



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

AUGUST 3, 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 **BY NOON FRIDAY JULY 31, 2020. 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

9:30

Calendar No. 20-59:

**4125 E. 113 Street
Waste Collection**

**Ward 2
Kevin Bishop**

Jeff Di Fiore, 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 officer of the City of Cleveland Waste Collection Division regarding Civil Infraction Ticket Number WC40381493. (Filed May 6, 2020)

9:30

Calendar No. 20-62:

**Robert Ferko of 12210 Lorain
Ave./ Appealing Decision
of the Director of Public Safety in
Property Nuisance Hearing**

**Ward 16
Brian Kazy**

Robert Ferko, appeals under the authority of Section 76-6 of the Charter of the City of Cleveland and Section 329.02(d) and 630.02(f) of the Cleveland Codified Ordinances to dispute the adverse decision of the Director of Public Safety during a Property Nuisance Appeal Hearing regarding 12210 Lorain Ave. on February 27, 2020. (Filed March 24, 2020).

9:30

Calendar No. 20-64: 2264 W. 19th Street

**Ward 3
Kerry McCormick
13 Notices**

W. 19 Development LLC., owner, proposes to construct a single family residence and in-law suite above a 3-car garage on a 6,215 square foot lot in a D1 Two-Family Residential District. The owner appeals for relief from the strict application from the following sections of the Cleveland Codified Ordinances:

1. Section 355.04 (a) which states that the minimum lot width for two dwellings in a "D" area district is 50 feet; a 33' wide lot is proposed.
2. Section 357.13 which states that the AC unit is not a permitted side yard encroachment. This section also states that an emergency escape window well is not a permitted side yard encroachment; this window well is within 6 inches to the property line.
3. Section 341.02 (b) which states that City Planning approval is required prior to the issuance of a building permit. (Filed June 4, 2020)

9:30

Calendar No. 20-65: 1316 East 91st Street

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

Stephanie Desvarieux, owner proposes to establish use as a Residential Facility for Five occupants 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 is permitted, as defined in Chapter 325 of this Zoning Code, for one (1) to five (5) unrelated persons, provided it is located not less than one thousand (1,000) feet from another residential facility. Proposed Residential Facility use is within one thousand (1,000) feet from another Residential Facility, The Tender Love & Care Facility, at 1334 Ansel Road. (Filed June 4, 2020)

9:30

Calendar No. 20-066: 7915 Franklin Blvd.

**Ward 15
Matt Zone
7 Notices**

Timothy Sommerfelt, owner, proposes to build a 2 story (1,827 square foot) wood frame garage with second floor apartment on a 8,712 square foot lot 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. Per Section 337.23 (a)(6)(A) which states that in a Dwelling House District the floor area of a private garage erected as an accessory building shall not exceed six hundred fifty (650) square feet unless the lot area exceeds four thousand eight hundred (4,800) square feet in which event the floor area may be increased in the ratio of one (1) square foot for each

twelve (12) square feet of additional lot area. In this case, the maximum floor area allowed is 976 square feet

2. Section 355.04 (b) which states that the minimum floor area of a primary residential unit is 950 square feet and 914 square feet are proposed.
3. 357.08(b)(1) which states that the depth of the required rear yard shall in no case be less than 20 feet or be less than the height of the main building which is 23 feet 10 inches in this case.
4. Section 357.09(b)(2) which states that the required interior side yard is 3 feet and the appellant is proposing 6 inches. (Filed June 9, 2020)

9:30

Calendar No. 20-104: 1216 West 67th Street

**Ward 15
Matt Zone
18 Notices**

Andrew O'Conke & Tim Brown, owner, propose to erect a 3 story frame single family residence with attached garage 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 337.23(a)(6) (A)(2) which states that an attached garage must be located on rear half of lot with active use screened entire width and height and at least 9 feet in depth.
2. Section 341.02 which states that Approval of Cleveland City Planning Department is required.
3. Section 355.04 which states that Maximum Gross Floor area shall not exceed 2,144 square feet and the appellant is proposing 3,806 square feet.
4. Section 358.04(a) which states that retaining wall in front Yard Area shall not exceed 4 feet in height and shall be 50 percent open; proposing 8 feet solid concrete retaining wall.
5. Section 358.04(a) which states that a retaining wall shall not be higher than the distance from a residence on an adjacent lot or in this case 4 feet and the appellant is proposing an 8 foot tall solid concrete wall. This section also states that a retaining wall running parallel with a building on the same lot shall be located no closer than 3 feet to wall of building. (Filed July 15, 2020)

POSTPONED FROM JULY 6, 2020

9:30

Calendar No. 20-051: 3374 E 139th Street

**Ward 4
Kenneth Johnson
18 Notices**

Darnell Graham, owner, propose to use existing family residence for maximum of 5 people Residential Care Facility. The owner appeals for relief from the strict application from the following sections of the Cleveland Codified Ordinances:

1. Section 337.08(a) which states that section 337.02(h) A residential facility, as identified in Chapter 325 of this Zoning Code, for one (1) to five(5) unrelated persons, provided it is located not less than one thousand (1,000) feet from another residential facility. Residential facilities shall comply with area, height, yard and architectural compatibility requirements of this Zoning Code applicable to residences in One-Family Districts (located on E. 137 St.) (Filed March 6, 2020-Testimony Taken) *FIRST POSTPONEMENT MADE AT THE REQUEST OF THE BOARD TO ALLOW TIME FOR THE APPELLANT TO MEET WITH THE CITY PLANNER AND THE COUNCILMAN.*