

**BOARD OF ZONING APPEALS
MARCH 31, 2008**

9:30

Calendar No. 08-28:

1901 West 25th Street

Ward 14

**Joseph Santiago
15 Notices**

Metzner Building LLC, owner, and Natalie Roelle and David Stalter, tenants, appeal to establish use for tattooing in the first floor space of an existing three-story mixed use building, located on a 66' x 156.75' parcel in a General Retail Business District at 1901 West 25th Street; subject to the limitations of Section 347.12(b)(1), where permitted in a particular use district, tattooing use cannot be established within 1000 feet of a residential district, a school or a church; and the proposed use is within 400 feet of residential districts to the north and south and is within 600 feet of St. Ignatius High School and St. Mary's Chapel; and contrary to the provisions for Specific Uses Regulated, the proposed tattooing use is within 300 feet of another such use at 2074 West 25th Street and, where permitted in a particular use district, cannot be within 1000 feet of another such use, according to Section 347.12(b)(2) of the Codified Ordinances. (Filed 2-14-08)

9:30

Calendar No. 08-38:

2155 West 6th Street

Ward 13

**Joe Cimperman
9 Notices**

Bay Homes LLC and Mike Wilmot, owner, appeal to erect a 20' x 42' three-story single family dwelling on a 25' x 100' parcel located in a B1 Multi-Family District on the north side of West 6th Street at 2155 West 6th Street; contrary to Section 355.05, a maximum gross floor area of 3,140 square feet exceeds 50 percent of the lot size or 2,500 square feet; contrary to Section 357.04(a), a 12 foot front yard setback is provided and 15 feet is required; and contrary to Section 357.09(2)A, a distance of 5 feet 4 inches is provided where a total width of 10 feet is required for the interior side yards on the same premises and a distance of 5 feet 11 inches is provided where no building shall be less than 10 feet from a main building on an adjoining lot; and contrary to Section 357.09(2)B, a 2 foot 8 inch interior side yard is provided where 3 feet is required; and front porches shall not project less than 10 feet from the property line and 9 feet is provided, contrary to Section 357.13(b)4 of the Codified Ordinances. (Filed 2-20-08)

9:30

Calendar No. 08-41:

3136-42 West 63rd Street

Ward 17

**Matthew Zone
8 Notices**

Richard R. Kassouf, Inc., owner, appeals to establish use as a used car lot, in-door prep/service area and storage in an existing building on a triangular shaped acreage parcel in an A3 Unrestricted Industry District located between West 63rd Street and Stock Avenue 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 by the provisions of Section 352.11; and accessory off-street parking spaces shall be provided with wheel bumper guards, located so that no part of a parked vehicle will extend beyond such parking space and no bumper guards are proposed, contrary to Section 349.07(b) of the Codified Ordinances. (Filed 2-22-08)

9:30

Calendar No. 08-42:

801 Literary Road

Ward 13

Joe Cimperman

11 Notices

BH&R Properties and Sean Whalen appeal to restore a nonconforming building located in a General Retail Business District on a 30' x 66' corner parcel on the southwest corner of Literary Road and Thurman Court at 801 Literary Road; subject to the limitations of Section 359.03(b), a nonconforming building or use more than 50 percent destroyed or removed by whatever cause, including acts of God but not including acts of malicious mischief or vandalism, shall not be restored or replaced except in conformity with the regulations for the district in which it is located; and the calculations provided in Section 357.09(b)(2)C measure approximately 13 feet for the required interior side yard where an existing approximate distance of 5 feet is proposed; and subject to the provisions of Section 357.08(b)(2), in a use district other than a Residence District a required rear yard depth in connection with a building of residential occupancy or Institutional H Occupancy Classification shall be not less than 15 percent of the depth of the lot but in no case less than 20 feet or less than one-half the height of the main building and the existing rear yard depth proposed is 6 feet; and according to Section 357.05(b)(2), on the rear lot of a corner lot in any use district where the rear lot line of the corner lot is also the side line of the butt lot in the rear, and a setback building line is established for such butt lot, no building shall be erected nearer to the side street at the rear line of the corner lot than the setback building line of the butt lot, provided that for each foot the building on the corner lot sets in from the rear lot line, it may be set one foot nearer to the side street line; and 6 parking spaces are required, one space for each dwelling unit and one for each 500 square feet of retail gross floor area, and none are proposed, contrary to Section 349.04 of the Codified Ordinances. (Filed 2-26-08)

9:30

Calendar No. 08-43:

10710 Edgewater Drive

Ward 18

Jay Westbrook

5 Notices

Peter Sikora, owner, appeals to construct a 6 foot high gate in the actual front yard of a 100' x 418' parcel located in an AA1 Limited One Family District on the north side of Edgewater Drive at 10710 Edgewater Drive; the proposed height being contrary to a 4 foot height that is allowed, as stated in Section 358.04(a) of the Codified Ordinances. (Filed 2-29-08)

POSTPONED FROM FEBRUARY 11, 2008

10:30

Calendar No. 07-222:

2856 Woodhill Road

Ward 4

Kenneth Johnson

9 Notices

Dennis Cleaning Company LLC, owner, and Starr Dickson, tenant, appeal to change use from a lounge to a day care center an existing two-story building on a 32.32' x 121.21' corner parcel, located in a Multi-Family District on the northwest corner of Woodhill Road and Kolar Avenue at 2856 Woodhill Road; and no expansion or change of an existing nonconforming use shall be permitted except as a variance under the terms of Chapter 329, and 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. Such special permit may be issued only if the Board finds after public hearing that such 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 be attracted to the premises or in any other characteristic of the new use as compared with the previous use, according to Section 359.01(a) of the Codified Ordinances. (Filed 10-31-07; testimony taken.)

Second postponement requested by the applicant for added time to communicate with the Councilman about the adjacent vacant City lot and to submit a detail specific plan for the proposed day care center.

POSTPONED FROM JANUARY 14, 2008

10:30

Calendar No. 07-263:

4239 Lee Road

Ward 1

Nina Turner

7 Notices

Open Pantry c/o Mohammed Alahmad, owner, appeal to erect a 222 square foot storage addition to an existing service station and store on a 100' x 190' corner parcel, located in a General Retail Business District on the northeast corner of Lee Road and Deforest Avenue at 4239 Lee Road; contrary to Section 352.09, no transition strip is proposed, and a 10 foot wide transition strip is required along the northeast property line where the lot abuts a One-Family District; and contrary to Section 357.07, a dumpster is located within the 15 foot specific setback that is required along Deforest Avenue according to the Zoning Map; and no expansion of an existing nonconforming use shall be permitted except as a variance under the terms of Chapter 329, and 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. Such special permit may be issued only if the Board finds after public hearing that such 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 be attracted to the premises or in any other characteristic of the new use as compared with the previous use, according to Section 359.01(a) of the Codified Ordinances. (Filed 12-26-07; testimony taken.)

First postponement requested by the Councilwoman for a meeting to occur between her, the applicant property owner, the tenant and the neighboring community about the proposed addition.
