

**BOARD OF ZONING APPEALS
JANUARY 19, 2010**

9:30

Calendar No. 09-247:

13600 Deise Avenue

Ward 10

Eugene Miller

Northern Lakes Management Company, owner, and Northern Ohio Scrap Service Corporation, lessee, through attorney Craig Miller, appeal under Section 329.02(d) of the Cleveland Codified Ordinances from a Notice of Nonconformance issued November 13, 2009 by the City of Cleveland Chief Building Official for a proposed scrap metal processing facility and open yard storage of scrap metal with an industrialized unit office building on acreage located at 13600 Deise Avenue. (Filed 11-16-09)

9:30

Calendar No. 09-256:

1464 West 57th Street

Ward 15

Matthew Zone

3 Notices

Jacqueline Ortiz, owner appeals to erect a one-story frame, open porch at the front of a one-family dwelling on a 40' x 70' parcel in a Two-Family District; contrary to Section 357.05(a) an interior side yard of 3 feet is provided where 5 feet is required. The proposed porch projects 8 feet contrary to 6 feet, and a distance of 8 feet 8 inches is provided from the street line, contrary to a required 10 feet according to Section 357.13(b)(4) in the Cleveland Codified Ordinances. (Filed 12-28-09)

9:30

Calendar No. 09-257:

4219 Cyril Avenue

Ward 14

Brian Cummins

4 Notices

Burnice Weaver, owner, appeals to install a gravel driveway on a 35' x 140' parcel in a Two-Family District; nonconforming to Section 337.18 that requires accessory off-street parking spaces, driveway and maneuvering areas to be properly graded for drainage so that all water is drained within the lot providing such parking spaces, surfaced with concrete asphaltic concrete, asphalt or similar surfacing material, maintained in good condition and free of debris and trash, as stated in the Cleveland Codified Ordinances. (Filed 12-9-09)

9:30

Calendar No. 09-261:

2916 Fulton Road

Ward 14

Brian Cummins

5 Notices

Olga Rodriquez, owner, appeals to erect a 7' x 30'4" one-story frame, open porch to the front of an existing two-family dwelling on a 47' x 55' parcel in a Local Retail Business District; contrary to Section 357.13(b)(4), the proposed porch projects 7 feet where an open porch may not project more than 6 feet and no distance is provided where the porch may not extend within 10 feet of the street line, and the existing nonconforming use, front porch for a two family dwelling, requires the Board of Zoning Appeals approval in accordance with Section 359.01 of the Cleveland Codified Ordinances. (Filed 12-22-09)

9:30

Calendar No. 09-264:

1524 East 118th Street

Ward 9

Kevin Conwell

3 Notices

Jordan Real Estate LLC and Emmett Jordan, owner, appeal to install approximately 98 linear feet of 6-foot tall privacy fence along the side yard of a 40' x 138.92' parcel in a Two-Family District; and a distance of 4 feet from an adjacent residence building is proposed, where a fence in an actual side yard of a residence district shall not exceed 6 feet in height and not be higher than its distance from a residence building on an adjacent property, according to Section 358.04(a) in the Cleveland Codified Ordinances. (Filed 12-28-09)

9:30

Calendar No. 09-265:

450 East 109th Street

Ward 8

Jeffrey Johnson

4 Notices

Melvin Upshaw, owner, and Bernice Daniels, tenant, appeal to erect a 5' x 5' wheelchair lift on a 40' x 87' parcel in a One-Family District where a wheelchair lift is not a permitted encroachment in the provisions of Section 357.13 of the Cleveland Codified Ordinances. (Filed 12-28-09)

POSTPONED FROM NOVEMBER 23, 2009

10:30

Calendar No. 09-222:

9704-06 Pierpont Avenue

Ward 8

Jeffrey Johnson

11 Notices

Vera Payne, owner, appeals to establish use as a Type A day care a two family dwelling on a 40' x 110' parcel located in a B1 Two-Family District; 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 is less than the required distance and also requires the Board of Zoning Appeals approval to determine if adequate yard spaces and other safeguards are provided; 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 Cleveland Codified Ordinances. (Filed 10-16-09; no testimony taken.)

First postponement granted to applicants due to a delay in communication between relevant parties to the appeal.

POSTPONED FROM DECEMBER 7, 2009

10:30

Calendar No. 09-233:

7310 Fleet Avenue

Ward 12

Anthony Brancatelli

7 Notices

Mukesh Agarwal, owner, appeals to construct an approximate 3,400 square foot second floor addition to an existing day care operation and to increase the current number from 67 children served to 137 in a one-story building on an acreage parcel in a Two-Family District; subject to the limitations of Section 337.03, and by reference to Section 337.02(f)(3)(C), the proposed use requires public notice, hearing and approval by the Board of Zoning Appeals to determine if adequate yard spaces and other safeguards to preserve the character of the neighborhood are provided, and if in the judgment of the Board, such buildings and uses are appropriately located and designed and will meet a community need without adversely affecting the neighborhood; and the child care business must be at least 30 feet from neighboring premises not used for a similar purpose; and the expansion of a nonconforming use requires the Board of Zoning Appeals approval, according to the provisions of Section 359.01 of the Cleveland Codified Ordinances.

(Filed 11-2-09; no testimony taken.)

First postponement requested by Slavic Village Development Corporation to address issues related to the size and layout of the property with the proposed addition.