

BOARD OF ZONING APPEALS
MAY 11, 2009

9:30

Calendar No. 09-65:

1100 East 174th Street

Ward 11

Michael Polensek

5 Notices

Dawn Young, owner, appeals to place a 3 foot by 36 foot L-shaped wheelchair ramp at the front of a single family dwelling on a 38' x 197.51' parcel in a B1 Two-Family District; and ramps are not a permitted encroachment in the provisions of Section 357.13 of the Cleveland Codified Ordinances. (Filed 4-7-09)

9:30

Calendar No. 09-66:

4336 East 164th Street

Ward 1

Terrell Pruitt

6 Notices

Cleveland South English Congregation of Jehovah's Witnesses, owner, appeal to construct a parking lot on a 50' x 125' parcel in an A1 One-Family District; subject to the provisions of Section 349.13(c), the Board of Zoning Appeals, if in its opinion the best interests of the community will be served, may permit temporarily or permanently the use of land in a residential district for a parking lot provided that (1) the lot is used only for parking passenger automobiles of employees, customers or guests of the person or firm responsible for operating and maintaining the lot; (2) no charge is to be made for parking on the lot; (3) the lot is not to be used for sales, repair work or servicing of any kind; (4) entrance to and exit from the lot are to be located so as to do the least harm to the Residence District; (5) no advertising sign or material is to be located on the lot; (6) all parking is to be kept back of the setback building line by barrier unless specifically authorized otherwise by the Board; (7) the parking lot and portion of the driveway back of the building line are to be adequately screened from the street and adjoining residential district property by a hedge, sightly fence or wall, not less than 4' but not more than 5' high, and located back of the setback building line; with all lighting arranged so that no glare annoys occupants of adjoining property in a Residence District; and the parking lot surface must be smoothly graded, hard surfaced and adequately drained; and (8) and whatever conditions the Board may impose as necessary in any specific case to reduce the adverse effect of the proximity of a parking lot upon the character, development and maintenance of the Residence District where the parking lot is to be located, as stated in the Cleveland Codified Ordinances. (Filed 4-8-09)

9:30

Calendar No. 09-67:

1393 East 51st Street

Ward 13

Joe Cimperman

4 Notices

Ohio Technical College, Inc., owner, appeals to erect 264 linear feet of 6 foot high wood fence and 16 linear feet of 4 foot high wood fence and approximately 16 feet of decorative fence along the property lines of a 30' x 125.07' parcel in a B1 Two-Family District; contrary to Section 358.03(a) a 6 foot high opaque, wood fence is proposed along an adjoining driveway and no portion of a fence more than 2 ½ feet high shall be installed along a driveway within 15 feet of its intersection with a public sidewalk, unless part of the fence over 2 ½ feet high is at least 75 percent open; and contrary to Section 358.04(a), a 6 foot high fence is proposed at approximately 2 feet from a house on the adjoining property, and no fence shall be higher than its distance from a residential building on an adjoining lot; and a portion of 6 foot high wood fence extends into the established front yard setback, where no fence may exceed a height of 4 feet; and the finished or more decorative side of a fence must face outward toward the adjoining property, according to Section 358.06(b) of the Cleveland Codified Ordinances. (Filed 4-8-09)

9:30

Calendar No. 09-68:

Appeal of Ron A. Spach

Ron A. Spach appeals under the authority of Section 76-6 of the Charter of the City of Cleveland from the decision of the Commissioner of Assessments and Licenses on March 27, 2009 to not issue a Tow Truck Drivers License, based upon the disapproval of his application for a Tow Truck Drivers License by the Department of Public Safety. (Filed 4-8-09)

9:30

Calendar No. 09-71:

8411 Broadway Avenue

Ward 2

Nathaniel Wilkes

13 Notices

Community Assessments and Treatment Services, Inc., owner, appeal to erect a 13,000 square foot single story building to be used as a correctional halfway house for 48 residents and substance abuse treatment for out patients with 16 employees or staff and a new 23 space parking lot proposed to be on an irregular shaped corner parcel in split zoning between a C2 General Retail Business District and a B2 Semi-Industry District; subject to the provisions of Section 347.15(c) the use requires approval of the Board of Zoning Appeals and, as proposed, the use is within 500 feet of Holy Name Church and Elementary School at 8328 Broadway Avenue, contrary to Sections 347.15(d)(1), the Separation Standard, that does not permit a correctional halfway house to be established on a lot within 500 feet of a church or school; and contrary to Sections 347.15(d)(2) the proposed use is adjacent to a correctional halfway house at 8415 Broadway Avenue and may not be established on a lot within 2,000 feet of another such use, according to the Cleveland Codified Ordinances. (Filed 4-13-09)

9:30

Calendar No. 09-73:

3092 Rockefeller Avenue

Ward 5

Phyllis Cleveland

5 Notices

Robert Joseph Lands LLC, owner, and Rockport Construction Materials appeal to construct a batch plant and office on an acreage parcel located in an Unrestricted Industry District; subject to the provisions of Section 352.10(3)(b), installation is required of screening with seventy-five percent (75%) or greater opacity of sufficient height to conceal uses, that of a material stockpile area specified on the plan, from view from the ground floor level on adjoining properties and from the street. (Filed 4-16-09)

POSTPONED FROM MARCH 30, 2009

10:30

Calendar No. 08-217:

5400 Cedar Avenue

Ward 5

Phyllis Cleveland

8 Notices

Abeco-Ayad, Inc., owner, and Mark Brown, tenant, appeal to establish use as a vehicle repair garage in an existing one-story building on a 200' x 150.25' corner lot in a General Retail Business District at 5400 Cedar Avenue; subject to the limitations of Section 343.11 a vehicle repair garage is not permitted but first permitted in a Semi-Industry District, provided that such use is located not less than 100 feet from a Residence District and the proposed use abuts a Multi-Family District; and a 10 foot wide landscaping/transition strip is required along the west side of the lot where the lot abuts a Multi-Family District, and a 6 foot wide landscaping strip is required along Cedar Avenue and East 55th Street, according to the provisions of Section 352.08 through 352.11 of the Codified Ordinances. (Filed 12-2-08; testimony taken.)

Third postponed at recommendation of the Board for site improvement follow up and to allow applicants time to contact the Burton Bell Carr Development Corporation and City Planning about the proposed plan.

POSTPONED FROM MARCH 30, 2009

10:30

Calendar No. 09-4:

7202 Union Avenue

Ward 12

Anthony Brancatelli

15 Notices

Dwayne Smith, owner, appeals for a change of use from a restaurant and game room to a tire shop an existing one-story building on a 46' x 150' corner parcel in a General Retail Business District; subject to the limitations of Section 343.11, the auto garage/tire repair or installation shop is not permitted and is first permitted in a Semi-Industry District, provided that it is a distance of not less than 100 feet from a residence district; there being 3 off-street parking spaces required according to Section 349.04(g); and contrary to Section 343.18(d) the proposed driveway exceeds the maximum allowed width of 30 feet and unsafe backing out onto the street; a 6 foot wide landscaping strip is required where the parking abuts East 72nd Street and none is proposed, contrary to Section 352.10 of the Codified Ordinances.

(Filed 1-8-09; no testimony taken.)

Second postponement requested by Slavic Village Development Corporation for added review of the revised plan with the applicant.

10:30

Calendar No. 09-31:

Appeal of Janice Dillard

391 Whitethorn Avenue

Ward 7

T. J. Dow

Janice Dillard, owner, appealed under Section 209.06(b) of the Cleveland Codified Ordinances from the decision of the Deputy Commissioner of Park Maintenance and Properties, that Parcel Number 106-21-135, a vacant lot at 391 Whitethorn Avenue, was in violation of the Cleveland Codified Ordinance Section 209.01, where no owner or person in possession or control of any lot or land within the city shall fail to keep such lot or land free of refuse, etc. as noted in Section 209.01 and that the city's vacant lot crew abated the nuisance and the owner was billed for the service by the Department of Parks, Recreation and Properties. (Filed 3-4-09; testimony taken.)

First postponement at recommendation of the Board for the applicant and Park Maintenance and Properties to consult about the details and possibly resolve the differences between their facts.