

BOARD OF ZONING APPEALS
JULY 16, 2007

9:30 **Ward 20**
Calendar No. 07-101: **4961 Old Grayton Road** **Martin Sweeney**
1 Notice

Jonathan Ullrich, owner, appeals to construct a storage building expansion on an irregular shaped acreage parcel, located in an A1 Semi-Industry District on the east side of Old Grayton Road at 4961 Old Grayton Road; the proposed expansion being contrary to Section 357.15(a) with a 9 foot distance where 40 feet is the required yard space between residential and other buildings; and approval of the Board of Zoning Appeals is required for the nonconforming conditions, as stated in Section 359.01 of the Codified Ordinances. (Filed 6-1-07)

9:30 **Ward 20**
Calendar No. 07-102: **Violation Notice** **Martin Sweeney**
15206 Aldene Avenue **8 Notices**

Robert and Sharon DeCarlo appeal under the authority of Section 76-6 of the Cleveland City Charter and Section 329.02(d) of the Cleveland Codified Ordinances from a Notice of Violation, issued by the Building and Housing Department on May 2, 2007 for failure to comply with the Zoning Code and the requirements for Yards and Courts under Section 357.13 and the Off-Street Parking and Loading requirements under Sections 349.05(a) and 349.02 of the Codified Ordinances.
(Filed 6-1-07)

9:30 **Ward 14**
Calendar No. 07-104: **3130 Sackett Avenue** **Joseph Santiago**
5 Notices

Cleveland Housing Network, owner, appeals to erect a second floor 20.4' x 12.2' room addition to an existing single family dwelling, situated on a 34' x 65.17' parcel located in a General Retail Business District on the north side of Sackett Avenue at 3130 Sackett Avenue; contrary to Section 357.09(2)B a distance of 2' is provided from the property line and a One-Family District minimum distance of 3' is required; and the lot width of 34' contrary to 40' and a maximum gross floor area of 1,120 square feet provided, where 1,107 square feet is required by the provisions of Section 355.04; with the parking space at 12" contrary to 18" required in Section 337.23(a); and the expansion of an existing nonconforming use requires the Board of Zoning Appeals approval according to Section 359.01 of the Codified Ordinances.
Filed 6-8-07)

9:30 **Ward 15**
Calendar No. 07-105: **3995 Jennings Road** **Brian Cummins**
3 Notices

Daniel Cudnik, owner, appeals to erect a second free-standing sign that is 85.5 square feet and 29.5 feet high, to be situated on an irregular shaped corner parcel in an Unrestricted Industry District on the northeast corner of Jennings Road and Harvard Avenue at 3995 Jennings Road; subject to the limitations of Section 350.15(b), the proposed sign exceeds the maximum size of 50 square feet and the maximum height of 25 feet that are allowed; and a second free standing sign shall be permitted on a lot only if the lot is served by more than one vehicle entrance and if there is a minimum distance of 500 feet between the two signs; and a distance between 30 to 40 feet from an existing free standing sign is proposed, contrary to Section 350.20(b)(2) of the Codified Ordinances. (Filed 6-8-07)

9:30 **Ward 13**
Calendar No. 07-106: **3048-3064 Mabel Court** **Joe Cimperman**
8 Notices

The Ohio Condominium Association, owner, and Marlene Sundheimer, agent, appeal to install approximately 55 linear feet of 12 foot high wood fenced around the perimeters of a flag shaped acreage parcel located in a Two-Family District on the north side of Mabel Court and West 31st Street at 3048-3064 Mabel Court; contrary to the Fence Regulations, the proposed height exceeds the 6 foot height limitation for fences in actual rear yards and interior side yards and no fence shall be higher than its distance from a residence building on an adjoining lot, as stated in Section 358.04(a) of the Codified Ordinances. (Filed 6-11-07)

9:30

Calendar No. 07-107:

10921 Carnegie Avenue

Ward 9

Kevin Conwell

5 Notices

The Cleveland Clinic Foundation, owner, appeals to construct a parking lot, proposed to be situated on a 159.50' x 114.34' parcel located in split zoning between a General Retail Business District and a Multi-Family District on the northwest corner of Carnegie Avenue and Stearns Road at 10921 Carnegie Avenue; subject to the limitations of Section 349.13(c) and (d), when in the opinion of the Board of Zoning Appeals the best interests of the community will be served, a temporary or permanent use of land in a Residence District other than a Limited One-Family District, may be permitted for a parking lot provided that:

- 1) it is used only for parking of passenger automobiles of employees, customers or guests of the person or firm controlling and operating the lot who shall be responsible for its maintenance;
- 2) no charge is to be made for parking on the lot;
- 3) the lot is not to be used for sales, repair work or servicing of any kind;
- 4) the entrance to and exit from the lot are located so as to do the least harm to the Residence District;
- 5) no advertising sign or material is to be located on the lot;
- 6) all parking is to be kept back of the setback building line by barrier unless specifically authorized otherwise by the Board;
- 7) the parking lot and that portion of the driveway back of the building line are to be adequately screened from the street and from adjoining property in a Residence District by a hedge, sightly fence or wall not less than 4' high and not more than 5' high located back of the setback building line, and all lighting is to be arranged so that there will be no glare that is annoying to occupants of adjoining residential property, and the surface of the parking lot is to be smoothly graded, hard surfaced and adequately drained;
- 8) the building permit under which the lot is established is to be posted;
- 9) such other and further conditions as may be imposed where the Board deems necessary in any specific case to reduce the adverse effect of the

proximity of a parking lot upon the character, development and maintenance of the Residence District in which the parking lot is to be located.

The Board may, after public notice and hearing, and subject to appropriate conditions and safeguards, permit a public parking lot or one-story public garage in a Residence District, provided the Board finds there is need for such facility to serve the permitted uses in the District.

Further subject to the provisions of Section 325.03, parking spaces shall be at least 180 square feet; and contrary to Sections 352.10 and 352.11, no frontage landscape strips are provided along Carnegie Avenue and East 109th Street where 6 foot wide frontage landscaping is required; with a 5 foot setback required along East 109th Street and a 10 foot setback is required on the rear third of the lot along East 109th Street, as stated in Sections 357.05(a) and (b)(1) of the Codified Ordinances.

(File 6-13-07)

9:30

Ward 14

Calendar No. 07-108:

3004 Vega Avenue

**Joseph Santiago
3 Notices**

Nelson Cintron, Jr. , owner, appeals to erect a 20' x 16' double-decker rear porch on an existing two family dwelling situated on a 32' x 132' parcel located in a Two-Family District on the north side of Vega Avenue at 3004 Vega Avenue; contrary to Section 357.09(2)(b), a 2' distance is provided and a minimum interior side yard of 3' is required; and the Board of Zoning Appeals approval is required for the existing nonconforming use, according to the provisions of Section 359.01 of the Codified Ordinances. (Filed 6-14-07)

9:30

Calendar No. 07-122:

10090 Chester Avenue

**Ward 6
Patricia Britt
5 Notices**

The Cleveland Clinic Foundation, owner, and Rite Aid, lessee, appeal to construct a one-story 11,157 square foot retail store, proposed to be situated on an acreage parcel in a General Retail Business District on the southwest corner of Chester Avenue and East 101st Street at 10090 Chester Avenue; subject to the driveway regulations for General and Local Retail Districts and Section 343.18.(c), a driveway providing access to a property shall be located so there is 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 line measured at the curb line; and the parking of motor vehicles within the established 10 foot building line setback along East 101st Street is prohibited as stated in Section 357.14 of the Codified Ordinances. (Filed 6-27-07)

POSTPONED FROM JUNE 11, 2007

10:30

Calendar No. 07-71:

4500 West 130th Street

**Ward 20
Martin Sweeney**

Gary Weiss aka B.M.W. Realty Company, Inc. and Joseph Valore appeal under the authority of Section 76-6 of the Cleveland City Charter and Section 329.02(d) of the Codified Ordinances from a Notice of Violation issued by the Building and Housing Department on April 16, 2007 for unauthorized use, according to the provisions of Section 327.02(c) of the Codified Ordinances. (Filed 5-8-07; no testimony taken.)

10:30

Calendar No. 07-72:

4542 West 130th Street

Ward 20

Gary Weiss aka B.M.W. Realty Company, Inc. and Joseph Valore appeal under the authority of Section 76-6 of the Cleveland City Charter and Section 329.02(d) of the Codified Ordinances from a Notice of Violation issued by the Building and Housing Department on April 16, 2007 for unauthorized use, according to the provisions of Section 327.02(c) of the Codified Ordinances. (Filed 5-8-07; no testimony taken.)

First postponement requested by appellant's counsel for additional preparation time.