

**BOARD OF ZONING APPEALS  
SEPTEMBER 28, 2009**

**9:30**

**Calendar No. 09-173:**

**13407 Kinsman Road**

**Ward 3**

**Zachary Reed**

**13 Notices**

Eden, Inc., owner, appeals to construct a two-story Walk-In Consumer Training Center, proposed to be on consolidated parcels in a Residence Office District; contrary to Section 357.07(b) the proposed building and parking space are within the 10 foot specific setback that is required pursuant to the City of Cleveland zoning map; one off-street parking space is proposed and 13 spaces are required according to Section 349.04(c), and no transition strip is proposed where a 4 foot wide transition strip is required, as stated in Section 352.09 of the Cleveland Codified Ordinances. (Filed 8-25-09)

**9:30**

**Calendar No. 09-174:**

**4215 West 57<sup>th</sup> Street**

**Ward 15**

**Brian Cummins**

**4 Notices**

James Franczak, owner, appeals to install approximately 24 linear feet of 6 foot tall chain link fence in the front yard of a 40' x 108' parcel in a One-Family District; contrary to Section 358.04 that prohibits a fence taller than 4 feet in an actual front yard and requires an ornamental fence at least 50 percent open. (Filed 8-26-09)

**9:30**

**Calendar No. 09-175:**

**6410 Hawthorne Avenue**

**Ward 5**

**Phyllis Cleveland**

**24 Notices**

Petar Oroz, owner, and Thomas Hall, lessee, appeal to establish use to stockpile (storage) of stone and sand on a 123.88' x 150' parcel in a Semi-Industry District; subject to the limitations of Section 345.02 the proposed use is not permitted and first permitted in a General Industry District, Section 345.04, provided that the lot is enclosed with a minimum of 7 feet tall, solid fence or wall and that the material is piled no higher than 3 feet above the height of the fence; and no space for storage or distribution of stone or sand shall be located less than 300 feet from a Residence District, Local Retail and General Retail Business Districts, except where the dust, noise and vibration therefrom will effectively be confined to the premises, according to the provisions in Section 347.05; and accessory driveways and maneuvering areas leading to the stockpile shall be properly graded for drainage so that all water is drained within the lot and surfaced with concrete, asphalt or similar surfacing material, maintained in good condition and free of debris and trash in accordance with Section 349.07(a) of the Cleveland Codified Ordinances. (Filed 8-27-09)

**9:30**

**Calendar No. 09-176:**

**11029 Briggs Road**

**Ward 19**

**Dona Brady**

**26 Notices**

Simion Habian, owner, and Patrick Mahoney, prospective purchaser, appeal to change use from a machine shop to a funeral home and crematory a one-story building on a 82.30' x 42.25' parcel in a Semi-Industry District; the proposed use for cremation services not permitted in a Semi-Industry District and first permitted in a General Industry District, Section 345.04(b)(5), as an accessory use or incidental to a permitted use and only by special permit from the Board of Zoning Appeals when such use is within 300 feet of a Residence District; and required accessory off-street parking spaces for mortuaries and accessory uses equal 8 spaces for each slumber room, chapel or parlor, or 1 space for each 100 square feet of floor area of assembly rooms, whichever is greater, plus 1 for each vehicle maintained on the premises, according to Section 349.04(g) of the Cleveland Codified Ordinances.

9:30

Calendar No. 09-177:

10515 Sandusky Avenue

Ward 2

Nathaniel Wilkes

11 Notices

Micah Sanford, owner, and Lynette Franklin, tenant, appeal to change use from a beauty salon to a day care in a two story dwelling house located on a 40' x 127.43' parcel in a Two-Family District; contrary to Section 337.03, the proposed use is within the required distance of 30 feet from any adjoining premises in a residence district not used for a similar purpose; and contrary to Section 349.04(c) there are 2 parking spaces provided where one is required for each two staff members and other employees; and a substitution of nonconforming use requires the Board of Zoning Appeals approval in accordance with Section 359.01(a) in the Cleveland Codified Ordinances. (Filed 8-28-09)

9:30

Calendar No. 09-184:

15105 Fernway Avenue

Ward 21

Martin Keane

4 Notices

Chris Jagelewski, owner, appeals to install an air conditioning unit in the front yard setback of a 40' x 120' parcel in a One-Family District, contrary to the provisions of Section 357.13(b) and required yard spaces as stated in the Cleveland Codified Ordinances. (Filed 9-4-09)

**POSTPONED FROM AUGUST 24, 2009**

10:30

Calendar No. 09-120:

1575 Merwin Avenue

Ward 13

Joe Cimperman

Target Industries, Inc., owner, and Justine White dba Club Alchemy, tenant, appeal under the authority of Section 76-6 of the Charter of the City of Cleveland from a denied Dance Hall License, upon recommendation of the Cleveland Fire Prevention Bureau to disapprove an application for a Dance Hall License for the premises at 1575 Merwin Avenue, as stated in the notice dated June 1, 2009 from the Cleveland Division of Assessments and Licenses. (Filed 6-11-09; no testimony taken.)

**Second postponement requested by counsel for the applicant property owner who could not attend the hearing and for additional information from the Cleveland Fire Prevention Bureau regarding the disapproved application for a Dance Hall License.**

**POSTPONED FROM AUGUST 3, 2009**

10:30

Calendar No. 09-136:

4187 West 140<sup>th</sup> Street

Ward 20

Martin Sweeney

5 Notices

Belinda Anderson, owner, appeals to erect a 3 foot by 12 foot long wooden ramp to the front of a one family dwelling in a One Family District, and the proposed ramp is not a permitted encroachment under Section 357.13 of the Cleveland Codified Ordinances. (Filed 6-29-09; testimony taken.)

**First postponement granted for applicant to consult with the Bellaire Puritas Development Corporation for possible assistance with agencies and for an improved plan.**

**POSTPONED FROM AUGUST 31, 2009**

10:30

Calendar No. 09-163:

17426-76 Harvard Avenue

Ward 1

Terrell Pruitt

10 Notices

B&E Properties and Robert Hunt, owner, appeal to add a roof over an outdoor patio of an existing, nonconforming tavern/restaurant on a 45.84' x 150' corner parcel in a Local Retail Business District; 11 parking spaces are provided and an establishment of 1,600 square feet requires parking at the rate of one space per 100 square feet plus one for each employee according to Section 349.04; an existing driveway is 140 feet wide, exceeds the maximum width of 30 feet allowed under Section 349.07(3) and requires driving over the sidewalk, backing into traffic and does not minimize traffic congestion. No landscaping is provided contrary to Sections 352.08-352.11 where an 8 foot wide landscaped strip with a 75 percent year-round opacity is required along the rear property line that abuts a residential district and a 6 foot width of landscaping is required where the parking abuts the street; and subject to the provisions in Section 349.03, the addition of an approximate 400 square feet of covered patio space requires an additional 4 parking spaces; and the nonconforming use is subject to the Board of Zoning Appeals approval as stated in Section 359.01 of the Cleveland Codified Ordinances. (Filed 7-30-09; no testimony taken.)

**First postponement requested by the applicant for time to meet with the Local Design Review Advisory Committee about the project.**