# BOARD OF ZONING APPEALS APRIL 5, 2004

9:30 Ward 8

Calendar No. 04-55: 10721-23 St. Clair Avenue Sabra Pierce Scott

5 Notices

Eric Sims and Joann Drish, co-owners, appeal to change to a use as a day care, the first floor, only, of an existing two-story 42′ x 68′ masonry stores and dwelling units building, situated on a 50′ x 100′ parcel in a Local Retail Business District on the north side of St. Clair Avenue at 10721-23 St. Clair Avenue; subject to Section 343.01(b)(1) of the Regulations for Business Districts, in a Local Retail Business District, the proposed child day care must 15′ away from the abutting Multi-Family District, if the adjoining premises is not used for a similar purpose, and contrary to the Off-Street Parking and Loading Requirements, no parking spaces are provided for the day care nor for any other uses of the building and one space per two day care employees is required as stated in Section 349.04 of the Codified Ordinances. (Filed 3-8-04)

9:30 Ward 17 Calendar No. 04-56: 5016 Duke Avenue Matt Zone

Alex Gordon, 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 Director of Public Service on March 3, 2004; where the proposed removal of pavement for a curb cut is requested to create an approximate 18'-8" apron at the existing curb line on the north side of Duke Avenue at the address of 5016 Duke Avenue. (Filed 3-11-04)

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9:30 Ward 5
Calendar No. 04-58: 3507 Carnegie Avenue Frank Jackson
10 Notices

Julian Kahan aka JK Management LLC, owner, and Martin Benade, prospective purchaser, appeal to add a spray painting booth to an existing 64' x 104' one-story, legal, nonconforming auto body repair shop, situated on a 160' x 105' corner lot in a General Retail Business District on the northwest corner of East 36<sup>th</sup> Street and Carnegie Avenue at 3507 Carnegie Avenue; contrary to Section 343.11 of the Regulations for Business Districts, an auto body repair shop is not permitted in a General Retail Business District but first permitted in a Semi-Industry District; and subject to the provisions for Nonconforming Uses, the expansion of a nonconforming use requires the Board of Zoning Appeals approval as stated in Section 359.01 of the Codified Ordinances. (Filed 3-18-04)

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### BOARD OF ZONING APPEALS APRIL 5, 2004

9:30 Ward 21
Calendar No. 04-60: 3885 Rocky River Drive Michael Dolan
16 Notices

Westside Medical Center LLC, owner, and Fifth Third Bank, prospective purchaser c/o Gerald G. Weber, agent, appeal to erect a 4,116 s/f one-story bank building with drive through lanes and an accessory parking lot on a 35′ x 181′ irregular shaped parcel in a Local Retail Business District on the southeast corner of Rocky River Drive and Albers Avenue at 3885 Rocky River Drive; contrary to Section 343.01 of the Business Districts Regulations, where the proposed use is first permitted in a General Retail Business District under Section 343.11(b)(2)(H), and an access driveway measurement of 14.3′ is proposed where not less than 15′ is required between the point of tangency of the driveway apron radius and a prolongation of the property line to the curb line, measured at the curb line as stated in Section 343.18(c) of the Codified Ordinances. (Filed 3-19-04)

### **POSTPONED FROM MARCH 15, 2004**

10:30 Ward 13
Calendar No. 04-32: 3200-04 Carroll Avenue Joe Cimperman
7 Notices

The International Church of the Four Square Gospel, owner c/o Pastor Don Hallum, appeals to construct a parking lot that has twelve parking spaces on a 64' x 50' corner parcel located in a Two-Family District on the west side of Carroll Avenue at the intersection of Carroll Avenue and West 32<sup>nd</sup> Street at 3200-04 Carroll Avenue; contrary to Section 349.13(c), where the Board of Zoning Appeals may permit a parking lot in a residence district if the lot abuts or is across the street from a district other than a Residence District, and the proposed lot is surrounded by a Two-Family District; and contrary to Section 349.05(a), where no parking space shall be located within a 10' distance of any wall of a residential building or structure if such wall contains a ground floor opening designed to provide light or ventilation for such building; and there is no landscaping provided where Section 349.08 requires that a 4' wide, densely planted landscape strip shall separate the parking lot from the adjacent residential lots; and contrary to the Landscaping and Screening provisions of Section 352.10, where a 6' wide frontage strip is required along Carroll Avenue and West 32<sup>nd</sup> Street and none is provided; and contrary to Sections 357.04(a) and 357.05(a) of the Yards and Courts Regulations, there is no front yard setback provided along Carroll Avenue and no side street yard width along West 32<sup>nd</sup> Street, and the parking of motor vehicles in the required front setback is prohibited as stated in Section 357.14 of the Codified Ordinances. (Filed 2-5-04; no testimony taken.)

Second postponement requested by the Community Development neighborhood planner for additional review of the appellants' proposal.

## BOARD OF ZONING APPEALS APRIL 5, 2004

#### **POSTPONED FROM MARCH 1, 2004**

10:30 Ward 20

Calendar No. 04-33: 4277 West 150<sup>th</sup> Street Martin Sweeney

4 Notices

Boykin Cleveland, LLC, owner, c/o Ron Pohl, agent, appeals to erect a  $16' \times 40'$  freeway interchange sign in the existing northeast parking lot area of the Cleveland Airport Marriott Hotel, situated on an acreage parcel in a General Retail Business District on the east side of West  $150^{th}$  Street at 4277 West  $150^{th}$  Street; contrary to the provisions for Sign Regulations, where a 640 s/f sign face area is proposed and no sign face area of a freeway interchange sign shall exceed 225 s/f as stated in Section 350.09(c) of the Codified Ordinances. (Filed 2-6-04; testimony taken.)

Postponed for additional review of the appellants' proposed plan.

**POSTPONED FROM MARCH 15, 2004** 

10:30 Ward 13

Calendar No. 04-42: 1406-20 East 49<sup>th</sup> Street Joe Cimperman

7 Notices

Ohio Diesel Technical Institute dba Tech College, owner, c/o Marc Brenner,agent, appeal to erect approximately 150 l/f of 6' high chain link fence and a 14' gate along the front of a 150' x 141' vacant parcel in a Multi-Family District on the west side of East 49<sup>th</sup> Street at 1406-1420 East 49<sup>th</sup> Street; contrary to Section 358.04(a) of the Fence Regulations, where a fence in the front yard shall not exceed 4' in height and 6' is proposed and a chain link fence is proposed where only ornamental fences shall be installed in the front yards of a Residential District and a substitution of chain link fence material requires the Board of Zoning Appeals approval as stated in Section 358.04(c)(1) of the Codified Ordinances. (Filed 2-19-04; no testimony taken.)

Appellants' first postponement granted due to a scheduling conflict for them.

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