

**BOARD OF ZONING APPEALS
NOVEMBER 17, 2008**

9:30

Calendar No. 08-185:

3264 Scranton Road

Ward 14

Joseph Santiago

13 Notices

Fethi Belthouane, owner, appeals to build an addition for a drive-through at an existing store in a two-story mixed use building located on a 52.10' x 127.85' corner lot in a Multi-Family District; the lot size being contrary to Section 347.16(f) and a minimum lot width of 80 feet and lot area of not less than 12, 000 square feet for a drive-through establishment; no spaces are proposed and one is required between the last station and public right-of-way according to Section 347.16(d)(1); no landscaping is proposed contrary to Sections 352.08 through 352.11 and a required 8 foot wide landscaping strip (75 percent year-round opacity) on the north, west, and south sides of the property to separate a Local Retail Business use from the abutting Residential District; and no expansion of an existing nonconforming use shall be permitted except as a variance under the terms of Chapter 329, and no substitution or other change in such nonconforming use to other than a conforming use shall be permitted except by special permit from the Board of Zoning Appeals. Such special permit may be issued only if the Board finds after public hearing that such change is no more harmful or objectionable than the previous nonconforming use in floor or other space occupied, in volume of trade or production, in kind of goods sold or produced, in daily hours or other period of use, in the type or number of persons to occupy or be attracted to the premises or in any other characteristic of the new use as compared with the previous use, as stated in Section 359.01(a) of the Codified Ordinances. (Filed 10-10-08)

9:30

Calendar No. 08-192:

3145 West 46th Street

Ward 14

Joseph Santiago

28 Notices

The Cleveland Metropolitan School District, owner, appeals to construct a three-story school for Kindergarten through Eighth Grade proposed to be on consolidated lots forming an irregular shaped acreage parcel, located on the east side of West 46th Street in a Two-Family District; subject to the provisions of Section 337.03(b) and by reference as regulated in a One-Family District (Section 337.02(f)(3)(A), a public school, building and uses located within 30 feet of a Residential District require the Board of Zoning Appeals review and approval. (Filed 10-16-08)

9:30

Calendar No. 08-197:

1088 Ivanhoe Road

Ward 10

Roosevelt Coats

10 Notices

Dino Land Properties, owner, appeal to install a 6 foot high fence along the front yard of an acreage parcel located in a Semi-Industry and General Industry District on the north side of Ivanhoe Road; subject to the limitations of Section 358.05(a)(2) except as specifically required because of the type of use, in non-residential districts other than General and Unrestricted Industry Districts, fences in actual front yards and side street yards shall not exceed 4 feet in height and shall be at least 50 percent open above 2 feet in height; and no portion of a fence located within 30 feet of the intersection of two street right-of-way lines shall exceed two and one-half feet in height, unless all portions of the fence above two and one-half feet in height are at least 75 percent open; and the same restrictions shall apply to any portion of a fence located along and parallel to a driveway within 15 feet of its intersection with a public sidewalk or public street, if no sidewalk is present, according to Section 358.03(a) of the Codified Ordinances. (Filed 10-27-08)

9:30

Calendar No. 08-198:

1816 East 33rd Street

Ward 13

Joe Cimperman

12 Notices

Contract Transport Properties LLC, owner, appeal to construct a parking lot on a 90' x 130.51' corner parcel in a Residence Industry District, and the parking of motor vehicles within the 20 foot front yard setback and 25 foot rear yard setback is prohibited, pursuant to Section 345.02(c) that requires setback building lines be observed to the same extent as for Residence Districts on any street on which the Residence Industry District adjoins a Residence District and that suitable planting is maintained in the setback areas; that side yards and rear yards not less than 25 feet are provided at the lot lines which are also boundary lines of a Residence District and according to Sections 352.08 and 352.11 require a 10 foot wide (75 percent year-round opacity) landscaping strip along the boundary line lot lines, and a 6 foot wide landscaping frontage strip (50 percent year-round opacity) is required along East 33rd Street; and a 5 foot high ornamental fence is proposed, contrary to Section 358.05(a)(2) that limits fences in actual front yards to not more than 4 feet in height, as stated in the Codified Ordinances. (Filed 10-28-08)

POSTPONED FROM OCTOBER 20, 1008

10:30

Calendar No. 08-172:

4200 East 71st Street

Ward 12

Anthony Brancatelli

20 Notices

Newburg & South Shore Railway, LLC, owner, and Kokosing Materials, Inc., prospective lessee, appeal to install a portable asphalt plant on a portion of an approximate 55 acre railway yard in a General Industry District; subject to the limitations of Section 345.04(b)(1) asphalt or tar manufacturing or refining are prohibited as the main use of the premises, permitted only as accessory uses or incidental to a permitted use and only on special permit from the Board of Zoning Appeals; and the provisions of Section 347.05 for Specific Uses Regulated require that no space for the storage or distribution of coal, cinders, stone, slag, sand, cement, lime, iron ore or similar dust-producing material nor space for manufacturing, refining or mixing tar, asphalt or other similar binding or waterproofing material shall be located less than 300 feet from a Residence District, a Local Retail or General Retail Business District, except where the dust, smoke, odor, noise and vibration wherefrom will effectively be confined to the premises; and as stated in Section 349.07(a), accessory off-street parking spaces, driveways and maneuvering areas shall be properly graded for drainage so that all water is drained within the lot providing such parking spaces, surfaced with concrete, asphalt or similar surfacing material maintained in good condition and free of debris and trash; and the yard must be enclosed within a minimum seven foot high, solid masonry wall or slightly solid, nontransparent, well-maintained substantial fence, according to the provisions of Section 345.04(a)(4) of the Codified Ordinances. (Filed 9-18-08; no testimony taken.)

First postponement granted for applicants to meet with the Councilman and Slavic Village Development for additional review of the proposed plan.

POSTPONED FROM NOVEMBER 3, 2008

10:30

Calendar No. 08-183:

866-884 East 146th Street

Ward 10

Roosevelt Coats

19 Notices

Cleveland Metropolitan School District, owner, appeals to construct a parking lot and to install an 8 foot high fence on an acreage parcel in a B1 Two-Family District; the proposed parking lot being subject to the provisions of Section 349.13(c) and required approval from the Board of Zoning Appeals; and contrary to Section 358.04(a) an 8 foot high fence exceeds the height limitation of 6 feet for fences in actual rear yards and actual interior side yards. (Filed 10-9-08; testimony taken.)

First postponement granted to allow the Councilman and the School District representatives to meet with the neighboring community about fencing and landscaping for the project.

10:30

Calendar No. 08-184:

3804 Whitman Avenue

Ward 13

Joe Cimperman

3 Notices

Civic Investments LLC, owner, propose to place a driveway to be used for parking along the east side of a single family dwelling on a 31.50' x 66' parcel in a B1 Two-Family District; and pursuant to Section 349.05(a) all such parking spaces shall be located behind the setback building line and not located within 10 feet of any walls of a residential building or structure if such wall contains a ground floor opening designed to provide light or ventilation. (Filed 10-10-08; no testimony taken.)

First postponement granted for applicants to meet with the community block club and local development organizations.