

BOARD OF ZONING APPEALS

JUNE 21, 2004

9:30

Calendar No. 04-100

4522 South Hills Drive

Ward 15

Merle Gordon

6 Notices

Douglas Moore, owner, appeals to install 6' high privacy fence along and parallel to a driveway situated on an approximate 38' x 130' parcel located in a One-Family District on the northwest corner of South Hills Drive and Tampa Avenue at 4522 South Hills Drive; contrary to the Fence Regulations, no portion of a fence located within 30' of the intersection of two street right-of-way lines may exceed 2 ½' in height, unless all portions of the fence above the 2 ½' height are at least 75% open and these same restrictions apply to any portion of a fence, located along and parallel to a driveway within 15' of its intersection with a public sidewalk or public street, if no sidewalk is present as stated in Section 358.03(a) of the Codified Ordinances. (Filed 4-30-04; rescheduled from 6-1-04)

9:30

Calendar No. 04-101: 17636 Lakeshore Boulevard

Ward 11

Michael Polensek

11 Notices

Gerald Westmoreland, owner, appeals to expand the use of one-story, masonry, nonconforming auto repair shop into two separate auto repair shops, situated on a 100' x 155' corner lot located in a Multi-Family District on the southeast corner of Lakeshore Boulevard and Brazil Road at 17636 Lakeshore Boulevard; subject to the provisions for Nonconforming Uses, the proposed expansion requires the Board of Zoning Appeals approval as stated in Section 359.01(a) of the Codified Ordinances.(Filed 5-4-04; rescheduled from 6-1-04)

9:30

Calendar No. 04-102:

8713 Vineyard Avenue

Ward 2

Robert White

8 Notices

Angie Hubbard, owner, appeals to establish a Type A day care in an existing one family, two-story dwelling, situated on a 35' x 140' parcel located in a Two-Family District on the north side of Vineyard Avenue at 8713 Vineyard Avenue; contrary to the Regulations for Residential Districts, the proposed day care location in a Two-Family District abuts a Two-Family District and may not be less than 30' from an adjoining residential premises not used for a similar purpose and requires the Board of Zoning Appeals review and approval as stated in Section 337.02(f)(3)(C) of the Codified Ordinances. (Filed 5-6-04; rescheduled from 6-1-04)

**BOARD OF ZONING APPEALS
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9:30

Calendar No. 04-103: 4702 Franklin Boulevard

**Ward 17
Matt Zone
9 Notices**

Jack Kline, owner, appeals to erect a 40' x 108' two-story frame, one family dwelling with an attached garage, situated on a 50' x 159' parcel located in a Two-Family District on the north side of Franklin Boulevard at 4702 Franklin Boulevard; contrary to the Regulations for Area Requirements, a maximum gross floor area of 4,760 s/f is proposed for the first and second floor, where 50% of the lot size, or 3,968 s/f, is allowed, as stated in Section 355.05(b) of the Codified Ordinances. (Filed 5-10-04; rescheduled from 6-1-04)

9:30

Calendar No. 04-106: 5836 Broadway Avenue

**Ward 12
Edward Rybka
7 Notices**

Family Dollar Store c/o Brad Butler, agent, appeals to erect a one-story 9,180 s/f retail store on an 85' x 150' parcel, located in a General Retail Business District on the southwest corner of Broadway Avenue and Blanche Avenue at 5836 Broadway Avenue; contrary to Section 349.04(f) of the Off-Street Parking and Loading Requirements, no parking is proposed and 19 spaces are required as determined at the rate of one space per 500 s/f of the gross floor area; and under Sections 352.08 through 352.11, a 10' wide landscaping transition strip is required at the rear of the property where it abuts a Residential District; and a 13' setback exists along Broadway Avenue and none is proposed, contrary to the Requirements for Yards and Courts as stated in Section 357.07(a) of the Codified Ordinances. (Filed 5-13-04; rescheduled from 6-1-04)

9:30

Calendar No. 04-125: 14300 Miles Avenue

**Ward 1
Joseph Jones
14 Notices**

Michael Sudman, owner, and Cathy Eaton, tenant, appeal to change the use of a one-story masonry, auto repair garage to a use for auto wrecking and auto parts sales, situated on an acreage parcel in a Semi-Industry District on the south side of Miles Avenue at 14300 Miles Avenue; contrary to Section 345.03 of the Regulations for Industrial Districts, where auto wrecking is not permitted in a Semi-Industry District, but first permitted under Section 345.04(a)(4) in a General Industry District, provided that it is in a minimum lot area of 50,000 s/f and is enclosed within a minimum 7' high solid masonry wall or slightly solid, nontransparent, well-maintained substantial fence and may have only one entrance that is a maximum of 20' in width; and no printing or lettering or advertisement may be on the outside wall or fence except for an identification sign located at the entrance to the proposed area; and contrary to the Regulations for Wrecking Yards, there is no barrier proposed where a setback area between the street line and the building line is required to have a 1 ½' high barrier around the setback area as stated in Section 347.06(e) of the Codified Ordinances. (Filed 5-25-04)

**BOARD OF ZONING APPEALS
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9:30
Calendar No. 04-126: 2493 West 20th Street Ward 14
Nelson Cintron
8 Notices

Stefan Was, owner, appeals to erect a 20' x 43' two-story, frame attached garage and dwelling unit to the rear of an existing two-story dwelling situated on a 35' x 100' parcel in a Two-Family District on the southeast corner of West 20th Street and Moltke Court at 2493 West 20th Street; contrary to Section 355.05 of Area Requirements, the maximum gross floor area may not exceed 50% of the lot size, and 3,168 s/f is proposed where 2,880 s/f is allowed; and contrary to Sections 357.08 and 357.09 of the Regulations for Yards and Courts, a rear yard of 8' is proposed where 20' is required and an interior side yard of 1'3" is proposed where 3' is required; and subject to the provisions for Nonconforming Uses, the existing nonconforming dwelling is less than a 3' distance from the property line and the proposed expansion requires the Board of Zoning Appeals approval as stated in Section 359.01(a) of the Codified Ordinances. (Filed 5-25-04)

9:30
Calendar No. 04-127: 2572 Scranton Road Ward 14
Nelson Cintron
22 Notices

Charles Christopher Real Estate, owner, appeals to expand an existing restaurant by adding an outdoor patio with 48 seats at the west side of an existing 40' x 120' two-story building, situated on a 62' x 130' parcel in split zoning for General Retail Business and Multi-Family Districts on the southwest corner of Scranton Road and Starkweather Avenue at 2572 Scranton Road; contrary to Section 349.04(f) of the Requirements for Parking and Loading, 12 additional parking spaces are required for the added 48 seats and none are proposed; and subject to the provisions for Nonconforming Uses, the existing restaurant is located on frontage that is in a General Retail Business District and the rear of the lot is in a Multi-Family District, where a restaurant is not permitted and the proposed expansion of a nonconforming use requires the Board of Zoning Appeals approval a stated in Section 359.01 of the Codified Ordinances. (Filed 5-26-04)

**BOARD OF ZONING APPEALS
JUNE 21, 2004**

POSTPONED FROM JUNE 1, 2004

10:30
Calendar No. 04-89: 3348 West 99th Street Ward 18
Jay Westbrook
3 Notices

Edwin Lopez, owner, appeals to install a 4' high chain link fence along the front and side street yard setback of a 40' x 105' parcel located in a Two-Family District on the northwest corner of West 99th Street and Almira Avenue at 3348 West 99th Street; the proposed fence is contrary to the Fence Regulations that require ornamental fence materials to be used in the actual front side street yards of Residential Districts, unless the Board of Zoning Appeals determines that chain link fences are common in the immediate vicinity of the property as stated in Section 358.04(c)(1) of the Codified Ordinances. (Filed 4-21-04; no testimony taken.)

Appellant's first postponement from May 17, 2004 requested because of a work schedule conflict.

Second postponement due to the absence of a quorum.

10:30
Calendar No. 04-92: 515 East 117th Street Ward 9
Kevin Conwell
5 Notices

Mark Gomes, owner, and Shana McDade, tenant, appeal to establish use for a Type A day care in an existing dwelling unit of a multiple dwelling building, situated on a 51' x 120' parcel located in a Multi-Family District on the east side of East 117th Street at 515 East 117th Street; subject to Section 337.08(e)(3) of the Regulations for Residence Districts, the proposed day care location in a Multi-Family District abuts a One-Family District, and a day care and uses require the Board of Zoning Appeals approval if located less than 15' from any adjoining premises in a Residential District not used for a similar purpose; and a Type A day care is subject to the review and approval of the Board of Zoning Appeals as stated in Section 337.02(f)(3)(C) of the Codified Ordinances. (Filed 4-21-04; no testimony taken.)

First postponement from May 27, 2004 granted for either a written authorization from the appellant property owner or his attendance at the hearing.

Second postponement due to the absence of a quorum.

**BOARD OF ZONING APPEALS
JUNE 21, 2004**

POSTPONED FROM JUNE 7, 2004

10:30

Calendar No. 04-109:

14601 Montrose Road

Ward 20

Martin Sweeney

28 Notices

The Cleveland Municipal School District c/o Gary Zath, agent, appeals to erect a two-story, 64,600 s/f, kindergarten through 8th grade public school building on an acreage parcel, located in a One-Family District on the south side of Montrose Road at 14601 Montrose Road; contrary to the Regulations for Residential Districts, the proposed school is adjacent to a One-Family District and must be located not less than 30' from any adjoining premises in a residence district not used for a similar purpose and is subject to the Board of Zoning Appeals approval, as stated in Section 337.02(f)(3)A of the Codified Ordinances. (Filed 5-18-04; no testimony taken.)

First postponement due to the absence of a quorum.
