

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

9:30

Calendar No. 11-180:

15222 Waterloo Road

Ward 11

**Michael Polensek
13 Notices**

Samira Abuaun, owner, appeals for a use, occupancy permit, for a gas station located on an irregular shaped corner parcel in a C2 Local Retail Business District and subject to the provisions under Sections 349.07 (a) and (b), accessory off-street parking spaces, driveways and maneuvering areas shall be properly graded with hard surface for drainage and shall be provided with wheel or bumper guards; and a permit is required for signage in accordance with Section 350.04 of the Cleveland Codified Ordinances. (Filed 9-26-11)

9:30

Calendar No. 11-184:

6310 Brookpark Road

Ward 13

**Kevin Kelley
13 Notices**

Lewis and Jeremy Mitchell, owners, and Greg Deimling, tenant, appeal to establish use as a tattoo parlor in an existing one-story structure located on a 60' x 250' lot in Semi-Industry and General Retail Districts; subject to the limitations under Section 347.12(b) no such use shall be within 1,000 feet of a residential district or church and the proposed use for tattooing is within 1,000 feet of a residence district to the south on Velma Avenue and 1,000 feet of Calvary Chapel at 6770 Brookpark Road. ("The calculation and application of distance requirements of separation of uses shall consider uses and districts across the city's boundary if the city and bordering jurisdiction have entered into an agreement whereby each will consider uses and districts across the common boundary."-Cleveland Zoning Code Section 331.04). The proposed use for tattooing is within 1,000 feet of adult entertainment use located at 5141 Pearl Road contrary to Section 347.12(c) that prohibits such use to be established within 1,000 feet of an adult use as defined in Section 347.07 of the Cleveland Codified Ordances. (Filed 9-29-11)

9:30

Calendar No.11-185:

2721 East 90th Street

Ward 6

**Mamie Mitchell
18 Notices**

Miceli-Lograsso Development Company, owner, appeals for addition to an existing food processing plant located on acreage in a C1 General Retail Business District, for which an existing, legally permitted, nonconforming use of building or land may be continued but no enlargement or expansion shall be permitted except as a variance under the terms of Chapter 329 and no substitution or other change in the nonconforming use except by special permit issued if the Board of Zoning Appeals finds after public hearing that such substitution or 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 any other characteristic of the new use as compared with the previous use as stated in the Cleveland Zoning Code under Section 359.01. (Filed 9-29-11)

9:30

Calendar No. 11-186:

2726 East 90th Street

Ward 6

Mamie Mitchell

Miceli-Lograsso Development Company, owner, appeals to construct two (2) buildings proposed to be on acreage located in General Retail and General Industry Districts between East 90th Street and Evarts Avenue; subject to Section 359.01 the proposed project requires the Board of Zoning Appeals approval, if the Board finds after public hearing that the expansion 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 any other characteristic of the new use as compared with the previous use. (Filed 9-29-11)

9:30

Calendar No. 11-187:

2335 Green Road

Ward 10

Eugene Miller

4 Notices

Gloria Robinson, owner, appeals to erect a 16' x 20' one-story frame, detached accessory garage on a 107.15' x 460' lot located in an A1 One-Family District and a setback of 131 feet is proposed contrary to 230 feet that is required to meet the provisions under Section 337.23(a) for accessory buildings to be located on the rear half of the lot. (Filed 10-3-11)

9:30

Calendar No. 11-188:

17138 Lorain Avenue

Ward 19

Martin Keane

12 Notices

Kathleen McBride Plum, owner, and KeyBank National Association, tenant, appeal to replace an existing parking lot on a 92.18' x 148.04' lot in a C2 Local Retail Business District; and under Sections 352.08-12 a six (6) foot wide landscaping frontage strip providing a minimum of fifty percent (50%) year round opacity is required where the parking lot abuts Rocky River Drive and Ferndale Avenue and an eight (8) foot wide landscaped transition strip providing a minimum of seventy-five percent (75%) year round opacity is required where the parking lot abuts the residential district on Ferndale Avenue; and the restrictions under Section 357.05(b) provide that in the rear third of the lot, no parking spaces are permitted in a triangle formed by a point starting at the established setback building line of Ferndale Avenue and proceeding at a forty-five degree angle to the side property line on Ferndale; and the limitations under Sections 357.07(a)(13)(14) prohibit parking within an established ten (10) foot setback along Rocky River Drive, and Section 349.07(b) in the Cleveland Codified Ordinances requires that access and maintenance of off-street parking spaces have bumper guards located so that no part of a parked vehicle extends beyond such parking space. (Filed 10-3-11)

POSTPONED FROM OCTOBER 17, 2011

10:30

Calendar No. 11-32:

961 Jefferson Avenue

Ward 3

Joe Cimperman

19 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 granted to appellant's request because of his absence due to travel.

POSTPONED FROM OCTOBER 10, 2011

10:30

Calendar No. 11-153:

3292 Fulton Road

Ward 14

Brian Cummins

12 Notices

Pawaw Mangla, owner, appeals to change use from a retail store to a use for motor vehicle minor repair in an existing building located on a corner parcel in a Local Retail Business District; subject to limitations of Section 343.01 the proposed change is not permitted and first permitted in a General Retail Business District, according to the provisions for minor motor vehicle repair under Section 325.483; and no off-street parking is provided, contrary to Section 349.04(g) and a requirement for 6 off-street parking spaces. (Filed 8-8-11; no testimony taken.)

First postponement requested by the appellant due to a conflict with his scheduled work day.

POSTPONED FROM OCTOBER 3, 2011

10:30

Calendar No. 11-151:

16700 St. Clair Avenue

Ward 11

Michael Polensek

4 Notices

WRRS, LLC and Frank Lasky, owner, appeal to install a chain link fence 6 feet high with 3 strands of barbed wire and a dirt mound 10 feet high along the front yard of an acreage parcel located in a C2 Semi-Industry District; and under the limitations in Section 358.05(a)(1) fences in Semi-Industry and Non-Residential Districts shall not exceed 4 feet in height and be at least 50 percent open above 2 feet in height and in actual rear and interior side yards shall not exceed 6 feet in height and may be open or solid. (Filed 8-10-11; testimony taken.)

Second postponement granted for the appellant to provide a plan that clarifies the proposed use of the property.

