



BOARD OF ZONING APPEALS

601 Lakeside Avenue, Room 516

Cleveland, Ohio 44114-1071

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

216.664.2580

DECEMBER 5, 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/UCB8ql0Jrhm_pYIR1OLY68bw/

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 November 30, 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. 22-206:

2017 West 44th St.

Ward 3

Kerry McCormack

AHA Development OHC LLC, proposes to erect a three story, 10,500 square foot, 15-unit apartment building in 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),(b) which states that a multi-unit apartment building is not permitted in a Two Family residential district.
2. Section 355.04(b) which states that in a "B" area district the maximum gross floor area of building cannot exceed one-half the lot size; in this case 2,256 maximum gross floor area is permitted, and 10,500 square foot floor area is proposed.
3. Section 355.04(b) which states in a "B" area district, minimum lot size must equal at least a minimum of 2,400 square feet per number of proposed units therefore a 36,000 square foot minimum lot area is required and 5,512 square foot lot area is proposed.
4. Section 357.04(a) which states a front yard setback of a distance equal to fifteen percent (15%) of the average or normal depth of the lot, or 4 feet, 9 inches and 2 feet, 11 inches are proposed.

5. Section 357.05(a) which states that a side street yard of 5 feet is required and 2 feet 7 inches side street yard along Apple Avenue is proposed.
6. Section 357.08(b)(1) which states a minimum rear yard of 20 feet is required where 3 feet, 10 inches to 11 feet 4 inches are provided.
7. Section 349.04(a) which states that 15 accessory off-street parking spaces are required and no compliant parking spaces are provided. Note: a 29-space parking lot adjacent to proposed development, subject of a separate building permit application (B22023866 at 4136 Apple Avenue) also requiring a zoning variance, is pending.

Calendar No. 22-201:

4136 Apple Avenue.

Ward 3

Kerry McCormack

AHA Development OHC. LLC. Owner proposes to construct a parking lot in a B1 Two-Family Residential District. The owner appeals for relief from Section 349.13(c) which states that the Board of Zoning Appeals may permit, temporarily or permanently, the use of land in a Residence District, for a parking lot when the best interests of the community will be served, and provided that:

- (1) The lot is to be used only for the parking of passenger automobiles of employees, customers or guests of the person or firm controlling and operating the lot, who shall be responsible for its maintenance;
- (2) No charge is to be made for parking on the lot;
- (3) The lot is not to be used for sales, repair work or servicing of any kind;
- (4) Entrance to and exit from the lot are to be located so as to do the least harm to the Residence District;
- (5) No advertising sign or material is to be located on the lot;
- (6) All parking is to be kept back of the setback building line by barrier unless specifically authorized otherwise by the Board;
- (7) The parking lot and that portion of the driveway back of the building line are to be adequately screened from the street and from adjoining property in a Residence District by a hedge, sightly fence or wall not less than four (4) feet six (6) inches high and not more than five (5) feet high located back of the setback building line. All lighting is to be arranged so that there will be no glare that is annoying to the occupants of adjoining property in a Residence District, and the surface of the parking lot is to be smoothly graded, hard surfaced and adequately drained;
- (8) The building permit number under which the lot is established is to be posted;
- (9) Such other and further conditions may be imposed as the Board may deem necessary in any specific case to reduce the adverse effect of the proximity of a parking lot upon the character, development and maintenance of the Residence District in which the parking lot is to be located.

Calendar No. 22-205

4003 Franklin Blvd.

Ward 3

Kerry McCormack

Donald A. Malone Jr. & Jennine Ann Malone, propose to erect 10' x 24' one-story frame sunroom attached to an existing detached garage and two-family residence. The owner appeals for relief from the strict application of the following sections of the Cleveland Codified Ordinances:

1. Section 357.08(b)(1) which states that the Required Rear Yard is 20 feet and the appellant is proposing no rear yard.
2. Section 355.04(b) which states that the maximum gross floor area shall not exceed 50 percent of the lot or in this case 4,072 square feet. The appellant is proposing 4,317 square feet.

Calendar No. 22-207

3015 Chatham Avenue.

Ward 3

Kerry McCormack

M & M Property Group, LLC. proposes to erect a single-family residence and attached 3 car garage in the rear of a parcel 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 355.04(b) which states that the required minimum floor area for residential building is 950 square feet and the appellant is proposing 748 square feet.
2. Section 357.08 (b)(1) which states that the required rear yard is 21 feet and 5 inches where the appellant is proposing 5 feet.

Calendar No. 22-208:

2458 Tremont Ave.

Ward 3

Kerry McCormack

Michael Clements & Benjamin Whalley, proposes to erect a 3-story frame wooden front porch to existing three family residence in a C1 Multi-Family Residential. The owner appeals for relief from the strict application of the following sections of the Cleveland codified ordinances:

1. Section 357.09(b)(2)(D) which states the required interior yard setback is 7 feet and the appellant is proposing 9 feet and 1 inch. The total width of required side yards is 10 feet and the appellant is proposing 9'-1".
2. Section 357.13(b)(4) which states that open front yard porches shall not project more than 8 feet; proposing 10'-5".

Calendar No. 22-210:

3733 East 65 Street.

Ward 12

Rebecca Maurer

Ran Romano, owner, proposes to correct condemnation and establish seven (7) residential units, two (2) commercial retail units and one (1) coffee shop in a B1 Local Retail Business District. The owner appeals for relief from the strict application of Section 349.04 which states that twenty-four (24) parking spaces are

required (7 spaces for residential, 13 spaces for coffee shop and 4 spaces for retail use) and zero (0) parking spaces are proposed.

POSTPONED FROM NOVEMBER 14, 2022
DUE TO LACK OF QUORUM

Calendar No. 22-188:

2915 Detroit Avenue.

Ward 3

Kerry McCormack

2915 Detroit Avenue LLC , proposes to change of use from factory to office, café, yoga studio and bicycle spin studio in a D3 Local Retail Business District and a Pedestrian Retail Overlay District. The owner appeals for relief from the section 349.04(c) of the Cleveland Codified Ordinances, which states that 44 parking spaces are required and none are proposed. *NO TESTIMONY TAKEN.*

Calendar No. 22-172

2915 Detroit Avenue.

Ward 3

Kerry McCormack

2915 Detroit Avenue 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. *POSTPONED FROM OCTOBER 31 AND NOVEMBER 14 DUE TO LACK OF QUORUM. NO TESTIMONY TAKEN.*

FOLLOWING CASE HAS BEEN WITHDRAWN:

Calendar No. 22-79:

7114 St. Clair.

**Ward 10
Anthony Hairston
34 Notices**

Eric Gregory, owner, and Shonal Clemons, wants an expansion of use as bar and restaurant to second floor and basement in a C1 Local Retail Business zoning district. 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 20 parking spaces are required and none proposed. (Filed May 5, 2022-Testimony Taken)