

**BOARD OF ZONING APPEALS
SEPTEMBER 13, 2004**

9:30

Calendar No. 04-196: 4603-05 West 130TH Street

Ward 20

Martin Sweeney

9 Notices

Nick Fedorchuk, owner, appeals to change from a barber shop to a machine shop the use of an existing one-story, concrete block, mixed use building, situated on a 57' x 140' parcel located in a General Retail Business District on the east side of West 130th Street at 3603-3605 West 130th Street; contrary to Section 343.11 of the Business Districts Regulations, where a machine shop is not permitted in a General Retail Business District but first permitted in a Semi-Industry District in accordance with Section 345.03(c)(31); and contrary to the Landscaping and Screening Requirements, no transition strip is proposed at the rear of the property, where a 10' wide transition strip is required for separation between the General Retail Business District and the One-Family District as stated in Section 352.09 of the Codified Ordinances. (Filed 8-11-04)

9:30

Calendar No. 04-197: 15700 Lakeshore Boulevard

Ward 11

Michael Polensek

16 Notices

Montlack Realty c/o Kurt Montlack, owner, appeal to expand an existing nonconforming auto repair use in a one-story 50' x 141' building, situated on an irregular shaped, corner lot located in a Shopping Center District at the southeast corner of East 156th Street and Lakeshore Boulevard at 15700 Lakeshore Boulevard; contrary to Section 343.03 of the Business Districts Regulations, an auto repair use is not permitted in a Shopping Center District but first permitted according to Section 345.03(c)(2) in a Semi-Industry District, if it is located not less than 100' from a Residence District, and subject to the provisions for Nonconforming Uses, the expansion, addition or substitution of a nonconforming use requires the Board of zoning Appeals approval as stated in Section 359.01 of the Codified Ordinances. (Filed 8-16-04)

9:30

Calendar No. 04-199: 2186 West 98th Street

Ward 18

Jay Westbrook

4 Notices

Ruth Rios, owner, appeals to install approximately 137.5' l/f of 4' high board on board fence at the front and north perimeter of a 36' x 120' corner lot in a Multi-Family District on the southwest corner of West 98th Street and Macon Avenue at 2186 West 98th Street; contrary to the Fence Regulations, fences in the actual front yard and side street yard in a Residence District must be at least 50% open and ornamental as stated in Sections 358.04(a)(c)(1) of the Codified Ordinances. (Filed 8-17-04)

**BOARD OF ZONING APPEALS
SEPTEMBER 13, 2004**

9:30

Calendar No. 04-200: 1598 East 85th Street

**Ward 7
Fannie Lewis
3 Notices**

Louise Jennings, owner, appeals to install a 4' high chain link fence at the front and along the north side of an existing 2 ½-story frame dwelling, situated on a 45' x 102' parcel in a Two-Family District on the west side of East 85th Street at 1598 East 85th Street; contrary to the Fence Regulations, a chain link fence is proposed and only ornamental fences may be in the actual front yard and side street yard in a Residence District, although a chain link fence may be allowed if the Board of Zoning Appeals determines that such fence is common in the immediate vicinity of the subject property, as stated in Section 358.05(c)(1) of the Codified Ordinances. (Filed 8-17-04)

9:30

Calendar No. 04-201: 7925 Elton Avenue

**Ward 17
Matt Zone
5 Notices**

Ernest Shinault, owner, appeals to install approximately 379' l/f of 4' high chain link fence with 4 gates to enclose an irregular shaped corner lot and a one family dwelling, located in a Two-Family District and situated on the southeast corner of Elton Avenue and West 79th Street at 7925 Elton Avenue; contrary to the Fence Regulations, a chain link fence is proposed and only ornamental fences may be in the actual front yards and side street yard in a Residence District, although a chain link fence may be allowed if the Board of Zoning Appeals determines that such fence is common in the immediate vicinity of the subject property, as stated in Section 358.05(c)(1) of the Codified Ordinances. (Filed 8-18-04)

9:30

Calendar No. 04-207: 3358 Rocky River Drive

**Ward 21
Michael Dolan
14 Notices**

Mark Cassidy, owner, appeals to install an oval access with two driveways at the front of a two-story, masonry and brick single family dwelling, situated on an approximate 72' x 218' irregular shaped parcel in an A1 One-Family District on the west side of Rocky River Drive at 3358 Rocky River Drive; contrary to Section 349.05 of the Off-Street Parking and Loading Requirements, the proposed parking spaces are not located behind the building setback line and subject to the requirements for access and maintenance of off-street parking spaces, driveways and maneuvering areas shall be properly graded for drainage so that all water drains within; a driveway used to provide accessibility to off-street parking spaces shall not cause traffic congestion and sidewalk approval from the Division of Engineering and Construction is required; and a 72' frontage is provided, where one driveway is permitted for a 100' frontage; and the driveway shall have an apron radius at the curb of not less than 6' as required in Sections 349.07(b)(c)(1)(3) of the Codified Ordinances. (Filed 8-27-04)

**BOARD OF ZONING APPEALS
SEPTEMBER 13, 2004**

POSTPONED FROM JULY 26, 2004

10:30

Calendar No. 04-125:

14300 Miles Avenue

Ward 1

Joseph Jones

14 Notices

Michael Sudman, owner, and Cathy Eaton, tenant, appeal to change the use of a one-story masonry, auto repair garage to a use for auto wrecking and auto parts sales, situated on an acreage parcel in a Semi-Industry District on the south side of Miles Avenue at 14300 Miles Avenue; contrary to Section 345.03 of the Regulations for Industrial Districts, where auto wrecking is not permitted in a Semi-Industry District, but first permitted under Section 345.04(a)(4) in a General Industry District, provided that it is in a minimum lot area of 50,000 s/f and is enclosed within a minimum 7' high solid masonry wall or slightly solid, nontransparent, well-maintained substantial fence and may have only one entrance that is a maximum of 20' in width; and no printing or lettering or advertisement may be on the outside wall or fence except for an identification sign located at the entrance to the proposed area; and contrary to the Regulations for Wrecking Yards, there is no barrier proposed where a setback area between the street line and the building line is required to have a 1 ½' high barrier around the setback area as stated in Section 347.06(e) of the Codified Ordinances. (Filed 5-25-04; testimony taken.)

Second postponement at the request of the Councilman due to the vacation schedule for the community council.

POSTPONED FROM JULY 19, 2004

10:30

Calendar No. 04-131:

271 East 156th Street

Ward 11

Michael Polensek

8 Notices

Doreen Mitchell, owner, appeals to change from a store to a day care, the use of a first floor and basement in an existing two-story brick building, situated on a 42' x 100' parcel in a Local Retail Business District on the east side of East 156th Street at 271 East 156th Street; the use as a day care regulated under Section 343.01(b)(1) of Business Districts but requiring the Board of Zoning Appeals approval to determine if adequate yard spaces and other safeguards to preserve the character of the neighborhood are provided, and if such buildings are appropriately located and designed to meet a community need without adversely affecting the neighborhood and if located not less than 30' from any adjoining premises in a Residence District not used for a similar purpose as stated in Section 337.02(f)(3)C of the Codified Ordinances. (Filed 5-28-04; testimony taken.)

Second postponement granted for appellant to resolve existing Building and Housing violations, improve building maintenance and submit a detail specific plan for the day care use.

BOARD OF ZONING APPEALS

SEPTEMBER 13, 2004

POSTPONED FROM AUGUST 16, 2004

10:30

Calendar No. 04-179:

4257 East 71st Street

Ward 12

Edward Rybka

9 Notices

Roy & Jay Inc. c/o Jay Patel, owner, appeal to expand an existing grocery store by adding a carry-out restaurant, situated on a 77' x 140' corner parcel in a Local Retail Business District on the northeast corner of East 71st Street and Rathbun Avenue at 4257 East 71st Street; subject to the provisions of Nonconforming Uses that require the Board of Zoning Appeals to approve the expansion of a nonconforming use, as stated in Section 359.01 of the Codified Ordinances. (Filed 7-22-04; no testimony taken.)

First postponement at request of the Councilman for additional review of the proposed plan.
