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CITY OF CLEVELAND  
Mayor Frank G. Jackson

**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

**FEBRUARY 10, 2020**

**9:30**

**Calendar No. 19-323: 4323 Pearl Road**

**Ward 13  
Kevin J. Kelley  
34 Notices**

Pearl Road Holding, owner, proposes to erect a 7,438 square foot retail Dollar General store in a G2 Limited Retail Business District and an Urban Form Overlay District. The owner appeals for relief from the strict application of the following sections of the Cleveland Codified Ordinances:

1. Section 348.04(d)(2)(A) which states that the setback on principal street frontage cannot exceed 8 feet; the proposed setback on State Road (the "urban frontage") is 79.5 feet.
2. Section 348.04(d)(2)(B) which states that build-out of 80% minimum or principal street frontage is required, of which 20% may be a street screen; in this case 0 percent of State Road frontage is built-out, with a street screen compromising more than 20 percent of the frontage.
3. Section 348.04(d)(2)(C) which states that Active Use is required on 60% of frontage build-out and approximately 52% of Pearl Road build-out is Active Use, no build-out on State Road is proposed.
4. Section 348.04(d)(3)(A) which states that 75% of first floor between 3 feet and 8 feet on frontages must be transparent windows and doors: no glazing proposed on State Road frontage.
5. Section 348.04(e) which states that for purposes of this section, "principal street frontage" means the side or sides of a public street frontage that is specifically designated on the Zoning Map. Both Pearl and State Roads are specifically designated as principal street frontages on Zoning Map.
6. Section 341.02 which states that approval of the City Planning Department is required, not secured. (Filed December 23, 2019)

**9:30**

**Calendar No. 20-002: 12201 Larchmere Blvd**

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

Lumen Neo Realty, owner, and 121 Larchmere Investors LLC, prospective purchaser proposes to erect four story, 92,287 square foot building with 88 residential units and 6,477 square feet of office use in a B1 and 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 355.04 which states that in "B" and "C" Area Districts, gross floor area of residential buildings cannot exceed one half the lot area. In this case 30,527 maximum gross floor area is permitted and a 92,087 square foot building is proposed.
2. Section 343.23(g)(1) which states that notwithstanding any other setback provisions, maximum setback from a Pedestrian Retail Street Frontage cannot exceed five feet: setbacks exceeding five feet to a maximum of 17 feet are proposed. Four parking spaces are proposed in the front yard setback, and are not a permitted encroachment per Section 357.13.
3. Section 343.23(g)(2) which states that the interior side yard in a Pedestrian Retail Overlay District cannot exceed 4 feet and a 6.21 foot interior side yard setback is proposed.
4. Section 343.23(i) which states that in a Pedestrian Retail Overlay District, required accessory off street parking spaces for **business** uses may be reduced by 1/3. A total of 88 spaces for the residential units, plus nine (with reduction) spaces for business use equals a total 97 parking spaces required and 79 accessory off street parking spaces are provided.

5. Section 357.05 which states that side street setback of five feet is required and 4 feet, 6 inches are proposed.
6. Section 357.06(a) which states that the average of building setback on Mount Overlook Avenue, or 25 feet, is required. Proposed building setback on Mount Overlook is 11.81', and parking is proposed within setback, at 4.38'. (*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*).
7. Section 352.08-12 which states that an eight foot wide landscaped transition strip providing 75% year round opacity is required where Local Retail Business District abuts Two Family Residential District and no landscaping proposed.
8. Section 353.01 which states that the maximum height of building in a "1" Height District is 35 feet and the appellant is proposing 48 feet.
9. Section 341.02, 343.23 which states that City Planning Approval is required.

**9:30**

**Calendar No. 20-003:        5616 Memphis Ave**

**Ward 13  
Kevin J. Kelly  
26 Notices**

McDonald's, owner, proposes to erect a new shed storage building on a parcel of land located in Local Retail Business and One Family Residential districts. The owner appeals for relief from the strict application of the following sections of the Cleveland Codified Ordinances:

1. Section 337.02 which states that a restaurant is not permitted in One Family District and the proposed shed is in One Family District.
2. Section 359.01(a) which states that an addition/expansion of nonconforming use requires BZA approval. (Filed January 7, 2020)

**9:30**

**Calendar No. 20-004:        2240 Fulton Rd.**

**Ward 3  
Kerry McCormack  
14 Notices**

Cleveland Bricks, owner, proposes to erect a 2 story frame single family residence with attached garage 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(b) which states that the maximum gross floor area shall not exceed 50 percent of lot size in this case 1,173 square feet are permitted and the appellant is proposing 2,013 square feet.
2. Section 357.05(a) which states that the required interior side street setback is 5 feet and the appellant is proposing 2 feet and 10 in
3. Section 357.08(b)(1) which states that the required rear yard shall not be less than height of the main building of 26 feet, 2 inches and the appellant is proposing 5 feet 3 inches.
4. Section 357.09(b)B which states that the total of both interior side yards shall not be less than 6 feet and the appellant is proposing 5 feet and 10 inches. (Filed January 13, 2020)

**9:30**

**Calendar No. 20-005: 2234 Fulton Rd.**

**Ward 3  
Kerry McCormack  
14 Notices**

Cleveland Bricks, owner, proposes to erect a 2 story frame single family residence with detached garage 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 357.04(b) which states that the maximum gross floor area shall not exceed 50 percent of lot size; in this case of 1,433 square feet are permitted and the appellant is proposing 1,877 square feet.
2. Section 337.23(a) which states that the minimum distance from all property lines for a detached accessory garage is 18 inches and the appellant is proposing none. (Filed January 13, 2020)

**9:30**

**Calendar No. 20-006: 2410 Scranton Rd.**

**Ward 3  
Kerry McCormack  
19 Notices**

Lincoln Partners LLC., owner, proposes to construct a new four story building for retail spaces and 82 apartment units in a G2 Limited Retail Business District and C2 Local Retail Business split Zoning Districts. The owner appeals for relief from the strict application of the following sections of the Cleveland Codified Ordinances:

1. Section 357.08(b)(2) which states that a 25 foot rear yard is required and 3 feet are proposed.
2. Section 357.09(C) which states that an 8 foot interior side yard is required and 6 feet are proposed.
3. Section 355.04 which states a maximum gross floor area of 40,230 square feet are permitted in a "C" Area district and 98,758 square feet are proposed.
4. Section 354.05(a)(2) which states that a fence in the actual side yard shall not be more than 4 feet high and shall be at least 50% open; the proposed fence will be 6 feet high and extends to actual side street yard. (Filed January 14, 2020)

**9:30**

**Calendar No. 20-007: 1319 E. 66<sup>th</sup> Street**

**Ward 7  
Basheer S. Jones  
11 Notices**

Terry Gardner, owner, proposes to establish use as a state licensed Residential Facility for 8 to 12 residents 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 325.571 which states that "Residential facility" means a publicly or privately operated home or facility, licensed pursuant to state law, that provides accommodations, supervision, and personal care services to any of the following: (a) one (1) or two (2) unrelated persons with mental illness; (b) one (1) or two (2) unrelated adults who are receiving residential state supplement payments as defined in the Ohio Revised Code; or (c) three to sixteen (16) unrelated adults.
2. Section 337.03(b) which states that residential facility for more than 5 residents is not permitted in Two Family Residential District but first permitted in Multi-Family residential District per Section 337.08(g) (Filed January 14, 2019)

**Calendar No. 20-008: 1279 W. 73<sup>rd</sup> Street (Site Plan)**

**Ward 15  
Matt Zone  
38 Notices**

Battery Park Development LLC, owner, and Avenue Partners Acquisitions LLC., prospective purchaser, propose to consolidate 4 parcels and construct two apartment buildings containing 258 units total and a 2 story

clubhouse building in a G2 Local Retail Business District. The prospective purchaser appeals for relief from the strict application of the following sections of the Cleveland Codified Ordinances:

1. Section 357.08 (b)(2) which states that a 42 foot rear yard is required and 2 feet are proposed
2. Section 357.05(a) which states that a 5 foot side street setback is required and 1 foot is proposed
3. Section 349.15 which states that 15 bicycle parking spaces are required; none are proposed. (Filed January 15, 2020)

**9:30**

**Calendar No. 20-009:**

**1279 W. 73<sup>rd</sup> Street (Bldg. A)**

**Ward 15**

**Matt Zone**

**38 Notices**

Battery Park Development LLC, owner, and Avenue Partners Acquisitions LLC., prospective purchaser, propose to consolidate 4 parcels and construct two apartment buildings containing 258 units total and a 2 story clubhouse building in a G2 Local Retail Business District. The prospective purchaser appeals for relief from the strict application of the following sections of the Cleveland Codified Ordinances:

1. Section 357.08 (b)(2) which states that a 42 foot rear yard is required and 2 feet are proposed
2. Section 357.05(a) which states that a 5 foot side street setback is required and 1 foot is proposed
3. Section 349.15 which states that 15 bicycle parking spaces are required; none are proposed. (Filed January 15, 2020)

**9:30**

**Calendar No. 20-010:**

**1279 W. 73<sup>rd</sup> Street (Bldg. B)**

**Ward 15**

**Matt Zone**

**38 Notices**

Battery Park Development LLC, owner, and Avenue Partners Acquisitions LLC., prospective purchaser, propose to consolidate 4 parcels and construct two apartment buildings containing 258 units total and a 2 story clubhouse building in a G2 Local Retail Business District. The prospective purchaser appeals for relief from the strict application of the following sections of the Cleveland Codified Ordinances:

1. Section 357.08 (b)(2) which states that a 42 foot rear yard is required and 2 feet are proposed
2. Section 357.05(a) which states that a 5 foot side street setback is required and 1 foot is proposed
3. Section 349.15 which states that 15 bicycle parking spaces are required; none are proposed. (Filed January 15, 2020)

**9:30**

**Calendar No. 20-011:**

**1279 W. 73<sup>rd</sup> Street (Clubhouse)**

**Ward 15**

**Matt Zone**

**38 Notices**

Battery Park Development LLC, owner, and Avenue Partners Acquisitions LLC., prospective purchaser, propose to consolidate 4 parcels and construct two apartment buildings containing 258 units total and a 2 story clubhouse building in a G2 Local Retail Business District. The prospective purchaser appeals for relief from the strict application of the following sections of the Cleveland Codified Ordinances:

1. Section 357.08 (b)(2) which states that a 42 foot rear yard is required and 2 feet are proposed
2. Section 357.05(a) which states that a 5 foot side street setback is required and 1 foot is proposed
3. Section 349.15 which states that 15 bicycle parking spaces are required; none are proposed. (Filed January 15, 2020)

**POSTPONED FROM JANUARY 13, 2020**

**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-No Testimony) *FIRST POSTPONEMENT MADE AT THE REQUEST OF THE APPELLANT TO ALLOW TIME FOR BLOCK CLUB REVIEW.*

**POSTPONED FROM JANUARY 6, 2020**

**9:30**

**Calendar No. 19-200:**

**7415 Broadway Ave (South  
High School)**

**Ward 12**

**Anthony Brancatelli**

**22 Notices**

Cleveland Metropolitan School District, owner, proposes to change the use of an accessory garage of a former high school to moderate hazard storage in a B1 Two-Family Residential District (Building Code Use Group S-1). The owner appeals for relief from the strict application of Section 357.03 of the Cleveland Codified Ordinances which states that storage use as a main or principal use is not permitted in a Two-Family Residential zoning district. (Filed August 8, 2019- No Testimony) *FIRST POSTPONEMENT MADE AT THE REQUEST OF THE COUNCILMAN TO ALLOW FOR TIME FOR FURTHER REVIEW. THIS CASE WAS RESCHEDULED FROM DECEMBER 30 DUE TO A LACK OF QUORUM. SECOND POSTPONEMENT MADE AT THE REQUEST OF THE SCHOOL DISTRICT AS THE REPRESENTATIVE WAS NOT ABLE TO BE PRESENT DUE TO HOLIDAY SCHEDULES.*

**POSTPONED FROM JANUARY 27, 2020**

**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-Testimony Taken) *POSTPONEMENT MADE TO ALLOW TIME FOR THE APPELLANT TO MEASURE SETBACKS ON STREET.*