

**BOARD OF ZONING APPEALS
MARCH 2, 2009**

9:30

Calendar No. 09-14:

12010 Bellaire Road

Ward 19

Dona Brady

7 Notices

Dolores Wagner, owner, appeals to change use from a service station to an auto repair garage a one-story masonry building on a 138' x 133' irregular shaped corner parcel in a General Retail Business District; subject to the limitations of Section 343.11(b), the proposed auto repair is not permitted and is located between 5 to 10 feet from a residential district, contrary to a distance of at least 100 feet as required under Section 345.03(c)(2); and nonconforming parking areas must be hard-surfaced according to the provisions of Section 349.07 with asphalt, concrete or with a permeable paving, engineered system that is approved by the Director of Building and Housing. A 6 foot wide landscaped frontage strip providing 50 percent year-round opacity is required where any parking areas abut the street, and a 10 foot width of landscaping that provides 75 percent year-round opacity is required, where the proposed use abuts either a court or an alley way to the rear, as stated in Sections 352.08 to 352.12 of the Codified Ordinances. (Filed 2-11-09)

9:30

Calendar No. 09-16:

4724 West 130th Street

Ward 20

Martin Sweeney

13 Notices

Vietnamese Buddhist Association of Cleveland, owner, appeals for a change of use and to build an addition to an existing one family dwelling, proposed to be on consolidated parcels in a General Retail Business District; and by reference the use is regulated under Section 337.02(e)(1) for a One-Family District, where churches, temples and other places of worship and accessory uses are permitted if located not less than 15 feet from a residential lot; and nonconforming to the provisions in Sections 352.08-352.11, for a 10 foot wide landscaping transition strip along the rear of the property where the lot abuts a One-Family District. (Filed 2-17-09)

POSTPONED FROM JANUARY 5, 2009

10:30

Calendar No. 08-222:

4301-03 Clark Avenue

Ward 14

Joseph Santiago

10 Notices

Michael and Kamal Elseikali, owners, appeal for an addition/expansion of accessory repairs to the use of an existing tire sales shop on a 42' x 132' corner parcel located in a Semi-Industry District; contrary to Section 345.03(c)(2), the addition/expansion abuts a Two-Family District and a repair garage is required to be at least 100 feet from a residential district and the addition/expansion of a nonconforming use requires the Board of Zoning Appeals approval, according to Section 359.01 of the Codified Ordinances.(Filed 12-5-08; testimony taken.)

First postponement taken for applicants to work with the Councilman and the local development corporation to resolve issues and concerns brought out at the hearing by the neighboring property owners.

POSTPONED FROM JANUARY 12, 2009

10:30

Calendar No. 08-229:

4114 Memphis Avenue

Ward 15

Brian Cummins

9 Notices

Frank Lizanich, owner, and Rita Jackson, tenant, appeal to change use from one dwelling unit and a store to one dwelling unit and a day care an existing two-story building located on an 80' x 120' corner lot in a Multi-Family District at 4114 Memphis Avenue; subject to the limitations of Section 337.08(e), the day care abuts a Two-Family District and is required to be 15 feet from any adjoining premises in a residence district not used for a similar purpose; and two off-street parking spaces are required, one for each two staff members and other employees, according to the provisions of Section 349.04(c) of the Codified Ordinances. (Filed 12-11-08; testimony taken.)

First postponement taken for additional information from traffic engineering and an improved plan that shows a pick up and drop off area with how the use of a land bank parcel is planned for the parking spaces, the ingress and egress that are proposed for the lot.

POSTPONED FROM FEBRUARY 17, 2009

10:30

Calendar No. 09-8:

7026 Kinsman Road

Ward 5

Phyllis Cleveland

13 Notices

Cuyahoga Metropolitan Housing Authority, owner, appeal to construct 20 new townhouses on acreage in a Multi-Family District; contrary to the Area and Yard Regulations in an RA-3 (Residential Attached) District, a 16 foot rear yard is proposed at the southeast corner of the project where it abuts a Two-Family District and 20 feet is required according to Section 337.031(g) of the Codified Ordinances. (Filed 1-27-09; testimony taken.)

First postponement granted for the representative from Cuyahoga Metropolitan Housing Authority to attend the hearing and for information from the Councilwoman regarding the proposed project.