

**BOARD OF ZONING APPEALS
AUGUST 22, 2011**

9:30

Calendar No.11-134:

16616 Stockbridge Avenue

Ward 1

Terrell Pruitt

5 Notices

Becky Joyner, owner, appeals to install approximately 90 linear feet of 9' high privacy fence on a 45' x 144.15' lot n an A1 One-Family District contrary to Section 358.04(a) that limits fence height in the actual side yard in a residence district to 6 feet and specifies that a fence shall not be higher than its distance from a residence building on an adjacent property. (Filed 7-22-11)

9:30

Calendar No. 11-135:

5800 Diamond Avenue

Ward 5

Phyllis Cleveland

17 Notices

Green City Growers Corporation, owner, appeals to erect a commercial hydroponic greenhouse for food production on 3.25 acres, including a parking lot, offices, accessory uses and site work that includes three types of 8 foot high fence (decorative panel, decorative ornamental and black vinyl coated chain link) to surround the entire property that is located in Semi and General Industry Districts; contrary to Section 358.05(a)(1) fences in side street and front yards in a General Industry District shall not exceed a height of 6 feet; and contrary to Section 358.05(a)(2) fences in side street and front yards in a Semi-Industry District shall not exceed a height of 4 feet and no fence in a Semi-Industry District shall exceed a height of 6 feet; and subject to the provisions in Section 358.06(b), all fences shall be uniform in material and color, according to the Cleveland Codified Ordinances. (Filed 7-22-11)

9:30

Calendar No. 11-138:

8332 Carnegie Avenue

Ward 6

Mamie Mitchell

8 Notices

PNC Bank, owner, appeals to do interior and exterior alterations and establish assembly use for property located on a 155' x 99.75' lot located in General Retail and Semi-Industry Districts; proposing 20 parking spaces contrary to Section 349.04(e) that requires one space for 150 square feet of gross floor area that equals 29 spaces, plus one for each of two employees and a total requirement of 31 off-street parking spaces. (Filed 7-26-11)

9:30

Calendar No. 11-139:

146 10 Puritas Avenue

Ward 18

Martin Sweeney

12 Notices

Puritas Avenue Associates and Hawks Landing, LLC, appeal to construct a leasing office on acreage located in a Multi-Family District; contrary to Section 357.06(a) a setback of 19.8 feet is proposed and the required setback, location of the required front yard line, along Puritas Avenue is 25 feet, determined according to the average of the setbacks of existing buildings within 100 feet on both sides of the site, and no interior side yard in connection with multiple dwelling units shall be less than one-fourth the height of the main building on the premises or less than 8 feet, in accordance with Section 357.09(b)(2)C of the Cleveland Codified Ordinances. (Filed 7-28-11)

9:30

Calendar No. 11-140:

3402 East 125th Street

Ward 4

Kenneth Johnson

21 Notices

Laniece Davis, owner, appeals to establish an adult day care use in an existing two-story dwelling located on a 40' x 148' lot in a B1 Two-Family District; subject to the limitations of Section 337.03 and by reference to Section 337.02(f)(3)(C), the proposed adult day care is located less than a distance of 30 feet from a residence district and requires the review and approval from the Board of Zoning Appeals. (Filed 7-28-11)

10:30

Calendar No. 11-101:

9703 Laird Avenue

Ward 16

Jay Westbrook

9 Notices

City of Cleveland Department of Community Development, owner, and Carl Wood, prospective tenant, appeal to construct a parking lot on a 30' x 100' parcel in a C1 Multi-Family District; and under Section 325.03 of the Cleveland Codified Ordinances a parking space shall be 180 square feet; and by the provisions in Section 349.13(c)(d) the Board of Zoning Appeals may permit temporarily or permanently the use of land in a Residence District for a parking lot when the best interests of the community will be served; and subject to Section 349.07(b) 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 space; and no parking space shall be located within 10 feet of any wall of a residential building or structure if such wall contains a ground floor opening designed to provide light or ventilation in accordance with Section 349.05(a); and parking spaces that adjoin a building containing dwelling units shall be screened by an opaque wall, a uniformly painted fence of fire-resistant material or a strip of land at least 4 feet wide and densely planted with shrubs to form a dense screen year-round, 3 feet in height at least but not more than 6 feet high pursuant to Section 349.08. (Filed 6-14-11; testimony taken 7-18-11; motion for reconsideration granted 8-1-11)

POSTPONED FROM MAY 23, 2011

10:30

Calendar No. 10-245:

3237 Scranton Road

Ward 14

Brian Cummins

13 Notices

The 3264 Holdings LLC and Fethi Belhovane, owner, appeal for a change of use from mechanic shop to a deli a one-story building on an irregular shaped corner lot in a Multi-Family District; subject to Section 359.01 and except as provided in Section 347.06 and Chapter 351, a use of building or land lawfully existing or for which a permit has been lawfully issued may be continue, but no expansion 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 is permitted except by special permit from the Board of Zoning Appeals, issued only if the Board finds after public hearing that such substitution or other 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 to be attracted to the premises or n any other characteristic of the new use as compared with the previous use. (Filed 11-19-10; no testimony taken.)

Third postponement granted for time to investigate and remediate contaminated areas of the property.