

**BOARD OF ZONING APPEALS  
AUGUST 9, 2004**

**9:30**

**Calendar No. 04-134:      3584 East 116<sup>th</sup> Street**

**Ward 3  
Zack Reed  
17 Notices**

Aiat of Ohio LLC c/o Aziz Y. Tayeh, owners, appeal to expand the use of a proposed 50' x 50' one-story retail sales building by adding a gas station service to be erected on an approximate 158' x 150' corner lot, located in a Local Retail Business District on the southwest corner of East 116<sup>th</sup> Street and Benham Avenue at 3584 East 116<sup>th</sup> Street; contrary to Section 343.01 of the Regulations for Business Districts, a gas station is not permitted in a Local Retail District but first permitted under Section 343.11(b)(2)I in a General Retail Business District, but as proposed, subject to the limitations of a location on a lot at a four corners intersection, where one of the streets is a 30' width and a 40' width, at least, is required and the other is a 45' width and must be at least a 60' width, as stated in Section 343.15(a)(2) of the Codified Ordinances. (Filed 6-3-04)

**9:30**

**Calendar No. 04-169:      2118 Broadview Road**

**Ward 15  
Merle Gordon  
13 Notices**

Hikmat Dakdouk, owner, appeals to use the setback for parking on a 44' x 140' corner parcel with an existing retail sales store in a Local Retail Business District on the southeast corner of Broadview Road and Mayview Avenue at 2118 Broadview Road; contrary to Section 337.14, the off-street parking spaces are proposed within the 10' setback in front of the building line along Broadview Road and Mayview Avenue and contrary to the requirements for Access and Maintenance to Off-Street Parking Spaces, no bumper guards are proposed, where wheel or bumper guards must be located so that no part of a parked vehicle shall extend beyond such parking space, and the proposed parking is designed for vehicles to back out onto the street, and it is required that a driveway used to provide accessibility to off-street parking spaces shall be located and arranged to minimize traffic congestion, as stated in Sections 337.18(b) and (c) of the Codified Ordinances. (Filed 7-13-04)

**9:30**

**Calendar No. 04-170:      17316 Dorchester Drive**

**Ward 11  
Michael Polensek  
3 Notices**

Dan Sadowsky, co-owner, appeals to erect a 28' x 8' frame deck to the front of a one-family dwelling, situated on a 39' x 123' corner parcel in an A1 One-Family District on the southwest corner of Drochester Drive and Schenely Avenue at 17316 Dorchester Drive; contrary to the Requirements for Yards and Courts, the proposed deck projects 8' and may not project more than 6' and aggregate a vertical area in any story more than 20% of the area of the façade in that story, as stated in Section 357.13(b)(4) of the Codified Ordinances. (Filed 7-14-04)

**BOARD OF ZONING APPEALS  
AUGUST 9, 2004**

**9:30**

**Calendar No. 04-171:**

**8211 Platt Avenue**

**Ward 6**

**Patricia Britt**

**5 Notices**

Lawrence Lane, owner, appeals to change the use from a grocery store to an office in a 40' x 40' one-story building situated on a 50' x 150' parcel located in Local Retail Business and Multi-Family Districts on the north side of Platt Avenue at 8211 Platt Avenue; contrary to Section 337.08 of the Regulations for Residential Districts, an office is not a permitted use in a Multi-Family District but first permitted in a Local Retail Business District under Section 343.01G(3), provided that personnel customarily required for the business or profession do not exceed more than five persons at any one time; and subject to the provisions for Nonconforming Uses, the substitution of a nonconforming use requires the Board of Zoning Appeals approval as stated in Section 359.01 of the Codified Ordinances.

(Filed 7-15-04)

---

**9:30**

**Calendar No. 04-172:**

**10812-26 St. Clair Avenue**

**Ward 8**

**Sabra Pierce Scott**

**7 Notices**

St. Aloysius Church c/o Reverend Father Bill Behringer, owner, appeals to construct an accessory off-street parking lot on a 111' x 89' corner lot, located in a Local Retail Business District on the southwest corner of St. Clair Avenue and East 109<sup>th</sup> Street at 10812-26 St. Clair Avenue; contrary to Sections 349.13(c)(6) and (7) of the Parking and Loading Requirements and by reference from Sections 343.01(6)(4), a 6' setback is proposed along St. Clair Avenue, where parking in the 17' front setback is prohibited and where the parking lot abuts a Residence District at the rear on East 109<sup>th</sup> Street, there is a 16' building line setback, and a 6' high chain link fence with a 6' wide landscape strip is proposed, where the requirement for adequate screening is not less than 4 ½' high and not more than 5' high; and no parking is permitted in the required side street setback of a corner lot, where the setback distance is formed by creating an angle from the established setback line on East 109<sup>th</sup> Street and a point equal to this setback along the side street property line from the rear, as stated in Section 357.05(b) of the Codified Ordinances. (Filed 7-15-04)

---

**9:30**

**Calendar No. 04-173:**

**12617 Sprecher Avenue**

**Ward 20**

**Martin Sweeney**

**2 Notices**

James Sakaley, owner, appeals to erect a 30' x 50' one-story, frame accessory garage on a 40' x 175' parcel located in an A1 One-Family District on the south side of Sprecher Avenue at 12617 Sprecher Avenue; contrary to the Regulations for Residential Districts, a maximum square foot floor area of 1,500 s/f is proposed where 833 s/f is allowed as determined according to Section 337.23A of the Codified Ordinances. (Filed 7-16-04)

---

**BOARD OF ZONING APPEALS  
AUGUST 9, 2004**

**POSTPONED FROM JULY 19, 2004**

**10:30**  
**Calendar No. 04-160:           Appeal of**  
**North Coast Payphones**  
**ClevePhones, Inc.**

North Coast Payphones/ClevePhones, Inc. c/o Howard Meister, president, appeal under Section 76-6 of the Charter of the City of Cleveland from an order to remove outdoor payphones from five (5) sites, identified by the Commissioner of Assessments and Licenses on June 23, 2004, under the authority of Section 670B.06, where the appellant is ordered to remove the payphones that have been declared a nuisance by the Director of Public Safety. (Filed 7-2-04; no testimony taken.)

**First postponement granted to allow time to provide requested records information.**

---

**POSTPONED FROM JULY 26, 2004**

**10:30**  
**Calendar No. 04-161:       15601 Chatfield Avenue           Ward 21**  
**Michael Dolan**  
**35 Notices**

Dominion East Ohio, owner c/o Greg Warren, appeals to erect a 140' tall telecommunication tower to replace an existing tower, situated at the westerly side of an acreage parcel located in a Residence Industry District on the south side of Chatfield Avenue and Green Hill Road at 15601 Chatfield Avenue; contrary to Section 354.06(a) of the Regulations for Wireless Telecommunications Facilities, where it is allowable for a telecommunication tower to exceed the height restriction only in Zoning Districts for General Retail, Shopping Center, Semi-Industry, General Industry or Unrestricted Industry; and contrary to the required distance from a Residential District, a 150' setback is proposed, where three times the tower's height, or a 520' setback distance, is required as stated in Section 354.06(b) of the Codified Ordinances. (Filed 7-8-04; testimony taken.)

**First postponement granted for appellant to provide a revised plan showing placement of the proposed tower toward the rear of the site.**