



**BOARD OF ZONING APPEALS**

601 Lakeside Avenue, Room 516

Cleveland, Ohio 44114-1071

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

216.664.2580

**FEBRUARY 06, 2023**

**Under the conditions specified by law, the Board of Zoning Appeals will be conducting virtual meetings 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/](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 February 03, 2023. 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 us [boardofzoningappeals@clevelandohio.gov](mailto:boardofzoningappeals@clevelandohio.gov).**

**Calendar No. 22-213:**

**4100 Franklin Blvd.**

**Ward 3  
Kerry McCormack**

Lutheran Child Aid Society, owner, proposes to renovate existing legal non-conforming charitable institution to add use as drop-in care center for teens and adults, and to expand hours of operation at 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. Sections 337.03(b) and 337.02(g) which state that a charitable institution in a Two Family Residential District must be at least 30 feet away from adjoining premises, and requires review and approval 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 judgment of the Board such buildings and uses are appropriately located and designed and will meet a community need without adversely affecting the neighborhood. The proposed use is not 30 feet from adjoining premises.
2. Section 349.01(a) which states a use of building or land for which a permit has been lawfully issued, may be continued even though such use does not conform to the provisions of this Zoning Code for the use district in which it is located, but no enlargement or expansion shall be permitted except as

a variance under the terms of Chapter 329, and no substitution or other change in such nonconforming use to other than a conforming use shall be permitted except by special permit from the Board of Zoning Appeals. Such special permit may be issued only if the Board finds after public hearing that such substitution or other change is no more harmful or objectionable than the previous nonconforming use in floor or other space occupied, in volume of trade or production, in kind of goods sold or produced, in daily hours or other period of use, in the type or number of persons to occupy or to be attracted to the premises or in any other characteristic of the new use as compared with the previous use.

3. Section 341.02 which states approval of the Cleveland Landmarks Commission is required.

**Calendar No. 22-219:**

**FEB Inc. appealing decision  
Of the Director of Office  
of Equal Opportunity**

**Ward 12  
Rebecca Maurer**

FEB Inc., appeals under the authority of Section 76-6 of the Charter of the City of Cleveland, Sections 329.02(d) and 188.05(d) of the Cleveland Codified Ordinances from the decision of the Director of the Office of Equal Opportunity on November 3, 2022 to uphold penalty assessments to FEB Inc. for the Trailside II and Trailside III projects (Filed November 17, 2022).

**Calendar No. 23-007**

**1905 E. 89<sup>th</sup> Street**

**Ward 6  
Blaine Griffin**

Cleveland Clinic Foundation, proposes to construct a temporary parking lot (5 years) in an E2 Residence-Office District. The owner appeals for relief from the strict application of the following sections of the Cleveland Codified Ordinances:

1. Section 347.10(a) which states that a temporary permit shall not exceed thirty (30) days in duration. No temporary permit shall be issued within sixty (60) days of the expiration of a previous temporary permit for the same temporary use, on the same premises.
2. Section 349.07(a) which states that accessory off street parking spaces, driveways and vehicle maneuvering areas shall be properly graded for drainage so that all water is drained within the lot providing such parking spaces, and surfaced with concrete, asphalt, or other acceptable paving material maintained in good condition.
3. Section 358.04(a) which states that a fence in the actual front yard shall be ornamental, shall be no more than 4 feet high and at least 50% open. Fences in actual rear yards and in actual interior side yards shall not exceed 6 feet in height and may be solid or open. An 8 foot tall fence is proposed.

**Calendar No. 23-008:**

**3611 Chatham Ave.**

**Ward 3  
Kerry McCormack**

Terracewood LLC, proposes to add a dwelling unit to existing non-conforming three dwelling unit structure 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 which states that a 4 unit apartment dwelling is not permitted in Two Family Residential Zoning district.
2. Section 337.03 (c) which states that the Board of Zoning Appeals, after public notice and public hearing, and upon prescribing proper safeguards to preserve the character of the neighborhood, may grant special permits for the remodeling of existing dwelling houses or the erection of row houses to provide for more than two (2) dwelling units but not more than six dwelling units in each building, provided that:
  - (1) The square feet of lot area to be allotted to each dwelling unit is in accordance with the area regulations included in Chapter 355; the square feet of lot area is not in accordance with Chapter 355 which states that 9,600 square feet of lot area is required and 2,200 square feet are proposed;
  - (2) The dwelling units to be created will be not smaller than two (2) rooms and bathroom;
  - (3) There will be no exterior evidence that a remodeled dwelling house is occupied by more than two (2) families, except such as may be permitted by the Board;
  - (4) The building when altered or erected and when occupied will conform to all the applicable provisions of the Building and Housing Codes;
  - (5) Garage space or hard surfaced and drained parking space will be provided upon the premises for the cars of the families to be accommodated on the premises at the rate of not less than one (1) car per family-"Tandem" parking spaces are proposed, resulting in two of four spaces lacking street access.

**POSTPONED FROM JANUARY 9, 2023**

**Calendar No. 22-228:**

**4015 Gifford Ave.**

**Ward 13  
Kris Harsh**

Sara Sova, proposes to establish use as a "Residential Facility" in a C1 Local Retail Business District. The owner appeals for relief from the strict application of the following sections of the Cleveland 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 service 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 the Ohio Revised Code; or (c) three (3) to sixteen (16) unrelated adults.

2. Section 343.01(b)(1) which states all uses permitted and as regulated in a Multi-Family District are permitted in a Local Retail Business District. Pursuant to 337.08(g), a Residential Facility use is permitted only when the residential facility is located not less than one thousand (1000) feet from another residential facility. Applicant has previously applied for a Residential Facility use at 4100 Gifford Ave., which application has been approved for zoning and will be issued upon successful building code plan review.(Filed December 7, 2022) *POSTPONED AT THE REQUEST OF THE COUNCILMAN TO ALLOW TIME FOR COMMUNITY REVIEW; NO TESTIMONY TAKEN.*