



**Board of Zoning Appeals**

601 Lakeside Avenue, Room 516  
Cleveland, Ohio 44114-1071  
[Http://planning.city.cleveland.oh.us/bza/cpc.html](http://planning.city.cleveland.oh.us/bza/cpc.html)  
216.664.2580

**MONDAY, SEPTEMBER 26, 2016**

**9:30**

**Calendar No. 16-226: 3854 East 54 St.**

**Ward 12  
Anthony Brancatelli  
9 Notices**

Tonja Stollings, owner, proposes to erect an 18' x 14' one (1) story aluminum carport attached to existing garage in a B1 Two-Family Residential District. The owner appeals for relief from the strict application of Section 337.23(7)(A) of the Cleveland Codified Ordinances which states that the maximum square footage for accessory building shall not exceed 650 square feet and the appellant is proposing 828 square feet. (Filed August 17, 2016)

**9:30**

**Calendar No. 16-228: 5718 Franklin Blvd.**

**Ward 15  
Matt Zone  
21 Notices**

Jim Alves, owner, proposes to erect a 23' x 41' three story frame single family residence with attached garage in a B1 Two-Family Residential District. The owner appeals for relief from the strict application of the following sections of the Cleveland Codified Ordinances:

1. Section 355.04(a) which states that the minimum required Lot Area is 4800 square feet and the appellant is proposing 2,560 square feet; Maximum Gross Floor area shall not exceed 50% of the lot area or in this case 1,280 square feet and the appellant is proposing 2,960. This section also states that the minimum lot width is 40 feet and the appellant is proposing 28'-1".
2. Section 357.09(b)(2)(A) which states that no building shall be erected less than 10' from main building on adjoining lot the appellant is proposing 7' to bay window wall.
3. Section 357.09(b)(2)(B) Required interior side yard shall not be less than 9.75' where 5' are proposed for dwelling and zero feet for front porch. The total width of both Interior side yards shall not be less than 10' where the appellant is proposing 5'.
4. Section 357.08(b)(1) which states that the required Rear yard is 39'-2" and the appellant is proposing 20' and 15' for the deck.
5. Section 357.13(b)(4) which states that open porches shall not project more than 6' where the appellant is proposing 7' and 4' for the front landing creating an L-shaped front porch. (Filed August 24, 2016)

**9:30**

**Calendar No. 16-229: 5724 Franklin Blvd.**

**Ward 15  
Matt Zone  
21 Notices**

Jim Alves, owner, proposes to erect a 23' x 41' three story frame single family residence with attached garage in a B1 Two-Family Residential District. The owner appeals for relief from the strict application of the following sections of the Cleveland Codified Ordinances:

1. Section 355.04(a) which states that the minimum required Lot Area is 4800 square feet and the appellant is proposing 2,610 square feet; Maximum Gross Floor area shall not exceed 50% of the lot area or in this case 1,350 square feet and the appellant is proposing 2,960. This section also states that the minimum lot width is 40 feet and the appellant is proposing 27'-11".
2. Section 357.09(b)(2)(A) which states that no building shall be erected less than 10' from main building on adjoining lot the appellant is proposing zero.
3. Section 357.09(b)(2)(B) Required interior side yard shall not be less than 9.75' where 5' are proposed 5' for dwelling, 5 feet and 4 inches for the front porch and zero. The total width of both Interior side yards shall not be less than 10' where the appellant is proposing 5'.
4. Section 357.08(b)(1) which states that the required Rear yard is 39'-2" and the appellant is proposing 20' and 15' for the deck.
5. Section 357.13(b)(4) which states that open porches shall not project more than 6' where the appellant is proposing 7'. (Filed August 24, 2016)

**9:30**

**Calendar No. 16-230: 5720 Franklin Blvd.**

**Ward 15  
Matt Zone  
21 Notices**

Jim Alves, owner, proposes to erect a 23' x 41'-4" three story frame single family residence with attached garage in a B1 Two-Family Residential District. The owner appeals for relief from the strict application of the following sections of the Cleveland Codified Ordinances:

1. Section 355.04(a) which states that the minimum required Lot Area is 4800 square feet and the appellant is proposing 2,060 square feet; Maximum Gross Floor area shall not exceed 50% of the lot area or in this case 1,030 square feet and the appellant is proposing 2,960. This section also states that the minimum lot width is 40 feet and the appellant is proposing 22'-4".
2. Section 357.09(b)(2)(A) which states that no building shall be erected less than 10' from main building on adjoining lot the appellant is proposing zero.
3. Section 357.09(b)(2)(B) Required interior side yard shall not be less than 9.75' where zero feet are proposed. The total width of both Interior side yards shall not be less than 10' where the appellant is proposing zero.
4. Section 357.08(b)(1) which states that the required Rear yard is 39'-2" and the appellant is proposing 20' and 15' for the deck.
5. Section 357.13(b)(4) which states that open porches shall not project more than 6' where the appellant is proposing 7' and 4' for the front landing creating an L-shaped front porch. (Filed August 24, 2016)

**9:30**

**Calendar No. 16-232: 3890 W. 140<sup>th</sup> Street**

**Ward 16  
Brian Kazy  
13 Notices**

Consolidated Investment owner, proposes to erect 231 linear feet of six foot high solid wood fence in a C1 Local Retail Business District. The owner appeals for relief from the strict application of section 358.05(a)(2) of the Cleveland Codified Ordinances which states that fences in the actual front yard and actual interior side yard in Local Retail District cannot exceed four feet in height and must be 50% open: six foot high and a solid fence is proposed in these yard areas. (Filed August 25, 2016)

**9:30**

**Calendar No. 16-234: 2202 West 6<sup>th</sup> Street**

**Ward 3  
Kerry McCormack  
12 Notices**

APJP Properties LLC., owner, proposes to erect an 11'-4" x 13'-4" wolmanized wooden open rear porch to existing single family residence in a B1 Multi-Family Residential District. The owner appeals for relief from the strict application of section 357.09(2)(C) of the Cleveland Codified Ordinances which states that the required interior side yard is 8' where the appellant is proposing 1'. (Filed August 25, 2016)

**9:30**

**Calendar No. 16-237: 515 Euclid Avenue**

**Ward 3  
Kerry McCormack  
11 Notices**

Euclid Avenue Garage LLC., owner, proposes to erect a 19 ½ story residential addition on an existing 8 story parking garage in an E5 General Retail Business District. The owner appeals for relief from the following sections of the Cleveland Codified Ordinances:

1. Section 355.04 which states that in an "E" area district the maximum gross floor area cannot exceed 1 ½ times the lot area. In this case 55,461 square feet of maximum gross floor area is permitted and 265,160 square feet of maximum gross floor area (excluding parking garage area) is proposed.
2. Section 353.01 which states that in a "5" height district a 250 foot maximum height is permitted and the appellant is proposing a 340 foot height.
3. Section 357.09(b)(2)(c) which states that an interior side yard equal to ¼ the height of the building is required and none proposed.
4. Section 357.08(b)(2) which states that a rear yard equal to ½ the height of the building is required and no rear yard is proposed.
5. Section 357.05(a) which states that a side street yard of five feet is required. (Filed August 29, 2016)

**9:30**

**Calendar No. 16-238:**

**17514 St. Clair Avenue**

**Ward 10**

**Jeffrey D. Johnson**

**16 Notices**

Healthy Homecare Transportation LLC., owner, proposes to establish use for auto repair, auto detailing and vehicle outside storage in a C2 Local Retail Business District. The owner appeals for relief from the strict application of the following sections of the Cleveland Codified Ordinances:

1. Section 343.01 which states that in a Local Retail District Auto repair, auto detailing and vehicle outside storage is not permitted.
2. Section 343.11 which states that in a General Retail District Auto Detailing is first permitted if 100' from residential district.
3. Section 345.03(c)(2) which states that in a Semi-Industry District Auto repair and storage of vehicle for ambulate service are first permitted and auto repair must be 100' for residential district.
4. Section 345.03(c)(33) which states that outside storage shall be surrounded by a substantial seven foot high wall or fence erected to observe all required property lines and to be neat and well maintained.
5. Section 352.09 which states that a 4' transition strip is required at the rear where lot abuts Two Family District. (Filed August 31, 2016)

**THE FOLLOWING CASE HAS BEEN POSTPONED TO OCTOBER 24, 2016:**

**9:30**

**Calendar No. 16-239:**

**11701 Corlett Avenue**

**Ward 2**

**Zachary Reed**

**22 Notices**

Darnell Dozier, owner, proposes to change use from two family residence to a sober living house in a C1 Multi-Family Residential District. The owner appeals for relief from Section 349.04(a) of the Cleveland Codified Ordinances which states that 16 off-street parking spaces are required and 2 are proposed. (Filed August 31, 2016) POSTPONEMENT MADE AT THE REQUEST OF THE APPELLANT DUE TO A SCHEDULING CONFLICT.

**9:30**

**Calendar No. 16-239:**

**11701 Corlett Avenue**

**Ward 2**

**Zachary Reed**

**22 Notices**

Darnell Dozier, owner, proposes to change use from two family residence to a sober living house in a C1 Multi-Family Residential District. The owner appeals for relief from Section 349.04(a) of the Cleveland Codified Ordinances which states that 16 off-street parking spaces are required and 2 are proposed. (Filed August 31, 2016)

**POSTPONED FROM AUGUST 1, 2016**

**9:30**

**Calendar No. 16-070:**

**9033 Holton Ave.**

**Ward 6**

Omens LLC, owner, proposes to change use from machine shop to a facility for amusement for 156 people in a C1 Semi-Industry District. The owner appeals for relief from the strict application of Section 349.04(e) of the Cleveland Codified Ordinances which states that accessory off-street parking area equal to three times the gross floor area, or 13,515 square feet is required (4,505 square feet times 3) and accessory off street parking detail not shown. (Filed April 14, 2016-No Testimony) *SECOND POSTPONEMENT MADE AT THE REQUEST OF THE BOARD TO ALLOW FOR A FIELD SURVEY OF THE PROPOSED SHARED PARKING SITUATION AT THE CHURCH. THIS CASE WAS DISMISSED ON MAY 16 DUE TO APPELLANT'S ABSENCE. APPELLANT DID NOT RECEIVE NOTICE OF THE MEETING DUE TO A CLERICAL ERROR THEREFORE IT WAS REINSTATED TO JUNE 13, 2016 AND AT THAT DATE THE ATTORNEY HAD A CONFLICT AND REQUESTED A POSTPONEMENT.*

**POSTPONED FROM AUGUST 15, 2016**

**9:30**

**Calendar No. 16-164:**

**700 Prospect Ave.**

**Ward 3**

**Kerry McCormack**

**5 Notices**

U.C.C., owner, proposes to install a 48' x 18' banner sign in an E5 General Retail Business District. The owner appeals for relief from the following sections of the Cleveland Codified Ordinances:

1. Section 350.10(a) which states that Billboards shall not be permitted in Cleveland Landmark districts, Public Land Protective Districts or Business Revitalization Districts. The Proposed Location is in a designated Business Revitalization District (Design Review District)
2. Section 350.161(e) which states that no more than six wall murals, exclusive of legal nonconforming wall murals or wall signs, may be displayed simultaneously within the Central Business District. Six wall murals are already being displayed in the Central Business District. (Filed June 28, 2016-Testimony Taken) *POSTPONEMENT MADE AT THE REQUEST OF THE BOARD TO ALLOW FOR TIME FOR CITY PLANNING REVIEW.*

**POSTPONED FROM AUGUST 29, 2016**

*Postponement requested by the Board to allow for time for the appellant to meet with neighbor.*

**9:30**

**Calendar No. 16-209:**

**4195 Lorain Court Sublot 1**

**Ward 3**

**Kerry McCormack**

**20 Notices**

B.R. Knez, Construction, owner, proposes to erect a 25' x 26' four story frame single family residence with attached garage in a B1 Two Family Residential District. The owner appeal for relief from the following sections of the Cleveland Codified Ordinances:

1. Section 353.01(A) which states that the maximum height allowed is 35' and the appellant is proposing 41 feet.
2. Section 355.04(a) which states that the Minimum Lot Area shall not be less than 4800 square feet and the appellant is proposing 1,230 square feet. This section also states that the Maximum Gross Floor Area shall not be less than 50 percent of lot size or in this case 615 square feet and the appellant is proposing 2,932 square feet. The Minimum Lot Width shall not be less than 40' where the appellant is proposing 36.56 feet.

3. Section 357.04(a) which states that the required Front Yard Setback is 6.51' and the appellant is proposing 3.19 feet.
4. Section 357.08(b)(1) which states that the Required Rear Yard is 41' and the appellant is proposing 3.19 feet.
5. Section 357.09(2)(A) which states that no building shall be erected less than 10' from main building on an adjoining lot in Residence District where zero feet are proposed.
6. Section 357.09(2)(B) which states that the total width of Interior Side Yards on same premises shall not be less than 10' where the appellant is proposing 8.50 feet. The required interior yard shall not be less than 10.25 feet where the appellant is proposing 8.50 and zero.
7. Section 357.13(b)(4) which states that Open Balconies shall not be less than 10 feet from the property line where zero feet are proposed. (August 4, 2016-Testimony Taken)

**9:30**

**Calendar No. 16-210:**

**4195 Lorain Court Sublot 2**

**Ward 3**

**Kerry McCormack**

**20 Notices**

B.R. Knez, Construction, owner, proposes to erect a 25' x 37' four story frame single family residence with attached garage in a B1 Two Family Residential District. The owner appeal for relief from the following sections of the Cleveland Codified Ordinances:

1. Section 353.01(A) which states that the maximum height allowed is 35' and the appellant is proposing 41 feet.
2. Section 355.04(a) which states that the Minimum Lot Area shall not be less than 4800 square feet and the appellant is proposing 1,230 square feet. This section also states that the Maximum Gross Floor Area shall not be less than 50 percent of lot size or in this case 615 square feet and the appellant is proposing 2,932 square feet. The Minimum Lot Width shall not be less than 40' where the appellant is proposing 32.53 feet.
3. Section 357.04(a) which states that the required Front Yard Setback is 8.23' and the appellant is proposing 3.64 feet.
4. Section 357.08(b)(1) which states that the Required Rear Yard is 41' and the appellant is proposing 3.19 feet.
5. Section 357.09(2)(A) which states that no building shall be erected less than 10' from main building on an adjoining lot in Residence District where zero feet are proposed.
6. Section 357.09(2)(B) which states that the total width of Interior Side Yards on same premises shall not be less than 10' where the appellant is proposing 8.50 feet. The required interior yard shall not be less than 10.25 feet where the appellant is proposing no interior side yards.
7. Section 357.13(b)(4) which states that Open Balconies shall not be less than 10 feet from the property line where zero feet are proposed. (August 4, 2016)

**9:30**

**Calendar No. 16-211:**

**4195 Lorain Court Sublot 3**

**Ward 3**

**Kerry McCormack**

**20 Notices**

B.R. Knez, Construction, owner, proposes to erect a 25' x 37' four story frame single family residence with attached garage in a B1 Two Family Residential District. The owner appeal for relief from the following sections of the Cleveland Codified Ordinances:

1. Section 353.01(A) which states that the maximum height allowed is 35' and the appellant is proposing 41 feet.
2. Section 355.04(a) which states that the Minimum Lot Area shall not be less than 4800 square feet and the appellant is proposing 1,699 square feet. This section also states that the Maximum Gross Floor Area shall not be less than 50 percent of lot size or in this case 849.5 square feet and the appellant is proposing 2,860 square feet. The Minimum Lot Width shall not be less than 40' where the appellant is proposing 36.87 feet.
3. Section 357.04(a) which states that the required Front Yard Setback is 10.5' and the appellant is proposing 4.08 feet.
4. Section 357.08(b)(1) which states that the Required Rear Yard is 41' and the appellant is proposing 14.19 feet for the main structure and 11.19 feet for a balcony.
5. Section 357.09(2)(A) which states that no building shall be erected less than 10' from main building on an adjoining lot in Residence District where zero feet and 9 feet are proposed.
6. Section 357.09(2)(B) which states that the total width of Interior Side Yards on same premises shall not be less than 10' where the appellant is proposing 3.18 feet. The required interior yard shall not be less than 10.25 feet where the appellant is proposing zero feet and 3.18 feet for the interior side yards. (August 4, 2016)

**9:30**

**Calendar No. 16-212:**

**4195 Lorain Court Unit 4**

**Ward 3**

**Kerry McCormack**

**20 Notices**

B.R. Knez, Construction, owner, proposes to erect a 22.05' x 27'-10" four story frame single family residence with attached garage in a B1 Two Family Residential District. The owner appeal for relief from the following sections of the Cleveland Codified Ordinances:

1. Section 353.01(A) which states that the maximum height allowed is 35' and the appellant is proposing 41 feet.
2. Section 355.04(a) which states that the Minimum Lot Area shall not be less than 4800 square feet and the appellant is proposing 978 square feet. This section also states that the Maximum Gross Floor Area shall not be less than 50 percent of lot size or in this case 489 square feet and the appellant is proposing 1,803 square feet. The Minimum Lot Width shall not be less than 40' where the appellant is proposing 22.05 feet.
3. Section 357.08(b)(1) which states that the Required Rear Yard is 41' and the appellant is proposing 5.82 feet for the main structure and 2.82 feet for a balcony.
4. Section 357.09(2)(A) which states that no building shall be erected less than 10' from main building on an adjoining lot in Residence District where zero feet are proposed.
5. Section 357.09(2)(B) which states that the total width of Interior Side Yards on same premises shall not be less than 10' where the appellant is proposing 3.19 feet. The required interior yard shall not be less than 10.25 feet where the appellant is proposing zero feet and 3.19 feet for the interior side yards. (August 4, 2016)

**9:30**

**Calendar No. 16-213:**

**4195 Lorain Court Unit 5**

**Ward 3**

**Kerry McCormack**

**20 Notices**

B.R. Knez, Construction, owner, proposes to erect a 21.71' x 27'-10" four story frame single family residence with attached garage in a B1 Two Family Residential District. The owner appeal for relief from the following sections of the Cleveland Codified Ordinances:

1. Section 353.01(A) which states that the maximum height allowed is 35' and the appellant is proposing 41 feet.
2. Section 355.04(a) which states that the Minimum Lot Area shall not be less than 4800 square feet and the appellant is proposing 848 square feet. This section also states that the Maximum Gross Floor Area shall not be less than 50 percent of lot size or in this case 424 square feet and the appellant is proposing 1,780 square feet. The Minimum Lot Width shall not be less than 40' where the appellant is proposing 21.71 feet.
3. Section 357.08(b)(1) which states that the Required Rear Yard is 41' and the appellant is proposing 5.82 feet for the main structure and 2.82 feet for a balcony.
4. Section 357.09(2)(A) which states that no building shall be erected less than 10' from main building on an adjoining lot in Residence District where zero feet are proposed.
5. Section 357.09(2)(B) which states that the total width of Interior Side Yards on same premises shall not be less than 10' where the appellant is proposing zero feet. The required interior yard shall not be less than 10.25 feet where the appellant is proposing zero feet for the interior side yards. (August 4, 2016)

**9:30**

**Calendar No. 16-214:**

**4195 Lorain Court Unit 6**

**Ward 3**

**Kerry McCormack**

**20 Notices**

B.R. Knez, Construction, owner, proposes to erect a 21.67' x 27'-10" four story frame single family residence with attached garage in a B1 Two Family Residential District. The owner appeal for relief from the following sections of the Cleveland Codified Ordinances:

1. Section 353.01(A) which states that the maximum height allowed is 35' and the appellant is proposing 41 feet.
2. Section 355.04(a) which states that the Minimum Lot Area shall not be less than 4800 square feet and the appellant is proposing 1,032 square feet. This section also states that the Maximum Gross Floor Area shall not be less than 50 percent of lot size or in this case 516 square feet and the appellant is proposing 1,780 square feet. The Minimum Lot Width shall not be less than 40' where the appellant is proposing 21.67 feet.
3. Section 357.08(b)(1) which states that the Required Rear Yard is 41' and the appellant is proposing 5.82 feet for the main structure and 2.82 feet for a balcony.
4. Section 357.09(2)(A) which states that no building shall be erected less than 10' from main building on an adjoining lot in Residence District where zero feet are proposed.
5. Section 357.09(2)(B) which states that the total width of Interior Side Yards on same premises shall not be less than 10' where the appellant is proposing 4.20 feet. The required interior yard shall not be less than 10.25 feet where the appellant is proposing 4.20 feet and zero feet for the interior side yards. (August 4, 2016)

**9:30**

**Calendar No. 16-215:**

**4195 Lorain Court  
Corner lot**

**Ward 3**

**Kerry McCormack**

**20 Notices**



B.R. Knez, Construction, owner, proposes to place a 6' x 6' dumpster on a vacant lot in a B1 Two Family Residential District. The owner appeal for relief from the following sections of the Cleveland Codified Ordinances:

1. Section 357.13(b) which states that a dumpster is not a permitted Front Yard and Side Street Yard encroachment.
2. Section 358.04(a) which states that fences in the Front Yard and Side Street Yard shall not exceed 4 feet in height and shall be at least 50% open where the appellant is proposing a 5 foot tall solid vinyl fence. (Filed August 4, 2016-Testimony Taken)