

**BOARD OF ZONING APPEALS
OCTOBER 30, 2006**

9:30

Calendar No. 06-198:

10717 Detroit Avenue

Ward 19

Dona Brady

11 Notices

Helmut F. Schroeder, Trustee for the Gregory Alexander Trust, owner, and Deborah J. Gray, prospective tenant, appeal to change the use of an existing one-story masonry building to an art auction house with a 30 car accessory parking lot and affiliated retail use, proposed to be situated on a 53' x 191' parcel, located in a Residence Office District on the south side of Detroit Avenue at 10717 Detroit Avenue; subject to the limitations of a Residence Office District, an art house is not permitted and under the provisions of Section 359.01, the substitution of a nonconforming use requires the Board of Zoning Appeals approval; and an ornamental fence between five and six feet in height is proposed for security purposes where a fence in the required front yard, a ten foot specific setback, may not exceed four feet in height, as stated in Section 358.04(a) of the Codified Ordinances. (Filed 9-21-06)

9:30

Calendar No. 06-199:

18028 Olympia Road

Ward 10

Roosevelt Coats

8 Notices

Brian and Carmella Cohen, owners, appeal to establish a Type A day care use in an existing 2 ½-story frame, one family dwelling situated on a 37' x 126' parcel, located in a Two-Family District on the south side of Olympia Road at 18028 Olympia Road; subject to the limitations of Section 337.03, and by reference as regulated in a One-Family District, Section 337.02(f)(3)C, the proposed use is located less than the required thirty foot distance from a residential district, and the Type A day care requires 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 in the judgment of the Board such buildings and uses are appropriately located and designed and will meet a community need without adversely affecting the neighborhood. (Filed 9-25-06)

9:30

Calendar No. 06-200:

5700 South Marginal Road

Ward 8

Sabra Pierce Scott

8 Notices

Bapez Real Estate, Ltd., owner, and Moshe Bohbot appeal to establish use as a multiple unit structure/condominiums and a restaurant in an existing eleven-story, ninety-seven thousand square foot structure, situated on an acreage parcel located in a General Industry District on the south side of South Marginal Road at 5700 South Marginal Road; the proposed plan being contrary to industrial district regulations, where no building or premises in a General Industry District may be erected, altered or arranged for human habitation, as stated in Section 345.04(d)(1) of the Codified Ordinances. (Filed 9-26-06)

**BOARD OF ZONING APPEALS
OCTOBER 30, 3006**

9:30

Calendar No. 06-201:

3593 East 81st Street

Ward 2

Robert White

4 Notices

Howard Ward, owner, appeals to erect a 20' x 26' second floor room addition to an existing one family dwelling, situated on a 30' x 120' parcel located in a Two-Family District on the east side of East 81st Street at 3593 East 81st Street; contrary to Section 357.09, an interior side yard of eighteen inches is proposed where three feet is required with gutters six inches from the property line and the total of side yards equals nine feet and ten inches instead of the ten foot requirement; and the expansion of a nonconforming use, the interior side yard of the single family residence, requires the Board of Zoning Appeals approval as stated in Section 359.01 of the Codified Ordinances. (Filed 9-28-06)

9:30

Calendar No. 06-202:

10318 Lorain Avenue

Ward 19

Dona Brady

11 Notices

Joseph Maalouf, owner, and Pamela Murray, tenant, appeal to expand an existing day care use previously permitted by the Board of Zoning Appeals in Calendar No. 04-129 on August 9, 2004 to be established in the second floor of an existing two-story building, situated on an 87' x 136' parcel in a General Retail Business District on the north side of Lorain Avenue at 10318 Lorain Avenue; the proposed expansion of the day care and its uses being located less than fifteen feet from a Two-Family District and by reference is regulated in a Multi-Family District, Section 337.08(e)(3), and requires permission from the Board of Zoning Appeals, with the expansion of existing nonconforming buildings and uses being subject to review and approval by the Board of Zoning Appeals, according to the provisions of Section 359.01 of the Codified Ordinances. (Filed 9-28-06)

9:30

Calendar No. 06-204:

944 East 152nd Street

Ward 10

Roosevelt Coats

10 Notices

Rajamikant Patel, owner, appeals to construct three one-story retail buildings, proposed to be situated on a through parcel between East 150th Street and East 152nd Street in split zoning between a Local Retail Business District and a Two-Family District on the west side of East 152nd Street at 944 East 152nd Street; subject to the limitations of Section 337.03, the retail stores and accessory uses are not permitted in a Two-Family District; and an eight foot wide, landscape transition strip is required to separate the local retail and accessory uses from the abutting residential lots, and no dumpster enclosure is permitted within the required eight foot wide landscaped transition strip, under the provisions of Sections 352.09 through 352.11 of the Codified Ordinances. (Filed 9-29-06)

**BOARD OF ZONING APPEALS
OCTOBER 30, 2006**

9:30

Calendar No. 06-205:

9308 Clifton Boulevard

Ward 18

Jay Westbrook

9 Notices

MCMCII, LLC, owner and Maurice Christopher, appeal to change from a gas station to a retail store the use of an existing one-story building situated on a corner triangular shaped parcel, located in a One-Family District on the north side of Clifton Boulevard at 9308 Clifton Boulevard; the proposed substitution of a nonconforming use requiring that the Board of Zoning Appeals finds, after a public hearing, that such substitution or other change is no more harmful or objectionable than the previous nonconforming use in floor or other space occupied, in volume of trade or production in kind of goods sold or produced, in daily hours or other period of use, in the type or number of persons to occupy or to be attracted to the premises or in any other characteristic of the new use as compared with the previous use, as stated under the provisions of Section 359.01 of the Codified Ordinances.

(Filed 9-29-06)

POSTPONED FROM OCTOBER 2, 2006

10:30

Calendar No. 06-165:

6104 Carnegie Avenue

Ward 5

Phyllis Cleveland

3 Notices

3320 Woodland Avenue Ltd., owner, and Deborah Thompson, agent, appeal to erect one 50' high billboard with two 14' x 48' sign faces to be situated on an approximate 157' x 154' triangular parcel, located in the Midtown Mixed Use District- 3 on the south side of Carnegie Avenue at 6104 Carnegie Avenue; the proposed billboard not being permitted in a Business Revitalization District and only permitted to be in General Industry and Unrestricted Industry zoning districts, as stated in Section 350.10(a) of the Codified Ordinances. (Filed 8-3-06; no testimony taken.)

Second postponement extended due to conflicting schedules for the appellant and the development corporation and to allow for time to meet with the Councilmember about the proposal.
