

**BOARD OF ZONING APPEALS**

**JULY 11, 2005**

**9:30**

**Calendar No. 05-165:**

**6402 Lansing Avenue**

**Ward 12**

**Anthony Brancatelli**

**11 Notices**

Louis Sainato, owner and Patricia Cole lessee, appeal to expand a day care, previously established by an approval from the Board of Zoning Appeals, with specific conditions, in Calendar No. 03-35; appellants now propose to expand the day care use in the existing 38' x 100' one-story building, situated on a 40' x 140' corner lot in a Local Retail Business District at the southwest corner of Lansing Avenue and East 64<sup>th</sup> Street; and the expansion of an existing nonconforming building and use requires approval of the Board to determine that what is proposed is no more harmful nor objectionable than the previous nonconforming use in floor or other space occupied; in the daily hours or other period of use; in the type or number of persons to occupy the premises, or in any other characteristic of the new use as compared with the previous use, as stated in Section 359.01(a) of the Codified Ordinances. (Filed 5-27-05)

**9:30**

**Calendar No. 05-166:**

**2137 West 85<sup>th</sup> Street**

**Ward 17**

**Matthew Zone**

**16 Notices**

Paul Johnson, owner, appeals to change a two-story frame, single family dwelling house to an adult group home, situated on a 35' x 136' lot in a B1 Two-Family District on the east side of West 85<sup>th</sup> Street at 2137 West 85<sup>th</sup> Street; the proposed change of use is first permitted in a Multi-Family District and is contrary to Section 337.03 that does not permit an adult group home in a Two-Family District. (Filed 6-1-05)

**9:30**

**Calendar No. 05-167:**

**1688 East 70<sup>th</sup> Street**

**Ward 7**

**Fannie Lewis**

**7 Notices**

Leonid Shkolnikov and Alex Frenk aka King Property Management, owners, and League Park Center, lessee, and Cheryl Murray, agent, appeal to change from a single family residence to a Youth Community Center, an existing three story, frame dwelling house, situated on a 40' x 90' lot in a B1 Two-Family District, located on the west side of East 70<sup>th</sup> Street at 1688 East 70<sup>th</sup> Street; the proposed change of use is regulated by reference to Section 337.02(f)(3)(B) and violates the required minimum of a 30' distance from an adjoining premises in a residential district and requires approval of the Board of Zoning Appeals. (Filed 6-1-05)

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**BOARD OF ZONING APPEALS**

**JULY 11, 2005**

**9:30**

**Calendar No. 05-168:**

**4835 Broadview Road**

**Ward 16**

**Kevin Kelley**

**8 Notices**

Villa Care Realty, owner, and Scott Soeder dba Home Team Properties, prospective purchaser, appeal to change from a nursing home to commercial offices the use of an existing two-story brick building, situated on an approximate 104' x 132' corner lot in a C1 Multi-Family District, located on the northeast corner of Broadview Road and Merl Avenue at 4835 Broadview Road; the proposed use is contrary to Section 337.08 that does not permit offices in a Multi-Family District and offices occupied by more than 5 persons are first permitted in a General Retail Business District; 5 parking spaces are provided, contrary to Section 349.04(g) that requires parking provided at the rate of one space per 500 square feet, or 20 spaces; and no transition strip is provided along the rear property line, where a 10' wide landscaped transition strip is required to separate the proposed use from the abutting One-Family District, according to Sections 352.08-352.12 of the Codified Ordinances. (Filed 6-2-05)

**9:30**

**Calendar No. 05-169:**

**3925 West 22<sup>nd</sup> Street**

**Ward 15**

**Emily Lipovan Holan**

Christian Walton, owner, appeals under Chapter 76-6 of the Charter of the City of Cleveland and Section 329.02(d) from being denied an Application for a Street Opening Permit by the Division of Engineering and Construction, Department of Public Service, for a 24' curb cut to construct a driveway apron for access to a concrete pad poured between appellant's residence at 3925 West 22<sup>nd</sup> Street and the adjacent residential property. (Filed 6-2-05)

**9:30**

**Calendar No. 05-170:**

**901 West Superior Avenue**

**Ward 13**

**Joseph Cimperman**

**1 Notice**

Courthouse Plaza Partners Ltd. and Tony Milam, owners, appeal for an extension of a Temporary Certificate of Occupancy, dated January 16 2003, authorized under Permit B16732, upon the application for a building permit approved by the City Planning Commission under authority of Section 349.14(e)(1), allowing a temporary surface parking operation at 901 West Superior Avenue aka 1801 Robert Lockwood Jr. Drive for 80 vehicles during a period of 12 months and a subsequent extension of the duration for Certificate of Occupancy No. 16213; appellants now appeal to the Board of Zoning Appeals for a variance to extend the temporary parking lot use until December 31, 2005, according to the provisions of Section 349.04(e)(1)(h) of the Codified Ordinances. (Filed 6-2-05)

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**9:30**

**Calendar No. 05-171:**

**9918 Lorain Avenue**

**Ward 18**

**Jay Westbrook**

**16 Notices**

Fehim Coalic, owner, appeals to change from stores and suites to a community hall, the use of an existing two-story brick building, situated 39' x 151' lot in a General Retail Business District on the north side of Lorain Avenue at 9918 Lorain Avenue; contrary to Sections 349.04(e) and 349.07, no parking is proposed and 56 parking spaces are required with accessory off-street parking being properly graded and hard surfaced with concrete or asphalt; and contrary to Section 347.12, the use proposed is less than a 500' distance from the abutting Residential District as well as the church located at West 99<sup>th</sup> Street and Denison Avenue; and a 10' landscaped strip is required at the rear of the property to conform with the provisions for landscaping and screening, according to Sections 352.08 through 352.11 of the Codified Ordinances. (Filed 6-3-05)

**9:30**

**Calendar No. 05-172:**

**2194 West 95<sup>th</sup> Street**

**Ward 18**

**Jay Westbrook**

**6 Notices**

Chad Cape, owner, appeals to change an existing two family to a three family dwelling, situated on a 51' x 112' lot located in a B1 Two-Family District on the west side of West 95<sup>th</sup> Street at 2194 West 95<sup>th</sup> Street; the proposed change is prohibited by the limitations of Section 337.03 and is first allowed in a Multi-Family District; and Section 357.09(2)(c) requires interior side yards in a Multi-Family District to equal 8' and 3.5' is proposed; and Section 355.05 requires a minimum lot area of 2,400 s/f per dwelling unit and 5,761 s/f is proposed; with two parking spaces proposed where three are required, contrary to Section 349.04 of the Codified Ordinances. (Filed 6-3-05)

**POSTPONED FROM JUNE 13, 2005**

**10:30**

**Calendar No. 03-103:**

**15409 St. Clair Avenue**

**Ward 10**

**Roosevelt Coats**

**14 Notices**

James Reid, owner, aka Next Step Development and dba JR Video Production, was granted a variance on May 19, 2003 in Calendar No. 03-103 to change the use of a one-story print shop building to a video productions studio with specific conditions, including a restriction that no more than 2-3 people at a time will be at the site. Appellant Reid now asks that the Board of Zoning Appeals modify the condition regarding the occupancy they deem appropriate to be on the premises at one time for the use granted by the variance. (Motion to Modify the Resolution filed 4-27-05; testimony taken.)

**First postponement granted for appellant to consult with the local development corporation and the Councilman about the requested change and for appellant James Reid to attend the hearing.**

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**POSTPONED FROM JUNE 20, 2005**

**10:30**

**Calendar No. 05-136:**

**11106 Greenwich Avenue**

**Ward 2**

**Robert White**

**3 Notices**

Felicia Anderson, owner, appeals to enclose an existing 8' x 24' front porch of a two-family dwelling, situated on a 40' x 126' lot in a B1 Two-Family District on the south side of Greenwich Avenue at 11106 Greenwich Avenue; as proposed the porch projection is 8' and an enclosed porch may not project beyond 4' nor aggregate a vertical area in any story more than twenty percent of the façade in that story as stated in Section 357.13 of the Codified Ordinances. (Filed 5-4-05; testimony taken.)

**First postponement granted for appellant to provide an improved plan that shows a more open appearance where the enclosure of the existing porch is proposed.**

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