

**BOARD OF ZONING APPEALS  
MAY 16, 2005**

**9:30**

**Calendar No. 05-17:**

**1545 Dexter Place**

**Ward 14**

**Nelson Cintron**

**10 Notices**

Urban Properties LLC, owner, and John Williams, agent, appeal to erect 14 townhouse units in 2 buildings consisting of 9 attached units proposed along the north side of Dexter Place and 5 attached units along the west side of West 28<sup>th</sup> Street, situated in a B1 Two-Family District on a through lot that encompasses land between Dexter Place and West 28<sup>th</sup> Street at 1545 Dexter Place; the proposed two multi-unit townhouse structures are contrary to Section 337.03 and are first allowed in a Multi-Family District; the height of 40' exceeds the 35' limit in Section 353.01 for a "1" Height District; and contrary to Section 355.04, an approximate 27,942 s/f is proposed in the "B" Area District where one-half the lot area equals 11,200 s/f; and a 5.2' front yard setback is proposed, instead of the required 15% of the lot depth required in Section 357.04(a); and the total interior side yards are 7' instead of the required 8' according to Section 357.09(b)(2)(C) of the Codified Ordinances. (Filed 1-24-05)

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**9:30**

**Calendar No. 05-77:**

**3400 St. Clair Avenue**

**Ward 13**

**Joe Cimperman**

**9 Notices**

The Hong Kong Trading Center and Sin Mun Chan, owner, appeal to expand an existing restaurant with the addition of a tavern and nightclub in a one-story brick building, situated on a 66' x 165' corner lot in a General Industry District on the southeast corner of St. Clair Avenue and East 34<sup>th</sup> Street; no parking is provided for the expansion, contrary to Section 349.04(e) that requires there be a new parking area equal to three times the gross floor area of the nightclub; and contrary to Section 347.12(a)(1), the new nightclub would be established within 500' of a Residential District on East 33<sup>rd</sup> Street. (Filed 4-4-05)

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**9:30**

**Calendar No. 05-78:**

**4300 Whitman Avenue**

**Ward 13**

**Joe Cimperman**

**10 Notices**

Larry Brichacek, owner, appeals to erect a 44' x 48' two-story frame, single family residence with an attached garage on a 100' x 55' irregular shaped corner lot, located in a B1 Two-Family District on the northeast corner of Whitman Avenue and West 44<sup>th</sup> Street at 4300 Whitman Avenue; contrary to Section 355.05, a minimum lot size of 4,200 s/f is proposed and 4,800 s/f is required; and the proposed front yard is contrary to Section 357.04 that requires it to be 15% of the lot depth; and contrary to Section 357.08, there is a 2' rear yard instead of 20' and an open front porch and side porch are proposed within the required 10' distance from the street line, contrary to Section 357.13(b)(4) of the Codified Ordinances. (Filed 4-4-05)

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**BOARD OF ZONING APPEALS  
MAY 16, 2005**

**9:30**  
**Calendar No. 05-79:                      1082 East 105<sup>th</sup> Street                      Ward 8**  
**Sabra Pierce Scott**  
**14 Notices**

Maher Ali, owner, was granted a variance on February 9, 2004 in Calendar No. 03-330 to construct a one-story grocery store on a corner lot situated in split zoning between Local Retail Business and B1 Two-Family Districts; appellant now proposes to expand the nonconforming use by adding the construction of a gas station, contrary to the Regulations for Local Retail and Two-Family Districts; and Section 349.02 requires there be no voluntary reduction of existing off-street parking, 11 spaces being the required equivalent, and contrary to Sections 343.18(e) and 343.18(c) a 24' unbroken curb is provided and a minimum of 30' is required between two successive driveways on the same lot along East 105<sup>th</sup> Street; and the driveway access to the property along Somerset Avenue must be located so that there's no less than 15' between the point of tangency of the driveway apron radius and a prolongation of the property line to the curb line measured at the curb line; and Section 343.15(b)(2) requires that no structure (a canopy) shall be built less than 20' from the property line adjacent to the public right of way; and the expansion of a nonconforming use requires the Board of Zoning Appeals approval under Section 359.01 of the Codified Ordinances. (Filed 4-7-05)

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**9:30**  
**Calendar No. 05-105:                      4098 Lee Road                      Ward 1**  
**Joseph Jones**  
**8 Notices**

Gary Thomas, owner, appeals to make a repair of 50% fire damage and to change the use from auto storage to auto repair in an existing 34' x 50' one-story, fire damaged building situated on a 40' x 135' lot in a General Retail Business District on the east side of Lee Road at 4098 Lee Road; contrary to Section 343.11, the proposed auto repair is not permitted in a General Retail Business District but first allowed in a Semi-Industry District, provided that it is located no less than 100' from a Residence District, as stated in Section 345.03 of the Codified Ordinances. (Filed 4-11-05)

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**9:30**  
**Calendar No. 05-106:                      2086 West 19<sup>th</sup> Street                      Ward 13**  
**Joe Cimperman**  
**5 Notices**

Martin McBride Niagra Homes, owner and Michael McBride, agent, appeal to erect a 22' x 20' two-story, frame room addition to an existing 1.5 story single family dwelling, situated on a 30' x 100' lot on the west side of West 19<sup>th</sup> Street at 2086 West 19<sup>th</sup> Street; as proposed, the addition provides only a 5' rear yard with the cantilevered second floor measurement of 3' instead of the 20' rear yard requirement, as stated in Section 357.08(b)(1) of the Codified Ordinances. (Filed 4-13-05)

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**BOARD OF ZONING APPEALS**

**MAY 16, 2005**

**9:30**

**Calendar No. 05-108:**

**8912 Morris Avenue**

**Ward 7**

**Fannie Lewis**

**23 Notices**

The Cleveland Municipal School District, owner, and Lester Cumberlander, agent, appeal to construct a new two-story, Kindergarten through Eighth Grade educational facility in a B1 Two-Family District on the site of the Daniel E. Morgan School, situated on acreage at the southeast corner of Morris Avenue and East 92<sup>nd</sup> Street at 8912 Morris Avenue; subject to the requirements of Section 337.02(f)(3)(C), a school and its accessory uses, if located less than 30' from a residential district, must have the Board of Zoning Appeals approval; and contrary to Sections 349.04(c) and (e), there are 59 parking spaces provided, instead of one for each two staff members and other employees or, 23 spaces, and one for each six gymnasium seats, or 50 spaces, for a combined total of 73 required spaces; and parking in the setback along Morris Avenue is prohibited, as stated in Section 357.14(a)(1) of the Codified Ordinances. (Filed 4-14-05)

**POSTPONED FROM APRIL 18, 2005**

**10:30**

**Calendar No. 03-35:**

**6402 Lansing Avenue**

**Ward 12**

**Edward Rybka**

**8 Notices**

Louis Sainato, owner, and Patricia Cole dba Patia's Child Care Center, were granted a variance on June 23, 2003 in Calendar No. 03-35 to change a commercial building into a day care center for children of the ages from 3 months to 12 years old, with hours of operation from 6 am to 6 pm on Monday through Friday. On February 10, 2005, appellant Cole was issued permit 19953 for the day care and now she asks that the Board of Zoning Appeals extend the day care hours of operation from 6 am to 6 pm, as specified in the Board's Resolution, and increase them to be from 6 am to 11 pm. (Filed 3-17-05; testimony taken.)

**First postponement granted for the appellant consult with the Councilman and the Slavic Village Development Corporation about the added hours of operation.**

**10:30**

**Calendar No. 05-41:**

**3596 East 131<sup>st</sup> Street**

**Ward 3**

**Zachary Reed**

**10 Notices**

Minnie Adams and Tyrone Reeder, owners, appeal to establish use for a car wash and a barber shop in an existing one-story masonry building, situated on a 120' x 208' lot in a Local Retail Business District on the west side of East 131<sup>st</sup> Street at 3596 East 131<sup>st</sup> Street; contrary to Section 343.01, a car wash is not permitted in a Local Retail Business District but first permitted in a General Retail Business District, provided that it meets the required 100' distance from the abutting Two-Family District at the rear; and contrary to Sections 339.03(b) and 339.03(b)(1) there are no bumper guards proposed for the accessory off-street parking and where only one driveway is permitted for each 100' of lot frontage, three driveways are proposed in the 120' lot frontage along East 131<sup>st</sup> Street; and contrary to the 10' specific building line setback established by the zoning map, a 6' setback is proposed with parking, contrary to Section 357.07 and the Yards and Courts Requirements of the Codified Ordinances. (Filed 2-28-05; no testimony taken)

**Second postponement requested for time to schedule a community meeting about the proposed plan.** \_\_\_\_\_