

**BOARD OF ZONING APPEALS  
DECEMBER 10, 2007**

**9:30**

**Calendar No. 07-230:**

**2442 Professor Avenue**

**Ward 13**

**Joe Cimperman**

Terry Zachary aka Taras Zacharyj dba Roosevelt Post #58 appeals under the authority of Section 76-6 of the Charter of the City of Cleveland from the decision of the Public Safety Department to disapprove an application for a Music Permit for the premises at 2442 Professor Avenue, as stated in the notice issued October 29, 2007 from the Commissioner of the Cleveland Division of Assessments and Licenses.

**9:30**

**Calendar No. 07-231:**

**2442 Professor Avenue**

**Ward 13**

Terry Zachary aka Taras Zacharyj dba Roosevelt Post #58 appeals under the authority of Section 76-6 of the Charter of the City of Cleveland from the decision of the Public Safety Department to disapprove an application for a Coin Operated Amusement Device License for the premises at 2442 Professor Avenue, as stated in the notice issued October 29, 2007 from the Commissioner of the Cleveland Division of Assessments and Licenses.

**9:30**

**Calendar No. 07-232:**

**2442 Professor Avenue**

**Ward 13**

Terry Zachary aka Taras Zaharyj dba Roosevelt Post #58 appeals under the authority of Section 76-6 of the Charter of the City of Cleveland from the decision of the Public Safety Department to disapprove an application for a Coin Operated Pool Table License for the premises at 2442 Professor Avenue, as stated in the notice issued October 29, 2007 from the Commissioner of the Cleveland Division of Assessments and Licenses. (Filed 11-8-07)

**9:30**

**Calendar No. 07-233:**

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**4323 West 130<sup>th</sup> Street**

**Ward 19**

**Dona Brady**

**7 Notices**

Donald Kravitz dba Broken Wheel Auto Parts and Wrecking Company, owner, appeals to establish use for automobile dismantling, parts storage and fleet service on property located in split zoning between Semi-Industry and General Industry Districts on the east side of West 130<sup>th</sup> Street at 4323 West 130<sup>th</sup> Street; subject to the limitations of Section 345.03, automobile dismantling/wrecking is not permitted and first permitted in a General Industry District; and the provisions of Section 345.04(a)(4) require that the yard be enclosed within a minimum 7 foot high solid masonry wall or slightly solid, nontransparent, well-maintained substantial fence; and in any use district allowing junk or wrecking yards, the storage of such junk or used material shall not be piled higher than 3 feet above the height of the wall or fence enclosing the yard, provided that at any point closer than 5 feet, the junk or used material shall not be piled above the heights of the wall or fence, as stated in Section 347.06(d); and Section 349.07(a) requires that accessory off-street parking spaces, driveways and maneuvering areas shall be properly graded for drainage so that all water is drained within the lot providing such parking spaces, surfaced with concrete, asphaltic concrete, asphalt or similar surfacing material, maintained in good condition and free of debris and trash with the specific locations for parking indicated; and a 6 foot wide frontage landscaped strip is required at the parking lot, pursuant to Section 352.10 of the Codified Ordinances. (Filed 11-13-07)

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**BOARD OF ZONING APPEALS  
DECEMBER 10, 2007**

**9:30**

**Calendar No. 07-236:**

**1600 Buhrer Avenue**

**Ward 14**

**Joseph Santiago**

**12 Notices**

The Cleveland Municipal School District, owner, and Gary Goss, agent, appeal to construct an accessory parking lot for a public school, proposed to be situated on a 40' x 63' parcel in a Two-Family District on the north side of Buhrer Avenue at 1600 Buhrer Avenue; where an 11 foot distance is provided from the property line, and any driveway providing access to a property shall be located so that there would be not less than 15 feet between the point of tangency of the driveway apron radius and a prolongation of the property line to the curb measured at the curb line, according to the provisions of Section 343.18(c) of the Codified Ordinances. (Filed 11-15-07)

**10:30**

**Calendar No. 07-212:**

**3204 Carroll Avenue**

**Ward 13**

**Joseph Cimperman**

**6 Notices**

With a Motion for Rehearing granted on November 12, 2007, applicant West 32<sup>nd</sup> Street Group LLC, owner, and Scott Maloney, agent, appeal to establish a 12 car parking lot on a 64' x 59.50' corner parcel, located in a B1 Two-Family District on the northwest corner of Carroll Avenue and West 32<sup>nd</sup> Street at 3204 Carroll Avenue; the proposed parking lot being subject to the provisions of Section 349.13(c) and requires the Board of Zoning Appeals approval, and contrary to the 6 foot wide frontage that is required for an open, off-street parking lot, a 5 foot wide frontage strip is provided along Carroll Avenue and along West 32<sup>nd</sup> Street a 3.6 foot wide frontage strip is provided, contrary to the landscaping and screening requirements of Sections 352.08 through 352.12; and parking shall not be located within 10 feet of any wall of a residential building or structure if such wall contains a ground floor opening designed to provide light or ventilation for such building or structure, as stated in Section 349.05(a) of the Codified Ordinances. (Filed 10-18-07; heard 11-5-07; rehearing granted 11-12-07)

**POSTPONED FROM NOVEMBER 5, 2007**

**10:30**

**Calendar No. 07-210:**

**2710 Lorain Avenue**

**Ward 13**

**Joe Cimperman**

**13 Notices**

Maggie Realty LLC and Victor Halm, owner, and Robert Ivanov, lessee, appeal to expand a legal nonconforming restaurant/tavern to a restaurant/tavern with entertainment in a three-story mixed use building, situated on a 33' x 122' parcel in a General Retail Business District on the north side of Lorain Avenue at 2710 Lorain Avenue; subject to the provisions of Section 359.01(a), the expansion of a nonconforming use requires the Board of Zoning Appeals approval, where the existing establishment was granted a parking variance in Calendar No. 77-151 for a shortage of 38 parking spaces, and the proposed bar with entertainment requires parking at three times the gross floor area, or 3,000 square feet multiplied by three, divided by 300 square feet per parking space, or a requirement of 30 spaces, according to Section 349.04(e) of the Codified Ordinances. (Filed 10-12-07; testimony taken.)

**First postponement granted to allow for additional community dialogue about the applicants' proposal.**

**BOARD OF ZONING APPEALS  
DECEMBER 10, 2007**

**POSTPONED FROM NOVEMBER 12, 2007**

**10:30**

**Calendar No. 07-213:**

**5421 Fleet Avenue**

**Ward 12**

**Anthony Brancatelli**

**18 Notices**

Fleet Avenue Investments Ltd., owner, and Patrick Farrell, tenant, appeal to expand an existing bar into an adjacent vacant tenant space in a two-story building, situated on a 40.01' x 130' parcel in a Local Retail Business District on the northwest corner of Fleet Avenue and East 55<sup>th</sup> Street at 5421 Fleet Avenue; contrary to Section 349.04(f) no additional parking spaces are proposed where a credit for the existing use equals 5 spaces and 6 additional parking spaces are required to provide a total off-street parking requirement of 11 spaces; and the proposed expansion of a nonconforming use is subject to the Board of Zoning Appeals approval, according to the provisions of Section 359.01 of the Codified Ordinances. (Filed 10-18-07; testimony taken.)

**First postponement taken to allow time for additional communication and consensus between the property owner, the tenant, the councilman, Slavic Village Development Corporation and the city Planning neighborhood planner regarding the applicants' proposal.**

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