

**BOARD OF ZONING APPEALS
SEPTEMBER 18, 2006**

9:30

Calendar No. 06-159:

485 East 140th Street

Ward 10

Roosevelt Coats

7 Notices

John Masseria and Wade Park Properties, Ltd., owner, and Michael Steele, prospective purchaser, appeal to change to a used car sales lot the use of an existing masonry building, situated on a 160' x 170' irregular shaped parcel located in split zoning between a General Retail Business District and a Multi-Family District at 485 East 140th Street; the proposed use being contrary to Section 337.08 and not permitted in a Multi-Family District but first permitted in a General Retail Business District as stated in Section 343.11 of the Codified Ordinances.

(Filed 7-1-06)

9:30

Calendar No. 06-163:

15601 Holmes Avenue

Ward 11

Michael Polensek

11 Notices

Daniel Wortor, owner, appeals to expand a store and one family dwelling building to include a use for a carryout restaurant, situated on a 48' x 168' corner parcel located in a Two-Family District on the northeast corner of Holmes Avenue and East 156th Street at 15601 Holmes Avenue; the proposed expansion being subject to the limitations of Section 337.03 and not allowed in a Two-Family District but first permitted under Section 343.01 in a Local Retail Business District; 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 8-3-06)

9:30

Calendar No. 06-165:

6104 Carnegie Avenue

Ward 5

Phyllis Cleveland

5 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)

9:30

Calendar No. 06-166:

2170 West 104th Street

Ward 18

Jay Westbrook

4 Notices

Miguel Ortiz, owner, appeals to install approximately 55 lineal feet of 4' high chain link fence in the actual front yard of a two-story frame dwelling, situated on a 35' x 113' parcel, located in a Two-Family District on the west side of West 104th Street at 2170 West 104th Street; contrary to the Fence Regulations, in Residential Districts only ornamental fences shall be installed in actual front and side street yards if located within 4' of the property line. Chain link fence may be permitted by the Board of Zoning Appeals, if it is determined that legally permitted chain link fence is common in the immediate vicinity of the subject property, as stated in Section 358.04(c)(1) of the Codified Ordinances. (Filed 8-7-06)

**BOARD OF ZONING APPEALS
SEPTEMBER 18, 2006**

9:30

Calendar No. 06-167:

17500 Fairville Avenue

Ward 20

Martin Sweeney

3 Notices

Pamela Owen, owner, appeals to install approximately 39 lineal feet of 4' high chain link fence in the actual front yard of a 51' x 114.50' parcel, located in an A1 One-Family District on the north side of Fairville Avenue at 17500 Avenue; contrary to the Fence Regulations, in Residential Districts only ornamental fences shall be installed in actual front and side street yards if located within 4' of the property line. Chain link fence may be permitted by the Board of Zoning Appeals, if it is determined that legally permitted chain link fence is common in the immediate vicinity of the subject property, as stated in Section 358.04(c)(1) of the Codified Ordinances. (Filed 8-8-06) _____

POSTPONED FROM AUGUST 28, 2006

10:30

Calendar No. 06-122:

3201 Chatham Avenue

Ward 14

Joseph Santiago

7 Notices

Barry Smith, owner, appeals to erect a 26' x 22'-10" three-story frame, single family dwelling on an approximate 30' x 65' "L" shaped corner parcel, located in a Two-Family District on the southwest corner of Chatham Avenue and West 32nd Street at 3201 Chatham Avenue; contrary to Section 357.05, a side street yard of 4'-5" is provided where not less than 5' is required for a corner lot; and the total interior side yards equal 7.5' and 10' is required under Section 357.09(2)B; and contrary to the Area Requirements and Section 355.05, the minimum lot size provided is 2,242 square feet instead of 4,800 square feet with a maximum gross floor area of 1,680 square feet that exceeds 50% of the lot size; and the proposed accessory garage is contrary to Section 337.23 being nonconforming to the required distance from all property lines, and 7'-4" is provided where 10' is required from a main building on an adjoining lot under Section 357.09(b)(2)A; and contrary to Section 357.13(b)(1) no entrance canopy shall project more than 6' from the property line or within 10' of the street line; and a 6' tall fence is provided where a fence in a side street yard shall not exceed 4' in height and shall be at least fifty percent open unless it is set back 4' from the side street property line, and then it may be a maximum of 6' tall and be solid or open, and no fence may 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 6-16-06; no testimony taken.)

Second postponement granted for appellant to present the plan to the Housing Design Review Committee for their review.

**BOARD OF ZONING APPEALS
SEPTEMBER 18, 2006**

POSTPONED FROM AUGUST 28, 2006

10:30

Calendar No. 06-144:

2608 Chatham Avenue

Ward 14

Joseph Santiago

8 Notices

J. Noel, Inc. and Joseph Isabella, owner, appeal to erect a 22' x 31' three-story, frame single family dwelling and a detached garage on an approximate 40' x 64.22' corner parcel, located in a B1 Two-Family District on the northwest corner of Chatham Avenue and West 26th Street at 2608 Chatham Avenue; contrary to Section 355.04, a 2,560 s/f minimum lot area is provided where 4,800 s/f is required with a maximum gross floor area of 1,800 s/f provided where 1,260 s/f is required; and contrary to Section 357.04 there is an 8' front yard where the requirement is either fifteen percent of the lot depth, 9.6' or in the alternative, a front yard depth of 10' measured by the line of existing dwellings; and an accessory building may not be less than 10' from a building on an adjoining lot, as stated in Section 337.23 A of the Codified Ordinances. (Filed 7-13-06; testimony taken.)

First postponement granted for appellant to present the plan to the Housing Design Review Committee for their review.

POSTPONED FROM SEPTEMBER 5, 2006

10:30

Calendar No. 06-152:

12820 Brookpark Road

Ward 20

Martin Sweeney

14 Notices

DTRG, Inc., owner and their attorney, Kenneth Seminatore, appeal to change to an adult cabaret the use of an existing two-story brick building situated on an acreage parcel located in a General Industry District on the north side of Brookpark Road at 12820 Brookpark Road; subject to the limitations of Section 347.07(c)(4) the use as proposed is on a lot within the restriction of 1,000 feet from a tattooing/body piercing establishment at 12800 Brookpark Road and within 1,000 feet of a pool/billiard hall at 12859 Brookpark Road; and the proposed use is subject to a specified distance and the provisions for Measurement under Section 331.04, where the calculation and application of distance requirements for separation of uses shall consider uses across the City's boundary in the application of divisions (c)(3) and (c)(4) of Section 347.07 of the Codified Ordinances.(Filed 7-21-06; no testimony taken.)

First postponement taken to amend the case description for the appeal.
