

**BOARD OF ZONING APPEALS
JULY 7, 2008**

9:30

**Appeal of
Ace Taxi Service**

Calendar No. 08-115:

Ace Taxi Service appeals under the authority of Section 76-6 of the Charter of the City of Cleveland from a ruling by the Commissioner of Assessments and Licenses to assess a fine for violation of Section C-1(c), ensure that request for taxicab service is responded to within a reasonable time, as stated in the Rules and Regulations for taxicab drivers according to the provisions of Section 443.012 of the Cleveland Codified Ordinances. (Filed 6-4-08)

9:30

Calendar No. 08-116:

2011 West 20th Street

**Ward 13
Joe Cimperman
5 Notices**

Elizabeth Ilg, owner, appeals to erect an 8' x 21.6' two-story, frame, single family second floor addition to an 1 1/2-story frame dwelling on a 30.24' x 54.75' parcel located in a B1 Two-Family District on the east side of West 20th Street at 2011 West 20th Street; contrary to Section 349.04(a) no parking is provided; one space is required; a maximum gross floor area of 1,688 square feet is provided contrary to Section 355.04(b) that allows fifty percent of the lot size or 983 square feet; and contrary to Section 357.08(b)(1) a rear yard of 7.8 feet is proposed where the depth may not be less than the height of the main building or 35 feet; and a distance of 7 feet is provided where not less than 10 is required from a main building on an adjoining lot; and a 1 foot minimum interior side yard rather than 3 feet is provided and is contrary to a total of both side yards being an equivalent of not less than 10 feet and are contrary to Sections 357.09(2)A and B; and the existing nonconforming use building requires the Board of Zoning Appeals approval according to the provisions of Section 359.01(a) of the Codified Ordinances. (Filed 6-6-08)

9:30

Calendar No. 08-117:

3020 West 105th Street

**Ward 18
Jay Westbrook
3 Notices**

Khambong Vongsouvanh, owner, appeals to erect a 7' x 20' wolmanized wooden deck at the rear of a one family dwelling on a 25' x 105' corner parcel in a Local Retail Business District on the southwest corner of West 105th Street and Western Avenue at 3020 West 105th Street; contrary to Section 357.07 a setback of 2 feet is provided and the specific building line setback requirement is 5 feet; and the existing nonconforming use dwelling is subject to the Board of Zoning Appeals approval according to the provisions of Section 359.01 of the Codified Ordinances.

(Filed 6-6-08)

9:30

Calendar No. 08-119:

2800 Clinton Avenue

**Ward 13
Joe Cimperman
11 Notices**

Rock Salt, Inc., owner, and Marc Lynn, tenant, appeal to change and expand use by adding entertainment to an existing tavern/restaurant in a one-story building on a 28' x 50' corner parcel located in a Semi-Industry District on the northwest corner of Clinton Avenue and West 28th Street; subject to the limitations of Section 347.12(a), a tavern/restaurant with entertainment shall not be established within 500 feet of a residence district or a church and the proposed use is within 50 feet of a residence district and 400 feet of a church located at West 26th Street and Church Avenue; no accessory off-street parking is provided contrary to Section 349.04(e) that requires a parking area equal to one-third the gross floor area or 4,170 square feet for an accessory off-street parking area; and the expansion 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 6-10-08)

9:30

Calendar No. 08-120:

668 Euclid Avenue

Ward 13

Joe Cimperman

10 Notices

668 Atrium, owner, and K & D Development appeal to change the use of an eight-story office building to retail on the first floor and 233 dwelling units on the remaining floors, situated on an acreage through parcel located in an E5 General Retail Business District on the south side of Euclid Avenue at 668 Euclid Avenue; contrary to Section 355.04, a maximum gross floor area of approximately 300,000 square feet is proposed and in an "E" area district, the maximum gross floor area cannot exceed one and one-half times the lot area or 104,841 square feet; and subject to requirements for yards and courts under Section 357.01(c), side and rear yards are required for residence buildings in General Retail Business Districts. No side yards are proposed contrary to the provisions of Section 357.09(b)(2)(C) that requires side yards that are each equal to one-fourth the height of the building; and no rear yard is proposed contrary to the requirement for a rear yard no less than one-half the height of the building, as stated in Section 357.08(b)(2) of the Codified Ordinances. (Filed 6-10-08)

POSTPONED FROM JUNE 16, 2008

10:30

Calendar No. 07-222:

2856 Woodhill Road

Ward 4

Kenneth Johnson

8 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; dismissed 5-12-08; reinstated 5-19-08.)

Postponement allowed for applicant to complete City Land Bank parcel application and negotiations for shared parking use with neighboring church.

POSTPONED FROM JUNE 9, 2008

10:30

Calendar No. 08-90:

9310 Amesbury Avenue

Ward 7

Fannie Lewis

6 Notices

Amesbury-Rosalind Estates, owner, appeal to install a 6 foot high chain link fence in the actual front yard of an acreage parcel located in a Multi-Family District on the south side of Amesbury Avenue at 9310 Amesbury Avenue; the fence and height being contrary to the Fence Regulations, where a fence in the actual front yard of a residence district may not exceed 4 feet in height and must be an ornamental fence, according to Section 358.04(a) and (c) of the Codified Ordinances. (Filed 5-1-08; testimony taken.)

First postponement granted for applicant to either provide an improved plan that may include input from the Councilwoman, or to install/replace damaged fence according to the Code.
