



BOARD OF ZONING APPEALS

601 Lakeside Avenue, Room 516

Cleveland, Ohio 44114-1071

<https://planning.clevelandohio.gov/bza/cpc.html>

216.664.2580

MARCH 27, 2023

9:30AM

Under the conditions specified by law, the Board of Zoning Appeals will be conducting virtual meetings using the WebEx Platform. The Board of Zoning Appeals will also be live streamed on YouTube. The links for the live streams will be available before the meeting on our website at:

<http://www.clevelandohio.gov/CityofCleveland/Home/Government/CityAgencies/CityPlanningCommission/ZoningAppeals>

Or https://www.youtube.com/channel/UCB8ql0Jrhm_pYIR1OLY68bw/

In order to keep the WebEx session manageable, we are asking individuals that wish to participate in the meeting to contact the Board of Zoning Appeals office by phone or email by noon on March 24, 2023. Those individuals not planning to comment on any agenda item during the WebEx session are encouraged to view one of the live streams.

IF YOU WISH TO PARTICIPATE AND OR GIVE TESTIMONY contact the Board of Zoning Appeals office and request at 216-664-2580. You can also email us boardofzoningappeals@clevelandohio.gov.

Calendar No. 23-047:

2187 Overlook Rd.

Ward 6

Blaine Griffin

McGregor at Overlook and Case Western Reserve University propose to change use from nursing home to student housing/dormitory. The appellant seeks relief from the strict application of the following section of the Cleveland Codified Ordinances:

- 1.) Section 337.02(g)(1) which states that a temporary or permanent use of a building by a nonprofit organization for a dormitory, fraternity or sorority house, for the accommodation of those enrolled in or employed by an educational institution is permitted if approved by the Board of Zoning Appeals after public notice and public hearing, and if adequate yard spaces and other safeguards to preserve the character of the neighborhood are provided, and if in the judgement of the Board such buildings and uses are appropriately located and designed and will meet a community need without adversely affecting the neighborhood.

POSTPONED FROM JANUARY 3, 2023

Calendar No. 22-220:

6100 Truscon Avenue.

**Ward 5
Richard Starr**

Madprop LLC, proposes to install 513 linear feet of ten foot high electrified security fence. The owner appeals for relief from the strict application of the following section of the Cleveland Codified Ordinances:

1. Section 358.05(a)(1) which states in General and Unrestricted Industry Districts, fences in actual front yards and in actual side street yards shall not exceed six (6) feet in height and may be either open or solid. A ten foot high electrified fence is proposed in actual front yard. *POSTPONED FROM JANUARY 3, 2023 TO ALLOW TIME FOR THE APPELLANT TO MEET WITH THE COUNCILMAN AND A REPRESENTATIVE OF SLAVIC VILLAGE DEVELOPMENT CORPORATION. POSTPONED FROM FEBRUARY 27 AT THE REQUEST OF THE APPELLANT TO ALLOW TIME FOR THE OWNER TO BE PRESENT AT THE MEETING WITH THE COUNCILMAN AND SLAVIC VILLAGE.*

POSTPONED FROM FEBRUARY 13, 2023

Calendar No. 23-004:

9721 Union Avenue

**Ward 6
Blaine Griffin**

Regis Williams, proposes to establish use as Residential Facility for five occupants in a B1 Two-Family Residential District. The owner appeals for relief from the strict application of the following sections of the Cleveland Codified Ordinances:

1. Section 325.571 which states that a residential facility means a publicly or privately operated home or facility, licensed pursuant to state law, that provides accommodations, supervision, and personal care services to any of the following: (a) one (1) or two (2) unrelated persons with mental illness; (b) one (1) or two (2) unrelated adults who are receiving residential state supplement payments as defined in the Ohio Revised Code; or (c) three (3) to sixteen (16) unrelated adults.
2. Section 337.03(h) which states a residential facility, as defined in this chapter, for one (1) to five (5) unrelated persons, is not permitted if located less than one thousand (1,000) feet from another residential facility. Proposed Residential Facility use is within one thousand (1,000) feet from another Residential Facility, at 10002 Benham Avenue (Destiny Fulfilled Adult Living). *POSTPONED FROM FEBRUARY 13 TO ALLOW TIME FOR THE APPELLANT TO MEET WITH THE COUNCILMAN. TESTIMONY TAKEN.*

POSTPONED FROM MARCH 6, 2023

Calendar No. 23-012:

4020 W. 161st Street.

Ward 17

Charles Slife

Daniel Rabkewych, proposes to construct a one story attached garage addition in an A1 One-Family Residential District. The owner appeals for relief from the strict application of the following section of the Cleveland Codified Ordinances:

1. Section 357.09(b)(2)(B) which states in a one family district the minimum distance to the property line is 10 feet and the minimum distance between main buildings on adjoining lots is 10 feet.

Proposed addition is within 12 inches to the property line and 9 feet 6 inches to adjacent residence.

POSTPONED TO ALLOW TIME FOR THE APPELLANT TO MEET WITH THE NEIGHBOR. TESTIMONY WAS TAKEN

POSTPONED FROM MARCH 6, 2023

Calendar No. 23-032

3967 East 93rd Street.

Ward 2

Kevin Bishop

FPT. Land IV. LLC., and Wheeling Lake and Erie Railroad Company propose to establish use as stone material storage and trucking yard in a B2 Semi-Industry District. The appellants seek relief from the strict application of the following sections of the Cleveland Codified ordinances:

1. Section 345.03(b) which states that open-yard storage of dirt, soil, crushed stone or gravel, mulch or construction material, is not permitted in a Semi Industry Zoning District but first permitted in a General Industry Zoning District (per Section 345.04(a)(3)) provided the lot upon which the storage use occurs is located no closer than five hundred (500) feet from a Residence District, and such uses are enclosed within a minimum seven (7) foot high solid masonry wall or solid, nontransparent, well-maintained substantial fence. The proposed use is within 500 feet of a Residence District to the southwest, and is not completely enclosed with required fence. Materials shall not be stored more than eight(8) feet above the top height of the wall or fence enclosing the property measured from the outside base elevation of the required screening fence.
2. Section 349.07(a) which states accessory off-street parking spaces, driveways and maneuvering areas shall be properly graded for drainage so that all water is drained within the lot providing such parking spaces, surfaced with concrete, asphaltic concrete, or asphalt. No drainage or paving provided.

POSTPONED FROM MARCH 6 AT THE REQUEST OF THE APPELLANT SO THAT A FULL COMPLEMENT OF BOARD MEMBERS CAN BE PRESENT (ONLY 3 PRESENT ON THAT DATE)

Calendar No.23-048: Charles Hoven and Laura Cyrocki appeals the decision of the Chief Building Official to Issue Certificates of Occupancy for 1975 and 1981 Ford

Charles Hoven and Laura Cyrcoki appeal 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 the decision of the Chief Building Official of Building and Housing to issue Certificates of Occupancy CO22027954 and CO22031655 for 1975 and 1981 Ford Drive on October 21, 2022.

POSTPONED FROM MARCH 13, 2023

Calendar No.23-030: Chuck Hoven, Eric Ambro and Laura Cyrocki appeals the decision of the Cleveland Landmarks Commission

Chuck Hoven, Eric Ambro, Laura Cyrcoki appeal 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 the decision of the Cleveland Landmarks Commission to issue a Certificate of Appropriateness for an addition at 1975 Ford Drive on January 12, 2023. *NO TESTIMONY TAKEN. POSTPONEMENT MADE AT THE REQUEST OF THE APPELLANT TO PUSH HEARING TO A DATE WHEN 5 MEMBERS WILL BE PRESENT.*