

BOARD OF ZONING APPEALS
JULY 2, 2007

9:30

Calendar No. 07-83:

2287 East 105th Street

Ward 6

Patricia Britt

9 Notices

Blasé Pietrafese, owner, and Anita Lillard, prospective tenant, appeal to change use from a store to a commercial kitchen and the storage of hot dog vending supplies and equipment in a one-story building, situated on a 50' x 115' corner parcel located in a General Retail Business District on the northeast corner of East 105th Street and Norman Avenue at 2287 East 105th Street; the proposed change to a commercial kitchen and storage use being first permitted in a Semi-Industry District and contrary to the permitted uses and provisions of Section 343.11 of the Codified Ordinances. (Filed 5-17-07) _____

9:30

Calendar No. 07-85:

2906 Fulton Road

Ward 14

Joseph Santiago

19 Notices

Caribe Development Company, owner and Luis Burgos, appeal to erect a 5,200 square foot, one-story retail building, proposed to be situated on a 75.42' x 55' corner parcel located in a Local Retail Business District on the northwest corner of Fulton Road and Seymour Avenue at 2906 Fulton Road; contrary to Section 357.05(b)(1), a 5' side street setback line is proposed on the rear third of the corner lot and in a Local Retail District, where the rear lot line abuts a residence district, the building line shall not be less than 10' back from the side street line; and subject to the limitations of Section 357.13, parking in the required front yard is not a permitted encroachment; and a 6' fence height is proposed in the side street yard, where a fence may not exceed a 4' height as stated in Section 358.05(a)(2) of the Codified Ordinances. (Filed 5-18-07) _____

9:30

Calendar No. 07-86:

12106-12112 Mayfield Road

Ward 6

Patricia Britt

16 Notices

Flynn Properties LLC, owner, and Terry Tarantino, tenant, appeal to renovate an existing restaurant on the ground floor of a three-story building and include the addition of an 80 seat outdoor patio area, and an additional 34 indoor seats, situated on a 65.80' x 136' corner parcel located in a General Retail Business District on the southwest corner of Mayfield and Murray Hill Roads at 12106-12112 Mayfield Road; the proposed expansion being subject to the provisions of Section 349.04(f) and accessory off-street parking that is required at the rate of one space for every four seats, plus one for each employee, or an additional 29 accessory off-street parking spaces to accommodate the additional 114 seats; with the Board of Zoning Appeals approval required for the expansion of an existing nonconforming use, according to the provisions of Section 359.01 of the Codified Ordinances. (Filed 5-18-07)

BOARD OF ZONING APPEALS
JULY 2, 2007

9:30

Calendar No. 07-87:

17601 Tarkington Avenue

Ward 1

Nina Turner

8 Notices

Afua Gnatt, owner, appeals for an expansion of use to include a day care in an existing one family dwelling, situated on a 46.6' x 125' corner parcel located in an A 1 One-Family District on the northeast corner of Tarkington Avenue and East 176th Street at 17601 Tarkington Avenue; the proposed use being located less than 30' from an adjoining premises in a residential district contrary to Section 337.02(f)(3)(C) and is subject to the review and approval of the Board of Zoning Appeals 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 use is appropriately located and designed and will meet a community need without adversely affecting the neighborhood. (Filed 5-18-07)

9:30

Calendar No. 07-89:

15314 Macauley Avenue

Ward 11

Michael Polensek

14 Notices

Frank Zigman, owner, and Tommie Rambo, lessee, appeal to change from a funeral home to a church the use of an existing two-story building, situated on an 80' x 147' parcel located in a Two-Family District on the south side of Macauley Avenue at 15314 Macauley Avenue; the proposed change being subject to the limitations of Section 337.03 and by reference as regulated in a One-Family District, where a church and uses, if located less than 15' from a residential district, requires the Board of Zoning Appeals approval, as stated in Section 337.02(e)(1) of the Codified Ordinances. (Filed 5-24-07)

9:30

Calendar No. 07-90:

5716 Franklin Boulevard

Ward 17

Matthew Zone

4 Notices

Raman Gohel, owner, appeals to change use of an existing 21' x 50' six dwelling units building to a two family dwelling, situated on a 44' x 138.96' parcel located in a Two-Family District on the north side of Franklin Boulevard at 5716 Franklin Boulevard; contrary to Section 357.09(2)B, the total width of side yards equals 4' where on the same premises not less than 10' is required; with a 5' distance from a building on the adjacent lot contrary to Section 357.09(2)(A) that requires a 10' distance; and the existing nonconforming use requires approval of the Board of Zoning Appeals, according to the provisions of Section 359.01 of the Codified Ordinances. (Filed 5-24-07)

BOARD OF ZONING APPEALS
JULY 2, 2007

9:30

Calendar No. 07-93:

3610 Superior Avenue

Ward 13

Joe Cimperman

8 Notices

Judy Ho Chiu, owner, appeals to change use from a carry-out restaurant to a restaurant with dining in service in an existing one and two-story masonry and wood frame building, situated on a 40.54' x 90.90' parcel located in a Semi-Industry District on the south side of Superior Avenue at 3610 Superior Avenue; with 6 parking spaces proposed, the use does not meet the accessory off-street parking requirement, determined at the rate of either one space for each 100 square feet of floor area devoted to patron use or one space for each 4 seats, based upon the maximum seating capacity, whichever is greater, plus one parking space per employee, or 17 off-street parking spaces that are required according, to Section 349.04(f) of the Codified Ordinances. (Filed 5-29-07)

9:30

Calendar No. 07-103:

10924 Lake Avenue

Ward 18

Jay Westbrook

4 Notices

David Bowen, owner appeals to install 6 linear feet 6.6' high decorative fence and 6 linear feet of 8.6' high decorative fence in the rear and actual interior side yards of a 75' x 186' corner parcel, located in an AA1 Limited One-Family District on the northeast corner of Lake Avenue and East 110th Street at 10924 Lake Avenue; contrary to the Fence Regulations, the proposed fence in a rear yard and actual interior side yards exceeds the limitation of a 6' height, as required according to Section 358.04(a) of the Codified Ordinances. (Filed 6-4-07)

POSTPONED FROM MAY 29, 2006

10:30

Calendar No. 07-42:

2222 Detroit Avenue

Ward 13

Joe Cimperman

Jeff Taylor, appeals under the authority of Section 76-6(b) of the Cleveland City Charter and Section 329.02(d) of the Cleveland Codified Ordinances from an action of the City Planning Commission dated March 2, 2007, granting a motion to approve the request to amend the Planned Unit Development for Stonebridge Towers, Phase 4, by approving the as-built drawings of the parking spaces for the parking garage. (Filed 4-2-07; no testimony taken.)

Second postponement granted at request of appellants' counsel and by mutual agreement of all parties in the interest of continuing discussions on matters involving issues between the appellants and Doug Price and the K&D Group, Inc.

**BOARD OF ZONING APPEALS
JULY 2, 2007**

POSTPONED FROM MAY 21, 2007

10:30

Calendar No. 07-30:

Violation Notices

**3968 Pearl Road / 3990 Pearl Road
3979 Pearl Road**

Ward 15

Brian Cummins

Brookside Auto Parts, Inc. and Michael Blake appeal under the authority of Section 76-6 of the Cleveland City Charter and Section 329.02(d) of the Codified Ordinances from Notices of Violation issued by the Department of Building and Housing for failure to comply with the Zoning Regulations of Section 327.02(c) and Section 349.05 of the Codified Ordinances. (Filed 3-2-07; no testimony taken.)

Second postponement granted at request of the appellant(s) to “work out land issues which must be re-titled and filed”. Postponement requested with mutual consent of counsel for City Code Enforcement.
