

**BOARD OF ZONING APPEALS**  
**JULY 26, 2004**

**9:30**

**Calendar No. 04-159:**

**5410 Stickney Avenue**

**Ward 16**

**Michael O'Malley**

**6 Notices**

Jon A. Periandri II, owner, appeals to erect a 13' x 24' one-story, frame garage with gable roof at the rear of a single family dwelling and to install approximately 120 linear feet of 6' high privacy fence to the east side of the 35' x 152' irregular shaped parcel, located in a Two Family District on the north side of Stickney Avenue and Fulton Road at 5410 Stickney Avenue; subject to the limitations of Section 337.23(a) in the Residential Districts Regulations, where an accessory building shall be located a minimum of 18" from all property lines and contrary to Section 357.05(b)(1) of the Requirements for Side Street Yards, where the rear third portion of a corner lot in a residence district requires that the building line shall not be less than 10' back from the side street line; and the proposed fence being contrary to the Fence Regulations, where in actual side street yards a fence shall not exceed 4' in height and must be at least 50% open, unless the fence is set back at least 4' from the side street property line, and then it may be a maximum of 6' high and may be solid or open as stated in Section 358.04(a) of the Codified Ordinances. (Filed 6-24-04)

**9:30**

**Calendar No. 04-161:**

**15601 Chatfield Avenue**

**Ward 21**

**Michael Dolan**

**38 Notices**

Dominion East Ohio, owner c/o Greg Warren, appeals to erect a 140' tall telecommunication tower to replace an existing tower, situated at the westerly side of an acreage parcel located in a Residence Industry District on the south side of Chatfield Avenue and Green Hill Road at 15601 Chatfield Avenue; contrary to Section 354.06(a) of the Regulations for Wireless Telecommunications Facilities, where it is allowable for a telecommunication tower to exceed the height restriction only in Zoning Districts for General Retail, Shopping Center, Semi-Industry, General Industry or Unrestricted Industry; and contrary to the required distance from a Residential District, a 150' setback is proposed, where three times the tower's height, or a 520' setback distance, is required as stated in Section 354.06(b) of the Codified Ordinances. (Filed 7-8-04)

**9:30**

**Calendar No. 04-162:**

**11333 Hessler Road**

**Ward 9**

**Kevin Conwell**

**7 Notices**

Jason Lallo and Michael Brancatelli, co-owners, appeal to expand the use of an existing 2 ½-story frame, 35' x 47' rooming house, situated on a 43' x 80' corner lot in a Multi-Family District on the northeast corner of Hessler Court and Hessler Road at 11333 Hessler Road; contrary to the Requirements for Off-Street Parking and Loading, where there is no additional parking proposed and two additional accessory off-street parking spaces are required, as stated in Section 349.04(a) of the Codified Ordinances. (Filed 7-6-04)

**BOARD OF ZONING APPEALS**  
**JULY 26, 2004**

**9:30**

**Calendar No. 04-163:**

**2076 West 10<sup>th</sup> Street**

**Ward 13**

**Joe Cimperman**

**4 Notices**

Parkhill Associates, owner c/o Brian McCreary, appeal to erect a 20' x 20' one-story, frame garage on a 33' x 190' parcel, located in a Multi-Family District on the west side of West 10<sup>th</sup> Street at 2076 West 10<sup>th</sup> Street; subject to the limitations of Section 337.23(a) that require an accessory structure to be placed on the rear half of a lot and 93' is provided where the rear half of this lot begins at 95' and contrary to the Yards and Courts Requirements, a distance of 6.7' is provided where a 10' distance is required from a main building on an adjoining lot, as stated in Section 357.09(b)(2)A of the Codified Ordinances. (Filed 7-6-04)

**9:30**

**Calendar No. 04-164:**

**11317 Union Avenue**

**Ward 3**

**Zack Reed**

**7 Notices**

Jeremiah Baptist Church, owner c/o Chairman Deacon Phillips, agent, appeal to erect a 44' x 60' one-story and basement addition to the rear of an existing church building on a 120' x 150' parcel, located in a General Retail Business District on the north side of Union Avenue at 11317 Union Avenue; and under Section 343.11 of the Business Districts, a church is permitted in a General Retail Business District, but by reference as regulated in a One-Family District under Section 337.02(e)(1), a church and accessory uses are permitted if located not less than 15' from any adjoining premises in a Residential District, and the proposed church addition is 5' from the adjoining Two-Family District; and contrary to the Requirements for Off-Street Parking and Loading, 8 parking spaces are provided for the proposed addition where 56 spaces are required, as stated in Section 349.04 of the Codified Ordinances. (Filed 7-8-04)

**9:30**

**Calendar No. 04-130:**

**5105 Barkwill Avenue**

**Ward 5**

**Frank Jackson**

**7 Notices**

Ronald M. Burrell, owner, appeals to erect a 14' x 70' two-story frame, single family dwelling, situated on a 30' x 113' parcel located in a Two-Family District on the north side of Barkwill Avenue at 5105 Barkwill Avenue; contrary to Section 357.09(2)A, in a Two-Family District, a 10' distance is required from a building on an adjoining lot and a 6' and a 4' distance are provided for both of the interior side yards; and an interior side yard width of not less than 3' is required where 1.5' is provided and a distance of 4.5' is provided where the aggregate width of side yards may not be less than 10' as stated in Section 357.09(2)B of the Codified Ordinances. (Filed 5-28-04;Reinstated 7-6-04)

**BOARD OF ZONING APPEALS**  
**JULY 26, 2004**  
**POSTPONED FROM JUNE 21, 2004**

**10:30**  
**Calendar No. 04-125:            14300 Miles Avenue            Ward 1**  
**Joseph Jones**  
**14 Notices**

Michael Sudman, owner, and Cathy Eaton, tenant, appeal to change the use of a one-story masonry, auto repair garage to a use for auto wrecking and auto parts sales, situated on an acreage parcel in a Semi-Industry District on the south side of Miles Avenue at 14300 Miles Avenue; contrary to Section 345.03 of the Regulations for Industrial Districts, where auto wrecking is not permitted in a Semi-Industry District, but first permitted under Section 345.04(a)(4) in a General Industry District, provided that it is in a minimum lot area of 50,000 s/f and is enclosed within a minimum 7' high solid masonry wall or slightly solid, nontransparent, well-maintained substantial fence and may have only one entrance that is a maximum of 20' in width; and no printing or lettering or advertisement may be on the outside wall or fence except for an identification sign located at the entrance to the proposed area; and contrary to the Regulations for Wrecking Yards, there is no barrier proposed where a setback area between the street line and the building line is required to have a 1 ½' high barrier around the setback area as stated in Section 347.06(e) of the Codified Ordinances. (Filed 5-25-04; testimony taken.)

**First postponement granted for appellants to consult with the Amistad Development Corporation on producing a final plan that is more Code conforming for the site and is satisfactory to the community of the Lee-Harvard Business Revitalization District.**

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**POSTPONED FRM JUNE 28, 2004**

**10:30**  
**Calendar No. 04-129:            10318 Lorain Avenue            Ward 19**  
**Dona Brady**  
**11 Notices**

Joseph Maalouf, owner, and Pam Murray, prospective tenant, appeal to have a day care use in the second floor of a two-story, 87' x 65' masonry building, situated on an 87' x 136' irregular shaped parcel located in a General Retail Business District on the north side of Lorain Avenue at 10318 Lorain Avenue; the proposed use regulated under Section 343.11(b)(1) in Business Districts but requiring the Board of Zoning Appeals approval to determine if adequate yard spaces and other safeguards to preserve the character of the neighborhood are provided, and if such buildings are appropriately located and designed to meet a community need without adversely affecting the neighborhood and if located not less than 30' from any adjoining premises in a Residence District not used for a similar purpose as stated in Section 337.02(f)(3)C of the Codified Ordinances. (Filed 5-28-04; testimony taken.)

**First postponement granted for appellants to provide a detail specific plan for the proposed use.**

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