

9:30

Calendar No. 19-299: 6401 Broadway Ave

**Ward 12
Anthony Brancatelli
17 Notices**

FBE. Inc, owner, proposes to construct a new drive-through Walgreens store in C2 Local Retail Zoning District. The owner appeals for relief from the strict application of the following section of the Cleveland Codified Ordinances:

1. Section 357.07(a) which states that a 43 foot setback, from center line which is equal to 10 feet, is required along Broadway Ave.; parking spaces are within setback.
2. Section 349.15 which states that 1 bicycle parking space is required; none proposed.
3. Section 341.02 which states that review and approval of the City Planning Dept., is required. (Filed November 22, 2019)

9:30

Calendar No. 19-300: 2193 Cornell Rd

**Ward 6
Blaine A. Griffin
38 Notices**

Hemingway Development, prospective purchaser, (owners: Minnillo Family Partners, Mike Iammarino Investment Properties and Carmen Petrello) proposes to construct a new three story, 44 unit apartment building on five parcels to be consolidated in a C1 Multi-Family Residential Zoning District. The applicant appeals for relief from the strict application of the following sections of the Cleveland Codified Ordinances:

1. Section 357.06(a) which states that a 26' front yard setback is required and 13 feet setback are proposed.
2. Section 357.08(b) states that a 44 foot rear yard setback is required; 14 feet are proposed.
3. Section 357.09(b)(2)(D) which states that required a 7 foot minimum interior side yard from property line is required and 0 is proposed. A 14 foot aggregate is required and 1.5 foot aggregate is proposed. And, a 10 foot minimum distance from adjacent building is required and 7 feet are proposed.
4. Sections 353.01 & 353.02 which state that a height of 35 feet is permitted and 39 feet 7 inches are proposed.
5. Section 355.04 which states that the maximum gross floor area of a residential building in a "C" area district is limited to ½ the total lot area or in this case 17,281 square feet are permitted and 58,857 square feet are proposed. (Filed November 22, 2019)

9:30

**Calendar No.19-301 Appeal of Hug-John/dba
Midway Parking Inc. from decision of
Commissioner of Licenses and
Assessments regarding Notice of
Deficiency**

Hug-John Inc./dba Midway Parking Inc., appeals under the authority of Section 76-6 of the Charter of the City of Cleveland and Section 329.02(d) and 196.71(b)(1) of the Cleveland Codified Ordinances to dispute the November 4, 2019 decision of the Commissioner of Assessments and Licenses to affirm a Notice of Deficiency that was issued on August 23, 2019. (Filed November 25, 2019).

9:30

Calendar No. 19-302: 4719 Franklin Blvd.

**Ward 3
Kerry McCormack
15 Notices**

Bosworth Martindale, owner, proposes to convert a building consisting of two dwelling units and a store to three dwelling units in a B1 Two-Family Residential District. The owner appeals for relief from the strict application of the following sections of the Cleveland Codified Ordinances:

1. Section 337.03 which states that the use of a building for three dwelling units is not permitted in a Two-Family Residential District.
2. Section 359.01 which states that a use of building or land lawfully existing on the effective date of the Zoning Code or any amendment or supplement thereto, or for which a permit has been lawfully issued, may be continued even though such use does not conform to the provisions of this Zoning Code for the use district in which it is located, but no substitution or other change in such nonconforming use to other than a conforming use shall be permitted except by special permit from the Board of Zoning Appeals. (Filed November 29, 2019)

9:30

Calendar No. 19-305: 4815 Franklin Blvd

**Ward 3
Kerry McCormack
23 Notices**

Iglesia Del Salvador, owner, and Chad Kertesz, owner, prospective purchaser, propose to erect a three story, 12,750 square foot, 24 unit residential building in a B1 Two-Family Residential District. The owner appeals for relief from the strict application of the following section of the Cleveland Codified Ordinances:

1. Section 337.03 which states that a multi dwelling unit building is not permitted in a Two-Family residential zoning district, first permitted in a Multi-Family residential district.
2. Section 355.04 which states that the Maximum gross floor area of a building in a "B" area district is limited to 1/2 of lot area. Per Cuyahoga County land records 5,647 square feet maximum gross floor area is permitted, 12,750 square feet are proposed.
3. Section 355.04 which states that in a "B" area district, 2,400 square feet lot area per dwelling unit, or 57,600 square feet and a 11,294 square foot lot is provided.
4. Section 349.04(a) which states that one accessory off-street parking space is required for each dwelling unit. 24 parking spaces required, no legally conforming parking spaces are provided (20 parking spaces requiring separate zoning variances are proposed). Paving and drainage of parking area required.
5. Section 349.05(a) which states that parking is not permitted within 10 feet of the wall of any residence with a required window or door.
6. Section 349.08 which states that screening, from all adjacent lots, consisting of opaque fence or four feet of landscaping of area with 5 or more parking spaces is required.
7. Section 357.13 which states that parking is not a permitted side yard encroachment.
8. Section 357.01(d) which states that a specific 10 foot setback is established for Franklin Blvd. where 4 feet 8 inches are proposed.
9. Section 353.01 which states that the maximum building height is 35 feet at setback line: compliance cannot be determined without submission of elevation plan.
10. Section 352.10(a)(1) which states that a six foot wide landscaped frontage strip is required for parking lot of over 10 spaces.

4. Section 358.04(c)(1) which states that Board of Zoning Appeals approval is required for chain link fence in side street yard.(Filed October 30, 2019-No Testimony) *FIRST POSTPONEMENT MADE AT THE REQUEST OF THE APPELLANT DUE TO A SCHEDULING CONFLICT.*

POSTPONED FROM NOVEMBER 25, 2019

9:30

Calendar No. 19-188:

3540 W. 117th Street

Ward 11

Dona Brady

27 Notices

Neal Assad, owner, proposes to establish use as auto repair shop and used car sales in a C1 Local Retail Business District. The owner appeals for relief from the strict application of the following sections of the Cleveland Codified Ordinances:

1. Section 343.01(b) which states that Motor Vehicle Sales and Repair Shop are not permitted uses in the Local Retail Business District but are first permitted in General Retail District if 100 feet from a residential district per section 343.11 (b)(2)(1) of the Cleveland Codified Ordinances.
2. Section 357.01(c) which states that a front yard setback is required in Local Retail Business District
3. Section 357.13 (b) which states that Parking of motor vehicles is not a permitted front yard setback encroachment. The front yard setback is established by building line of existing residences on W. 117 Street per section 357.06(a)
4. Sections 352.08 through 12 which state that a 10 foot Wide transition strip of at least 75% year round opacity where property abuts residential district at rear and side is required.
5. Section 343.18(d)(e) which states that the driveway width cannot exceed 30 feet and that the distance between two driveways must be at least 30 feet.
6. Section 349.04(f) which states that an Auto Sales lot must provide 25 percent of their gross lot area for customer parking.
7. Note: A separate permit is required for sign; sign detail is not shown. (Filed July 24, 2019-No Testimony) *THIRD POSTPONEMENT MADE AT THE REQUEST OF THE APPELLANT TO ALLOW FOR TIME TO RECEIVE PUBLIC RECORDS REQUEST. SECOND POSTPONEMENT MADE AT THE REQUEST OF THE APPELLANT. FIRST POSTPONEMENT MADE AT THE REQUEST OF THE COUNCILWOMAN TO ALLOW FOR TIME FOR A COMMUNITY MEETING.*