

**BOARD OF ZONING APPEALS
SEPTEMBER 26, 2005**

9:30

Calendar No. 05-267:

4651-53 Pearl Road

Ward 16

Kevin Kelley

8 Notices

Richard Marusa, owner, appeals to erect a 45' x 38' one-story addition for auto detailing and office space to be situated on an irregular shaped corner lot in a Local Retail Business District, where there is a legal nonconforming used car sales business, previously established by a variance from the Board of Zoning Appeals in Calendar No. 98-103, at the southeast corner of Pearl and Biddulph Roads at 4651-53 Pearl Road; contrary to Section 343.01, where auto detailing is not permitted in a Local Retail Business District and subject to Section 359.01 that requires the Board of Zoning Appeals approval for an addition to the existing nonconforming buildings and uses; with Section 352.11 that requires a 10' wide landscaping transition strip (providing 75% year-round opacity) along the property line where it abuts a One-Family District; and Section 352.09 that states neither the dumpster enclosure, or parking, or the display of motor vehicles is permitted in the 10' wide transition strip; and the expansion of use is required to provide landscaping on 15% of the land or floor area the use occupies and 1,000 s/f of such area, as stated in Sections 352.07(b)(2)(B) of the Codified Ordinances.

(Filed 8-19-05)

9:30

Calendar No. 05-269:

2134 West 6th Street

Ward 13

Joe Cimperman

6 Notices

Sutton Builders, owner, and Matt Berges, agent, appeal to erect a 20' x 40' three-story, two family residence, proposed to be situated on a 25' x 100' parcel in a Multi-Family District on the southwest side of West 6th Street at 2134 West 6th Street; contrary to Section 355.05(b), a 25 s/f minimum lot width is provided and 50 s/f is required, with a minimum lot area of 2,500 s/f instead of 6,000 s/f and the required maximum gross floor area is 50% of the lot size or, 1,250 s/f, and 2,400 s/f is provided; with a 2' interior side yard, instead of the 3' minimum distance; and 6' is provided, where no building may be less than 10' away from a main building on an adjoining lot, as stated in Sections 357.09(2)B and A of the Codified Ordinances. (Filed 8-25-05)

9:30

Calendar No. 05-271:

5914 Merrill Avenue

Ward 17

Matthew Zone

10 Notices

Tierra Associates, owner, and John Darrah appeal to erect a 45' x 120' one-story warehouse addition, proposed to be situated on the southwest corner of an irregular shaped lot, located in split zoning between Semi-Industry and Two-Family Districts on the north side of Merrill Avenue at 5914 Merrill Avenue; contrary to the residence limitations of Section 337.03(a) and subject to Section 359.01(a) that requires the Board of Zoning Appeals approval for the nonconforming warehouse addition; but limited by Section 329.04(d)(3) where the Board of Zoning Appeals shall not allow uses other than those listed in the Zoning Code as permitted in the use district next lower in order of restrictiveness to the district in which such lot is located, as stated in the Codified Ordinances. (Filed 8-26-05)

**BOARD OF ZONING APPEALS
SEPTEMBER 26, 2005**

9:30

Calendar No. 05-278:

2235 West 20th Street

Ward 14

**Nelson Cintron
8 Notices**

Israel Colon, owner, appeals to erect a 23' x 42' two-story frame, single family residence on a 33' x 133' parcel in a Multi-Family District on the east side of West 20th Street at 2235 West 20th Street; and a 5' distance is provided, where no less than 10' is required from the main building on an adjoining lot, as stated in Section 357.09 of the Codified Ordinances. (Filed 9-7-05)

9:30

Calendar No. 05-279:

2239 West 20th Street

Ward 14

Israel Colon, owner, appeals to erect a 23' x 42' two-story frame, single family residence on a 33' x 133' parcel in a Multi-Family District on the east side of West 20th Street at 2239 West 20th Street; and a 5' distance is provided, where no less than 10' is required from the main building on an adjoining lot, as stated in Section 357.09 of the Codified Ordinances.

9:30

Calendar No. 05-222:

13014-18 Lorain Avenue

Ward 19

**Dona Brady
14 Notices**

D. Romano LLC, owner, and Megan Roberts, agent, appeal to expand the use of an existing Body Piercing and Tattoo Shop, previously granted a variance by the Board on May 12, 2003 in Calendar No. 03-87, to add a use for tattooing in an existing legal, nonconforming body piercing shop, with conditions for specific business hours of operation from 12:00 PM to 8:00 PM, Monday through Saturday, and from 11:00 AM to 5:00 PM on Sunday, for the combined uses in a 950 s/f shop area of a two-story building, situated on a 20' x 100' lot in a General Retail Business District on the north side of Lorain Avenue at 13014 Lorain Avenue; appellant now appeals to expand the existing use and requires a special permit to be issued by the Board of Zoning Appeals, as stated in Section 359.01(a) of the Codified Ordinances. (Rehearing Granted 9-6-05)

POSTPONED FROM SEPTEMBER 6, 2005

10:30

Calendar No. 05-211:

3905 Clinton Avenue

Ward 13

**Joe Cimperman
11 Notices**

Harsax, Inc., owner c/o Dave Cooper, and Rysar Properties c/o Tim Goldstein, agent, appeal to erect a five unit, townhouse structure to be situated on a 66' x 185' lot, located in a B1 Two-Family District on the south side of Clinton Avenue at 3905 Clinton Avenue; the multi-unit townhouse structure is contrary to Section 337.03; and in a "B" Area District, the maximum gross floor space of a residential building cannot exceed one-half of the lot area, as stated in Section 355.04 of the Codified Ordinances. (Filed 6-1-05; no testimony taken.)

Second postponement requested by both appellants due to a scheduling conflict and for time to meet with the Councilman about the project.

**BOARD OF ZONING APPEALS
SEPTEMBER 26, 2005**

POSTPONED FROM SEPTEMBER 6, 2005

10:30

Calendar No. 05-245:

2804 East 73rd Street

Ward 5

Frank Jackson

4 Notices

Ricardo and Hilda Phillips, owners, appeal to enclose a 7' x 22' open front porch of an existing one family dwelling, situated on a 34' x 149' parcel located in a Semi-Industry District on the west side of East 73rd Street at 2804 East 73rd Street; contrary to Section 357.13(b)(4), there is a 7' projection and an enclosed porch may not project more than 4' and instead of a 3' side yard, the existing nonconforming 2' side yard requires the Board of Zoning Appeals approval, according to Section 359.01 of the Codified Ordinances. (Filed 7-21-05; no testimony taken.)

First postponement requested by appellants.
