

# BOARD OF ZONING APPEALS

May 10, 2004

9:30

Calendar Nos. 04-67:

5500 Courtland Court  
Unit 1

Ward 17

Matt Zone  
14 Notices

Denison Homes c/o Michael DeCesare, appeals to construct a three-story, one family townhouse dwelling unit on a 2,238 s/f portion of an approximate 194' x 100' parcel located in a Two-Family District on the north side of Courtland Court at 5500 Courtland Court; contrary to Section 355.04 of the Area Regulations for a "B" Area District, the maximum gross floor area exceeds the requirement of one-half the lot size area or 1,119 s/f, and a minimum street frontage of 25' is required where 22.33' is proposed and contrary to the Requirements for Yards and Courts, where the total interior side yards required are 10' and no interior side yard shall be less than 3' in width, there is a 5' and 0' side yard distance provided and the proposed residence building abuts a residence building on a separate lot and a residence building may not be erected within 10' of a residence building on a separate lot as stated in Section 357.09(2)B of the Codified Ordinances. (Filed 4-2-04)

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9:30

Calendar No. 04-68:

5500 Courtland Court  
Unit 2

Ward 17

Denison Homes c/o Michael DeCesare, appeals to construct a three-story, one family townhouse dwelling unit on a 1,736 s/f portion of an approximate 194' x 100' parcel located in a Two-Family District on the north side of Courtland Court at 5500 Courtland Court; contrary to Section 355.04 of the Area Regulations for a "B" Area District, the maximum gross floor area exceeds the requirement of one-half the lot size area or 868 s/f, and a minimum street frontage of 25' is required where 17.33' is proposed and contrary to the Requirements for Yards and Courts, where the total interior side yards required are 10' and no interior side yard shall be less than 3' in width, there are no side yards provided and a residence building may not be erected within 10' of a residence building on a separate lot as stated in Section 357.09(2)B of the Codified Ordinances.

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9:30

Calendar No. 04-69:

5500 Courtland Court  
Unit 3

Ward 17

Denison Homes c/o Michael DeCesare, appeals to construct a three-story, one family townhouse dwelling unit on a 1,736 s/f portion of an approximate 194' x 100' parcel located in a Two-Family District on the north side of Courtland Court at 5500 Courtland Court; contrary to Section 355.04 of the Area Regulations for a "B" Area District, the maximum gross floor area exceeds the requirement of one-half the lot size area or 868 s/f, and a minimum street frontage of 25' is required where 17.33' is proposed and contrary to the Requirements for Yards and Courts, where the total interior side yards required are 10' and no interior side yard shall be less than 3' in width, there are no side yards provided and a residence building may be erected within 10' of a residence building on a separate lot as stated in Section 357.09(2)B of the Codified Ordinances.

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**BOARD OF ZONING APPEALS  
MAY 10, 2004**

**9:30**

**Calendar No. 04-70:**

**5500 Courtland Court  
Unit 4**

**Ward 17**

**Matt Zone  
14 Notices**

Denison Homes c/o Michael DeCesare, appeals to construct a three-story, one family townhouse dwelling unit on a 1,752 s/f portion of an approximate 194' x 100' parcel located in a Two-Family District on the north side of Courtland Court at 5500 Courtland Court; contrary to Section 355.04 of the Area Regulations for a "B" Area District, the maximum gross floor area exceeds the requirement of one-half the lot size area or 876 s/f, and a minimum street frontage of 25' is required where 17.33' is proposed and contrary to the Requirements for Yards and Courts, where the total interior side yards required are 10' and no interior side yard shall be less than 3' in width, there are no side yards provided and a residence building may not be erected within 10' of a residence building on a separate lot as stated in Section 357.09(2)B of the Codified Ordinances.

(Filed 4-2-04)

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**9:30**

**Calendar No. 04-71:**

**5500 Courtland Court  
Unit 5**

**Ward 17**

Denison Homes c/o Michael DeCesare, appeals to construct a three-story, one family townhouse dwelling unit on a 1,722 s/f portion of an approximate 194' x 100' parcel located in a Two-Family District on the north side of Courtland Court at 5500 Courtland Court; contrary to Section 355.04 of the Area Regulations for a "B" Area District, the maximum gross floor area exceeds the requirement of one-half the lot size area or 861 s/f, and a minimum street frontage of 25' is required where 17.33' is proposed and contrary to the Requirements for Yards and Courts, where the total interior side yards required are 10' and no interior side yard shall be less than 3' in width, there are no side yards provided and a residence building may not be erected within 10' of a residence building on a separate lot as stated in Section 357.09(2)B of the Codified Ordinances.

**9:30**

**Calendar No. 04-72:**

**5500 Courtland Court  
Unit 6**

**Ward 17**

Denison Homes c/o Michael DeCesare, appeals to construct a three-story, one family townhouse dwelling unit on a 1,882 s/f portion of an approximate 194' x 100' parcel located in a Two-Family District on the north side of Courtland Court at 5500 Courtland Court; contrary to Section 355.04 of the Area Regulations for a "B" Area District, the maximum gross floor area exceeds the requirements of one-half the lot size area or 941 s/f, and a minimum street frontage of 25' is required where 12' is proposed and contrary to the Requirements for Yards and Courts, where the total interior side yards required are 10' and no interior side yard shall be less than 3' in width, and a 5' and 0' side yard distance is provided and a residence building may not be erected within 10' of a residence building on an adjoining lot as stated in Section 357.09(2)B of the Codified Ordinances.



**BOARD OF ZONING APPEALS  
MAY 10, 2004**

<b>9:30</b>		<b>Ward 13</b>
<b>Calendar No. 04-86:</b>	<b>2990 West 12<sup>th</sup> Street</b>	<b>Joe Cimperman</b>
		<b>5 Notices</b>

Jeffrey Rutushin, owner, appeals to change an existing two family dwelling to a three unit, multi-family dwelling situated on a 36' x 120' parcel in a Two-Family District on the southwest corner of West 12<sup>th</sup> Street and Castle Avenue at 2990 West 12<sup>th</sup> Street; contrary to Section 337.03 of the Residential Districts Regulations, a three family dwelling is not permitted in a Two-Family District but first permitted in a Multi-Family District and Section 349.04 of the Off-Street Parking and Loading Requirements, there is no parking provided where three spaces are required; and contrary to the Area Requirements under Section 355.05(a), the maximum gross floor area allowed is 2,160 s/f and 2,827 s/f is provided and the minimum lot area required is 7,200 s/f and 4,320 s/f is provided; and subject to the provisions for Nonconforming Uses, the existing nonconforming building has a side yard of 2.5' and requires the Board of Zoning Appeals approval as stated in Section 359.01 of the Codified Ordinances. (Filed 4-15-04)

<b>9:30</b>		<b>Ward 12</b>
<b>Calendar No. 04-87:</b>	<b>4087 East 81<sup>st</sup> Street</b>	<b>Edward Rybka</b>
		<b>4 Notices</b>

Anthony Glinski, owner, appeals to install a 4' high chain link fence along the front yard setback of a vacant parcel at the north side of one family dwelling house located in a Two-Family District on the east side of East 81<sup>st</sup> Street at 4087 East 81<sup>st</sup> Street; the proposed fence is contrary to the Fence Regulations that require ornamental fence materials to be used in the actual front yards of Residential Districts, unless the Board of Zoning Appeals determines that chain link fences are common in the immediate vicinity of the property as stated in Section 358.04(c)(1) of the Codified Ordinances. (Filed 4-19-04)

**POSTPONED FROM APRIL 26, 2004**

<b>10:30</b>		<b>Ward 15</b>
<b>Calendar No. 04-75:</b>	<b>2118 Broadview Road</b>	<b>Merle Gordon</b>
		<b>Violation Notice</b>

Hikmat and Jan Dakdouk, owners, appeal under Section 329.02(d) from a Violation Notice issued March 26, 2004 by the Building and Housing Department for unauthorized use under Section 327.02(C), where there shall be no change or substitution in use of any building or premises and no extension of any existing use, nor shall any premises be occupied for any new use until a Certificate of Occupancy has been issued; the

unauthorized use being subject to the Enforcement and Penalty provisions of Section 327.99 of the Codified Ordinances. (Filed 4-7-04; (no testimony taken.)

**First postponement granted for appellants' counsel, due to his scheduling conflict.**

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