

**BOARD OF ZONING APPEALS  
SEPTEMBER 4, 2007**

**9:30**

**Calendar No. 07-148:**

**1122-32 Ansel Road**

**Ward 7**

**Fannie Lewis**

**42 Notices**

The Cleveland Metropolitan School District, owner, appeals to construct a two-story Kindergarten through Eighth Grade public school, proposed to be situated on consolidated parcels between Pulaski and Kosciuszko Avenues in a Multi-Family District extending southwest of Ansel Road at 1122-32 Ansel Road; contrary to Section 337.08(e)(2) and by reference as regulated in Section 337.02(f), a public school building and uses located within 15 feet of a Residence District are subject to the Board of Zoning Appeals approval to determine if there are adequate yard spaces and other safeguards to preserve the character of the neighborhood and whether such buildings and uses are appropriately located and designed to meet a community need without adversely affecting the neighborhood; and contrary to Sections 349.04(c)(e) there are 57 parking spaces proposed, where one space is required for two staff members and other employees, and one space for each six seats of the gymnasium bleachers equals approximately 70 required parking spaces; and the provisions of Sections 352.10 and 352.11 require a 6 foot wide landscaping frontage strip along the service parking lot on Pulaski Avenue; and contrary to Section 357.05(a) the service lot on Pulaski Avenue is within the required 10 foot side street yard setback and on the public right-of-way; and in the General Provisions for Front Yard Lines the parking of motor vehicles along the front yard building line setback is prohibited, unless specifically authorized and permitted by the Board of Zoning Appeals and parking is proposed 10 feet back from Ansel Road where the setback shall be equal to fifteen percent of the depth of the lot but the distance from a front yard line shall not be required to exceed 30 feet according to Section 357.04(a) of the Codified Ordinances. (Filed 8-3-07)

**9:30**

**Calendar No. 07-150:**

**10101 Meech Avenue**

**Ward 2**

**Robert White**

**13 Notices**

John McCurley, owner, appeals to establish use as an auto repair shop and auto storage on a 70' x 125' parcel located in a Semi-Industry District on the north side of Meech Avenue at 10101 Meech Avenue; subject to the limitations of Section 345.03(a)(4), in a Semi-Industry District an auto repair shop use may not be located less than 100 feet from a Residence District and the proposed use abuts a One-Family District; and Sections 352.10 and 352.11 require a 10 foot wide landscaping transition strip with a 75 percent year-round opacity to be provided between the subject lot and abutting One-Family District and a 6 foot wide frontage landscape strip along the parking lot area on Meech Avenue; and specific locations shall be indicated for accessory off-street parking spaces, driveways and maneuvering areas that the provisions of Section 349.07(a) require 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, maintained in good condition and free of debris and trash; and that the storage of motor vehicles is permitted but with no wrecking or dismantling of motor vehicles or storage of vehicles pending wrecking or dismantling on the premises, as stated in Section 345.03(c)(33) of the Codified Ordinances. (Filed 8-3-07)

**9:30**

**Calendar No. 07-151:**

**10106 Meech Avenue**

**Ward 2**

**Robert White**

**13 Notices**

W. Arnold, owner, and John McCurley, tenant, appeal to establish use as a wrecking yard on a 40 ' x 132' parcel located in a General Industry District on the south side of Meech Avenue at 10106 Meech Avenue; as proposed the use is contrary to Section 345.03(a)(4) with a 5,280 square foot lot and a minimum area of 50,000 square feet being required; and open yard storage and operation of wrecking and dismantling of motor vehicles is permitted, subject to Sections 345.04(a)(3) and (4) that require the uses to be enclosed within a minimum 7 foot high, solid masonry wall or slightly solid, nontransparent, well-maintained substantial fence; and the provisions of Section 347.06(d) require auto salvage and storage areas not be piled higher than 3 feet above the height of the wall or fence enclosing the yard, provided that at any point closer than 5 feet, the junk or used material shall not be piled above the height of the wall or fence; and specific locations shall be indicated for accessory off-street parking spaces, driveways and maneuvering areas that are required 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, maintained in good condition and free of debris and trash, as stated in Section 349.07(a) of the Codified Ordinances. (Filed 8-3-07)

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**9:30**

**Calendar No. 07-152:**

**10012 Meech Avenue**

**Ward 2**

John McCurley, owner, appeals to change the use of an existing auto repair shop to a wrecking yard on an 80' x 132' parcel located in a General Industry District on the south side of Meech Avenue at 10012 Meech Avenue; as proposed the use is contrary to Section 345.03(a)(4) with a 10,560 square foot lot and a minimum area of 50,000 square feet being required; and open yard storage and operation of wrecking and dismantling of motor vehicles is permitted, subject to Sections 345.04(a)(3) and (4) that require the uses to be enclosed within a minimum 7 foot high, solid masonry wall or slightly solid, nontransparent, well-maintained substantial fence; and the provisions of Section 347.06(d) require auto salvage and storage areas not be piled higher than 3 feet above the height of the wall or fence enclosing the yard, provided that at any point closer than 5 feet the junk or used material shall not be piled above the height of the wall or fence; and specific locations shall be indicated for accessory off-street parking spaces, driveways and maneuvering areas that are required 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, maintained in good condition and free of debris and trash, as stated in Section 349.07(a) of the Codified Ordinances. (Filed 8-3-07)

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**9:30**

**Calendar No. 07-153:**

**1854 East 79<sup>th</sup> Street  
Sub Lot #1**

**Ward 7**

**Fannie Lewis  
18 Notices**

William J. Amos, owner, appeals to erect a two-story single family house on an approximate 3,200 square foot lot located in an E2 Multi-Family District on the northwest corner of East 79<sup>th</sup> Street and LaGrange Avenue at 1854 East 79<sup>th</sup> Street, identified as Sub Lot #1; contrary to Section 355.04(b) a minimum lot area of 4,800 square feet is required for a single family dwelling in an “E” area district and 3,200 square feet is proposed; and no rear yard is provided, contrary to Section 357.08(a)(1) that requires a 20 foot rear yard; with interior side yards of 7 feet and 3 feet proposed where 8 foot side yards are required according to Sections 357.09(b)(2)(C) of the Codified Ordinances. (Filed 8-3-07)

**9:30**

**Calendar No. 07-154:**

**1854 East 79<sup>th</sup> Street  
Sub Lot #2**

**Ward 7**

**Fannie Lewis  
18 Notices**

William J. Amos, owner, appeals to erect a two-story single family house on an approximate 3,200 square foot lot located in an E2 Multi-Family District on the northwest corner of East 79<sup>th</sup> Street and LaGrange Avenue at 1854 East 79<sup>th</sup> Street, identified as Sub Lot #2; contrary to Section 355.04(b) a minimum lot area of 4,800 square feet is required for a single family dwelling in an “E” area district and 3,200 square feet is proposed; and no rear yard is provided contrary to Section 357.08(a)(1) that requires a 20 foot rear yard; with interior side yards of 7 feet and 2 feet proposed where 8 foot side yards are required according to Sections 357.09(b)(2)(C) of the Codified Ordinances. (Filed 8-3-07)

**Calendar No. 07-155:**

**1854 East 79<sup>th</sup> Street  
Sub Lot #3**

**Ward 7**

William J. Amos, owner, appeals to erect a two-story single family house on an approximate 3,200 square foot lot located in an E2 Multi-Family District on the northwest corner of East 79<sup>th</sup> Street and LaGrange Avenue at 1854 East 79<sup>th</sup> Street, identified as Sub Lot #3; contrary to Section 355.04(b) a minimum lot area of 4,800 square feet is required for a single family dwelling in an “E” area district and 3,200 square feet is proposed; and no rear yard is provided contrary to Section 357.08(a)(1) that requires a 20 foot rear yard; with interior side yards of 0 feet and 8 feet proposed where 8 foot side yards are required according to Sections 357.09(b)(2)(C) of the Codified Ordinances. (Filed 8-3-07)

**Calendar No. 07-156:**

**1854 East 79<sup>th</sup> Street  
Sub Lot #4**

**Ward 7**

William J. Amos, owner, appeals to erect a two-story single family house on an approximate 3,200 square foot lot located in an E2 Multi-Family District on the northwest corner of East 79<sup>th</sup> Street and LaGrange Avenue at 1854 East 79<sup>th</sup> Street, identified as Sub Lot #4; contrary to Section 355.04(b) a minimum lot area of 4,800 square feet is required for a single family dwelling in an “E” area district and 3,200 square feet is proposed; and no rear yard is provided contrary to Section 357.08(a)(1) that requires a 20 foot rear yard; with interior side yards of 0 feet and 10 feet proposed where 8 foot side yards are required according to Sections 357.09(b)(2)(C) of the Codified Ordinances. (Filed 8-3-07)

**Calendar No. 07-157:**

**1854 East 79<sup>th</sup> Street  
Sub Lot #5**

**Ward 7  
Fannie Lewis  
18 Notices**

William J. Amos, owner, appeals to erect a two-story single family house on an approximate 3,200 square foot lot located in an E2 Multi-Family District on the northwest corner of East 79<sup>th</sup> Street and LaGrange Avenue at 1854 East 79<sup>th</sup> Street, identified as Sub Lot #5; contrary to Section 355.04(b) a minimum lot area of 4,800 square feet is required for a single family dwelling in an “E” area district and 3,200 square feet is proposed; and no rear yard is provided contrary to Section 357.08(a)(1) that requires a 20 foot rear yard; with interior side yards of 1 foot and 8 foot proposed where 8 foot side yards are required according to Sections 357.09(b)(2)(C) of the Codified Ordinances. (Filed 8-3-07)

**Calendar No. 07-158:**

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**1854 East 79<sup>th</sup> Street  
Sub Lot #6**

**Ward 7**

William J. Amos, owner, appeals to erect a two-story single family house on an approximate 3,200 square foot lot located in an E2 Multi-Family District on the northwest corner of East 79<sup>th</sup> Street and LaGrange Avenue at 1854 East 79<sup>th</sup> Street, identified as Sub Lot #6; contrary to Section 355.04(b) a minimum lot area of 4,800 square feet is required for a single family dwelling in an “E” area district and 3,200 square feet is proposed; and no rear yard is provided contrary to Section 357.08(a)(1) that requires a 20 foot rear yard; with interior side yards of 7 feet and 2 feet proposed where 8 foot side yards are required according to Sections 357.09(b)(2)(C) of the Codified Ordinances. (Filed 8-3-07)

**Calendar No. 07-159:**

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**1854 East 79<sup>th</sup> Street  
Block A**

**Ward 7**

William J. Amos, owner, appeals to erect an 11 car parking lot on a portion of the property where the construction of 6 two-story single family houses is proposed, located in an E2 Multi-Family District on the northwest corner of East 79<sup>th</sup> Street and LaGrange Avenue, identified as Block A at 1854 East 79<sup>th</sup> Street; and a parking lot proposed in a residential district is subject to the Board of Zoning Appeals approval, according to the provisions of Section 349.13(c) of the Codified Ordinances. (Filed 8-3-07)

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**BOARD OF ZONING APPEALS  
SEPTEMBER 4, 2007**

**POSTPONED FROM JULY 30, 2007**

**10:30**

**Calendar No. 07-116:**

**4190 Bradley Road**

**Ward 15**

**Brian Cummins**

**9 Notices**

Ron and Debra Roy, owners, appeal to establish use of a 377' x 368' parcel for auto storage, repair and sales, situated in a Residence Industry District on the south side of Bradley Road at 4190 Bradley Road; subject to the limitations of Section 345.02, auto storage and a repair garage are not permitted and first permitted in a Semi-Industry District, provided that the auto storage lot is enclosed by a 7 foot high, solid fence and the use for auto repair may not be located less than 100 feet from a residence district, and as proposed, there is no fence that complies with Section 345.03(c)(2) and the property is less than 100 feet from a Multi-Family District; and no barrier is proposed, where a used car lot must maintain a one and a half foot barrier at the setback line (15 feet) behind which all vehicles, advertising and parking must be kept; no landscaping is proposed and a 4 foot wide, frontage landscape strip is required where the lot abuts the street, according to the provisions of Section 352.10 of the Codified Ordinances. (Filed 6-21-07; no testimony taken.)

**First postponement requested by the Councilman for additional review of the proposed plan.**

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**10:30**

**Calendar No. 07-117:**

**17149 St. Clair Avenue**

**Ward 11**

**Michael Polensek**

**14 Notices**

All City Recycling, owner, through its legal counsel, Craig Miller, appeals from a Notice of Non-Conformance issued by a Building and Housing plan examiner dated May 23, 2007, denying an application to establish use as a junk yard for the property identified as 17149 St. Clair Avenue. Appellants submit that the denial of the application by the Zoning Administrator was unreasonable and/or arbitrary and contrary to applicable law, and in the alternative, request the Board of Zoning Appeals to consider the standard for a variance from Section 345.03, where the applicant All City Recycling proposes a use and accessory uses not permitted in a Semi-Industry District, and Section 345.04(a)(4) that states a junk yard must be enclosed within a minimum 7 foot high, solid masonry wall or slightly solid, nontransparent, well-maintained substantial fence; and in any use district allowing junk or wrecking yards, the storage of such junk or used material shall not be piled higher than 3 feet above the height of the wall or fence enclosing the yard, provided that at any point closer than 5 feet, the junk or used material shall not be piled above the heights of the wall or fence, as stated in Section 347.06(d) of the Codified Ordinances.(Filed 6-21-07; no testimony taken.)

**First postponement requested by counsel for appellant due to conflict with schedule for travel.**

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