

**BOARD OF ZONING APPEALS**

**APRIL 25, 2005**

**9:30**

**Calendar No. 05-39:**

**6104 Storer Avenue**

**Ward 17**

**Matthew Zone**

**16 Notices**

Khalil Ewais, owner, appeals to expand an existing restaurant to include a drive-through, carry-out service, by consolidating three parcels facing on Storer Avenue, situated on an 83' x 84' corner lot in a General Retail Business District on the northwest corner of Storer Avenue and West 61<sup>st</sup> Street at 6104 Storer Avenue; contrary to Section 352.11, only partial landscaping is provided on the north side of the lot between the General Retail Business District and the abutting Two-Family District where a 10' wide landscaping strip with 75% year-round opacity is required; and Section 347.16(f) requires that a drive-through establishment shall have a lot area of not less than 12,000 s/f and approximately 6,972 s/f is provided; and contrary to Section 343.18(a) there are two driveways along Storer Avenue where no more than one driveway is permitted on a lot with a frontage of 100' or less; with approximately 5' between successive driveways along Storer Avenue, instead of a 30' minimum of unbroken curb between successive driveways, as stated in Section 343.18(e) of the Codified Ordinances. (Filed 2-25-05)

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**9:30**

**Calendar No. 05-64:**

**4376 Pearl Road**

**Ward 16**

**Michael O'Malley**

**11 Notices**

Thomas Walsh, owner, appeals to construct a 34' x 60' one-story, steel structure to be a retail store and auto repair use, situated on a 47' x 159' parcel in a Local Retail Business District on the west side of Pearl Road at 4376 Pearl Road; the proposed unspecified automotive services are contrary to Section 343.01 and not allowed in a Local Retail District but first permitted in a Semi-Industry District; and contrary to Section 357.07 and the Zoning Map, a 2' setback is proposed where a specific setback of 17' is required along Pearl Road; and Section 339.03 requires that access and maintenance of off-street parking, the driveway and maneuvering areas be properly graded for drainage; and as proposed, the driveway is located outside of the lot with no clear entrance to the parking spaces; and where bumper guards are required by Section 339.03(b), none are proposed; there is no transition strip at the rear of the lot to separate it from the abutting Two-Family District and an 8' wide transition strip is required, according to Section 352.09 of the Codified Ordinances. (Filed 3-22-05)

**BOARD OF ZONING APPEALS**

**APRIL 25, 2005**

**9:30**

**Calendar No. 05-65:**

**1583 East 31<sup>st</sup> Street**

**Ward 13**

**Joe Cimperman**

**21 Notices**

Mueller Electric, owner, and Mueller Condominiums LLC c/o Tesco, prospective purchaser, and Scott Bofinger, agent, appeal to change an existing two-story office and warehouse building to a use for condominiums, situated on a 330' x 132' lot in a Semi-Industry District on the east side of East 31<sup>st</sup> Street at 1583 East 31<sup>st</sup> Street; contrary to Section 357.04(b) of the Area Regulations for Residence Buildings in any use district, a floor area of 93,600 s/f is proposed where the maximum gross floor area is equal to approximately 43,560 s/f; and Section 357.08(b)(2) requires that there be no less than a 20' rear yard for a building of residential occupancy; but Section 357.08(b)(4) modifies the requirement to allow one-half of a 12' wide alley at the rear of the building to be assumed as a portion of the rear yard, or a proposed 6' rear yard; and Section 357.09(b)(2)C requires that interior side yards in connection with multiple dwellings be no less than 8' and none are proposed on the north side of the lot, nor is a detailed site plan provided; and the City Planning Commission approval is required in Section 337.25 of the Codified Ordinances. (Filed 3-22-05)

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**9:30**

**Calendar No. 05-66:**

**6100 Memphis Avenue**

**Ward 16**

**Michael O'Malley**

**7 Notices**

Anthony DiDonato, owner, appeals to install a double face, illuminated, freestanding pole sign in the front of a commercial building, situated on a 40' x 125' lot in a Local Retail Business District on the north side of Memphis Avenue at 6100 Memphis Avenue; subject to the limitations for Sign Regulations, the proposed sign is 18' high and the maximum sign height permitted is 12' as stated in Section 350.14(b) of the Codified Ordinances. (Filed 3-23-05)

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**BOARD OF ZONING APPEALS**  
**APRIL 25, 2005**  
**POSTPONED FROM MARCH 21, 2005**

**10:30**  
**Calendar No. 04-330: Appeal of**  
**North Coast Payphones**  
**ClevePhones, Inc.**

North Coast Payphones/ClevePhones, Inc. c/o Howard Meister, president, appeals under Section 76-6 of the Charter of the City of Cleveland from an order to remove outdoor payphones from thirteen (13) sites, identified by the Commissioner of Assessments and Licenses on December 14, 2004, under the authority of Section 670B.06, where the appellant is ordered to remove the payphones that have been declared a nuisance by the Director of Public Safety. (Filed 12-27-04; no testimony taken.)

Ward 5	Ward 7
3939 Community College Ave.	79 <sup>th</sup> and Cornelia
3939 Community College Ave.	74 <sup>th</sup> and Superior
	74 <sup>th</sup> and Superior
Ward 6	74 <sup>th</sup> and Superior
East 121 <sup>st</sup> and Larchmere	77 <sup>th</sup> and Superior- Permit #155
	79 <sup>th</sup> and Superior
Ward 17	79 <sup>th</sup> and Wade Park- Permit #41
58 <sup>th</sup> and Lorain	84 <sup>th</sup> and Superior- Permit #93
58 <sup>th</sup> and Lorain	

**Third postponement requested for additional time to review requested information.**

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**Calendar No. 05-2 Appeal of**  
**North Coast Payphones**

Howard Meister, president of North Coast Payphones/ClevePhones, Inc., appeals under Section 76-6 of the Charter of the city of Cleveland from an order issued by the Commissioner of Assessments and Licenses, under authority of Section 670B.06 by written communication dated December 27, 2004, to remove nineteen (19) outdoor payphones declared to be a nuisance by the Director of Public Safety at the following locations:

12520 Lorain Ave	Ward 19	1210 East 79 <sup>th</sup> St	Ward 7
14053 Lorain Ave	Ward 21	6206 Woodland Ave	Ward 5
17136 Lorain Ave	Ward 21	8315 Woodland Ave	Ward 6
15315 Bartlett Ave	Ward 3	15208 Lakeshore Blvd	Ward 11
15315 Bartlett Ave	Ward 3	3332 West 32 <sup>nd</sup> St	Ward 14
3111 East 93 <sup>rd</sup> St	Ward 4	3767 Community College	(permit 1206) Ward 5
3111 East 93 <sup>rd</sup> St	Ward 4	1166 East 123 <sup>rd</sup> St	(permit 1218) Ward 9
12914 Griffing Ave	Ward 6	3502 Walton Ave	(permit 1216) Ward 14
2249 East 105 <sup>th</sup> St	Ward 6	15521 St. Clair Ave	Ward 10
7901 Cedar Ave	Ward 6.		

**Second postponement requested for additional time to review requested information.**

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**BOARD OF ZONING APPEALS**  
**APRIL 25, 2005**  
**POSTPONED FROM MARCH 21, 2005**

**Calendar No. 05-8:      Appeal of  
Midwest Telecom Payphones      Ward 6  
7901 Cedar Avenue**

Mark Higgins, president of Midwest Telecom Payphones, appeals under Section 76-6 of the Charter of the City of Cleveland, from an order dated December 27, 2004 issued by the Commissioner of Assessments and Licenses under the authority of Section 670B.06 of the Cleveland Codified Ordinances for the removal of two outdoor payphones located at 7901 Cedar Avenue, declared to be a nuisance by the Director of Public Safety. (Filed 1-12-05; no testimony taken.)

**Second postponement requested for additional time to review requested information.**

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**POSTPONED FROM MARCH 7, 2005**

**10:30  
Calendar No. 05-13:      269-271 East 156<sup>th</sup> Street      Ward 11  
Michael Polensek  
9 Notices**

Doreen Mitchell, owner, appeals to install a 6' high board on board wooden fence along the perimeter of a 42' x 100' corner lot in a Local Retail Business District on the northeast corner of East 156<sup>th</sup> Street and Grovewood Avenue; contrary to Section 358.05(a)(2), a fence located along the side street yard in a non-residential district may not exceed 4' in height and shall be 50% open above a 2' height and Section 358.03(a) requires that no portion of a fence along and parallel to a driveway within 15' of its intersection with a public sidewalk shall exceed 2 ½' in height, unless all portions of the fence above 2 ½' in height are at least 75% open; and the proposed 6' high fence is not permitted where the rear lot line of the corner lot is also the side line of the butt lot for which a setback building line of 15' is established, provided that for each foot the corner lot sets in from the rear lot line, the fence may be set one foot near to the side street line as stated in Section 357.05(b)(2) of the Codified Ordinances. (Filed 1-13-05; testimony taken.)

**Second postponement granted for appellant to consult with the Councilman and the local Business Revitalization District Committee for their approval on a final plan.**

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