# BOARD OF ZONING APPEALS JULY 25, 2005

9:30

Calendar No. 05-181: 9103 West Tech Way

Ward 18 Jay Westbrook 37 Notices

Rysar Properties, owner c/o Matthew Solomon, agent, appeal to construct a 22' x 41' single family dwelling in a 108' x 45' three-story, six unit townhouse building, to be situated on acreage located in a B1 Two-Family District on the south side of West Tech Way between West 88<sup>th</sup> and West 93<sup>rd</sup> Streets at 9103 West Tech Way; contrary to Section 355.04(b), a maximum gross floor area of 2,210 s/f is proposed instead of one-half the lot size, or 1,906 s/f; with a 32' lot width instead of 40' and street frontage of 20' is proposed, where the minimum for a one family dwelling is 25' with a 3,812 s/f minimum lot area instead of 4,800 s/f; and no building may be erected less than 10' from a main building on an adjoining lot in a residential district, as stated in Section 357.09(b)(2)A of the Codified Ordinances.

# Calendar Nos. 05-182-85: 9107-9111-9115-9119 West Tech Way

Rysar Properties, owner c/o Matthew Solomon, agent, appeal to construct a 16' x 41' single family dwelling in a 108' x 45' three-story, six unit townhouse building, to be situated on acreage located in a B1 Two-Family District on the south side of West Tech Way between West 88<sup>th</sup> and West 93<sup>rd</sup> Streets at 9107; 9111; 9115; and 9119 West Tech Way; contrary to Section 355.04(b), a maximum gross floor area of 1,642 s/f is proposed instead of one-half the lot size, or 957 s/f; with a 16' lot width instead of 40' and street frontage of 20' is proposed, where the minimum for a one family dwelling is 25' with a 1,914 s/f minimum lot area instead of 4,800 s/f; and no building may be erected less than 10' from a main building on an adjoining lot in a residential district, as stated in Section 357.09(b)(2)A of the Codified Ordinances.

## Calendar No. 05-186: 9123 West Tech Way

Rysar Properties, owner c/o Matthew Solomon, agent, appeal to construct a 22' x 41' single family dwelling in a 108' x 45' three-story, six unit townhouse building, to be situated on acreage located in a B1 Two-Family District on the south side of West Tech way between West 88<sup>th</sup> and West 93<sup>rd</sup> Streets at 9123 West Tech Way; contrary to Section 355.04(b), a maximum gross floor area of 2,210 s/f is proposed instead of one-half the lot size, or 1,637 s/f; with a 27.33' lot width instead of 40'; and street frontage of 20' is proposed, where the minimum for a one family dwelling is 25' with a 3,273 s/f minimum lot area instead of 4,800 s/f; and no building may be erected less than 10' from a main building on an adjoining lot in a residential district, as stated in Section 357.09(b)(2)A of the Codified Ordinances.

#### Calendar No. 05-187: 9127 West Tech Way

Rysar Properties, owner c/o Matthew Solomon, agent, appeal to construct a 22' x 41' single family dwelling in a 108' x 45' three-story, six unit townhouse building, to be situated on acreage located in a B1 Two-Family District on the south side of West Tech Way between West 88<sup>th</sup> and West 93<sup>rd</sup> Streets at 9127 West Tech Way; contrary to Section 355.04(b), a maximum gross floor area of 2,210 s/f is proposed instead of one-half the lot size, or 1,637 s/f; with a 27.33' lot width instead of 40'; and street frontage of 20' is proposed, where the minimum for a one family dwelling is 25' with a 3,274 s/f minimum lot area instead of 4,800 s/f; and no building may be erected less than 10' from a main building on an adjoining lot in a residential district, as stated in Section 357.09(b)(2)A of the Codified Ordinances.

# Calendar No. 05-188-90: 9129-9133-9137 West Tech Way

Rysar Properties, owner c/o Matthew Solomon, agent, appeal to construct a 16' x 41' single family dwelling in a 108' x 45' three-story, six unit townhouse building, to be situated on acreage located in a B1 Two-Family District on the south side of West Tech Way between West 88<sup>th</sup> and West 93<sup>rd</sup> Streets at 9129; 9133 and 9137 West Tech Way; contrary to Section 355.04(b), a maximum gross floor area of 1,642 s/f is proposed instead of one-half the lot size, or 958 s/f; with a 16' lot width instead of 40'; and street frontage of 20' is proposed where the minimum for a one family dwelling is 25' with a 1,917 s/f minimum lot area instead of 4,800 s/f; and no building may be erected less than 10' from a main building on an adjoining lot in a residential district, as stated in Section 357.09(b)(2)A of the Codified Ordinances.

# Calendar No. 05-191: 9141 West Tech Way

Rysar Properties, owner c/o Matthew Solomon, agent, appeal to construct a 16′ x 41′ single family dwelling in a 108′ x 45′ three-story, six unit townhouse building, to be situated on acreage located in a B1 Two-Family District on the south side of West Tech Way between West 88<sup>th</sup> and West 93<sup>rd</sup> Streets at 9141 West Tech Way; contrary to Section 355.04(b), a maximum gross floor area of 1,642 s/f is proposed instead of one-half the lot size, or 959 s/f; with a 16′ lot width instead of 40′; and street frontage of 20′ is proposed where the minimum for a one family dwelling is 25′ with a 1,918 s/f minimum lot area instead of 4,800 s/f; and no building may be erected less than 10′ from a main building on an adjoining lot in a residential district, as stated in Section 357.09(b)(2)A of the Codified Ordinances.

#### Calendar Nos. 05-192-93: 9145-9149 West Tech Way

Rysar Properties, owner c/o Matthew Solomon, agent, appeal to construct a 22' x 41' single family dwelling in a 108' x 45' three-story, six unit townhouse building, to be situated on acreage located in a B1 Two-Family District on the south side of West Tech Way between West 88<sup>th</sup> and West 93<sup>rd</sup> Streets at 9145 and 9149 West Tech Way; contrary to Section 355.04(b) a maximum gross floor area of 2,210 s/f is proposed instead of one-half of the lot size, or 1,639 s/f; with a 27.33' lot width instead of 40'; and street frontage of 20' is proposed where the minimum for a one family dwelling is 25' with a 3,277 s/f minimum lot area instead of 4,800 s/f; and no building may be erected less than 10; from a main building on an adjoining lot in a residential district, as stated in Section 357.09(b)(2)A of the Codified Ordinances.

#### Calendar Nos. 05-194-95: 9153-9157 West Tech Way

Rysar Properties, owner c/o Matthew Solomon, agent, appeal to construct a 16' x 41' single family dwelling in a 76' x 44' three-story, four unit townhouse building, to be situated on acreage located in a B1 Two-Family District on the south side of West Tech Way between West 88<sup>th</sup> and West 93<sup>rd</sup> Streets a 9153and 9157 West Tech Way; contrary to Section 355.04(b), a maximum gross floor area of 1,642 s/f is proposed instead of one-half the lot size, or 960 s/f; with a 16' lot width instead of 40' and street frontage of 20' is proposed where the minimum for a one family dwelling is 25'; with a 1,920 s/f minimum lot area instead of 4,800 s/f; and no building may be erected less than 10; from a main building on an adjoining lot in a residential district, as stated in Section 357.09(b)(2)A of the Codified Ordinances.

## Calendar No. 05-196: 9161 West Tech Way

Rysar Properties, owner c/o Matthew Solomon, agent, appeal to construct a 22' x 41' single family dwelling in a 76' x 44' three-story, four unit townhouse bu8lding, to be situated on acreage located in a B1 Two-Family District on the south side of West Tech Way between West 88<sup>th</sup> and West 93<sup>rd</sup> Streets at 9161 West Tech Way; contrary to Section 355.04(b), a 20' street frontage is proposed and the minimum required is 25' and no building may be erected less than 10' from a main building on an adjoining lot in a residential district, as stated in Section 357.09(b)(2)A of the Codified Ordinances.

#### Calendar No. 05-197: 2130 Tuck's Track

Rysar Properties, owner c/o Matthew Solomon, agent, appeal to construct a 26' x 43' single family dwelling in a 118' x 80' three-story, five unit townhouse building, to be situated on acreage located in a B1 Two-Family District on the north side of Tuck's Track between West Tech Way and West 88<sup>th</sup> Street at 2130 Tuck's Track; contrary to Section 355.04(b), a maximum gross floor area of 1,995 s/f is proposed instead of one-half the lot size, or1,677 s/f; and street frontage of 23' is proposed where the minimum for a one family dwelling is 25' and a 3,353 s/f minimum lot area is proposed instead of 4,800 s/f; and no building may be erected less than 10' from a main building on an adjoining lot in a residential district, as stated in Section 357.09(b)(2)A of the Codified Ordinances.

#### Calendar No. 05-198: 2132 Tuck's Track

Rysar Properties, owner c/o Matthew Solomon, agent, appeal to construct a 24' x 28' single family dwelling in a 118' x 80' three-story, five unit townhouse building, to be situated on acreage located in a B1 Two-Family District on the north side of Tuck's Track between West Tech Way and West 88<sup>th</sup> Street at 2132 Tuck's Track; contrary to Section 355.04(b), a maximum gross floor area of 1,925 s/f is proposed instead of one-half the lot size, or 982 s/f; with a 24' lot width instead of 40' and street frontage of 22.69' proposed where 25' is required for a one family dwelling; with a 1,963 s/f minimum lot area proposed instead of 4,800 s/f; and no building may be erected less than 10' from a main building on an adjoining lot in a residential district, as stated in Section 357.09(b)(2)A of the Codified Ordinances.

#### Calendar No. 05-199: 2134 Tuck's Track

Rysar Properties, owner c/o Matthew Solomon, agent, appeal to construct a 24' x 28' single family dwelling in a 118' x 80' three-story, five unit townhouse building, to be situated on acreage located in a B1 Two-Family District on the north side of Tuck's Track between West Tech Way and West 88<sup>th</sup> Street at 2134 Tuck's Track; contrary to Section 355.04(b), a maximum gross floor area of 1,925 s/f is proposed instead of one-half the lot size, or 982 s/f; with a 24' lot width instead of 40' and a 1,963 s/f minimum lot area is proposed instead of 4,800 s/f; and no building may be erected less than 10' from a main building on an adjoining lot in a residential district, as stated in Section 357.09(b)(2)A of the Codified Ordinances.

#### Calendar No. 05-200: 2136 Tuck's Track

Rysar Properties, owner c/o Matthew Solomon, agent, appeal to construct a 34' x 23' single family dwelling in a 118' x 80' three-story, five unit townhouse building, to be situated on acreage located in a B1 Two-Family District on the north side of Tuck's Track between West Tech Way and West 88<sup>th</sup> Street at 2136 Tuck's Track; contrary to Section 355.04(b), a maximum gross floor area of 1,900 s/f is proposed instead of one-half the lot size, or 1,258 s/f; with a 34' lot width instead of 40' and a 2,516 s/f minimum lot area is proposed instead of 4,800 s/f; and no building shall be erected less than 10' from a main building on an adjoining lot in a residential district, as stated n Section 357.09(b)(2)A of the Codified Ordinances.

#### Calendar No. 05-201: 2138 Tuck's Track

Rysar Properties, owner c/o Matthew Solomon, agent, appeal to construct a 32' x 45' single family dwelling in a 118' x 80' three-story, five unit townhouse building, to be situated on acreage located in a B1 Two-Family District on the north side of Tuck's Track between West Tech Way and West 88<sup>th</sup> Street at 2138 Tuck's Track; the proposed townhouse unit is contrary to the requirement that in a Two-Family District, the aggregate width of side yards on the same premises shall not be less than one-half the height of the main building but in no case, less than 10' from a main building on an adjoining lot within a residential district, as stated in Section 357.09(b)(2)A of the Codified Ordinances.

#### Calendar No. 05-202: 2131 Tuck's Track

Rysar Properties, owner c/o Matthew Solomon, agent, appeal to construct a 21' x 43' single family dwelling in a 118' x 80' three-story, five unit townhouse building, to be situated on acreage located in a B1 Two-Family District on the north side of Tuck's Track between West Tech Way and West 88<sup>th</sup> Street at 2131 Tuck's Track; contrary to Section 355.04(b), a maximum gross floor area of 1,995 s/f is proposed instead of one-half the lot size, or1,677 s/f; and street frontage of 23' is proposed where the minimum for a one family dwelling is 25' and a 3,353 s/f minimum lot area is proposed instead of 4,800 s/f; and no building may be erected less than 10' from a main building on an adjoining lot in a residential district, as stated in Section 357.09(b)(2)A of the Codified Ordinances.

#### Calendar No. 05-203: 2133 Tuck's Track

Rysar Properties, owner c/o Matthew Solomon, agent, appeal to construct a 24' x 28' single family dwelling in a 118' x 80' three-story, five unit townhouse building, to be situated on acreage located in a B1 Two-Family District on the north side of Tuck's Track between West Tech Way and West 88<sup>th</sup> Street at 2133 Tuck's Track; contrary to Section 355.04(b), a maximum gross floor area of 1,925 s/f is proposed instead of one-half the lot size, or 941 s/f; with a 24' lot width instead of 40' and street frontage of 22.69' proposed where 25' is required for a one family dwelling; with a 1,881 s/f minimum lot area proposed instead of 4,800 s/f; and no building may be erected less than 10' from a main building on an adjoining lot in a residential district, as stated in Section 357.09(b)(2)A of the Codified Ordinances.

## Calendar No. 05-204: 2135 Tuck's Track

Rysar Properties, owner c/o Matthew Solomon, agent, appeal to construct a 24′ x 28′ single family dwelling in a 118′ x 80′ three-story, five unit townhouse building, to be situated on acreage located in a B1 Two-Family District on the north side of Tuck's Track between West Tech Way and West 88<sup>th</sup> Street at 2135 Tuck's Track; contrary to Section 355.04(b), a maximum gross floor area of 1,925 s/f is proposed instead of one-half the lot size, or 947 s/f; with a 24′ lot width instead of 40′ and a 1,894 s/f minimum lot area is proposed instead of 4,800 s/f; and no building may be erected less than 10′ from a main building on an adjoining lot in a residential district, as stated in Section 357.09(b)(2)A of the Codified Ordinances.

#### Calendar No. 05-205: 2137 Tuck's Track

Rysar Properties, owner c/o Matthew Solomon, agent, appeal to construct a 34' x 23' single family dwelling in a 118' x 80' three-story, five unit townhouse building, to be situated on acreage located in a B1 Two-Family District on the north side of Tuck's Track between West Tech Way and West 88<sup>th</sup> Street at 2137 Tuck's Track; contrary to Section 355.04(b), a maximum gross floor area of 1,900 s/f is proposed instead of one-half the lot size, or 1,623 s/f; with a 34' lot width instead of 40' and a 3,245 s/f minimum lot area is proposed instead of 4,800 s/f; and no building may be erected less than 10' from a main building on an adjoining lot in a residential district, as stated in Section 357.09(b)(2)A of the Codified Ordinances.

#### Calendar No. 05-206: 3139 Tuck's Track

Rysar Properties, owner c/o Matthew Solomon, agent, appeal to construct a 32' x 45' single family dwelling in a 118' x 80' three-story, five unit townhouse building, to be situated on acreage located in a B1 Two-Family District on the north side of Tuck's Track between West Tech Way and West 88<sup>th</sup> Street at 3139 Tuck's Track; the proposed townhouse unit is contrary to the requirement that in a Two-Family District, the aggregate width of side yards on the same premises shall not be less than one-half the height of the main building but in no case, less than 10' from a main building on an adjoining lot within a residential district, as stated in Section 357.09(b)(2)A of the Codified Ordinances. (Filed 6-8-05)

# BOARD OF ZONING APPEALS JULY 25, 2005

9:30 Ward 9

Calendar No. 05-207 1458 East 114<sup>th</sup> Place Kevin Conwell 2 Notices

David and Brenda Sweeney, owners, appeal to install 32 linear feet of 4' high chain link fence with two double drive gates at the perimeters of a two family dwelling situated on a 53' x 78' lot in a B1 Two-Family district on the west side of East 114th Place at 1458 East 114<sup>th</sup> Place; the proposed chain link is contrary to Section 358.04(c)(1) of the Codified Ordinances that states only ornamental fences shall be installed in an actual front yard of a residential district. (Filed 6-9-05)

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9:30 Ward 5

Calendar No. 209: 3300 East 87<sup>th</sup> Street Frank Jackson 4 Notices

Katanas LLC, owner and Bob Diskins, appeal to change the use of an existing industrial site to an open yard storage site, situated on acreage located in a General Industry District on the west side of East 87<sup>th</sup> Street at 3300 East 87<sup>th</sup> Street; subject to the requirements of Section 345.04(a)(3), open yard storage is first permitted in a General Industry District provided that the use is enclosed within a minimum 7' high, solid masonry wall or slightly solid nontransparent, well-maintained substantial fence and accessory off-street parking spaces, driveways and maneuvering areas shall be properly graded for drainage and surfaced with concrete or asphalt, as stated in Section 349.07(a) of the codified Ordinances. (Filed 6-14-05)

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# **POSTPONED FROM JUNE 20, 2005**

10:30 Ward 11

Calendar No. 05-125: 1455 East 185<sup>th</sup> Street Michael Polensek 46 Notices

E-Poch Properties LLC, owner, and Sansai Environmental Technologies, Inc., lessee, through their legal counsel, Ken Silliman, appeal under Sections 329.01(e) and 329.02(d) of the Cleveland Codified Ordinances from the decision to deny the application to establish use to manufacture soil products in an existing 659' x 700' former factory manufacturing building, situated on acreage located in split zoning between a B1 Residence Industry District and a B3 General Industry District on the east side of East 185<sup>th</sup> Street at 1455 East 185<sup>th</sup> Street; that as determined by the Zoning Administrator of Building and Housing, the proposed use is contrary to Sections 345.02 and Sections 345.04(c)(2)(G) of the Zoning Code, wherein fertilizer manufacture from organic matter is not a permitted use in a Residence Industry District and is, specifically, prohibited in a General Industry District. (Filed 4-28-05; no testimony taken.)

First postponement requested by counsel for appellants due to scheduling conflict for appellants' witness.