

**BOARD OF ZONING APPEALS
JULY 14, 2008**

9:30

Calendar No. 08-110:

749 East 185th Street

Ward 11

Michael Polensek

14 Notices

Katarina Fugina, owner, and Tony Bougebrayel, prospective purchaser, appeal to erect a new car wash on an irregular "L" shaped corner parcel located in a Local Retail Business District on the southeast corner of East 185th Street and Muskoka Avenue at 749-51 East 185th Street; subject to the limitations of Section 343.01(b) a car wash is not permitted but first permitted in a General Retail Business District, and pursuant to Section 343.11(b)(2)(1)(2) it must be 100 feet from a residential district; and a 6 foot width contrary to an 8 foot wide transition strip is provided, where the use abuts a residence district and a transition landscaped strip providing 75 percent year-round opacity is required, as stated in Sections 352.08-11 of the Codified Ordinances. (Filed 5-27-08)

9:30

Calendar No. 08-112:

10810 Meech Avenue

Ward 2

Robert White

8 Notices

Dumpsites Unlimited LLC, owner, appeal to establish use for processing and storing of landscaping materials for distribution and sale and a use of the premises for recycling of construction debris material and sale, the proposed uses to be on an acreage parcel located in a General Industry District on the south side of Meech Avenue at 10801 Meech Avenue; where open yard storage of secondhand lumber, other used building material or salvaged articles is permitted, provided that such uses are enclosed within a minimum 7 foot high solid wall or fence as stated in Section 345.04(a)(3); and subject to the limitations of Section 347.05, no space for storage or distribution of stone, sand, or similar dust producing material shall be located less than 300 feet from a residence district, and the proposed use is approximately 125 feet from a One-Family District; and the provisions of Section 347.06(d) limit the storage of junk or other used material to be piled not higher than 3 feet above the height of the enclosure wall or fence; and accessory off-street parking spaces, driveways and maneuvering areas shall be properly graded for drainage so that all water is properly drained within the lot, surfaced with concrete, asphalt or similar surfacing material, maintained in good condition and free of debris and trash, according to the provisions of Section 349.07(a) of the Codified Ordinances. (Filed 5-30-08)

9:30

Calendar No. 08-121

16606-16702 S. Waterloo Road

Ward 11

Michael Polensek

11 Notices

Joseph Mobily, owner, and Jim Dupree, tenant, appeal change use from a factory and warehouse to a use for truck sales and salvage that is proposed to be on consolidated acreage parcels, where 125 feet of the frontage is located in a Semi-Industry District and the remainder of the land is in a General Industry District on the south side of South Waterloo Road at 16606-16702 South Waterloo Road; and the operation of wrecking or dismantling of motor vehicles, or the storage of motor vehicles pending wrecking or dismantling (salvage) is contrary to Section 345.03 and first permitted in a General Industry District; and 7 parking spaces are provided where 19 are required, according to Section 349.04(j) of the Codified Ordinances. (Filed 6-12-08)

9:30

Calendar No. 08-122:

6400 Stock Avenue

Ward 17

Matthew zone

6 Notices

Morris Brothers LLC, owner, and Fritz Machmer-Wessels, tenant, appeal to install an 8 foot high wooden fence around the perimeter of an acreage, irregular shaped, corner parcel located in an Unrestricted Industry District on the northeast corner of Stock Avenue and West 65th Street at 6400 Stock Avenue; 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 are at least 75 percent open; 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, as stated in Section 358.03(a) of the Codified Ordinances.

9:30

Calendar No. 08-123:

16107 Miles Avenue

Ward 1

Nina Turner

15 Notices

New Jerusalem Church and Pastor Stanley Lockhart, owner, appeal to erect an addition to an existing church building on a 159.65' x 111.14' parcel located in a One-Family District on the north side of Miles Avenue at 16107 Miles Avenue; subject to the provisions of Section 359.01(a), 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; with a distance of not less than 15 feet required for the location of a church and uses from any adjoining premises in a residence district, the proposed building and use being within and are abutting a One-Family District; and 31 parking spaces are provided contrary to the requirement for 300 total occupants, based upon one space for each six seats, or 50 parking spaces according to Section 349.04(e) of the Codified Ordinances. (Filed 6-13-08)

9:30

Calendar No. 08-124:

3229 Fulton Road

Ward 14

Joseph Santiago

16 Notices

Catholic Charities Housing Corporation, owner, appeals to erect a four-story, forty unit senior housing apartment building and 13 accessory off-street parking spaces proposed to be on consolidated parcels in an RA-2 (residential attached) Townhouse District on the northeast corner of Fulton Road and Meyer Avenue at 3229 Fulton Road; the multiple dwelling building being subject to the limitations for an RA-2 Townhouse District that limits uses to townhouse buildings and all uses as permitted in a Two-Family District, according to the provisions in Section 337.031(c) of the Codified Ordinances. (Filed 6-17-08)

9:30

Calendar No. 08-125:

2154 West 20th Street

Ward 14

Joseph Santiago

4 Notices

James Chura, owner, appeals to install approximately 20 lineal feet of 4 foot high chain link fence within the front yard of an "L" shaped corner parcel located in a Multi-Family District on the northwest corner of West 20th Street and Freeman Avenue at 2154 West 20th Street; contrary to the Fence Regulations, in residential districts only ornamental fences shall be installed in actual front and side street yards if located within 4 feet of the side street property line, as stated in Section 358.04(c)(1); and if legal chain link fences are determined to be common in the immediate vicinity of the subject property, the Board of Zoning Appeals may permit a chain link fence. (Filed 6-19-08)

POSTPONED FROM JUNE 2, 2008

10:30

Calendar No. 08-27:

13013 Corlett Avenue

Ward 2

Robert White

16 Notices

The Cleveland Metropolitan School District, owner, and Jeff Henderson, agent, appeal to construct a Kindergarten through Eighth Grade public school building on an acreage parcel between East 129th and East 131st Streets in a B1 Two-Family District at 13013 Corlett Avenue; the proposed building and uses being subject to the provisions of Sections 337.02(f)(3)(A) and required to be not less than 30' from any adjoining premises in a residence district not used for a similar purpose; and requires the Board of Zoning Appeals approval, after public notice and hearing, 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; 53 parking spaces are proposed, where the required parking equals 91 spaces, one for each two staff members and other employees and one for each six school gymnasium seats or a total parking area equal to three times the gross floor area, whichever is greater, according to the provisions of Sections 349.04(c)(e); and a 6 foot wide frontage landscaped strip is required along the parking lot areas that front along East 129th Street and Gay Avenue, as stated in Sections 352.10 and 352.11 of the Codified Ordinances. (Filed 2-13-08; testimony taken.)

Third postponement taken for the collective community meeting about the project to occur and a final approval for the purchase of an adjacent parcel.

POSTPONED FROM MAY 12, 2008

10:30

Calendar No. 08-67:

9201 Hillock Avenue

Ward 8

Sabra Pierce Scott

15 Notices

The Cleveland Metropolitan School District, owner, appeals to construct a new Kindergarten through Grade 8 elementary school on a corner acreage parcel located between Hillock and Carr Avenues in split zoning between C1 Multi-Family and B1 Two-Family Districts at 9201 Hillock Avenue; the proposed building and uses by reference are regulated in the provisions of Sections 337.02(f)(3)(A) and require the Board of Zoning Appeals approval, after public notice and hearing, 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 61 parking spaces are proposed, where the requirement is one for each two staff members and one for each six school gymnasium seats, or a total parking area equal to three times the gross floor area, whichever is greater, as stated in Sections 349.04(c)(e) of the Codified Ordinances. (Filed 4-11-08)

First postponement requested by the applicant for time to provide additional information about the project to the neighboring community.

