

**BOARD OF ZONING APPEALS  
NOVEMBER 8, 2004**

**9:30**

**Calendar No. 04-239:**

**11402 Avon Avenue**

**Ward 2**

**Robert White**

**31 Notices**

Artsy Ford, owner, appeals to change the use of an existing two-story, frame one family dwelling house to a correctional halfway house with referrals from and pursuant to contracts with governmental entities, either the federal or the state, the local government, or any other governmental entity with jurisdiction to provide correctional services, situated on a 42' x 363' lot in a Two-Family District on the south side of Avon Avenue at 11402 Avon Avenue; subject to Section 347.15(c) in Specific Uses Regulated, no Certificate of Occupancy for establishment or expansion of a correctional halfway house shall be issued without the review and approval of the Board of Zoning Appeals; and by the limitations of Section 347.15(d), the change of use is first permitted in a General Retail Business District, but only if it is located 500' from a Residence District; and Section 347.15(f) requires that there be a minimum of 200 s/f of habitable floor area provided, on average, for each resident including staff members normally on the premises after 11:00 p.m. and no correctional halfway house may operate with a total resident population of less than 20 persons, which may include individuals not subject to correctional oversight; and an application to establish a correctional halfway house must include specifically required information as outlined in Section 347.15(j)(1 through 13), and that information has not been provided; and there is a limitation on the Board of Zoning Appeals variance powers to allow uses other than those listed in the Zoning Code as permitted in the use district next lower in order of restrictiveness to the district in which such use/lot is located as stated in Section 329.03(d)(3) of the Codified Ordinances. (Filed 9-27-04)

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**9:30**

**Calendar No. 04-241:**

**2240 St. Clair Avenue**

**Ward 13**

**Joe Cimperman**

**11 Notices**

2240 St. Clair, Inc., owner c/o John Hickey, agent, appeals to change from a machine shop to a mixed use, with the first floor for business use and the second floor for residential condominiums, an existing two-story brick and masonry building, situated on an approximate 66' x 140' irregular lot in a Semi-Industry District on the south side of St. Clair Avenue at 2240 St. Clair Avenue; contrary to the Area Regulations for residence buildings in all use districts, an approximate gross floor area of 12,020 s/f is proposed where the maximum gross floor area allowed, or one-half the of lot size, is 6,060 s/f, as stated in Section 355.04(b) of the Codified Ordinances. (Filed 9-27-04)

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**9:30**

**Calendar No. 04-242:**

**4025 West 144<sup>th</sup> Street**

**Ward 21**

**Michael Dolan**

**5 Notices**

Kevin Moody, owner, appeals to erect a 10' x 14' wolmanized wooden deck to the front of an existing one and a half story frame, single family dwelling, situated on a 55' x 125' lot in an A1 One-Family District on the south side of West 144<sup>th</sup> Street at 4025 West 144<sup>th</sup> Street; contrary to the Regulations for Yards and Courts, there is a 10' encroachment provided and not more than 6' is allowed as stated in Section 357.13(b)(4) of the Codified Ordinances. (Filed 9-27-04)

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**BOARD OF ZONING APPEALS  
NOVEMBER 8, 2004**

**9:30**

**Calendar No. 04-243:      705-707 East 159<sup>th</sup> Street**

**Ward 11**

**Michael Polensek**

**18 Notices**

Courts of Praise c/o Pastor David Mathis, owner, appeal to change the use of an existing 45' x 90' one-story private club building and basement into a Community Center and Day Care Center all situated on an 80' x 138' lot located in a Multi-Family District on the east side of East 159<sup>th</sup> Street at 705-707 East 159<sup>th</sup> Street; contrary to Section 337.08, the proposed use is required to be 15' from any adjoining premises in a Residence District not used for a similar purpose and contrary to Section 349.04 of the Requirements for Off-Street Parking and Loading, 11 parking spaces are proposed and 13 spaces are required; and a 6' high wooden fence is proposed on East 160<sup>th</sup> Street, where a fence in the front yard of a Residential District shall not exceed a 4' height and shall be at least 50% open, as stated in Section 358.04(a) of the Codified Ordinances; and a lot consolidation approved by the Division of Engineering and Construction is required. (Filed 9-28-04)

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**9:30**

**Calendar No. 04-244:      7904 Cedar Avenue**

**Ward 6**

**Patricia Britt**

**3 Notices**

Jaber Mahmoud, owner, appeals to replace an existing cabinet sign and to add a cabinet sign with it on an existing free-standing 19'-2" sign pole, located on the east side of a retail sales building and parking lot, situated on a 152' x 118' corner lot in a Local Retail Business District on the southeast corner of Cedar Avenue and East 79<sup>th</sup> Street at 7904 Cedar Avenue; contrary to Section 350.14(b) of the Sign Regulations, the existing free-standing sign pole exceeds the allowed maximum height of 12' and the proposed square footage with the additional sign is 64 s/f, where the maximum square footage permitted is 50 s/f; and the expansion of a nonconforming use requires the Board of Zoning Appeals approval as stated in Section 359.01 of the Codified Ordinances. (Filed 10-1-04)

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**9:30**

**Calendar No. 04-245:      13905 Tyler Avenue**

**Ward 20**

**Martin Sweeney**

**4 Notices**

Edward Warren, owner, appeals to erect a 24' x 36' "L" shaped, rear room addition to a 25' x 25' two-story, single family dwelling, situated on a 40' x 125' lot in an A1 One-Family District on the south side of Tyler Avenue at 13905 Tyler Avenue; contrary to the requirements for interior side yards, a distance of 6' is proposed, where the total of both side yards shall not be less than 10' as stated in Section 357.09(b)(2) of the Codified Ordinances. (Filed 10-1-04)

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**BOARD OF ZONING APPEALS  
NOVEMBER 8, 2004  
POSTPONED FROM OCTOBER 18, 2004**

**10:30**

**Calendar No. 04-171:**

**8211 Platt Avenue**

**Ward 6**

**Patricia Britt**

**5 Notices**

Lawrence Lane, owner, appeals to change the use from a grocery store to an office in a 40' x 40' one-story building situated on a 50' x 150' parcel located in Local Retail Business and Multi-Family Districts on the north side of Platt Avenue at 8211 Platt Avenue; contrary to Section 337.08 of the Regulations for Residential Districts, an office is not a permitted use in a Multi-Family District but first permitted in a Local Retail Business District under Section 343.01G(3), provided that personnel customarily required for the business or profession do not exceed more than five persons at any one time; and the substitution of a nonconforming use requires the Board of Zoning Appeals approval as stated in Section 359.01 of the Codified Ordinances. (Reinstated 9-13-04; no testimony taken.)

**First request for postponement granted for additional review of the plan by the local development corporation.**

**POSTPONED FROM OCTOBER 11, 2004**

**10:30**

**Calendar No. 04-193:**

**2487 West 25<sup>th</sup> Street**

**Ward 14**

**Nelson Cintron**

**17 Notices**

George Sass, owner, appeals to construct a 60' x 60' two-story building for a wrecking yard and service garage, proposed to be situated on an acreage parcel in a Semi-Industry District on the east side of West 25<sup>th</sup> Street at 2487 West 25<sup>th</sup> Street; contrary to Sections 345.03 and 345.03(c)(2) of the Industrial Districts Regulations, a wrecking yard is not permitted in a Semi-Industry District but first permitted in a General Industry District and the repair garage, although permitted in a Semi-Industry District, is required to be 100' from a Residence District and as proposed, it abuts a Two-Family District; and in Section 345.04(a)(4) where auto wrecking is first permitted in a General Industry District, a minimum area of 50,000 square feet is required and it must be enclosed within a minimum of 7' high, solid masonry wall or screened, nontransparent fence and a 40,826 square foot area that is partially fenced is proposed; and contrary to Section 349.05(b) of the Off-Street Parking and Loading Requirements, part of the proposed parking that is provided is not under the appellant's ownership; and subject to the provisions for Nonconforming Uses, a nonconforming structure was 90% destroyed by fire and razed, where a nonconforming building or use that is more than 50% destroyed or removed by whatever cause, except by act of malicious mischief or vandalism, shall not be restored or replaced, except in conformity with the regulations for the district in which it is located, as stated in Section 359.03(b) of the Codified Ordinances. (Filed 8-10-04; no testimony taken.)

**Second postponement granted at request of the City for additional research on the proposed project.**

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