CITY OF CLEVELAND
Mayor Frank G. Jackson

Board of Zoning Appeals
601 Lakeside Avenue, Room 519
Cleveland, Ohio 44114-1071
216/664-2582 - Fax: 216/664-3281

August 27, 2012

9:30		Ward 5
Calendar No. 12-130:	4441 Douse Avenue	Phyllis Cleveland
		6 Notices

Lena Brown-Liuzzo, owner, appeals to erect a 26.5' x 22' garage addition to a two-story dwelling house on a 40' x 116.04' lot in a B1 Two-Family District; contrary to Section 357.09 in the Cleveland Codified Ordinances that requires an interior side yard of not less than 3 feet in width and the aggregate width of side yards on the same premises to be not less than 10 feet nor less than one-fourth the height of the main building on the premises. (Filed 7-27-12)

9:30	Violation Notice	Ward 4
Calendar No. 12-131:	3524 East 133rd Street	Kenneth Johnson

Ernest Young appeals under the authority of Section 76-6 of the Charter of the City of Cleveland and Section 329.02(d) of the Cleveland Codified Ordinances and disputes the decision rendered from a hearing held on July 18, 2012 by the City of Cleveland Parking Violations Bureau Photo Safety Division and the violation information described on Civil Infraction Ticket Number WC00125252, issued May 30, 2012 for the property located at 3524 East 133rd Street and failure to comply with the provisions under Section 551.111(A) in the Cleveland Codified Ordinances. (Filed 7-27-12)

9:30		Ward 11
Calendar No. 12-132:	832 East 200th Street	Michael Polensek
		18 Notices

Susan Sarita Schott-Green, owner appeals to establish use as a dog kennel, with overnight dog boarding and a retail pet shop in a one-story building on an acreage parcel located in split zoning between B1 Two-Family and C1 Local Retail Business Districts; subject to the limitations under Section 343.01(b)(2)(G) the proposed overnight boarding is not permitted with the proposed use and first permitted in a General Retail District, subject to the provisions under Section 343.11(b)(2)(Q), that where kennels are permitted either as a main use or an accessory use, all odors, fumes and noise must be confined to the premises and the lot upon which the kennel is located is a distance greater than 100 feet from a residence district.

(1) Notwithstanding division (d)(3) of Section 329.03 the Board, on application for a use variance may permit a kennel in any use district.

(2) The limitations stated in divisions (b) and (c) of Section 329.03 shall not apply when deciding whether to issue a use variance for a kennel, the Board shall evaluate the kennel's probable impact on the overall tranquility of the surrounding properties by considering all odors, noises and fumes that will emanate from the lot on which the proposed kennel is located. (Filed 7-27-12)

9:30		Ward 16
Calendar No. 12-133:	2141 West 101st Street	Jay Westbrook
		9 Notices

Ramona Lavandera, owner, appeals to use a vacant 40' x 125.24' lot for a driveway and parking located in a B1 Two-Family District, subject to Section 349.13(c) permitted parking as a main use in a residence district requires the Board of Zoning Appeals approval upon satisfaction of provisions 1 through 8 as cited under Section 349.13 (c) in the Cleveland Codified Ordinances. (Filed 7-27-12)

9:30		Ward 17
Calendar No. 12-134:	9516 Baltic Road	Dona Brady
		9 Notices

Baltic-Clifton Properties, LLC, owner, appeal to change the use of an existing two-family residence into a residence for three families, located on a 40' x 97.98' parcel in a B1 Two-Family District; subject to the limitations under Section 337.03(a) the proposed change is not permitted and first allowed in a Multi-Family District; and contrary to Section 349.04(a) no parking is provided where three spaces are required; and in accordance with Section 355.04(a) a minimum floor area of 950 square feet is required per unit and a minimum lot area of 7,200 square feet is required where 2,803 square feet is provided; a rear yard depth of 12 feet is provided contrary to Section 357.08(b)(1) that requires a depth of 24 feet to equal not less than the height of the main building on the lot; and required interior side yards for a Multi-Family District shall equal one-fourth the height of a main building on the premises or not less than 8 feet and 3 feet is provided, contrary to Section 357.09(2)C in the Cleveland Codified Ordinances.
(Filed 7-30-12)

9:30		Ward 7
Calendar No. 12-135:	6321 St. Clair Avenue	TJ Dow
		16 Notices

Jessica Harris, owner, appeals for an expansion of use to include entertainment (ballroom) and rental apartments in an existing three-story building, located on a 100' x 134.32' corner lot in a C1 Local Retail Business District, where the proposed entertainment use, a ballroom, is not permitted under the limitations in Section 343.01 and first permitted in a General Retail Business District, provided it is distanced not less than 500 feet of a residential district, a school, public library, church, playground, public or non-profit recreation center or from another entertainment center in accordance with Section 343.11(b)(2)(L); and a maximum lot area coverage of 10,000 square feet is proposed contrary to Section 357.04(a) and 6,716 square feet that is allowed; and no front yard is proposed contrary to Section 357.04(a) and a required depth of 26 feet and there is no rear yard proposed where a depth of 20 feet is required under Section 357.08(b)(2); and 11 parking spaces are proposed contrary to Section 349.04(e) and a required 68 off-street spaces; no landscaping is proposed along East 64th Street where the parking abuts the street and a 6' wide landscaped strip is required according to Section 352.11 in the Cleveland Codified Ordinances. (Filed 7-31-12)

POSTPONED FROM JULY 16, 2012

10:30		Ward 7
Calendar No. 12-62:	1762 East 89th Street	T J Dow
		10 Notices

Tina Humphrey, owner appeals to change the use of a residential dwelling to a Type A Day Care, located on a 40' x 147.37' lot in a C1 Multi-Family District, and under the provisions in Section 337.08, the proposed use may be permitted if it is located not less than fifteen feet from any adjoining premises in a Residence District not used for a similar purpose; and it is subject to the review and approval of the Board of Zoning Appeals to determine, after public notice and hearing, if adequate yard spaces and other safeguards to preserve the character of the neighborhood are provided and if in the judgment of the Board such use is appropriately located and designed and will meet a community need without adversely affecting the neighborhood.
(Filed 4-4-12; testimony taken.)

Second postponement requested by the appellant to work with the City district planner on a plan for the proposed use.

POSTPONED FROM AUGUST 6, 2012

10:30	Violation Notice	Ward 17
Calendar No. 12-104:	3180 West 105 Street	Dona Brady

VR Property Group LLC appeals under the authority of Section 76-6 of the Charter of the City of Cleveland and Section 329.02(d) of the Cleveland Codified Ordinances and disputes the decision rendered from a hearing held on June 6, 2012 by the City of Cleveland Parking Violations Bureau Photo Safety Division and the violation information described on Civil Infraction Ticket Number WC00113670, issued April 11, 2012 for the property located at 3180 West 105 Street and failure to comply with the provisions under Section 551.991 in the Cleveland Codified Ordinances. (Filed 6-13-12; no testimony taken.)

Second postponement requested by the City for time to obtain additional information.