



## 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

**JULY 17, 2017**

**9:30**

**Calendar No. 17-170: 5500 Tillman Avenue**

**Ward 15**

**Matt Zone**

**8 Notices**

Cleveland Bricks, owner, proposes to build a 400 square foot single story, wood frame garage in an B1 Two-Family Residential District. The owner appeals for relief from the strict application of section 337.23(a)(7)(A) which states that in a residence district the accessory garage shall be located a minimum of 18' from all property lines. The proposed garage's overhang and gutters are within 0 inches and 16" over the property line. (Lot survey required prior to permit issuance.) (Filed June 7, 2017)

**9:30**

**Calendar No. 17-174: 2226 Fulton Rd.**

**Ward 3**

**Kerry McCormack**

**12 Notices**

Cleveland Bricks, owner, proposes to construct a two-story addition and 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 359.01(a) which states that expansion/enlargement of existing non-conforming use or building requires the Board of Zoning Appeals approval. The existing interior side yard approximately 12".
2. Section 357.09(b)(2)(B) which states that in a two family district no interior side yard, shall be less than five (5) feet in width for a corner lot, nor less than three (3) feet in width for an interior lot, nor shall the aggregate width of side yards on the same premises be less than the (10) feet. However, the width of any such interior side yard shall in no case be less than one-fourth (1/4) the height of the main building on the premises. Building height is approximately 30'-0' thus no interior side yard shall be less than 7'-6' the side yard for the proposed addition is 5'-0- and the total aggregate width of side yards is 10'-0'.
3. Section 357.08 which states that the depth of required rear yard shall be not less than the height of the main building. The height of the main building is 30'-0" and a 27'-0' rear yard is proposed. (Filed June 14, 2017)

**9:30**

**Calendar No. 17-175: 5502 Tillman Avenue**

**Ward 15  
Matt Zone  
9 Notices**

Cleveland Bricks, owner, proposes to erect a 2 ½ story, approximately 3,590 square foot, single family residence with an attached garage in an 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 maximum gross floor area in a "B" area district shall not exceed ½ the lot area or in this case 1,638 square feet.
2. Section 349.04 which states that one parking space is required, no independent access to proposed parking space from street is provided.
3. Section 357.09(b)(2)(B) which states that in a two family district no interior side yard, shall be less than five (5) feet in width for a corner lot, nor less than three (3) feet in width for an interior lot, nor shall the aggregate width of side yards on the same premises be less than the (10) feet. However, the width of any such interior side yard shall in no case be less than one-fourth (1/4) the height of the main building on the premises. Building height is approximately 39'-2' thus no interior side yard shall be less than 9'-8', a 0 lot line side yard is proposed and the aggregate width of side yard is 5'-0".
4. Section 357.08 which states that the depth of the required rear yard shall be not less than the height of the main building. The height of the building is 39'-2" and a 26'-0' rear yard is proposed. (Filed June 14, 2017)

**9:30**

**Calendar No. 17-178: 402 Jefferson Ave.**

**Ward 3  
Kerry McCormack  
24 Notices**

JSAW3 LTD, owner, proposes to erect a 3 story, 1,932 square foot townhome on a 2,507 square foot lot as part of a 10 unit development 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 which states that the maximum gross floor area cannot exceed ½ lot area. This section also states that the minimum lot area must equal 4800 square feet area and a 2,507 square foot lot is proposed.
2. Section 349.04 which states that one parking space is required and no accessible parking spaces are proposed.
3. 357.09(b)(2)(B) which states that the interior side yards must equal ¼ the height of the building and no interior side yards are proposed. Building cannot be within 10 feet of residential building (proposed) on abutting lot.
4. Section 357.08(b)(1) which states that a rear yard equal to the height of the building is required and a 13 foot rear yard is proposed.
5. Section 357.04(a) which states that a front yard equal to 15% of the depth of the lot (or 18 feet) is required and no front yard is provided.(Filed June 15, 2017)

**9:30**

**Calendar No. 17-179: 412 Jefferson Ave.**

**Ward 3  
Kerry McCormack  
24 Notices**

JSAW3 LTD, owner, proposes to erect a 3 story, 1,932 square foot townhome on a 1,391 square foot lot as part of a 10 unit development 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 which states that the maximum gross floor area cannot exceed ½ lot area. This section also states that the minimum lot area must equal 4800 square feet area and a 1,391 square foot lot is proposed. A minimum lot width of 40 feet is required and a 23 foot wide lot is proposed; also a minimum street frontage of 25 feet is required and 23 feet are proposed.
2. Section 349.04 which states that one parking space is required and no accessible parking spaces are proposed.
3. 357.09(b)(2)(B) which states that the interior side yards must equal ¼ the height of the building and no interior side yards are proposed. Building cannot be within 10 feet of residential building (proposed) on abutting lot.
4. Section 357.08(b)(1) which states that a rear yard equal to the height of the building is required and a 23 foot rear yard is proposed.
5. Section 357.04(a) which states that a front yard equal to 15% of the depth of the lot (or 18 feet) is required and no front yard is provided.(Filed June 15, 2017)

**9:30**

**Calendar No. 17-180: 404 Jefferson Ave.**

**Ward 3  
Kerry McCormack  
24 Notices**

JSAW3 LTD, owner, proposes to erect a 3 story, 2,266 square foot townhome on a 1,210 square foot lot as part of a 10 unit development 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 which states that the maximum gross floor area cannot exceed ½ lot area. This section also states that the minimum lot area must equal 4800 square feet area and a 1,210 square foot lot is proposed. A minimum lot width of 40 feet is required and a 20 foot wide lot is proposed; also a minimum street frontage of 25 feet is required and 20 feet are proposed.
2. Section 349.04 which states that one parking space is required and no accessible parking spaces are proposed.
3. 357.09(b)(2)(B) which states that the interior side yards must equal ¼ the height of the building and no interior side yards are proposed. Building cannot be within 10 feet of residential building (proposed) on abutting lot.
4. Section 357.08(b)(1) which states that a rear yard equal to the height of the building is required and a 13 foot rear yard is proposed.
5. Section 357.04(a) which states that a front yard equal to 15% of the depth of the lot (or 18 feet) is required and no front yard is provided.(Filed June 15, 2017)

**9:30**

**Calendar No. 17-181: 406 Jefferson Ave.**

**Ward 3  
Kerry McCormack  
24 Notices**

JSAW3 LTD, owner, proposes to erect a 3 story, 2,314 square foot townhome on a 1,391 square foot lot as part of a 10 unit development 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 which states that the maximum gross floor area cannot exceed ½ lot area. This section also states that the minimum lot area must equal 4800 square feet area and a 1,391 square foot lot is proposed. A minimum lot width of 40 feet is required and a 23 foot wide lot is proposed; also a minimum street frontage of 25 feet is required and 23 feet are proposed.
2. Section 349.04 which states that one parking space is required and no accessible parking spaces are proposed.
3. 357.09(b)(2)(B) which states that the interior side yards must equal ¼ the height of the building and no interior side yards are proposed. Building cannot be within 10 feet of residential building (proposed) on abutting lot.
4. Section 357.08(b)(1) which states that a rear yard equal to the height of the building is required and a 13 foot rear yard is proposed.
5. Section 357.04(a) which states that a front yard equal to 15% of the depth of the lot (or 18 feet) is required and no front yard is provided.(Filed June 15, 2017)

**9:30**

**Calendar No. 17-182:**

**408 Jefferson Ave.**

**Ward 3**

**Kerry McCormack**

**24 Notices**

JSAW3 LTD, owner, proposes to erect a 3 story, 2,013 square foot townhome on a 1,391 square foot lot as part of a 10 unit development 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 which states that the maximum gross floor area cannot exceed ½ lot area. This section also states that the minimum lot area must equal 4800 square feet area and a 1,391 square foot lot is proposed. A minimum lot width of 40 feet is required and a 23 foot wide lot is proposed; also a minimum street frontage of 25 feet is required and 23 feet are proposed.
2. Section 349.04 which states that one parking space is required and no accessible parking spaces are proposed.
3. 357.09(b)(2)(B) which states that the interior side yards must equal ¼ the height of the building and no interior side yards are proposed. Building cannot be within 10 feet of residential building (proposed) on abutting lot.
4. Section 357.08(b)(1) which states that a rear yard equal to the height of the building is required and a 19 foot rear yard is proposed.
5. Section 357.04(a) which states that a front yard equal to 15% of the depth of the lot (or 18 feet) is required and no front yard is provided.(Filed June 15, 2017)

**9:30**

**Calendar No. 17-183:**

**410 Jefferson Ave.**

**Ward 3**

**Kerry McCormack**

**24 Notices**

JSAW3 LTD, owner, proposes to erect a 3 story, 1,908 square foot townhome on a 1,210 square foot lot as part of a 10 unit development 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 which states that the maximum gross floor area cannot exceed ½ lot area. This section also states that the minimum lot area must equal 4800 square feet area and a 1,210 square foot lot is proposed. A minimum lot width of 40 feet is required and a 20 foot

wide lot is proposed; also a minimum street frontage of 25 feet is required and 20 feet are proposed.

2. Section 349.04 which states that one parking space is required and no accessible parking spaces are proposed.
3. 357.09(b)(2)(B) which states that the interior side yards must equal  $\frac{1}{4}$  the height of the building and no interior side yards are proposed. Building cannot be within 10 feet of residential building (proposed) on abutting lot.
4. Section 357.08(b)(1) which states that a rear yard equal to the height of the building is required and a 23 foot rear yard is proposed.
5. Section 357.04(a) which states that a front yard equal to 15% of the depth of the lot (or 18 feet) is required and no front yard is provided.(Filed June 15, 2017)

**9:30**

**Calendar No. 17-184:**

**414 Jefferson Ave.**

**Ward 3**

**Kerry McCormack**

**24 Notices**

JSAW3 LTD, owner, proposes to erect a 3 story, 1,691 square foot townhome on a 2,421 square foot lot as part of a 10 unit development 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 which states that the maximum gross floor area cannot exceed  $\frac{1}{2}$  lot area. This section also states that the minimum lot area must equal 4800 square feet area and a 2,421 square foot lot is proposed. A minimum street frontage of 25 feet is required no street frontage is proposed.
2. Section 349.04 which states that one parking space is required and no accessible parking spaces are proposed.
3. 357.09(b)(2)(B) which states that the interior side yards must equal  $\frac{1}{4}$  the height of the building and no interior side yards are proposed. Building cannot be within 10 feet of residential building (proposed) on abutting lot.
4. Section 357.08(b)(1) which states that a rear yard equal to the height of the building is required and a 10 foot rear yard is proposed.(Filed June 15, 2017)

**9:30**

**Calendar No. 17-185:**

**416 Jefferson Ave.**

**Ward 3**

**Kerry McCormack**

**24 Notices**

JSAW3 LTD, owner, proposes to erect a 3 story, 1,607 square foot townhome on a 1,169 square foot lot as part of a 10 unit development 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 which states that the maximum gross floor area cannot exceed  $\frac{1}{2}$  lot area. This section also states that the minimum lot area must equal 4800 square feet area and a 1,169 square foot lot is proposed. A minimum lot width of 40 feet is required and a 20 foot width is proposed. A minimum street frontage of 25 feet is required no street frontage is proposed.
2. Section 349.04 which states that one parking space is required and no accessible parking spaces are proposed.

3. 357.09(b)(2)(B) which states that the interior side yards must equal ¼ the height of the building and no interior side yards are proposed. Building cannot be within 10 feet of residential building (proposed) on abutting lot.
4. Section 357.08(b)(1) which states that a rear yard equal to the height of the building is required and a 10 foot rear yard is proposed.(Filed June 15, 2017)

**9:30**

**Calendar No. 17-186:**

**418 Jefferson Ave.**

**Ward 3**

**Kerry McCormack**

**24 Notices**

JSAW3 LTD, owner, proposes to erect a 3 story, 1,607 square foot townhome on a 1,169 square foot lot as part of a 10 unit development 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 which states that the maximum gross floor area cannot exceed ½ lot area. This section also states that the minimum lot area must equal 4800 square feet area and a 1,169 square foot lot is proposed. A minimum lot width of 40 feet is required and a 20 foot width is proposed. A minimum street frontage of 25 feet is required no street frontage is proposed.
2. Section 349.04 which states that one parking space is required and no accessible parking spaces are proposed.
3. 357.09(b)(2)(B) which states that the interior side yards must equal ¼ the height of the building and no interior side yards are proposed. Building cannot be within 10 feet of residential building (proposed) on abutting lot.
4. Section 357.08(b)(1) which states that a rear yard equal to the height of the building is required and a 10 foot rear yard is proposed.(Filed June 15, 2017)

**9:30**

**Calendar No. 17-187:**

**420 Jefferson Ave.**

**Ward 3**

**Kerry McCormack**

**24 Notices**

JSAW3 LTD, owner, proposes to erect a 3 story, 1,607 square foot townhome on a 2,550 square foot lot as part of a 10 unit development 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 which states that the maximum gross floor area cannot exceed ½ lot area. This section also states that the minimum lot area must equal 4800 square feet area and a 2,550 square foot lot is proposed. A minimum street frontage of 25 feet is required no street frontage is proposed.
2. Section 349.04 which states that one parking space is required and no accessible parking spaces are proposed.
3. 357.09(b)(2)(B) which states that the interior side yards must equal ¼ the height of the building and no interior side yards are proposed. Building cannot be within 10 feet of residential building (proposed) on abutting lot.
4. Section 357.08(b)(1) which states that a rear yard equal to the height of the building is required and a 10 foot rear yard is proposed.(Filed June 15, 2017)

**POSTPONED FROM JUNE 12, 2017**

**9:30**

**Calendar No. 17-139:      1931 West 48 Street**

**Ward 3  
Kerry McCormack  
14 Notices**

Ron Willams, owner, proposes to construct a two bedroom and one car garage one story addition 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 357.09(b)(2)(B) which states that no interior side yard shall be less than five (5) in width for a corner lot, nor less than three (3) feet in width for an interior lot, nor shall aggregate width of side yards on the same premises be less than ten (10) feet. A 3' & 5' side yard are proposed thus the aggregate width of side yards is 8'.
2. Section 357.09(b)(2)(A) which states that no building shall be erected less than ten feet from a main building on an adjoining lot. Distance to main building on adjoining lot is 4'-0". (Filed May 5, 2017- No Testimony) *FIRST POSTPONEMENT MADE AT THE REQUEST OF THE CITY PLANNING COMMISSION TO ALLOW FOR MORE TIME FOR DESIGN REVIEW.*

**REINSTATED FROM JUNE 12, 2017**

**9:30**

**Calendar No. 17-143:      664 East 130<sup>th</sup> Street**

**Ward 10  
Jeffrey D. Johnson  
23 Notices**

Lucretia Russell, owner, proposes to establish use as a residential facility for 8 residents 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 325.571 which states that a "Residential facility" means a publicly or privately operated home or facility, licensed pursuant to state law, that provides accommodations, supervision, and personal care services to any of the following: (a) one (1) or two (2) unrelated persons with mental illness; (b) one (1) or two (2) unrelated adults who are receiving residential state supplement payments as defined in the Ohio Revised Code; or (c) three (3) to sixteen (16) unrelated adults.
2. Section 337.03(h) which states that a Residential facility in two family Residential District is limited to a maximum of 5 residents and 8 are proposed.
3. Section 337.08(g) which states that a residential facility for six(6) to sixteen (16) persons, even when in a Multi-Family District, requires City Planning Commission to approve a residential facility as a conditional use when the residential facility is located not less than one thousand (1,000) feet from another residential facility and only if the Commission determines that the conditional use meets the following zoning and architectural criteria: (1) the architectural design and site layout of the home and the location, nature and height of any walls, screens and fences are compatible with adjoining land uses and the residential character of the neighborhood, as may be specified in applicable Zoning Code regulations for Multi-

Family; and (2) the use complies with all applicable yard, parking and sign regulations in this Zoning Code for Multi Family Districts. City Planning Commission has not approved subject property as conditional use. (Filed May 9, 2017- No Testimony) THIS CASE WAS DISMISSED FOR WANT OF PROSECUTION ON JUNE 12, 2017. SHE ARRIVED AFTER HEARING WAS ENDED; CASE WAS REINSTATED.