

**BOARD OF ZONING APPEALS**

**FEBRUARY 16, 2010**

**9:30**

**Calendar No. 09-263:**

**3585 West 117<sup>th</sup> Street**

**Ward 17**

**Dona Brady**

**14 Notices**

Hamdi Qasem, owner, appeals to build an addition to an existing gas station proposed to be on consolidated parcels in a Local Retail Business District on the northeast corner of West 117<sup>th</sup> Street and Thrush Avenue; subject to the limitations of Section 359.01(a) no substitution nor expansion of an existing nonconforming use shall be permitted except as a variance under the terms of Chapter 329, and no substitution or other change in such nonconforming use to other than a conforming use shall be permitted except by special permit from the Board of Zoning Appeals. Such special permit may be issued only if the Board finds after public hearing that such change is no more harmful or objectionable than the previous nonconforming use in floor or other space occupied, in volume of trade or production, in kind of goods sold or produced, in daily hours or other period of use, in the type or number of persons to occupy or be attracted to the premises or in any other characteristic of the new use as compared with the previous use, according to Section 359.01(a); and contrary to Section 357.06(a) a front setback of 6 feet is proposed and the required front yard setback based upon the average setback of existing buildings within 100 feet on either side of the lot is approximately 17 feet; and landscaped strips shall be separated by curbing according to Section 352.05(g) of the Cleveland Codified Ordinances. (Filed 12-23-09)

**9:30**

**Calendar No. 10-6:**

**8701 Superior Avenue**

**Ward 7**

**T.J. Dow**

**16 Notices**

Faez Muntaser, owner, appeals to construct a retail building on a 120.84' x 150' parcel in split zoning for Local Retail Business and Two-Family Districts, where a retail building and accessory uses are prohibited under Section 337.03 in a Two-Family District; and a landscaping plan is required in accordance with Section 352.12 of the Cleveland Codified Ordinances. (Filed 1-13-10)

**9:30**

**Calendar No. 10-10:**

**1104 Rowley Avenue**

**Ward 3**

**Joe Cimperman**

**23 Notices**

Theodore Polanski, owner, appeals for a substitution of use from a store to a restaurant/bar a two-story building on an irregular shaped corner parcel in a Two-Family District; subject to the limitations of Section 337.03 the restaurant/bar is not permitted and first permitted in a Local Retail Business District; and the substitution of a nonconforming store use requires the Board of Zoning Appeals approval in accordance with Section 359.01(a) and no off-street parking is proposed, contrary to Section 349.04(f) and a requirement of one space for each employee, plus one for each 100 square feet of floor area devoted to patron use, or one for each four seats based on the maximum seating capacity, whichever is greater. (Filed 1-20-10)

**POSTPONED FROM DECEMBER 14, 2009**

10:30

Calendar No. 09-237:

3751 Valley Road

Ward 3

Joe Cimperman

5 Notices

Hill Diversified Properties, LLC, owner, appeal to erect 477 linear feet of 7-foot high chain link and barbed wire fence in the "actual front yard" of an acreage parcel in a General Industry District, contrary to Section 358.05(a)(1) that limits fences in actual front yards of a General Industry District to a height of 6 feet; and as defined in Section 358.02(e), the term "actual yard" shall refer to the entire lot area between a main building and the corresponding lot line in the Cleveland Codified Ordinances. (Filed 11-4-09; testimony taken.)

**First postponement requested by City Planning for additional review of the project.**

**POSTPONED FROM DECEMBER 21, 2009**

10:30

Calendar No. 09-239:

4830 Superior Avenue

Ward 8

Jeffrey Johnson

13 Notices

Raymond Adamic, owner, and John Dunlap, prospective purchaser, and Mizo Peldich, tenant, appeal to expand the use for a store to include an 835 square foot outside patio for food service and consumption on a corner parcel in a Semi-Industry District; contrary to Section 349.04(f), no parking is proposed and 9 new parking spaces, one per 100 square feet, are required; and the expansion of a nonconforming use requires the Board of Zoning Appeals approval as stated in Section 359.01 of the Cleveland Codified Ordinances. (Filed 11-6-09; no testimony taken.)

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

**POSTPONED FROM JANUARY 4, 2010**

10:30

Calendar No. 09-244:

1678 Leonard Avenue

Ward 3

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; no testimony taken.)

**First postponement requested by the Councilman for additional information about the proposed plan.**

**POSTPONED FROM JANUARY 11, 2010**

10:30

Calendar No. 09-259:

10603 Euclid Avenue

Ward 8

Jeffrey Johnson

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; testimony taken.)

**First postponement taken for applicants to consult with the Councilmember and the Fairfax Renaissance Community Development Corporation about the proposed plan.**

**POSTPONED FROM JANUARY 25, 2010**

10:30

Calendar No. 09-146:

4305-09 State Road

Ward 13

Kevin Kelley

7 Notices

John Zajac, owner, appeals to establish a parking lot as the principal use of a vacant 44' x 120' corner parcel in a General Retail Business District; subject to the provisions in Sections 352.08 through 352.12, a 10 foot landscaped transition strip providing 75 percent year-round opacity is required along the rear of the lot that abuts a residential district, and a 6 foot wide, landscaped frontage strip providing 50 percent year-round opacity is required where the lot abuts State Road and Searsdale Avenue, as stated in the Cleveland Codified Ordinances. (Filed 7-14-09; no testimony taken.)

**Rescheduled for a final postponement by additional request from the applicant for the continuance.**

**POSTPONED FROM JANUARY 4, 2010**

10:30

Calendar No. 08-54

3902 Lee Road

Ward 1

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; no testimony taken.)

**First postponement requested by counsel for the applicant.**