

**BOARD OF ZONING APPEALS
APRIL 5, 2004**

9:30

Calendar No. 04-55:

10721-23 St. Clair Avenue

Ward 8

Sabra Pierce Scott

5 Notices

Eric Sims and Joann Drish, co-owners, appeal to change to a use as a day care, the first floor, only, of an existing two-story 42' x 68' masonry stores and dwelling units building, situated on a 50' x 100' parcel in a Local Retail Business District on the north side of St. Clair Avenue at 10721-23 St. Clair Avenue; subject to Section 343.01(b)(1) of the Regulations for Business Districts, in a Local Retail Business District, the proposed child day care must 15' away from the abutting Multi-Family District, if the adjoining premises is not used for a similar purpose, and contrary to the Off-Street Parking and Loading Requirements, no parking spaces are provided for the day care nor for any other uses of the building and one space per two day care employees is required as stated in Section 349.04 of the Codified Ordinances. (Filed 3-8-04)

9:30

Calendar No. 04-56:

5016 Duke Avenue

Ward 17

Matt Zone

Alex Gordon, owner, appeals under Chapter 76-6 of the Charter of the City of Cleveland and Section 329.02(d) from being denied an Application for a Street Opening Permit by the Director of Public Service on March 3, 2004; where the proposed removal of pavement for a curb cut is requested to create an approximate 18'-8" apron at the existing curb line on the north side of Duke Avenue at the address of 5016 Duke Avenue. (Filed 3-11-04)

9:30

Calendar No. 04-58:

3507 Carnegie Avenue

Ward 5

Frank Jackson

10 Notices

Julian Kahan aka JK Management LLC, owner, and Martin Benade, prospective purchaser, appeal to add a spray painting booth to an existing 64' x 104' one-story, legal, nonconforming auto body repair shop, situated on a 160' x 105' corner lot in a General Retail Business District on the northwest corner of East 36th Street and Carnegie Avenue at 3507 Carnegie Avenue; contrary to Section 343.11 of the Regulations for Business Districts, an auto body repair shop is not permitted in a General Retail Business District but first permitted in a Semi-Industry District; and subject to the provisions for Nonconforming Uses, the expansion of a nonconforming use requires the Board of Zoning Appeals approval as stated in Section 359.01 of the Codified Ordinances. (Filed 3-18-04)

**BOARD OF ZONING APPEALS
APRIL 5, 2004**

9:30

Calendar No. 04-60:

3885 Rocky River Drive

Ward 21

Michael Dolan

16 Notices

Westside Medical Center LLC, owner, and Fifth Third Bank, prospective purchaser c/o Gerald G. Weber, agent, appeal to erect a 4,116 s/f one-story bank building with drive through lanes and an accessory parking lot on a 35' x 181' irregular shaped parcel in a Local Retail Business District on the southeast corner of Rocky River Drive and Albers Avenue at 3885 Rocky River Drive; contrary to Section 343.01 of the Business Districts Regulations, where the proposed use is first permitted in a General Retail Business District under Section 343.11(b)(2)(H), and an access driveway measurement of 14.3' is proposed where not less than 15' is required between the point of tangency of the driveway apron radius and a prolongation of the property line to the curb line, measured at the curb line as stated in Section 343.18(c) of the Codified Ordinances. (Filed 3-19-04)

POSTPONED FROM MARCH 15, 2004

10:30

Calendar No. 04-32:

3200-04 Carroll Avenue

Ward 13

Joe Cimperman

7 Notices

The International Church of the Four Square Gospel, owner c/o Pastor Don Hallum, appeals to construct a parking lot that has twelve parking spaces on a 64' x 50' corner parcel located in a Two-Family District on the west side of Carroll Avenue at the intersection of Carroll Avenue and West 32nd Street at 3200-04 Carroll Avenue; contrary to Section 349.13(c), where the Board of Zoning Appeals may permit a parking lot in a residence district if the lot abuts or is across the street from a district other than a Residence District, and the proposed lot is surrounded by a Two-Family District; and contrary to Section 349.05(a), where no parking space shall be located within a 10' distance of any wall of a residential building or structure if such wall contains a ground floor opening designed to provide light or ventilation for such building; and there is no landscaping provided where Section 349.08 requires that a 4' wide, densely planted landscape strip shall separate the parking lot from the adjacent residential lots; and contrary to the Landscaping and Screening provisions of Section 352.10, where a 6' wide frontage strip is required along Carroll Avenue and West 32nd Street and none is provided; and contrary to Sections 357.04(a) and 357.05(a) of the Yards and Courts Regulations, there is no front yard setback provided along Carroll Avenue and no side street yard width along West 32nd Street, and the parking of motor vehicles in the required front setback is prohibited as stated in Section 357.14 of the Codified Ordinances. (Filed 2-5-04; no testimony taken.)

Second postponement requested by the Community Development neighborhood planner for additional review of the appellants' proposal.
