## BOARD OF ZONING APPEALS JANUARY 9, 2006

9:30 Ward 13

Calendar No. 05-369: 2317 West 5<sup>th</sup> Street Joe Cimperman 5 Notices

George Martinek, owner, and Ryan Wach, prospective purchaser, appeal to erect a  $19.5^{\circ}$  x  $60^{\circ}$  four-story frame and masonry single family dwelling on a  $27^{\circ}$  x  $117.5^{\circ}$  parcel, located in a Two-Family District on the east side of West  $5^{th}$  Street at 2317 West  $5^{th}$  Street; contrary to the requirements of Section 357.09(2)A, no side yards are provided and a total width of side yards on the same premises shall not be less than one-half the height of the main building, or  $17.5^{\circ}$ , but in no case may the width be less than  $10^{\circ}$  and no building may be erected less than  $10^{\circ}$  from a main building on an adjoining lot; and the proposed maximum gross floor area is 4,680 s/f where 3,172 s/f is allowed, and a lot width of  $27^{\circ}$  is provided where a  $40^{\circ}$  minimum lot width is required, as stated in Section 355.05 of the Codified Ordinances. (Filed 11-18-05)

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9:30 Ward 4
Calendar No. 05-378: 3249 East 143<sup>rd</sup> Street Kenneth Johnson 9 Notices

Rashiqa Abukhalil, owner, appeals to rebuild an existing nonconforming building with stores, situated on a 40' x 133' parcel located in a Two-Family District on the east side of East 143<sup>rd</sup> Street at 3249 East 143<sup>rd</sup> Street; subject to the limitations of Repairs and Restorations of Buildings of Nonconforming Use, if more than 50% destroyed or removed by whatever cause, a nonconforming building shall not be restored or replaced except in conformity with the regulations for the district in which it is located, as stated in Section 359.03(b) of the Codified Ordinances. (Filed 12-9-05)

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9:30 Ward 19 Calendar No. 05-379: 3060 West 121<sup>st</sup> Street Dona Brady 5 Notices

Larjon Corporation, dba American Tank & Fabricating Company, owner, and Robert Ripich, appeal to install approximately 195 linear feet of 6' high chain link fence with 1' of barbed wire on a 209' x 237' parcel located in split zoning between Semi-Industry and General Industry Districts on the west side of West 121st Street at 3060 West 121st Street; as proposed, the fence installation exceeds the allowable 4' height and location permitted under Section 358.05(a)(2) and further subject to the Fence Regulations, a barbed wire fence, where permitted, must be located at least 4' from a sidewalk in a public right of way and the required setback must be planted with shrubs spaced no more than 5' apart or trees spaced not more than 20' apart, as stated in Sections 358.05(b)(1)(3) of the Codified Ordinances. (Filed 12-12-05)

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## BOARD OF ZONING APPEALS JANUARY 9, 2006

9:30 Ward 13

Calendar No. 05-380: 2540 West 5<sup>th</sup> Street Joe Cimperman

16 Notices

Cuyahoga Metropolitan Housing Authority, owner, and August Fluker, agent, appeal to construct 190 two and three-story townhouses, proposed to be on the Valley View Homes acreage, located in a Multi-Family District between Marquardt Avenue and Quigley Road at 2540 West 5<sup>th</sup> Street; contrary to the Yard Requirements for Large-Scale Housing Developments, there is no separation provided, where two and three-story residence buildings are required to be 50' and 55' separated, respectively, from any other building on the lot, as stated in Section 357.10 of the Codified Ordinances.

(Filed 12-12-05)

9:30 Ward 11

Calendar No. 05-381: 770 East 185<sup>th</sup> Street Michael Polensek

5 Notices

Gary Simmons, owner, appeals to construct a dumpster enclosure in the northwest corner of a restaurant parking lot, located in a Local Retail Business District on the west side of East 185<sup>th</sup> Street at 770 East 185<sup>th</sup> Street; as proposed, the dumpster enclosure is not permitted in the required 8' transition strip as stated in Section 352.09 of the Codified Ordinances. (Filed 12-13-05)

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## **POSTPONED FROM DECEMBER 12, 2005**

10:30 Ward 19
Calendar No. 05-348: 3479 West 122<sup>nd</sup> Street Dona Brady
3 Notices

Edith Berki, owner, appeals to enclose an existing  $7' \times 13'$  open front porch of a two-story single family dwelling, situated on a  $35' \times 105'$  parcel in an A1 One-Family District on the east side of West  $122^{nd}$  Street at 3479 West  $122^{nd}$  Street; contrary to Section 357.13(b)(4), the enclosed front porch projects 7' and may not exceed 4' and the Board of Zoning Appeals shall have no power to authorize as a variance the location of any structure nearer the street line than a required setback building line, unless the depth or width of the lot is sufficiently less than the width or depth of other lots in the same block or unless there exists a building extending beyond such required setback on the same side of the same block within 150' from either side lot line of the lot in question, as stated in Section 329.04(c)(1) of the Codified Ordinances. (Filed 11-11-05; testimony taken)

First postponement granted for additional review and research on the project and for appellant to consult with the Councilwoman.