

**BOARD OF ZONING APPEALS  
NOVEMBER 22, 2004**

**9:30**

**Calendar No. 04-252:**

**3034 East 63<sup>rd</sup> Street**

**Ward 12**

**Edward Rybka**

**12 Notices**

Hyacinth Lofts Ltd, owner c/o Tom Knapp, agent, appeal to construct 25 townhouse units on an acreage parcel, where there is an existing multi-unit apartment building that is located in a B1 Two-Family District on the west side of East 63<sup>rd</sup> Street at 3034 East 63<sup>rd</sup> Street; the additional townhouse units being subject to the limitations of Section 337.03 for a Two-Family District and in a "B" Area District, Section 355.04 requires that the maximum gross floor area cannot exceed one-half of the lot area, or 34,337 s/f; and either a consolidation of the existing lots or separate plans for permit application are required for Units No. 19 and 25 under Section 327.02; and the expansion of a nonconforming use requires the Board of Zoning Appeals approval as stated in Section 359.01 of the Codified Ordinances. (Filed 10-14-04)

**9:30**

**Calendar No. 04-255:**

**4748 West 130<sup>th</sup> Street**

**Ward 20**

**Martin Sweeney**

**10 Notices**

Gary Hasrouni, owner, appeals to change to a used car sales lot a 50' x 140' corner lot located in a C2 General Retail Business District on the southwest corner of West 130<sup>th</sup> Street and Crossburn Avenue; contrary to the requirements of Section 347.11(a), a lot width of 50' is provided and a minimum of 60' is required; and Sections 352.08 through 352.10 require a 4' wide landscaped strip along the lot frontages on West 130<sup>th</sup> Street and on Crossburn Avenue; and a 10' wide landscape transition strip is required where the lot abuts residential property to the rear; and a structurally sound barrier is required at the 10' setback line on West 130<sup>th</sup> Street, as stated in Section 343.11(b)(2)(I)(4) of the Codified Ordinances. (Filed 10-15-04)

**9:30**

**Calendar No. 04-256:**

**10517 Dale Avenue**

**Ward 19**

**Dona Brady**

**5 Notices**

Quoc Nguyen, owner, appeals to erect a 9' x 24' one-story frame storage addition to an existing 24' x 24' accessory garage, situated to the rear of a one family dwelling on a 40' x 126' lot in an A1 One-Family District on the south side of Dale Avenue at 10517 Dale Avenue; subject to the limitations for accessory uses in a residential district, the garage and addition provide 754 s/f and a total of 670 s/f is allowed according to the requirements of Section 337.23A(7) of the Codified Ordinances. (Filed 10-18-04)

**9:30**  
**Calendar No. 04-257:                    9710 Nelson Avenue                    Ward 2**  
**Robert White**  
**10 Notices**

Carl Davis, owner, appeals to establish use as a Type A Day Care in an existing 24' x 45' two-story, two family frame dwelling on a 40' x 125' lot in a B1 Two-Family District at 9710 Nelson Avenue; subject to the limitations for Residential Districts, a day care must be 30' from an adjoining premises in a Residence District not used for a similar purpose and the proposed day care abuts a Two-Family District; and a Type A Day Care is subject to the Board of Zoning Appeals approval to determine if adequate yard spaces and other safeguards are provided and if the use is appropriately located and designed and will meet a community need without adversely affecting the neighborhood, as stated in Section 337.02(f)(3)(C) of the Codified Ordinances. (Filed 10-19-04)

**9:30**  
**Calendar No. 04-258:                    14024-26 Triskett Road                    Ward 19**  
**Dona Brady**  
**9 Notices**

Mark DeVault dba Casey Jones Tavern, owner, appeals to install a 5' x 35' wall sign to be painted on an existing one-story commercial building situated on a 74' x 129' corner lot in a Local Retail Business District on the northeast corner of Triskett Road and West 141<sup>st</sup> Street; contrary to the Sign Regulations, the proposed sign is approximately 175 s/f and 82 s/f is the maximum wall sign area allowed in a Local Retail Business District, as stated in Section 350.14(a) of the Codified Ordinances. (Filed 10-19-04)

**9:30**  
**Calendar No. 04-287:                    12814 Buckeye Road                    Ward 4**  
**Ken Johnson**  
**7 Notices**

Helen Barclay Jones, owner, and Letha Moore, tenant, appeal to change the first floor of an existing two-story, mixed use building from a restaurant to a hair and nail salon, situated on a 45' x 118' lot in a Residence-Office District on the south side of Buckeye Road at 12814 Buckeye Road; contrary to Section 337.10, a hair and nail salon is not permitted in a Residence Office District but first permitted in a Local Retail Business District; and the proposed substitution of a nonconforming use requires the Board of Zoning Appeals approval as stated in Section 359.01 of the Codified Ordinances. (Filed 10-25-04)

**POSTPONED FROM OCTOBER 11, 2004**

**10:30**  
**Calendar No. 04-219:                    Little Rascals Day Care Center                    Ward 4**  
**11920 Buckeye Road                    Ken Johnson**

Mattie and Joe Hemphill dba Little Rascals Day Care Center, appeal under the authority of Section 201.03 from the decision to revoke the permit issued for the operation of the Little Rascals Day Care Center, located at 11920 Buckeye Road, and to suspend the City of Cleveland Application for Licensure, as issued in writing by the Department of Public Health on September 2, 2004, as a result of the code deficiencies discovered during an inspection on August 25, 2004 by the Department of Public Health, according to Section 227.07 of the Codified Ordinances. (Filed 9-10-04; no testimony taken.)

**Postponement requested by the Law Department in order to acquire requested records and information relative to the appeal.**

**POSTPONED FROM OCTOBER 25, 2004**

**10:30**

**Calendar No. 04-226:**

**11507 Miles Avenue**

**Ward 2**

**Robert White**

**5 Notices**

New Joshua Baptist Church c/o Pastor Walter Humphrey, owner, appeal to change from a store and storage to a restaurant the use of a 26' x 156' two-story brick building, situated on a 40' x 163' lot in a Two-Family District on the north side of Miles Avenue at 11507 Miles Avenue; subject to the limitations of Section 337.03 for Residential Districts, a restaurant is not permitted in a Two-Family District but first permitted under Section 343.01 in a Local Retail Business District; and contrary to Section 349.04(f), no parking spaces are proposed and 20 spaces are required; and the substitution of a nonconforming use requires the Board of Zoning Appeals approval as stated in Section 359.01 of the Codified Ordinances. (Filed 9-20-02; no testimony taken.)

**First postponement requested by the appellant due to a scheduling conflict.**

**POSTPONED FROM NOVEMBER 1, 2004**

**10:30**

**Calendar No. 04-233:**

**5718 Bridge Avenue**

**Ward 17**

**Matt Zone**

**11 Notices**

Norma Rodriguez, owner, appeals to expand the use of a two-story brick, mixed use building by adding a carryout restaurant to an existing store and one dwelling unit; all situated on a 36' x 84' lot in a Two-Family District on the north side of Bridge Avenue at 5718 Bridge Avenue; subject to the limitations of Section 337.03, a carryout restaurant is not permitted in a Two-Family District but first permitted in a Local Retail Business District under Section 343.01; and the expansion of the existing nonconforming use requires the Board of Zoning Appeals approval as stated in Section 359.01 of the Codified Ordinances. (Filed 9-22-04; no testimony taken.)

**First postponement requested by appellant due to a conflict with a pre-scheduled vacation.**