

**BOARD OF ZONING APPEALS**

**MARCH 15, 2010**

**9:30**

**Calendar No. 10-16:**

**16208 St. Clair Avenue**

**Ward 11**

**Michael Polensek**

**28 Notices**

Najib Chedid, owner, appeals for a new 24 hours daily use for a drive-through lane on an existing food mart and a 104 feet high wind turbine to be permitted on an irregular shaped, acreage parcel in a C2 Local Retail Business District; and the limitations of Section 347.16(g)(6), prohibit a retail sales use from a drive-through lane between the hours of 11:00 P.M. and 6:00 A.M. daily where it abuts a residential district; and contrary to Section 354A.04(b)(1), the ground wind turbine is proposed at a distance of 53 feet where 114 feet is the minimum setback distance required to equal 1.1 times the height of the turbine from all property line, street right-of-way line and utility line and no portion of a rotor blade shall extend closer than 5 feet to the utility line; and a wind turbine in a commercial district shall be setback from a residential district 2 times its height, and a distance of approximately 155 feet is proposed where 208 feet is required in order to comply with Section 354.04(b)(2); and the provisions in Sections 354.07(a)(6) and (8) require a statement from an Ohio licensed engineer, certifying structural soundness, a noise control standard with respect to nearby residential use, and statements indicating the estimated costs for construction and also for the demolition and removal of the wind turbine as stated in the Cleveland Codified Ordinances. (Filed 2-16-10)

**WITHDRAWN BY THE APPELLANT**

**9:30**

**Calendar No. 10-20:**

**4407 West 139<sup>th</sup> Street**

**Ward 18**

**Martin Sweeney**

**5 Notices**

Delijana Pekurar, owner, appeals to erect a frame play house on a 39' x 130' parcel in an A1 One-Family District at a distance of 15 inches from the north property line, where accessory uses and buildings permitted in a Residence District shall be located a minimum of 18 inches from all property lines and at least 10 feet from any main building on an adjoining lot, according to Section 337.23 of the Cleveland Codified Ordinances. (Filed 2-18-10)

**9:30**

**Calendar No. 10-24:**

**2021 West 11<sup>th</sup> Street**

**Ward 3**

**Joe Cimperman**

**7 Notices**

David F. Perse, owner, appeals to erect a 2-story single family residence on a 75' x 117.30' corner parcel in a C1 Multi-Family District; contrary to the provisions in Section 355.05, a maximum gross floor area of 5,284 square feet is provided and 4,398.7 square feet is required; and subject to the limitations of Section 355.05, a trash and yard grill is not a permitted interior side yard encroachment; and a professional stamped survey approved by the Division of Engineering and Construction showing swale, elevations, utilities, driveway apron details and locations is required in accordance with Section 327.02(e) of the Cleveland Codified Ordinances. (Filed 2-24-10)

**POSTPONED FROM FEBRUARY 16 2010**

**10:30**

**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; no testimony taken.)

**First postponement requested by appellant's architect to allow time for the proposal to be approved by the Local Design Review Advisory Committee.**