

**BOARD OF ZONING APPEALS
MAY 31, 2011**

9:30

Calendar No.11-61:

12302 Chesterfield Avenue

Ward 9

Kevin Conwell

14 Notices

Gary Warner, owner, and Marcella Simmons, prospective purchaser, appeal to establish use as an Adult Care Center in an existing residential dwelling located on a corner lot in a General Retail Business District and no accessory off-street parking space is provided contrary to Section 349.04(d) that requires 9 spaces, one for each doctor or nurse plus one for each other three employees; and an 8 foot wide landscaping transition strip is required at the rear and side lot lines where the lot abuts a Two-Family District according to Sections 352.10-11 in the Cleveland Codified Ordinances. (Filed 4-26-11)

9:30

Calendar No. 11-65:

3812 West 152nd Street

Ward 19

Martin Keane

10 Notices

Clinton McCor, owner, appeals to build a front porch 30' x 10' on a 90.11' x 311.62' lot in a B1 Two-Family District and a 10 foot projection is proposed where an open porch may not project more than 6 feet as stated in Section 357.13(b)(4) of the Cleveland Codified Ordinances. (Filed 5-2-11)

9:30

Calendar No. 11-66:

10601-35 St. Clair Avenue

Ward 8

Jeffrey Johnson

9 Notices

Shirley Russell, owner, appeals to change use from storage to a motor vehicle major repair shop on a 132.27' x 134.27' corner lot in a C2 Local Retail Business District; subject to the limitations of Section 343.01, the proposed use is not permitted and first allowed in a Semi-Industry District under Section 345.03, if the use is located not less than 100 feet from a residence district; and 3 parking spaces are provided contrary to Section 349.04(g) that requires one space for each 500 square feet of gross floor area or 13 parking spaces, and a permit for signage is required in accordance with Section 350.04 in the Cleveland Codified Ordinances. (Filed 5-4-11)

9:30

Calendar No. 11-68:

4501 Spokane Avenue

Ward 13

Kevin Kelley

7 Notices

Donald Prather, owner, appeals to install approximately 78 lineal feet of 6 feet high, wood shadowbox fence along the actual side street yard of a 40' x 120' lot in a B1 Two-Family District contrary to Section 358.04(a) that prohibits a fence to exceed 4 feet in height and that it shall be at least 50 percent open except that in an actual side street yard a fence that is set back 4 feet from the side street property line may be a maximum of 6 feet high, open or solid; and no portion of a fence located within 30 feet of the intersection of two street right-of-way lines shall exceed two and one-half feet in height unless all portions of the fence above two and one-half feet are at least 75 percent open and the same restriction shall apply to any portion of a fence along and parallel to a driveway within 15 feet of its intersection with a public sidewalk or street if no sidewalk is present, pursuant to Section 358.03(a) in the Cleveland Codified Ordinances. (Filed 5-5-11)

POSTPONED FROM APRIL 25, 2011

10:30

Calendar No. 11-32:

961 Jefferson Avenue

Ward 3

Joe Cimperman

21 Notices

Angel Cuevas, owner, appeals to install two (2) prefab sheds and a fence 6 feet high on a triangular shaped corner parcel in a B1 Two-Family District, subject to the provisions in Section 359.01(a) and a special permit from the Board of Zoning Appeals for expansion of a nonconforming use; and contrary to the limitations of the Fence Regulations in Section 358.03(a) that prohibit a fence located within thirty feet of the intersection of two street right-of-way lines to exceed two and one-half feet in height, unless all portions of the fence above two and one-half feet are at least 75 percent open and the same restriction applies to fence located along and parallel to a driveway within fifteen feet of its intersection with a public street if no sidewalk is present; and the limitations of Section 358.04(a) prohibit fences in actual front and side street yards to exceed four feet in height and to be at least 50 percent open, except that in an actual side street yard, a fence set back at least four feet from the side street property line may be a maximum of six feet in height and open or solid. (Filed 3-3-11; no testimony taken.)

Postponement requested by the Councilman for added review of the project

POSTPONED FROM APRIL 4, 2011.

10:30

Calendar No.11-36:

2365-73 Professor Street

Ward 3

Joe Cimperman

25 Notices

Mark LaGrange, owner, appeals to add live entertainment and an outdoor patio and to expand the occupancy of the second floor to 25 people for a bar/restaurant and two (2) dwelling units in a mixed use building on a 60' x 123.32' parcel in a C1 General Retail Business District; contrary to Sections 347.12(a)(1) the use for live entertainment is not at least 500 feet from a residence district, churches or libraries; and no parking is shown on the plan, contrary to Section 349.04(e) that requires a parking area equal to three times the gross floor area of the bar/restaurant and patio plus two spaces for the residential units; and a 10 foot wide landscaped transition strip, providing 75 percent year round opacity, is required where the premises abuts a residence district and none is shown, contrary to Sections 352.08-12 of the Cleveland Codified Ordinances. (Filed 3-15-11; no testimony taken.)

Postponement requested by the Councilman for consensus from community dialogue about the proposed project.

10:30

Calendar No. 11-37:

2247 Professor Avenue

Ward 3

Joe Cimperman

18 Notices

6530 Carnegie Ltd, owner, and Dante Boccuzzi appeal for expansion of use to a restaurant on the first floor to include the basement of a two-story building on a 28.07' x 66.15' lot in a General Retail Business District; and pursuant to Section 349.04(f), an additional 8 parking spaces are required for 712 square feet, one space for each 100 square feet of floor area devoted to patron use; and approval from the Board of Zoning Appeals is necessary for expansion of a nonconforming use, exception to the off-street parking requirement, in accordance with Section 359.01 of the Cleveland Codified Ordinances. (Filed 3-15-11; no testimony taken.)

Postponement requested by the Councilman for consensus from community dialogue about the project.

POSTPONED FROM MAY 9, 2011

10:30

Calendar No.11-48:

4034 West 163rd Street

Ward 19

Martin Keane

6 Notices

Mark and Mary Beth Burger, owners, appeal to erect a one-story frame, room addition 22' x 11' to the front of a single family residence on a 40' x 150' lot in an A1 One-Family District; subject to the limitations of Section 357.13, the proposed addition is not a permitted encroachment and projects 11 feet into the front setback contrary to the Cleveland Codified Ordinances. (Filed 4-7-11; testimony taken.)

Postponement requested by the Councilman for additional review of the proposed project.