



CITY OF CLEVELAND
Mayor Justin M. Bibb

BOARD OF ZONING APPEALS

601 Lakeside Avenue, Room 516

Cleveland, Ohio 44114-1071

<https://planning.clevelandohio.gov/bza/cpc.html>

216.664.2580

SEPTEMBER 19, 2022

Under the conditions specified by law, the Board of Zoning Appeals will be conducting virtual meetings in a using the WebEx Platform. 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>

Or <https://www.youtube.com/channel/UCB8ql0JrhmpYIR1OLY68bw/>

In order to keep the WebEx session manageable, we are asking individuals that wish to participate in the meeting to contact the Board of Zoning Appeals office by phone or email **by noon on September 16, 2022. 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 Board of Zoning Appeals office and request at 216-664-2580. You can also email Secretary Elizabeth Kukla at ekukla@city.cleveland.oh.us.

Calendar No. 22-154:

6501 Denison Ave.

Ward 14

Jasmine Santana

15 Notices

Rasheeda Properties proposes to install 6' high wooden fence in the actual rear yard running parallel to adjacent driveway in C2 General Retail Business District. The owner appeals for relief from the strict application of the following sections of the Cleveland Codified Ordinances:

1. Section 358(a) which states that a fence located along and parallel to a driveway within fifteen (15) feet of its intersection with a public sidewalk or public street, if no sidewalk is present, shall be at least 75% open. (Filed August 15, 2022)

Calendar No. 22-155:

17617 Sedalia Ave.

**Ward 17
Charles Slife
15 Notices**

Cassiemarie Leighton-Callahn, owner, proposes to erect approximately 15 linear feet of 5 feet 6 inch tall wood fence, and gate, in a A1 One-Family Residential District. The owner appeals for relief from the strict application of the following sections of the Cleveland Codified Ordinances:

1. Section 358.04(a) which states that no fence shall be higher than its distance from a residence building on an adjoining lot; proposed fence is within 3.5 feet from neighboring house. (Filed August 15, 2022)

Calendar No. 22-157:

4351 W. 191 St.

**Ward 17
Charles Slife
11 Notices**

Govannna Rojas, proposes to install approximately 53 linear feet of six foot high fence in an A1 One-Family Residential District. The owner appeals for relief from the strict application of the following sections of the Cleveland Codified Ordinances:

1. Section 358.04 (a) which states fences in actual front yards and in actual side street yards shall not exceed four (4) feet in height and shall be at least fifty percent (50%) open. A six-foot high fence of indeterminate opacity is proposed on side street property line. (Filed August 15, 2022)

POSTPONED FROM AUGUST 15, 2022

Calendar No. 22-112

3522 Clark Ave.

**Ward 14
Jasmine Santana
26 Notices**

Charter Food Inc, proposes to establish a new Taco Bell structure with drive-through in a G2 Limited Retail Business and an Urban Form Overlay District. The owner appeals for relief from the strict application of the following section of the Cleveland Codified Ordinances:

1. Section 343.22 which states in the Limited Retail Business District Drive-Through Restaurant is permitted only as regulated in section 348.04 in the Urban Form Overlay.
2. Section 348.04(c)(3) which states any business served by a drive-thru shall have all points of customer intersection located outside of the urban street space; proposed restaurant building is within urban street space.
3. Section 348.04(d)(2)(A) which states 80 % Principal street frontage build out is required; proposed is less than 80%.

4. Section 348.04(d)(4)(B) which states no access is permitted on a principal frontage; two drives are proposed.
5. Section 348.04(d)(4)(D) which states that the maximum permitted aisle width is 22 feet.
6. Section 348.04(d)(5)(D) which states a 6 foot wide transition strip of 100% opacity is required at the rear where lot abuts Multi-Family District.
7. Section 347.16(g)(6) which states that sales from a drive-through lanes are prohibited from 9:30pm to 6:00am.
8. Section 341.02 approval of the City Planning Commission is required. (Filed June 23, 2022- Testimony Taken) *FIRST POSTPONEMENT FROM AUGUST 1 WAS DUE TO AN ERROR IN THE ADJUDICATION. SECOND POSTPONEMENT WAS MADE AT THE REQUEST OF THE BOARD TO ALLOW TIME FOR CITY PLANNING COMMISSION REVIEW.*

POSTPONED FROM AUGUST 15, 2022

Calendar No.: 22-134:	6015 Linwood Ave.	
	Public Works Invoice Numbers	
	WO-7010-1316055, WO-7010-1316057, WO-7010-1316059, WO-7010-1316060, WO-7010-1286773	Ward 7 – Stephanie Howse

Norman Brown, appeals under the authority of Section 76-6(b) of the Charter of the City of Cleveland and Section 329.02(d) of the Cleveland Codified Ordinances from the decision of the hearing officer dated May 25, 2022 to uphold the City of Cleveland's Department of Public Works to issue invoice WO-7010-1316057, WO-7010-1316059, WO-7010-1316060, WO-7010-1286773 regarding abating nuisances (grass cutting) at the subject property. *POSTPONED FROM AUGUST 15 DUE TO CITY STAFF SCHEDULING CONFLICT.*

REINSTATED FROM AUGUST 8, 2022

Calendar No. 22-132	7407 Union Ave.	Ward 6
		Blaine Griffin

+ TMS Enterprises LTD, proposes to establish a used car lot in C2 Local Business District. The appellant appeals for relief from the strict application of the following sections of the codified ordinances:

1. Section 343.01 which states that used car lot is not permitted in Local Retail Business District; first permitted in General Retail Business District 343.11 (b) (2)(I) (4).
2. Section 352.08 through 352.12 which states 10' Wide transition strip of at least 75% year round opacity is required where property abuts residential district at rear.
3. Section 349.04(f) which states that Auto Sales lot must provide 25 percent of their gross lot area for customer parking.

4. Section 352.10 which states that a 4' frontage strip is required where the auto sales lot abuts street on Union Ave. *APPELLANT MISSED ORIGINAL HEARING ON AUGUST 8 DUE TO A MEDICAL EMERGENCY.*