

BOARD OF ZONING APPEALS
JULY 9, 2007

9:30

Calendar No. 07-94:

231 East 156th Street

Ward 11

Michael Polensek

13 Notices

Northeast Shores Development Corporation, owner, appeals change use of an existing four unit apartment building and retail space to a six unit condominium building and erect a five car garage, proposed to be situated on a consolidated corner parcel, located in a Local Retail Business District on the southeast corner of East 156th Street and Pythias Avenue at 231 East 156th Street; subject to the provisions of Section 359.01, the existing building being legal but nonconforming has no setback in the required front yard, no side yard setback where 8 feet is required and a rear yard of 8.4 feet where 20 feet is required; and the existing gross floor area of 6,088 square feet exceeds a maximum gross floor area of 4,500 square feet; with the existing driveway being on the property line and not 15 feet from it. The proposed substitution of a nonconforming use requires the Board of Zoning Appeals approval; and the new parking garage for a residence building is proposed at a distance of 6 inches, where 18 inches from the property line is required, as stated in Section 337.23 of the Codified Ordinances. (Filed 5-30-07)

9:30

Calendar No. 07-95:

3200 East 79th Street

Ward 5

Phyllis Cleveland

5 Notices

Ruckea Properties Ltd. and John Kealy, owner, appeal to establish use as a day care center in an existing one-story masonry building, situated on an acreage parcel located in a General Industry District on the west side of East 79th Street at 3200 East 79th Street; subject to the limitations of Sections 345.04 and 345.03, the proposed use, by reference being regulated according to Section 345.03(b) that specifies the conditions for a retail business use in a Semi-Industry District, and no building or Institutional H occupancy classification shall be located within 200 feet of the boundary line of an adjoining General or Unrestricted Industry District, and no existing building within 200 feet of such boundary line shall be converted or altered to any such use, except that the Board of Zoning Appeals may, in specific instances, permit the use, when the development of the immediately surrounding area is essentially residential in character. (Filed 5-30-07)

9:30

Calendar No. 07-96:

16000 Kipling Avenue

Ward 11

Michael Polensek

8 Notices

Umberto Montoni, owner, appeals to change from retail and two dwelling units to three dwelling units, the use of an existing one-story brick building situated on a 42' x 183.35' parcel located in a Local Retail Business District on the south side of Kipling Avenue at 16000 Kipling Avenue; subject to the provisions of Section 357.092(C), the proposed use requires interior side yards of 8 feet and none are provided; and Section 359.01 states that the Board of Zoning Appeals approval is required for the existing nonconforming use; and no parking spaces are provided where three spaces are required as stated in Section 349.04 of the Codified Ordinances. (Filed 5-31-07)

BOARD OF ZONING APPEALS
JULY 9, 2007

9:30

Calendar No. 07-98:

13040-46 Lorain Avenue

Ward 19

Dona Brady

10 Notices

Hoertz Realty, owner, Der Braumeister and Gwen Hoertz, tenant, appeal to add an outdoor seating area, to consist of 8 tables and a 3' high fence, along a 45 foot portion of the street frontage for an existing restaurant, situated on an 80' x 100' parcel on the northeast corner of Lorain Avenue at West 131st Street at 13040-60 Lorain Avenue; contrary to Section 349.04(f), no additional parking spaces are provided and the proposed additional seating requires one additional parking space per each four additional seats, or a total of 8 additional parking spaces; and outdoor seating for a restaurant is not a permitted yard encroachment in the specific 15 foot setback on Lorain Avenue, as stated in Section 357.13 of the Codified Ordinances. (Filed 5-3-07)

9:30

Calendar No. 07-100:

17201 St. Clair Avenue

Ward 11

Michael Polensek

Ted Chait and Cleveland American Auto Wrecking, Inc. appeal under Section 76-6 of the Cleveland City Charter and Section 329.02(d) of the Codified Ordinances from being denied a Certificate of Occupancy by the Department of Building and Housing for the continued use of the property at 17201 St. Clair Avenue as an auto wrecking yard.

POSTPONED FROM JUNE 4, 2007

10:30

Calendar No. 07-68:

2704 Clark Avenue

Ward 14

Joseph Santiago

Gerald Zahler, owner, and Gennie Rodriguez d.b.a. La Copa Sports Bar, tenant, appeal under Section 76-6 of the Cleveland City Charter and Section 329.02(d) of the Codified Ordinances from being denied a Coin Operated Pool Table License by the Commissioner of Assessments and Licenses, upon the disapproved license application by the Department of Public Safety. (Filed 5-3-07)

10:30

Calendar No. 07-69:

2704 Clark Avenue

Ward 14

Joseph Santiago

Gerald Zahler, owner, and Gennie Rodriguez d.b.a. La Copa Sports Bar, tenant, appeal under Section 76-6 of the Cleveland City Charter and Section 329.02(d) of the Codified Ordinances from a denied Coin Operated Amusement Device License by the Commissioner of Assessments and Licenses upon the disapproved license application and recommendation by the City of Cleveland Safety Department. (Filed 5-3-07; no testimony taken.)

First postponement due to the absence of a representative from the Public Safety Department

POSTPONED FROM JUNE 18, 2007

10:30

Calendar No. 07-79:

3200 Franklin Boulevard

Ward 13

James Sosan and Franklin Lofts Condominiums LLC, owner, appeal to change use from a recreation center to 22 dwelling units and an accessory exercise room in an existing three-story brick building, situated on an approximate 203' x 173' corner lot in a B1-Two-Family District on the northwest corner of Franklin Boulevard and West 32nd Street at 3200 Franklin Boulevard; contrary to Section 355.04 and Area Requirements, in a "B" Area District, a maximum gross floor area of 52,094 square feet is proposed, where the maximum gross floor area may not exceed one-half the lot area or 17,170 square feet; and the proposed substitution of a nonconforming use requires the Board of Zoning Appeals approval according to the provisions of Section 359.01 of the Codified Ordinances. (Filed 5-15-07; no testimony taken.)

First postponement requested by the Councilman for additional review of the proposed plan with the neighboring property owners.
