

BOARD OF ZONING APPEALS
APRIL 6, 2009

9:30

Calendar No. 09-32:

10600-06 Bellaire Road

Ward 19

Dona Brady

11 Notices

Badah Holdings LLC, owners, and Nick Abdallah appeal to install a new canopy at an existing gas station in a Local Retail Business District on the northwest corner of Bellaire Road and Jasper Avenue; the service station and uses being first permitted in a General Retail Business District, and 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 3-5-09)

9:30

Calendar No. 09-35:

2230 Denison Avenue

Ward 15

Brian Cummins

15 Notices

Jimmy Demo and Antonio Santos, owners, and Greg and Alesia Love, prospective tenants, appeal to change use from a store to a day care in an existing two-story building on a 40' x 257.80' parcel in a Multi-Family District; the proposed use being first permitted in a Local Retail Business District; and existing parking spaces are located within 10 feet of a residence and the driveway along West 30th Street exceeds a width of 30 feet; and 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 3-10-09)

9:30

Calendar No. 09-36:

2232 Rockwell Avenue

Ward 13

Joe Cimperman

24 Notices

RRST, an Ohio Partnership and Robert McMeechan, owner, appeal to establish use as an Adult Cabaret in an existing one-story building on an acreage parcel located in a Semi-Industry District; contrary to Section 347.07(c)(3) the proposed adult entertainment use is on a lot within 1,000 feet of a lot with an existing adult entertainment use at 2255 Hamilton Avenue; and it is also within 1,000 feet of a Multi-Family Residence District located to the east of the proposed use, contrary to the location requirements in Section 347.07(c)(1) under Specific Uses Regulated in the Cleveland Codified Ordinances. (Filed 3-12-09)

9:30

Calendar No. 09-37:

4400 Sky Lane Drive

Ward 15

Brian Cummins

5 Notices

Rita Ann Burdick, owner, appeals to erect a 19.4 foot x 20 foot one story addition to an existing 20 foot x 20 foot one story, frame accessory garage on a 50.26' x 120' parcel in a Single Family District; requesting a maximum gross floor area of 816 square feet that exceeds the lot area and is contrary to 754.9 square feet that is allowed under the provisions of Section 337.23(7)A of the Codified Ordinances. (Filed 3-17-09)

POSTPONED FROM FEBRUARY 17, 2009

10:30

Calendar No. 09-7:

2122-24 West 73rd Street

Ward 17

Matthew Zone

14 Notices

George Smee, owner, appeals to change from a legal nonconforming service station to auto repair use an existing building on an irregular shaped corner lot in a Local Retail Business District; subject to Section 359.01, the substitution of nonconforming use requires the Board of Zoning Appeals approval; the proposed change not permitted in a Local Retail District, the site conditions and use as a service station previously granted in Board of Zoning Appeals Calendar No. 52-765 for driveway size (a maximum 30 foot driveway is permitted), a lack of frontage landscape strip (a 6 foot landscaped strip required where the parking lot meets the street); a buffer transition landscape strip (a 10 foot landscape strip required along the rear property line); and striping for parking (striping and bumper guards required for parking spaces). (Filed 1-23-09; testimony taken.)

First postponement upon recommendation of the Board that applicant consult with City Planning and provide an improved plan showing dimensions and landscaping.