



BOARD OF ZONING APPEALS

601 Lakeside Avenue, Room 516

Cleveland, Ohio 44114-1071

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

216.664.2580

SEPTEMBER 26, 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 23, 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. 22-158

17426 Eldamere Ave.

Ward 1

Joseph Jones

27 Notices

Nicole McBride, proposes to establish use as day care for up to 12 children 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 337.02 (g)(3)(C) which states that a day care use in a One-Family Residential District permitted if 30 feet from adjoining premises and if approved by the Board of Zoning Appeals after public notice and public hearing to determine if adequate yard spaces and other safeguards to preserve the character of the neighborhood are provided, and if in the judgement of the Board such buildings and uses are appropriately located and designed and will meet a community need without adversely affecting the neighborhood; proposed use is 13-10 feet from adjoining premises.

Calendar No. 22-162

4612 Clinton Ave.

Ward 3

Kerry McCormack

19 Notices

Mark & Janet Wells, proposes to erect a 2-story frame single-family residence with an 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 357.06(a) which states that the required front yard setback is 22.85 feet and they are proposing 18.63 feet.
2. Section 357.08(b) (1) which states that the required rear yard is 28.8 feet; proposing 24 feet.
3. Section 357.13(c) which states that a basement window well is not a permitted sideyard encroachment.
4. Section 341.02 which states City Planning Commission approval is required before issuance of permit.

Calendar No. 22-165

694 E 92nd Street.

Ward 10

Anthony Hairston

16 Notices

Terrance Wilkinson, proposes to erect a 1 story frame detached gable garage and deck 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 337.23(A) which states accessory buildings shall not occupy more than 40 percent of required rear yard area.
2. Section 349.07(c)(1) which states only one driveway allowed for every 100 feet of frontage is permitted and the appellant is proposing two driveways.
3. Section 353.05 which states the distance of accessory building to a main building on adjoining lot shall not be less than height of accessory building; proposing 14 feet.
4. Section 341.02(b) which states City Planning approval is required before issuance of building permit.

POSTPONED FROM AUGUST 15, 2022

Calendar No. 22-73:

1725 Holmden Ave.

Ward 14

Jasmine Santana

19 Notices

Fisher and Payne LLC, owner, proposes to change use of existing two-family dwelling to three-family located 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(a) which states a three-family dwelling is not permitted in Two-Family District but first allowed in a Multi-Family District.

2. Section 355.04(b) which states in a "B" Area District a minimum lot area of 2,400 square feet per dwelling unit is required or in this case 7,200 square feet are required and 4,550 square feet are proposed. Maximum Gross Floor area shall not be greater than 50 percent of the lot area which in this case is 2,275 square feet and the appellant is proposing 2,332.
3. Section 349.04 which states three parking spaces required are required and no parking spaces are provided. (Filed April 28, 2022- Testimony Taken) *FIRST POSTPONED FROM JUNE 6 WAS MADE AT THE REQUEST OF THE COUNCILWOMAN TO ALLOW TIME FOR COMMUNITY REVIEW. SECOND POSPTONEMENT WAS MADE AT THE REQUEST OF THE APPELLANT TO ALLOW TIME TO MEET WITH COMMUNITY GROUP A SECOND TIME. POSPTONED A THIRD TIME AT THE REQUEST OF THE BOARD TO ALLOW TIME FOR THE APPELLANT TO SHOW GOOD FAITH EFFORT TO IMPROVE CONDITIONS OF THE PROPERTY.*

POSTPONED FROM JULY 25, 2022

Calendar No. 22-115

1200 West 76 St.

Ward 15

Jenny Spencer

33 Notices

The Shoreway Building LLC, owner, proposes to erect an additional 10 story apartment building consisting of 73 dwelling units and 183 parking spaces on site of existing 43 dwelling unit building in a B1 Local Retail Business 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 in "B" area district, maximum gross floor area is limited to one-half the lot area. 27,634 maximum gross floor area is permitted and 161,312 dwelling unit floor area is proposed.
2. Section 357.08(b)(2) which states in a use district other than a Residence District the depth of a required rear yard in connection with a building of Residential Occupancy shall be not less than one half (1/2) the height of the main building; approximately 57 feet are required and none provided.
3. Section 341.02 which states that review and approval of the Cleveland Landmarks Commission is required. (No Testimony) *POSTPONED FROM JULY 25 AT THE REQUEST OF THE APPELLANT TO ALLOW TIME TO MEET WITH DESIGN REVIEW AND THE COMMUNITY.*

POSTPONED FROM AUGUST 22, 2022

Calendar No. 22-142:

3605-07 Denison Avenue.

Ward 12

Rebecca Maurer

31 Notices

Elena Bedea, proposes to establish use as Residential Facility for five occupants in a B1 Two-Family Residential District. The owner appeals for relief from the strict application of the following sections of the Codified Ordinances:

1. Section 325.571 which states "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 Ohio Revised Code; or (c) three (3) to sixteen (16) unrelated adults.
2. Section 337.03(h) which states that a residential facility, as defined in Chapter 325 of this Zoning Code, for one (1) to five (5) unrelated persons, is not permitted if located less than one thousand (1,000) feet from another residential facility. Proposed Residential Facility use is within one thousand (1,000) feet from another Residential Facility at 3611 Denison Avenue. (Testimony Taken) *POSTPONED AT THE REQUEST OF THE BOARD TO ALLOW TIME FOR THE APPELLANT TO MEET WITH THE COUNCILWOMAN MAURER, THE DEVELOPMENT CORPORATION AND THE NEIGHBORS.*

POSTPONED FROM AUGUST 29, 2022

Calendar No. 22-146

1242 W. 65th St.

**Ward 15
Jenny Spencer
20 Notices**

Jason Nehez, proposes to install front yard deck and front yard wooden fence 3'-4" high 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 358.04 (a) which states that a fences in required front yard area shall be at least 4' in height & 50 percent open.
2. Section 357.13 (b) which states open front porches and decks cannot project more than 8 feet and the appellant is proposing 10 feet.
3. Section 358.03(a) which states that a fence running 15 feet parallel to a driveway shall not exceed 2'-6" in height and shall be 75 percent open. (Testimony Taken). *POSTPONED FROM AUGUST 29 TO ALLOW TIME FOR THE APPELLANT TO MEET WITH CITY PLANNING COMMISSION STAFF AND DESIGN REVIEW.*