



**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

**FEBRUARY 24, 2020**

**9:30**

**Calendar No. 19-285:           Appealing City Planning Commission   Ward 3**  
**Decision regarding 4705 Bridge Ave.   Kerry McCormack**

B.R. Knez Construction, Inc., appeals under the authority of Section 76-6(b) of the Charter of the City of Cleveland and Section 329.02(d) of the Cleveland Codified Ordinances from the decision of the Cleveland City Planning Commission rendered on December 20, 2019 to deny the appellant's proposed use and design for a townhouse in Two-Family District. (Filed January 17, 2020)

**9:30**

**Calendar No. 20-012:           16113 St. Clair Ave                           Ward 8**  
**Michael D. Polensek**  
**19 Notices**

University Investment Group, owner, proposes for change of use from manufacturing to transportation service in a C2 Local Retail Business district. The owner appeals for relief from the strict application of the following section of the Cleveland Codified Ordinances:

1. Section 343.01 which states that warehouse and transportation service is not permitted but is first permitted in Semi-Industry per section 345.03(c)(33). Any outside storage of vehicles or material shall be surrounded by a substantial 7' high wall or fence erected to observe all required building lines.
2. Section 349.04(e) which states that one parking space is required for each two employees expected on the premises during the largest work shift period, plus one for each ten passengers during the peak hour of operation.
3. Section 359.01(a) which states that substitution of nonconforming use requires BZA approval. (Filed January 16, 2020)

**9:30**

**Calendar No. 20-0013:           2982 East 67 St.                           Ward 5**  
**Waste Collection Ticket Appeal   Phyllis Cleveland**

Michael Clifford 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 of the hearing examiner in Parking Violations Bureau on January 15, 2020 concerning the City of Cleveland Waste Collection issuance of Civil Infraction Ticket Number WC401453385 issued August 8, 2019 regarding failure to comply with Section 551.111(B) in the Cleveland Codified Ordinances. (Filed January 17, 2020)

**9:30**

**Calendar No. 20-015:      1959 Carter Rd. Parking Garage    Ward 3**  
**Kerry McCormack**  
**11 Notices**

EWAT Holdings, owner, and NRP Properties, propose to construct apartment town homes and garage in a B3 General Industry Zoning District. The owner appeals for relief from the strict application of the following sections of the Cleveland Codified Ordinances:

1. Section 345.04(d)(1) which states that in a General Industry no building or premises shall hereafter be erected, altered or arranged for human habitation, except that the Board of Zoning Appeals may grant special permission for temporary dwellings or for permanent dwellings for a limited number of personnel required to reside on the premises of a permitted use for the safe and proper operation of that use.
2. Section 355.04 which states that the maximum gross floor area of a residential building in a "B" Area District is limited to ½ the lot area. In this case 162,089 square feet of floor area is permitted and 500,786 square feet are proposed.
3. Section 357.08(b)(3) which states that the rear yard shall not be less than 10 feet at any point and 7 feet 2 inches are proposed
4. Section 325.03 which states that the minimum size for a parking space is 153 square feet and 191 parking spaces total (in garage and surface parking) are 128 square feet in size.
5. Section 349.15 which states that 24 bicycle parking spaces required; none proposed.
6. Section 341.051 which states that a tree preservation plan is required as part of the building permit application; tree preservation plan not submitted.
7. Section 341.02(b) which states that CPC approval is required (Filed January 21, 2020)

**9:30**

**Calendar No. 20-016:      1957 Carter Rd. Building 1      Ward 3**  
**Kerry McCormack**  
**11 Notices**

EWAT Holdings, owner, and NRP Properties, propose to construct apartment town homes and garage in a B3 General Industry Zoning District. The owner appeals for relief from the strict application of the following sections of the Cleveland Codified Ordinances:

1. Section 345.04(d)(1) which states that in a General Industry no building or premises shall hereafter be erected, altered or arranged for human habitation, except that the Board of Zoning Appeals may grant special permission for temporary dwellings or for permanent dwellings for a limited number of personnel required to reside on the premises of a permitted use for the safe and proper operation of that use.
2. Section 355.04 which states that the maximum gross floor area of a residential building in a "B" Area District is limited to ½ the lot area. In this case 162,089 square feet of floor area is permitted and 500,786 square feet are proposed.
3. Section 357.08(b)(3) which states that the rear yard shall not be less than 10 feet at any point and 7 feet 2 inches are proposed
4. Section 325.03 which states that the minimum size for a parking space is 153 square feet and 191 parking spaces total (in garage and surface parking) are 128 square feet in size.
5. Section 349.15 which states that 24 bicycle parking spaces required; none proposed.
6. Section 341.051 which states that a tree preservation plan is required as part of the building permit application; tree preservation plan not submitted.
7. Section 341.02(b) which states that CPC approval is required (Filed January 21, 2020)

**9:30**

**Calendar No. 20-017: 1953 Carter Rd. Building 2**

**Ward 3  
Kerry McCormack  
11 Notices**

EWAT Holdings, owner, and NRP Properties, propose to construct apartment town homes and garage in a B3 General Industry Zoning District. The owner appeals for relief from the strict application of the following sections of the Cleveland Codified Ordinances:

1. Section 345.04(d)(1) which states that in a General Industry no building or premises shall hereafter be erected, altered or arranged for human habitation, except that the Board of Zoning Appeals may grant special permission for temporary dwellings or for permanent dwellings for a limited number of personnel required to reside on the premises of a permitted use for the safe and proper operation of that use.
2. Section 355.04 which states that the maximum gross floor area of a residential building in a "B" Area District is limited to ½ the lot area. In this case 162,089 square feet of floor area is permitted and 500,786 square feet are proposed.
3. Section 357.08(b)(3) which states that the rear yard shall not be less than 10 feet at any point and 7 feet 2 inches are proposed
4. Section 325.03 which states that the minimum size for a parking space is 153 square feet and 191 parking spaces total (in garage and surface parking) are 128 square feet in size.
5. Section 349.15 which states that 24 bicycle parking spaces required; none proposed.
6. Section 341.051 which states that a tree preservation plan is required as part of the building permit application; tree preservation plan not submitted.
7. Section 341.02(b) which states that CPC approval is required (Filed January 21, 2020)

**9:30**

**Calendar No. 20-018: 1951 Carter Rd. Building 3**

**Ward 3  
Kerry McCormack  
11 Notices**

EWAT Holdings, owner, and NRP Properties, propose to construct apartment town homes and garage in a B3 General Industry Zoning District. The owner appeals for relief from the strict application of the following sections of the Cleveland Codified Ordinances:

1. Section 345.04(d)(1) which states that in a General Industry no building or premises shall hereafter be erected, altered or arranged for human habitation, except that the Board of Zoning Appeals may grant special permission for temporary dwellings or for permanent dwellings for a limited number of personnel required to reside on the premises of a permitted use for the safe and proper operation of that use.
2. Section 355.04 which states that the maximum gross floor area of a residential building in a "B" Area District is limited to ½ the lot area. In this case 162,089 square feet of floor area is permitted and 500,786 square feet are proposed.
3. Section 357.08(b)(3) which states that the rear yard shall not be less than 10 feet at any point and 7 feet 2 inches are proposed
4. Section 325.03 which states that the minimum size for a parking space is 153 square feet and 191 parking spaces total (in garage and surface parking) are 128 square feet in size.
5. Section 349.15 which states that 24 bicycle parking spaces required; none proposed.
6. Section 341.051 which states that a tree preservation plan is required as part of the building permit application; tree preservation plan not submitted.
7. Section 341.02(b) which states that CPC approval is required (Filed January 21, 2020)

**9:30**

**Calendar No. 20-019**

**1955 Carter Rd. Building 4**

**Ward 3**

**Kerry McCormack**

**11 Notices**

EWAT Holdings, owner, and NRP Properties, propose to construct apartment town homes and garage in a B3 General Industry Zoning District. The owner appeals for relief from the strict application of the following sections of the Cleveland Codified Ordinances:

1. Section 345.04(d)(1) which states that in a General Industry no building or premises shall hereafter be erected, altered or arranged for human habitation, except that the Board of Zoning Appeals may grant special permission for temporary dwellings or for permanent dwellings for a limited number of personnel required to reside on the premises of a permitted use for the safe and proper operation of that use.
2. Section 355.04 which states that the maximum gross floor area of a residential building in a "B" Area District is limited to ½ the lot area. In this case 162,089 square feet of floor area is permitted and 500,786 square feet are proposed.
3. Section 357.08(b)(3) which states that the rear yard shall not be less than 10 feet at any point and 7 feet 2 inches are proposed
4. Section 325.03 which states that the minimum size for a parking space is 153 square feet and 191 parking spaces total (in garage and surface parking) are 128 square feet in size.
5. Section 349.15 which states that 24 bicycle parking spaces required; none proposed.
6. Section 341.051 which states that a tree preservation plan is required as part of the building permit application; tree preservation plan not submitted.
7. Section 341.02(b) which states that CPC approval is required (Filed January 21, 2020)

**9:30**

**Calendar No. 20-020:**

**1961 Carter Rd. Building 5**

**Ward 3**

**Kerry McCormack**

**11 Notices**

EWAT Holdings, owner, and NRP Properties, propose to construct apartment town homes and garage in a B3 General Industry Zoning District. The owner appeals for relief from the strict application of the following sections of the Cleveland Codified Ordinances:

1. Section 345.04(d)(1) which states that in a General Industry no building or premises shall hereafter be erected, altered or arranged for human habitation, except that the Board of Zoning Appeals may grant special permission for temporary dwellings or for permanent dwellings for a limited number of personnel required to reside on the premises of a permitted use for the safe and proper operation of that use.
2. Section 355.04 which states that the maximum gross floor area of a residential building in a "B" Area District is limited to ½ the lot area. In this case 162,089 square feet of floor area is permitted and 500,786 square feet are proposed.
3. Section 357.08(b)(3) which states that the rear yard shall not be less than 10 feet at any point and 7 feet 2 inches are proposed
4. Section 325.03 which states that the minimum size for a parking space is 153 square feet and 191 parking spaces total (in garage and surface parking) are 128 square feet in size.
5. Section 349.15 which states that 24 bicycle parking spaces required; none proposed.
6. Section 341.051 which states that a tree preservation plan is required as part of the building permit application; tree preservation plan not submitted.
7. Section 341.02(b) which states that CPC approval is required (Filed January 21, 2020)

**9:30**

**Calendar No. 20-022:**

**3814 Whitman Ave (Rear Dwelling)**

**Ward 3**

**Kerry McCormack**

**14 Notices**

Jeff Heighan Croxen, owner, proposes to erect a 22'-2 x 23' two story single family residence in-law suite on second floor of existing 2 car 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 6,000 square feet and the appellant is proposing 4,158 square feet. The minimum lot width of 50 feet is required; proposing 31.5'. This section also states that the minimum floor area per residential building is 950 square feet and the appellant is proposing 510.6 square feet.
2. Section 357.08 which states that the required rear yard is 27 feet and 7 inches and the appellant is proposing 4 feet
3. Section 357.09(b)(2) which states that the minimum distance of required interior side to property line is 3 feet and the appellant is proposing 0 feet. Total width of both Interior Side Yards shall not be less than 6 feet and the appellant is proposing 4 feet 7 inches.
4. Section 358.04(a) which states that no fence shall be higher than its distance from residence building on adjacent lot; proposing 6 feet & 4 feet.
5. Section 341.02 (b) which states that city Planning Approval is required prior to the issuance of building permit. (Filed January 21, 2020)

**POSTPONED FROM JANUARY 13, 2020**

**9:30**

**Calendar No. 19-265:**

**1453 E. 66 Street  
(AKA 1449 E. 66 Street)**

**Ward 7**

**Basheer S. Jones**

**16 Notices**

Omar, Ibrahim Abdo & Mohammed Thaker., owners, propose to establish use as a convenient store in a B1 Two-Family Residential District. The owner appeals for relief from the following sections of the Cleveland Codified Ordinances:

1. Section 337.03 which states that a convenient store is not permitted in the Two-Family Residential District but is first permitted in a Local Retail Business District.
2. Section 359.02 which states that when the use is voluntarily discontinued for six (6) months or more. The intent to voluntarily discontinue a use may be implied from acts or the failure to act, including, but not limited to, the removal of and failure to replace the characteristic equipment and furnishings; or the cessation of business operations for two (2) years or more unless the cessation of business operations was caused by factors out of the control of the business such as the disability or illness of the proprietor or governmental action unrelated to the behavior of the business. If the business operations have ceased for more than two (2) years, the presence of characteristic equipment and furnishings is not relevant. The use was discontinued for two years or more (Filed October 10, 2019 -Testimony Taken) *SECOND POSTPONEMENT MADE AT THE REQUEST OF THE APPELLANT'S ATTORNEY DUE TO A SCHEDULING CONFLICT. FIRST POSTPONEMENT MADE AT THE REQUEST OF THE CITY PLANNING COMMISSION TO ALLOW FOR TIME TO HOLD A PUBLIC MEETING.*

**POSTPONED FROM DECEMBER 9, 2019**

**9:30**

**Calendar No. 19-278: 16802 Puritas Ave**

**Ward 17  
Charles Slife  
14 Notices**

Tony Posanle, owner, proposes to erect 119' lineal feet of 6 foot tall wooden shadowbox fence and 20 lineal feet of 6 foot tall chain link gate in an A1 One-Family Residential District. The owner appeals for relief from the strict application of the following sections of the Cleveland Codified Ordinances:

1. Section 358.03(a) which states that a fence running parallel to a driveway within 15 feet from property line shall not exceed 2 and ½ feet in height and shall be at least 75% percent open; the remainder of fence in front yard must be at least 50 percent open.
2. Section 358.04(a) which states that a fence in the sides street yard shall not exceed 4 feet in height and shall be at least 50 percent open.
3. Section 358.04(a) which states that no fence shall be higher than its distance from residence building on adjacent lot; 4 feet is required and 6 feet are requested.
4. Section 358.04(c)(1) which states that Board of Zoning Appeals approval is required for chain link fence in side street yard.(Filed October 30, 2019-Testimony Taken) *SECOND POSTPONEMENT MADE AT THE REQUEST OF THE BOARD TO ALLOW TIME FOR THE APPELLANT TO MEET WITH CITY PLANNING COMMISSION TO WORK ON THE SIGHT-LINE ISSUES. FIRST POSTPONEMENT MADE AT THE REQUEST OF THE APPELLANT DUE TO A SCHEDULING CONFLICT.*

**POSTPONED FROM JANUARY 13, 2020**

**9:30**

**Calendar No. 19-289: 13523 Lakewood Hts. Blvd.  
Violation Notice Appeal**

**Ward 16  
Brian Kazy**

Kelley's Pub LLC., owner, 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 from Notice of Violation Number V19034271 issued on October 7, 2019 by the Cleveland Department of Building and Housing for failure to comply with Section 327.02(c) of the Cleveland Codified Ordinances which states that there shall be no change, substitution or extension in the use of any building or premises until the required use permit and Certificate of Occupancy has been issued by the Division of Building and Housing and Section 347.08(A) which states that trash areas shall be properly screened. (Filed November 12, 2019 - No Testimony)*FIRST POSTPONEMENT MADE AT THE REQUEST OF THE COUNCILMAN FOR FURTHER REVIEW.*