

## BOARD OF ZONING APPEALS

AUGUST 11, 2008

**9:30**

**Calendar No. 08-141:                      3400 St. Clair Avenue                      Ward 13**

Sin Mun Chan, owner, appeals to change the hours of operation of a nightclub located in a General Industry District at 3400 St. Clair Avenue to be simultaneous to the hours of a restaurant operated in the same building; contrary to the conditions of a zoning variance granted by the Board of Zoning Appeals in Resolution No. 05-77, regarding a failure to meet the parking requirements of Section 349.04(e) of the Zoning Code for simultaneous operation of a nightclub and restaurant. The applicant has identified an additional 34 parking spaces available to the business through a lease with a neighboring property owner.

**9:30**

**Calendar No. 08-143:                      10404 Clifton Boulevard                      Ward 18**

Smythe Ford Real Estate, owner, c/o Josh Cohen, and Christina Anderson, tenant, appeal to establish a fitness studio in a commercial building on the northwest corner of Clifton Boulevard and West 104<sup>th</sup> Street in a One-Family District; whereas the proposed use is not permitted in a One-Family District and is first permitted in a Retail Business District, and whereas no substitution or other change in a nonconforming use other than to a conforming use shall be permitted except by Special Permit from the Board of Zoning Appeals; and whereas 6 additional off-street parking spaces are required and none are provided.

**9:30**

**Calendar No. 08-144:                      3809 Buechner Avenue                      Ward 16**

Radu Lupu, owner, appeals to erect a 2-bedroom, 1-bath addition, measuring 24'x29', replacing a front porch on a house in a mid-block location on the south side of Buechner Avenue, between West 41<sup>st</sup> Street and State Road in a One-Family District; contrary to the regulations of Section 357.04(a) of the Zoning Code which requires a front yard setback of 28 $\frac{3}{4}$ ' in line with existing buildings, and a setback of 17 $\frac{1}{2}$ ' is proposed.

**9:30**

**Calendar No. 08-145:                      12833 Lorain Avenue                      Ward 19**

The Ohio Conference Association of Seventh Day Adventist, owner, c/o Lisa Falkenstein, and Bryan Black, architect, appeal to change the occupancy from day care to a place of worship of a building on the south side of Lorain Avenue, one parcel east of West 129<sup>th</sup> Street, in a General Retail Business District and One-Family District; contrary to Section 352.09 of the Zoning Code, which requires an 8'-wide landscaped transition strip at the rear of the parcel abutting a One-Family District, and contrary to Section 337.02(e)(1), which requires a place of worship to be located at least 15' from any adjoining premises in a Residence District not used for a similar purpose, and the proposed church abuts a One-Family District at the rear.

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**AUGUST 11, 2008**

**9:30**

**Calendar No. 08-147:**

**6020 Fir Avenue**

**Ward 17**

John Farrier, owner, appeals to replace and extend the front porch of a house on the north side of Fir Avenue, just east of West 61<sup>st</sup>, Street in a Two-Family District; contrary to Section 357.13(b)(4), which does not permit open front porches to project more than 6 feet into a required front yard, whereas a 12-foot projection is proposed, and does not permit a front porch that aggregates a vertical area in any story more than twenty percent of the area of the facade in that story.

**POSTPONED FROM JULY 14, 2008**

**10:30**

**Calendar No. 08-110:**

**749 East 185<sup>th</sup> Street**

**Ward 11**

Katarina Fugina, owner, and Tony Bougebrayel, prospective purchaser, appeal to erect a new car wash on an irregular "L" shaped corner parcel located in a Local Retail Business District on the southeast corner of East 185<sup>th</sup> Street and Muskoka Avenue at 749-51 East 185<sup>th</sup> Street; subject to the limitations of Section 343.01(b) a car wash is not permitted but first permitted in a General Retail Business District, and pursuant to Section 343.11(b)(2)(l)(2) it must be 100 feet from a residential district; and a 6 foot width contrary to an 8 foot wide transition strip is provided, where the use abuts a residence district and a transition landscaped strip providing 75 percent year-round opacity is required, as stated in Sections 352.08-11of the Codified Ordinances. (Filed 5-27-08)

**First postponement requested by the applicant for time to provide notification to residence who did not receive notice.**