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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 17, 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 on August 14, 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 by noon on August 14, 2020.

9:30

Calendar No. 20-068: 17828 Marcella Rd. Ward 8
Michael D. Polensek
8 Notices

Shanae Frazier, owner, proposes to erect a 2 story single family residence with 2 bay attached garage 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 337.23(a)(6)(A)(2) which states that attached garages must be located on the rear half of the lot with active use screening entire width and height at least 9 feet in depth.
2. Section 341.02 which states that City Planning approval is required (reference: BZA Calendar 90-27)

9:30

Calendar No. 20-100: 4523 W. 158th Street Ward 16
Brian Kazy
8 Notices

David Cotton, owner, proposes erect 30' x 32' 1 story frame gable detached garage in an A1 One 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(C) which states that an accessory garage shall not exceed 800 square feet and the appellant is proposing 960 square feet (Filed June 30, 2020)

9:30

Calendar No. 20-101: 18611 Golfview Drive

**Ward 17
Charles Slife
7 Notices**

Visionary Realty LLC., owner, proposes to erect 225 linear feet of six foot high picket style fence in side and rear yard in an A1 One Family Residential District. The owner appeals for relief from the strict application from the following sections of the Cleveland Codified Ordinances:

1. Section 358.04(a) which states a fence in side yard cannot exceed four feet in height unless four feet off property line. Proposed fence is six foot high, and one foot off of property line.
2. Section 358.03(a) which states no portion of a fence located along and parallel to a driveway within fifteen (15) feet of its intersection with a public sidewalk shall exceed two and one-half (2-1/2) feet in height must be at least seventy-five percent (75%) open. (Filed June 2, 2020)

9:30

Calendar No. 20-105: 2341 Scranton Road

**Ward 3
Kerry McCormick
22 Notices**

3004 St. Clair, LLC., owner, proposes to erect building additions and establish use as "mixed use" in a G2 Local Retail Business District. The owner appeals for relief from the strict application from the following sections of the Cleveland Codified Ordinances:

1. Section 347.08 which states that dumpster enclosures are required; none proposed.
2. Section 349.07 which states the driveway used to provide accessibility to accessory off-street parking spaces shall be so located and arranged to minimize traffic congestion.
3. Section 352.04 which states a landscape plan is required; none proposed.
4. Section 357.14 which states that parking is a prohibited front yard encroachment. (Filed July 22, 2020)

9:30

Calendar No. 20-109: 2078 West 44 Street

**Ward 3
Kerry McCormack
13 Notices**

Cuyahoga County Land Revitalization Corp., owner, and Horton Harper architect propose to erect a two story single family residence with attached garage on a 2,740 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:

3. Section 355.04(a) which states that the maximum gross floor area in a "B" Area District shall not exceed 1/2 the lot area or in this case 1,370 square feet and 1,486 square feet are proposed.
4. 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 33 feet and 11 inches; the appellant is proposing 3 feet and 1 inch.
5. Section 357.13 which states that the condensing unit along the interior side yard is not permitted encroachment.
6. Section 341.02 which states that City Planning approval is required prior to the issuance of a building permit. (Filed July 29, 2020) THIS IS A REFILEING OF IDENTICAL VARIANCES GRANTED IN CALENDAR NUMBER 19-157 THAT EXPIRED.

9:30

Calendar No. 20-117:

3575 W. 117 Street

Ward 11

Brian Mooney

17 Notices

Saha Realty of Cleveland II, LLC., owner, proposes to renovate a Motor Vehicle Service Station to expand the convenient store in a C1 Local Retail Business District. The owner appeals for relief from the strict application of the following sections of the Cleveland Codified Ordinances:

1. Section 343.01 which states that Motor Vehicle Service Station is not permitted in a Local Retail Business District but is first permitted in a General Retail Business District. Per section 343.14(a) if within 100 feet of a Residential District a solid board-on-board wood fence or brick or stone wall at least six (6) feet in height is required along any property line abutting the Residence District in addition to any otherwise required landscaping. No board-on-board fence, wall or landscaping is proposed.
2. Section 357.13 (b) which states that parking is no a permitted side street encroachment and parking is proposed along Thrush Avenue.
3. Section 359.01(a) which states that enlargement or expansion of a non-conforming use requires a variance from the Board of Zoning Appeals.(Filed July 29, 2020)

POSTPONED FROM JULY 20, 2020

9:30

Calendar No. 20-050:

3586 East 140th Street

Ward 2

Kevin L. Bishop

19 Notices

Sharon Love, owner, propose to use existing single 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 337.03(b) which states that 337.02(h) a residential facility, 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. Residential facilities shall comply with area, height, yard and architectural compatibility requirements of this Zoning Code applicable to residences in One-Family Districts. (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 COUNCILMAN AND THE DEVELOPMENT CORPORATION.*

The following case has been postponed to September 14 at the request of the Councilman to allow time to hold a community meeting:

9:30

Calendar No. 20-045:

4700 Lorain Ave

Ward 3

Kerry McCormick

Seamus O. Inc. and Don Hangauer, owners, propose to establish use as an event center on a parcel that is split zoned Two-Family Residential and Local Retail Business and is also located in the Pedestrian Retail Overlay District. The owner appeals for relief from the strict application from the following sections of the Cleveland Codified Ordinances:

1. Section 343.11(b)(2)(L) which states that an assembly hall is first permitted in the General Retail Business District; proposed location is in the Local Retail Business / PRO District.

2. Section 343.23(e) (2) (C) which states that a conditional / institutional use of an assembly space must be approved by the City Planning Commission.
3. Section 343.23(h) which states that for any nonresidential building or storefront facing a Pedestrian Retail Street Frontage, not less than sixty percent (60%) of the front façade between two and one half (2-1/2) and seven and one half (7-1/2) feet in height shall be composed of transparent windows or doors. In addition, not more than twenty-five percent (25%) of such window or door area on a building or storefront shall be covered with permanent signs.
4. Section 349.04(e) which states that a total of 5,900 square feet of off street parking is required.
5. Section 352.10 which states that a six (6) feet wide landscape frontage strip is required where there are more than 10 off- street parking spaces.
6. Section 358 which states that fences in actual side yards shall be ornamental, shall not exceed 4' in height and shall be at least 50% open; fence is in Local Retail Business and Two-Family split district. (Filed March 13, 2020)