

**BOARD OF ZONING APPEALS
DECEMBER 6, 2004**

9:30

Calendar No. 04-264:

3262 Fulton Road

Ward 14

Nelson Cintron

8 Notices

Michel and Ava Farivar, owners, appeal to change the use of an existing one-story brick building from a factory to a recreation use for martial arts, situated on a 66' x 139' corner lot in a Local Retail Business District on the southwest corner of Fulton Road and Robert Avenue at 3262 Fulton Road; subject to the limitations of Section 343.01, the martial arts use is first permitted in a General Retail District under Section 343.11(b)(2)(L) and 4 off-street parking spaces are proposed where 16 spaces are required, as stated in Section 349.04(e) of the Codified Ordinances.(Filed 10-22-04)

9:30

Calendar No. 04-288:

4912 Tillman Avenue

Ward 17

Matt Zone

6 Notices

Courtney Rice, appeals to erect a 26' x 24' two-story frame garage and dwelling addition on a 50' x 132' lot where there is a two-story single family dwelling in a Two-Family District on the north side of Tillman Avenue at 4912 Tillman Avenue; contrary to Section 357.09(2)(B), the total interior side yard provided is 6' and shall not be less than 10' and the existing, nonconforming interior side yard of less than 10' requires the Board of Zoning Appeals approval as stated in Section 359.01 of the Codified Ordinances.
(Filed 10-25-04)

9:30

Calendar No. 04-289:

8245 Broadway Avenue

Ward 2

Robert White

5 Notices

Anthony Konopinski, owner, appeals to establish a used car sales lot on a corner lot that is located in split zoning for General Retail Business and Semi-Industry Districts on the southeast corner of Broadway and Booth Avenues at 8245 Broadway Avenue; contrary to the Fence Regulations, a 6' high ornamental fence is proposed and fences in actual front and side street yards shall not exceed 4' in height as stated in Section 358.05(a)(2) of the Codified Ordinances. (Filed 10-27-04)

9:30

Calendar No. 04-290:

Erievew Land Company LLC

1301 East 9th Street

Ward 13

Joe Cimperman

Erievew Land Company LLC aka Minshall Development Company, owner c/o Aaron Rupert, agent, appeal under the authority of Section 76-6 of the Charter of the City of Cleveland and Section 329.01(e) of the Cleveland Codified Ordinances from a Violation Notice issued October 29, 2004 by the Building and Housing Department for failure to comply with Section 350.04 of the Sign Regulations, that requires no outdoor sign or display structure shall be erected until a permit has been issued and, otherwise, it is subject to the provisions of Section 350.18 of the Codified Ordinances.
(Filed 11-1-04)

**BOARD OF ZONING APPEALS
DECEMBER 6, 2004**

9:30

Calendar No. 04-291:

10504 Helena Avenue

Ward 8

Sabra Pierce Scott

9 Notices

Glenville New Life Community Church and Pastor Rick Gillespie, owner, appeal to construct a two-story frame multi-purpose center and assembly hall addition to an existing church building situated on a corner lot, located in a Local Retail Business District on the southeast corner of Helena Avenue and East 105th Street at 10504 Helena Avenue; subject to the Local Retail District limitations of Section 343.01, a multi-purpose center and assembly hall are first permitted in a General Retail Business District under Section 343.11(b)(2)(L) and contrary to Section 349.04(e), no off-street parking is proposed and 35 additional spaces are required; and Section 357.14(a)(1) prohibits the parking of motor vehicles along East 105th Street in the established 7' building line setback; and the Board of Zoning Appeals approval is required in Section 359.01(a) for the expansion of the existing nonconforming church and proposed addition, which are located less than the required 15' distance from an adjoining premises in a Residence District, as regulated by reference to a One-Family District in Section 337.02(e)(1) of the Codified Ordinances.

(Filed 11-3-04)

9:30

Calendar No. 04-292:

4274 East 137th Street

Ward 1

Joseph Jones

4 Notices

Shirley Boger, owner, appeals to erect a 7'-9" x 22' open front porch to an existing one family dwelling situated on a 40' x 115' lot in an A1 One-Family District on the west side of East 137th Street at 4274 East 137th Street; contrary to the Regulations for Yards and Courts a front porch projection of 7'-9" is provided and a porch shall not project more than 4' as stated in Section 357.13(b)(4) of the Codified Ordinances. (Filed 11-4-04)

9:30

Calendar No. 04-193:

2487 West 25th 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 25th Street at 2487 West 25th 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; Motion for Rehearing granted 11-15-04)

**BOARD OF ZONING APPEALS
DECEMBER 6, 2004**

POSTPONED FROM NOVEMBER 15, 2004

10:30

Calendar No. 04-225:

16911 Euclid Avenue

Ward 10

Roosevelt Coats

12 Notices

Roderick McClendon, owner, appeals to establish a used car sales lot as an additional use proposed to be on an approximate 55' x 220' irregular shaped lot that extends north from Euclid Avenue and fronts on the side street to the west, Urbana Road; and where an existing dwelling house and a car repair garage are situated in zoning for a Local Retail Business District and in a Multi-Family District at the street address of 16911 Euclid Avenue; contrary to Sections 343.01 and 347.08, the additional use is not permitted in a Local Retail District nor in a Multi-Family District but first permitted in a General Retail Business District; and contrary to Section 347.11(a), a lot width of 55' is proposed where a 60' minimum lot width is required; and contrary to Sections 357.04(a) and 357.14(a)(1)(2), the display of motor vehicles within a 26' front setback along Euclid Avenue is proposed where the required distance is 15% of the lot depth and the parking and sale of motor vehicles in the 20' front setback along Urbana Road is prohibited; and the expansion of an existing nonconforming use requires the Board of Zoning Appeals approval as stated in Section 359.01(a) of the Codified Ordinances. (Filed 9-16-04; testimony taken.)

Second postponement requested by appellant's architect for additional review of the proposed plan with the local development corporation.

10:30

Calendar No. 04-248:

17877 St. Clair Avenue

Ward 11

Michael Polensek

9 Notices

17877 Property Ltd, c/o Carl Munn, owner, and Tree of Hope Enrichment, c/o Robert Farmer, tenant, appeal to establish use of space in an existing 35' x 340' two-story masonry, industrial building for a day care facility, situated on an approximate 490' x 584' lot, located in Semi-Industry and General Industry Districts on the northerly side of St. Clair Avenue at 17877 St. Clair Avenue; the day care as proposed would be in a location that is split zoned for industrial use as described in Sections 345.03 and 345.04 and subject to the limitations of, and by reference to Section 337.02(f), the use as a day care requires the Board of Zoning Appeals approval to determine that such use is appropriately located and designed and that it will meet a community need without adversely affecting the neighborhood. (Filed 10-6-04; no testimony taken.)

First postponement requested by property owner because his tenant was not present at the hearing.
