

**BOARD OF ZONING APPEALS
FEBRUARY 2, 2004**

9:30

Calendar No. 03-344:

3500 East 147th Street

Ward 3

Zachary Reed

21 Notices

The Cleveland Municipal School District, owner c/o David Dickenson, agent, appeals to construct a 255' x 365' two-story elementary/middle school building, situated on an acreage parcel located partially in a Local Retail Business District and in a Two-Family District at 3500 East 147th Street; contrary to Sections 337.02(f)(3)A and 337.03(b), where in a Two-Family District, a school requires the Board of Zoning Appeals approval and subject to the Off-Street Parking and Loading Requirements, 63 parking spaces are provided where 90 parking spaces are required as calculated under the provisions of Section 349.04(c) of the Codified Ordinances. (Filed 12-22-03)

9:30

Calendar No. 03-347:

3735 West 33rd Street

Ward 15

Merle Gordon

6 Notices

Alex Badea, owner, appeals to enclose an 18' x 31' porch of an existing two-story, dwelling units building situated on an approximate 70' x 134' parcel that is located in a Two-Family District on the east side of West 33rd Street at 3735 West 33rd Street; the proposed enclosure being subject to the Nonconforming Use provisions, where the expansion or addition to an existing nonconforming building requires the Board of Zoning Appeals approval as stated in Section 359.01 of the Codified Ordinances. (Filed 12-29-03)

9:30

Calendar No. 03-349:

15209 Florida Avenue

Ward 1

Joseph Jones

16 Notices

Ebenezer Assembly of Christ Church, owner c/o Pastor Claude Cummings, appeals to construct a two-story addition for classrooms to an existing 57' x 65' one and two-story masonry church, situated on a 120' x 100' parcel located in a B1 Two-Family District on the north side of Florida Avenue at 15209 Florida Avenue; the proposed construction being contrary to the Area Regulations in Section 355.04, where all main buildings in Residence Districts in a "B" area district are limited to one-half of the lot size and a 6,000 s/f gross floor area is permitted where 10,415 s/f is proposed; and no parking is provided on the plan, contrary to Section 349.04(a) of the Off-Street Parking and Loading Requirements, where a church and assembly hall require parking at the rate of one space per six seats and classrooms, a school, require parking at the rate of one space per two teachers or other employees as stated in Section 349.04(c) of the Codified Ordinances.(Filed 12-30-03)

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Calendar No. 04-02:

4507 West 193rd Street

Ward 21

Michael Dolan

19 Notices

Ameri-Con, Inc., owner c/o Paul Ettore, appeals to erect a 16' x 50' two-story, frame, one family townhome on a 25' x 81' area of a 300' x 174' parcel located in an A1 One-Family District on the east side of West 193rd Street at 4507 West 193rd Street; the proposed construction being contrary to Section 355.04 under Area Regulations that requires a 4,800 s/f lot size and 2,012 s/f is provided and there is a minimum of 30' for street frontage required; and a minimum lot width of 50' is required where 25' is provided; and contrary to Section 357.04 of the Yards and Courts Requirements, a front yard building setback line of 12' is required and 11' is provided; and Sections 357.09(2)B, where the total interior side yards required are 10' and no interior side yard shall be less than 3' in width and only 8' is provided and no building shall be erected less than 10' from a building on an adjoining lot as stated in Section 357.09(2)A of the Codified Ordinances.

9:30

Calendar No. 04-03:

4509 West 193rd Street

Ameri-Con, Inc., owner c/o Paul Ettore, appeals to erect a 16' x 50' two-story, frame, one family townhome on a 16.5' x 81' area of a 300' x 174' parcel located in an A1 One-Family District on the east side of West 193rd Street at 4509 West 193rd Street; the proposed construction being contrary to Section 355.04 of the Area Regulations that requires a 4,800 s/f lot size and 1,336 s/f is provided, and there is a minimum of 30' for street frontage required; and a minimum lot width of 50' is required where 16' is provided and a minimum of floor area 1,250 s/f is required and 1,190 s/f is provided; and contrary to Section 357.04 of the Yards and Courts Requirements, a front yard building setback of 12' is required and 10' is provided; and contrary to Sections 357.09(2)B, no interior side yards are provided where a total width of 10' or a minimum of 3' is required; and no building shall be erected less than 10' from a building on an adjoining lot as stated in Section 357.09(2)A of the Codified Ordinances.

9:30

Calendar No. 04-04:

4511 West 193rd Street

Ameri-Con, Inc., owner c/o Paul Ettore, appeals to erect a 16' x 50' two-story, frame, one family townhome on a 17' x 81' area of a 300' x 174' parcel located in an A1 One-Family District on the east side of West 193rd Street at 4511 West 193rd Street; the proposed construction being contrary to Section 355.04 of the Area Regulations that requires a 4,800 s/f lot size and 1,384 s/f is provided, and there is a minimum of 30' for street frontage required; and a minimum lot width of 50' is required where 17' is provided and a minimum floor area of 1,250 s/f is required and 1,190 s/f is provided; and contrary to Sections 357.08(2)(b) of the Yards and Courts Requirements, a rear yard of 20' is required and 17' is provided and Sections 357.09(2)B, no interior side yards are provided where a total width of 10' or a minimum of 3' is required; and no building shall be erected less than 10' from a building on an adjoining lot as stated in Section 357.09(2)A of the Codified Ordinances.

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Calendar No. 04-05:

4515 West 193rd Street

Ward 21

Michael Dolan

19 Notices

Ameri-Con, Inc., owner c/o Paul Ettore, appeals to erect a 16' x 50' two-story, frame, one family townhome on a 17' x 81' area of a 300' x 174' parcel located in an A1 One-Family District on the east side of West 193rd Street at 4515 West 193rd Street; the proposed construction being contrary to Section 355.04 of the Area Regulations that requires a 4,800 s/f lot size and 1,384 s/f is provided, and there is a minimum of 30' for street frontage required; and a minimum lot width of 50' is required where 17' is provided and a minimum floor area of 1,250 s/f is required and 1,190 s/f is provided; and contrary to Sections 357.08(2)(b) of the Yards and Courts Requirements, a rear yard of 20' is required and 17' is provided and Sections 357.09(2)B, no interior side yards are provided where a total width of 10' or a minimum of 3' is required; and no building shall be erected less than 10' from a building on an adjoining lot as stated in Section 357.09(2)A of the Codified Ordinances. (Filed 1-6-04)

9:30

Calendar No. 04-06:

4517 West 193rd Street

Ameri-Con, Inc., owner c/o Paul Ettore, appeals to erect a 16' x 50' two-story, frame one family townhome on a 16.5' x 82' area of a 300' x 174' parcel located in an A1 One-Family District on the east side of West 193rd Street at 4517 West 193rd Street; the proposed construction being contrary to Section 355.04 of the Area Regulations that requires a 4,800 s/f lot size and 1,347 s/f is provided, and there is a minimum of 30' for street frontage required; and a minimum lot width of 50' is required where 25' is provided and a minimum floor area of 1,250 s/f is required and 1,190 s/f is provided; and contrary to Section 357.04 of the Yards and Courts Requirements, a front yard setback building line of 12.2' is required and 11' is provided; and Sections 357.09(2)B, no interior side yards are provided where a total width of 10' or a minimum of 3' is required; and no building shall be erected less than 10' from a building on an adjoining lot as stated in Section 357.09(2)A of the Codified Ordinances.

9:30

Calendar No. 04-07:

4519 West 193rd Street

Ameri-Con, Inc., owner c/o Paul Ettore, appeals to erect a 16' x 50' two-story, frame one family townhome on a 26' x 82' area of a 300' x 174' parcel located in an A1 One-Family District on the east side of West 193rd Street at 4519 West 193rd Street; the proposed construction being contrary to Section 355.04 of the Area Regulations that requires a 4,800 s/f lot size and 2,111 s/f is provided and there is a minimum of 30' for street frontage required; and a minimum lot width of 50' is required where 25' is provided; and contrary to Section 357.04 of the Yards and Courts Requirements, a front yard setback building line of 12.2' is required and 11' is provided; and Sections 357.09(2)B, where the total interior side yards required are 10' and no interior side yard shall be less than 3' in width and only 9' is provided; and no building shall be erected less than 10' from a building on an adjoining lot as stated in Section 357.09(2)A of the Codified Ordinances.

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Calendar No. 04-08: 4521 West 193rd Street Ward 21

Ameri-Con, Inc., owner c/o Paul Ettore, appeals to erect a 16' x 50' two-story, frame one family townhome on a 26' x 78' area of a 300' x 174' parcel located in an A1 One-Family District on the east side of West 193rd Street at 4521 West 193rd Street; the proposed construction being contrary to Section 355.04 of the Area Regulations that requires a 4,800 s/f lot size and 2,008 s/f is provided and there is a minimum of 30' for street frontage required; and a minimum lot width of 50' is required where 26' is provided; and contrary to Section 357.04 of the Yards and Courts Requirements, where a building setback line of 11.6' is required and 10' is provided and Section 357.08(2)(b) where a rear yard setback of 17' is provided and 20' is required and Sections 357.09(2)B, where the total side yards required are 10' and no interior side yard shall be less than 3' in width and only 9' is provided; and no building shall be erected less than 10' from a building on an adjoining lot as stated in Section 357.09(2)A of the Codified Ordinances.

9:30

Calendar No. 04-09: 4523 West 193rd Street

Ameri-Con, Inc., owner c/o Paul Ettore, appeals to erect a 16' x 50' two-story, frame, one family townhome on a 16.5' x 78' area of a 300' x 174' parcel located in an A1 One-Family District on the east side of West 193rd Street at 4523 West 193rd Street; the proposed construction being contrary to Section 355.04 of the Area Regulations that requires a 4,800 s/f lot size and 1,291 s/f is provided and there is a minimum of 30' for street frontage required and the minimum floor area allowed is 1,250 and 1,190 s/f is provided; and a minimum lot width of 50' is required and 16.5' is provided; and contrary to Section 357.04 of the Yards and Courts Requirements, where a building setback line of 11.7' is required and 10' is provided and Section 357.08(2)B where a rear yard setback of 20' is required and 18' is provided and Sections 357.09(2)B, no interior side yards are provided where a total width of 10' or a minimum of 3' is required; and no building shall be erected less than 10' from a building on an adjoining lot as stated in Section 357.09(2)A of the Codified Ordinances.

9:30

Calendar No. 04-10: 4525 West 193rd Street

Ameri-Con, Inc., owner c/o Paul Ettore, appeals to erect a 16' x 50' two-story, frame, one family townhome on a 17' x 79' area of a 300' x 174' parcel located in an A1 One-Family District on the east side of West 193rd Street at 4525 West 193rd Street; the proposed construction being contrary to Section 355.04 of the Area Regulations that requires a 4,800 s/f lot size and 1,335 s/f is provided and there is a minimum of 30' for street frontage required and the minimum floor area allowed is 1,250 s/f and 1,190 s/f is provided; and a minimum lot width of 50' is required and 17' is provided; and contrary to Section 357.04 of the Yards and Courts Requirements, where a building setback line of 11.7' is required and 15' is provided and Section 357.08(2)B where a rear yard setback of 20' is required and 15' is provided and Sections 357.09(2)B, no interior side yards are provided where a total width of 10' or a minimum of 3' is required; and no building shall be erected less than 10' from a building on an adjoining lot as stated in Section 357.09(2)A of the Codified Ordinances.

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Calendar No. 04-11: 4527 West 193rd Street Ward 21

Ameri-Con, Inc., owner c/o Paul Ettore, appeals to erect a 16' x 50' two-story, frame, one family townhome on a 17' x 79' area of a 300' x 174' parcel located in an A1 One-Family District on the east side of West 193rd Street at 4527 West 193rd Street; the proposed construction being contrary to Section 355.04 of the Area Regulations that requires a 4,800 s/f lot size and 1,339 s/f is provided and there is a minimum of 30' for street frontage required and the minimum floor area allowed is 1,250 s/f and 1,160 s/f is provided; and a minimum lot width of 50' is required and 17' is provided; and contrary to Section 357.04 of the Yards and Courts Requirements, where a building setback line of 11.7' is required and 15' is provided and Section 357.08(2)B where a rear yard setback of 20' is required and 15' is provided and Sections 357.09(2)B, no interior side yards are provided where a total width of 10' or a minimum of 3' is required; and no building shall be erected less than 10' from a building on an adjoining lot as stated in Section 357.09(2)A of the Codified Ordinances.

9:30

Calendar No. 04-12: 4529 West 193rd Street

Ameri-Con, Inc., owner c/o Paul Ettore, appeals to erect a 16' x 50' two-story, frame, one family townhome on a 16' x 79' area of a 300' x 174' parcel located in an A1 One-Family District on the east side of West 193rd Street at 4529 West 193rd Street; the proposed construction being contrary to Section 355.04 of the Area Regulations that requires a 4,800 s/f lot size and 1,303 s/f is provided and there is a minimum of 30' for street frontage required and the minimum floor area allowed is 1,250 s/f and 1,190 s/f is provided; and a minimum lot width of 50' is required and 16' is provided; and contrary to Section 357.04 of the Yards and Courts Requirements, where a building setback line of 11' is required and 10' is provided and Sections 357.09(2)B, no interior side yards are provided where a total width of 10' or a minimum of 3' is required; and no building shall be erected less than 10' from a building on an adjoining lot as stated in Section 357.09(2)A of the Codified Ordinances.

9:30

Calendar No. 04-13: 4531 West 193rd Street

Ameri-Con, Inc., owner c/o Paul Ettore, appeals to erect a 16' x 50' two-story, frame, one family townhome on a 25' x 79' area of a 300' x 174' parcel located in an A1 One-Family District on the east side of West 193rd Street at 4531 West 193rd Street; the proposed construction being contrary to Section 355.04 of the Area Regulations that requires a 4,800 s/f lot size and 1,983 s/f is provided and a minimum lot width of 50' is required and 25' is provided; and Section 357.08(2)B where a rear yard setback of 20' is required and 9' is provided and Sections 357.09(2)B, where a total of 10' is the required width for interior side yards or a minimum width of 3' for an interior side yard and only 8' is provided; and no building shall be erected less than 10' from a building on an adjoining lot as stated in Section 357.09(2)A of the Codified Ordinances. (Filed 1-6-04)

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POSTPONED FROM JANUARY 5, 2004

10:30
Calendar No. 03-326: 3930 East 131st Street Ward 2
Robert White
10 Notices

Mahmoud Zayed, owner, appeals to establish use as a grocery store a 26' x 78' one-story brick building situated on an approximate 133' x 145' parcel that is located in a Local Retail Business District and a Two-Family District on the west side of East 131st Street at 3930 East 131st Street; the proposed use being contrary to the Residential Districts Regulations of Section 337.03 that do not allow a grocery store and its accessory use, a drive through, in a Two-Family District and contrary to the Yards and Courts Requirements, the proposed accessory use for a drive through is only between 5' and 6' from the side street line, where a distance of not less than 10' is required as stated in Section 357.05 of the Codified Ordinances. (Filed 12-1-03; no testimony taken.)

First postponement requested by appellant due to a scheduling conflict for his attorney.

POSTPONED FROM JANUARY 12, 2004

10:30
Calendar No. 03-330: 1082-98 East 105th Street Ward 8
Sabra Scott
11 Notices

Maher J. Ali, owner, appeals to construct a 50' x 97' one-story grocery store building on an approximate 143' x 155' corner parcel located in a Local Retail Business District and a Two-Family District on the west side of East 105th Street at the intersection of East 105th Street and Ostend Avenue at 1082-98 East 105th Street; contrary to the Residential Districts Regulations in Section 337.02 that prohibit retail sales use in a Two-Family District and contrary to the Landscaping and Screening Requirements of Section 352.11 where an 8' wide landscaping strip is required between the Local Retail District and the abutting Two-Family District and a 5' wide service walk encroaches more than 2'-10" on the required landscaping strip; and contrary to Section 357.04(a) of the Yards and Courts Regulations, a front yard setback of 1' is proposed where 17.5' is required and subject to Sections 357.05(b)(2) where no building shall be erected nearer to the side street at the rear line of the corner lot than the setback building line of the butt lot; provided that for each 1' the building on the corner lot sets in from the rear lot line, it may be set 1' closer to the side street line; and that parking in the 17.5' front setback is proposed where it is prohibited as stated in Section 357.14 of the Codified Ordinances. (Filed 12-4-03; no testimony taken)

First postponement requested by appellant to complete changes suggested by the local development corporation for the proposed plan.
