

**BOARD OF ZONING APPEALS
DECEMBER 4, 2006**

9:30

Calendar No. 06-230:

4835 Broadview Road

Ward 16

Kevin Kelley

8 Notices

Villa Care Realty, owner, and Scott Soeder dba Home Team Properties, prospective purchaser, appeal to change from a nursing home to commercial offices the use of an existing two-story brick building, situated on an approximate 104 foot x 132 foot corner lot in a C1 Multi-Family District, located on the northeast corner of Broadview Road and Merl Avenue at 4835 Broadview Road; subject to the limitations of Section 337.08 a use for offices is not permitted in a Multi-Family District, but first permitted in a General Retail Business District if occupied by more than five persons; and five parking spaces are provided, contrary to Section 349.04(g) that requires parking at the rate of one space per 500 square feet, or 20 spaces; with no transition strip provided along the rear property line, where a 10 foot wide landscaped transition strip is required to separate the proposed use from the abutting Two-Family District, according to Sections 352.08 through 352.12 of the Codified Ordinances. (Filed 10-31-06)

9:30

Calendar No. 06-231:

3420 Paris Avenue

Ward 14

Joseph Santiago

7 Notices

Manuela Rex, owner, appeals to install a 6 foot tall ornamental fence in the front yard setback of a 41 foot x 130 foot parcel located in a B1 Two-Family District on the north side of Paris Avenue at 3420 Paris Avenue; the proposed height being contrary to the Fence Regulations that restrict fences in a Residence District to a 4 foot height in the front yard setback, as stated in Section 358.04(a) of the Codified Ordinances. (Filed 11-3-06)

9:30

Calendar No. 06-232:

3141 Fulton Road

Ward 14

Joseph Santiago

7 Notices

Owen Rex, owner, appeals to install a 6 foot tall ornamental fence in the front yard setback of a 50 foot x 130 foot corner parcel, located in a B1 Two-Family District on the northeast corner of Fulton Road and Paris Avenue at 3141 Fulton Road; the proposed height being contrary to the Fence Regulations that restrict fences in a Residence District to a 4 foot height in the front yard setback, as stated in Section 358.04(a) of the Codified Ordinances. (Filed 11-3-06)

**BOARD OF ZONING APPEALS
DECEMBER 4, 2006**

9:30

Calendar No. 06-233:

1844 West 25th Street

Ward 13

Joe Cimperman

12 Notices

TEG Enterprises, Inc., owner, and John Stuchal, prospective tenant, appeal to change from a store to a restaurant with 28 seats and a staff of 6 employees the use of an existing two-story building, situated on a 19 foot x 112 foot parcel located in a General Retail Business District on the west side of West 25th Street at 1844 West 25th Street; with a credit of two parking spaces being applied, the proposed use does not meet the accessory off-street parking requirement, which is determined at the rate of one space per four seats and one space per employee, or a total of 11 parking spaces that are required according, to Section 349.04 of the Codified Ordinances. (Filed 11-7-06)

9:30

Calendar No. 06-234:

1427 East 45th Street

Ward 13

Joe Cimperman

11 Notices

Urban Housing Ltd., CLV Lofts, LLC and Doug Perkowski, owner, appeal to convert an existing warehouse to a 20 dwelling unit apartment building, situated on a 78 foot x 203 foot parcel located in a C2 Semi-Industry District on the east side of East 45th Street at 1427 East 45th Street; contrary to Section 355.05 and the regulations for a "C" Area District, the maximum gross floor area of the building exceeds one half of the lot area, and a 19,325 square foot floor area is proposed where the gross floor area is limited to 7,878 square feet; and in Section 357.08(b)(2) a rear yard may not be less than one half the height of the building and 7 feet 4 inches is proposed, where the rear yard requirement is 21 feet; and the proposed side yards are 6 feet and 2 feet 10 inches, instead of being no less than one-fourth of the height of the building, or a total of side yards equaling 10 feet 6 inches, according to Section 357.09(b)(2)(C) of the Codified Ordinances. (Filed 11-8-06)

9:30

Calendar No. 06-235:

3470 East 93rd Street

Ward 5

Phyllis Cleveland

11 Notices

St. Catherine Avenue Family Dollar Ltd., owner, and Jay Romer, appeal to construct a retail store building proposed to be situated on a 371 foot x 184 foot parcel located in split zoning between General Retail Business and Two-Family Districts on the southwest corner of East 93rd Street and St. Catherine Avenue at 3470 East 93rd Street; subject to the limitations of Section 337.03 a retail store is not permitted in the Residence District but first permitted in a Local Retail Business District; and the Board of Zoning Appeals shall not allow uses other than those listed in the Zoning Code as permitted in the use district lower in order of restrictiveness to the district in which such lot is located, as stated in Section 329.04(d)(3) of the Codified Ordinances. (Filed 11-10-06)

**BOARD OF ZONING APPEALS
DECEMBER 4, 2006**

POSTPONED FROM OCTOBER 30, 2006

10:30

Calendar No. 06-165:

6104 Carnegie Avenue

Ward 5

Phyllis Cleveland

3 Notices

3320 Woodland Avenue Ltd., owner, and Deborah Thompson, agent, appeal to erect one 50' high billboard with two 14' x 48' sign faces to be situated on an approximate 157' x 154' triangular parcel, located in the Midtown Mixed Use District- 3 on the south side of Carnegie Avenue at 6104 Carnegie Avenue; the proposed billboard not being permitted in a Business Revitalization District and only permitted to be in General Industry and Unrestricted Industry zoning districts, as stated in Section 350.10(a) of the Codified Ordinances. (Filed 8-3-06; testimony taken.)

Third postponement granted for appellants to provide Midtown Development and City Planning with a list of appellants' billboards citywide, indicating permits where they exist and developing an analysis of recommended options for billboard removals to achieve a possible balanced exchange for the proposed billboard installation.

POSTPONED FROM NOVEMBER 13, 2006

10:30

Calendar No. 06-211:

11805 Forest Avenue

Ward 4

Kenneth Johnson

7 Notices

Audrey Render, owner, appeals to expand use by including a day care use in an existing two-story one family dwelling unit, situated on a thirty-five foot by one hundred forty foot parcel located in a B1 Two-Family District on the north side of Forest Avenue at 11805 Forest Avenue; subject to the limitations of Section 337.03, and by reference as regulated in a One-Family District, Section 337.02(f)(3)C, the proposed use is located less than the required thirty foot distance from a residential district, and the Type A day care requires 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 in the judgment of the Board such buildings and uses are appropriately located and designed and will meet a community need without adversely affecting the neighborhood. (Filed 10-4-06; no testimony taken.)

First postponement requested by the appellant to provide more details on the proposed plan.