

**BOARD OF ZONING APPEALS
JANUARY 4, 2010**

9:30

Calendar No. 09-244:

1678 Leonard Avenue

Ward 13

Joe Cimperman

8 Notices

Mike Hirko, owner, and Chuck Rogers, tenant, appeal to change from factory/warehouse to a private club the use of an existing building on an irregular corner shaped parcel in a General Industry District; no parking spaces are provided and a private club requires a total parking area equal to one space per 100 square feet of floor area, or 45 required off-street parking spaces, determined by a calculation based upon 4,500 square feet in accordance with Section 349.04(f) in the Cleveland Codified Ordinances. (Filed 11-12-09)

9:30

Calendar No. 09-245:

3926 Valley Road

Ward 15

Brian Cummins

28 Notices

Valley Road Properties, owner, and Verizon Wireless, prospective lessee, appeal erect a 160-foot high telecommunications tower and an 11'6" x 30' equipment shelter on an acreage parcel located in a Single Family District, subject to the limitations of Section 354.06(a), the proposed tower is not permitted, being first permitted in a General Retail Business District, and under the provisions of Section 354.06(h) it may exceed the established height of 35 feet on the zoning map for the subject property, provided it meets all other regulations of Chapter 354; and no lighting is proposed contrary to Section 354.07(a), where tower lighting is required by Chapter 633 of the Cleveland Codified Ordinances and must be designed to minimize disturbances to nearby residences; and subject to Section 354.13, an application for a telecommunications tower, permitted conditionally under the provisions of Section 354.04, shall include a statement indicating estimated construction cost of the tower and a statement estimating the cost for demolition and removal of the telecommunication tower, and a performance bond sufficient to cover the estimated demolition and removal of the tower, as stated in Section 354.13(a)(7)(8) of the Cleveland Codified Ordinances. (Filed 11-12-09)

9:30

Calendar No. 09-248:

1859-65 West 25th Street

Ward 13

Joe Cimperman

15 Notices

Heil Building Inc., owner, and Cleveland Garage LLC, tenant, appeal to change from a bar/restaurant to a bar/restaurant with live entertainment the use in a two-story mixed use building located on a corner parcel in a General Retail Business District; subject to the limitations of Sections 347.12(a)(1)(2), amusement/entertainment uses, where permitted in a particular district, shall not be established within 500 feet of a residential district or another entertainment use, and the proposed use is within 500 feet of a residential district to the north and it abuts another entertainment use; and no parking is provided on the premises, contrary to Section 349.02(e) that requires an accessory off-street parking area equal to three times the gross floor area as stated in the Cleveland Codified Ordinances. (Filed 11-17-09)

9:30

Calendar No. 09-258:

18300 Lotus Drive

Ward 1

Terrell Pruitt

5 Notices

Ervin Simmons, owner, and Janice Talley, tenant, appeal to erect a 5' x 5' pre-manufactured wheelchair lift and a 5' x 14' front porch landing on a 50' x 125' parcel

in an A1 One Family District; and in the provisions of Section 329.04(c)(1) wheelchair lifts are not a permitted front yard encroachment, and contrary to Section 357.13(b)(4), a projection of 15 feet is provided where an open front porch may not project more than 6 feet. (Filed 12-14-09)

10:30

Calendar No. 08-54

3902 Lee Road

Ward 1

Terrell Pruitt

10 Notices

John Barnes, Jr., owner, appeals to enlarge an existing building with the addition of a second floor "loft" and establish use of the building for office on a 38' x 125.59' parcel in a Local Retail Business District; subject to Section 357.07(a) a 10-foot specific setback is required, indicated on the Building Zone Map as the setback building line for the street frontage; and the addition, enlargement or expansion of an existing nonconforming use requires the Board of Zoning Appeals approval, according to the provisions in Section 359.01 of the Cleveland Codified Ordinances. (Filed 3-08; dismissed 4-08; remanded 12-09)

POSTPONED FROM NOVEMBER 9, 2009

10:30

Calendar No. 09-177:

10515 Sandusky Avenue

Ward 2

Nathaniel Wilkes

11 Notices

Micah Sanford, owner, and Lynette Franklin, tenant, appeal to change use from a beauty salon to a day care in a two story dwelling house located on a 40' x 127.43' parcel in a Two-Family District; contrary to Section 337.03, the proposed use is within the required distance of 30 feet from any adjoining premises in a residence district not used for a similar purpose; and contrary to Section 349.04(c) there are 2 parking spaces provided where one is required for each two staff members and other employees; and a substitution of nonconforming use requires the Board of Zoning Appeals approval in accordance with Section 359.01(a) in the Cleveland Codified Ordinances. (Filed 8-28-09; testimony taken.)

Second postponement taken for a full complement of the Board for the applicants presentation on details for the plan; input provided from the local development corporation and the Council representative.

POSTPONED FROM NOVEMBER 16, 2009

10:30

Calendar No. 09-215:

339 Skyview Road

Ward 15

Brian Cummins

3 Notices

William Kirchner, owner, appeals to erect a 12' x 12' rear deck extension to an existing 10.6' x 16.6' deck on a 67.68' x 116.32' parcel in a One-Family District; contrary to the yard space requirements, 2-feet is provided and a minimum interior side yard of 3-feet is required according to Section 350.09(2)(B) in the Cleveland Codified Ordinances. (Filed 10-12-09; no testimony taken.)

First postponement requested by the applicant due to a scheduling conflict.

POSTPONED FROM NOVEMBER 16, 2009

10:30

Calendar No. 09-218:

1616 West 25th Street

Ward 13

Joe Cimperman

14 Notices

Ojala Properties LLC, owner, and Wael Ayyad, tenant, appeal for expansion of an existing restaurant on a 132.02' x 158.15' parcel in a General Retail Business District from 84 seats to 150 seats and to include live entertainment, for which 27 off

street parking spaces are proposed contrary to 37 that are required according to Section 349.04(e); and the provisions of Section 347.12(a)(1) state that no such use shall be established within 500 feet of a residential district, a day care center, kindergarten, elementary or secondary school, public library, church, playground, public or nonprofit recreation or community center; nor shall such use for live entertainment be established within 500 feet of another such use as stated in Section 347.12(a)(2) of the Cleveland Codified Ordinances. (Filed 10-13-09; testimony taken.)

First postponement taken for additional review of the applicants' proposed plan.