

BOARD OF ZONING APPEALS
AUGUST 21, 2006

9:30

Calendar No. 06-145:

12602-12712 Milligan Avenue

Ward 20

Martin Sweeney

7 Notices

The City of Cleveland, owner and the Community Development Department, appeal to construct a platform deck and to install approximately 280' of a 42" tall wooden fence in the actual front yard of an acreage parcel, located in an A1 One-Family District on the north side of Milligan Avenue at 12602-12712 Milligan Avenue also known as Milligan Gardens; the proposed fence material being contrary to the Fence Regulations that require fences in the actual front yard to be at least 50 percent open, as stated in Section 358.04(a) of the Codified Ordinances. (Filed 7-14-06)

9:30

Calendar No. 06-148:

940 East 72nd Street

Ward 8

Sabra Pierce Scott

17 Notices

LLLJ, Ltd. and Liberatore Noce, owner, appeal to construct a one-story pre-manufactured building, proposed to be situated on a 80' x 180.76' parcel and a lot consolidation of added land, that is located in a General Industry District on the west side of East 72nd Street at 940 East 72nd Street; subject to the limitations of Section 349.05(a), there may be no parking space located within 10' of any wall of a residence or any structure if the wall contains a ground floor opening designed to provide light or ventilation for the building; and Section 352.11 requires there to be a 6' wide frontage landscaped strip with 50% ever-green density along the East 70th and East 72nd Street parking lot frontage; and under Section 358.03(a), there shall be no portion of a fence located within 30' of an intersection of two street right-of-way lines that exceeds a 2 ½' height, unless all portions of the fence above 2 ½' are at least 75% open, and the same restriction applies to any portion of a fence located along and parallel to a driveway within 15' of its intersection with a public sidewalk or street, if no sidewalk is present; and an 8' high fence is proposed where a fence along front yards shall not exceed a 6' height as stated in Section 358.05(a)(1) of the Codified Ordinances. (Filed 7-18-06)

9:30

Calendar No. 06-149:

2353 East 61st Street

Ward 5

Phyllis Cleveland

4 Notices

Florence Pollard, owner, appeals to erect an open porch to the front of an existing multi-family building, situated on a 40' x 160' parcel located in a Multi-Family District on the east side of East 61st Street at 2353 East 61st Street; the proposed porch being subject to the restrictions of Section 329.04 that limit the power of the Board unless there are existing circumstances that allow the Board of Zoning Appeals to authorize a variance for a 9'-10" encroachment, contrary to the requirement that open porches shall not encroach more than 6' beyond the building line as stated in Section 357.13(b)(4) of the Codified Ordinances. (Filed 7-18-06)

**BOARD OF ZONING APPEALS
AUGUST 21, 2006**

POSTPONED FROM JULY 24, 2006

10:30

Calendar No. 06-84:

4726 Superior Avenue

Ward 13

Joe Cimperman

7 Notices

Carmelo Cario, owner, appeals to construct a 6' high chain link fence with barbwire in the actual front yard of an existing warehouse building situated on a 50' x 200' irregular shaped lot, located in a Semi-Industry District on the south side of Superior Avenue at 4726 Superior Avenue; contrary to the Fence Regulations for a non-residential district, a 6' fence height is proposed where not more than 4' is allowed and a fence with barbwire shall be located at least 4' from the sidewalk in a public-right-of-way, as stated in Section 358.05(2) of the Codified Ordinances. (Filed 5-16-06; testimony taken.)

Third postponement granted for the appellant to follow up on a City Storefront Program in the effort to achieve a suitable solution for the type of fence that helps to secure the property and will also have an appealing appearance.

10:30

Calendar No. 06-101:

2704 Clark Avenue

Ward 14

Joseph Santiago

20+ Notices

Gerald Zahler, owner, and Gennie Rodriguez, tenant, appeal to change use from a bar/tavern to a night club with live entertainment the approximate 52' x 136' space of an existing 152' x 144' one-story masonry retail building, situated on an acreage parcel located in a General Retail Business District on the north side of Clark Avenue at 2704 Clark Avenue; the proposed use being subject to the limitations of Section 347.12(a)(1), where a night club/bar with live entertainment/dance floor cannot be established within 500' of a residential district and the property abuts a residential district to the north; and Section 352.07(b)(2)A requires compliance with the landscaping requirements for a change of use; a 6' wide frontage landscaped strip of 50% year round opacity is required where the parking lot abuts the street, with installation of landscaping and screening according to the requirements under Sections 352.08 through 352.11, and a landscape plan is to be provided as stated in Section 352.12 of the Codified Ordinances. (Filed 5-24-06; testimony taken.)

Second postponement granted for the appellants to meet for additional community discussion with neighboring residential and business property owners, the local development corporation, the Community Development Neighborhood Planner, and the Councilman about the proposed plan. Appellants are also to provide a detail specific plan showing landscaping, security lighting and an 18' setback along Walton Avenue, and also a business plan describing all of the proposed use and/or activities for the premises, including the days and hours that are involved for the use.
