

**BOARD OF ZONING APPEALS
NOVEMBER 15, 2004**

9:30

Calendar No. 04-248:

17877 St. Clair Avenue

Ward 11

Michael Polenek

9 Notices

17877 Property Ltd, c/o Carl Munn, owner, and Tree of Hope Enrichment, c/o Robert Farmer, tenant, appeal to establish use of space in an existing 35' x 340' two-story masonry, industrial building for a day care facility, situated on an approximate 490' x 584' lot, located in Semi-Industry and General Industry Districts on the northerly side of St. Clair Avenue at 17877 St. Clair Avenue; the day care as proposed would be in a location that is split zoned for industrial use as described in Sections 345.03 and 345.04 and subject to the limitations of, and by reference to Section 337.02(f), the use as a day care requires the Board of Zoning Appeals approval to determine that such use is appropriately located and designed and that it will meet a community need without adversely affecting the neighborhood. (Filed 10-6-04)

9:30

Calendar No. 04-249:

15709 Lorain Avenue

Ward 21

Michael Dolan

20 Notices

Tracy Brown, owner, and Angela Paluch, tenant, appeal to establish use as a tattoo/body piercing operation in a portion of the first floor of a mixed use two-story, brick building, situated on a 45' x 156' lot located in a General Retail Business District on the south side of Lorain Avenue at 15709 Lorain Avenue; the proposed use is subject to the requirements of Specific Uses Regulated, that permit a tattooing/body piercing use only if it is a distance of 1000' from a residential district, an elementary or secondary school, library, church or a public or non-profit recreation center and as proposed, the use abuts a residential district and is within the required 1000' distance from Newton D. Baker Elementary School, a YMCA/YWCA facility, a public library and a church at the corner of Rockport Avenue and Triskett Road, and is contrary to Section 347.12(b)(1) of the Codified Ordinances. (Filed 10-8-04)

9:30

Calendar No. 04-250:

14704 Hale Avenue

Ward 10

Roosevelt Coats

1 Notice

Byron Thomas, owner, appeals to erect and enclose a 6'-4" x 11'-3" rear porch addition to an existing two-story, frame dwelling, situated on a 35' x 69' lot in a Two-Family District on the south side of Hale Avenue a 14704 Hale Avenue; contrary to the Yards and Courts Requirements, the porch is proposed where the rear property line is at an angle, and a distance of 13' and 7' are proposed, where a 20' rear yard depth is required as stated in Section 357.08 of the Codified Ordinances. (Filed 10-11-04)

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9:30

Calendar No. 04-253: 13221 Sprecher Avenue

**Ward 20
Martin Sweeney
4 Notices**

Bobby and Thelma Conley, owners, appeal to erect a 29' x 31' two-story additional floor area to an existing single family dwelling situated on a 40' x 148' lot in an A1 One-Family District on the south side of Sprecher Avenue at 13221 Sprecher Avenue; contrary to Section 357.08 of the Yards and Courts Requirements, a 13'-3" rear yard distance is provided where 20' is required; and the shortest interior side yard is 1'-8" with a total interior side yard of 9'-11" provided where a total interior side yard of 10' is required; and subject to the provisions for Nonconforming Uses, the Board of Zoning Appeals approval is required, as stated in Section 359.01 of the Codified Ordinances. (Filed 10-14-04)

9:30

Calendar No. 04-254: 16200 Munn Road

**Ward 21
Michael Dolan
6 Notices**

William and Donna Trunko, owners, appeal to erect a 32' x 20' one-story frame, accessory garage on the rear portion of a 41' x 137' corner lot, where there is an existing two-story brick dwelling located in an A1 One-Family District on the southwest corner of Munn Road and West 162nd Street at 16200 Munn Road; contrary to the requirements for a corner lot on a side street in any use district, where the rear lot line of the corner lot is also the side line of the butt lot in the rear of a corner lot and a setback building line is established for such butt lot, no building shall be erected nearer to the side street at the rear line of the corner lot than the setback building line of the butt lot; and a setback of 21' is provided where 29' is required according to Section 357.05 of the Codified Ordinances. (Filed 10-14-04)

9:30

**Calendar No. 04-251: Appeal of Victor Keshishian
dba Leader Builders**

Victor Keshishian, dba Leader Builders, appeals under Section 76-6(b) of the Charter of the City of Cleveland from the indefinite suspension issued by Daryl P. Rush, the Director of Community Development, by letter dated July 30, 2004, advising Victor Keshishian and Leader Builders of a suspension from all work sponsored and funded by the City of Cleveland Department of Community Development, effective three (3) days after July 30, 2004. (Filed 10-12-04)

**BOARD OF ZONING APPEALS
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POSTPONED FROM OCTOBER 25, 2004

10:30		Ward 15
Calendar No. 04-143:	2202 Broadview Road	Merle Gordon
		20 Notices

Speedway SuperAmerica, owner c/o John Dzwonczyk, appeals to construct a combined service station/convenient store, consisting of an approximate 77' x 51' one-story, 3,000 s/f building, proposed to be situated on an approximate 160' x 120' corner lot in a Local Retail Business District and a One-Family District on the northeast corner of Broadview Road and West 22nd Street at 2202 Broadview Road; subject to the residential limitations of Section 337.02, a service station is not permitted in a One-Family District and is contrary to Section 343.01 for Local Retail Business Districts, being first permitted under Section 343.11(b)(2)(I)(5) in a General Retail Business District; and contrary to Section 352.09, less than the required 8' wide transition strip is provided between the Local Retail and One Family Districts; and contrary to Section 350.14(e) a gas station pole sign of 166 s/f is proposed and the maximum permitted is 100 s/f and a height of 25' is proposed, contrary to the permitted maximum height of 12'; and as proposed, a free-standing sign is within the R.O.W. and it is required to be 3' from the R.O.W. as stated in Section 350.14(c) of the Codified Ordinances. (Filed 6-10-04; no testimony taken.)

Postponement granted for additional review of the proposed plan.

POSTPONED FROM OCTOBER 18, 2004

10:30		Ward 5
Calendar No. 04-205:	3500 Woodland Avenue	Frank Jackson
		2 Notices

Neal Desatnik, owner, appeals to erect an 84 s/f, 25' high, free-standing sign in the employee parking lot on the east side of an existing building, situated on an acreage parcel in a Semi-Industry District on the south side of Woodland Avenue at 3500 Woodland Avenue; subject to the limitations of Section 350.15(b) of the Sign Regulations for Industrial Districts, an 84 s/f free-standing sign is proposed and 50 s/f is the maximum square footage allowed; and Section 350.15(c) requires that a free-standing sign must be 5' from the side and rear lot lines and 3' away from the street right-of-way; and no site plan was submitted to show the property lines, location of the sign and the distance of its location from the property lines as required in Section 350.04(c) of the Codified Ordinances. (Filed 8-24-04; no testimony taken.)

Third postponement granted at request of appellant's agent for the sign company.

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POSTPONED FROM OCTOBER 18, 2004

10:30

Calendar No. 04-225:

16911 Euclid Avenue

Ward 10

Roosevelt Coats

12 Notices

Roderick McClendon, owner, appeals to establish a used car sales lot as an additional use proposed to be on an approximate 55' x 220' irregular shaped lot that extends north from Euclid Avenue and fronts on the side street to the west, Urbana Road; and where an existing dwelling house and a car repair garage are situated in zoning for a Local Retail Business District and in a Multi-Family District at the street address of 16911 Euclid Avenue; contrary to Sections 343.01 and 347.08, the additional use is not permitted in a Local Retail District nor in a Multi-Family District but first permitted in a General Retail Business District; and contrary to Section 347.11(a), a lot width of 55' is proposed where a 60' minimum lot width is required; and contrary to Sections 357.04(a) and 357.14(a)(1)(2), the display of motor vehicles within a 26' front setback along Euclid Avenue is proposed where the required distance is 15% of the lot depth and the parking and sale of motor vehicles in the 20' front setback along Urbana Road is prohibited; and the expansion of an existing nonconforming use requires the Board of Zoning Appeals approval as stated in Section 359.01(a) of the Codified Ordinances. (Filed 9-16-04; no testimony taken.)

First postponement requested by appellant for additional review of the proposed plan.
