

**BOARD OF ZONING APPEALS
FEBRUARY 8, 2010**

9:30

Calendar No. 10-1:

11810 Union Avenue

Ward 6

**Mamie Mitchell
24 Notices**

Humility of Mary Housing, Inc., owner, appeals to erect a 40 unit, three-story apartment building for the elderly proposed to be built on a consolidated parcels in a B1 Two-Family District; nonconforming to Section 337.03 and being first permitted in a Multi-Family District; and in a "B" Area District, the maximum gross floor area cannot exceed one-half of the lot area, as stated in Section 355.05(b) of the Cleveland Codified Ordinances. (Filed 1-7-10)

9:30

Calendar No.10-5:

3837 Ridge Road

Ward 15

**Matthew Zone
6 Notices**

WHS Realty Services, Inc., owner, and Salim Hasrouni tenant, appeal to add entertainment/dance hall use to an existing tavern/restaurant on a irregular shaped parcel in a Semi-Industry District; subject to the limitations of Section 347.12(a)(1), the property abuts a B1 Two-Family District where the proposed use is not permitted within 500 feet of a residence district, and a 10 foot wide transition landscape strip is required where none is provided contrary to Sections 352.08-352.12 of the Cleveland Codified Ordinances. (Filed 1-13-10)

9:30

Calendar No. 10- 8 :

**10404 Lorain Avenue
aka 3184 West 104th Street**

Ward 17

**Dona Brady
13 Notices**

Giachetti Brothers Investments Inc., and Rich Giachetti, owners, and Mike Nicholas, tenant, appeal to establish use for a vehicle repair garage in an existing building on an 83.05' x 120' parcel in a General Retail Business District that abuts a B1 Two-Family District, and the proposed use is first allowed in a Semi-Industry District, if it is not less than 100 feet from a Residence District in accordance with Section 345.03(c)(2) of the Cleveland Codified Ordinances. (Filed 1-13-10)

9:30

Calendar No. 10-9 :

13600 Deise Avenue

Ward 10

**Eugene Miller
29 Notices**

Northern Lakes Management Company, owner, and Northern Ohio Scrap Services lessee, appeal to establish a scrap metal processing facility and open yard storage of scrap metal with an industrialized unit office building in split zoning between Semi-Industry and General Industry Districts and as shown on revised documents submitted 11-11-2009; subject to the limitations of Section 345.03(c)(33), the use or accessory use of premises for storage of salvaged lumber or other building material, junk, paper, glass, rags, rubber, unclear or unrepaired containers or other discarded or salvaged articles or material either in buildings or wrecking or dismantling of motor vehicles or storage of vehicles pending wrecking or dismantling is prohibited; and in any use district, allowing junk or wrecking yards, the storage of such junk or used material shall not be piled higher than three feet above the height of the wall or fence enclosing the yard, providing that at any point closer to than five feet, the junk or used material shall not be piled above the heights of the wall or fence; and contrary to Section 347.06(d), scrap metal piles are proposed to be higher than three feet above the seven foot fence; and a corrugated metal fence is proposed in a Semi-Industry District, contrary to Section 358.06(a) that states no fence shall be composed of scrap materials, tires, canvas cardboard, asphalt-style shingles, or chicken wire. Furthermore, except in General Industry and Unrestricted Industry Districts, no fence shall be composed of corrugated metal or sheet metal according to the Cleveland Codified Ordinances. (Filed 1-19-10)

POSTPONED FROM DECEMBER 7, 2009

10:30

Calendar No. 09-229:

3280 Adolpha Avenue

Ward 12

Anthony Brancatelli

6 Notices

Reginald Williams, owner, appeals to establish a used car sales lot on a 120' x 90' corner parcel in a Residence Industry District; and Section 358.04 requires that a 4 foot high ornamental fence be provided along the length of each street right of way, unless an alternative is otherwise approved by City Planning; and the provisions of Section 357.14 prohibit the sale of motor vehicles within the established 10 foot front yard setback unless specifically authorized by the Board of Zoning Appeals; and Sections 352.10 and 352.11 require that a used car sales lot has a 4 feet minimum width of landscape border along all public street frontage; and no customer parking is provided, contrary to Section 349.04(f) and a provision for parking at 25 percent of the gross lot area; and Section 349.07(b) requires that accessory off-street parking spaces shall be provided with wheel or bumper guards, located so that no part of a parked vehicle extends beyond such parking spaces and parking spaces shall be equal to 180 square feet, as stated in Section 325.03 of the Cleveland Codified Ordinances. (Filed 10-23-09; testimony taken.)

First postponement at recommendation of the Board for applicant to consult with the local development corporation about the plan.

POSTPONED FROM DECEMBER 14, 2009

10:30

Calendar No. 09-155:

3232 Lakeside Avenue

Ward 3

Joe Cimperman

6 Notices

Charles Fleck, owner, and Theodore Talliere, agent, appeal to expand occupancy from 135 to 200 and to add entertainment use to an existing tavern/restaurant on a 130.66' x 107.67' parcel in a General Industry District; contrary to Section 349.04(e) no accessory off-street parking is provided and accessory off-street parking equal to three times the gross floor area is required; and the substitution/expansion of an existing nonconforming use requires the Board of Zoning Appeals approval in accordance with Section 359.01 in the Cleveland Codified Ordinances.(Filed 7-22-09;testimony taken.)

Final postponement taken by counsel for the applicants due to his absence from the hearing. Applicants to provide a plan that shows the location for legally permitted parking use, configuration and size of parking spaces.

10:30

Calendar No. 08-68:

3232 Lakeside Avenue

Ward 3

Joe Cimperman

6 Notices

Flextron LLC, owner, and Theodore Talliere, agent, appeal to change use from a bar/restaurant to adult cabaret an existing two-story building on a 130.66' x 117.25' corner parcel in a General Industry District on the southwest corner of Lakeside Avenue at East 33rd Street at 3232 Lakeside Avenue; subject to the provisions of Section 349.01(a), whenever the existing use of a building or structure shall hereafter be changed to a new use, parking facilities shall be provided as required for such new use as stated in the Cleveland Codified Ordinances. (Denied 7-28-08; on remand from Cuyahoga County Common Pleas Court 8-25-09.)

Third postponement requested by counsel for the applicants' due to his absence from the hearing. Applicants to provide a plan that shows the location for legally permitted parking use, configuration and size of parking spaces.

