

**BOARD OF ZONING APPEALS  
JANUARY 20, 2004**

**9:30**  
**Calendar No. 03-338:            18920 Fairville Avenue            Ward 21**  
**Michael Dolan**  
**4 Notices**

Diane Muzychenko, owner, appeals to erect a 16' x 10' frame front porch to an existing two-story frame, one family dwelling situated on an approximate 58' x 187' parcel in a One-Family District located on the north side of Fairville Avenue near the intersection of Fairville Avenue and West 190<sup>th</sup> Street at 18920 Fairville Avenue; contrary to the Yards and Courts Regulations where a 10' porch projection is provided and open porticos or porches may not project more than 6' as stated in Section 357.13(b)(4) of the Codified Ordinances. (Filed 12-15-03)

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**9:30**  
**Calendar No. 03-339            2062 East 30<sup>th</sup> Street            Ward 5**  
**Frank Jackson**  
**5 Notices**

Zion Evangelical Lutheran Church, owner c/o Thomas Sippola, agent, appeals to install 72 l/f of 6'4" high ornamental fence with a gate at the front of an existing two-story brick and stone church, situated on a 78' x 298' irregular corner parcel located in a General Retail Business District on the southwest corner of East 30<sup>th</sup> Street and Prospect Avenue at 2062 East 30<sup>th</sup> Street; the proposed fence being contrary to the Fence Regulations where a 6'4" fence height is proposed and the maximum height of fence in the front 10' setback along East 30<sup>th</sup> Street is 4' as stated in Section 358.05(a)(2) of the Codified Ordinances. (Filed 12-15-03)

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**9:30**  
**Calendar No. 03-340:            2900 Detroit Avenue            Ward 13**  
**Joe Cimperman**  
**9 Notices**

2900 Detroit Ltd., c/o Andrew Watterson, appeal to establish use as an office an existing three-story brick building situated on a 60' x 192' corner parcel in a Semi-Industry District on the northwest corner of Detroit Avenue and West 29<sup>th</sup> Street at 2900 Detroit Avenue; the use being contrary to the Off-Street Parking and Loading Requirements which provide that off-street parking requires that there be one space for each 500' s/f of gross floor area (20,400' gross floor area) and 15 spaces are proposed inside of the building and must meet the O.B.C., and a total of 41 spaces are required as stated in Section 349.04(g) of the Codified Ordinances. (Filed 12-15-03)

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**9:30**

**Calendar No. 03-341: 1871 West 25<sup>th</sup> Street**

**Ward 14**

**Nelson Cintron  
17 Notices**

Rialto Corporation c/o Paul Cirjak, owner, and Moda, c/o Michael Vanuum, tenant, appeal to expand an existing nonconforming night club use, previously granted by the Board of Zoning Appeals in Calendar No. 01-47, by adding a 1,500 s/f outdoor patio and increasing the occupancy by 100 persons for a 60' x 84' brick building situated on a 66' x 157' parcel located in a General Retail Business District on the east side of West 25<sup>th</sup> Street at 1871 West 25<sup>th</sup> Street; the proposed expansion being contrary to the provisions of Specific Uses Regulated in Section 347.12(a) that require a night club to be 500' from a Residential District and the location is within 100' of a Multi-Family District to the east; and contrary to the Off-Street Parking and Loading Requirements of Section 349.04(e), where a parking area equal to three times the gross floor area (5,400 s/f – 54 spaces) is required and none is provided; and subject to the provisions under Nonconforming Uses, where an expansion of a nonconforming use requires the Board of Zoning Appeals approval as stated in Section 359.01 of the Codified Ordinances.  
(Filed 12-18-03)

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**9:30**

**Calendar No. 03-342: 15721-23 Waterloo Road**

**Ward 11**

**Michael Polensek  
11 Notices**

Northeast Shores Development Corporation c/o Brian Friedman, owner, appeals to expand a day care use previously granted by the Board of Zoning Appeals in Calendar No. 99-189 by adding an occupancy of 7 staff persons, 24 children and use of 590' s/f of floor space in the existing approximate 180' x 40' "T" shaped one and two-story office and day care building, situated on a 185' x 173' parcel in a Local Retail Business District on the north side of Waterloo Road at 15721-23 Waterloo Road; the day care facility being subject to Residential Districts Regulations that require it to be located at least 30' from an adjoining premises in a Residential District and requires the Board of Zoning Appeals approval for adequate side yard spaces and other safeguards to preserve the character of the neighborhood as stated in the One-Family District Regulations of Sections 337.02(f)(3)(c) and subject to the provisions for Nonconforming Uses that require the Board of Zoning Appeals approval for the expansion of an existing nonconforming use as state din Section 359.01 of the Codified Ordinances.  
(Filed 12-19-03)

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**POSTPONED FROM DECEMBER 15, 2003**

**10:30**

**Calendar No. 03-299:**

**2800 East 90<sup>th</sup> Street**

**Ward 4**

**Kenneth Johnson**

**9 Notices**

Lomack Drum Company, owner, and Gray Barrel & Drum, tenant c/o Kenneth Gray, appeal to change the use of an existing approximate 55' x 96' factory building to a use for vehicle maintenance and the shredding of plastic drums, all situated on an approximate 337' x 448' irregular shaped parcel located in a General Industry District on the west side of East 90<sup>th</sup> Street at 2800 East 90<sup>th</sup> Street; the proposed change of use being contrary to the Industrial Districts Regulations where a chain link fence is proposed for open yard storage and it is required that open yard storage be enclosed within a minimum of 7' high solid masonry wall or a slightly solid, non-transparent, well-maintained substantial fence as stated in Section 345.04(A)(3). (Filed 10-20-03 testimony taken.)

**Second postponement granted for appellants to consult with the local development corporation and provide a detail specific plan; one that identifies where there is storage use on the property.**

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**10:30**

**Calendar No. 03-315:**

**3611 Payne Avenue**

**Ward 13**

**Joe Cimperman**

**7 Notices**

Eric Duong , owner, and Kevin Morand, agent, appeal to change the use of an existing 170' x 92' one-story laundry and office masonry building into a warehouse storage and distribution facility situated on a 270' x 150' irregular shaped parcel located in a Local Retail Business and a Two-Family District on the northeasterly corner of Payne Avenue and East 36<sup>th</sup> Street at 3611 Payne Avenue aka 1629-33 East 36<sup>th</sup> Street; said change of use being contrary to Section 337.03 where a warehouse is not permitted in a Two-Family District and Section 343.01 where a warehouse is not permitted in a Local Retail Business District but is first permitted in a Semi-Industry District as stated in Section 345.03(c)(33) and contrary to the Off-Street Parking and Loading Regulations of Section 349.04 where 6 parking spaces are required and none are proposed and contrary to the Landscaping and Screening Requirements, where an 8' landscape strip and a 6' screened fence are required at the rear of the property and none is proposed and a 6' landscape strip is required along East 36<sup>th</sup> Street as stated in Sections 352.10 and 352.11 of the Codified Ordinances. (Filed 11-7-03; no testimony taken.)

**First postponement granted at request of the Councilman.**

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