

**BOARD OF ZONING APPEALS
JUNE 8, 2009**

9:30

Calendar No. 09-86:

2727 York Avenue

Ward 14

**Joseph Santiago
7 Notices**

Judy Yeager, owner, appeals to use for parking a 110.19' x 32.50' irregular shaped vacant lot, located in a B1 Two-Family District; the proposed use being nonconforming in the provisions of Section 337.03, and the Board of Zoning Appeals approval is required for parking as a primary use in a residential district, subject to the conditions specified in Section 349.13; and as proposed, the use for parking is not kept back of the setback building line and no screening nor landscaping is provided; and parking spaces must be hard surfaced with asphalt, concrete or surfacing material that constitutes an engineered system approved by the Director of Building and Housing, and paving stones with no engineered drainage elevations or subsurface material listed or rated for permeability is provided, contrary to Section 349.07(a) of the Cleveland Codified Ordinances. (Filed 5-5-09)

9:30

Calendar No. 09-87:

2331 East 55th Street

Ward 5

**Phyllis Cleveland
15 Notices**

James Majors owner, appeals to establish use as trucking terminals, indoor storage of material such as lawnmowers, rakes and brooms in the General Retail area of a 50' x 220' vacant lot located in split zoning between General Retail Business and Multi-Family Districts and also to establish a flea market use in both zoning district areas; subject to the limitations of Section 337.08 the retail flea market use is nonconforming and first permitted in a General Retail District; the proposed trucking terminal/motor freight depot use being contrary to Section 343.11 and first permitted in a Semi-Industry District, provided it is not less than 300 feet from a residence district and it abuts a Multi-Family District at the rear of the lot where the flea market is proposed, contrary to Section 345.03(c)(13) of the Cleveland Codified Ordinances. (Filed 5-7-09)

9:30

Calendar No. 09-88:

11607-9 Detroit Avenue

Ward 18

**Jay Westbrook
12 Notices**

Zum Properties, owner, appeal to expand the current use from a lounge/restaurant to a club with live entertainment and dancing located on a 50' x 123.19' lot in a Local Retail Business District; the proposed being nonconforming in the limitations of Section 343.01 and first permitted in a General Retail Business District, but subject to the location regulations of Section 347.12, where such use shall not be established within 500 feet of a residence district, day care center, kindergarten, elementary or secondary school, public library, church, playground, public or nonprofit recreation center nor community center; and no additional parking is proposed, contrary to Section 349.04(e) and that parking is required at three times the gross floor area. (Filed 5-7-09)

9:30

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/nightclub/lounge 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)

POSTPONED FROM APRIL 27, 2009

10:30

Calendar No. 09-44:

1001 Fairfield Avenue

Ward 13

Joe Cimperman

8 Notices

Gillota Fuel Products Inc., owner, appeal to establish use/maintain a gas station and repair garage located on a 95' x 66' corner parcel in a General Retail Business District; contrary to Sections 352.08 through 352.11, no landscaping is provided and a 10 foot wide landscaping strip is required along the rear property line where the lot abuts a Residence District and a 4 foot wide landscaping strip is required along the street frontages; and nonconforming to Section 343.18(d) that the width of driveways may not exceed 30 feet; and that a repair garage is first permitted in a Semi-Industry District provided, that the use is not less than 100 feet from a Residence District, according to Section 345.03(c)(2) of the Cleveland Codified Ordinances. (Filed 3-25-09; no testimony taken.)

First postponement requested by Tremont West development Corporation to consult with the applicant about the proposed plan.

10:30

Calendar No. 09-45:

3031 Clark Avenue

Ward 14

Joseph Santiago

11 Notices

Gillota Fuel Products, Inc., owner, appeals to establish use/maintain a gas station and repair garage located on a 69.08' x 100' corner parcel in a General Retail Business District; the existing nonconforming building and use being subject to the provisions of Section 359.01(a) that 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; existing conditions and other nonconformities being the absence of a 10 foot wide landscaping strip along the rear property line, 4 foot wide landscaping strips along the street frontages, a driveway width that exceeds 30 feet and a repair garage use that is first permitted in a Semi-Industry District, provided that it is not less than 100 feet from a residence district.

(Filed 3-25-09; testimony taken.)

First postponement granted for applicants to submit a detail specific plan for site improvements, fencing., landscaping, marked spaces for overnight parking and customer parking, replacing sidewalks, paving gravel area; with additional photos to be provided showing removal of "junk vehicles" and all debris for the rescheduled hearing and also providing a "receipt" that shows disposal of tires, parts, etc.