

BOARD OF ZONING APPEALS
AUGUST 28, 2006

9:30

Calendar No. 06-144:

2608 Chatham Avenue

Ward 14

Joseph Santiago

8 Notices

J. Noel, Inc. and Joseph Isabella, owner, appeal to erect a 22' x 31' three-story, frame single family dwelling and a detached garage on an approximate 40' x 64.22' corner parcel, located in a B1 Two-Family District on the northeast corner of Chatham Avenue and West 26th Street at 2608 Chatham Avenue; contrary to Section 355.04, a 2,560 s/f minimum lot area is provided where 4,800 s/f is required with a maximum gross floor area of 1,800 s/f provided where 1,260 s/f is required; and contrary to Section 357.04 there is an 8' front yard where the requirement is either fifteen percent of the lot depth, 9.6' or in the alternative, a front yard depth of 10' measured by the line of existing dwellings; and an accessory building may not be less than 10' from a building on an adjoining lot, as stated in Section 337.23 A of the Codified Ordinances. (Filed 7-13-06)

9:30

Calendar No. 06-151:

13600 Deise Avenue

Ward 10

Roosevelt Coats

30 Notices

Northern Lakes Management Company, owner by and through their attorney, Steven M. Ott, and Northern Ohio Scrap Service Corporation, tenant by and through their attorney, Craig S. Miller, appeal under Sections 329.01(e) and 329.02(d) of the Cleveland Codified Ordinances from the decision to deny an application to establish use as a metal wire recycling facility, as issued by the Zoning Administrator of the Building and Housing Department in a Notice of Non-Conformance dated July 6, 2006 for a portion of the property located in a General Industry District and identified as 13600 Deise Avenue. Appellants' proposed use being subject to the Regulations of the Cleveland Codified Ordinances and the provisions of Section 349.07(a) that requires accessory off-street parking spaces, driveways and maneuvering areas to be properly graded for drainage so that all water is drained within the lot providing such parking spaces, surfaced with concrete, asphaltic concrete, asphalt or similar surfacing material; and Sections 345.04(a)(1)(C)(3) that require open yard storage of wire and other used material to be enclosed within a minimum 7' high, solid masonry wall or non-transparent, well maintained, substantial fence. (Filed 7-19-06)

9:30

Calendar No. 06-154:

5353 Dolloff Road

Ward 5

Phyllis Cleveland

Violation Notice Appeal

Otis Elkins, owner, and Kimberly Hill, tenant, appeal under the authority of Chapter 76-6 of the Charter of the City of Cleveland and Section 329.02(d) from a Notice of Violation issued by the Building and Housing Department for unauthorized use of the property located at 5353 Dolloff Road, according to the provisions of Section 347.12(a)(1) of the Codified Ordinances. (Filed 7-25-06)

**BOARD OF ZONING APPEALS
AUGUST 28, 2006**

9:30

Calendar No. 06-155:

2493 West 20th Street

Ward 14

Joseph Santiago

8 Notices

Stefan Was, owner, appeals to erect a 7' x 20' and also an 8' x 5.3' wolmanized wooden deck along the north side of an existing single family residence and attached garage, situated on a 35' x 100' corner parcel located in a B1 Two-Family District on the southeast corner of West 20th Street and Moltke Court at 2493 West 20th Street; the proposed wooden deck construction being subject to the restrictions of Section 329.04 that limit the power of the Board, unless there are existing circumstances that allow the Board of Zoning appeals to authorize a variance for a 7' encroachment, contrary to Section 357.13 and the requirement that open porches shall not encroach more than 6' beyond the building line nor within less than 10' of the street line; and contrary to the Fence Regulations, a 6' solid wooden fence is attached to the deck and a fence along the side street shall not exceed 4' and shall be at least 50% open, as stated in Section 358.04(a) of the Codified Ordinances.

(Filed 7-26-06)

POSTPONED FROM JULY 17, 2006

10:30

Calendar No. 06-122:

3201 Chatham Avenue

Ward 14

Joseph Santiago

7 Notices

Barry Smith, owner, appeals to erect a 26' x 22'-10" three-story frame, single family dwelling on an approximate 30' x 65' "L" shaped corner parcel, located in a Two-Family District on the southwest corner of Chatham Avenue and West 32nd Street at 3201 Chatham Avenue; contrary to Section 357.05, a side street yard of 4'-5" is provided where not less than 5' is required for a corner lot; and the total interior side yards equal 7.5' and 10' is required under Section 357.09(2)B; and contrary to the Area Requirements and Section 355.05, the minimum lot size provided is 2,242 square feet instead of 4,800 square feet with a maximum gross floor area of 1,680 square feet that exceeds 50% of the lot size; and the proposed accessory garage is contrary to Section 337.23 being nonconforming to the required distance from all property lines, and 7'-4" is provided where 10' is required from a main building on an adjoining lot under Section 357.09(b)(2)A; and contrary to Section 357.13(b)(1) no entrance canopy shall project more than 6' from the property line or within 10' of the street line; and a 6' tall fence is provided where a fence in a side street yard shall not exceed 4' in height and shall be at least fifty percent open unless it is set back 4' from the side street property line, and then it may be a maximum of 6' tall and be solid or open, and no fence may be higher than its distance from a residence building on an adjoining lot, as stated in Section 358.04(a) of the Codified Ordinances. (Filed 6-16-06; no testimony taken.)

Postponement requested by the appellant due to a scheduling conflict.

**BOARD OF ZONING APPEALS
AUGUST 28, 2006**

POSTPONED FROM JULY 31, 2006

10:30

Calendar No. 06-129:

9307-09 Clifton Boulevard

Ward 18

Jay Westbrook

5 Notices

John and Tania Aristy, owners, appeal to install approximately 35 lineal feet of 6' high wood, privacy fence in the actual front yard of a 40' x 125' parcel located in a Two-Family District on the south side of Clifton Boulevard at 9307-09 Clifton Boulevard; contrary to the Fence Regulations, a 6' high fence is proposed where fences in actual front yards of a residential district shall not exceed 4' in height and shall be at least 50% open, as stated in Section 358.04(a) of the Codified Ordinances. (Filed 6-26-06; testimony taken.)

First postponement requested by the appellant to consider a more Code conforming plan for the fence. _____