

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

9:30

Calendar No. 09-146:

4305-09 State Road

Ward 15

Brian Cummins

6 Notices

John Zajac, owner, appeals to establish a parking lot as the principal use of a vacant 44' x 120' corner parcel in a General Retail Business District; subject to the provisions in Sections 352.08 through 352.12, a 10 foot landscaped transition strip providing 75 percent year-round opacity is required along the rear of the lot that abuts a residential district, and a 6 foot wide, landscaped frontage strip providing 50 percent year-round opacity is required where the lot abuts State Road and Searsdale Avenue, as stated in the Cleveland Codified Ordinances. (Filed 7-14-09)

9:30

Calendar No. 09-168:

18122 St. Clair Avenue

Ward 11

Michael Polensek

Oliver Klar and Alvin Hale, Jr. by and through their attorney, Patrick DiChiro appeal 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 on July 7, 2009 by the Department of Building and Housing and the operation of an auto sales business in a Local Retail Business District.(Filed 8-7-09)

9:30

Calendar No. 09-169:

2481 Professor Avenue

Ward 13

Joe Cimperman

5 Notices

SCS Group LLC and Cumhur Sasmaz, owners, appeal to erect a 6' x 14' frame deck (patio) in the front yard of a one family dwelling on a 33' x 123' parcel in a Two-Family District; and the proposed deck (patio) projects 1 foot 3 inches from the front yard setback and is not a permitted yard encroachment in the provisions of Section 357.13 of the Cleveland Codified Ordinances. (Filed 8-11-09)

9:30

Calendar No. 09-170:

3146 aka 3154 West 14th Street

Ward 13

Joe Cimperman

15 Notices

George Zaboura, owner, and Larry Douglas, tenant, appeal to change use from one dwelling unit and a store to a tavern with entertainment an existing one story building on a 87.33' x 127.18' parcel in a Local Retail Business District; subject to the limitations of Section 343.01 a tavern with entertainment is not permitted and first permitted in a General Retail Business District, provided it is not less than 500 feet from a residence district and it abuts a residential district; no striped parking spaces are proposed and a total of 28 parking spaces are required, calculated according to Section 349.04(c) with a parking area equal to three times the gross floor area and parking for two adjacent tenants; no transition strip is proposed and contrary to Section 352.09 that requires an 8 foot wide landscaped transition strip at the rear where the lot abuts a Multi-Family District and dumpster areas shall be screened with opaque fencing not lower than the height of the refuse containers there in, according to Section 347.08 in the Cleveland Codified Ordinances. (Filed 8-12-09)

POSTPONED FROM MAY 4, 2009

10:30

Calendar No. 09-55:

1140 Terminal Tower

Ward 14

Joseph Santiago

Scranton-Averell, Inc. and their counsel Andrew M. Fowerbaugh, appeal under 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 Harbor Master of the City of Cleveland Department of Port Control March 2, 2009, for violation of ordinance 573.10 at the property described in the violation as 1140 Terminal Tower Cleveland Ohio 44113, Permanent Parcel Number 004-29-010. (Filed 3-31-09; no testimony taken.)

10:30

Calendar No. 09-56:

1800 Scranton Avenue

Ward 14

Joseph Santiago

Scranton-Averell, Inc. and their counsel Andrew M. Fowerbaugh, appeal under 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 Harbor Master of the City of Cleveland Department of Port Control March 2, 2009, for violation of ordinances 573.02, 573.04 and 573.10 at the property described in the violation as 1800 Scranton Avenue Cleveland Ohio 44113, Permanent Parcel Number 004-29-014. (Filed 3-31-09)

10:30

Calendar No. 09-57:

1840 Carter Road

Ward 14

Joseph Santiago

Scranton-Averell, Inc. and their counsel Andrew M. Fowerbaugh, appeal under 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 Harbor Master of the City of Cleveland Department of Port Control March 2, 2009, for violation of ordinances 573.10 at the property described in the violation as 1840 Carter Road Cleveland, Ohio 44113, Permanent Parcel Number 004-29-013. (Filed 3-31-09)

10:30

Calendar No. 09-58:

1878 Carter Road

Ward 14

Joseph Santiago

Scranton-Averell, Inc. and their counsel Andrew M. Fowerbaugh, appeal under 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 Harbor Master of the City of Cleveland Department of Port Control March 2, 2009, for violation of ordinances 573.10 at the property described in the violation as 1878 Carter Road Cleveland, Ohio 44113, Permanent Parcel Number 004-29-012. (Filed 3-31-09)

10:30

Calendar No. 09-59:

1898 Carter Road

Ward 14

Joseph Santiago

Scranton-Averell, Inc. and their counsel Andrew M. Fowerbaugh, appeal under 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 Harbor Master of the City of Cleveland Department of Port Control March 2, 2009, for violation of ordinances 573.10 at the property described in the violation as 1898 Carter Road Cleveland, Ohio 44113, Permanent Parcel Number 004-29-009. (Filed 3-31-09)

10:30

Calendar No. 09-60:

1970 Carter Road

Ward 14

Joseph Santiago

Carter Peninsula, Inc. and their counsel Andrew M. Fowerbaugh, appeal under 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 Harbor Master of the City of Cleveland Department of Port Control March 2, 2009, for violation of ordinances 573.02, 573.04 and 573.10 at the property described in the violation as 1970 Carter Road Cleveland, Ohio 44113, Permanent Parcel Number 004-28-001. (Filed 3-31-09; no testimony taken.)

First postponement by mutual request of counsel for applicants and the City for additional time to gather and analyze information relevant to the matter(s).

10:30

Calendar No. 09-61:

Riverbend Rear

Ward 17

Matthew Zone

Ontario Stone Corporation and their counsel Nicholas C. York, appeal under 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 Harbor Master of the City of Cleveland Department of Port Control March 2, 2009, for violation of ordinances 573.02, 573.04 and 573.10 at the property described in the violation as Riverbend Rear Cleveland, Ohio, Permanent Parcel Number 003-03-006. (Filed 3-31-09; no testimony taken.)

First postponement mutually requested by counsel for applicants and the City for additional time to gather and analyze information relevant to the matter.

10:30

Calendar No. 09-62:

Riverbed Street

Ward 13

Joe Cimperman

Westbank Development Corporation and their counsel Edward F. Siegel, appeal under 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 Harbor Master of the City of Cleveland Department of Port Control March 2, 2009, for violation of ordinances 573.02, 573.04 and 573.10 at the property described in the violation as Riverbed Street Cleveland, Ohio 44102, Permanent Parcel Number 003-15-054. (Filed 3-31-09; no testimony taken.)

First postponement mutually requested by counsel for applicants and the City for additional time to gather and analyze information relevant to the matter.

POSTPONED FROM JULY 27, 2009

10:30

Calendar No. 09-118:

3710 Fulton Road

Ward 15

Brian Cummins

8 Notices

Sheila Maurer, owner appeals to expand the use of an existing automobile repair garage to include used car sales on an irregular shaped corner lot 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, as stated in the Cleveland Codified Ordinances. (Filed 6-10-09; no testimony taken.)

First postponement requested by the Councilman for the applicants to consult with the local development corporation about the plan.

10:30

Calendar No. 09-131:

3731 East 71st Street

Ward 12

Anthony Brancatelli

11 Notices

Marcel Grayer, owner, and Latoya White appeal to change use of an existing two dwelling unit residence to a day care on a 45' x 110.62' parcel in a Multi-Family District; contrary to Section 337.08(e)(3) the proposed use is bordered on two sides by a Multi-Family District and is required to be 15 feet from any adjoining premises in a residence district not used for a similar purpose; and off-street parking is required at the rate of one for each two staff members and other employees according to Section 349.04(c) of the Cleveland Codified Ordinances. (Filed 6-25-09; testimony taken.)

First postponement at the recommendation of the Board for the applicants to meet with the Councilman and local development corporation regarding the proposed use.

POSTPONED FROM AUGUST 24, 2009

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(c) 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; no testimony taken.)

First postponement requested by the applicant tenant due to a scheduling conflict.