

**BOARD OF ZONING APPEALS
JANUARY 11, 2010**

9:30

Calendar No. 09-250:

11139-43 Superior Avenue

Ward 9

Kevin Conwell

11 Notices

Bobbie Johnson, owner, appeals to establish use of a two-story building as a nightclub/lounge with a game room and to do exterior alterations that include a rebuilding of the rear porch and stairs, located on a 35' x 120' parcel in a General Retail Business District; subject to the limitations of Section 347.12(a), the proposed use is required to be 500 feet from a residential district and it abuts a Two-Family District; no landscaping is shown contrary to Sections 352.08 through 352.12 and a required 8-foot wide, landscaped transition strip along the rear property line and a 6-foot wide frontage strip where the parking lot abuts the street; a gravel parking surface is proposed contrary to Section 349.07(a) that all parking and vehicle maneuvering areas must be graded for drainage within the lot, hard surfaced with concrete, asphalt or an engineered pervious paving system, the design of which must be approved by the Department of Building and Housing; and a parking area equal to approximately one-half the gross floor area is proposed, where a parking area equal to three times the gross floor area is required according to the provisions in Section 349.04(e) of the Cleveland Codified Ordinances. (Filed 11-18-09)

9:30

Calendar No. 09-251:

**Appeal of Robert Shumay
Decision of Public Service Department**

Robert Shumay and John Sesamis appeal under the authority of Section 76-6 of the Charter of the City of Cleveland and Section 329.02(d) of the Cleveland Codified Ordinances from a decision of the Director of Public Service regarding denied applications for temporary sidewalk occupancy permits for vending locations described as #1 Public Square (location #15), Hanna Mall/South Side (location #26), 615 St. Clair Avenue N.E. (location #34), 901 East 9th Street (location #35), and Ontario and St. Clair Avenue S.W. (location #109). (Filed 11-19-09)

9:30

Calendar No. 09-254:

5000 Track Avenue

Ward 5

Phyllis Cleveland

15 Notices

Food Warehouse, Inc., owner, appeals to construct an addition/platform for the loading and unloading of goods at an existing one-story warehouse building on an acreage parcel in a Semi-Industry District; where docks or platforms shall be not less than 50-feet back from the building line along the street or alley on which they face and not less than 80-feet from the centerline of the street, as stated in Section 349.17 of the Cleveland Codified Ordinances. (Filed 11-25-09)

9:30

Calendar No. 09-255:

6021 Memphis Avenue

Ward 13

Kevin Kelley

13 Notices

James Souris, owner, appeals to change from a gas station to a restaurant the use of a one-story building on a 48.56' x 111.69' corner parcel in a Local Retail Business District; nonconforming to Section 327.02, the site plan is without a location of a trash area or the dumpster; 22 off-street parking spaces are proposed contrary to 26 spaces in accordance with the requirement in Section 349.04(f); and the provisions in Sections 352.08 through 352.11 require a 6-foot wide frontage landscaping strip along the parking lot where it borders the street and an 8-foot wide transition, landscaping strip is required along the rear property line where the lot abuts a residential district; the property in question is subject to a setback of 12-feet and a patio is not a permitted front yard encroachment in the provisions of Section 357.13 of the Cleveland Codified Ordinances. (Filed 11-25-09)

9:30

Calendar No. 09-259:

10603 Euclid Avenue

Ward 6

Mamie Mitchell

6 Notices

The Cleveland Clinic, owner, appeals to establish use for salt domes on a 40' x 190' parcel in a Local Retail business District; subject to the limitations of Section 343.01 the proposed use is not permitted and first permitted in a Semi-Industry District, provided that any material stored in unenclosed premises to a height greater than 4-feet above the grade level shall be surrounded by a substantial 7-foot high wall or screened fence, as stated in Section 345.03(c)(33) of the Cleveland Codified Ordinances. (Filed 12-22-09)

POSTPONED FROM SEPTEMBER 14, 2009

10:30

Calendar No. 09-60:

1970 Carter Road

Ward 3

Joe Cimperman

Carter Peninsula, Inc. and their counsel Andrew M. Fowerbaugh, appeal under Section 76-6 of the Charter of the City of Cleveland and Section 329.02(d) of the Cleveland Codified Ordinances from a Notice of Violation issued by the Harbor Master of the City of Cleveland Department of Port Control March 2, 2009, for violation of ordinances 573.02, 573.04 and 573.10 at the property described in the violation as 1970 Carter Road Cleveland, Ohio 44113, Permanent Parcel Number 004-28-001. (Filed 3-31-09; no testimony taken.)

Second postponement requested by mutual agreement between the parties for additional time to gather and analyze information relevant to the matter.

10:30

Calendar No. 09-61:

Riverbend Rear

Ward 3

Joe Cimperman

Ontario Stone Corporation and their counsel Nicholas C. York, appeal under Section 76-6 of the Charter of the City of Cleveland and Section 329.02(d) of the Cleveland Codified Ordinances from a Notice of Violation issued by the Harbor Master of the City of Cleveland Department of Port Control March 2, 2009, for violation of ordinances 573.02, 573.04 and 573.10 at the property described in the violation as Riverbend Rear Cleveland, Ohio, Permanent Parcel Number 003-03-006. (Filed 3-31-09; no testimony taken.)

Second postponement requested by applicants' counsel due to a scheduling conflict.

10:30

Calendar No. 09-62:

Riverbed Street

Ward 3

Joe Cimperman

Westbank Development Corporation and their counsel Edward F. Siegel, appeal under Section 76-6 of the Charter of the City of Cleveland and Section 329.02(d) of the Cleveland Codified Ordinances from a Notice of Violation issued by the Harbor Master of the City of Cleveland Department of Port Control March 2, 2009, for violation of ordinances 573.02, 573.04 and 573.10 at the property described in the violation as Riverbed Street Cleveland, Ohio 44102, Permanent Parcel Number 003-15-054. (Filed 3-31-09; no testimony taken.)

Second postponement mutually requested by counsel for applicants and the City for additional time to gather and analyze information relevant to the matter.

10:30

Calendar No. 09-63:

University Road & West 14th Street

Ward 3

Joe Cimperman

University Cuyahoga Inc. and their counsel Robert W. McIntyre, appeal under Section 76-6 of the Charter of the City of Cleveland and Section 329.02(d) of the Cleveland Codified Ordinances from a Notice of Violation issued by the Harbor Master of the City of Cleveland Department of Port Control March 2, 2009, for violation of ordinances 573.02, 573.04 and 573.10 at the property described in the violation as University Road & West 14th Street Cleveland, Ohio 44113, Permanent Parcel Number 004-27-002. (Filed 3-31-09)

Second postponement by mutual request of applicant's counsel and the City for additional time to gather and analyze information relevant to the matter.

