



Board of Zoning Appeals

601 Lakeside Avenue, Room 516

Cleveland, Ohio 44114-1071

[Http://planning.city.cleveland.oh.us/bza/bbs.html](http://planning.city.cleveland.oh.us/bza/bbs.html)

216.664.2580

APRIL 18, 2016

9:30

Calendar No. 16-47:

Violation Notice

5418 Fleet Avenue

Ward 12

2281 Sullivant LLC, owner, appeals under the authority of Section 76-6 of the Charter of the City of Cleveland and Section 329.02(d) of the Cleveland Codified Ordinances from a Notice of Violation Number V16002247 issued on January 22, 2016 by the Cleveland Department of Building and Housing for failure to comply with Section 327.02 (C) of the Cleveland Codified Ordinances which states that there shall be no change or substitution of the use of any building or premises, nor shall any premises be occupied for any new use until a Certificate of Occupancy has been issued (Filed February 24, 2016).

ON REMAND FROM COURT OF COMMON PLEAS

9:30

Calendar No. 12-90:

4408 Detroit Ave.

Ward 3

Joe Cimperman

21 Notices

Karen O'Malley, pursuant to the Journal Entry of the Cuyahoga County Common Pleas Court in Case-CV-12-786398 dated December 1, 2015, and the judgement of the Eight District Court of Appeals dated May 1, 2014 in case number 100266, where the Courts, having reviewed the entire record, remanded the case to the City of Cleveland Board of Zoning Appeals to address the issue of unnecessary hardship under Codified Ordinance Section 329.03(b), appeals for a use variance and relief from a strict application of regulations in the Cleveland Zoning Code to have permission for a change/expansion of 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. **All testimony given at the June 4, 2012 hearing will be a part of the record in this case and will be reviewed by the Board prior to its determination. It is not necessary for witnesses to attend the hearing to repeat the testimony given at the June 4, 2012 hearing; however they may attend and testify if desired.**