



## 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 27, 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)**

**REQUESTS TO PARTICIPATE IN THE VIRTUAL MEETING MUST BE SUBMITTED BY FRIDAY AT NOON BEFORE THE MEETING.**

**9:30**

**Calendar No. 20-055: 2102 W. 34<sup>th</sup> Place**

**Ward 3  
Kerry McCormack  
8 Notices**

Elmhurst Homes LLC, owner, proposes to erect a 3 story, 1,750 square foot, single family residence with attached garage on a 2,496 square foot City of Cleveland Land Bank 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 which states that minimum lot area of 4,800 square feet is required and 2,496 square feet are proposed. This section also states that the maximum gross floor area in a "B" area district shall not exceed 1/2 the lot area or in this case 1,248 square feet and 1,750 square feet are proposed.
2. Section 357.08 which states that the depth of required rear yard shall be not less than the height of the main building or in this case 31 feet and 4 inches where the appellant is proposing 18 feet.
3. Section 341.02(b) which states that City Planning approval is required prior to the issuance of a building permit. (Filed March 10, 2020)

**9:30**

**Calendar No. 20-056: 2927 East 115<sup>th</sup> Street**

**Ward 4  
Kenneth Johnson  
16 Notices**

Porsche Dunn, owner, proposes to establish use as state licensed Residential Facility in a B1 Two-Family Residential District. The owner appeals for relief from the strict application from the following sections of the Cleveland Codified Ordinances:

1. Section 325.571 which states that "Residential Facility" means a publicly operated home or facility, licensed pursuant to state law, that provides accommodations, supervision, and personal care service 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. Sections 337.02(h) and 337.03 which state that a residential facility, as defined in Chapter 325 of this Zoning Code, for one (1) to five (5) unrelated persons, is permitted provided it is located not less than one thousand (1,000) feet from another residential facility. Proposed use is within 1,000 feet of two existing Residential Facilities; the Ecar House Adult Group Home at 11607 Honeydale, and the Delitha Sparks Adult Home at 11301 Parkview. (Filed March 11, 2020)

**9:30**

**Calendar No. 20-057: 4211 Lorain Ave.**

**Ward 3  
Kerry McCormack  
7 Notices**

4211 Lorain LLC, owner, proposes to install approximately 25 feet of 6 feet 8 inches high ornamental fence with a gate in a D3 Local Retail Business Zoning District. The owner appeals for relief from the strict application from the following sections of the Cleveland Codified Ordinances:

1. Section 358.05(a)(2) which states that a fence in the actual front yard and actual side street yard in Non-Residential District shall not exceed 4 feet in height, shall be at least 50% open. (Filed March 12, 2020)

**9:30**

**Calendar No. 20-058: 3011 Barber Ave.**

**Ward 3  
Kerry McCormack  
8 Notices**

Vince Gonzolis, owner, proposes to erect a 20' x 24' 1 story frame detached gable garage with existing apron and driveway in a D1 Two-Family Residential District. The owner appeals for relief from the strict application from the following section of the Cleveland Codified Ordinances:

1. Section 337.23(A)(1) which states that *Detached Garages* are permitted provided they are located in the rear half of the lot. Rear half of Lot is at 74.47 feet and the appellant is proposing 73 feet (Filed March 13, 2020)

**9:30**

**Calendar No. 20-102: 1825 W. 57<sup>th</sup> Street**

**Ward 15  
Matt Zone  
12 Notices**

Stephen and Carolyn Warner, owners, propose to construct a single family residence and an 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 which states that the maximum gross floor area for a dwelling in a 'B' area district shall not exceed half of the lot area. In this case, the maximum gross floor area shall not exceed 2,294 square feet and the total proposed floor area is 2,550 square feet
2. 358004(b) which states that a fence running parallel to a building on same lot shall not be less than 3 feet from the wall of said building (Filed July 10, 2020)

**POSTPONED FROM JUNE 29, 2020**

**9:30**

**Calendar No. 20-035: 3660 Bosworth Road**

**Ward 11  
Brian Mooney  
17 Notices**

Albar Perez, owner, proposes to establish Recovery Housing for 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 340.01(A)(3) which states that "Recovery Housing" means housing for individuals recovering from alcoholism or drug addiction that provides an alcohol and drug-free living environment, peer support, assistance with obtaining alcohol and drug addiction services, and other alcoholism and drug recovery assistance.
2. Section 337.02(g)(3)(D) which states that Homes "primarily for the care of drug or liquor patients" are specifically not permitted in One or Two Family Districts. (Filed February 5, 2020-Testimony taken)  
*SECOND POSTPONEMENT MADE AT THE REQUEST OF THE COUNCILMAN TO ALLOW TIME FOR THE APPELLANT TO MEET WITH THE COMMUNITY. FIRST POSTPONEMENT MADE AT THE REQUEST OF THE BOARD TO ALLOW TIME FOR THE APPELLANT TO SPEAK WITH THE CITY PLANNER, THE DEVELOPMENT CORPORATION AND THE COUNCILMAN.*

**POSTPONED FROM JULY 6, 2020**

**9:30**

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

**Ward 17  
Charles Slife  
14 Notices**

Tony Posanle, owner, propose to erect 6 feet high by 118' lineal foot wooden shadowbox fence and 6 high 20' lineal foot chainlink gates. The owner appeals for relief from the strict application from the following sections of the Cleveland Codified Ordinances:

1. Section 358.03(a) which states that a fence running parallel to a driveway 15 feet from property line shall not exceed (2-1/2') in height and shall be at least 75% percent open; Remainder of fence Yard must be at least 50 percent open. (28' long)

2. Section 358.04(a) which states that a fence in sidestreet yards 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' required; 6' requested. 20' long.
1. Section 358.04(c)(1) which states that Board of Zoning Appeals approval is required for chainlink fence Sidestreet Yards. (Filed October 30,2019) *THE THIRD POSTPONEMENT WAS MADE AT THE REQUEST OF THE BOARD TO ALLOW TIME FOR THE APPELLANT TO SPEAK WITH THE NEIGHBOR REGARDING THE FENCE BEING WITHIN 4 FEET OF HIS OR HER HOUSE AND TO REVISE THE SITE PLAN TO SHOW THE PORTIONS OF THE FENCE THAT WILL BE REDUCED IN HEIGHT. THE APPELLANT MISSED THE FEBRUARY 24 MEETING DUE TO A FAMILY EMERGENCY. THE SECOND POSTPONEMENT WAS 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 MARCH 2, 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) *SECOND POSTPONEMENT MADE AT THE REQUEST OF THE APPELLANT DUE TO A PERSONAL MEDICAL ISSUE. FIRST POSTPONEMENT MADE AT THE REQUEST OF THE APPELLANT'S ATTORNEY DUE TO A SCHEDULING CONFLICT.*