

**BOARD OF ZONING APPEALS**

**APRIL 9, 2007**

**9:30**

**Calendar No. 07-34:**

**1625 East 45<sup>th</sup> Street**

**Ward 13**

**Joe Cimperman**

**9 Notices**

Gary Chen, owner, appeals for a change of use to auto repair in a vacant industrial storage building, situated on an acreage parcel located in a Semi-Industry District on the east side of East 45<sup>th</sup> Street at 1625 East 45<sup>th</sup> Street; where the proposed use abuts a Multi-Family District and is required to be not less than 100' from a residential district, as stated in Section 345.03(c)(2) of the Codified Ordinances.

(Filed 3-15-07)

**9:30**

**Calendar No. 07-35:**

**1370 West 89<sup>th</sup> Street**

**Ward 18**

**Jay Westbrook**

**9 Notices**

Algart Realty, owner and Gary Kline, appeal to construct a parking lot, proposed to be situated on a 40' x 106' parcel located in a Multi-Family District on the west side of West 89<sup>th</sup> Street at 1370 West 89<sup>th</sup> Street; contrary to Section 325.03 the proposed parking spaces measure 138 square feet and 180 square feet is required; and by the provisions of Section 349.13, when in the opinion of the Board of Zoning Appeals the best interests of the community will be served, a temporary or permanent use of land in a Residence District may be permitted for a parking lot provided that:

- 1) it is used only for parking of passenger automobiles of employees, customers or guests of the person or firm controlling and operating the lot who shall be responsible for its maintenance;
- 2) no charge is to be made for parking on the lot;
- 3) the lot is not to be used for sales, repair work or servicing of any kind;
- 4) the entrance to and exit from the lot are located so as to do the least harm to the Residence District;
- 5) no advertising sign or material is to be located on the lot;
- 6) all parking is to be kept back of the setback building line by barrier unless specifically authorized otherwise by the Board;
- 7) the parking lot and that portion of the driveway back of the building line are to be adequately screened from the street and from adjoining property in a Residence District by a hedge, sightly fence or wall not less than 4' high and not more than 5' high located back of the setback building line, and all lighting is to be arranged so that there will be no glare that is annoying to occupants of adjoining residential property, and the surface of the parking lot is to be smoothly graded, hard surfaced and adequately drained;
- 8) the building permit under which the lot is established is to be posted;
- 9) such other and further conditions as may be imposed where the Board deems necessary in any specific case to reduce the adverse effect of the proximity of a parking lot upon the character, development and maintenance of the Residence District in which the parking lot is to be located.

No parking shall be located within 10' of any wall of a residential building or structure if such wall contains ground floor opening designed to provide light or ventilation for such building or structure as stated in Section 349.05(a) and no fence shall be higher than its distance from a residence building on an adjoining lot according to Section 358.04(a) of the Codified Ordinances. (Filed 3-16-07)

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**9:30**

**Calendar No. 07-37:**

**2613-17 Scranton Road**

**Ward 14**

**Joseph Santiago**

**19 Notices**

John Bartley, owner, appeals to change from a gas station to an auto body and mechanical repair shop a use that is situated on a 118.6' x 168.19' flag shaped parcel, located in a Semi-Industry District on the east side of Scranton Road at 2613-17 Scranton Road; subject to the limitations of Section 345.03(c)(2), the proposed auto body and repair garage must be 100' from a residential district and the proposed use abuts a Multi-Family District; contrary to Section 357.07(a), there is parking in the required specific 10' setback; the parking spaces have inadequate space for maneuvering and are designed for vehicles to back into the street, contrary to Section 349.07(a); and a gravel lot is proposed where parking areas shall be properly graded with hard surface for drainage; there are no bumper guards proposed and the driveway width exceeds the maximum 30' width, contrary to Sections 349.07(b) and (c)(3); and the substitution of a nonconforming use requires the Board of Zoning Appeals approval, according to the provisions of Section 359.01(a) of the Codified Ordinances. (Filed 3-23-07)

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