

**BOARD OF ZONING APPEALS
OCTOBER 19, 2009**

9:30

Calendar No. 09-195:

13600 Deise Avenue

Ward 10

**Eugene Miller
25 Notices**

Northern Lakes Management Company, owner, and John Basso, Jr. appeal to establish use for a warehouse and an office “the blacksmith building”, an existing one-story structure on a portion of an acreage parcel in a Residence Industry District, where no building or premises shall be erected, altered, used, arranged or designated to be used, in whole or in part, provided that entrance and exit to any building or premises are from a street designated as a major thoroughfare on the general plan adopted by the City Planning Commission or, if the premises in question does not abut such street, then from any street approved by the Board of Zoning Appeals if it finds the probable volume and type of traffic to such premises will not change materially the existing character of such streets nor be detrimental to the adjoining or adjacent residential area; for which determination and approval is required by the Board of Zoning Appeals, according to the provisions in Section 345.02(f) of the Cleveland Codified Ordinances. (Filed 9-23-09)

9:30

Calendar No. 09-196:

13600 Deise Avenue

Ward 10

Northern Lakes Management Company, owner, and John Basso, Jr. appeal to establish storage use in an existing one-story metal structure, “the corrugated building,” on a portion of an acreage parcel in a Residence Industry District, where no building or premises shall be erected, altered, used, arranged or designated to be used, in whole or in part, provided that entrance and exit to any building or premises are from a street designated as a major thoroughfare on the general plan adopted by the City Planning Commission or, if the premises in question does not abut such street, then from any street approved by the Board of Zoning Appeals if it finds the probable volume and type of traffic to such premises will not change materially the existing character of such streets nor be detrimental to the adjoining or adjacent residential area; for which determination and approval is required by the Board of Zoning Appeals, according to the provisions in Section 345.02(f) of the Cleveland Codified Ordinances. (Filed 9-23-09)

9:30

Calendar No. 09-197:

13600 Deise Avenue

Ward 10

Northern Lakes Management Company, owner, and John Basso, Jr. appeal to establish an office use in a structure described as “the stock building” located on a portion of an acreage parcel in a Residence Industry District, where no building or premises shall be erected, altered, used, arranged or designated to be used, in whole or in part, provided that entrance and exit to any building or premises are from a street designated as a major thoroughfare on the general plan adopted by the City Planning Commission or, if the premises in question does not abut such street, then from any street approved by the Board of Zoning Appeals if it finds the probable volume and type of traffic to such premises will not change materially the existing character of such streets nor be detrimental to the adjoining or adjacent residential area; for which determination and approval is required by the Board of Zoning Appeals, according to the provisions in Section 345.02(f) of the Cleveland Codified Ordinances. (Filed 9-23-09)

9:30

Calendar No. 09-198:

13600 Deise Avenue

Ward 10

Eugene Miller

Northern Lakes Management Company, owner, and John Basso, Jr. appeal under Section 76-6 of the Charter of the City of Cleveland and Section 329.04(d) of the Cleveland Codified Ordinances from the decision of the Division of Traffic Engineering and Construction, Department of Public Service to deny approval of an application for an earthen "barrier berm" for the following reasons:

- (1) the location and grades as shown for the earthen berm adjacent to Kuhlman Avenue is an obstruction to and interfering with the adequate drainage of the property;
- (2) the location and grades as shown for the earthen berm will cause stagnant ponds of water to form on the property;
- (3) the slope of the earthen berm is in excess of 2:1 and as such is inherently unstable and prone to detrimental erosion; and
- (4) the slope of the dirt pile adjacent to the existing metal frame building is in excess of 2:1 and as such is inherently unstable and prone to detrimental erosion;

and the plan submitted for the berm does not comply with 561.04 of the Municipal Utilities and Services Code. (Filed 9-23-09)

9:30

Calendar No. 09-200:

6308 Lexington Avenue

Ward 7

T.J. Dow

6 Notices

Christopher and Francine Hawkins appeal to erect a 24' x 28' one-story attached garage and a 15' x 84' L-shaped carport on a 120' x 100' parcel in a Multi-Family District; contrary to Section 337.14 a distance of 1-foot is provided where no parking space shall be located within 10-feet of a building with ground floor windows; and interior side yards of 6-feet and 5.1-foot are provided contrary to a minimum requirement of 8-feet, according to Section 357.02(2)C in the Cleveland Codified Ordinances. (Filed 9-24-09)

9:30

Calendar No. 09-204:

5451 Lake Court

Ward 13

Joe Cimperman

3 Notices

Anthony Dosen, owner, appeals to install an 8-foot tall fence with 1-foot of barbed wire along the front yard of a 40' x 135.85' parcel in a General Industry District; subject to the limitations of Section 358.05(a)(1) fences in actual front and side street yards may not exceed 6-feet in height in a General Industry District and may be either open or solid; and fences in actual rear and interior side yards shall not exceed 10-feet in height and may be open or solid, as stated in the Fence Regulations of the Cleveland Codified Ordinances. (Filed 9-28-09)

9:30

Calendar No. 09-205:

5453 Lake Court

Ward 13

Anthony Dosen, owner, appeals to install an 8-foot tall fence with 1-foot of barbed wire along the front yard of a 39' x 135.85' parcel in a General Industry District; subject to the limitations of Section 358.05(a)(1) fences in actual front and side street yards may not exceed 6-feet in height in a General Industry District and may be either open or solid; and fences in actual rear and interior side yards shall not exceed 10-feet in height and may be open or solid, as stated in the Fence Regulations of the Cleveland Codified Ordinances.

9:30

Calendar No. 09-206:

5459 Lake Court

Ward 13

Joe Cimperman

3 Notices

Anthony Dosen, owner, appeals to install an 8-foot tall fence with 1-foot of barbed wire along the front yard of a 101' x 138' parcel in a General Industry District; subject to the limitations of Section 358.05(a)(1) fences in actual front and side street yards may not exceed 6-feet in height in a General Industry District and may be either open or solid; and fences in actual rear and interior side yards shall not exceed 10-feet in height and may be open or solid, as stated in the Fence Regulations of the Cleveland Codified Ordinances. (Filed 9-28-09)

POSTPONED FROM AUGUST 24, 2009

10:30

Calendar No. 09-106:

3914 John Avenue

Ward 13

Joe Cimperman

The City of Cleveland Department of Building and Housing appeals under the authority of Section 76-6 of the Charter of the City of Cleveland and Section 161.05 of the Codified Ordinances from a ruling of the Cleveland Landmarks Commission on May 14, 2009 to disapprove a Certificate of Appropriateness for the demolition and removal of a house on the property at 3914 John Avenue. (Filed 6-2-09; testimony taken 6-15-09; motion for rehearing filed 6-22-09; motion approved 7-13-09)

First postponement granted at request of Assistant Director of the Building and Housing Department due to a scheduling conflict.

POSTPONED FROM AUGUST 17, 2009

10:30

Calendar No. 09-111:

10409 Meech Avenue

PPN 136 10 040

Ward 2

Nathaniel Wilkes

19 Notices

Number One Grace Properties LLC, owner, appeals to use a 140' x 249.59' parcel located in Semi-Industry and General Industry Districts for the storage of vehicles pending wrecking and dismantling; subject to the requirements in Sections 345.03 and 345.04, the use is first permitted in a General Industry District, provided that the premises are enclosed within a minimum seven foot tall, solid fence or wall and a fence on the premises does not meet the required opacity. The provisions in Section 349.07(a) require that driveways and maneuvering areas shall be properly graded, surfaced with concrete, asphalt or similar surfacing material, maintained in good condition, free of trash and debris; and a 10 foot wide, 75 percent opaque, landscaping transition strip is required at the rear of the lot where it abuts a Residence District and none is proposed, contrary to Sections 352.10 and 352.11 of the Cleveland Codified Ordinances. (Filed 6-5-09; no testimony taken.)

10:30

Calendar No. 09-112:

10409 Meech Avenue

PPN 136 10 041

Ward 2

Number One Grace Properties LLC, owner, appeals to use a 140' x 249.59' parcel located in Semi-Industry and General Industry Districts for the storage of vehicles pending wrecking and dismantling; subject to the requirements in Sections 345.03 and 345.04, the use is first permitted in a General Industry District, provided that the premises are enclosed within a minimum seven foot tall, solid fence or wall and a fence on the premises does not meet the required opacity. The provisions in Section 349.07(a) require that driveways and maneuvering areas shall be properly graded, surfaced with concrete, asphalt or similar surfacing material, maintained in good condition, free of trash and debris; and a 10 foot wide, 75 percent opaque, landscaping transition strip is required at the rear of the lot where it abuts a Residence District and none is proposed, contrary to Sections 352.10 and 352.11 of the Cleveland Codified Ordinances. (Filed 6-5-09; testimony taken.)

10:30
Calendar No. 09-113:

10409 Meech Avenue
PPN 136 10 042

Ward 2
Nathaniel Wilkes
19 Notices

Number One Grace Properties LLC, owner, appeals to use a 294' x 248.64' parcel located in Semi-Industry and General Industry Districts for the storage of vehicles pending wrecking and dismantling; subject to the requirements in Sections 345.03 and 345.04, the use is first permitted in a General Industry District, provided that the premises are enclosed within a minimum seven foot tall, solid fence or wall and a fence on the premises does not meet the required opacity. The provisions in Section 349.07(a) require that driveways and maneuvering areas shall be properly graded, surfaced with concrete, asphalt or similar surfacing material, maintained in good condition, free of trash and debris; and a 10 foot wide, 75 percent opaque, landscaping transition strip is required at the rear of the lot where it abuts a Residence District and none is proposed, contrary to Sections 352.10 and 352.11 of the Cleveland Codified Ordinances. (Filed 6-5-09; testimony taken.)

Second postponement requested by the applicants' agent for additional discussion about the plan with the community.

POSTPONED FROM SEPTEMBER 21, 2009

10:30
Calendar No. 09-133:

3633 East 146th Street

Ward 3
Zachary Reed
13 Notices

Linda Williams, owner, appeals to change use from a two family dwelling to a group home located on a 40' x 142.24' parcel in a Two-Family District; subject to the limitations of Section 337.03 the proposed use is not permitted and first permitted in a Multi-Family District as stated in the Cleveland Codified Ordinances. (Filed 6-25-09; testimony taken.)

Second postponement requested by the Mt. Pleasant NOW Community Development Corporation to organize a community meeting about the applicant's proposal.