

BOARD OF ZONING APPEALS

JANUARY 22, 2007

9:30

Calendar No. 06-258:

12307-11 Larchmere Boulevard

Ward 6

Patricia Britt

15 Notices

John Negus, owner, appeals to establish use as auto sales and repair, proposed to be situated on a 100' x 155' consolidated parcel located in a Local Retail Business District on the north side of Larchmere Boulevard at 12307 Larchmere Boulevard; the proposed uses being contrary to Section 343.01, not permitted in a Local Retail District, with auto sales first permitted in a General Retail District and auto repair permitted first in a Semi-Industry District; and Section 349.04 requires that twenty-five percent (25%) of the lot must be reserved for customer parking, and under Section 349.05, parking is not permitted within 10' of a wall of a residential structure; and no landscaping is proposed at the rear of the lot where it abuts a two family residential district, and under Section 352.09 a 10' wide transition strip is required; and the expansion of a nonconforming use requires the Board of Zoning Appeals approval, as stated in Section 359.01 of the Codified Ordinances.

(Filed 12-19-06)

9:30

Calendar No. 06-259:

4423 Fenwick Avenue

Ward 17

Matthew Zone

11 Notices

Rysar Properties, owner and John Oswick, agent, appeal to erect a 24' x 34' two-story frame single family dwelling proposed to be situated on a 38.88' x 194.26' irregular shaped parcel located in a B1 Semi-Industry District on the south side of Fenwick Avenue at 4423 Fenwick Avenue; contrary to Section 355.04, a lot width of 38.88' is provided and a minimum lot width of 40' is required; and as proposed, the dwelling is a distance of 180' where no dwelling shall be located within 200 feet of the boundary line of an adjoining General Industry District, except that the Board of Zoning Appeals may make a determination otherwise, according to the provisions of Section 345.03(b); and a lot split or consolidation require approval from the Division of Engineering and Construction as stated in Section 327.02(e) of the Codified Ordinances (Filed 12-20-06)

Calendar No. 06-260:

4421 Fenwick Avenue

Rysar Properties, owner and John Oswick, agent, appeal to erect a 24' x 34' two-story frame, single family dwelling, proposed to be situated on a 38.88' x 127.15' irregular shaped parcel located in a B1 Semi-Industry District on the south side of Fenwick Avenue at 4421 Fenwick Avenue; contrary to Section 355.04, a lot width of 38.88' is provided and a minimum lot width of 40' is required; and as proposed, the dwelling is a distance of 180' where no dwelling shall be located within 200' of the boundary line of an adjoining General Industry District, except that the Board of Zoning Appeals may make a determination otherwise, according to the provisions of Section 345.03(b); and a lot split or consolidation require approval from the Division of Engineering and Construction as stated in Section 327.02(e) of the Codified Ordinances.

Calendar No. 06-261:

4415 Fenwick Avenue

Rysar Properties, owner and John Oswick, agent, appeal to erect a 24' x 34' two-story frame, single family dwelling, proposed to be situated on a 38.67' x 127.15' irregular shaped parcel located in a B1 Semi-Industry District on the south side of Fenwick Avenue at 4415 Fenwick Avenue; contrary to Section 355.04, a lot width of 38.67' is provided and a minimum lot width of 40' is required; and as proposed, the dwelling is a distance of 180' where no dwelling shall be located within 200' of the boundary line of an adjoining General Industry District, except that the Board of Zoning Appeals may make a determination otherwise, according to the provisions of Section 345.03(b); and a lot split or consolidation require approval from the Division of Engineering and Construction as stated in Section 327.02(e) of the Codified Ordinances.

**BOARD OF ZONING APPEALS
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9:30

Calendar No. 06-262:

4413 Fenwick Avenue

Ward 17

Matthew Zone

11 Notices

Rysar Properties, owner and John Oswick, agent, appeal to erect a 24' x 34' two-story frame, single family dwelling, proposed to be situated on a 38.88' x 194.26' irregular shaped parcel located in a B1 Semi-Industry District on the south side of Fenwick Avenue at 4413 Fenwick Avenue; contrary to Section 355.04, a lot width of 38.88' is provided and a minimum lot width of 40' is required; and as proposed, the dwelling is a distance of 180' where no dwelling shall be located within 200' of the boundary line of an adjoining General Industry District, except that the Board of Zoning Appeals may make a determination otherwise, according to the provisions of Section 345.03(b); and a lot split or consolidation require approval from the Division of Engineering and Construction as stated in Section 327.02(e) of the Codified Ordinances. (Filed 12-20-06) _____

9:30

Calendar No. 07-1:

2042-44 East 4th Street

Ward 13

Joe Cimperman

8 Notices

Krause Project Partners, LLC, owner, appeal to change use from a jewelry store to a restaurant/night club the first floor and part of the basement level of an existing six-story building, situated on a 25' x 100' parcel located in a General Retail Business District on the west side of West 4th Street at 2042-44 West 4th Street; under the provisions of Sections 343.11(b)(2)(L), amusement and recreational uses, such as a night club, are subject to the regulations of Section 347.12, provided that the place or building in which such use is operated is sufficiently sound-insulated to confine the use to the premises; and no such use, a night club, may be established within 500' of another such use, as stated in Section 347.12(a)(2) of the Codified Ordinances. (Filed 1-3-07) _____

POSTPONED FROM JANUARY 8, 2007

10:30

Calendar No. 06-224:

4421 State Road

Ward 16

Kevin Kelley

10 Notices

Bryce D. Robertson, owner, appeals to erect a 1,500 square foot storage building at the rear premises of an auto repair business, situated on a 108' x 117' corner parcel located in a Local Retail Business District on the northeast corner of State Road and Ruby Avenue at 4421 State Road; subject to Section 359.01, the expansion of a nonconforming use requires the Board of Zoning Appeals approval as stated in the Codified Ordinances. (Filed 10-23-06; testimony taken.)

Second postponement taken by the Councilman at the request of the Board to allow staff review of the plan submitted by the appellant at the time of the hearing on January 8, 2007.

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POSTPONED FROM DECEMBER 18, 2006

10:30

Calendar No. 06-241:

**3018 East 55th Street
License Application**

Ward 5

Phyllis Cleveland

Ian Abrams d.b.a. The Scrap Yard, LLC appeals under the authority of Section 76-6 of the Charter of the City of Cleveland and Section 329.02(d) of the Codified Ordinances from being denied a Junk Dealer or Scrap Metal Processor license on November 17, 2006 by the Commissioner of Assessments and Licenses, upon the disapproval of his license application by the Building and Housing Department for the property at 3018 East 55th Street.
(Filed 11-21-06; no testimony taken.)

First postponement requested by counsel for the appellant.

10:30

Calendar No. 06-242:

**17149 St. Clair Avenue
License Application**

Ward 11

Michael Polensek

Brian Kuhar d.b.a. All City Recycling, Inc. appeals under the authority of Section 76-6 of the Charter of the City of Cleveland and Section 329.02(d) of the Codified Ordinances from being denied a Junk Dealer or Scrap Metal Processor license on November 17, 2006 by the Commissioner of Assessments and Licenses, upon the disapproval of his license application by the Building and Housing Department for the property at 17149 St. Clair Avenue.(Filed 11-22-06; no testimony taken.)

First postponement requested by counsel for the appellant.
