

BOARD OF ZONING APPEALS
JUNE 29, 2009

9:30

Calendar No. 09-101-:

1030 East 62nd Street

Ward 13

Joe Cimperman

29 Notices

Dobb, Inc., owner, and Solomon Doibo appeal to change use from a warehouse to a restaurant and banquet / assembly hall an existing two-story building on an 80' x 146.13' lot in an RA2-1 Townhouse District; subject to the provisions in Section 359.01(a) a use of a building or land lawfully existing on the effective date of this Zoning Code or any amendment or supplement thereto for which a permit has been lawfully issued may be continued even though it does not conform to the use district in which it is located but no enlargement nor expansion shall be permitted except as a variance under the terms of Chapter 329 and no other change in such nonconforming use shall be permitted except by special permit from the Board of Zoning Appeals issued only if the Board finds after public hearing that such substitution or other change is no more harmful or objectionable than the previous nonconforming use in floor or other space occupied in volume of use, in the type or number of persons to occupy or to be attracted to the premises or in any other characteristic of the new use as compared with the previous use; the proposed restaurant being first permitted in a Local Retail Business District and a banquet hall / assembly hall first permitted in a General Retail District subject to the regulations in Section 347.12, where such use shall not be established within 500 feet of a residential district, a day care center, kindergarten, elementary or secondary school, public library, church, a playground, a public or nonprofit recreation center or a community center as stated in the Cleveland Codified Ordinances. (Filed 5-21-09)

9:30

Calendar No. 09-103:

13000 Lorain Avenue

Ward 19

Dona Brady

11 Notices

130th Lorain Ltd., owner, and Joe Coreno appeal to expand an existing restaurant in a one-story building on an 80' x 100' corner parcel in a General Retail Business District; subject to the provisions in Section 359.01(a) a use of a building or land lawfully existing on the effective date of this Zoning Code or any amendment or supplement thereto for which a permit has been lawfully issued may be continued even though it does not conform to the use district in which it is located but no enlargement nor expansion shall be permitted except as a variance under the terms of Chapter 329 and no other change in such nonconforming use shall be permitted except by special permit from the Board of Zoning Appeals issued only if the Board finds after public hearing that such substitution or other change is no more harmful or objectionable than the previous nonconforming use in floor or other space occupied in volume of use, in the type or number of persons to occupy or to be attracted to the premises or in any other characteristic of the new use as compared with the previous use; and the proposed expansion requires additional off-street parking at the rate of one space for each employee and one parking space for each 100 square feet of floor area devoted to patron use, there being 6 off-street parking spaces provided and 12 are required according to Section 349.04(f) of the Cleveland Codified Ordinances. (Filed 5-26-09)

9:30
Calendar No. 09-104:

3610 Superior Avenue

Ward 13
Joe Cimperman
8 Notices

The 3610 Superior Avenue LLC, owner, appeals for exterior and interior alterations to an existing restaurant in a one-story building by adding a 392 square foot outside patio with 4 tables on a 40.60' x 164' parcel in a Semi-Industry District; subject to the provisions in Section 359.01(a) a use of a building or land lawfully existing on the effective date of this Zoning Code or any amendment or supplement thereto for which a permit has been lawfully issued may be continued even though it does not conform to the use district in which it is located but no enlargement nor expansion shall be permitted except as a variance under the terms of Chapter 329 and no other change in such nonconforming use shall be permitted except by special permit from the Board of Zoning Appeals issued only if the Board finds after public hearing that such substitution or other change is no more harmful or objectionable than the previous nonconforming use in floor or other space occupied in volume of use, in the type or number of persons to occupy or to be attracted to the premises or in any other characteristic of the new use as compared with the previous use; and the proposed expansion requires additional off-street parking at the rate of one space for each employee and one parking space for each 100 square feet of floor area devoted to patron use, there being zero additional off-street parking spaces provided and 4 are required according to Section 349.04(f) of the Cleveland Codified Ordinances. (Filed 5-26-09)

9:30
Calendar No. 09-105:

4171 Rocky River Drive

Ward 21
Martin Keane
9 Notices

David G. Martens, Jr., owner, appeals to expand the parking lot area of a funeral home on a 154' x 185' parcel in a General Retail Business District; contrary to Section 357.07 that prohibits parking of motor vehicles within the specific 25 foot front yard setback shown on the Building Zone Map and proposing a 4.8 foot wide landscape strip contrary to a 6 foot wide, side street yard, frontage landscaping strip that is required along Valley View Avenue in accordance with Sections 352.08 – 352.11 of the Cleveland Codified Ordinances. (Filed 5-27-09)

9:30
Calendar No. 09-107:

10617 Prince Avenue

Ward 2
Nathaniel Wilkes
4 Notices

William Congress, owner, appeals to install 33 linear feet of 4 foot tall chain link fence in the actual front yard of a 40' x 173' parcel in a Two-Family District; contrary to Section 358.04(c)(1) in the Cleveland Codified Ordinances, where it states that only ornamental fences shall be installed in actual front yards in a Residence District. (Filed 6-3-09)

POSTPONED FROM MAY 26, 2009

10:30

Calendar No. 09-78:

4060 East 116th Street

Ward 2

Nathaniel Wilkes

11 Notices

Number One Grace LLC, owner, Dianna Hshett, agent, appeal to erect one double faced roof sign, two wall signs and four free standing fence signs on an acreage parcel in a General Industry District; contrary to the Sign Regulations in Section 350.15(a) the total square footage requested for the roof sign and wall signs equals 208 square feet and 53.5 square feet is the maximum square footage allowed; and the four free standing fence signs equal 240 square feet and exceed the allowed maximum of 50 square feet, as determined according to the provisions in Section 350.15(b) of the Cleveland Codified Ordinances. (Filed 4-23-09; testimony taken.)

First postponement granted for applicants to consult with City Planning about the proposed signage.

POSTPONED FROM JUNE 8, 2009

10:30

Calendar No. 09-89:

1948 West 25th Street

Ward 13

Joe Cimperman

15+ Notices

Market 25 LLC, owner, and McNulty Properties appeal to build out and use a 2,610 square foot basement for a bar with entertainment in a multi-residential building with an existing bar and restaurant, located on a 50' x 197' parcel in a General Retail Business District; subject to Section 349.04(e), an additional accessory off-street parking area equal to three times the gross floor area is required; and the expansion of a nonconforming use requires the Board of Zoning Appeals approval according to the provisions of Section 359.01 of the Cleveland Codified Ordinances. (Filed 5-8-09; no testimony taken.)

First postponement requested for additional notification to be made about the appeal hearing.