



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

SEPTEMBER 14, 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 manageable we are asking individuals that wish to participate in the meeting to contact the City Planning office by phone or email by noon on September 11, 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 28, 2020. You can also email Secretary Elizabeth Kukla at ekukla@city.cleveland.oh.us.

9:30

**Calendar No. 20-112 4608 W. Clinton (Rear Dwelling) Ward 3
Kerry McCormack
11 Notices**

Cleveland Bricks, owner, proposes to erect a 2 story frame single family residence with 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 357.04(a) which states that the required front yard setback is 8.4 feet and the appellant is proposing 1 foot 8 inches.
2. Section 357.08(b)(1) which states that the required rear yard is 20 feet and the appellant is proposing 18 feet and 4 inches
3. Section 357.09(b)(2) which states that the required interior side yard is 3 feet and the appellant is proposing 1 foot and 8 inches; and the roof eaves are on property line.
4. Section 337.23(a)(6)(A)(2) which states that attached garages shall be located on rear half of lot shall have their entire width and height screened from Front Yard Setback building line by Active Use of at least 9 feet high.

5. Section 355.04(b) which states that the maximum gross floor area shall not exceed 50 percent of lot size or in this case 1,125 square feet and the appellant is proposing 1,347.
6. Section 341.02(b) which states that Landmarks approval is required prior to the issuance of a building permit. (Filed August 4, 2020)

9:30

Calendar No. 20-113 4610 W. Clinton (Front Dwelling) Ward 3
Kerry McCormack
11 Notices

Cleveland Bricks, owner, proposes to erect a 3 story frame single residence 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 357.06(a) which states that 357.06 Exceptions to **Front Yard and Side Street Yard Regulations** (a) *Alignment to existing building lines*. Where no specific building line is indicated on the Building Zone Map, on a street frontage on one (1) side of a street between two (2) successive intersecting streets but excluding the frontage along the side lines of corner lots. Where twenty percent (20%) or more of the aggregate street frontage of the property abutting thereon is occupied by main buildings, the average of the setbacks of the existing buildings within one hundred (100) feet on both sides of any lot shall determine the location of the required front yard line for that lot, except that such front yard line shall not be required to be more than forty (40) feet back of the street line. The location of the fences or structures other than a building shall not be consideration in making such determination. This proposed house will sit in front of the neighbor's house on adjacent lot. (Note: The Board's powers are restricted per code section 329.04(c); please refer to said code section for description of the instances when the board can grant a front yard variance)
2. Section 341.02(b) which states that Landmarks approval is required prior to the issuance of a building permit. (Filed August 4, 2020)

9:30

Calendar No. 20-114 3716 Bailey Ave Ward 3
Kerry McCormack
10 Notices

Cleveland Bricks, owner, proposes to erect a 24' x 20' two story frame 2-bay attached garage and second floor master bedroom. 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 lot with active use screening the 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. (Filed August 4, 2020)

9:30

Calendar No. 20-121

3417 St. Clair Ave

Ward 7

Basheer S. Jones

7 Notices

Custom Clutch Joint and Hydraulics, owner, proposes to demolish two buildings and make site improvements including fencing an additional parking in a C3 Semi-Industry District. The owner appeals for relief from the strict application from the following sections of the Cleveland Codified Ordinances:

1. Section 352.10 which states that off-street accessory parking lot requires a six foot wide landscaped frontage strip providing 50% year round opacity: no landscape frontage strip is proposed.
2. Section 358.05(a)(2) which states that a fence in actual front yard in non-residential district cannot exceed four feet in height. "Actual Front Yard" is defined in Section 358.02(e) as "the entire lot area between a main building and the corresponding (front) lot line". Fence height not provided. (Filed August 4, 2020)

9:30

Calendar No. 20-124

4501 Gifford Ave.

Ward 13

Kevin J. Kelley

8 Notices

Tim Foster, owner, proposes to install 122 linear feet six foot high wood fence and gate along side street yard 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 358.04(a) which states *High and Opacity*. Fences in actual side street yards shall not exceed four (4) feet in height and shall be at least fifty percent (50%) open, except that, in an actual side street yard, a fence that is set back at least four (4) feet from the side street property line may be a maximum of six (6) feet in height and maybe open or solid. Six foot high solid fence along side street property line is proposed. (Filed August 11, 2020)

9:30

Calendar No. 20-123

5713 Side Ave

Ward 15

Matt Zone

13 Notices

Keystone Homes, owner, proposes to erect a 3 story frame single family house with attached garage in a B1 Two-Family Residential District on a City of Cleveland Land Bank Lot. The owner appeals for relief from the strict application from the following sections of the Cleveland Codified Ordinances:

1. Section 355.04(b) which states that the Maximum Gross Floor area shall not exceed 506.7 square feet and the appellant is proposing 2,164 square feet. The minimum required lot width is 40' feet and the appellant is proposing 22.12 feet. This section also states that the Minimum Lot Size is 4,800 square feet and the appellant is proposing 1,013 square feet.

2. Section 357.04(a) which states that the Front Yard Setback is 6.8 feet and the appellant is proposing 0.82 feet. (Note: The Board's powers are restricted per code section 329.04(c); please refer to said code section for description of the instances when the board *can* grant a front yard variance)

3. Section 357.08(b)(1) which states that the Required Rear Yard depth is 37.2 feet and the appellant is proposing 8.5 feet.

4. Section 357.09(b)(2)(C) which states that the Required Interior Side Yard is 3 feet and the appellant is proposing no interior side yard on one side and 2 feet on the other. This code section also states that the total of both Required Interior Sideyards shall not be less than 6 feet and the appellant is proposing 2 feet. The Minimum distance between building on adjacent lot shall not be less than 6 feet and the appellant is proposing 2.33 feet

5. Section 353.01 which states that the Maximum Height Limit allowed is 35'; proposing 37.2' (Filed August 11, 2020)

9:30

Calendar No. 20-128

5715 Side Ave

Ward 15

Matt Zone

13 Notices

Keystone Homes, owner, proposes to erect a 3 story frame single family house with attached garage in a B1 Two-Family Residential District on a City of Cleveland Land Bank Lot. The owner appeals for relief from the strict application from the following sections of the Cleveland Codified Ordinances:

1. Section 355.04(b) which states that Maximum Gross Floor area shall not exceed 385.4 square feet; proposing 2,164 square feet. The Minimum lot required width is 40' feet required; proposing 21.12 feet. This section also states that the Minimum Lot Size is 4,800 square feet and the appellant is; proposing 770 square feet.

2. Section 357.04(a) which states that the Front Yard Setback is 6.8 feet; proposing 3.15 feet(Note: The Board's powers are restricted per code section 329.04(c); please refer to said code section for description of the instances when the board *can* grant a front yard variance)

3. Section 357.05(a) which states that the Side Street line setback of Corner lot is 5 feet; proposing 0'.

4. Section 357.05(b)(2) which states that the rear portion of lot setback building line for corner lot 7.6 feet and the appellant is proposing 0'.

5. Section 357.08(b)(1) which states that the Required Rear Yard depth is 37.2 feet; proposing 8.5 feet.

6. Section 357.09(b)(2)(C) which states that the Required Interior Side Yard is 3 feet and the appellant is proposing no interior side yard on one side and 2 feet on the other. This code section also states that the total of both Required Interior Sideyards shall not be less than 6 feet and the appellant is proposing 1 foot. The Minimum distance between building on adjacent lot shall not be less than 6 feet and the appellant is proposing 3.33 feet.

7. Section 353.01 which states that the Maximum Height Limit allowed is 35'; proposing 37.2' (Filed August 11, 2020)

9:30

Calendar No. 20-135:

1415 Kenilworth Ave.

Ward 3

Kerry McCormack

14 Notices

1415 Kenilworth LLC. proposes to construct a 5 story apartment building in a D2 Multi-Family Residential District and an Urban Form Overlay District. The owner appeals for relief from the strict application from the following section of the Cleveland Codified Ordinances:

1. Section 348.04(4)(A) which states that 30 parking spaces are required; and no parking spaces are proposed. (Filed September 2, 2020)

POSTPONED FROM AUGUST 3, 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-Testimony Taken) *FIRST POSTPONEMENT MADE AT THE REQUEST OF THE BOARD TO ALLOW TIME FOR THE APPELLANT TO MEET WITH KIM SCOTT FROM CITY PLANNING COMMISSION AND MEET WITH NEIGHBORS.*

POSTPONED FROM AUGUST 3, 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-No Testimony) *FIRST POSTPONEMENT MADE AT THE REQUEST OF THE COUNCILMAN TO ALLOW TIME FOR FURTHER REVIEW.*

POSTPONED FROM AUGUST 17, 2020

9:30

Calendar No. 20-045:

4700 Lorain Ave

Ward 3

Kerry McCormick

22 Notices

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- No Testimony) *SECOND POSTPONEMENT MADE AT THE REQUEST OF THE COUNCILMAN TO ALLOW TIME TO HOLD A PUBLIC MEETING. FIRST POSTPONEMENT MADE AT THE REQUEST OF THE APPELLANT TO ALLOW TIME TO GO THROUGH THE BLOCK CLUB REVIEW.*

POSTPONED FROM AUGUST 24, 2020

9:30

Calendar No. 20-099: 532 E. 185th Street

**Ward 8
Michael Polensek
25 Notices**

G. Wood Enterprises LLC, owner, proposes to expand bar use to include private offices/den and live entertainment in a C1 Local Retail Business District and Pedestrian Retail Overlay District. The owner appeals for relief from the strict application from the following sections of the Cleveland Codified Ordinances:

- 1.** Per Section 343.01 which states that entertainment use is not permitted in Local Retail District and it is prohibited in the Pedestrian Retail Overlay District.
- 2.** Section 343.23(e)(1)(A) which states that open sales lot is prohibited in a Pedestrian Retail Overlay District and an open market sales is proposed.
- 3.** Section 352.10 which states that a 4' wide landscape strip is required between the open sales lot and street; none is proposed. Property is made up of continuous pavement and enclosed at sidewalk with 14 poles (bollards). A former car dealership occupied the front of the property.
- 4.** Sections 352.08-.11 which state that an 8 foot wide and 6 foot wide landscape transition strip is required where the lot abuts the Single Family and Multi-Family Residential Districts respectfully. BZA approval for continuation of Non-conforming landscaping is required per section 352.07.
- 5.** Section 349.15 which states that 1 bicycle parking spaces required; none proposed.
- 6.** Section 341.02(b) which states that CPC approval is required. (Filed July 1, 2020- revised description received August 25, 2020 - No Testimony Taken) **FIRST POSTPONEMENT MADE DUE TO AN ERROR IN THE ZONING DESCRIPTION OF THE PROJECT**

POSTPONED FROM AUGUST 17, 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-Testimony Taken) Postponement made at the request of the board to allow time for the appellant to meet with City Planning Commission.