

BOARD OF ZONING APPEALS

NOVEMBER 13, 2006

9:30

Calendar No. 06-209:

2132 West 25th Street

Ward 14

Joseph Santiago

13 Notices

United Properties, Chatham Entertainment, LLC and Daryl Ross, owner, and ZMDS Entertainment, Inc. and Davor Stevanovic, lessee, appeal to expand the use of an existing restaurant/bar with adding a dance club in a two-story masonry building, situated on a twenty-four foot by one hundred eleven foot parcel, located in a Semi-Industry District on the west side of West 25th Street at 2132 West 25th Street; the dance club being subject to the regulations for separation and Section 347.12(a)(1), no such use shall be established within five hundred feet of a residential district and the proposed use is within approximately one hundred and fifty feet of a Two-Family District; and under the provisions of Section 349.04(e), twenty-one accessory off-street parking spaces are required; and a six foot wide frontage landscaped strip, that provides for fifty percent year round opacity, is required along West 25th Street and along Chatham Avenue at the perimeter of a parking lot area, as stated in Section 352.11 of the Codified Ordinances. (Filed 10-3-06)

9:30

Calendar No. 06-211:

11805 Forest Avenue

Ward 4

Kenneth Johnson

7 Notices

Audrey Render, owner, appeals to expand use by including a day care use in an existing two-story one family dwelling unit, situated on a thirty-five foot by one hundred forty foot parcel located in a B1 Two-Family District on the north side of Forest Avenue at 11805 Forest Avenue; 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 10-4-06)

9:30

Calendar No. 06-212:

4228 West 63rd Street

Ward 16

Kevin Kelley

6 Notices

Kenny and Teresa Vega, owners, appeal to erect a twenty-six foot by thirty foot one-story frame, attached garage to an existing single family dwelling, situated on a thirty foot by one hundred thirty foot parcel located in an A1 One-Family District on the southwest corner of West 63rd Street and Woodhaven Avenue at 4228 West 63rd Street; contrary to Section 337.23(a), the proposed garage is within the thirty-two foot front setback specific building line of 6405 Woodhaven Avenue; and a five point sixty-five foot distance is provided where ten feet is required from any main building on an adjoining lot; and in Section 357.08(b)(1) the distance required for rear yard depth shall not be less than the height of the main building and a rear yard depth of eighteen point seventy-five feet is provided where a rear yard depth of twenty-two feet is required; and a maximum gross floor area of three thousand six hundred eight square feet is provided, where the maximum gross floor area allowed is fifty percent of the lot area, or two thousand two hundred and fifty square feet, according to the Area Regulations of Section 355.05(a) of the Codified Ordinances. (Filed 10-5-06)

BOARD OF ZONING APPEALS

NOVEMBER 13, 2006

9:30

Calendar No. 06-213:

3136-40 West 63rd Street

Ward 17

Matthew Zone

6 Notices

Richard R. Kassouf, owner, appeals to establish use as a used car sales lot on a triangular shaped acreage parcel situated between West 63rd Street and Stock Avenue, located in an A3 Unrestricted Industry District on the west side of West 63rd Street at 3136-3140 West 63rd Street; contrary to Section 358.05(a)(1) there is an eight foot tall chain link fence where in an Unrestricted Industry District the fences in actual front and side street yards shall not exceed a six foot height; and a four foot wide frontage landscaped strip that provides a fifty percent year-round opacity, is required along West 63rd and West 65th Street, as stated in Section 352.11 of the Codified Ordinances. (Filed 10-6-06)

9:30

Calendar No. 06-221:

4462 Denison Avenue

Ward 15

Brian Cummins

2 Notices

Brenda Lovell Wakut, owner, appeals to change the use from five dwelling units and a store to be four dwelling units and a restaurant, and to add a thirty-five foot by thirty foot addition for a kitchen to an existing two story mixed use building, situated on a forty foot by one hundred twenty-five foot parcel located in a C2 General Retail Business District on the north side of Denison Avenue at 4462 Denison Avenue; contrary to Section 349.04(f), there are six parking spaces credited from a prior use and the proposed combined use requires forty-three parking spaces; with a twenty foot rear yard being required for a building of residential occupancy in a retail district, and contrary to Section 357.08(b)(2), the proposed kitchen addition reduces the required depth to half of the required rear yard size currently existing at the premises. (Filed 10-11-06)

9:30

Calendar No. 06-190:

4755 Pearl Road

Ward 16

Kevin Kelley

9 Notices

ASD Corporation, owner, and Sam Shah appeal to change the use from an office and motel to an office and apartments in an existing two-story brick building, situated on a 60' x 309' parcel located in a Local Retail Business District on the northeast corner of Pearl Road and Oak Park Avenue at 4755 Pearl Road; contrary to Sections 357.04 and 357.05, a front yard of 15 feet is proposed and 30 feet is required and a side yard of 2.7 feet is proposed where 5 feet is required, and contrary to Section 357.08(b)(2) a rear yard depth of 18.5 feet is proposed instead of 20 feet and accessory parking spaces shall be striped to clearly identify the maneuvering areas and each space measuring not less than 180 square feet, accessible from the street, exclusive of drives or access area, and are to be used solely for parking of motor vehicles according to the provisions of Section 325.03 of the Codified Ordinances. (Filed 9-14-06; Motion for Rehearing granted 10-30-06)

**BOARD OF ZONING APPEALS
NOVEMBER 13, 2006**

POSTPONED FROM OCTOBER 16, 2006

**10:30
Calendar No. 06-154:**

**Violation Notice
5353 Dolloff Road**

**Ward 5
Phyllis Cleveland**

Otis Elkins, owner, and Kimberly Hill, tenant, appeal under the authority of Chapter 76-6 of the charter of the city of Cleveland and Section 329.02(d) from a Notice of Violation issued by the Building and Housing Department for unauthorized use of the property located at 5353 Dolloff Road, according to the provisions of Section 347.12(a)(1) of the Codified Ordinances. (Refiled 9-11-06; partial testimony taken.)

First postponement requested by the Councilwoman for additional discussion with the appellants about the Violation Notice.

POSTPONED FROM OCTOBER 23, 2006

**10:30
Calendar No. 06-192:**

3708 Whitman Avenue

**Ward 13
Joe Cimperman
7 Notices**

Junaid Hasan, owner, appeals to change the use of an existing dwelling and store building to a single family residence situated on a 30' x 103.5' corner parcel, located in a Two-Family District on the northeast corner of Whitman Avenue and West 38th Street at 3708 Whitman Avenue; contrary to Section 355.05, the lot width is 30 feet and 40 feet is required and the maximum gross floor area is 1,950 square feet instead of 4,800 square feet; and no interior side yard shall be less than a width of 5 feet on a corner lot occupied by a dwelling, nor less than a width of 3 feet for an interior lot, nor shall the aggregate width of side yards on the same premises be less than 10 feet, as stated in Section 357.09(2)B of the Codified Ordinances. (Filed 9-14-06; no testimony taken.)

First postponement requested by the Cleveland Landmarks Commission for time to review the proposed plan.
