

**BOARD OF ZONING APPEALS
DECEMBER 14, 2009**

9:30

Calendar No. 09-235:

12615 Elmwood Avenue

Ward 19

Dona Brady

9 Notices

Kindt Collins Company LLC, owner, appeals to establish use as a storage yard on an acreage parcel in a General Industry District, where the provisions in Section 345.04 require that the proposed use shall be enclosed within a minimum 7-foot high, solid masonry wall or slightly solid, non-transparent, well maintained, substantial fence; and Section 349.04(j) requires parking for open yard storage use to be one space for each employee plus space equal to 15 percent of the gross lot area and that accessory off-street parking spaces, driveways and maneuvering areas to be properly graded with asphalt or concrete as stated in Section 349.07(a) of the Cleveland Codified Ordinances. (Filed 11-3-09)

9:30

Calendar No. 09-236:

14601 Grapeland Avenue

Ward 21

Martin Keane

3 Notices

Camille Urban, owner appeals to erect a 6-foot tall vinyl fence and gate in the interior side yard of a 42.91' x 110' parcel in a One-Family District, placed at a distance of 41 inches from the neighboring residence building and contrary to Section 358.04(a) that prohibits a fence to be higher than its distance from a residence building on an adjoining lot. (Filed 11-4-09)

9:30

Calendar No. 09-237:

3751 Valley Road

Ward 15

Brian Cummins

5 Notices

Hill Diversified Properties, LLC, owner, appeal to erect 477 linear feet of 7-foot high chain link and barbed wire fence in the "actual front yard" of an acreage parcel in a General Industry District, contrary to Section 358.05(a)(1) that limits fences in actual front yards of a General Industry District to a height of 6 feet; and as defined in Section 358.02(e), the term "actual yard" shall refer to the entire lot area between a main building and the corresponding lot line in the Cleveland Codified Ordinances. (Filed 11-4-09)

9:30

Calendar No. 09-238:

13507 Corby Road

Ward 4

Kenneth Johnson

Dawayne W. Johnson, owner, 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 from a Notice of Violation issued by the Building and Housing Department on October 13, 2009 for unauthorized use of a building and property as a kennel in a Two-Family District. (Filed 11-5-09)

10:30

Calendar No. 09-221:

3651 East 55th Street

Ward 12

Anthony Brancatelli

4 Notices

J & G Development Corporation, owner, and Jennie Hurt, tenant, appeal to erect a 5' x 5' pre-manufactured wheelchair lift in the front yards of a 40' x 140' parcel in a Two Family District; subject to the yard space requirements, a wheelchair lift is not a permitted encroachment in the front yard area according to the provisions in Section 329.04(c)(1) in the Cleveland Codified Ordinances. (Filed 10-16-09; Dismissed 11-16-09; Reinstated 11-23-09)

POSTPONED FROM NOVEMBER 2, 2009

10:30

Calendar No. 08-68:

3232 Lakeside Avenue

Ward 13

Joe Cimperman

5 Notices

Flextron LLC, owner, and Theodore Talliere, agent, appeal to change use from a bar/restaurant to adult cabaret an existing two-story building on a 130.66' x 117.25' corner parcel in a General Industry District on the southwest corner of Lakeside Avenue at East 33rd Street at 3232 Lakeside Avenue; subject to the provisions of Section 349.01(a), whenever the existing use of a building or structure shall hereafter be changed to a new use, parking facilities shall be provided as required for such new use as stated in the Cleveland Codified Ordinances. (Denied 7-28-08; on remand from Cuyahoga County Common Pleas Court 8-25-09.)

Second postponement requested by counsel for the applicants' due to his absence from the hearing. Applicants to provide a plan that shows the location for legally permitted parking use, configuration and size of parking spaces.

10:30

Calendar No. 09-155:

3232 Lakeside Avenue

Ward 13

Joe Cimperman

6 Notices

Charles Fleck, owner, and Theodore Talliere, agent, appeal to expand occupancy from 135 to 200 and to add entertainment use to an existing tavern/restaurant on a 130.66' x 107.67' parcel in a General Industry District; contrary to Section 349.04(e) no accessory off-street parking is provided and accessory off-street parking equal to three times the gross floor area is required; and the substitution/expansion of an existing nonconforming use requires the Board of Zoning Appeals approval in accordance with Section 359.01 in the Cleveland Codified Ordinances.(Filed 7-22-09; testimony taken.)

Postponement taken by counsel for the applicants due to his absence from the hearing. Applicants to provide a plan that shows the location for legally permitted parking use, configuration and size of parking spaces.

POSTPONED FROM NOVEMBER 2, 2009

9:30

Calendar No. 09-194:

5901 Franklin Boulevard

Ward 17

Matthew Zone

13 Notices

Post Contracting LLC, owner, appeal to expand the use of an existing two-story masonry store and dwelling units building on the front part of a 58' x 225' irregular shaped parcel in a Two-Family District where a one-story masonry building exists on the rear portion of the property; subject to the limitations of Section 359.01(a) no expansion of an existing nonconforming use shall be permitted except as a variance under the terms of Chapter 329, and no substitution or other change in such nonconforming use to other than a conforming use shall be permitted except by special permit from the Board of Zoning Appeals. Such special permit may be issued only if the Board finds after public hearing that such change is no more harmful or objectionable than the previous nonconforming use in floor or other space occupied, in volume of trade or production, in kind of goods sold or produced, in daily hours or other period of use, in the type or number of persons to occupy or be attracted to the premises or in any other characteristic of the new use as compared with the previous use, according to Section 359.01(a) of the Codified Ordinances. (Filed 9-21-09; no testimony taken.)

First postponement requested by the Councilman for additional review of the proposed plan.