

**BOARD OF ZONING APPEALS
OCTOBER 12, 2009**

9:30

Calendar No. 09-185:

7948 Lorain Avenue

Ward 17

Matthew Zone

14 Notices

Eugene Pallas, owner, and Art Malin, prospective tenant, appeal to establish tattooing and body piercing in an existing storefront of a two-story building on a 35' x 132' parcel in a Semi-Industry District; subject to the distance limitations in Section 347.12(b)(1), the proposed tattooing and body piercing when permitted in a particular use district, shall not be established within one thousand (1,000) feet of a residential district and the proposed use is abutting a residential district to the north. (Filed 9-8-09)

9:30

Calendar No. 09-186:

4284 West 152nd Street

Ward 20

Martin Sweeney

2 Notices

Jason Mossis, owner, appeals to erect a 24' x 20' one-story frame, gable garage on a 43.23' x 90.72' corner parcel in a Two-Family District; and a distance of 8-feet is provided from the side street property line, contrary to 10-feet that is required in the provisions of Section 357.05(b)(1) of the Cleveland Codified Ordinances. (Filed 9-10-09)

9:30

Calendar No. 09-187:

9501 Denison Avenue

Ward 18

Jay Westbrook

Andrew Junak dba Andy's Hot Spot, appeals under the authority of Section 76.6 of the Cleveland City Charter and Section 329.02(d) of the Codified Ordinances from being denied a Coin Operated Amusement Device License by the Commissioner of Assessments and Licenses for the property at 9501 Denison Avenue, upon the disapproved license application by the Cleveland Department of Public Safety. (Filed 9-10-09)

9:30

Calendar No. 09-188:

779-83 East 185th Street

Ward 11

Michael Polensek

13 Notices

Matt Quinn, owner, appeals to establish use for an approximate 47' x 32' outdoor patio surrounded by an 8-foot tall fence on the rear portion of a 80' x 108.80' parcel in a Local Retail Business District; and 16 additional parking spaces are required for the bar/tavern use at the rate of one space per employee, plus one space for each 100 square feet of area devoted to patron use in accordance with Section 349.04(f); and in all use districts, existing off-street parking facilities shall not voluntarily be reduced below the requirements of the Zoning Code, and contrary to Section 349.02 the patio addition will eliminate on site accessory off-street parking area; and subject to the limitations of Section 358.05(a)(2), an 8-foot tall fence is proposed where in non-residential districts, except as specifically required because of the type of use, in other than General and Unrestricted Industry Districts, fences in actual rear and interior side yards shall not exceed a 6-feet in height. (Filed 9-11-09)

9:30

Calendar No. 09-192:

1524 East 118th Street

Ward 9

Kevin Conwell

1 Notice

Jordan Real Estate LLC and Emmett Jordan, owner, appeal to install approximately 98 linear feet of 6-foot tall privacy fence along the side yard of a 40' x 138.92' parcel in a Two-Family District; and a distance of 4 feet from an adjacent residence building is proposed, where a fence in an actual side yard of a residence district shall not exceed 6 feet in height and not be higher than its distance from a residence building on an adjacent property, according to Section 358.04(a) in the Cleveland Codified Ordinances. (Filed 9-14-09)

9:30

Calendar No. 09-193:

2175 Cornell Road

Ward 6

Mamie Mitchell

21 Notices

Henry E. Billingsley II, Trustee, owner, and MDR, LLC, prospective purchaser, appeal to change use from a store to a bar and restaurant a one story building on an irregular shaped corner parcel in a Multi-Family District; subject to the limitations of Section 337.08, the proposed change is not permitted and first allowed in a Local Retail Business District; and contrary to Section 352.09 a partial landscape transition strip is proposed, where a 4-foot width is required for separation from the abutting residential district; there are 4 parking spaces proposed, contrary to Section 349.04(f) and an off-street parking requirement for 33 spaces, one for each four seats, and the expansion or substitution of a nonconforming use requires the Board of Zoning Appeals approval, according to the provisions in Section 359.01 of the Cleveland Codified Ordinances. (Filed 9-16-09)

9:30

Calendar No. 09-199:

1355 West 74th Street

Ward 17

Matthew Zone

6 Notices

Loretta Colyer, owner, appeals to install approximately 120 linear feet of 8-foot tall wood fence in the actual side yard of a 35' x 79.79' parcel in a Two-Family District; contrary to the Fence Regulations, an 8-foot tall fence is proposed and not more than a 6-foot height is allowed and a distance of 3 feet from an adjacent residence building is proposed, where a fence in an actual side yard of a residence district shall not be higher than its distance from a residence building on an adjacent property, as stated in Section 358.04(a) of the Cleveland Codified Ordinances. (Filed 9-23-09)

POSTPONED FROM AUGUST 17, 2009

10:30

Calendar No. 09-29:

9525 Woodland Avenue

Ward 6

Mamie Mitchell

12 Notices

Eaton Park Leasing, Inc., owner, appeals to change from a scrap yard to a construction distribution facility the use of 2.23 lot acres in a General Industry District; nonconforming to Section 349.07 that 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, asphaltic concrete, asphalt or similar surfacing material, maintained in good condition and free of debris and trash; and in a General Industry District open yard storage of second-hand lumber or other used building material, junk, paper, rags, unrepaired or uncleaned containers or other such salvaged articles may be allowed, provided that such uses are enclosed within a minimum seven feet high solid masonry wall or slightly solid, nontransparent, well maintained substantial fence as stated in Sections 345.04(a)(10)(c)(3) of the Cleveland Codified Ordinances; and all dust, odor, noise and vibration must be confined to the premises and concrete crushing is not permitted on the premises. (Filed 2-26-09; testimony taken.)

Third postponement granted at request of the Councilwoman to allow continued discussions between her office, the applicants and Fairfax Renaissance Development Corporation about the proposed change, the specific parcels, their use and its impact.

POSTPONED FROM AUGUST 31, 2009

10:30

Calendar No. 09-162:

838 Eddy Road

Ward 9

Kevin Conwell

SIP One, LLC and Najeh Salti, by their attorney, Nate Malek, appeal under the authority of Section 76-6 of the Charter of the City of Cleveland from a Notice of Violation issued by the Cleveland Building and Housing Department on June 29, 2009 for failure to comply with the zoning requirements in Sections 327.02(c), 347.08(a) and 349.07 of the Cleveland Codified Ordinances. (Filed 7-29-09; no testimony taken.)

First postponement requested by applicant's attorney for added time to prepare for presentation to the Board of Zoning Appeals.

POSTPONED FROM SEPTEMBER 14, 2009

10:30

Calendar No. 09-168:

18122 St. Clair Avenue

Ward 11

Michael Polensek

Oliver Klar and Alvin Hale, Jr. by and through their attorney, Patrick DiChiro appeal under the authority of Section 76-6 of the Charter of the City of Cleveland and Section 329.02(d) of the Cleveland Codified Ordinances from a Notice of Violation issued on July 7, 2009 by the Department of Building and Housing and the operation of an auto sales business in a Local Retail Business District. (Filed 8-7-09; testimony taken.)

First postponement requested by the Department of Building and Housing.