

**BOARD OF ZONING APPEALS
OCTOBER 3, 2005**

9:30

Calendar No. 05-268:

7018 Union Avenue

Ward 12

Anthony Brancatelli

20 Notices

Ransom McDowell, owner, appeals for a change of use from two dwelling units and a café to three dwelling units and a bar with live entertainment and recreation in a two-story masonry mixed use building, situated on a 40' x 110' corner parcel in a Semi-Industry District on the southwest corner of Union Avenue and East 71st Street at 7018 Union Avenue; as proposed, the use is contrary to Sections 347.12(a)(1) and (2), that require it to be at least 500' from a residential district, a day care, school, public library, church, playground, public or non-profit recreation center or community center; and it is approximately 200' from the residence district across the street and 460' from Union Elementary School; and it shall also be at least 500' from another such use; there are no additional parking spaces provided where 4 additional spaces are required, according to Section 349.04(e) of the Codified Ordinances. (Filed 8-24-05)

9:30

Calendar No. 05-272:

4669 State Road

Ward 16

Kevin Kelley

12 Notices

Mark Heil, owner, appeals to expand a legal nonconforming auto repair, allowed previously with specific conditions by the Board of Zoning Appeals in Calendar No. 92-258 on November 9, 1992; the existing auto repair use established in a 43' x 23' one-story masonry building, situated on an 85' x 142' corner parcel in a Local Retail Business District on the southeast corner of State Road and Porter Road at 4669 State Road; the proposed expansion being contrary to the expansion limitations of Section 359.01 of the Codified Ordinances. (Filed 8-29-05)

9:30

Calendar No. 05-273:

3090 Livingston Road

Ward 4

Kenneth Johnson

11 Notices

Livingston Apartments, owner, and prospective lessee, T-Mobile and John Sindela, agent, appeal to install an 84' high antenna tower and four equipment cabinets, to be located on a site with an existing 15 unit apartment building, situated on acreage within a Multi-Family District on the west side of Livingston Road at 3090 Livingston Road; the proposed antenna being contrary to Section 354.06(a) and the regulation that allows it to be only located in a General Retail, Shopping Center, Semi-Industry, General Industry and Unrestricted Industry zoning districts; and an 84' height is proposed where a 35' height limit is established for the subject property according to the zoning map; and a telecommunication tower may exceed the height limit, provided that it meets all other regulations of Chapter 354, as stated in Section 354.06(h) of the Codified Ordinances. (Filed 8-30-05)

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Calendar No. 05-274:

1344 East 93rd Street

Ward 7

Fannie Lewis

3 Notices

Bertha Lee Hunter, owner, appeals to enclose an existing front porch of a one family residence, situated on a 40' x 110' parcel in a Two-Family District on the west side of East 93rd Street at 1344 East 93rd Street; as proposed, the porch enclosure would project 5'-1" and it may not project more than 4' as stated in Section 357.13(b)(4) of the Codified Ordinances. (Filed 8-30-05)

9:30

Calendar No. 05-285:

2261 West 6th Street

Ward 13

Joe Cimperman

20 Notices

Sammy Catania, owner, appeals to erect a 20' x 47' three-story frame, single family residence with an attached garage, proposed to be situated on a 34.6' x 85' corner parcel in a B1 Two-Family District on the east side of West 6th Street at 2261 West 6th Street; contrary to Section 355.05, a lot width of 34.6' is provided instead of the 40' requirement, and the minimum lot area measures 2,886 s/f contrary to 4,800 s/f, with a total maximum gross floor area of 1,880 s/f provided instead of 50% of the lot size, or 1,443 s/f; and the maximum building height allowed is 35' and Sections 357.09(2)B and 357.09(2)A require that interior side yards are not less than a minimum of 3' and no building may be less than 10' from a main building on an adjoining lot, with the total of both interior side yards measuring not less than 10' and an 8' distance is provided, where open porches may not extend within 10' of the street line as stated in Section 357.13(b)(4) of the Codified Ordinances. (Filed 9-14-05)

Calendar No. 05-286:

2273 West 6th Street

Sammy Catania, owner, appeals to erect a 20' x 47' three-story frame, single family residence with an attached garage, proposed to be situated on a 24' x 95' parcel in a B1 Two-Family District on the east side of West 6th Street at 2273 West 6th Street; contrary to Section 355.05, a lot width of 24' is provided instead of the 40' requirement; and the minimum lot area measures 2,277 s/f contrary to 4,800 s/f, with a total maximum gross floor area of 1,880 s/f provided instead of 50% of the lot size, or 1,138 s/f; and the maximum building height allowed is 35' and Section 357.09(2)B requires that interior side yards may not be not less than a minimum of 3' and 4' is provided, where the total width of interior side yards on the same premises shall not be less than 10' and an 8' distance is provided, where no building shall be less than 10' from a main building on an adjoining lot, as stated in Section 357.09(2)A of the Codified Ordinances.

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Calendar No. 05-287: 2279 West 6th Street Ward 13

Sammy Catania, owner, appeals to erect a 20' x 47' three-story frame, single family residence with an attached garage, proposed to be situated on a 24' x 95' parcel in a B1 Two-Family District on the east side of West 6th Street at 2279 West 6th Street; contrary to Section 355.05, a lot width of 24' is provided instead of the 40' requirement; and the minimum lot area measures 2,277 s/f contrary to 4,800 s/f, with a total maximum gross floor area of 1,880 s/f provided instead of 50% of the lot size, or 1,138 s/f; and the maximum building height allowed is 35' and Section 357.09(2)B requires that interior side yards may not be not less than a minimum of 3' and 4' is provided, where the total width of interior side yards on the same premises shall not be less than 10' and an 8' distance is provided, where no building shall be less than 10' from a main building on an adjoining lot, as stated in Section 357.09(2)A of the Codified Ordinances.

Calendar No. 05-288: 2285 West 6th Street

Sammy Catania, owner, appeals to erect a 20' x 47' three-story frame, single family residence with an attached garage, proposed to be situated on a 26' x 95' parcel in a B1 Two-Family District on the east side of West 6th Street at 2285 West 6th Street; contrary to Section 355.05, a lot width of 24' is provided instead of the 40' requirement; and the minimum lot area measures 2,461 s/f contrary to 4,800 s/f, with a total maximum gross floor area of 1,880 s/f provided instead of 50% of the lot size, or 1,230 s/f; and the maximum building height allowed is 35' and Section 357.09(2)B requires that interior side yards may not be not less than a minimum of 3' and the total interior side yards provided is 5' where the total width of interior side yards on the same premises shall not be less than 10' and a 6.5' distance is provided, where no building shall be less than 10' from a main building on an adjoining lot, as stated in Section 357.09(2)A of the Codified Ordinances.

Calendar No. 05-289: 2267 West 6th Street

Sammy Catania, owner, appeals to erect a 20' x 47' three-story frame, single family residence with an attached garage, proposed to be situated on a 24' x 95' parcel in a B1 Two-Family District on the east side of West 6th Street at 2267 West 6th Street; contrary to Section 355.05, a lot width of 24' is provided instead of the 40' requirement; and the minimum lot area measures 2,277 s/f contrary to 4,800 s/f, with a total maximum gross floor area of 1,880 s/f provided instead of 50% of the lot size, or 1,138 s/f; and the maximum building height allowed is 35' and Section 357.09(2)B requires that interior side yards may not be not less than a minimum of 3' and 4' is provided, where the total width of interior side yards on the same premises shall not be less than 10' and a 4' distance is provided, where no building shall be less than 10' from a main building on an adjoining lot, as stated in Section 357.09(2)A of the Codified Ordinances.

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Calendar No. 05-290: 2309 West 6th Street Ward 13

Sammy Catania, owner, appeals to erect a 20' x 47' three-story frame, single family residence with an attached garage, proposed to be situated on a 24' x 95' parcel in a B1 Two-Family District on the east side of West 6th Street at 2309 West 6th Street; contrary to Section 355.05, a lot width of 24' is provided instead of the 40' requirement; and the minimum lot area measures 2,277 s/f contrary to 4,800 s/f, with a total maximum gross floor area of 1,880 s/f provided instead of 50% of the lot size, or 1,138 s/f; and the maximum building height allowed is 35' and Section 357.09(2)B requires that interior side yards may not be not less than a minimum of 3' and 4' is provided, where the total width of interior side yards on the same premises shall not be less than 10' and a 4' distance is provided, where no building shall be less than 10' from a main building on an adjoining lot, as stated in Section 357.09(2)A of the Codified Ordinances.

Calendar No. 05-291: 2313 West 6th Street

Sammy Catania, owner, appeals to erect a 20' x 47' three-story frame, single family residence with an attached garage, proposed to be situated on a 24' x 95' parcel in a B1 Two-Family District on the east side of West 6th Street at 2313 West 6th Street; contrary to Section 355.05, a lot width of 24' is provided instead of the 40' requirement; and the minimum lot area measures 2,277 s/f contrary to 4,800 s/f, with a total maximum gross floor area of 1,880 s/f provided instead of 50% of the lot size, or 1,138 s/f; and the maximum building height allowed is 35' and Section 357.09(2)B requires that interior side yards may not be not less than a minimum of 3' and 4' is provided, where the total width of interior side yards on the same premises shall not be less than 10' and an 8' distance is provided, where no building shall be less than 10' from a main building on an adjoining lot, as stated in Section 357.09(2)A of the Codified Ordinances.

Calendar No. 05-292: 2317 West 6th Street

Sammy Catania, owner, appeals to erect a 20' x 47' three-story frame, single family residence with an attached garage, proposed to be situated on a 24' x 95' parcel in a B1 Two-Family District on the east side of West 6th Street at 2317 West 6th Street; contrary to Section 355.05, a lot width of 24' is provided instead of the 40' requirement; and the minimum lot area measures 2,277 s/f contrary to 4,800 s/f, with a total maximum gross floor area of 1,880 s/f provided instead of 50% of the lot size, or 1,138 s/f; and the maximum building height allowed is 35' and Section 357.09(2)B requires that interior side yards may not be not less than a minimum of 3' and 4' is provided, where the total width of interior side yards on the same premises shall not be less than 10' and an 8' distance is provided, where no building shall be less than 10' from a main building on an adjoining lot, as stated in Section 357.09(2)A of the Codified Ordinances.

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Calendar No. 05-293: 2323 West 6th Street Ward 13

Sammy Catania, owner, appeals to erect a 20' x 47' three-story frame, single family residence with an attached garage, proposed to be situated on a 35' x 95' corner parcel in a B1 Two-Family District on the east side of West 6th Street at 2323 West 6th Street; contrary to Section 355.05, a lot width of 35' is provided instead of the 40' requirement; and the minimum lot area measures 3,318 s/f contrary to 4,800 s/f, with a total maximum gross floor area of 1,880 s/f provided instead of 50% of the lot size, or 3,318 s/f; and the maximum building height allowed is 35' and Section 357.09(2)B requires that interior side yards may not be not less than a minimum of 3' and 4' is provided, where the total width of interior side yards on the same premises shall not be less than 10' and contrary to Section 357.09(2)A, an 8' distance is provided, where no building shall be less than 10' from a main building on an adjoining lot and an 8' distance is measured where open porches shall not extend within 10' of the street line, as stated in Section 357.13(b)(4) of the Codified Ordinances.

Calendar No. 05-294: 2242 West 5th Street

Sammy Catania, owner, appeals to erect a 20' x 52.9' three-story frame, single family residence with an attached garage, proposed to be situated on a 24' x 95' parcel in a B1 Two-Family District on the west side of West 5th Street at 2242 West 5th Street; contrary to Section 355.05, a lot width of 26' is provided instead of the 40' requirement; and the minimum lot area measures 2,470 s/f contrary to 4,800 s/f, with a total maximum gross floor area of 2,116 s/f exceeding 50% of the lot size, or 1,235 s/f; and Section 357.09(2)B requires that interior side yards may not be not less than a minimum of 3' and 4' is provided, where the total width of interior side yards on the same premises shall not be less than 10' and no building shall be less than 10' from a main building on an adjoining lot, as stated in Section 357.09(2)A of the Codified Ordinances.

Calendar No. 05-295: 2246 West 5th Street

Sammy Catania, owner, appeals to erect a 20' x 52.9' three-story frame, single family residence with an attached garage, proposed to be situated on a 24' x 95' parcel in a B1 Two-Family District on the west side of West 5th Street at 2246 West 5th Street; contrary to Section 355.05, a lot width of 24' is provided instead of the 40' requirement; and the minimum lot area measures 2,280 s/f contrary to 4,800 s/f, with a total maximum gross floor area of 2,116 s/f exceeding 50% of the lot size, or 1,140 s/f; and Section 357.09(2)B requires that interior side yards may not be not less than a minimum of 3' and 4' is provided, where the total width of interior side yards on the same premises shall not be less than 10' and no building shall be erected less than 10' from a main building on an adjoining lot, as stated in Section 357.09(2)A of the Codified Ordinances.

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Calendar No. 05-296: 2252 West 5th Street Ward 13

Sammy Catania, owner, appeals to erect a 20' x 52.9' three-story frame, single family residence with an attached garage, proposed to be situated on a 24' x 95' parcel in a B1 Two-Family District on the west side of West 5th Street at 2252 West 5th Street; contrary to Section 355.05, a lot width of 24' is provided instead of the 40' requirement; and the minimum lot area measures 2,280 s/f contrary to 4,800 s/f, with a total maximum gross floor area of 2,116 s/f exceeds 50% of the lot size, or 1,140 s/f; and Section 357.09(2)B requires that interior side yards may not be not less than a minimum of 3' and 4' is provided, where the total width of interior side yards on the same premises shall not be less than 10' and no building shall be less than 10' from a main building on an adjoining lot, as stated in Section 357.09(2)A of the Codified Ordinances.

Calendar No. 05-297: 2258 West 5th Street

Sammy Catania, owner, appeals to erect a 20' x 52.9' three-story frame, single family residence with an attached garage, proposed to be situated on a 24' x 95' parcel in a B1 Two-Family District on the west side of West 5th Street at 2258 West 5th Street; contrary to Section 355.05, a lot width of 24' is provided instead of the 40' requirement; and the minimum lot area measures 2,280 s/f contrary to 4,800 s/f, with a total maximum gross floor area of 2,116 s/f exceeds 50% of the lot size, or 1,140 s/f; and Section 357.09(2)B requires that interior side yards may not be not less than a minimum of 3' and 4' is provided, where the total width of interior side yards on the same premises shall not be less than 10' and no building shall be less than 10' from a main building on an adjoining lot as stated in Section 357.09(2)A of the Codified Ordinances.

POSTPONED FROM SEPTEMBER 12, 2005

10:30
Calendar No. 05-253: 10400 Lorain Avenue Ward 19
Dona Brady
10 Notices

Richard Giachetti, owner, appeals to change the use from 4 dwelling units and a bar to 2 dwelling units and an expansion of the existing bar in a mixed use two-story building, situated on a 42' x 120' corner parcel in a General Retail Business District on the northwest corner of West 104th Street and Lorain Avenue at 10400 Lorain Avenue; contrary to Section 349.04(e), only 10 parking spaces are proposed and 21 spaces are required and a 6' wide landscape strip is required between Lorain Avenue and the parking lot as stated in Section 352.10 of the Codified Ordinances; and no live entertainment is permitted in the proposed expansion. (Filed 8-1-05; testimony taken.)

First postponement granted for additional review of the proposed project between the appellant and the local development corporation.
