

**BOARD OF ZONING APPEALS**

**MARCH 3, 2008**

**9:30**

**Calendar No. 08-18:**

**4733 Broadway Avenue**

**Ward 5**

**Phyllis Cleveland**

**14 Notices**

4733 Broadway LLC and William Freed, owner, appeal to construct a 6,000 square foot building expansion to an existing food processing operation and a 13 space accessory off-street parking lot, proposed to be on consolidated parcels, located in a General Retail Business District on the northeast side of Broadway Avenue at 4733 Broadway Avenue; subject to the provisions of Section 359.01, the Board of Zoning Appeals approval is required for the expansion of a nonconforming use, a food processing operation not permitted in a General Retail Business District but first permitted in a Semi-Industry District; and contrary to Section 352.08 through 352.11, no landscaping is provided and a 10 foot wide landscaped transition strip with 100 percent year-round opacity is required at the rear property line, where the property abuts an alley and a residential district; and in non-residential districts other than General and Unrestricted Industry Districts, fences in actual front yards may not exceed 4 feet in height and a 6 foot high fence is proposed contrary to Section 358.05(a)(2) of the Codified Ordinances. (Filed 2-1-08)

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**9:30**

**Calendar No. 08-21:**

**2201 East 49<sup>th</sup> Street**

**Ward 5**

**Phyllis Cleveland**

**11 Notices**

The Cleveland Metropolitan School District, owner, appeals to construct a 64,300 square foot Kindergarten through Eighth Grade two-story school on an acreage parcel between East 49<sup>th</sup> Street and East 55<sup>th</sup> Street, located in split zoning between Multi-Family and General Retail Business Districts at 2201 East 49<sup>th</sup> Street; contrary to Section 349.04(c), 41 parking spaces are proposed and 93 are required, 70 spaces for a 7,000 square foot gymnasium and 23 spaces for 45 staff members; and a proposed driveway is located less than a foot from the property line, contrary to Section 343.18(c), where any driveway providing access to a property shall be located so that there would be not less than 15 feet between the point of tangency of the driveway apron radius and prolongation of the property line to the curb measured at the curb line. Contrary to the Fence Regulations, an 8 foot high chain link fence is proposed and in residential and non-residential districts, other than General and Unrestricted Industry Districts, a fence in actual front yards shall not exceed 4 feet in height and in actual interior side yards shall not exceed a 6 foot height, as stated in Sections 358.04 and 05 of the Codified Ordinances. (Filed 2-4-08)

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**BOARD OF ZONING APPEALS  
MARCH 3, 2008**

**9:30**

**Calendar No. 08-23:**

**1829 East 55<sup>th</sup> Street**

**Ward 7**

**Fannie Lewis**

**40 Notices**

Oriana Services Inc., owner, appeal to expand the use of a correctional halfway house, proposed to be on consolidated parcels, located in a General Retail Business District, a Semi-Industry District and a Multi-Family District on the east side of East 55<sup>th</sup> Street at 1829 East 55<sup>th</sup> Street; the proposed expansion being subject to the provisions of Section 347.15(c) that require the Board of Zoning Appeals approval for the expansion of a correctional halfway house; and contrary to Section 347.15(f) 225 residents subject to correctional oversight are proposed where a maximum of 100 residents is allowed; and the limitations of 347.15(h) exclude residents from a correctional halfway house who have been convicted of felony crimes against children and applicant has admitted an offender convicted of a felonious sex offense against a child. There is no landscaping proposed contrary to Section 352.10, that requires a 6 foot wide landscape strip on East 55<sup>th</sup> Street and along Quimby and Hough Avenues where parking abuts the street; and there are 23 continuous parking spaces proposed in a row, contrary to Section 352.10(e), where island strips shall have a minimum area of 100 square feet each and shall be separated by no more than 20 parking spaces; and the provisions of Section 337.07(e) require a 15 foot wide transition strip where the lot abuts a residential district. No bumper guards are proposed and accessory off-street parking spaces shall be provided with wheel or bumper guards located so that no part of a parked vehicle extends beyond such parking space, as stated in Section 349.07(b) of the Codified Ordinances. (Filed 2-6-08)

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**POSTPONED FROM JANUARY 22, 2008**

**10:30**

**Calendar No. 07-257:**

**2835 West 11<sup>th</sup> Street**

**Ward 13**

**Joe Cimperman**

**10 Notices**

Erich Hooper, owner, appeals to establish a retail store in the ground level of a single family dwelling with residential occupancy on the second floor, located in a B1 Two-Family District on a 40' x 256' parcel on the east side of West 11<sup>th</sup> Street at 2835 West 11<sup>th</sup> Street; the proposed accessory use that involves trading (selling) of merchandise being subject to the limitations in a Residence District, where customary home occupation for gain may be carried out in the main building or in a rear building, provided that no non-resident help is employed, no trading in merchandise is carried on and no physical service is performed as stated in Section 337.23(a)(2) of the Codified Ordinances. (Filed 12-5-07; no testimony taken.)

**First postponement requested by the Councilman in order that the applicant may present the proposed plan to the community.**

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**BOARD OF ZONING APPEALS  
MARCH 3, 3008**

**POSTPONED FROM FEBRUARY 11, 2008**

**10:30**

**Calendar No. 08-7:**

**3123-27 East 65<sup>th</sup> Street**

**Ward 12**

**Anthony Brancatelli**

**6 Notices**

David Mathoslah, owner, and Daisha Thomas, prospective tenant, appeal to change the use from a store to a day care center in an existing one-story commercial building, situated on a 100' x 55' irregular shaped parcel located in a Two-Family District on the side of East 65<sup>th</sup> Street at 3123-27 East 65<sup>th</sup> Street; the proposed change, substitution, of a nonconforming use being subject to the provisions of Section 359.01(a) where existing nonconforming buildings and uses that lawfully exist on the effective date of this Zoning Code or of any amendment or supplement thereto, or for which a permit has been lawfully issued, may be continued even though such use does not conform to the provisions of the Zoning Code for the use district in which it is located, but no substitution or other change in such nonconforming use to other than a conforming use shall be permitted except by special permit from the Board of Zoning Appeals, provided that the Board finds, after public hearing, that such substitution 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 type or number of persons to occupy or be attracted to the premises, or in any other characteristic of the new use as compared with the previous one, as stated in Section 359.01(a) of the Codified Ordinances. (Filed 1-10-08; no testimony taken.)

**First postponement requested by Slavic Village Development Corporation for additional review with community input for the proposed plan.**

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