

June 4, 2012

9:30

Calendar No. 12-61:

602 East 185th Street

Ward 11

Michael Polensek

23 Notices

Atlas Financial Services, owner, and Fabian Crawford, prospective tenant appeal to establish a tattoo parlor in a portion of store space on a 70' x 115.63' corner lot in a C1 Local Retail Business District; contrary to Section 343.01 the proposed use is not permitted and first permitted in a General Retail Business District with the provisions in Section 343.11(b)(2)(P) for tattooing and body piercing; and that the use must be at least 1,000 feet from a residential district and a church, per Section 347.12(b)(1), and the use is proposed within 1,000 feet of a residence district and a church, Beachland Presbyterian Church 18100 Canterbury Road, to the east.

(Filed 4-4-12)

9:30

Calendar No. 12-62:

1762 East 89th Street

Ward 7

TJ Dow

10 Notices

Tina Humphrey, owner appeals to change the use of a residential dwelling to a Type A Day Care, located on a 40' x 147.37' lot in a C1 Multi-Family District, and under the provisions in Section 337.08, the proposed use may be permitted if it is located not less than fifteen feet from any adjoining premises in a Residence District not used for a similar purpose; and it is subject to the review and approval of the Board of Zoning Appeals to determine, after public notice and hearing, 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 use is appropriately located and designed and will meet a community need without adversely affecting the neighborhood. (Filed 4-4-12)

9:30

Calendar No. 12-81:

3400 Carnegie Avenue

Ward 5

Phyllis Cleveland

6 Notices

The Comella Trust, James Comella, owner, and Anthony Mendolera, tenant, appeal to erect a 30' x 40' tent at a farmers' market for use from May 16 to September 16, 2012; contrary to Section 347.10(a) that limits to 30 days in duration the use for a temporary permit; and in accordance with Section 347.10(b) in the Cleveland Codified Ordinances, such temporary permit shall constitute a temporary waiver of off-street parking requirements. (Filed 5-3-12)

9:30

Calendar No. 12-82:

4280 Fulton Road

Ward 13

Kevin Kelley

7 Notices

Phylos Investments Ltd., owner, and O'Reilly Auto Parts, tenant, appeal to erect an 8' x 12'-6" x 17'-6" height, double face illuminated shopping center pole sign and two (2) single face illuminated wall signs identifying a single retail store on an acreage parcel located in a C1 Shopping Center District; contrary to the Sign Regulations under Section 350.14 and sub-sections (b) a pole sign height of 17'-6" is requested contrary to the maximum allowed height of 12 feet; and (c) a 1.88 feet distance is requested from the street right-of-way line contrary to the minimum of 3 feet; and (d) two identification wall signs are requested contrary to the limitation of one; and (d)(2) a pole sign measuring 100.8 square feet is requested contrary to the limit of 50 square feet that is permitted for a shopping center pole sign. (Filed 5-3-12)

9:30

Calendar No. 12-83:

11327 Bellflower Road

Ward 9

Kevin Conwell

13 Notices

Case Western Reserve University, owner, appeals to construct a parking lot on a 90' x 195' parcel located in an A1 One-Family District; and by the provisions under Section 348.13(c)(d), the Board of Zoning Appeals may permit, temporarily or permanently, the use of land in a Residence District for a parking lot when the best interests of the community will be served according to the Cleveland Codified Ordinances. (Filed 5-4-12)

9:30

Calendar No. 12-90

4408 Detroit Avenue

Ward 3

Joe Cimperman

20 Notices

Karen O'Malley, owner, appeals to change/expand use from bar/restaurant to bar/restaurant with live entertainment, including outdoor live entertainment, on an acreage parcel located in a D2 Local Retail Business District; subject to the limitations under Section 343.01(b)(2)(F) the proposed change/expansion is not permitted and first permitted in a General Retail Business District provided the use is sufficiently sound-insulated to confine the noise to the premises, per Section 343.11(b)(2)(L), and is at least 500 feet from a residence district, per Section 347.12(a)(1). Outdoor entertainment is proposed within 500 feet of a residence district to the south. (Filed 5-16-12)

POSTPONED FROM APRIL 16, 2012

10:30

Ward 4

Calendar No. 11-233:

3342 East 119th Street

Kenneth Johnson

21 Notices

Covenant Community Church of Cleveland, owner, appeals to expand the use of a church to accommodate a day care center located in a B1 Two-Family District; subject to Section 359.01 of the Cleveland Codified Ordinances, no enlargement or expansion is 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 issued only if the Board finds after public hearing that such substitution or other 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 to be attracted to the premises, or in any other characteristic of the new use as compared with the previous use; and the proposed expansion to accommodate a day care with the church and its uses requires the Board of Zoning Appeals approval to determine that adequate yard spaces and other characteristics to protect the character of the neighborhood are provided; and landscaping strips along the church parking lots shall be maintained according to Section 352.06 and as shown on the original plan for the proposed expansion. (Filed 12-6-11; testimony taken.)

Final postponement granted for the appellant to consult with the City Planning planner on finalizing and submitting a plan that meets with approval from the Southeast Business Revitalization District and Mt. Pleasant NOW Development Corporation.

POSTPONED FROM APRIL 30, 2012

10:30

Ward 12

Calendar No. 12-12

5418 Fleet Avenue

Anthony Brancatelli

18 Notices

2281 Sullivant LLC/ Amer Al Ahmad, owner, appeals to change the use of a property at 5418 Fleet Avenue in a Local Retail B1 District from a storage use to a minor motor vehicle repair use; such use being contrary to the provisions of Zoning Code Section 343.01, which prohibit minor motor vehicle repair in a Local Retail District, with such use being first permitted in a General Retail District; and contrary to the provisions of Section 349.07(b), which require wheel or bumper guards; and contrary to the provisions of Section 349.07(c)(3), which limit the width of driveways to 30 feet; and contrary to the provisions of Section 343.18(c), which require a driveway to be set back at least 15 feet from a property line, whereas only 3 feet is provided; and contrary to the provisions of Section 352.08-352.11, which require a 10'-wide landscape transition strip along the adjoining Two-Family District, and only a 3'-wide strip is provided, and which require a 6'-wide frontage strip along East 55th Street where parking abuts the street and none is provided. (Filed 1-20-12; no testimony taken.)

Third postponement granted at request of appellant's architect for time to complete an improved plan.

POSTPONED FROM MAY 7, 2012

10:30

Ward 10

Calendar No. 12-64:

662 East 140th Street

Eugene Miller

17 Notices

Joseph Saleh, owner, appeals to establish use as a retail grocery store with two residential units in an existing two-story building on a 40' x 120' lot in a C1 Residence Office District; subject to the limitations under Section 337.10, a retail grocery store is not a permitted use and is first permitted in a Local Retail Business District; and according to Cleveland Codified Ordinance 359.02(a)(b), a nonconforming use of a

building or premises which has been discontinued shall not thereafter be returned to such nonconforming use and shall be considered discontinued:

(1) when the intent of the owner to discontinue the use is express; or (2) when the use is voluntarily discontinued for six (6) months or more- the intent to voluntarily discontinue a use may be implied from acts or the failure to act, including, but not limited to, the removal of and failure to replace the characteristic equipment and furnishings; or, (3) the cessation of business operations for two (2) years or more unless the cessation of business operations was caused by factors out of the control of the business such as the disability or illness of the proprietor or governmental action unrelated to the behavior of the business; and if the business operations have ceased for more than two (2) years, the presence of characteristic equipment and furnishings is not relevant. (Filed 4-9-12; testimony taken.)

First postponement granted for the Councilman to convene a meeting with the appellants, the community and the local development corporation to review the proposed plan for use.