

+



**Board of Zoning Appeals**

601 Lakeside Avenue, Room 516  
Cleveland, Ohio 44114-1071  
[Http://planning.city.cleveland.oh.us/bza/cpc.html](http://planning.city.cleveland.oh.us/bza/cpc.html)  
216.664.2580

**JANUARY 27, 2020**

**9:30**

**Calendar No. 19-303: 2150 W. 40<sup>th</sup> Place**

**Ward 3  
Kerry McCormack  
13 Notices**

James Lowery, owner, proposes to build a two story, 2,520 square foot wood frame single family residence with attached garage on a 5,068 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 357.08 which states that the depth of required rear yard shall be not less than 20 feet and the proposed rear yard is 10 feet. Section 349.15 which states that 1 bicycle parking space is required and no spaces are proposed.
2. Section 341.02(b) which states that approval of the City Planning Dept. is required prior to the issuance of a building permit. (Filed December 3, 2019)

**9:30**

**Calendar No. 19-304: 4700 Clark Avenue**

**Ward 3  
Kerry McCormack  
16 Notices**

James Christensen, owner, proposes to change the use from motor vehicle service station to motor vehicle service garage in a C2 Local Retail Business District and a Pedestrian Retail Overlay District. The owner appeals for relief from the strict application of the following sections of the Cleveland Codified Ordinances:

1. Section 352.07(b)(2)(A) which states that Board of Zoning Approval is required to maintain non-conforming landscaping when change of use is requested. Landscaping is non-conforming due to the absence of a required 10 foot wide landscape transition strip in the rear abutting residential district, and lack of a six foot wide landscape transition strip abutting street.
2. Section 343.23(e)(2) which states that approval of the City Planning commission/dept. is required for conditional use conditions in a Pedestrian retail Overlay District, specifically off-street parking areas and driveways extending across a public sidewalk. (Filed December 3, 2019)

**9:30**

**Calendar No. 19-306: 1880 West 25<sup>th</sup> Street**

**Ward 3  
Kerry McCormack  
21 Notices**

The Goat My Place LLC., owner, proposes to establish use as a 23,700 square foot bar and gaming facility in a C4 Local Retail Business District and a Pedestrian Retail Overlay District (PRO). The owner appeals for relief from the strict application of the following sections of the Cleveland Codified Ordinances:

1. Section 343.01 which states that amusement and recreation use is not permitted in a Local Retail Business District, first permitted in a General Retail Business District per section 343.11(b)(2)(L).
2. Section 347.12(a)(1) which states that no amusement or recreation use may be located within 500 feet of a residence district.
3. Section 349.04(e) which states that an accessory, off-street parking area equal to three times the gross floor area is required. Per section 343.23(i), this amount may be reduced by one third in a Pedestrian retail Overlay District, resulting in a required parking area of 47,400 square feet: no parking area is provided. (Filed December 4, 2019)

**9:30**

**Calendar No. 19-307: 917 Fruit Ave.**

**Ward 3  
Kerry McCormack  
10 Notices**

Alex Lunato, owner, proposes to erect a 2 story, 1,938 square foot single family house with detached garage on a 4,500 square foot lot 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 355.04(a) which states that the minimum lot width for a single family dwelling in a "B" area district is 40 feet; a 30'-0" wide lot is proposed. The minimum lot area for a single family dwelling in a "B" area district is 4,800 square feet and the proposed lot area is 4,500 square feet.
2. Section 357.09(b)(2)(A) which states that no building shall be erected less than six feet from a main building on an adjoining lot is 3'-0".
3. Section 341.02 which states that City Planning approval is required prior to the issuance of a building permit. (Filed December 4, 2019)

**9:30**

**Calendar No. 19-308: 2950 West 14<sup>th</sup> Street**

**Ward 3  
Kerry McCormack  
13 Notices**

Mercedes Oz, owner, proposes to convert a two dwelling unit building to a four dwelling unit building in a D2 Multi-Family Residential District. The owner appeals for relief from the strict application of the following sections of the Cleveland Codified Ordinances:

1. Section 349.04(a) which states that one accessory off-street parking space is required per dwelling unit. Two additional parking spaces are required for 2 additional units and no code conforming parking spaces are provided.
2. Section 337.23(a)(6) which states that accessory off street parking spaces must be located in the rear half of the lot. (Filed December 5, 2019)

**9:30**

**Calendar No. 19-309: 16205 Invermere Ave**

**Ward 1  
Joseph T. Jones  
11 Notices**

William Walker, owner, proposes to erect a 14' x 16' wooden deck attached to an existing single family residence in an A1 One-Family Residential District. The owner appeals for relief from the strict application of the following section of the Cleveland Codified Ordinances:

1. Section 357.09(b)(2) which states that the minimum Distance of Required Interior Side Yard shall not be less than 10'; proposing 2.5'. (Filed December 5, 2019)

**9:30**

**Calendar No. 19-312: 1235 West 69<sup>th</sup> Street**

**Ward 15  
Matt Zone  
11 Notices**

Jonathan Gabriel Bonchak, owner, proposes to erect a 14' x 20' 1 story frame reverse gable attached garage to existing single family residence 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 357.08(b)(1) which states that the Minimum Required Rear Yard is 20' and the appellant is proposing 5'. (Filed December 5, 2019)

**9:30**

**Calendar No. 19-317: 10531 Lee Ave.**

**Ward 9  
Kevin Conwell**

Volunteers of America, owner, proposes to construct two multiple dwellings for female veterans on a lot in a C1 Multi-Family Residential District. The owner appeals for relief from the strict application of the following sections of the Cleveland Codified Ordinances:

1. Section 357.04(a) which states that a 30 foot front yard setback is required and 20 feet are proposed. *(Note: Per Section 329.04(c) the Board is limited in its power to grant a variance to front yard encroachments and is not able to grant this variance unless certain conditions exist).*
2. Section 357.08(b)(1) which states that a 20 foot rear yard is required and 15.17 feet are proposed.
3. Section 357.15(a) which states that the distance between a main building and another building in the rear of the same lot shall not be less than 40 feet and the proposed distance is 10 feet.
4. Section 349.15 which states that 1 bicycle parking space is required and none are proposed. (Filed Dec. 9, 2019)

**9:30**

**Calendar No. 19-318: 1840 W. 52 Street**

**Ward 15  
Matt Zone  
10 Notices**

Jeremy R. Holly, owner, proposes to erect a 20' x 58' second floor addition and an 8' x 19' open wooden deck to existing single family residence 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 357.05 which states that the required front yard setback is 23 feet 8 inches and the appellant is proposing 19 feet 6 inches. *(Note: Per Section 329.04(c) the Board is limited in its power to grant a variance to front yard encroachments and is not able to grant this variance unless certain conditions exist).*
2. Section 357.09(b)(2) which states that the minimum required distance between dwellings on adjacent lot is 6 feet and the appellant is proposing 4 feet (Filed December 5, 2019)

**9:30**

**Calendar No. 19-319: 4760 W. 130 Street**

**Ward 16  
Brian Kazy  
17 Notices**

WEBH Inc., owner, proposes to add a 1,005 square foot addition and drive-through to existing food establishment located in a C1 Local Retail Business District. The owner appeals for relief from the strict application of the following section of the Cleveland Codified Ordinances:

1. Section 347.06(g) which states that drive-through establishments abutting any residential use shall be landscaped and screened in conformance with Chapter 352, requiring a fence or landscaped strip abutting residential uses. No landscaping is provided and determination of the Board of Zoning Appeals is required for continuation of non-conforming landscaping per Section 352.07. Retail sales from drive-through lanes abutting a residential use shall be prohibited from 9:30p.m. to 6:00a.m. daily. (Filed December 16, 2019)

**POSTPONED FROM DECEMBER 2, 2019**

**9:30**

**Calendar No. 19-277: 3869 East 71<sup>st</sup>. Street**

**Ward 12  
Anthony Brancatelli  
16 Notices**

Mel's Automotive Sales LLC, owner, propose to establish the use as "minor car repair garage" in a C1 Multi-Family Residential District. The owner appeals for relief from the strict application from the following sections of the Cleveland Codified Ordinances:

1. Section 343.11(b)(I) which states that Minor Auto Repair is first permitted in the General Retail Business District; proposed location is in the Multi-Family Residential District.
2. Section 357.07(a) which states that a specific setback of ten (10) feet is required; proposed setback is approximately six (6) feet.
3. Section 357.14(a)(1) which states that parking is not a permitted use in a setback area.
4. Section 352.08 which states that an eight (8) foot wide transition strip is required on East 71<sup>st</sup> Street, and, a four (4) foot wide transition strip is required on Canton Avenue; no transition strips are proposed.
5. Section 359.01 which states that 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. Such special permit may be issued only if the Board finds after public hearing that such substitution or other charge is no more harmful or objectionable than the previous nonconforming use. (Filed October 29, 2019- Testimony Taken) *FIRST POSTPONEMENT MADE AT THE REQUEST OF THE CITY ALLOW FOR TIME FOR THE APPELLANT TO MEET WITH THE CITY PLANNER.*