



Cleveland Board of Zoning Appeals

Monday October 17, 2022

**** PLEASE MUTE YOUR MICROPHONE ****

Kelley Britt, Board Chair

Elizabeth Kukla, Secretary

Cleveland Board of Zoning Appeals

October 17, 2022

Preamble

IN COMPLIANCE WITH NOTIFICATION REQUIREMENTS OF THE CITY'S OPEN MEETING LAW, AND SECTION 101.021 OF THE CODIFIED ORDINANCES OF CLEVELAND, OHIO, 1976, NOTICE OF THIS MEETING HAS BEEN PUBLICLY POSTED.

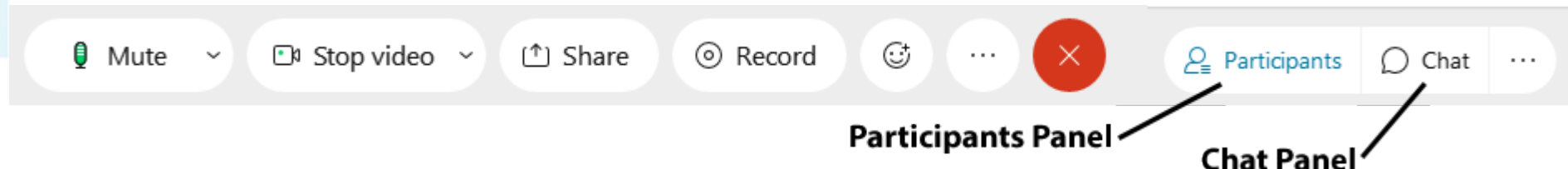
ALL BOARDS AND COMMISSIONS UNDER THE PURVIEW OF THE CITY PLANNING DEPARTMENT CONDUCTS ITS MEETINGS ACCORDING TO ROBERT'S RULES OF ORDER. ACTIONS DURING THE MEETING WILL BE TAKEN BY VOICE VOTE. ABSTENTIONS FROM ANY VOTE DUE TO A CONFLICT OF INTEREST SHOULD BE STATED FOR THE RECORD PRIOR TO THE TAKING OF ANY VOTE.

IN ORDER TO ENSURE THAT EVERYONE PARTICIPATING IN THE MEETING HAVE THE OPPORTUNITY TO BE HEARD, WE ASK THAT YOU USE THE RAISE HAND FEATURE BEFORE ASKING A QUESTION OR MAKING A COMMENT. THE RAISE HAND FEATURE CAN BE FOUND IN THE PARTICIPANTS PANEL ON THE DESKTOP AND MOBILE VERSION AND ACTIVATED BY CLICKING THE HAND ICON. PLEASE WAIT FOR THE CHAIR OR FACILITATOR TO RECOGNIZE YOU AND BE SURE TO SELECT UNMUTE AND ANNOUNCE YOURSELF BEFORE YOU SPEAK. WHEN FINISHED SPEAKING, PLEASE LOWER YOUR HAND BY CLICKING ON THE RAISE HAND ICON AGAIN AND MUTE YOUR MICROPHONE.

WE WILL ALSO BE UTILIZING THE CHAT FEATURE TO COMMUNICATE WITH PARTICIPANTS. THE CHAT FEATURE CAN BE ACTIVATED BY CLICKING THE CHAT BUTTON LOCATED ON THE BOTTOM OF THE WEBEX SCREEN.



CALL-IN USERS CAN UNMUTE BY USING *6



Cleveland Board of Zoning Appeals

October 17, 2022

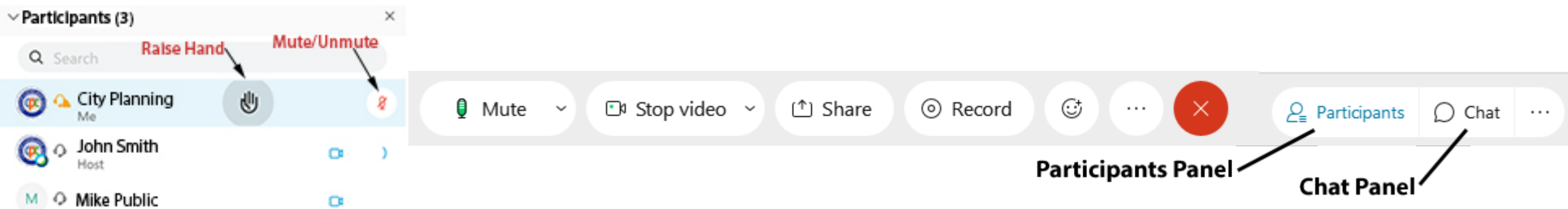
Preamble

ALL MEETING ACTIVITY IS BEING RECORDED VIA THE WEBEX PLATFORM.
THESE PROCEEDINGS ARE ALSO BEING LIVE STREAMED VIA YOUTUBE FOR PUBLIC VIEW.

WE HAVE PROVIDED A LINK TO THE MEETING FOR THOSE WHO WISH TO SPEAK ON A PARTICULAR CASE VIA OUR WEBSITE AND EMAIL.

ALL REQUESTS TO SPEAK ON A PARTICULAR MATTER HAVE BEEN CONSIDERED.

WE HAVE ALSO RECEIVED EMAILS FROM THOSE WHO HAVE PROVIDED WRITTEN COMMENT ON A PARTICULAR MATTER.



Cleveland Board of Zoning Appeals

Call to Order & Roll Call



Cleveland Board of Zoning Appeals

Postponements/Withdrawals





POSTPONEMENT

Calendar No. 22-172

2915 Detroit Avenue.

Ward 3

AK Detroit My Place LLC, proposes alterations and to establish use as bar/restaurant in a D3 Local Retail Business District and a Pedestrian Retail Overlay District. The owner appeals for relief from the following section of the Cleveland Codified Ordinances:

1. Section 349.04(f) which states that accessory off street parking is required at the rate of 1 for each employee, plus 1 for each 100 square feet of floor area devoted to patron use or 1 for each 4 seats based on maximum seating capacity, whichever is greater in this case 12 parking spaces are required. Per section 343.23(i) those properties located in the Pedestrian Retail Overlay District required parking will be reduced by 1/3 therefore 8 accessory off street parking spaces required: none are provided.

Calendar No. 22-132

7407 Union Ave.

Ward 6

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.

Cleveland Board of Zoning Appeals

Public Hearing



Public Hearing



Calendar No. 22-170:

611 Jefferson Ave.

Ward 3

TSM Holding, LLC proposes to erect a second floor frame bedroom addition to existing two- 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 355.04 which states maximum gross floor area shall not be greater than 50 percent of lot size or in this case 1,632 square feet and the appellant is proposing 2,385 square feet.
2. Section 357.08(b)(1) which stated that the required rear yard is 22 feet and 10 inches where the appellant is proposing 18 feet.
3. Section 357.09(b)(2) which states that the minimum required interior side yard is 3 feet and the appellant is proposing 2 feet.



Public Hearing

Calendar No. 22-170:

611 Jefferson Ave.

Ward 3



SWEARING IN ALL WHO ARE PRESENT FOR THIS CASE:

DO YOU SWEAR OR AFFIRM THAT THE TESTIMONY YOU ARE ABOUT TO GIVE
IS THE WHOLE TRUTH AND NOTHING BUT THE TRUTH?

**Please Raise Your Hand.
Reply with I DO, YOUR NAME and YOUR ADDRESS.**



HISTORY OF THE PROPERTY





LEGAL STANDARD

Madam Chair, Members of the Board, Appellant is requesting area variances from the maximum gross floor area, required rear yard, and minimum required interior side yard regulations of the zoning code.

To obtain the area variances, Appellant must prove that denying the request:

1. Will create a **practical difficulty** not generally shared by other land or buildings in the same district;
2. Will deprive the Appellant of substantial property rights; and
3. That granting the variances will not be contrary to the purpose and intent of the zoning code.

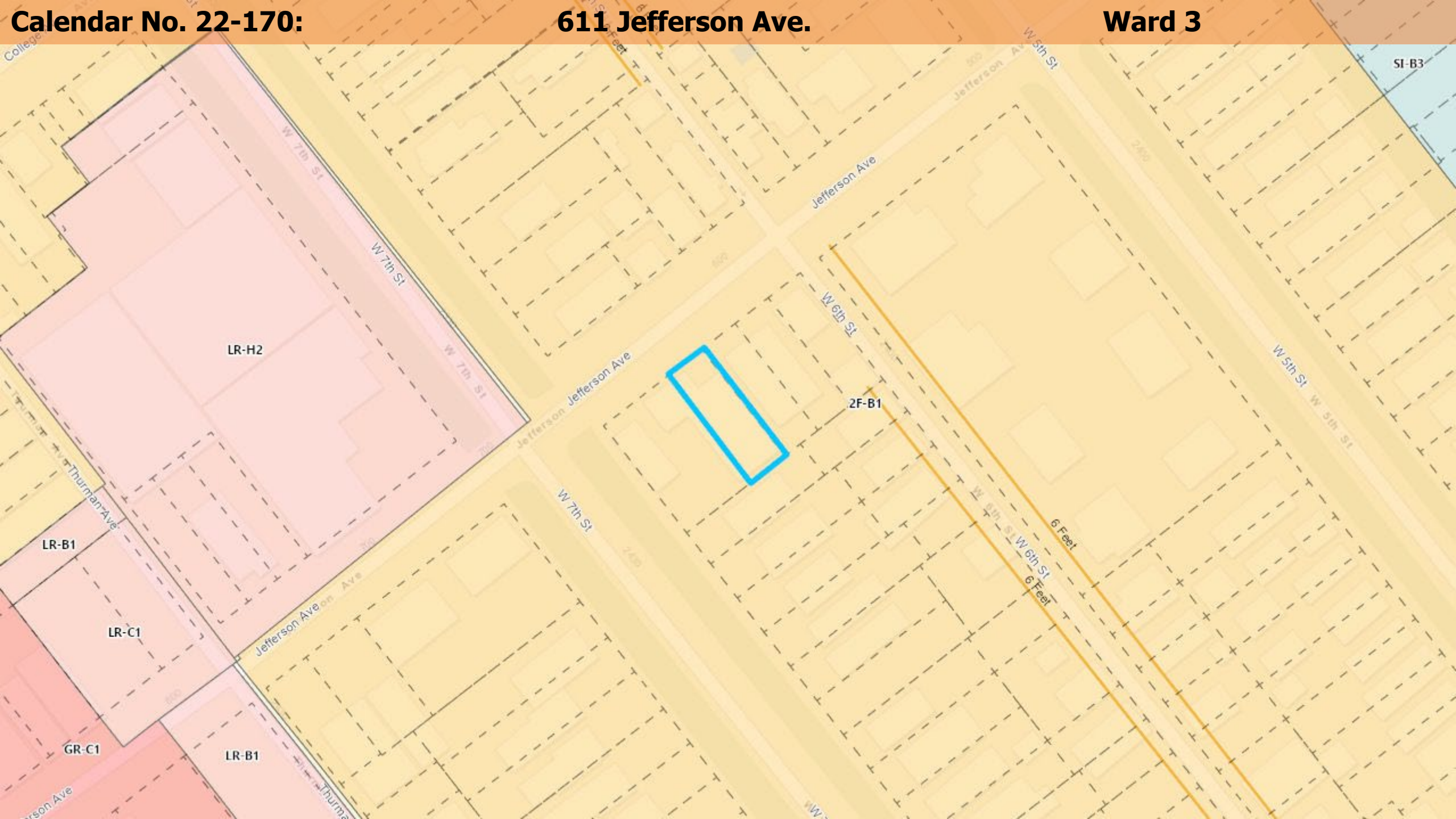


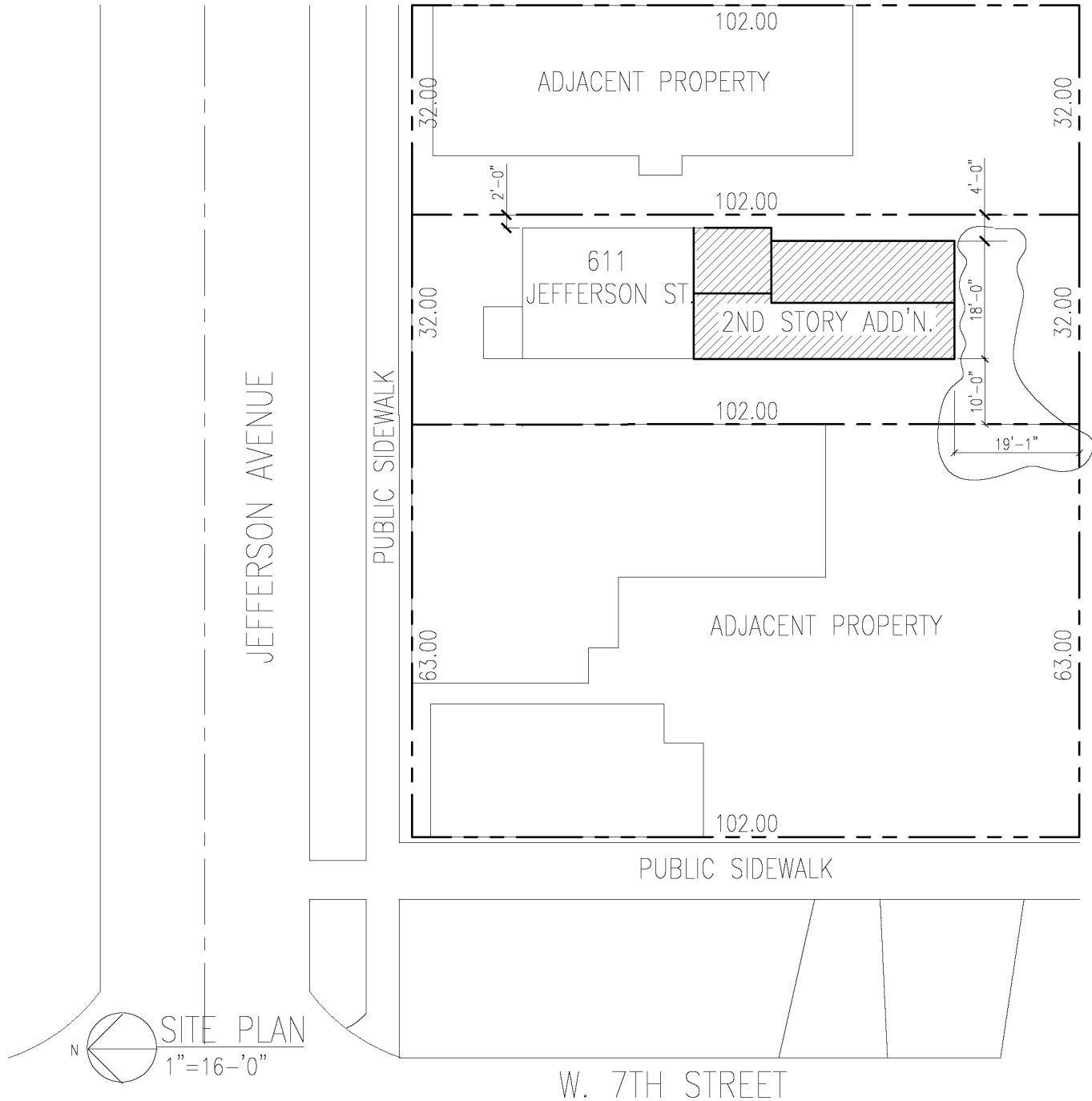
Calendar No. 22-170:

611 Jefferson Ave.

Ward 3







DATA

EXIST. AREA (1ST.FLOOR): 1,320 SQUARE FEET
 EXIST. AREA (2ND.FLOOR): 365 SQUARE FEET
 TOTAL EXISTING AREA: 1,685 SQUARE FEET
 ADDED AREA (2ND.FLOOR): 720 SQUARE FEET
 NEW TOTAL AREA: 2,385 SQUARE FEET

CONSTRUCTION TYPE: 5B
 STRUCTURAL DESIGN LOADS

SOIL BEARING: 2000 PSF

FIRST FLOOR AND DECK:

LIVE LOAD - 40 PSF
 DEAD LOAD - 10 PSF
 TOTAL LOAD - 50 PSF

SECOND FLOOR LOAD:

LIVE LOAD - 30 PSF
 DEAD LOAD - 10 PSF
 TOTAL LOAD - 40 PSF

ROOF LOAD:

LIVE/SNOW LOAD - 30 PSF
 DEAD LOAD - 15 PSF
 TOTAL LOAD - 45 PSF

WIND LOAD:

90 M.P.H. 40PSF

DEFECTION LIMITATIONS:

FLOORS, DECK - 1/360 SPAN
 ROOF - 1/240 SPAN
 EXT. WALLS - 1/240 SPAN 20PSF

GUARD RAILS & HANDRAILS:

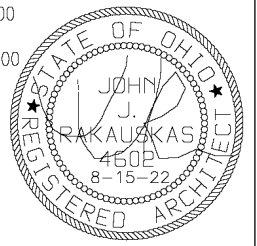
200# CONCENTRATED LOAD
 AT ANY POINT, ANY DIRECTION
 100 PLF AND 50 PLF LOAD AT
 SAME TIME VERTICALLY
 AND HORIZONTALLY
 RESPECTIVELY AT TOP.

LUMBER: SPRUCE NO.2

fb= 750 psi, E=1,1000,000
 MICROLAM LVLs
 fb= 2,600 psi, E=1,900,000

DRAWING LIST

- 1.0 SITE PLAN
- 2.0 BASEMENT PLAN
- 3.0 FIRST FLOOR PLAN
- 4.0 SECOND FLOOR PLAN
- 5.0 ROOF PLAN
- 6.0, LONG. SECTION
- 7.0 CROSS SECTION
- 8.0 ELEVATIONS



John J. Rakauskas
 Ohio Reg. #4602
 Expires 12/31/23

REV 1 - 08/21/22 22212

1.0

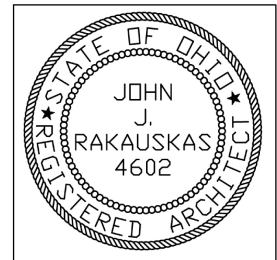
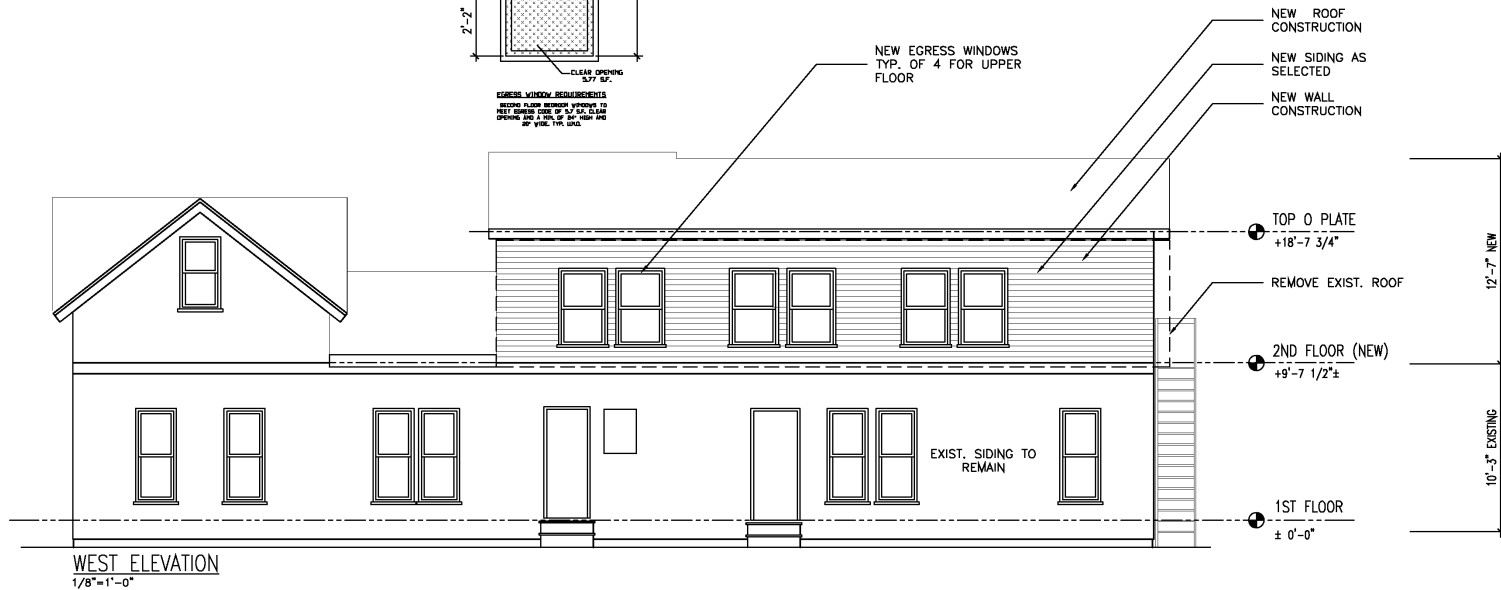
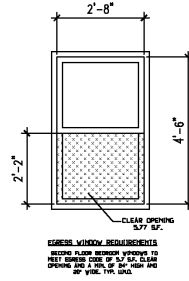
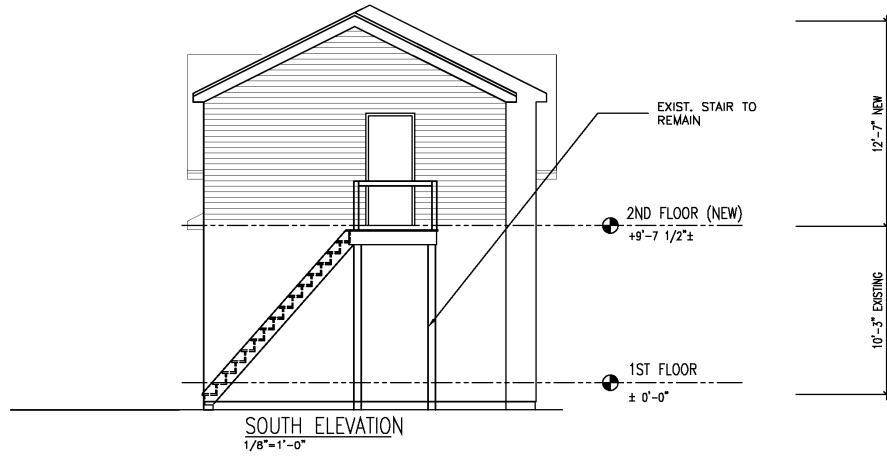
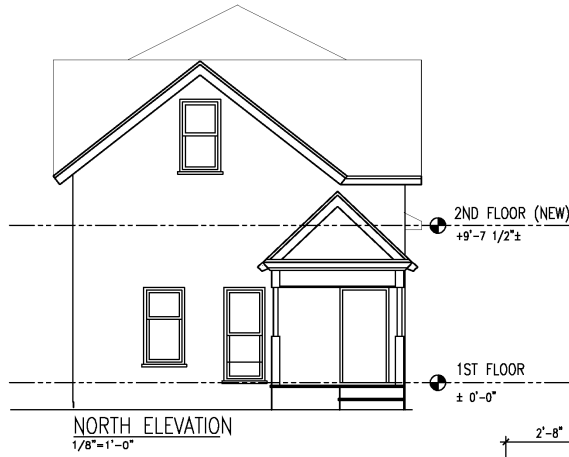
08/15/22

SITE PLAN

RAKAUSKAS ARCHITECTURE
 4352 PEARL ROAD STE. C CLEV., OHIO 44109
 (216) 741-5757 john@rakarcch.com

ADDITION AND ALTERATIONS
 611 JEFFERSON STREET
 CLEVELAND, OH 44113

RAKAUSKAS



8.0

08/15/22

ELEVATIONS

RAKAUSKAS ARCHITECTURE L.L.C.
4352 PEARL ROAD STE C., CLE., OH
(216) 741-5757 john@rakarch.com

ADDITION AND ALTERATIONS
611 JEFFERSON STREET
CLEVELAND, OH 44113

RAKAUSKAS

Public Hearing

Calendar No. 22-172

2915 Detroit Avenue.

Ward 3



AK Detroit My Place LLC, proposes alterations and to establish use as bar/restaurant in a D3 Local Retail Business District and a Pedestrian Retail Overlay District. The owner appeals for relief from the following section of the Cleveland Codified Ordinances:

1. Section 349.04(f) which states that accessory off street parking is required at the rate of 1 for each employee, plus 1 for each 100 square feet of floor area devoted to patron use or 1 for each 4 seats based on maximum seating capacity, whichever is greater in this case 12 parking spaces are required. Per section 343.23(i) those properties located in the Pedestrian Retail Overlay District required parking will be reduced by 1/3 therefore 8 accessory off street parking spaces required: none are provided.



Public Hearing

Calendar No. 22-172

2915 Detroit Avenue.

Ward 3



SWEARING IN ALL WHO ARE PRESENT FOR THIS CASE:

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Reply with I DO, YOUR NAME and YOUR ADDRESS.**



HISTORY OF THE PROPERTY





LEGAL STANDARD

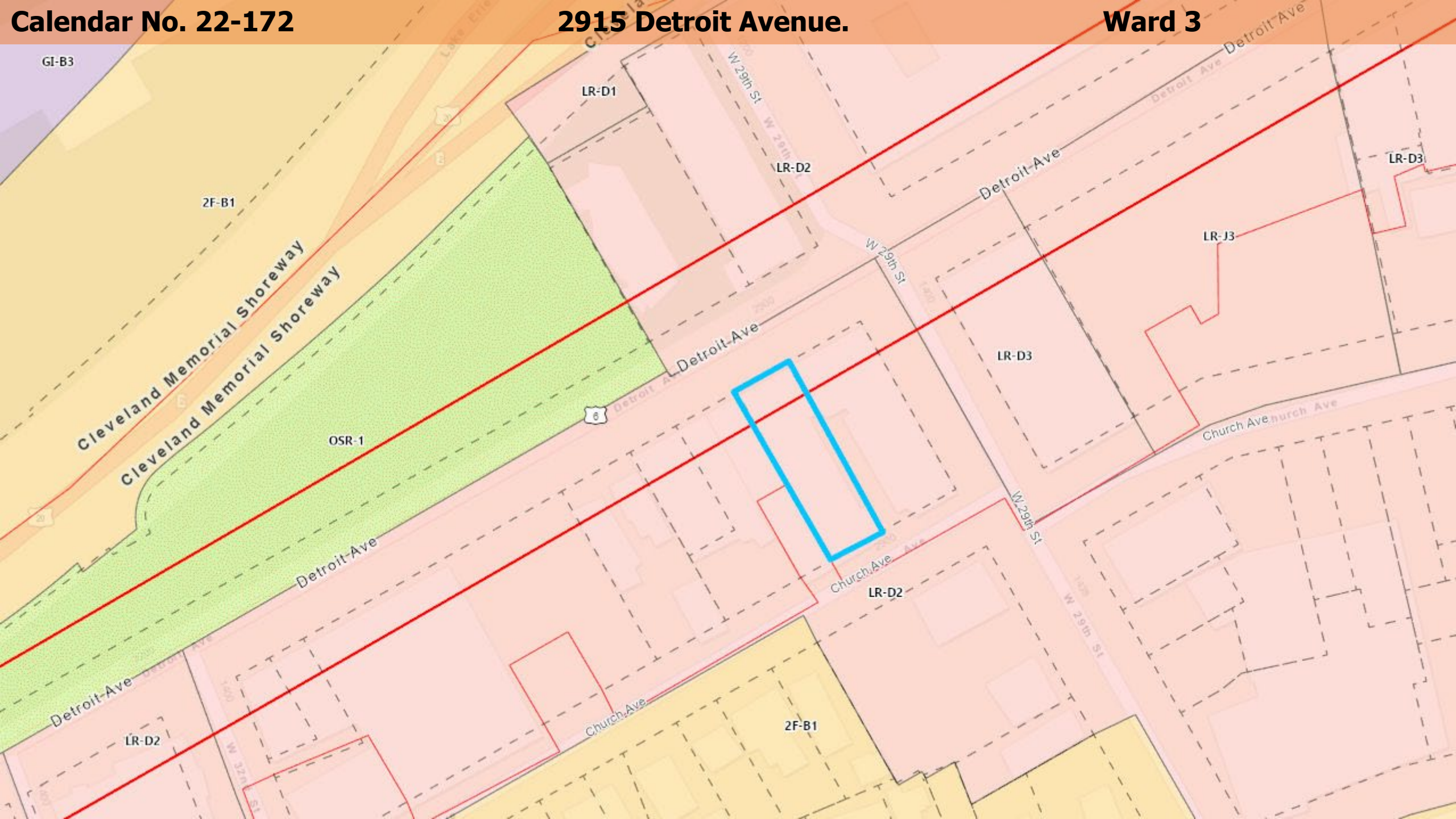
Madam Chair, Members of the Board, Appellant is requesting an area variance from the parking regulations of the zoning code.

To obtain the area variance, Appellant must prove that denying the request:

1. Will create a **practical difficulty** not generally shared by other land or buildings in the same district;
2. Will deprive the Appellant of substantial property rights; and
3. That granting the variance will not be contrary to the purpose and intent of the zoning code.







Public Hearing



Calendar No. 22-175:

3479 Tuttle Avenue.

Ward 17

Michael Hess, owner, proposes to erect 9' x 12' 1 story frame detached roof covered deck 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 337.23(A) which states accessory buildings shall no occupy more than 40 percent of required rear yard area. (24' x 24' detached garage already exist on site)



Public Hearing

Calendar No. 22-175:

3479 Tuttle Avenue.

Ward 17



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IS THE WHOLE TRUTH AND NOTHING BUT THE TRUTH?

Please Raise Your Hand.
Reply with I DO, YOUR NAME and YOUR ADDRESS.



HISTORY OF THE PROPERTY





LEGAL STANDARD

Madam Chair, Members of the Board, Appellant is requesting an area variance from the accessory building regulations of the zoning code.

To obtain the area variance, Appellant must prove that denying the request:

1. Will create a **practical difficulty** not generally shared by other land or buildings in the same district;
2. Will deprive the Appellant of substantial property rights; and
3. That granting the variance will not be contrary to the purpose and intent of the zoning code.

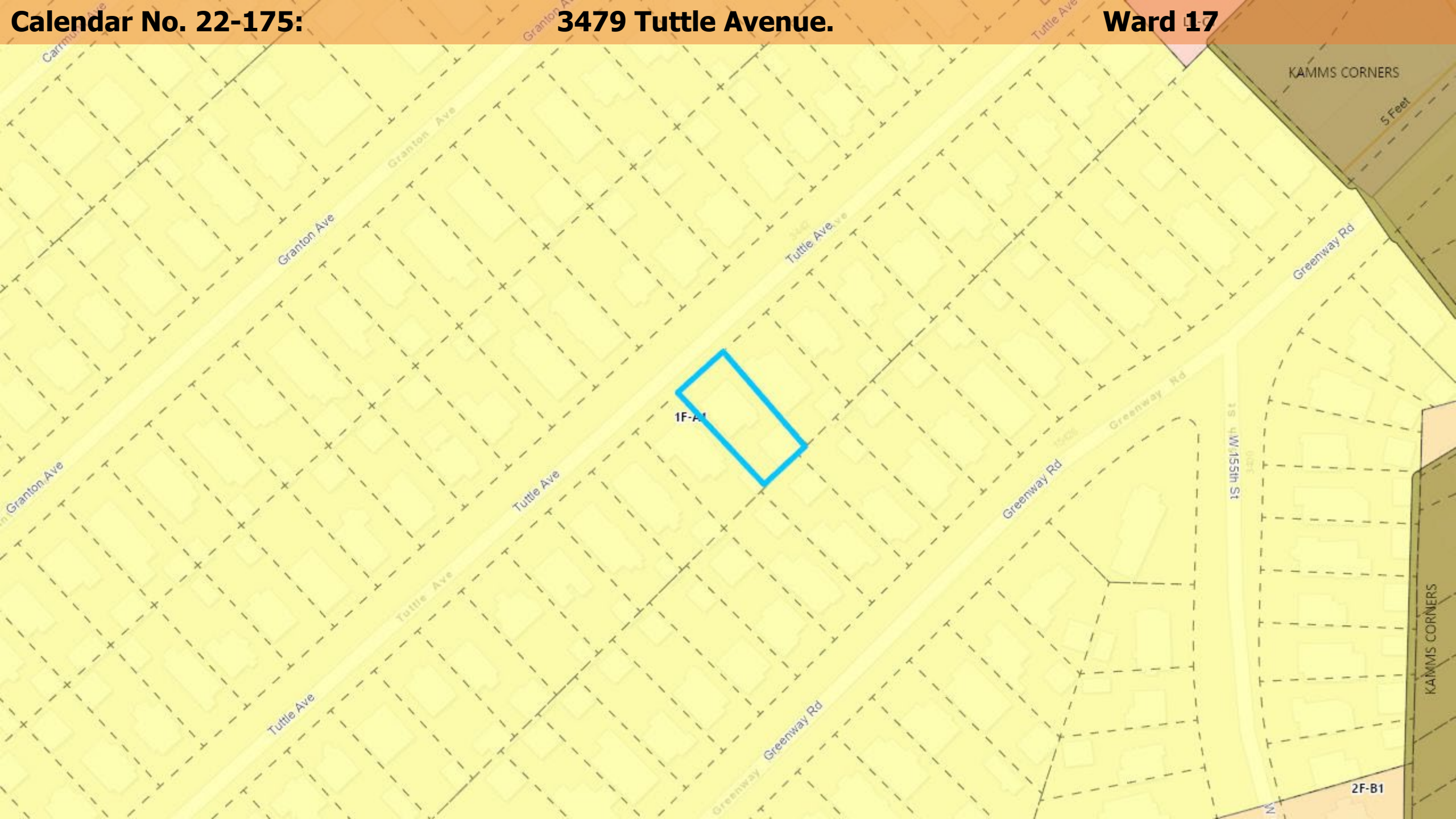


Calendar No. 22-175:

3479 Tuttle Avenue.

Ward 17





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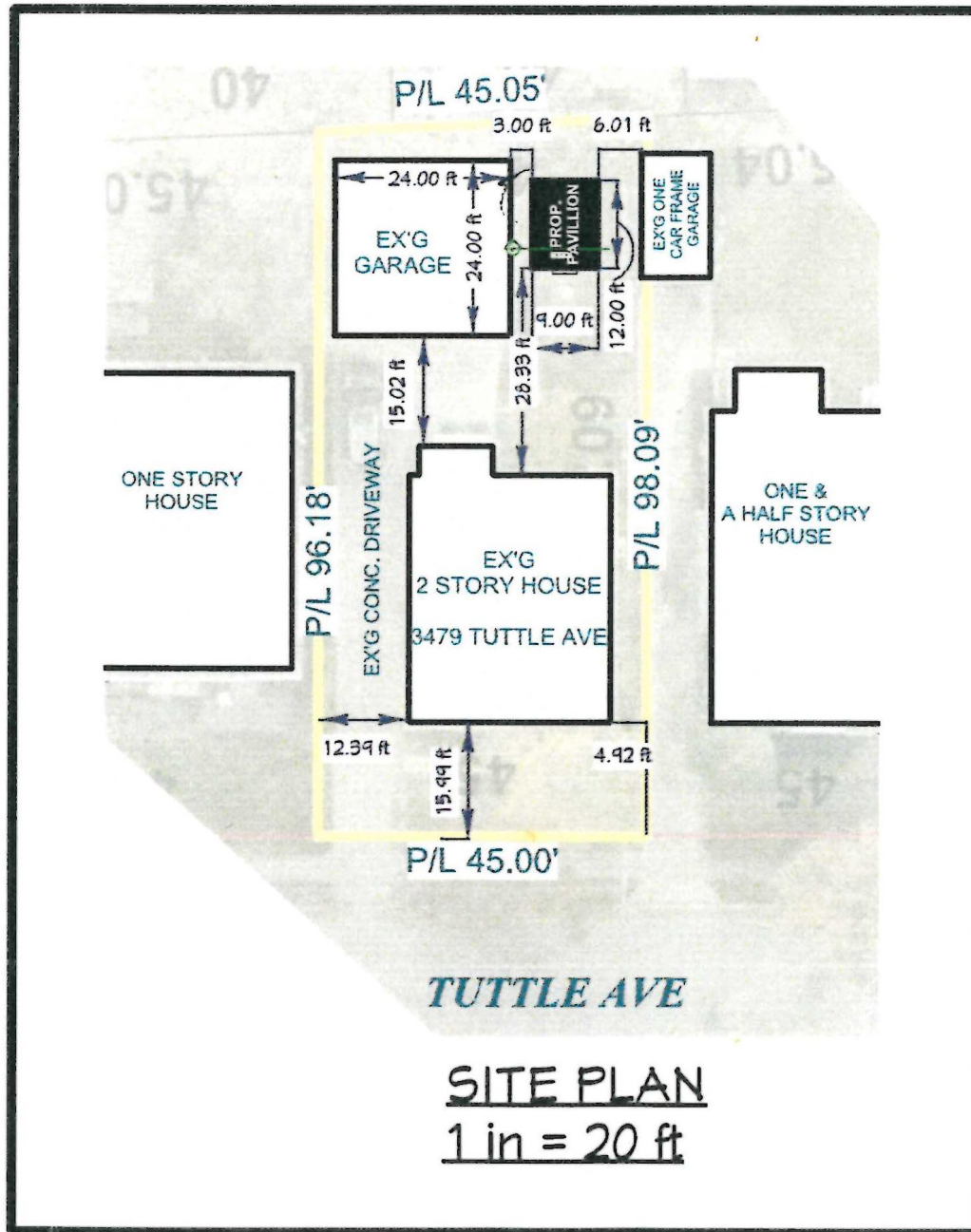
2F-B1

KAMMS CORNERS

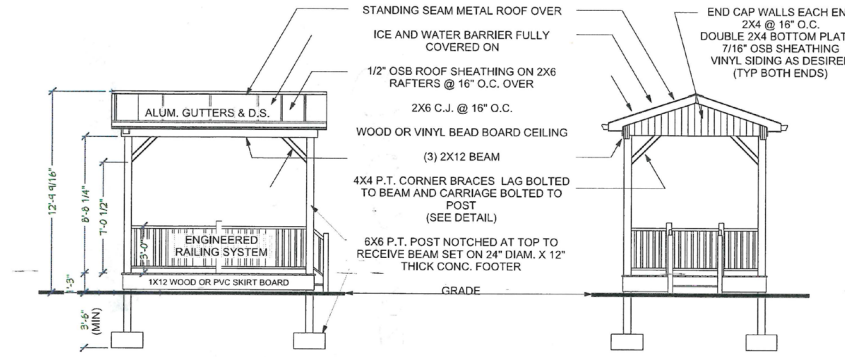
5 Feet

KAMMS CORNERS

15th St

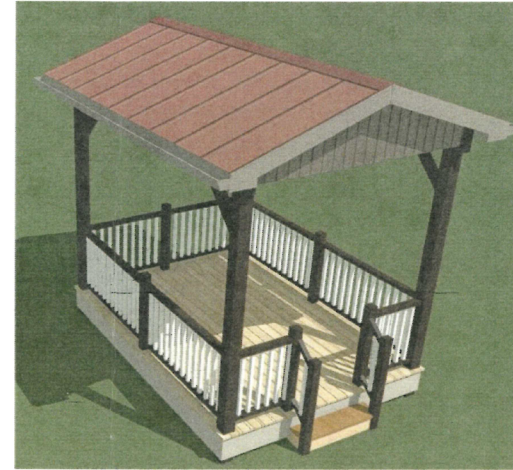


PROPOSED BACK YARD PAVILLION 3479 TUTTLE AVE CLEVELAND, OH 44111



LEFT ELEVATION
1/4 in = 1 ft
(RIGHT ELEVATION IDENTICAL)

FRONT ELEVATION
1/4 in = 1 ft



GENERAL

GENERAL NOTES ARE INTEN CONSTRUCTION DOCUMENTS BETWEEN THE GENERAL NOT DOCUMENTS, THE STRICTES'

GOVERNING CODE

Codified Ordinances of the City of Cleveland
2014 RESIDENTIAL CODE OF CLEVELAND
2020 NFPA 70, National Electric Code
2017 OHIO PLUMBING CODE
2017 Ohio Mechanical Code with 2009 IECC (ENERGY CODE)

GENERAL STRUCTURE

STRUCTURAL MEMBERS ARE ON THE FOLLOWING DESIGN

WIND SPEED DESIGN LOADS 1 EXPOSURE CATEGORY B

GROUND SNOWLOAD 20 PSF

FLOOR LOADS

40 P.S.F. LIVE LOAD, 10 P.S.F. SLEEPING ROOMS
30 P.S.F. LIVE LOAD, 10 P.S.F. SLEEPING ROOMS

ROOF LOADS

20 P.S.F. LIVE LOAD, 10 P.S.F. SLEEPING ROOMS

SOIL BEARING CAPACITY

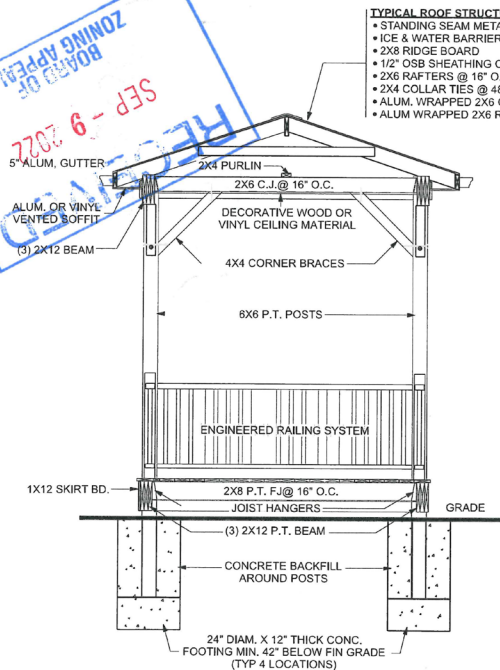
1500 P.S.F. (PRESUMED)

B2R-22-00175

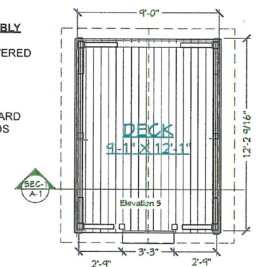
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SEP - 9 - 2022

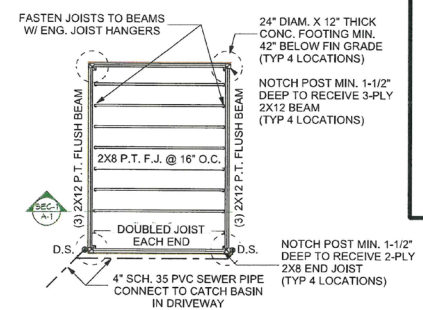
BOARD OF ZONING APPEALS



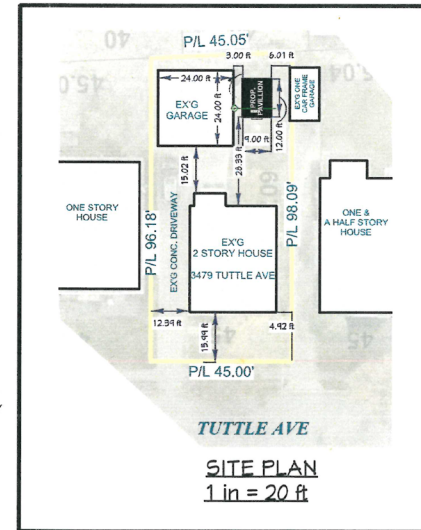
TYPICAL SECTION
1/2 in = 1 ft



PLAN VIEW
1/4 in = 1 ft



FOOTING AND FLOOR FRAMING PLAN
1/4 in = 1 ft



MINIMUM SPECIFIED COM

| TYPE OR LOCATION OF CONCRETE CONSTRUCTION |
|--|
| Basement walls, foundations and other concrete not exposed to the weather |
| Basement slabs and concrete slabs on grade, except garage floor slabs |
| Basement walls, foundation walls, exterior walls and other vertical concrete work exposed to the weather |
| Patios, corner slabs and steps exposed to the weather, and garage floor slabs |

For Sl. 1 pound per cubic foot - 8.92 KPa.
a. Specify in 28 days air.
b. See Table 901.2.11 for reinforcing systems.
c. Concrete in these locations shall contain controlled concrete in accordance with Foot 4.
d. Concrete shall be incorporated. Final test report is more than 7 months.
e. See Section 901.2 for minimum concrete strength.
f. For garage floors with a steel-reinforced (in concrete) to not less than 2 inches is permitted to not less than 4000 psi.

NOTE:

- OWNER OR OWNERS CONTRACTORS ARE SOLELY RESPONSIBLE
1. ESTABLISHING BUILDING ELEVATIONS, 5 AND SURFACE DRAINAGE
 2. ENSURING THAT ALL APPLICABLE CODES AND ORDINANCES ARE COMPLIED) DEVELOPMENT AND CONSTRUCTION ON T
 3. VERIFYING ALL DESIGN CRITERIA VERIFYING ALL DIMENSIONS AND ROUGH C INCLUDING, BUT NOT LIMITED TO WINDOW APPLIANCES, CABINETS, COUNTERTOPS, PL MECHANICAL, PLUMBING AND ELECTRICAL AND DEVICES
 4. COMPLIANCE WITH APPLICABLE ENERGY
 5. ENGINEERED FLOOR PRODUCTS SUCH AS ROOF AND FLOOR TRUSSES, I.V.S., JOISTS SHALL BE USED AND DESIGNED BY THE PA AND/OR MANUFACTURER.

From: Amy Posch <TommyRicky123@live.com>

Sent: Thursday, October 13, 2022 8:46 AM

To: Kukla, Elizabeth <Ekukla@clevelandohio.gov>

Subject: Zoning appeal comment

CAUTION: This email originated from outside of the City of Cleveland. Do not click on links or open attachments unless you recognize the sender and know that the content is safe. If you believe that this email is suspicious, please forward to phishing@clevelandohio.gov.

Dear Ms Kukla

My name is Amy Posch and my address is 3481 Tuttle Ave, next door to Mike Hess at 3479 Tuttle.

I can't attend the virtual meeting, so I'm writing to let you know that I have no objections to his proposed covered deck referenced in Calendar# 22-175.

Kind Regards,
Amy

Get [Outlook for Android](#)

From: Andrea Sokol <asokol120@hotmail.com>

Sent: Thursday, October 13, 2022 11:04 AM

To: Kukla, Elizabeth <Ekukla@clevelandohio.gov>

Subject: Calendar No. 22-175

CAUTION: This email originated from outside of the City of Cleveland. Do not click on links or open attachments unless you recognize the sender and know that the content is safe. If you believe that this email is suspicious, please forward to phishing@clevelandohio.gov.

Dear Ms. Kukla,

My name is Andrea Sokol, and I own and reside at the real property located at 15520 Greenway Road, Cleveland, Ohio 44111. I am in receipt of the Official Notice dated September 20, 2022, regarding the City of Cleveland Board of Zoning Appeals' October 17, 2022 virtual public meeting concerning Michael Hess' request to erect a 9' x 12' 1 story frame detached roof covered deck on his real property located at 3479 Tuttle Avenue, Cleveland, Ohio 44111, referred to as Calendar No. 22-175.

I am unable to attend the hearing and cannot have a representative present in my absence. I would like to offer my support though. Michael Hess is an upstanding citizen of Cleveland. His backyard abuts my backyard and he has always been a good neighbor. He is very pleasant, helpful, and reliable. He has done a lot of work to maintain his property and keep it looking beautiful. So long as the proposed structure remains within his parcel boundaries, I have no objections.

Please feel free to contact me by email should additional information be required prior to Monday's hearing.

Thank you,

Andrea L. Sokol

Public Hearing



Calendar No. 22-176:

6400-02 St. Clair Avenue.

Ward 7

Thomas Richard Sr., owner, to expand first floor use of bar and restaurant area into vacant space on the first floor (interior expansion only) 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 349.04(f) which states that 9 off-street parking spaces required for the new space at the rate of 1 for each 100 square feet of floor area devoted to patron use; none proposed.



Public Hearing

Calendar No. 22-176:

6400-02 St. Clair Avenue.

Ward 7



SWEARING IN ALL WHO ARE PRESENT FOR THIS CASE:

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HISTORY OF THE PROPERTY





LEGAL STANDARD

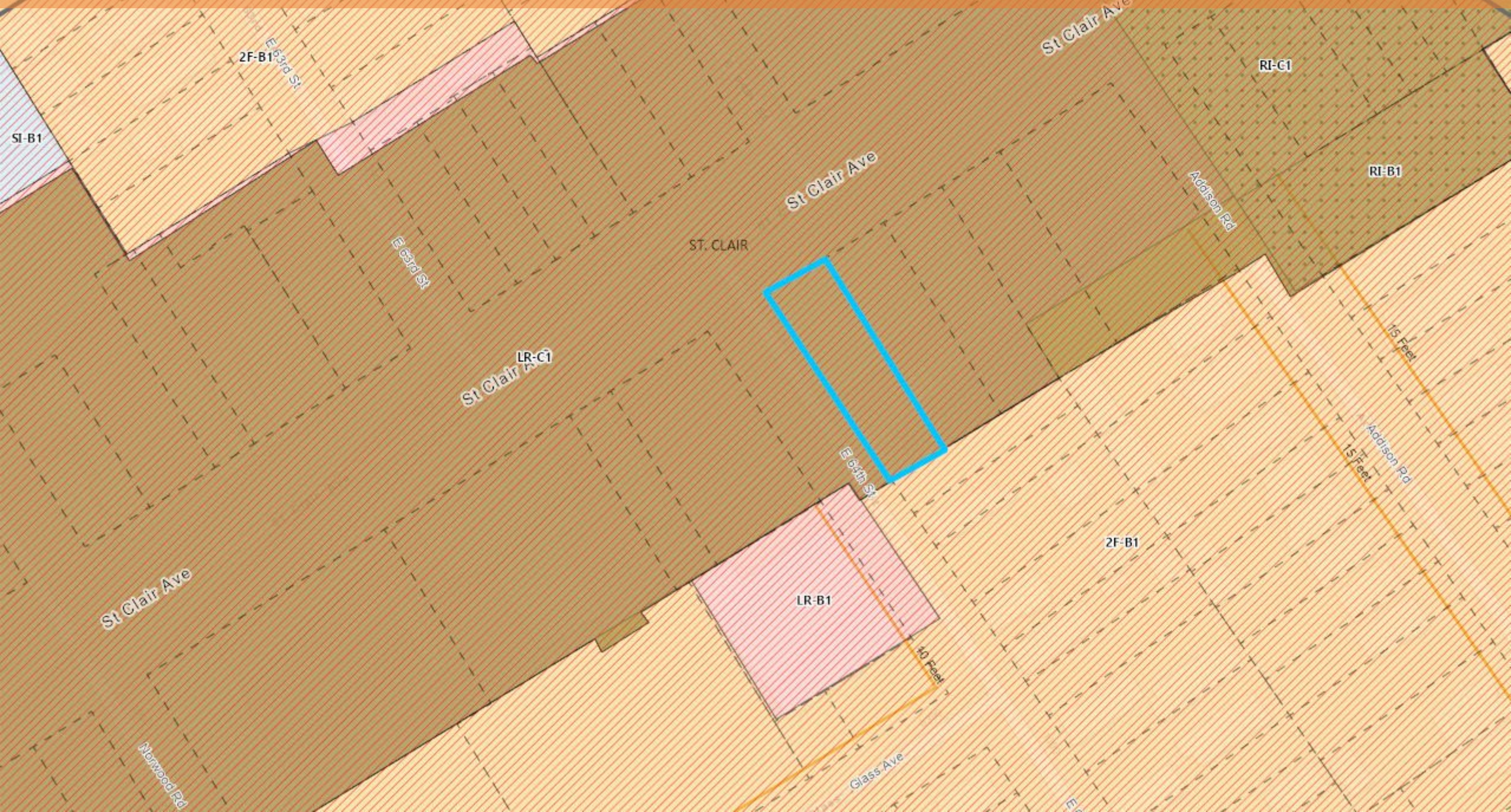
Madam Chair, Members of the Board, Appellant is requesting an area variance from the parking regulations of the zoning code.

To obtain the area variance, Appellant must prove that denying the request:

1. Will create a **practical difficulty** not generally shared by other land or buildings in the same district;
2. Will deprive the Appellant of substantial property rights; and
3. That granting the variance will not be contrary to the purpose and intent of the zoning code.

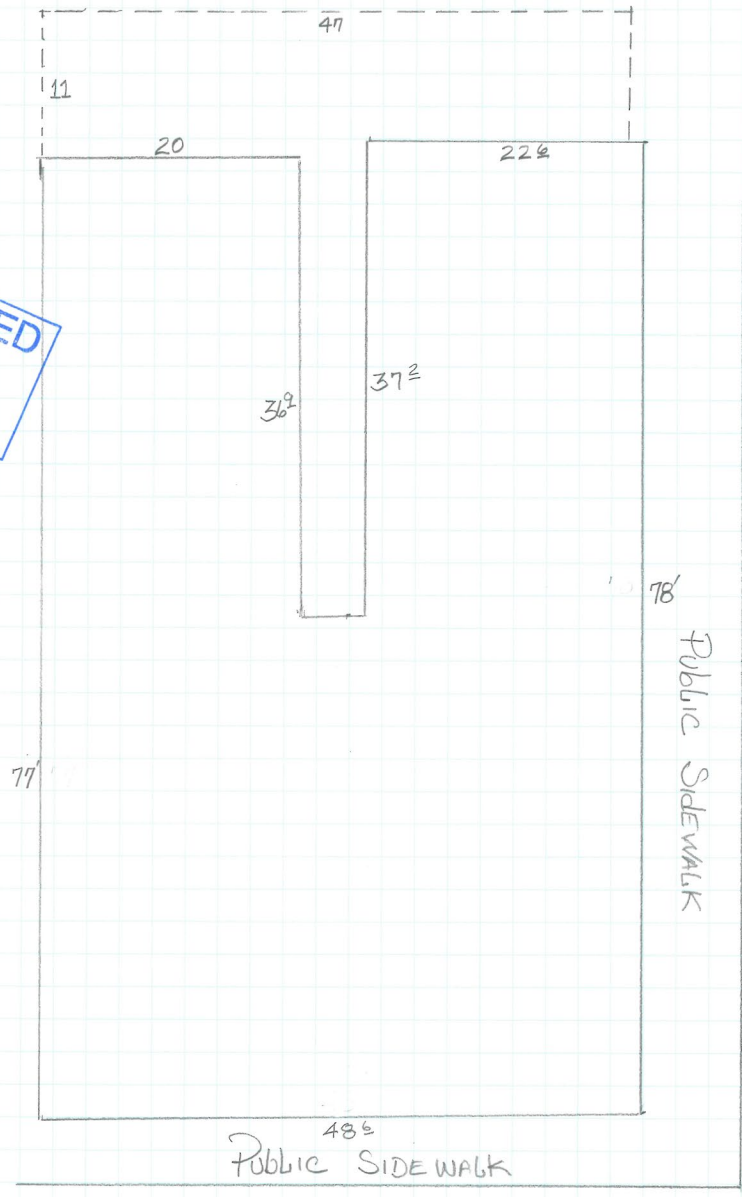






3/22

RECEIVED
SEP 12 2022
BOARD OF
ZONING APPEALS



B24 22-176

Public Hearing

Calendar No. 22-132

7407 Union Ave.

Ward 6



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.



Public Hearing

Calendar No. 22-132

7407 Union Ave.

Ward 6



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HISTORY OF THE PROPERTY





LEGAL STANDARD

Madam Chair, Members of the Board, Appellant is requesting a use variance and area variances from the transition strip, parking, and frontage strip regulations of the zoning code.

To obtain the use variance, Appellant must prove that denying the request:

1. Will result in an **unnecessary hardship** particular to the property such that there will be no economically feasible use of the property without the variance;
2. Will deprive the Appellant of substantial property rights; and
3. That granting the variance will not be contrary to the purpose and intent of the zoning code.

To obtain the area variances, Appellant must prove that denying the request:

1. Will create a **practical difficulty** not generally shared by other land or buildings in the same district;
2. Will deprive the Appellant of substantial property rights; and
3. That granting the variances will not be contrary to the purpose and intent of the zoning code.

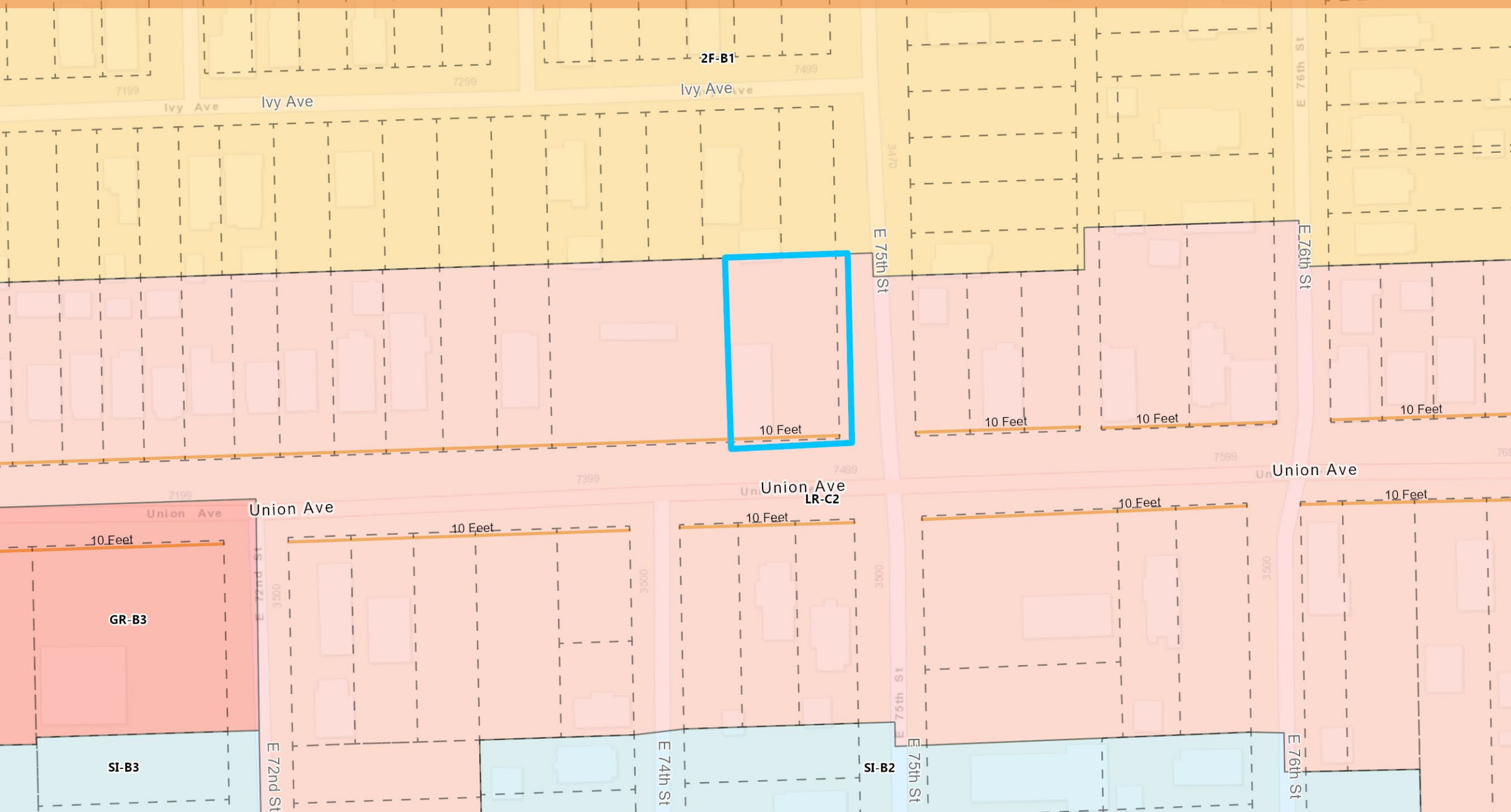




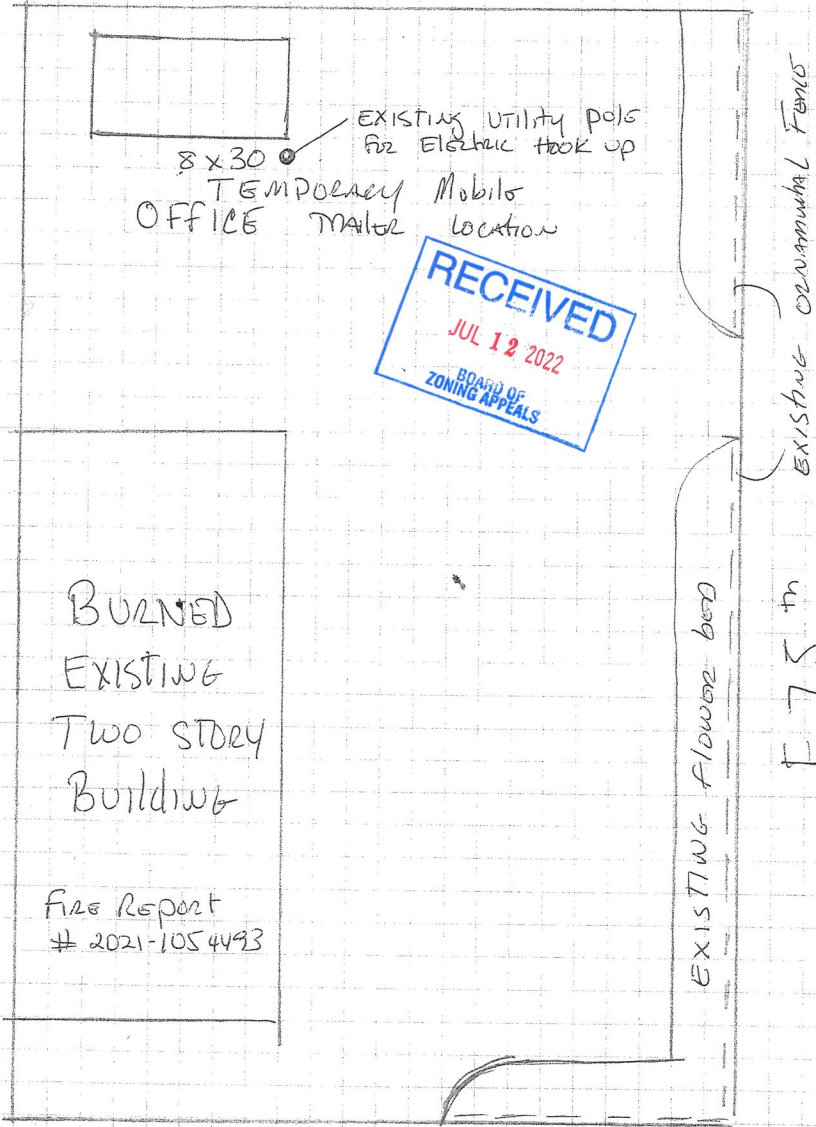
East 75th Street

Union Avenue

East 74th Street

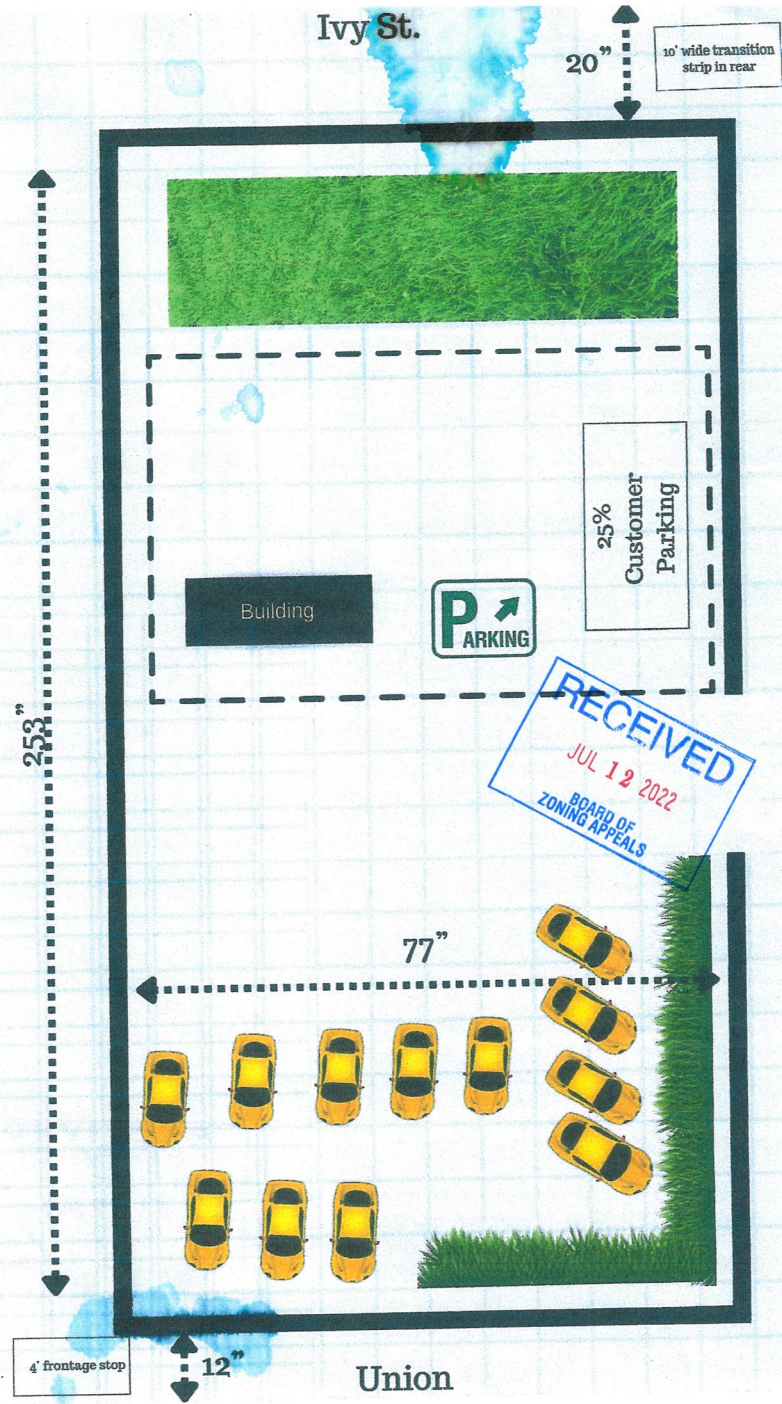


B2A 22-00132



RECEIVED
 JUL 12 2022
 BOARD OF ZONING APPEALS

Ivy St.



B2A 22-00132

4' frontage stop

12''

Union

77''

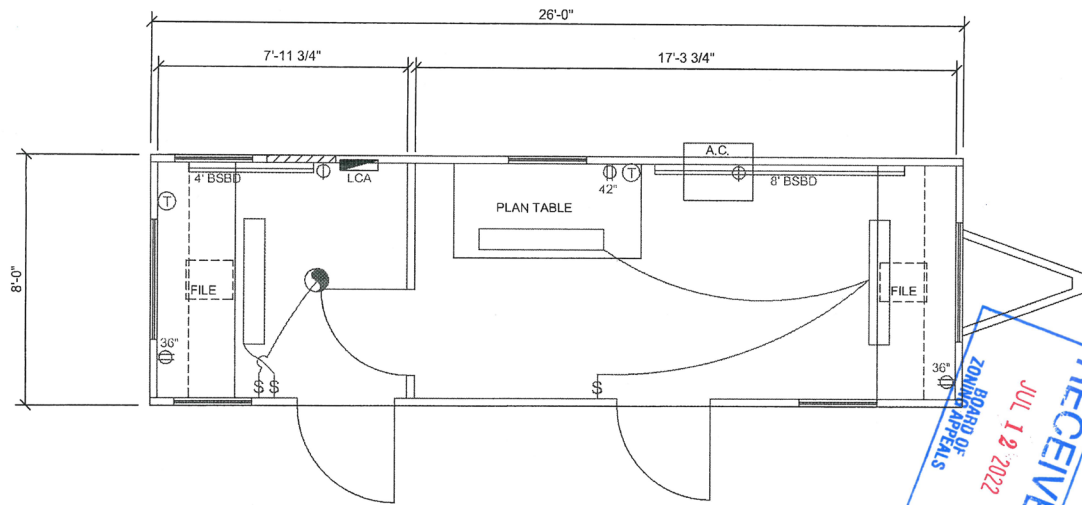
253''

RECEIVED
 JUL 12 2022
 BOARD OF ZONING APPEALS

20''

10' wide transition strip in rear

OWNER'S COPY NOT FOR RENTING
SEE S.P. 307
OFFICE USE
RECEIVED



8X30 O/A FLOOR PLAN

For 7407 Union Ave



Sommer's Mobile Leasing, Inc.
1800 Lorain Blvd., Elyria, OH 44035
(800) 826-5654 Fax (440) 324-2400
Web Site: www.sommersmobileleasing.com
E-mail: sales@sommersmobileleasing.com

Cleveland Board of Zoning Appeals

Old Business



Public Hearing



Cleveland Board of Zoning Appeals

Adjournment

