



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

SEPTEMBER 21, 2020

Under the conditions specified by law, the Board of Zoning Appeals will be conducting virtual meetings in a limited capacity using the WebEx Platform. This will include limited agenda items to initiate the process to ensure we can appropriately evaluate the process.

The Board of Zoning Appeals will also be live streamed on YouTube. The links for the live streams will be available before the meeting on our website at:

<http://www.clevelandohio.gov/CityofCleveland/Home/Government/CityAgencies/CityPlanningCommission/ZoningAppeals>

In order to keep the WebEx session to a manageable size we are asking individuals that wish to participate in the meeting to contact the City Planning office by phone or email by noon on September 18, 2020. Those individuals not planning to comment on any agenda item during the WebEx session are encouraged to view one of the live streams.

IF YOU WISH TO PARTICIPATE AND OR GIVE TESTIMONY contact the City Planning office and request access to the WebEx Board of Zoning Appeals Meeting please call 216.664.3826 or email us at cityplanning@clevelandohio.gov by noon on September 18, 2020. You can also email Secretary Elizabeth Kukla at ekukla@city.cleveland.oh.us.

9:30

Calendar No. 20-122: 2802 Church Ave

**Ward 3
Kerry McCormack
9 Notices**

Hingetown LLC, owner, proposes to construct a series of 7 small metal Quonset hut-type buildings for retail or residential live work tenant in a D3 Local Retail Business District and a Pedestrian Retail Overlay District. The owner appeals for relief from the strict application from the following sections of the Cleveland Codified Ordinances:

1. Section 343.01 which states that live /work use is not permitted in a Local Retail Business District; first permitted in Live/ work Overlay District per chapter 346.
2. Section 343.23(e)(2)(C) which states that residence in PRO is considered a Conditional use that requires CPC approval.
3. Section 355.04 In "D" area district, residential buildings must have at least 950 square feet of floor area; none of the 7 proposed dwellings has 950 square feet of floor area.
4. Section 357.15 which states that rear residential buildings must be at least 40 feet apart; proposed buildings are 5 feet to 6 feet apart.
5. Section 346.08 which states that 12 parking spaces are required, (7 at the rate of one space per a unit and 5 spaces)

6. Section 346.08(b) which states that sign detail not included; Separate permit is required for signage
7. Section 349.15 which states that 1 bicycle parking space is required; none proposed. (Filed August 5, 2020)

9:30

Calendar No. 20-127

303 Groveland Club Dr.

Ward 8

Michael Polensek

10 Notices

Ruffner, Jay A. and Oakes Jr. Donald Stuart, owners propose to build a 16' x 20' wood frame garage in an A1 One-Family Residential District. The owner appeals for relief from the strict application from the following sections of the Cleveland Codified Ordinances:

1. Section 337.23 (a)(6)(B)(2) which states that detached garages shall be located on the rear half of the lot, a minimum of eighteen (18) inches from all property lines; the proposed garage is located approximately 1.1 feet and 2 inches to the north and east property lines relatively. (Filed August 12, 2020)

9:30

Calendar No. 20-131

4352 West 57th Street

Ward 13

Kevin J. Kelley

10 Notices

Teofil Dinca, owner, proposes to install approximately 25 linear feet of six foot high fence in a B1 Two-Family Residential District. The owner appeals for relief from the strict application from the following sections of the Cleveland Codified Ordinances:

1. Section 358.04(B) which states that a fence running generally parallel to and adjacent to a building on the same property shall be located no closer than three (3) feet to the closest wall of such building. Proposed fence is 25 inches from house on the same property. (Filed August 26, 2020)

9:30

Calendar No. 20-132:

1485 East 65th Street

Ward 7

Basheer S. Jones

10 Notices

Frontline Development, owner, proposes to erect a 2 story frame single family residence with attached garage in a B1 Multi-Family Residential District. The owner appeals for relief from the strict application from the following section of the Cleveland Codified Ordinances:

1. Section 355.04(a) which states that the maximum gross floor area shall not exceed 50 percent of lot size or in this case 2,530 square feet; proposing 2,615 square feet (Habitable area in basement) This section also states that the minimum required lot width is 40 feet; proposing 38.33 feet.
2. Section 357.13 states that air conditioning condenser is not a permitted interior side yard encroachment. (Filed August 26,2020)

9:30

Calendar No. 20-133: 1489 East 65th Street

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

Frontline Development, owner, proposes to erect a 2 story frame single family residence with attached garage in a B1 Multi-Family Residential District. The owner appeals for relief from the strict application from the following section of the Cleveland Codified Ordinances:

3. Section 358.04(a) which states that no fence shall be higher than distance to house on adjacent lot or in this case 5 feet.
4. Section 355.04 which states that the maximum gross floor area shall not exceed 50 percent of lot size or in this case 2,530 square feet; proposing 3,380 square feet. (Habitable area in basement) This section also states that the Minimum required lot width is 40 feet; proposing 38.33 feet.
5. Section 357.09(b)(2)D which states the required interior side yard is 3 feet; proposing 2 feet for cantilever second floor.
6. Section 357.13 which states that air conditioning condenser is not a permitted interior side yard encroachment.(Filed August 26, 2020)

9:30

Calendar No. 20-134: 4329 Lorain Ave.

**Ward 3
Kerry McCormack
14 Notices**

AHA Development OHC. LLC., owner, proposes to construct a new retail and office building in a D3 Local Retail Business and a Pedestrian Retail Overlay District. The owner appeals for relief from the strict application from the following section of the Cleveland Codified Ordinances:

1. Section 343.23(i) which states that 30 parking spaces are required after a 33% reduction due per Pedestrian Retail Overlay regulations; and 8 spaces are proposed. (Filed August 27, 2020)

9:30

Calendar No. 20-130 15225 Triskett Ave

**Ward 17
Charles Slife
49 Notices**

Family Video Movie Club Inc, owner, proposes to establish outpatient drug/alcohol treatment center in a C1 Local Retail Business District. The owner appeals for relief from the strict application from the following sections of the Cleveland Codified Ordinances:

1. Section 325.471 which states that a **Mental Health Center** is an institution providing in-patient or out-patient care or therapy for individuals affected by mental illness, developmental disabilities, alcoholism or substance abuse and other needing psychological therapy but which does not serve as a residence for such individuals.
2. Section 343.01 which states that use is not permitted in Local Retail Business District, specifically is permitted in Institutional Research zoning district pursuant to Cleveland Zoning Code Section 340.02(b)
3. Section 341.02(a) which states that review and approval of the City Planning Commission is required for exterior alterations in a designated Design Review District.(Filed August 18, 2020)

POSTPONED FROM AUGUST 17, 2020

9:30

Calendar No. 20-050:

3586 East 140th Street

Ward 2

Kevin L. Bishop

19 Notices

Sharon Love, owner, propose to use existing single family residence for maximum of 5 people Residential Care Facility. The owner appeals for relief from the strict application from the following sections of the Cleveland Codified Ordinances:

1. Section 337.03(b) which states that 337.02(h) a residential facility, as defined in Chapter 325 of this Zoning Code, for one (1) to five (5) unrelated persons, provided it is located not less than one thousand (1,000) feet from another residential facility. Residential facilities shall comply with area, height, yard and architectural compatibility requirements of this Zoning Code applicable to residences in One-Family Districts. (Filed March 6, 2020- TESTIMONY TAKEN) *SECOND POSTPONEMENT MADE AT THE REQUEST OF THE APPELLANT TO ALLOW TIM TO MEET WITH THE COUNCILMAN. FIRST POSTPONEMENT MADE AT THE REQUEST OF THE BOARD TO ALLOW TIME FOR THE APPELLANT TO MEET WITH THE COUNCILMAN AND THE DEVELOPMENT CORPORATION.*

POSTPONED FROM AUGUST 24, 2020

9:30

Calendar No. 20-108:

14700 Judson Dr.

Ward 1

Joseph T. Jones

19 Notices

Yousef Khanfar, owner, proposes to construct a new gas station with 4 pumps and convenient store in a C1 Local Retail Business District. The owner appeals for relief from the strict application from the following section of the Cleveland Codified Ordinances:

1. Section 343.01 which states that a gas station is not permitted in a Local Retail Business District but first permitted in General Retail Business per section 343.11(b)(2)(I)(1) of the Cleveland Codified Ordinances (Filed July 28, 2020-No Testimony) *FIRST POSTPONEMENT MADE AT THE REQUEST OF THE COUNCILMAN TO ALLOW TIME FOR FURTHER REVIEW.*

POSTPONED FROM AUGUST 10, 2020

9:30

Calendar No. 20-072:

5909 Cable Avenue

Ward 5

Phyllis E. Cleveland

19 Notices

ABA Enterprise Connect LLC., owner, proposes to establish use as a children's boarding home for ages 10-17 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. 337.03 which states that the use is not permitted in a Two-Family Residential District, first permitted in a Multi-Family Residential District and only when at least 15 feet from other premises, per Section 337.08(e)(3)(Filed June 29, 2020-Testimony Taken) *SECOND POSTPONEMENT MADE AT THE REQUEST OF THE APPELLANT TO ALLOW TIME FOR TIME TO MEET WITH SLAVIC VILLAGE. FIRST POSTPONEMENT MADE AT THE REQUEST OF THE BOARD TO ALLOW TIME FOR THE APPELLANT TO MEET WITH THE COUNCILWOMAN, SLAVIC VILLAGE CDC AND NYCOLE CALHOUN FROM THE CITY PLANNING COMMISSION.*