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CITY OF CLEVELAND
Mayor Frank G. Jackson

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

MARCH 2, 2020

9:30

Calendar No. 20-024: 4320 Payne Ave.

**Ward 7
Basheer S. Jones
18 Notices**

Tian Ran temple, owner, proposes to establish use as a residence and religious temple in a C2 Semi-Industry District. The owner appeals for relief from the strict application of the following section of the Cleveland Codified Ordinances:

1. Section 345.03 which states that no residence shall be located within two hundred (200) feet of the boundary line of an adjoining General Industry District, and no existing building within two hundred (200) feet of such boundary line shall be converted or altered to any such use, except by the Board of Zoning Appeals.
2. Section 349.04 which states that 103 off-street parking spaces are required; 12 off-street parking spaces are proposed.
3. Section 352.04 which states that a landscape plan is required; none proposed.
4. Section 355.04 which states that the maximum gross floor area cannot exceed 1/2 the lot area(+/- 8000 square feet). (Filed January 22, 2020)

9:30

Calendar No. 20-023: 4835 Broadview Road

**Ward 13
Kevin J. Kelley
19 Notices**

The L Old Brooklyn LLC, owner, proposes to establish use as 12 unit apartment building in a C1 Multi-Family Residential District. The owner appeals for relief from the strict application of the following sections of the Cleveland Codified Ordinances:

1. Section 349.04 which states that one accessory off-street parking space is required for each dwelling unit. 12 spaces required, 4 are provided. (Filed January 22, 2020)

9:30

Calendar No. 20-025: 5400 Detroit Ave.

**Ward 15
Matt Zone
25 Notices**

JEL Law Properties LLC, proposes to establish use as an event center in a C2 Local Retail Business District and a Pedestrian Overlay District. The owner appeals for relief from the strict application of the following sections of the Cleveland Codified Ordinances:

1. Section 343.11(b)(2)(L) which states that an assembly use is first permitted in the General Retail Business District; proposed location is in the Local Retail Business District.
2. Section 343.23(e)(2)(E) which states that a building with an interior side yard more than four (4) feet in width and located within forty (40) feet of a Pedestrian Retail Frontage should be approved by the City Planning Commission.
3. Section 352.04 which states that a Landscape Plan is required and none are proposed.

4. Section 352.10 which states that a six foot wide landscape frontage strip is required and none are proposed.
5. Section 343.23(i) which states that the required parking area of 3x the gross floor area is required or in this case 11,000 square feet.
6. Section 347.08(a) which states that adequate vehicular access to and from such area for collection of trash shall be provided at reasonable hours. (Filed January 23, 2020)

9:30

Calendar No. 20-026: 736 Starkweather Ave.

**Ward 3
Kerry McCormack
16 Notices**

Amy Roberts, owner, proposes to install a 5 foot high fence with gate and a 6 foot high board on board fence in the front yard as per plan in an RA2 District and a Planned Unit Development overlay district. The owner appeals for relief from the strict application of the following sections of the Cleveland Codified Ordinances:

1. Section 358.05(a)(2) which states that fences in actual front yards shall not exceed four (4) feet in height. A 5 foot high ornamental fence with gate and a 6' high board on board fence is proposed.
2. Section 341.02 which states that review and approval of the City Planning Dept., is required for exterior alterations in P.U.D. (Filed January 24, 2020)

9:30

Calendar No. 20-027: 7800 Dudley Ave.

**Ward 15
Matt Zone
9 Notices**

Michael Groves, owner, proposes to erect a 14' x 20' 1 story frame detached garage on existing foundation 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 357.23(a)(6)(A) which states that the garage shall be located on rear half of lot or at 63 feet back from front property line and the appellant is proposing 53 feet. (Filed January 24, 2020)

9:30

Calendar No. 20-028: 4014 East 123rd Street

**Ward 2
Kevin L. Bishop
23 Notices**

Joseph Nimmer, owner, proposes to establish use as a state licensed Residential Facility for maximum 5 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(b), 337.02(h) which states that a residential facility in a One or Two Family Residential District must be at least 1,000 feet from another residential facility. Proposed use is within 1,000 feet of another residential Facility at 12504 Watterson Avenue, Carter's Adult Home. (Filed January 27, 2020)

REINSTATED FROM JANUARY 6, 2020

9:30

Calendar No. 19-296:

**13624 West Ave. (Corner
Lot)**

Ward 16

Brian Kazy

15 Notices

Ron Hollish, owner, is proposing to erect a 14' x 20' 1 story frame accessory gable garage. The owner appeals for relief from the strict application of the following sections of the Cleveland Codified Ordinances:

1. Section 337.23 (a) (6)(B)(2) which states that an accessory garage shall not be less than 18 feet from side street; proposing 15 feet.
2. Section 337.23(a) which states that an accessory garage shall be located behind existing setback building line. (Filed November 19, 2019-No Testimony)*APPELLANT MISSED HEARING DUE TO ILLNESS.*

REINSTATED FROM JANUARY 6, 2020

9:30

Calendar No: 19-256:

11915 Miles Ave.

Ward 2

Kevin Bishop

22 Notices

Wilmer Hicks proposes to establish use as used car sales 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 337.03 which states that a used car lot is not permitted in a Two-Family Residential District but first permitted in General Retail District Per Section 343.11 (b)(1)(4)
2. Section 352.10 which states that a 4 foot wide frontage landscape strip is required along Miles Ave. between lot and street (Miles Ave.); none is proposed.
3. Section 352.08 which states that a 10 foot wide transition strip is required at the rear where the lot abuts a Two-Family District; none proposed
4. Section 358.04 which states that a fence in the front yard shall be ornamental, no more than 4 feet tall and shall be no less than 50% open.
5. Section 350.04 which states that a separate permit is required for sign; sign detail is not shown. (Filed October 4, 2019-Testimony Taken) *APPELLANT MISSED THE JANUARY 6TH MEETING BECAUSE OF ILLNESS. POSTPONED ONCE, FROM NOVEMBER 18 TO JANUARY 6TH AT THE REQUEST OF THE DEVELOPMENT CORPORATION TO ALLOW TIME FOR FURTHER REVIEW.*

POSTPONED FROM JANUARY 27, 2020

9:30

Calendar No. 19-304: 4700 Clark Avenue

**Ward 3
Kerry McCormack
16 Notices**

James Christensen, owner, proposes to change the use from motor vehicle service station to motor vehicle service garage in a C2 Local Retail Business District and a Pedestrian Retail Overlay District. The owner appeals for relief from the strict application of the following sections of the Cleveland Codified Ordinances:

1. Section 352.07(b)(2)(A) which states that Board of Zoning Approval is required to maintain non-conforming landscaping when change of use is requested. Landscaping is non-conforming due to the absence of a required 10 foot wide landscape transition strip in the rear abutting residential district, and lack of a six foot wide landscape transition strip abutting street.
2. Section 343.23(e)(2) which states that approval of the City Planning commission/dept. is required for conditional use conditions in a Pedestrian retail Overlay District, specifically off-street parking areas and driveways extending across a public sidewalk. (Filed December 3, 2019-No Testimony) *FIRST POSPTONEMENT MADE AT THE REQUEST OF THE CITY PLANNING COMMISSION TO ALLOW FOR TIME FOR CONDITIONAL USE APPROVAL.*

POSTPONED FROM JANUARY 13, 2020

9:30

**Calendar No.19-301 Appeal of Hug-John/dba
Midway Parking Inc. from decision of
Commissioner of Licenses and
Assessments regarding Notice of
Deficiency**

Hug-John Inc./dba Midway Parking Inc., appeals under the authority of Section 76-6 of the Charter of the City of Cleveland and Section 329.02(d) and 196.71(b)(1) of the Cleveland Codified Ordinances to dispute the November 4, 2019 decision of the Commissioner of Assessments and Licenses to affirm a Notice of Deficiency that was issued on August 23, 2019. (Filed November 25, 2019-No Testimony) *FIRST POSTPONEMENT MADE AT THE REQUEST OF THE APPELLANT DUE TO A SCHEDULING CONFLICT.*

POSTPONED FROM JANUARY 27, 2020

9:30

Calendar No. 19-307: 917 Fruit Ave.

**Ward 3
Kerry McCormack
10 Notices**

Alex Lunato, owner, proposes to erect a 2 story, 1,938 square foot single family house with detached garage on a 4,500 square foot lot 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 lot width for a single family dwelling in a "B" area district is 40 feet; a 30'-0" wide lot is proposed. The minimum lot area for a single family dwelling in a "B" area district is 4,800 square feet and the proposed lot area is 4,500 square feet.
2. Section 357.09(b)(2)(A) which states that no building shall be erected less than six feet from a main building on an adjoining lot is 3'-0".

3. Section 341.02 which states that City Planning approval is required prior to the issuance of a building permit. (Filed December 4, 2019-No Testimony) *FIRST POSTPONEMENT MADE AT THE REQUEST OF THE COUNCILMAN TO ALLOW FOR TIME FOR COMMUNITY REVIEW.*

POSTPONED FROM DECEMBER 17, 2018

9:30

Calendar No. 18-225:

13528 Miles Avenue

Ward 1

Joseph T. Jones

21 Notices

Marvin Butler, owner, proposes to change use from poultry house to auto wrecking/junk yard in a C1 Semi-Industry District. The owner appeals for relief from the strict application of the following sections of the Cleveland Codified Ordinances:

1. Section 345.03 which states that Auto wrecking/junkyard is not permitted.
2. Section 345.04(a)(4) which states that the operation of wrecking or dismantling of motor vehicles, or the storage of motor vehicles, pending wrecking or dismantling, in areas with a minimum area of fifty thousand (50,000) square feet providing such premises is enclosed within a minimum seven (7) foot high solid masonry wall or slightly solid, nontransparent, well-maintained substantial fence. Such wall or fence may have one(1) opening not more than twenty (20) feet in width for street access and may have two (2) such openings if the wall or fence along the street is more than two hundred (200) feet in length. All walls or fences referred to in this chapter shall be neatly constructed, kept in good order and repair; no printing, lettering or advertisement shall be made part of or attached thereto or painted on the outside of the wall or fence, except that a sign located at the entrance to the yard may be provided to identify the yard.
3. Section 349.07(a) which states that accessory off-street parking spaces, driveways and maneuvering areas shall be properly graded for drainage so that all water is drained within the lot providing such parking spaces, surfaced with concrete, asphaltic concrete, asphalt or other surfacing materials approved by the Director of Building and Housing, maintained in good condition and free of debris and trash. The maximum width of driveway is 30' wide. (Filed October 10, 2018-No Testimony)*POSTPONED TO ALLOW TIME FOR APPELLANT TO WORK WITH CITY PLANNING AND THE STOREFRONT PROGRAM. THE APPELLANT HAS DECIDED NOT TO WORK WITH THE STOREFRONT PROGRAM RIGHT NOW AND WANTS TO PROCEED WITH CERTIFICATE OF OCCUPANCY.*