

BOARD OF ZONING APPEALS
AUGUST 10, 2009

9:30

Calendar No. 09-137:

3048 St. Clair Avenue

Ward 13

Joe Cimperman

13 Notices

Guo Zhang-Tang and Fang Liang, owners, appeal to expand the current use from a restaurant to a club with live entertainment and dancing in a one-story building on a 40' x 145' corner parcel in a Semi-Industry District; the proposed expansion of use being first permitted in a General Retail Business District and the provisions of Section 343.01 which provides that such use shall not be within 500 feet of a residential district, a day care center, kindergarten, elementary or secondary school, public library, church, playground, public or nonprofit recreation or community center; and the requirement for an accessory off-street parking area that must be equal to three times the gross floor area or 21 parking spaces and no parking is provided, contrary to Section 349.04(e) of the Cleveland Codified Ordinances.

(Filed 7-1-09)

9:30

Calendar No. 09-139:

4615 Brooklyn Avenue

Ward 16

Kevin Kelley

6 Notices

Tim McNamara, owner, appeals to install a 6 foot tall wood privacy fence along the interior side yard of a 40' x 138.79' parcel in a Two-Family District; and contrary to the Fence Regulations where no fence shall be higher than its distance from a residence building on an adjoining lot nor from the permitted placement of a future residence building on such lot, or if such fence will be generally parallel to and adjacent to the closet wall of the residence, as stated in Section 358.04(a) of the Cleveland Codified Ordinances. (Filed 7-9-09)

9:30

Calendar No. 09-140:

12805 Shaker Boulevard

Ward 6

Mamie Mitchell

11 Notices

Shaker House LLC and David Goodman, owners, appeal to install a generator for a wireless telecommunications site at the rear of an irregular shaped corner parcel occupied by two multiple dwelling buildings in a General Retail Business District; subject to the provisions in Sections 352.08 and 352.11, a 10 foot wide landscaping/transition strip with a 75 percent year-round opacity is required along the rear of the property between the General Retail Business and abutting Two-Family District; and a dumpster enclosure within the required 10 foot transition strip is not permitted in Sections 352.09 and 352.11 of the Cleveland Codified Ordinances. (Filed 7-9-09)

9:30

Calendar No. 09-141:

5840 Memphis Avenue

Ward 15

Brian Cummins

14 Notices

Taco Bell of America, owner, appeals to conduct retail sales after 11:00 P.M. from a drive through establishment that abuts a residential district, located on a corner parcel in a Local Retail Business District; where retail sales from the lanes of a drive through establishment are prohibited during the hours of 11:00 P.M. to 6:00 A.M. and contrary to Section 347.16(g)(6) of the Cleveland Codified Ordinances.

(Filed 7-9-09)

9:30

Calendar No. 09-142:

1378 West 114th Street

Ward 18

Jay Westbrook

8 Notices

Angela Gomez, owner, appeals from the limitations of Section 347.02(c)(1) to keep a pig on a 3,640 square foot lot in a Multi-Family residential district, where the required parcel of land for the proposed use may not be less than 24,000 square feet, as stated in the Cleveland Codified Ordinances. (Filed 7-9-09)

9:30

Calendar No. 09-145:

5300 Lakeside Avenue

Ward 13

Joe Cimperman

4 Notices

Concord Commerce One LLC, owner, and Interstate McBee, lessee, appeal to expand a parking lot on an acreage corner parcel in a General Industry District; and according to Section 325.03 parking spaces shall equal 180 square feet and a 6 foot wide frontage landscaping strip is required along East 53rd Street in accordance with Section 352.10 of the Cleveland Codified Ordinances. (Filed 7-14-09)

POSTPONED FROM JUNE 15, 2009

10:30

Calendar No. 09-91:

4844 Broadview Road

Ward 16

Kevin Kelley

11 Notices

Fred Tadrous, owner, and George Hasrouni, tenant, appeal for an expansion of an existing auto repair shop to include tire sales in a one-story building on a 78.63' x 130.54' irregular shaped corner lot in a Local Retail Business District; the auto repair garage nonconforming to Section 343.01 and first permitted in a Semi-Industry District; contrary to Section 349.07(a) a gravel surface is proposed on the rear half of the lot where accessory off-street parking spaces, driveway and maneuvering areas shall be properly graded for drainage and hard surfaced and only one driveway is permitted for each 100 feet of lot frontage where off-street parking is provided, and a driveway shall not be less than 15 feet from the property line on the approach side of an intersection and not less than 5 feet on the leaving side; and a maximum width of a driveway is 30 feet in the provisions of Section 349.07(c); and the expansion of a nonconforming use requires the Board of Zoning Appeals approval according to Section 359.01; and no transition strip is proposed between the Local Retail District and a Two-Family District in the rear of the lot contrary to Section 352.09 of the Cleveland Codified Ordinances. (Filed 5-12-09; testimony taken.)

First postponement granted to applicant for time to consult with the local development corporation, the City Planning representative and the Councilman about an improved plan for the project.

POSTPONED FROM JULY 6, 2009

10:30

Calendar No. 09-100:

2330 Broadview Road

Ward 15

Brian Cummins

22 Notices

Fred Manson, owner, appeals to establish an outdoor sales/flea market in the parking lot of an existing retail and storage building on a 184.37' x 140' corner parcel in a Local Retail Business District; subject to the provisions in Section 349.02, in all use districts, existing off-street parking facilities shall not voluntarily be reduced below the required parking where the proposed use will eliminate parking for existing uses on the premises and initiates a new parking requirement for the lot used for outdoor sales; and outdoor retail sales requires a parking area equal to 25 percent of the total lot area, plus one space for each two employees (vendors) in accordance with Section 349.04(f) of the Cleveland Codified Ordinances.

(Filed 5-20-09)

First postponement requested by the applicant to allow time for a community meeting about the proposed plan.

POSTPONED FROM JULY 13, 2009

10:30

Calendar No. 09-116:

5902 Storer Avenue

Ward 17

Matthew Zone

7 Notices

MSM Family Investment, owner, appeals to change use from one to a two family dwelling with dormer and alterations an existing one dwelling unit on a 37.32' x 75.54' parcel in a General Retail Business District; contrary to Section 355.04 the lot density provided is 2,819 square feet and 6,000 square feet is required; and nonconforming side yards of zero and 14 feet are provided where 3 feet and 7 feet are required, according to the provisions of Section 357.09(b)(2) of the Cleveland Codified Ordinances. (6-9-09; no testimony taken.)

First postponement requested by applicants' agent due to a scheduling conflict.