR VARIATIONS SHALL BE REVIEWED WITH THE ARCHITECT BEFORE SUCH CHANGES ARE MADE.
  - ALL PERIMETER CORNERS SHALL BE BRACED WITH 1/4" STRUCTURAL SHEATHING WITH 84 COMMON NAILS AT 6" ON CENTER AT EDGES AND 12" ON CENTER AT INTERMEDIATE STUDS.
  - PROVIDE FIRESTOPPING AT 8'-0" ON CENTER FOR ALL CHIMNEY CHASES, FLUE CHASES, DUCT CHASES, ETC. AND IN ALL LOCATIONS WHERE VERTICAL AND HORIZONTAL SPACES INTERSECT.
  - ATTACHED GARAGES ADJACENT TO A DWELLING UNIT SHALL HAVE WALLS AND CEILING FINISHED WITH 5/8" TYPE X CYPRUM BOARD, FIRE RATED.
  - LVL GRADE 3.100F9 2.0E

- STRUCTURAL DESIGN CRITERIA:**
- SEISMIC DESIGN CATEGORY - B
  - BASIC WIND SPEED = 115 MPH
  - WIND LOAD = 18 PSF
  - GROUND SNOW LOAD = 20 PSF
  - EXPOSURE CATEGORY - B
  - 2ND AND 3RD FLOOR DEAD LOADING = 15 PSF
  - 2ND AND 3RD FLOOR LIVE LOADING = 40 PSF
  - L240 DEFLECTION TOTAL LOAD
  - ROOF DEAD LOAD = 15 PSF
  - ROOF LIVE LOAD = 20 PSF
  - ROOF SNOW LOAD = 30 PSF
  - L240 DEFLECTION TOTAL LOAD
  - STAIRS = 40 PSF
  - DECKS = 40 PSF
  - HANDRAILS = 200 LBS. IN ANY DIRECTION AT ANY POINT ALONG THE TOP
- FOUNDATIONS:**
- ALL FOOTINGS SHALL EXTEND TO MINIMUM OF 4" BELOW ADJACENT EXTERIOR GRADE AND SHALL REST ON FIRM, UNDISTURBED SOIL.
  - FOOTINGS ARE DESIGNED FOR 2,000 PSF MINIMUM SOIL BEARING CAPACITY. CONTRACTOR MUST VERIFY ACTUAL CAPACITY ON SITE. OWNER ASSUMES RESPONSIBILITY TO DETERMINE ACCURATE SOIL BEARING ANALYSIS.
  - STEP DOWN FOOTINGS AS NECESSARY WHERE ANY UNEXCAVATED SLAB AREAS MEET A LOWER BASEMENT TO PROVIDE DIRECT SOIL BEARING.
  - BACKFILL FOR SLAB AREAS TO BE LAID DOWN IN 6" LIFTS AND MECHANICALLY COMPACTED BETWEEN LIFTS.

- STORM DRAINAGE:**
- PROVIDE A COMPLETE SYSTEM OF GUTTERS, DOWNSPOUTS AND STORM SEWER PIPING CONNECTED TO THE LOCAL STORM SEWER SYSTEM.
  - FILTER FABRIC SHALL BE INSTALLED OVER ALL FOUNDATION DRAIN TILES.
- ELECTRICAL:**
- ALL 120-VOLT, 15 AND 20 AMPERE BRANCH CIRCUITS SUPPLYING OUTLETS OR DEVICES INSTALLED IN DWELLING UNIT KITCHENS, FAMILY ROOMS, DINING ROOMS, LIVING ROOMS, PARLOORS, LIBRARIES, DINING, BEDROOMS, SUN ROOMS, RECREATION ROOMS, CLOSETS, HALLWAYS, LAUNDRY AREAS, OR SIMILAR ROOMS OR SPACES SHALL BE PROVIDED WITH ARC-FAULT PROTECTION.
  - SMOKE ALARMS UTILIZING PHOTOELECTRIC AND IONIZATION TECHNOLOGIES SHALL BE INSTALLED IN EACH SLEEPING ROOM AND OUTSIDE THE DOOR INTO THE SLEEPING ROOM, ON ALL LEVELS OF THE HOUSE INCLUDING THE BASEMENT. SMOKE DETECTORS SHALL BE HARD WIRED WITH BATTERY BACK-UP AND INTERCONNECTED.
  - AN APPROVED CARBON MONOXIDE ALARM SHALL BE INSTALLED OUTSIDE OF EACH SEPARATE SLEEPING AREA IN THE IMMEDIATE VICINITY OF THE BEDROOMS IN DWELLING UNITS WITHIN WHICH FUEL-FIRED APPLIANCES ARE INSTALLED AND IN A MINIMUM OF 90% OF THE LAMPS IN PERMANENTLY INSTALLED LIGHTING FIXTURES SHALL BE HIGH-EFFICACY LAMPS.
  - RECESSED LUMINAIRES INSTALLED IN THE BUILDING THERMAL ENVELOPE SHALL BE SEALED WITH A GASKET OR CALKING TO LIMIT AIR LEAKAGE BETWEEN CONDITIONED AND UNCONDITIONED SPACES.

- THERMAL MOISTURE AND SOUND CONTROL:**
- ROOFING MATERIAL SHALL BE ASPHALT SHINGLES IN STYLE, COLOR AND WEIGHT AS SELECTED BY THE OWNER. INSTALL THE SHINGLES OVER 1/2" ROOFING FELT.
  - PROVIDE ALL NECESSARY, UNSPECIFIED, FLASHING, SEALANTS AND ROOF SADDLES AS REQUIRED FOR A COMPLETE AND WATER-TIGHT PROJECT.
  - IC/WATER SHIELD SHALL BE INSTALLED TO 24" BEYOND THE INTERIOR FACE OF THE EXTERIOR WALLS. IC/WATER SHIELD SHALL BE INSTALLED AT ALL VALLEYS, HPIS AND ROOF WALL INTERSECTIONS EXTENDING A MINIMUM OF 18" TO EACH SIDE.
  - PROVIDE CONTINUOUS INSULATION BATTLES IN THE RAFTERS OF GATHEDRAL, CEILING AND ROOFS AND AT ALL RAFTER EAVES TO PROVIDE PROPER ROOF VENTILATION. REFER TO THE DRAWINGS FOR ATTIC VENTILATION CALCULATIONS.
  - BUILDING INSULATION SHALL BE FIBERGLASS BATTS OR BLANKETS, BLOWN-IN CELLULOSE, SPRAY APPLIED POLYURETHANE OR SUCH OTHER MATERIALS AS APPROVED BY THE OWNER AND OF R-VALUES COMPLYING WITH THE SELECTED ENERGY COMPLIANCE PATH (AT A MINIMUM) BUT NOT LESS THAN THE VALUES AS SHOWN ON THE DRAWINGS.
  - PROVIDE SOUND INSULATION BETWEEN ROOMS, AROUND PLUMBING LINES, AND AS MAY BE REQUIRED BY THE OWNER.
  - THE BUILDING ENVELOPE SHALL BE THOROUGHLY SEALED TO LIMIT AIR INFILTRATION. LOCATIONS AS LISTED IN RCO 1112.2.4.1 SHALL BE CALKED, GASKETED, WEATHERSTRIPPED OR OTHERWISE SEALED WITH AN AIR BARRIER MATERIAL, SUITABLE FILM OR SOLID MATERIAL.
  - A PERMANENT CERTIFICATE SHALL BE POSTED ON OR IN THE ELECTRICAL DISTRIBUTION PANEL AND SHALL LIST THE PREDOMINANT R-VALUES OF INSULATION INSTALLED IN OR ON CEILING/ROOF, WALLS, FOUNDATION (SLAB, BASEMENT WALL, CHASE, SPACE, WALL AND/OR FLOOR) AND DUCTS OUTSIDE CONDITIONED SPACES. U-FACTORS FOR PENETRATION, AND THE SOLAR HEAT GAIN COEFFICIENT OF PENETRATION, THE CERTIFICATE SHALL LIST THE TYPES AND EFFICIENCIES OF HEATING, COOLING, AND SERVICE WATER HEATING EQUIPMENT.

- HVAC AND PLUMBING:**
- AIR LEAKAGE TESTING (BLOWER DOOR) AND A VERIFICATION REPORT ARE REQUIRED PER RCO 1105.2.4.1
  - DUCT LEAKAGE (TIGHTNESS) TESTING AND VERIFICATION REPORT ARE REQUIRED FOR DUCTWORK LOCATED IN NON-CONDITIONED SPACES PER RCO 1105.3.2.2.
  - BUILDING FRAMING CAVITIES SHALL NOT BE USED AS SUPPLY DUCTS.
  - DUCTS, AIR HANDLERS, FILTER BOXES AND BUILDING CAVITIES USED AS DUCTS SHALL BE SEALED AND TESTED.
  - WHERE THE AIR INFILTRATION RATE OF A DWELLING UNIT IS 5 AIR CHANGES PER HOUR OR LESS THE DWELLING UNIT SHALL BE PROVIDED WITH WHOLE HOUSE MECHANICAL VENTILATION IN ACCORDANCE WITH RCO 1055.4. INTRODUCTION OF OUTDOOR VENTILATION AIR IS REQUIRED AS PART OF THE SYSTEM.
  - DUCTS, AIR HANDLERS AND EXHAUSTS SHALL HAVE AUTOMATIC OR GRAVITY DAMPERS THAT CLOSE WHEN THE VENTILATION SYSTEM IS NOT IN USE.
  - HEATING AND COOLING EQUIPMENT SHALL BE SIZED IN ACCORDANCE WITH ACCA MANUAL S BASED ON BUILDING LOADS CALCULATED IN ACCORDANCE WITH ACCA MANUAL J OR OTHER APPROVED HEATING AND COOLING CALCULATION METHODOLOGIES.
  - DUCTWORK LOCATED IN UNCONDITIONED SPACES SHALL BE INSULATED WITH MIN. R-8 INSULATION.
  - DOMESTIC WATER DISTRIBUTION SYSTEMS SHALL BE INSULATED IN ACCORDANCE WITH THE OHIO PLUMBING CODE.
- WINDOWS AND DOORS:**
- WINDOWS AND DOORS SHALL PROVIDE THE REQUIRED U-VALUES, SHGC, LIGHT TRANSMITTANCE AND AIR LEAKAGE REQUIREMENTS OF THE SELECTED ENERGY COMPLIANCE PATH.
  - AT LEAST ONE WINDOW IN EACH SLEEPING ROOM SHALL PROVIDE THE EMERGENCY EGRESS REQUIREMENTS OF RCO SECTION 310 INCLUDING OPENABLE AREA, HEIGHT AND WIDTH OF THE OPENING.
  - PROVIDE TEMPERED GLASS IN ALL HAZARDOUS AREAS AS REQUIRED BY RCO SECTION 308.4.
  - THE DOOR BETWEEN A DWELLING UNIT AND A GARAGE SHALL BE A FIRE RATED, OR SOLID CORE WOOD OR METAL DOOR WITH WEATHERSTRIPPING AND A THRESHOLD.



PROPOSED NEW  
CONSTRUCTION FOR:

**BARSON  
RESIDENCE**

1772 West 50th,  
Cleveland, Ohio, 44102

I hereby certify that this drawing, specification, plan or report was prepared by me or under my direct supervision and that I am a duly registered Architect or Engineer, respectively, under the laws of the state which govern this project. 08/01/2023. The law, no person may alter these documents unless person is or is under the direct supervision of the licensed Architect (or Engineer, respectively).

JOB NUMBER: 120

**DRAWING RELEASE:**

| No. | Date | Description |
|-----|------|-------------|
|-----|------|-------------|

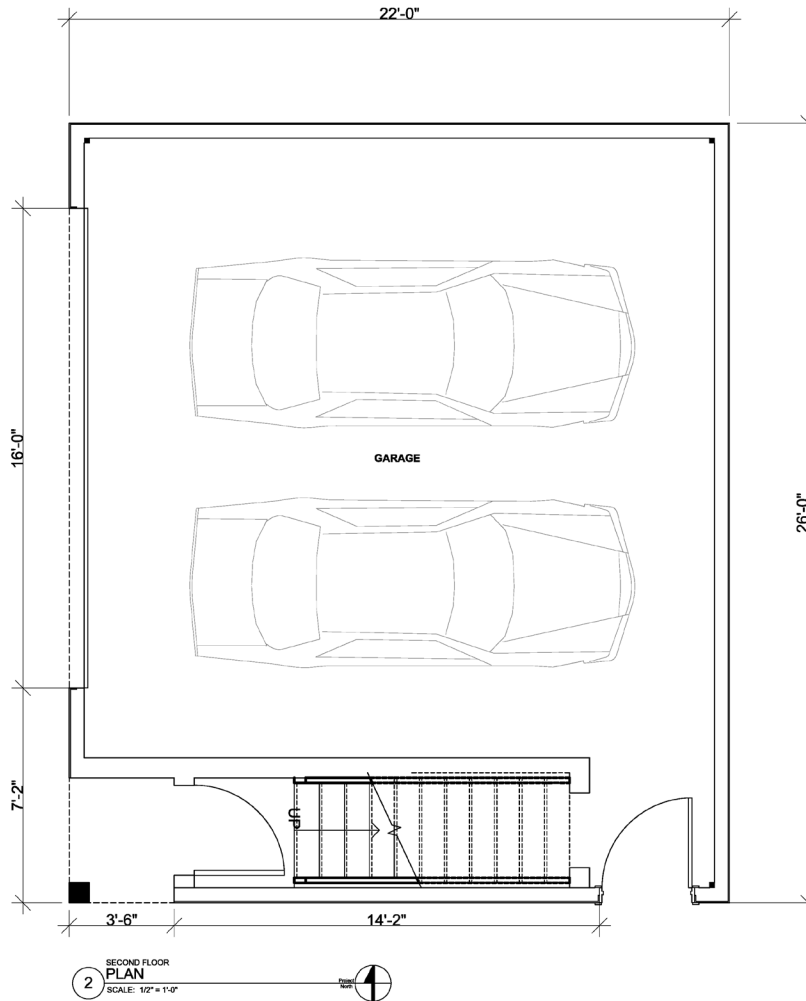
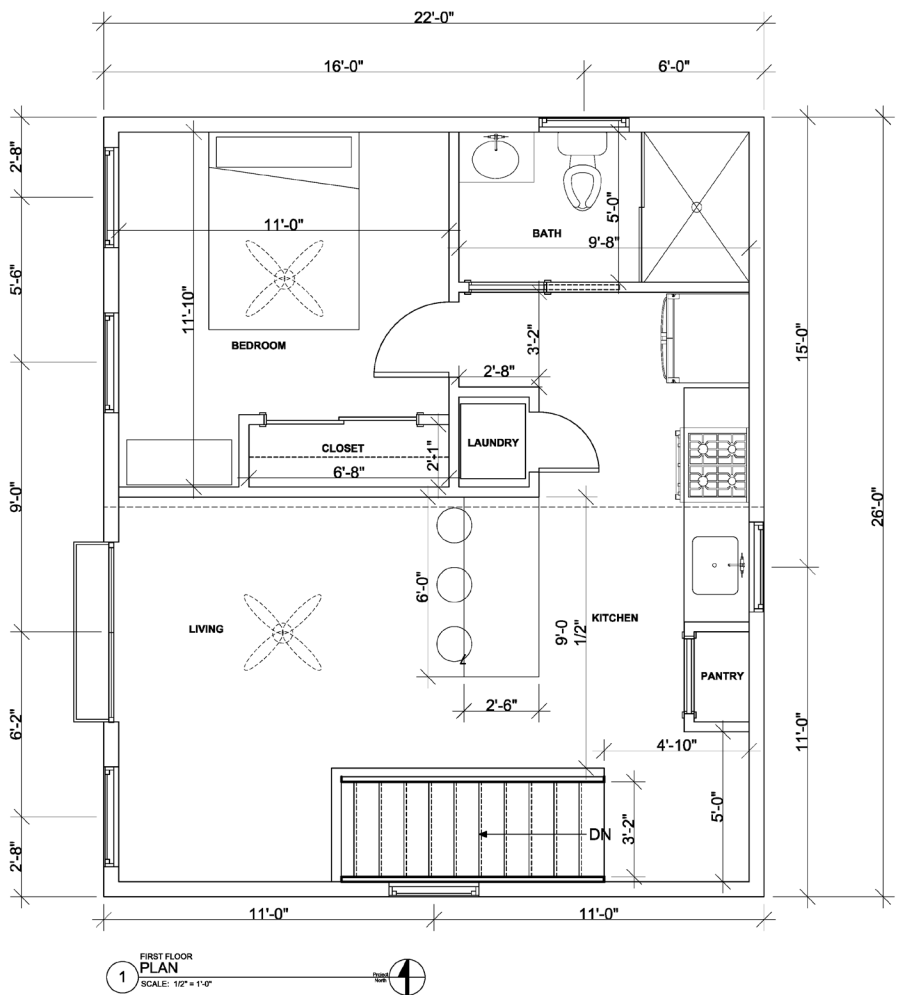
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|--|------------|--------|
|  | 07/29/2023 | CD SET |
|--|------------|--------|

SHEET TITLE:

**SITE PLAN AND GENERAL  
INFORMATION**

SHEET NUMBER:

**A001**



# A100





# Public Hearing

## Calendar No. 23-174

## 2901 Jay Ave.

## Ward 3



Greg & Rebecca WollenHaupt, owners, propose to construct two family dwelling in a B1 Two-Family Residential District. The owners appeal for relief from the strict application of the following sections of the Cleveland Codified Ordinances:

1. Section 355.04(a) which states that the maximum lot width for two family dwellings in a "B" area district is 50 feet; a 36-foot-wide lot is proposed.
2. Section 355.04(a) which states the required rear yard for irregular shaped lots is 10 feet where the appellant is proposing 7 feet and 2 inches.
3. Section 357.08 which states that the depth of the required rear yard shall be not less than the height of the main building. The required rear yard for the rear building (garage w/studio) is approximately 24 feet.
4. Section 357.15(a) which states that a residence building may be erected in the rear of a main building in any use district if the required front, rear and side yards are provided and the distance between such buildings is not less than forty (40) feet.

Note: City Planning approval required prior to permit issuance. Lot Spit is required





# Public Hearing

Calendar No. 23-174

2901 Jay Ave.

Ward 3



## 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 maximum lot width, required rear yard for irregular shaped lots, and the depth of the required rear yard requirements of the zoning code and from the conditions for allowing a residence building to be erected in the rear of a main building.

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.

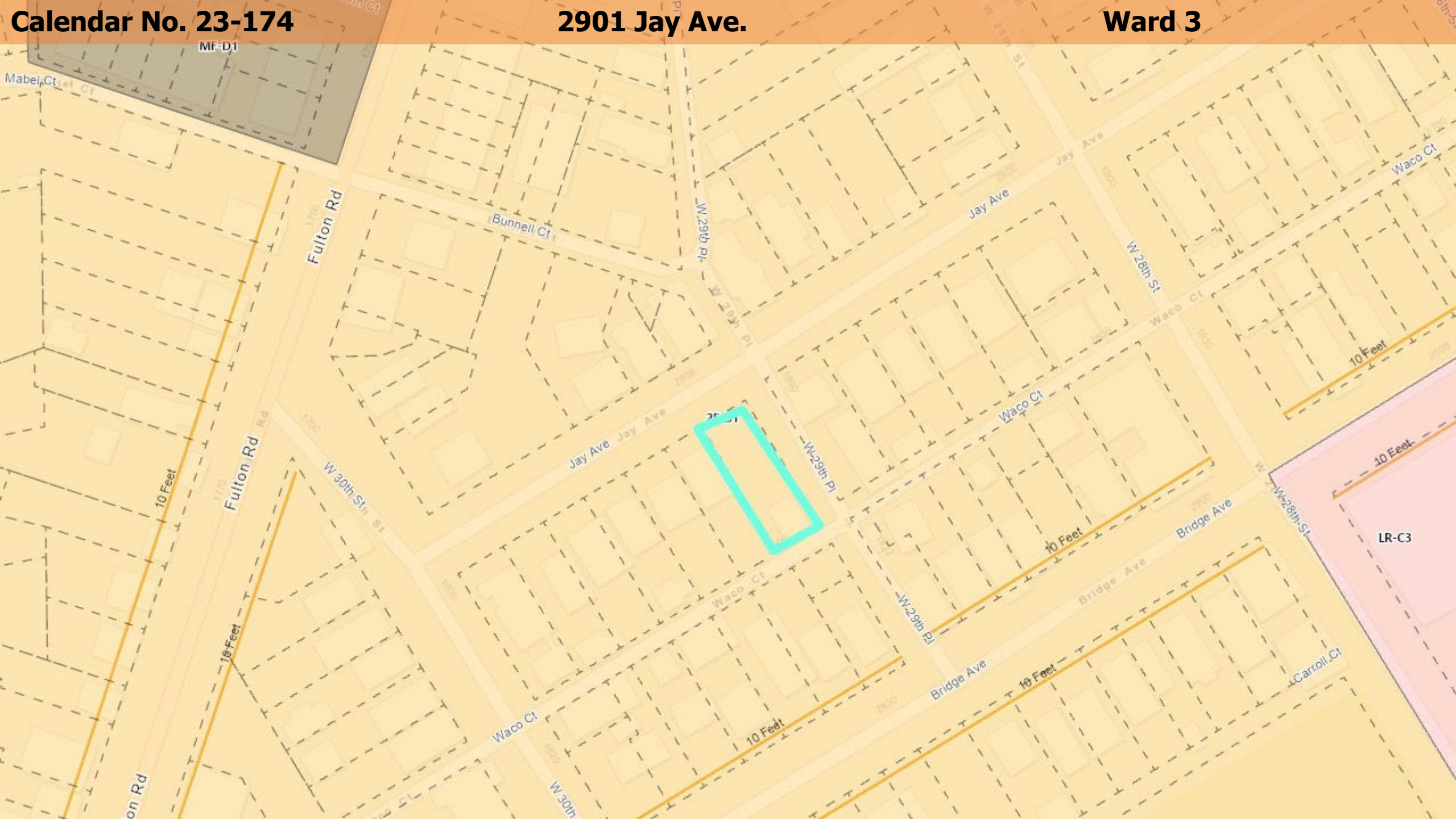








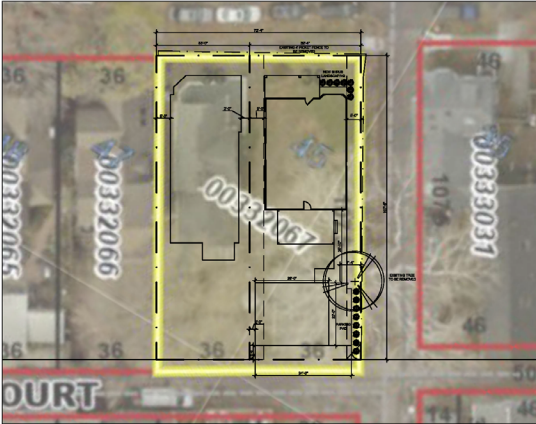






Proposed New Construction  
2905 Jay Ave  
Cleveland, Ohio  
44113

SITE PLAN



CODE INFORMATION

GENERAL CONDITIONS OF THE PROJECT:

- ALL WORK SHALL BE PERFORMED IN COMPLIANCE WITH THE 2019 RESIDENTIAL CODE OF OHIO, THE 2017 OHIO BUILDING CODE AND ALL APPLICABLE NATIONAL, STATE AND LOCAL CODES AND REGULATIONS THAT MAY HAVE JURISDICTION.
- THIS PROJECT WAS DESIGNED TO COMPLY WITH THE OHIO HOME BUILDERS ASSOCIATION ALTERNATIVE ENERGY CODE OPTION COMPLIANCE PATH #1 PER RCD 1112.
- CONTRACTOR SHALL VERIFY ALL CONDITIONS AND DIMENSIONS AT THE SITE PRIOR TO CONSTRUCTION START. REPORT ALL DISCREPANCIES, IRREGULARITIES OR CONCERNS WITH THE PLANS OR THE SITE CONDITIONS TO THE OWNER AND THE ARCHITECT IMMEDIATELY.
- THE CONTRACTOR AND SUB-CONTRACTORS SHALL APPLY FOR AND PAY THE FEES FOR ALL APPROVALS THAT MAY BE REQUIRED.
- THE CONTRACTOR SHALL PROVIDE FOR THE COMPLETE COORDINATION OF ALL SUB-TRADES AND ARRANGE FOR ALL MEETINGS, INSPECTIONS, ETC., FOR A COMPLETE JOB.
- THE CONTRACTOR SHALL PROVIDE FOR THE PROTECTION AND SAFETY OF ALL INDIVIDUALS AND OF ALL PROPERTY AGAINST ALL HAZARDS FOR THE ENTIRE DURATION OF THE PROJECT.
- DO NOT SCALE DRAWINGS. ALWAYS USE PLAN DIMENSIONS OR CALCULATIONS.
- ALL DIMENSIONS ARE FOR ROUGH FRAMING OR ROUGH MASONRY UNLESS NOTED OTHERWISE. EXTERIOR WALL THICKNESS DIMENSION INCLUDES 1/2" NOMINAL EXTERIOR SHEATHING MATERIAL. CONTRACTOR SHALL MAKE A FIELD ADJUSTMENT TO THE MAIN FLOOR PERIMETER DIMENSIONS OF 3/4" FOR FURRING IF THE EXTERIOR SIDING IS EXTENDED TO COVER PORTIONS OF THE FOUNDATION BELOW.
- CONTRACTOR ASSUMES RESPONSIBILITY TO ASSURE THAT THE BUILDING IS COMPATIBLE WITH ALL SITE REQUIREMENTS.
- CONTRACTOR ASSUMES RESPONSIBILITY FOR ADJUSTING AND VERIFYING ALL STRUCTURAL DETAILS AND REQUIREMENTS TO MEET ALL LOCAL CONDITIONS AND CODES.
- VERIFY ALL REQUIRED WALL THICKNESSES WITH THE PLUMBING AND HVAC CONTRACTORS PRIOR TO CONSTRUCTION.
- HVAC, PLUMBING AND/OR ELECTRICAL ENGINEERING DRAWINGS AND SPECIFICATIONS THAT MAY BE REQUIRED FROM AUTHORITIES HAVING JURISDICTION, SHALL BE PROVIDED BY THE CONTRACTOR AND/OR THE SUB-CONTRACTORS.
- VERIFY ALL COLOR SELECTIONS AND FINISH SELECTIONS WITH OWNER.
- PROVIDE RADON TEST AND PROTECTION SYSTEM IF REQUIRED BY OWNER.
- ALL EQUIPMENT, FINISH SYSTEMS, FRAMING SYSTEMS, PRE-FABRICATED DEVICES AND APPLIANCES, AND STRUCTURAL SYSTEMS, ETC., SHALL BE INSTALLED IN STRICT ACCORDANCE WITH THE MANUFACTURER'S SPECIFICATIONS AND INSTALLATION INSTRUCTIONS.
- PROVIDE ALL NECESSARY BLOCCING TO ANCHOR/HATCH FIXTURES SUCH AS CABINETS, CLOSET RODS, CEILING FANS, BATHROOM ACCESSORIES, RAILINGS, ETC.
- ALL INTERIOR SPECIFICATIONS, DESIGN AND DETAILING (I.E. CABINETS, MOLDINGS, RAILINGS, CLOSET LAYOUTS, FLOOR, CEILING AND WALL FINISHES, FIREPLACE SPECIFICATIONS AND DESIGN, HARDWARE SPECIFICATIONS, ETC.) ARE THE RESPONSIBILITY OF THE OWNER AND CONTRACTOR AND ARE NOT COVERED BY THE ARCHITECT'S PLANS AND SPECIFICATIONS.

CARPENTRY:

- ALL COLUMNS AND SOLID END BEARING MATERIALS TO BE DESIGNED SUFFICIENTLY TO CARRY THE APPLIED LOADS AND SHOULD EXTEND CONTINUOUSLY THROUGH ALL LEVELS TO FOUNDATIONS OR SOLID MASONRY, STEEL OR FOOTINGS DESIGNED TO SUPPORT THE LOADS.
- ALL FRAMING LUMBER TO BE STRUCTURAL, GRADE Fb = 1200 PSI MIN.
- WALL FRAMING SYP No. 2 OR SYP No. 2
- ALL LUMBER IN CONTACT WITH MASONRY OR IN DAMP LOCATIONS SHALL BE PRESURE PRESERVATIVE TREATED TO RESIST DETEIORATION.
- ALL JOISTS, TRUSSES AND RAFTERS TO BE ALIGNED OVER STUDS BELOW.
- PROVIDE DOUBLE FLOOR JOISTS AND CROSS-BLOCKING UNDER ALL PARTITIONS AND WALLS PARALLEL TO JOISTS.
- INSTALL SOLID BLOCCING AT 48" ON CENTER CONTINUOUS IN TWO WAYS WHEN JOISTS RUN PARALLEL TO FOUNDATION WALL.
- PROVIDE DOUBLE FLOOR JOISTS FOR THOSE IN WHICH SANITARY LINES ARE DRILLED THROUGH.
- ALL HEADERS TO BE 2X10s -
- PROVIDE CROSS-BLOCKING AT MID SPAN OR AT 8'-0" ON CENTER MAX., OF ALL FLOOR JOISTS AND TRUSSES.
- PROVIDE DOUBLE 2X6 STRONG BACKS AT MID SPAN OR CEILING JOISTS WITH SPANS GREATER THAN 10'.
- WHERE THE ROOF STRUCTURE IS RAFTERS, PROVIDE COLLAR TIES AT THE UPPER 1/3 OF THE VERTICAL DISTANCE BETWEEN THE RIDGE AND THE CEILING JOISTS SPACED AT 4'-0" ON CENTER.
- HIP RAFTERS, VALLEY RAFTERS AND RIDGE BOARDS SHALL BE ONE 2X6 SIZE (MIN.) LARGER THAN THE RAFTERS.
- WHERE PRE-ENGINEERED FLOOR OR ROOF TRUSSES ARE USED, TRUS MANUFACTURER SHALL PROVIDE SHOP DRAWINGS WHICH BEAR THE SEAL OF AN OHIO REGISTERED DESIGN PROFESSIONAL.
- MODIFICATIONS OR VARIATIONS TO THE ARCHITECT'S FRAMING PLANS IS THE RESPONSIBILITY OF THE CONTRACTOR. SUCH MODIFICATIONS OR VARIATIONS MUST BE REVIEWED WITH THE ARCHITECT BEFORE SUCH CHANGES ARE MADE.
- ALL PERIMETER CORNERS SHALL BE BRACED WITH 14" STRUCTURAL SHEATHING WITH 84 COMMON NAILS AT 6" ON CENTER AT EDGES AND 12" ON CENTER AT INTERMEDIATE STUDS.
- PROVIDE FIRESTOPPING AT 8'-0" ON CENTER FOR ALL CHIMNEY CHASES, BLUE CHASES, DUCT CHASES, ETC. AND IN ALL LOCATIONS WHERE VERTICAL AND HORIZONTAL SPACES INTERSECT.
- ATTACHED GARAGES ADJACENT TO A DWELLING UNIT SHALL HAVE WALLS AND CEILINGS FINISHED WITH 5/8" TYPE X GYPSUM BOARD, FIRE TAPED.
- LVL GRADE 3, 10/8T 2.0E

STRUCTURAL DESIGN CRITERIA:

- SEISMIC DESIGN CATEGORY = B
- BASIC WIND SPEED = 115 MPH
- WIND LOAD = 15 PSF
- GROUND SNOW LOAD = 20 PSF
- EXPOSURE CATEGORY = B
- 2ND AND 3RD FLOOR DEAD LOADING = 15 PSF
- 2ND AND 3RD FLOOR LIVE LOADING = 40 PSF
  - A. L280 DEFLECTION TOTAL LOAD
- ROOF DEAD LOAD = 15 PSF
- ROOF LIVE LOAD = 20 PSF
  - A. L240 DEFLECTION TOTAL LOAD
- STAIRS = 40 PSF
- DECKS = 40 PSF
- HANDRAILS = 200 LBS. IN ANY DIRECTION AT ANY POINT ALONG THE TOP

THERMAL, MOISTURE AND SOUND CONTROL:

- ROOFING MATERIAL SHALL BE ASPHALT SHINGLES IN STYLE, COLOR AND WEIGHT AS SELECTED BY THE OWNER. INSTALL THE SHINGLES OVER 1/8" ROOFING FELTS.
- PROVIDE ALL NECESSARY, UNSPECIFIED, FLASHING, SEALANTS AND ROOF SADDLES AS REQUIRED FOR A COMPLETE AND WATER/TIGHT PROJECT.
- ICE/WATER SHIELD SHALL BE INSTALLED TO 24" BEYOND THE INTERIOR FACE OF THE EXTERIOR WALLS. ICE/WATER SHIELD SHALL BE INSTALLED AT ALL VALLEYS, HIPS AND ROOF WALL INTERSECTIONS EXTENDING A MINIMUM OF 18" TO EACH SIDE.
- PROVIDE CONTINUOUS INSULATION BARRIERS IN THE RAFTERS OF ALL CATHEDRAL CEILINGS AND ROOFS AND AT ALL RAFTER EAVES TO PROVIDE PROPER ROOF VENTILATION. REFER TO THE DRAWINGS FOR ATTIC VENTILATION CALCULATIONS.
- BUILDING INSULATION SHALL BE FIBERGLASS BATTIS OR BLANKETS, BLOWN-IN CELLULOSE, SPRAY APPLIED POLYURETHANE OR SUCH OTHER MATERIALS AS APPROVED BY THE OWNER AND OF R-VALUES COMPLYING WITH THE SELECTED ENERGY COMPLIANCE PATH (AT A MINIMUM) BUT NOT LESS THAN THE VALUES AS SHOWN ON THE DRAWINGS.
- PROVIDE SOUND INSULATION BETWEEN ROOMS, AROUND PLUMBING LINES, AND AS MAY BE REQUIRED BY THE OWNER.
- THE BUILDING ENVELOPE SHALL BE THOROUGHLY SEALED TO LIMIT AIR INFILTRATION. LOCATIONS A S LISTED IN RCD 1112.2.4.1 SHALL BE CAULKED, GARNETED, WEATHERSTRIPPED OR OTHERWISE SEALED WITH AN AIR BARRIER MATERIAL, SUITABLE FILM OR SOLID MATERIAL.
- A PERMANENT CERTIFICATE SHALL BE POSTED ON OR IN THE ELECTRICAL DISTRIBUTION PANEL AND SHALL LIST THE PREDOMINANT R-VALUES OF INSULATION INSTALLED IN OR ON CEILING/ROOF, WALLS, FOUNDATION (SLAB, BASEMENT WALL, CRANK, SPACE WALL AND/OR FLOOR), AND DUCTS OUTSIDE CONDITIONED SPACES. U-FACTORS FOR PENETRATION, AND THE SOLAR HEAT GAIN COEFFICIENT OF PENETRATION, THE CERTIFICATE SHALL LIST THE TYPES AND EFFICIENCIES OF HEATING, COOLING, AND SERVICE WATER HEATING EQUIPMENT.

FOUNDATIONS:

- ALL FOOTINGS SHALL EXTEND TO MINIMUM OF 4" BELOW ADJACENT EXTERIOR GRADE AND SHALL REST ON FIRM, UNDISTURBED SOIL.
- FOOTINGS ARE DESIGNED FOR 1,500 PSF MINIMUM SOIL BEARING CAPACITY. CONTRACTOR MUST VERIFY ACTUAL CAPACITY ON SITE. OWNER ASSUMES RESPONSIBILITY TO DETERMINE ADEQUATE SOIL BEARING ANALYSIS.
- STEP DOWN FOOTINGS AS NECESSARY WHERE ANY UNEXCAVATED SLAB AREAS MEET A LOWER BASEMENT TO PROVIDE DIRECT SOLID BEARING.
- BACKFILL FOR SLAB AREAS TO BE LAID DOWN IN 6" LIFTS AND MECHANICALLY COMPACTED BETWEEN LIFTS.

| DRAWING INDEX |   |                     |                    |
|---------------|---|---------------------|--------------------|
| SHEET #       | SHEET NAME                              | ORIGINAL ISSUE DATE | CURRENT ISSUE DATE |
| G001          | TITLE SHEET, CODE INFORMATION AND INDEX | 05/04/23            |                    |
| A100          | PROPOSED LANDSCAPE PLAN                 | 05/04/23            |                    |
| A101          | BASEMENT AND FIRST FLOOR PLANS          | 05/04/23            |                    |
| A102          | SECOND AND THIRD FLOOR PLANS            | 05/04/23            |                    |
| A103          | GARAGE PLANS                            | 05/04/23            |                    |
| A201          | EXTERIOR ELEVATIONS                     | 05/04/23            |                    |
| A202          | EXTERIOR ELEVATIONS                     | 05/04/23            |                    |
| A203          | GARAGE ELEVATIONS                       | 05/04/23            |                    |
| A300          | TYPICAL WALL SECTION AND GENERAL NOTES  | 05/04/23            |                    |
| A301          | TYPICAL CONSTRUCTION DETAILS            | 05/04/23            |                    |
| A302          | STAIR SECTIONS                          | 05/04/23            |                    |
| A400          | PRODUCT SPECIFICATIONS                  | 05/04/23            |                    |
| A401          | PRODUCT SPECIFICATIONS                  | 05/04/23            |                    |

STORM DRAINAGE:

- PROVIDE A COMPLETE SYSTEM OF GUTTERS, DOWNSPOUTS AND STORM SEWER PIPING CONNECTED TO THE LOCAL STORM SEWER SYSTEM.
- FILTER FABRIC SHALL BE INSTALLED OVER ALL FOUNDATION DRAIN TILES.

ELECTRICAL:

- ALL 120-VOLT, 15 AND 20 AMPERE BRANCH CIRCUITS SUPPLYING OUTLETS OR DEVICES INSTALLED IN DWELLING UNIT KITCHENS, FAMILY ROOMS, DINING ROOMS, LIVING ROOMS, PARLORS, LIBRARIES, DEN, BEDROOMS, SUN ROOMS, RECREATION ROOMS, CLOSETS, HALLWAYS, LAUNDRY AREAS, OR SIMILAR ROOMS OR SPACES SHALL BE PROVIDED WITH AFC-Fault PROTECTION.
- SMOKE ALARMS UTILIZING PHOTOELECTRIC AND IONIZATION TECHNOLOGIES SHALL BE INSTALLED IN EACH SLEEPING ROOM AND OUTSIDE THE DOOR INTO THE SLEEPING ROOM, ON ALL LEVELS OF THE HOUSE INCLUDING THE BASEMENT. SMOKE DETECTORS SHALL BE HARD WIRED WITH BATTERY BACK-UP AND INTERCONNECTED.
- AN APPROVED CARBON MONOXIDE ALARM SHALL BE INSTALLED OUTSIDE OF EACH SEPARATE SLEEPING AREA IN THE IMMEDIATE VICINITY OF THE BEDROOMS IN DWELLING UNITS WITHIN WHICH FUEL-FIRED APPLIANCES ARE INSTALLED AND IN DWELLING UNITS THAT HAVE ATTACHED GARAGES.
- A MINIMUM OF 90% OF THE LAMPS IN PERMANENTLY INSTALLED LIGHTING FIXTURES SHALL BE HIGH-EFFICACY LAMPS.
- RECESSED LUMINAIRES INSTALLED IN THE BUILDING THERMAL ENVELOPE SHALL BE SEALED WITH A GASKET OR CAULKING TO LIMIT AIR LEAKAGE BETWEEN CONDITIONED AND UNCONDITIONED SPACES.

HVAC AND PLUMBING:

- AIR LEAKAGE TESTING (BLOWER DOOR) AND A VERIFICATION REPORT ARE REQUIRED PER RCD 1105.2.4.2.1
- DUCT LEAKAGE (TIGHTNESS) TESTING AND VERIFICATION REPORT ARE REQUIRED FOR DUCTWORK LOCATED IN NON-CONDITIONED SPACES PER RCD 1105.3.2.2.
- BUILDING FRAMING CAVITIES SHALL NOT BE USED AS SUPPLY DUCTS.
- DUCTS, AIR HANDLERS, FILTER BOXES AND BUILDING CAVITIES USED AS DUCTS SHALL BE SEALED AND TESTED.
- WHERE THE AIR INFILTRATION RATE OF A DWELLING UNIT IS 5 AIR CHANGES PER HOUR OR LESS THE DWELLING UNIT SHALL BE PROVIDED WITH WHOLE HOUSE MECHANICAL VENTILATION IN ACCORDANCE WITH ACCA MANUAL J. INTRODUCTION OF OUTDOOR VENTILATION AIR IS REQUIRED AS PART OF THE SYSTEM.
- WHOLE HOUSE MECHANICAL VENTILATION SHALL HAVE AUTOMATIC OR GRAVITY DAMPERS THAT CLOSE WHEN THE VENTILATION SYSTEM IS NOT IN USE.
- HEATING AND COOLING EQUIPMENT SHALL BE SIZED IN ACCORDANCE WITH ACCA MANUAL S BASED ON BUILDING LOADS CALCULATED IN ACCORDANCE WITH ACCA MANUAL J OR OTHER APPROVED HEATING AND COOLING CALCULATION METHODOLOGIES.
- DUCTWORK LOCATED IN UNCONDITIONED SPACES SHALL BE INSULATED WITH MIN. R-8 INSULATION.
- DOMESTIC WATER DISTRIBUTION SYSTEMS SHALL BE INSULATED IN ACCORDANCE WITH THE OHIO PLUMBING CODE.

WINDOWS AND DOORS:

- WINDOWS AND DOORS SHALL PROVIDE THE REQUIRED U-VALUES, SHGC, LIGHT TRANSMITTANCE AND AIR LEAKAGE REQUIREMENTS OF THE SELECTED ENERGY COMPLIANCE PATH.
- AT LEAST ONE WINDOW IN EACH SLEEPING ROOM SHALL PROVIDE THE EMERGENCY EGRESS REQUIREMENTS OF RCD SECTION 310 INCLUDING OPENABLE AREA, HEIGHT AND WIDTH OF THE OPENING.
- PROVIDE TEMPERED GLASS IN ALL HAZARDOUS AREAS AS REQUIRED BY RCD SECTION 309.4.
- THE DOOR BETWEEN A DWELLING UNIT AND A GARAGE SHALL BE A FIRE RATED, OR SOLID CORE WOOD OR METAL DOOR WITH WEATHERSTRIPPING AND A THRESHOLD.



PROPOSED  
NEW CONSTRUCTION  
FOR:  
2905 Jay Ave  
Cleveland, Ohio 44113

JOB NUMBER: 22009

DRAWING RELEASE:

| No. | Date       | Description |
|-----|------------|-------------|
| 1   | 05/04/2023 | FOR PERMIT  |

SHEET TITLE:

TITLE SHEET, CODE  
INFORMATION AND INDEX

SHEET NUMBER:

G001

Site plan showing a yellow-outlined lot with dimensions and landscaping notes. The lot is bounded by a yellow line. Dimensions include 72'-4" (total width), 33'-0" (left side), 35'-4" (top right), 24'-0" (bottom right), and 107'-0" (right side). Notes include "EXISTING #2 PICKET FENCE TO BE REMOVED", "NEW #2 RUB LANDSCAPING", "EXISTING TREE TO BE REMOVED", and "PARKING PAD". The plan also shows a circular feature, possibly a well or a small pond, and a rectangular area labeled "PARKING PAD". The lot is surrounded by other lots with addresses 36, 45, and 46. A street labeled "COURT" is visible at the bottom.

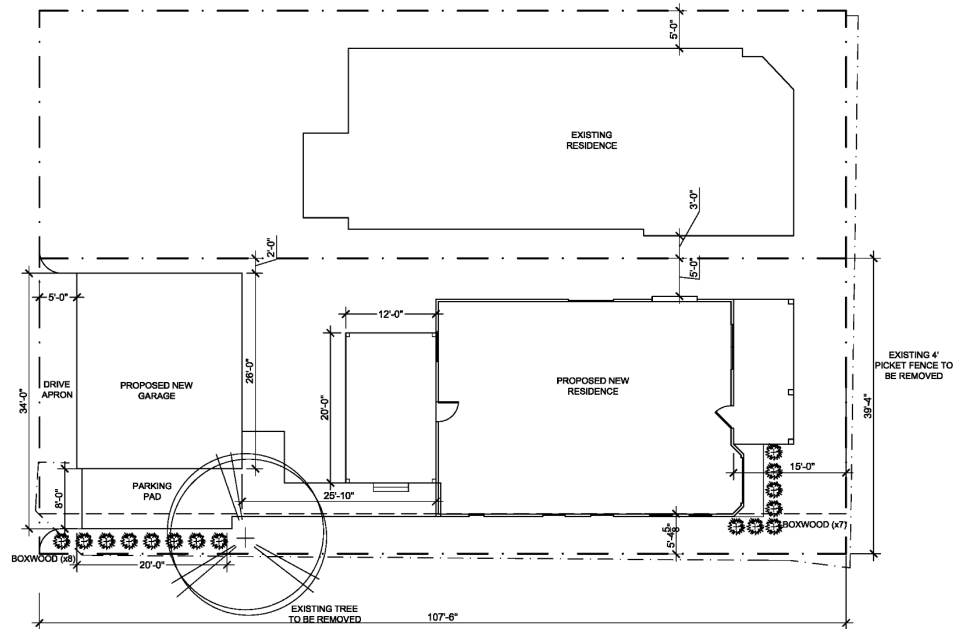


PROJECT NORTH  
SCALE: N.T.S.





PROPOSED  
NEW CONSTRUCTION  
FOR:  
2905 Jay Ave  
Cleveland, Ohio 44113



1 PROPOSED LANDSCAPE  
PLAN  
SCALE: 1/8" = 1'-0"



2 PROPOSED BOXWOOD  
LANDSCAPING



3 EXISTING  
TREE

JOB NUMBER: 22009

DRAWING RELEASE:

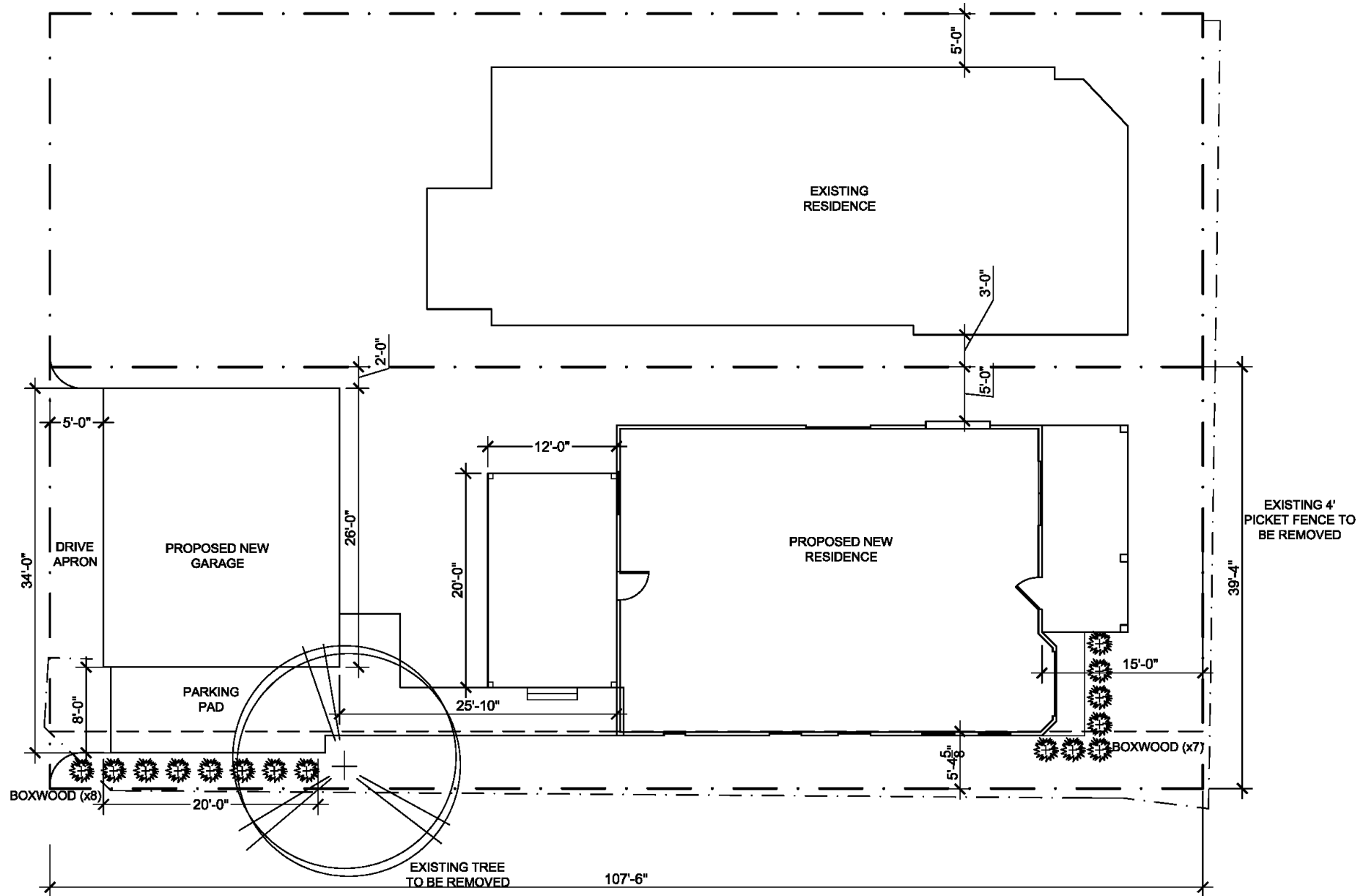
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| 1   | 05/04/2023 | FOR PERMIT  |

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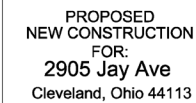
PROPOSED  
LANDSCAPE PLAN

SHEET NUMBER:

A100







| MATERIAL KEY |   |
|--------------|---|
| (A)          | HARDIE BOARD SMOOTH LAP SIDING, COLOR INDIGO BLUE |
| (B)          | HARDIE BOARD ACCENT SIDING, COLOR NANTUCKET GREEN |
| (C)          | FASCIA, ACCENT AND SOFFIT TRIM, COLOR WHITE       |
| (D)          | ASPHALT ROOF SHINGLES, COLOR BLACK                |

JOB NUMBER: 22009

## DRAWING RELEASE:

[illegible]

SHEET TITLE:

## EXTERIOR ELEVATIONS

SHEET NUMBER:

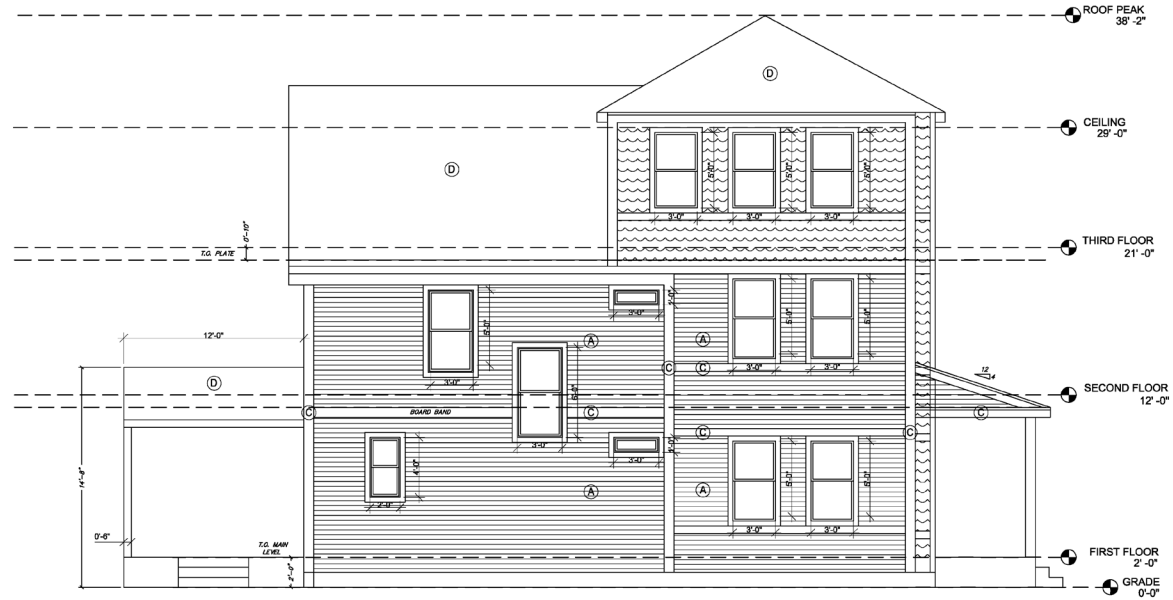
A201



PROPOSED  
NEW CONSTRUCTION  
FOR:  
2905 Jay Ave  
Cleveland, Ohio 44113



1 SOUTH  
ELEVATION  
SCALE= 1/4" = 1'-0"



2 EAST  
ELEVATION  
SCALE= 1/4" = 1'-0"

| MATERIAL KEY |   |
|--------------|---|
| (A)          | HARDIE BOARD SMOOTH LAP SIDING, COLOR INDIGO BLUE |
| (B)          | HARDIE BOARD ACCENT SIDING, COLOR NANTUCKET GREY  |
| (C)          | FASCIA, ACCENT AND SOFFIT TRIM, COLOR WHITE       |
| (D)          | ASPHALT ROOF SHINGLES, COLOR BLACK                |

JOB NUMBER: 22009

DRAWING RELEASE:

| No. | Date       | Description |
|-----|------------|-------------|
| 1   | 05/04/2023 | FOR PERMIT  |

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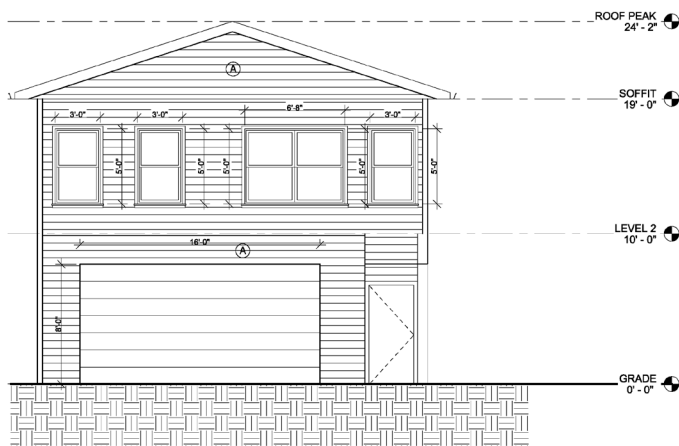
EXTERIOR  
ELEVATIONS

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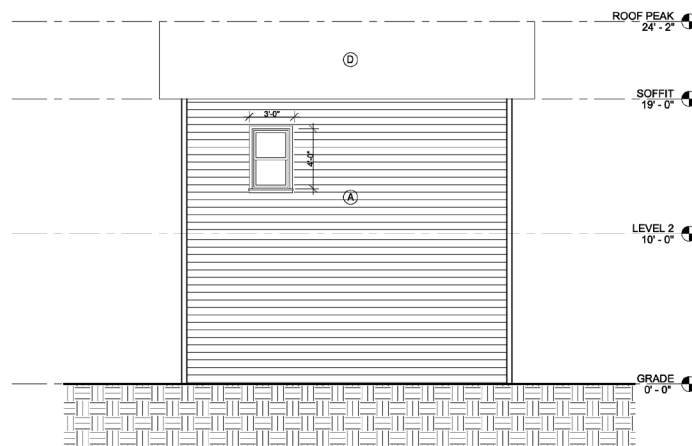
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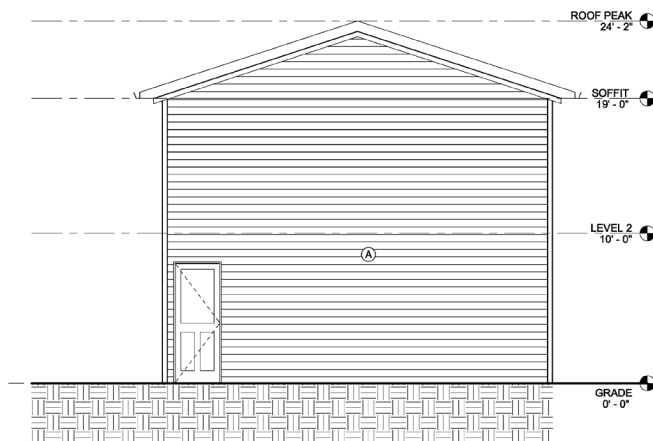
PROPOSED  
NEW CONSTRUCTION  
FOR:  
2905 Jay Ave  
Cleveland, Ohio 44113



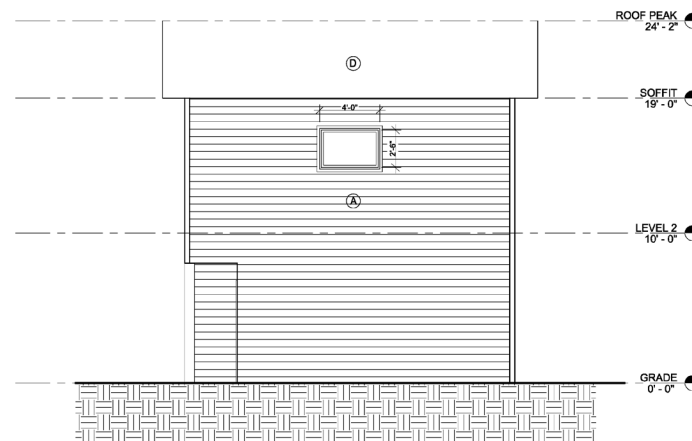
1 SOUTH GARAGE  
ELEVATION  
SCALE = 1/4" = 1'-0"



2 WEST GARAGE  
ELEVATION  
SCALE = 1/4" = 1'-0"



3 NORTH GARAGE  
ELEVATION  
SCALE = 1/4" = 1'-0"



4 EAST GARAGE  
ELEVATION  
SCALE = 1/4" = 1'-0"

| MATERIAL KEY |   |
|--------------|---|
| (A)          | HARDIE BOARD SMOOTH LAP SIDING, COLOR INDIGO BLUE |
| (B)          | HARDIE BOARD ACCENT SIDING, COLOR NANTUCKET GRE   |
| (C)          | FASCIA, ACCENT AND SOFFIT TRIM, COLOR WHITE       |
| (D)          | ASPHALT ROOF SHINGLES, COLOR BLACK                |



JOB NUMBER: 22009

## DRAWING RELEASE:

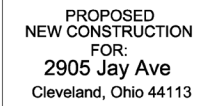
[illegible]

SHEET TITLE:

## GARAGE ELEVATIONS

SHEET NUMBER:

A203

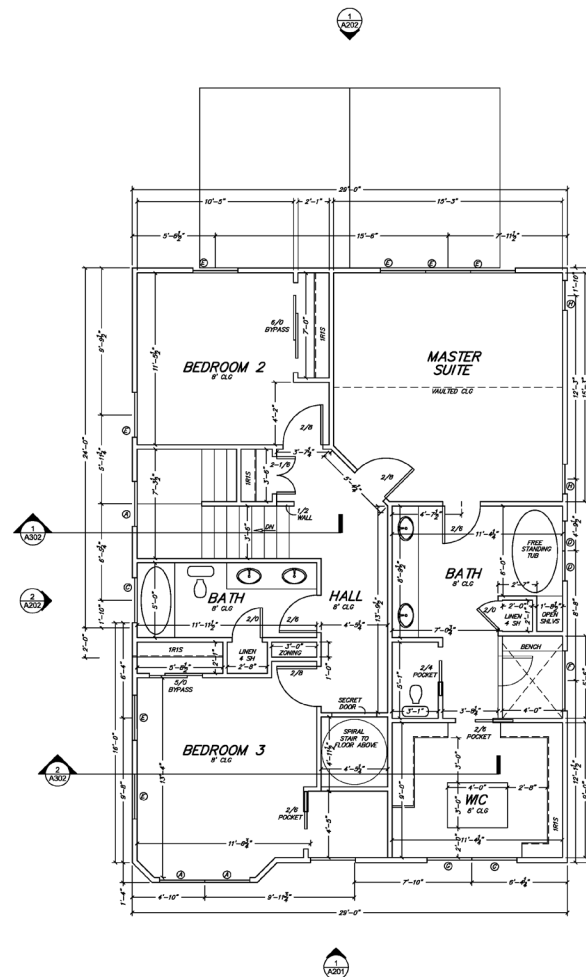


A101

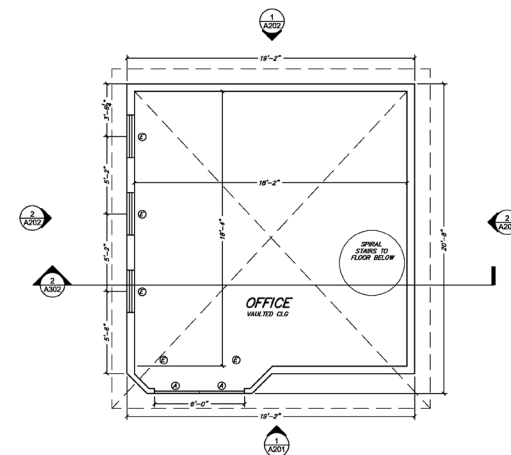




PROPOSED  
NEW CONSTRUCTION  
FOR:  
2905 Jay Ave  
Cleveland, Ohio 44113



1 SECOND FLOOR  
CONSTRUCTION PLAN  
SCALE: 1/4" = 1'-0"



2 THIRD FLOOR  
CONSTRUCTION PLAN  
SCALE: 1/4" = 1'-0"

JOB NUMBER: 22009

DRAWING RELEASE:

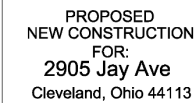
| No. | Date       | Description |
|-----|------------|-------------|
| 1   | 05/04/2023 | FOR PERMIT  |

SHEET TITLE:

SECOND AND THIRD  
FLOOR PLANS

SHEET NUMBER:

A102



**FIRST FLOOR PLAN**  
SCALE= 1/4" = 1'-0"

**SECOND FLOOR PLAN**  
SCALE= 1/4" = 1'-0"



Sirs,

I am writing concerning the proposed zoning variances under review for the property 2901 Jay Ave. currently part of 2905 Jay Ave. I intended to be present at the meeting at 9:30 AM Monday, October 23, 2023, but have decided due to several reasons to write this, to be read into the record, as your recent correspondence indicated was an option. I have already reached out to the two entities CC'ed in this email but there has been no response, not even an acknowledgment was received. I try not to make negative inferences from possible oversights, but in aggregate with several other factors, I have the creeping suspicion that this variance is a foregone conclusion and any effort to attend may be pointless. Those factors would be the seeming 11th hour notification, the apparent lack of notification sent to other neighborhood owners I have reached out to (including the neighborhood block club according to one member) and the time and location of the variance meeting (I participated in one such meeting that was held at the then Fulton Cafe, over a proposed zoning change for 2920 Jay, in excess of 100 people attended). I am currently the owner of 2906 Jay Ave. and 1794 W. 30th as well as having previously owned 2920 Jay (post variance defeat) and 2905 Jay (previous owner) where I resided for 13 years. I have had a vested interest in the neighborhood since 1992. The neighborhood has a certain charm and look that makes it uniquely attractive amongst Ohio City's many attraction. Any riders on Lolly the Trolley that passed through could attest. My interest is in preserving the character of the street as well as protecting my own investment. While owning the property, I considered building options and decided not to increase the size of the current structure. I also considered subdividing and building other residences and determined it unwieldy due to the layout of the existing structures and ultimately too congesting to make it appealing. The side yard was beautiful with several 100 year old trees and lovely landscaping, an oasis in the city. All of that is gone in expectation that the variance was a forgone conclusion. As such, I lament the choice, but in all practicality do not wholly object to building on the now devastated site. What I do object to is the probability that the resulting structures may be constructed merely to line pockets. I see no point in constructing a double requiring a variance from the required 50 foot frontage to the proposed 36 foot. I would maintain that a single could be allowed to be built on the site, as there was once one that existed there, provided it can be done within the current legal zoning ordinance size requirements that other property owners are legally bound to respect.

Of course I have no idea what is actually being proposed as there were no plans provided or access to such indicated in the "official notice" I received. I can only ferret out speculations based upon the requested variance. It is not clear from the notice if in any of the proposals there is construction intended on the original 2905 plot. I'm assuming that the end result from the wording is an irregular "L" shaped lot consisting of the residence on 2905 Jay and the garage on the southern portion of what is referred to as 2901. I could envision another garage constructed at 2905 and the plot divided symmetrically but that would leave no room for a yard at all for 2905. So the proposal is seemingly then to build an oversized "double" on a lot with no garage, adding to the already chaotic parking circumstances of a street which originally saw construction before the advent of the automobile. Perhaps, and I say this facetiously, the neighborhood would be better served if the owners constructed a "for fee" parking lot. Since I only have speculation and no plans, another scenario may be the construction of a double townhouse similar to what exists on Fulton and which would be entirely out of character in the location. Such a construction may be welcomed by the county treasurer to bolster their tax receipts but it would be a scar on the face of the neighborhood.

I think the owner, from whom I purchased the property, knew exactly what he was doing when he bought the lot adjacent to 2905 and decided to construct the oversized garage on the additional land. It was his intention to prevent exactly this kind of gold rush exploitation of the idyllic property that he labored to create. I respected it and never even chose to expand the primary residence which I could have done within the current code. I communicated that sentiment that we shared to the current owners prior to the sale and they agreed. They were taken by the property's beauty. Well, times change and so do motivations, but it is not necessarily the job of the zoning commission to make everyone's dreams come true. To that end I say by all means build on that postage stamp and live within the bounds other residents are required or they may take their profit and move on leaving it for someone else who will appreciate it for what it is. I consider my time living there as the best of my life. Thank you for your consideration.

Bart Koster

# Public Hearing

**Calendar No. 22-138:**

**3820 West 33<sup>rd</sup> Street.**

**Ward 14**



Sheryl Manthey, owner, proposes to install approximately 120 linear feet of six foot high wooden fence in a C1 Multi-Family Residential District. 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 solid, six-foot high fence is proposed parallel to the driveway.
2. Section 358.04(a) which states that fences in actual front yards shall not exceed four (4) feet in height and shall be at least fifty percent (50%) open. Solid, six-foot high fence is proposed in the front yard.
3. Section 358.04(c)(1) which states that in residential districts only ornamental fences shall be installed in actual front yards.





# Public Hearing

Calendar No. 22-138:

3820 West 33<sup>rd</sup> Street.

Ward 14



## 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 fencing requirements of the zoning code.

To obtain the area variances, 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 variances will not be contrary to the purpose and intent of the zoning code.

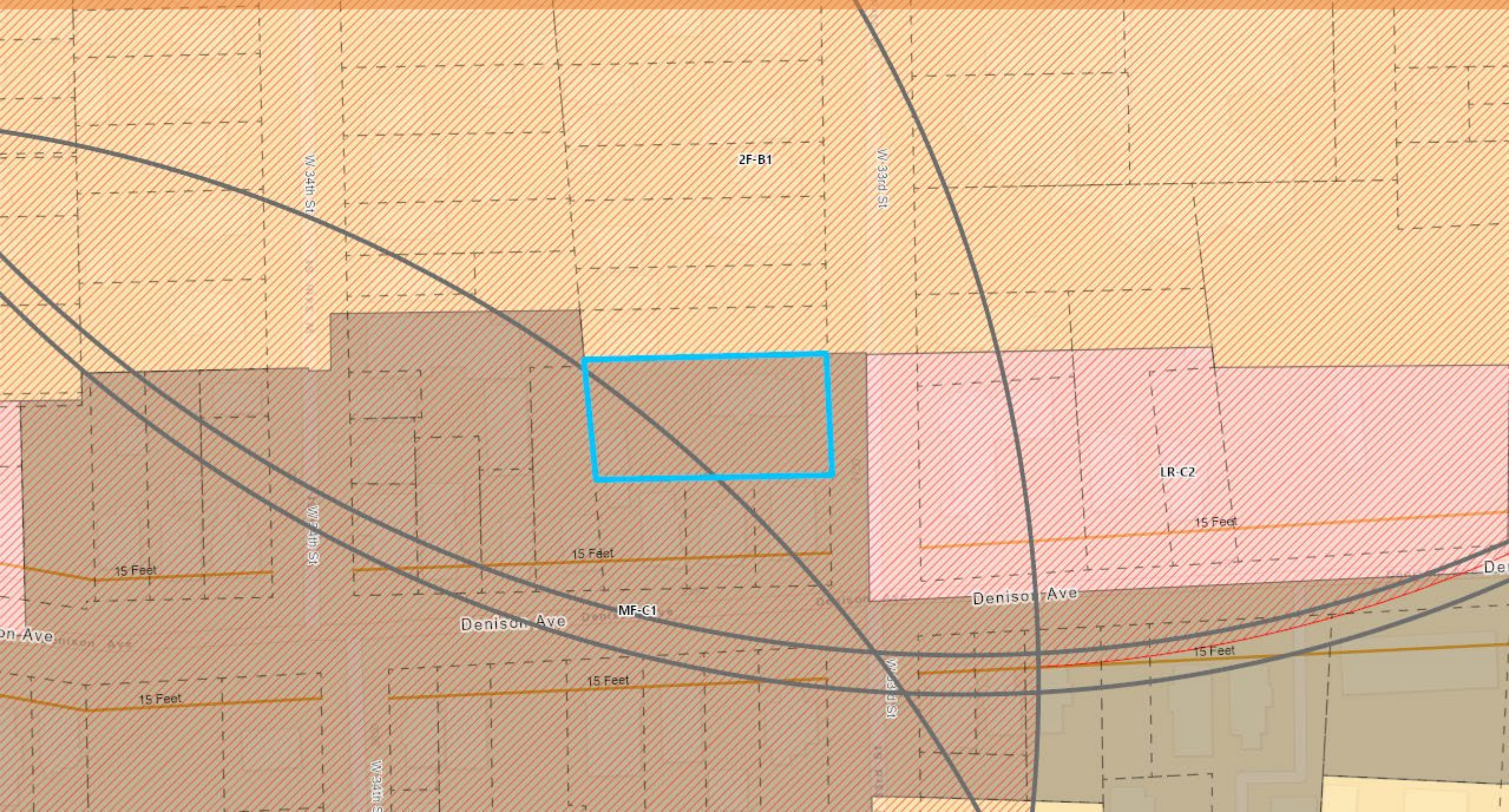














**CITY OF CLEVELAND**  
**DEPARTMENT OF BUILDING AND HOUSING**

File [ ] Insp. [ ] Owner/Cust. [ ]  
**DATE PRINTED: 5/14/2021**

Inspector: MARIO GRGIC  
Phone No. 2166643820  
Email: mgrgic@city.cleveland.oh.us

**Building Permit**  
**NEW**  
**Permit No: B21011418**

POST THIS PERMIT  
IN PLAIN VIEW.

---

CONTACT YOUR INSPECTOR AT LEAST 12 HOURS PRIOR TO REQUESTED INSPECTIONS. PLEASE CALL BETWEEN THE HOURS OF 7:00 A.M. AND 10:00 A.M. APPROVED DRAWINGS MUST BE KEPT ON JOB SITE.

---

**Location: 3820 W 33rd St, Cleveland, OH 44109**  
Issue Date: 05/12/2021

Plan Process Fee: \$20.00  
Site Development Fee: \$0.00  
Storm Water Process Fee: \$0.00  
Additional Const. Cost: \$0.00  
Surcharge: \$0.70  
Additional Fee Surcharge: \$0.00  
C.O. Fee:  
Late Fee:  
Zoning Fee: \$20.00  
Ward: 14  
PPN: 01524053

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PURSUANT TO FILING THE REQUIRED APPLICATION BY

Contractor: ,  
Address:

Phone No.  
ON BEHALF OF  
Owner: MANTHEY, SHERYL      Phone No. 216-269-2437  
Address: 3820 W 33 ST, CLEVELAND, OH 44109

---

PERMISSION IS HEREBY GRANTED TO:  
INSTALL 150 LF OF 4' 50% OPEN ORNAMENTAL ALL AS PER PLAN. ALL FENCE MUST BE ON SAME PARCEL AND AS FAR AWAY FROM NEIGHBORS' HOUSE AS FENCE HEIGHT.  
\*\*\*\*HOMEOWNER PERMIT\*\*\*\*

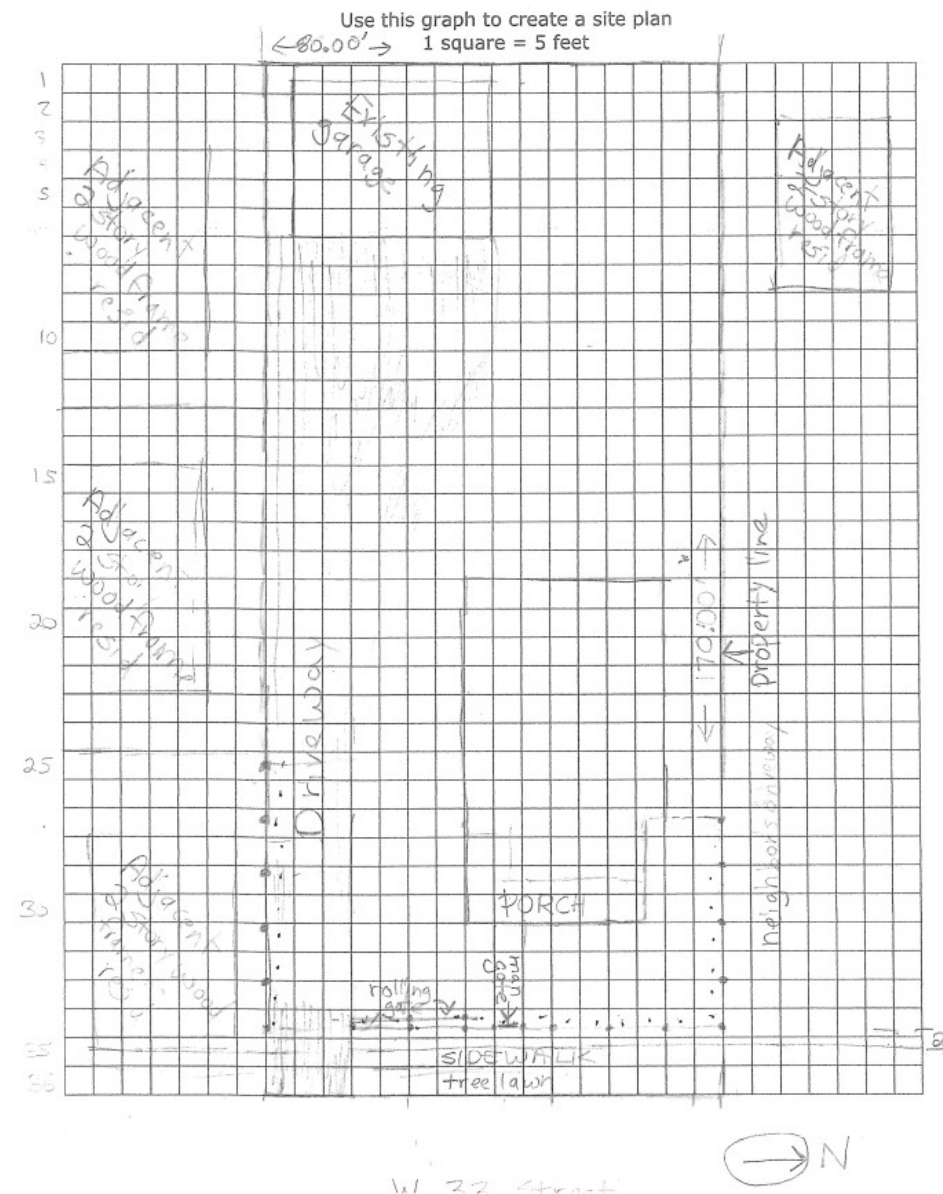
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THIS PERMIT IS FOR THE WORK SPECIFIED ON THE APPLICATION FILED THEREFORE ANY UNAUTHORIZED CHANGE OR ALTERATION FROM THE AFORESAID APPLICATION OR PLANS WILL RENDER THIS PERMIT NULL AND VOID.

DIRECTOR, DEPARTMENT OF BUILDING AND HOUSING

COPY

THE REPRODUCTION OF THIS DOCUMENT IS PROHIBITED BY LAW  
ANY ALTERATION OR ERASURE VOIDS THIS CERTIFICATION.



**FOR OFFICE USE ONLY**

Site No. 322018556

Permit No. 1055 Ward 14

Census Tract 1055

☐ BUILDING ☐ HOUSING ☐ DEMO

☐ OTHER

☐ FRAME ☐ MASONRY

\$20 PAID 11/11/2022

ZONING ONLY FEE DATE

PLAN PROCESSING FEE DATE

SWPPP FEE DATE

**PERMIT COST**

PLAN PROCESSING FEE

PERMIT FEE

C.O. Fee = \$

1% State Surcharge = \$

Zoning Fee = \$

Late Fee = \$

25% = \$

TOTAL = \$

*n 518/1519*

**CITY OF CLEVELAND**  
**DEPARTMENT OF BUILDING & HOUSING**



**PERMIT APPLICATION FOR**  
**1, 2, & 3 FAMILY DWELLING UNITS**

**IMPORTANT — APPLICANT TO COMPLETE ALL ITEMS IN SECTIONS I-V**

**I. PROJECT ADDRESS** 3320 W 33rd St Cleveland 44109

FLOOR \_\_\_\_\_ SUITE \_\_\_\_\_ AKA \_\_\_\_\_

**II. A. NATURE OF JOB** 01524053

☐ New ☐ Addition ☒ Other Pence

☐ Alteration ☐ Demolition ☐ Foundation Only

☐ Use ☐ Correct Violations ☐ Temporary Use

☐ Change of use-indicate former use \_\_\_\_\_

**II. B. USE**

☒ ONE FAMILY

☐ TWO FAMILY

☐ THREE FAMILY

☐ ACCESSORY USE: \_\_\_\_\_

**III. CONSTRUCTION COST**

New =

Addition =

Alterations =

Electrical =

Plumbing =

HVAC =

Fire Protection =

**TOTAL COST = \$ 4,000.00**

**IV. DESCRIPTION BY APPLICANT** (Describe in detail proposed work and use of property)

Attn: Caitlin Flannery

Extend fence to sidewalk on south and north sides  
of yard. Install main gate, drive gate and fence  
along east side of yard.

6' high

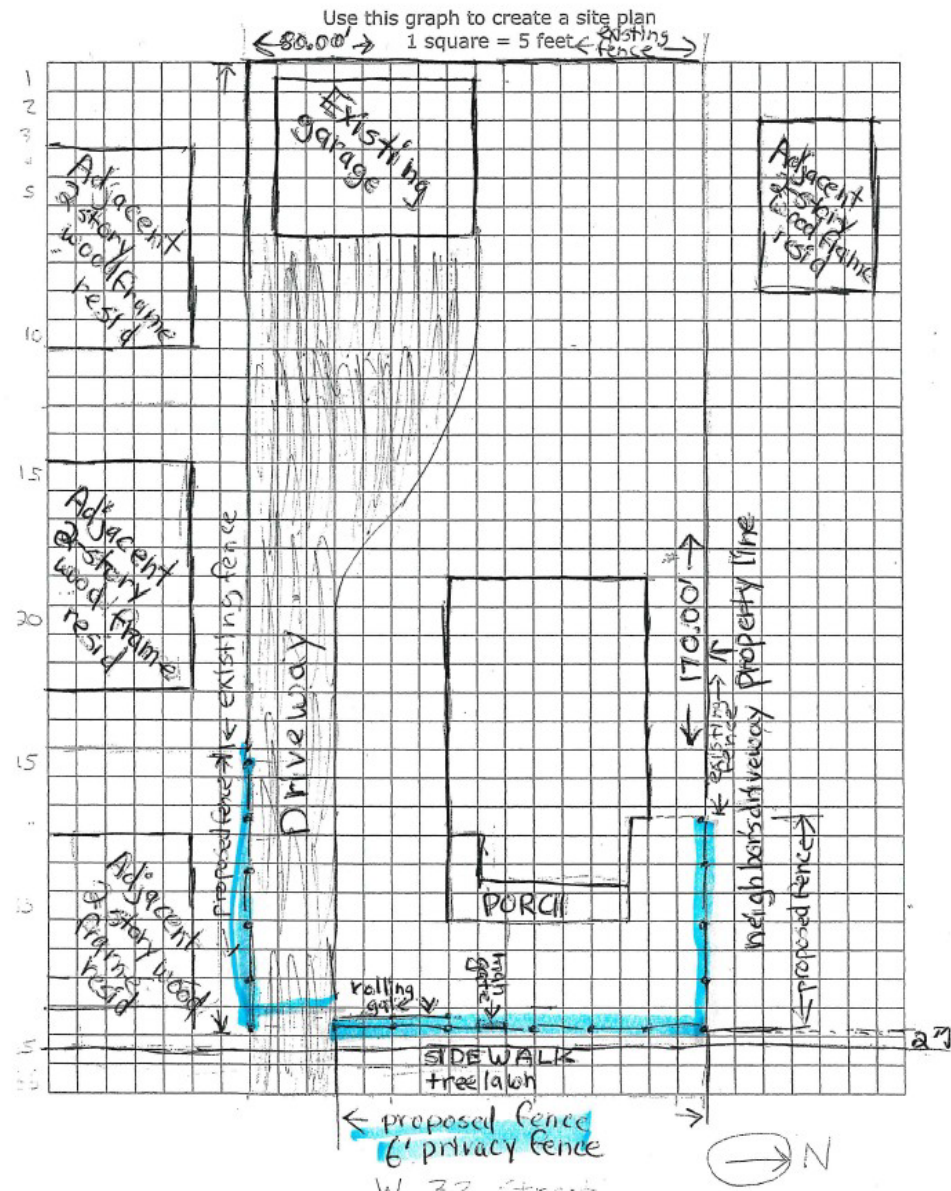
**V. IDENTIFICATION** (Please print legibly)

| Name                  | Address                 | City                  | State            | Zip             | Phone/Fax/Email     |
|-----------------------|-------------------------|-----------------------|------------------|-----------------|---------------------|
| 1. Property Owner     | <u>Sheryl R Marthey</u> | <u>3320 W 33rd St</u> | <u>Cleveland</u> | <u>OH 44109</u> | <u>216-292-9437</u> |
| 2. Lessee             |                         |                       |                  |                 |                     |
| 3. Contractor         |                         |                       |                  |                 |                     |
| 4. Architect/Engineer |                         |                       |                  |                 |                     |
| 5. Contact Person     |                         |                       |                  |                 |                     |

I hereby certify that the proposed work is authorized by the owner of record and that I have been authorized by the owner to make this application as its authorized agent and we agree to conform to all laws of this jurisdiction. Any false statements, information, or omissions shall result in this permit application being deemed null and void.

SIGNATURE OF CONTRACTOR (OR HOMEOWNER) [Signature] 282608983 7/13/22

SIGNATURE OF APPLICANT \_\_\_\_\_ DATE \_\_\_\_\_ CONTRACTORS REGISTRATION APPROVED BY \_\_\_\_\_





To: Board of Zoning Appeals <BoardofZoningAppeals@clevelandohio.gov>  
Subject: Fence

Thank you for letting me reply by email I can not take off of work to attend but I would like to say I have leaved in my home 3816 W33 for over 50 years and I have never seen such a problem. This fence causes many dangers several times kids running where almost hit as I can not see backing out of my driveway there was also a time police where looking for someone with a gun and could not see over the fence If Mrs Manthey would have applied for her permit she would have found she could not put this fence upBut she seems to think she runs the whole street and she doesn't have to follow rules she does not clean up her front yard I clean it up when I do my own yard she has a tree that makes a terrable mess in her yard and mine I really fear the day this tree falls because it will destroy my driveway I thank you again for letting me reply this way I hope this problem is solved soon and that she does not make problems for me when all is said and done

Rose Ciarallo

From: Rose Ciarallo <rosebud33@ymail.com>  
Sent: Tuesday, October 17, 2023 4:33:56 PM (UTC+00:00) Monrovia, Reykjavik  
To: Board of Zoning Appeals <BoardofZoningAppeals@clevelandohio.gov>  
Subject: 3820 W 33 St

I was not going to reply again because this has been postponed all summer long this is not a joke this is serious another child this weeken almost got run over because she was not seen this is just terrableI feel Sheryl Manthey is makeing a joke of the court system she knew she should not have put this fence up but she did not care just as she does not care about the children running and playing that can not be seen because of this fence I pray every time I back out my driveway at 3816 W 33 St.  
Rose Ciarallo

# Cleveland Board of Zoning Appeals

## Old Business

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# Public Hearing



|     |                  |                                |                                      |
|-----|------------------|--------------------------------|--------------------------------------|
| 1.  | Cal. No. 23-168: | Tow Truck Appeal.              | (AF,TB,NH,AW)                        |
| 2.  | Cal. No. 23-169: | 2241 W. 67 <sup>th</sup> St.   | (AF,TB,NH,AW)                        |
| 3.  | Cal. No. 23-172: | 1295 W. 54 <sup>th</sup> St.   | (AF,TB,NH,AW)                        |
| 4.  | Cal. No. 23-148: | 12728 Bellaire Ave.            | (AF, TB, NH, PR)                     |
| 5.  | Cal. No. 23-154: | 2148 West 11 St.               | (AF,PR,NH)*                          |
| 6.  | Cal. No. 23-155: | 2150 West 11 St.               | (AF,PR,NH)*                          |
| 7.  | Cal. No. 23-128: | 3119 West 50 <sup>th</sup> St. | (AF,NH,PR,AW)*                       |
| 8.  | Cal. No. 23-082: | 15432 St. Clair Ave.           | (AF,NH, PR, AW)*                     |
| 9.  | Cal. No. 22-232: | 12503 Kinsman Ave.             | (KB, TB, AF, NH)*                    |
| 10. | Cal. No. 22-018: | 4420 East 156 St.              | (KB,TB,AF,MB)* REMINDER SENT         |
| 11. | Cal. No. 21-203: | 8502 Hough Ave.                | (KB,TB,AF,MB)* PENDING LAND BANK     |
| 12. | Cal. No. 21-175: | 780 London Rd.                 | (KB, TB, AF, MB) *pending land bank* |

## AFFIRMATION (s):

**BZA23-051: 1422 WEST 54 STREET** – Barbara Lance was granted variances to erect a two-story single family residence on April 24, 2023. The appellant needs more time to complete the Land Bank application for land that will make up the rest of the parcel in order to complete the project.

## REHEARING REQUEST: NONE.

## POSTPONING UPCOMING CASE:

## MISC:

- ~ Items received
- \* Pending the receipt of requested information by the Board.
- \*\*\* Request for Rehearing/Reconsideration.

# Cleveland Board of Zoning Appeals

## Adjournment

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