



## 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 13, 2020**

**Under the conditions specified by law, the Board of Zoning Appeals will be conducting virtual meetings in a limited capacity using the WebEx Platform. This will include limited agenda items to initiate the process to ensure we can appropriately evaluate the process.**

**The Board of Zoning Appeals will also be live streamed on YouTube. The links for the live streams will be available before the meeting on our website at:**

<http://www.clevelandohio.gov/CityofCleveland/Home/Government/CityAgencies/CityPlanningCommission/ZoningAppeals>

**In order to keep the WebEx session to a manageable size we are asking individuals that wish to participate in the meeting to contact the City Planning office by phone or email. Those individuals not planning to comment on any agenda item during the WebEx session are encouraged to view one of the live streams.**

**IF YOU WISH TO PARTICIPATE AND OR GIVE TESTIMONY contact the City Planning office and request access to the WebEx Board of Zoning Appeals Meeting please call 216.664.3826 or email us at [cityplanning@clevelandohio.gov](mailto:cityplanning@clevelandohio.gov)**

**9:30**

**Calendar No. 20-042: 3325 Warren Rd.**

**Ward 17  
Charles Slife  
13 Notices**

Matthew Ditlevson, owner, proposes to construct a new 2 story garage with single family residence above, on a 6,500 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 337.03 which states that three family dwellings in a Two-Family District are not permitted, but are first permitted in a Multi-Family District.
2. Section 357.15(a) which states that the distance between front and rear residential buildings shall not be less than 40 feet.
3. Section 357.08(b)(1) which states that the depth of required rear yard shall be not less than 20 feet and the appellant is proposing 15 feet 2 inches.
4. Section 355.04(b) which states that the minimum floor area per primary residential building is 950 square feet and the appellant is proposing 756 square feet (Filed February 25, 2020)

**9:30**

**Calendar No. 20-072: 5909 Cable Avenue**

**Ward 5  
Phyllis E. Cleveland  
19 Notices**

ABA Enterprise Connect LLC., owner, proposes to establish use as a children's boarding home for ages 10-17 in a B1 Two-Family Residential District. The owner appeals for relief from the strict application of the following section of the Cleveland Codified Ordinances:

1. 337.03 which states that the use is not permitted in a Two-Family Residential District, first permitted in a Multi-Family Residential District and only when at least 15 feet from other premises, per Section 337.08(e)(3)(Filed June 29, 2020)

**POSTPONED FROM JANUARY 27, 2020**

**9:30**

**Calendar No. 19-277: 3869 East 71<sup>st</sup>. Street**

**Ward 12  
Anthony Brancatelli  
16 Notices**

Mel's Automotive Sales LLC, owner, propose to establish the use as "minor car repair garage" in a C1 Multi-Family Residential District. The owner appeals for relief from the strict application from the following sections of the Cleveland Codified Ordinances:

1. Section 343.11(b)(I) which states that Minor Auto Repair is first permitted in the General Retail Business District; proposed location is in the Multi-Family Residential District.
2. Section 357.07(a) which states that a specific setback of ten (10) feet is required; proposed setback is approximately six (6) feet.
3. Section 357.14(a)(1) which states that parking is not a permitted use in a setback area.
4. Section 352.08 which states that an eight (8) foot wide transition strip is required on East 71<sup>st</sup> Street, and, a four (4) foot wide transition strip is required on Canton Avenue; no transition strips are proposed.
5. Section 359.01 which states that no substitution or other change in such nonconforming use to other than a conforming use shall be permitted except by special permit from the Board of Zoning Appeals. Such special permit may be issued only if the Board finds after public hearing that such substitution or other charge is no more harmful or objectionable than the previous nonconforming use. (Filed October 29, 2019- Testimony Taken) *FIRST POSTPONEMENT MADE AT THE REQUEST OF THE CITY ALLOW FOR TIME FOR THE APPELLANT TO MEET WITH THE CITY PLANNER.*

**POSTPONED FROM MARCH 9, 2020**

**9:30**

**Calendar No. 20-030: 573 E. 117 Street**

**Ward 10  
Anthony T. Hairston  
15 Notices**

MEGA City LLC, owner, proposes to change the use from a 4 dwelling unit apartment to an 8 dwelling unit apartment in a C3 Multi-Family Residential Zoning District. The owner appeals for relief from the strict application of the following sections of the Cleveland Codified Ordinances:

1. Section 349.04(a) which states that 8 parking spaces are required at the rate of one per unit and 4 spaces are proposed.

2. Section 337.17 which states that each accessory off-street parking space shall have a minimum unobstructed area of three hundred (300) square feet. Where driveways are required to provide accessibility to the parking spaces, they shall have an unobstructed width of at least twenty (20) feet; the proposed parking spaces are only accessible from rear of property through another lot own by Pentecostal Temple.
3. Section 337.18 which states that accessory parking spaces, driveways and maneuvering shall be properly graded for drainage for water to drain within the lot and shall be hard surfaced.
4. Section 327.02(e) which states that a separate permit is required for fence; proposed fence extended beyond lot property line; type of fence and height not included.
5. Section 349.15 which states that 1 bicycle parking space required; none proposed. (Filed January 30, 2020-Testimony Taken) *FIRST POSTPONEMENT MADE AT THE REQUEST OF THE BOARD TO ALLOW TIME FOR THE APPELLANT TO MEET WITH THE CITY PLANNER.*

**POSTPONED FROM MARCH 2, 2020**

**9:30**

**Calendar No. 20-028:**

**4014 East 123<sup>rd</sup> 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-Testimony Taken) *FIRST POSTPONEMENT MADE AT THE REQUEST OF THE BOARD TO ALLOW TIME FOR THE APPELLANT TO MEET WITH COUNCILMAN, PLANNER AND CDC.*