



BOARD OF ZONING APPEALS

601 Lakeside Avenue, Room 516

Cleveland, Ohio 44114-1071

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

216.664.2580

MARCH 20, 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/

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 March 17, 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.

Calendar No. 23-040:

10222 Garfield Ave.

Ward 9

Kevin Conwell

Atir Catering and Event Planning and Rita Davidson propose to establish use as Residential Facility for five occupants in a B1 Two-Family Residential District. The applicant appeals for relief from the strict application of the following sections of the Cleveland Codified Ordinances w

1. Section 325.357 which states that a " 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 the Ohio Revised Code; or (c) three (3) to sixteen (16) unrelated adults.
2. Section 337.03(h) which states that a residential facility 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 two existing Residential Facilities at 9609 Empire Ave, and 10320 Yale Ave.

Calendar No. 23-041:

2735 Woodhill Rd.

Ward 6

Blaine Griffin

BMO LLC, proposes to construct a pavilion shelter for Woodland Community Garden in Limited Retail Zoning District. The appellant appeals for relief from the strict application of the following section of the Cleveland Codified Ordinances:

1. Section 348.04(d)(1)(A) which states that the permitted maximum front yard setback is 8 feet and the appellant is proposing approximately 32 feet. Please note that a lot consolidation is required.

Calendar No. 23-043:

7802 Donald Ave.

Ward 7

Stephanie Howse

Howard Hill properties and Ebony Warren propose to establish use as Residential Facility for more than six occupants in a B1 Two-Family Residential District. The applicant appeals for relief from the strict application of the following sections of the Cleveland Codified Ordinances:

1. Section 325.357 which states that a " 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 the Ohio Revised Code; or (c) three (3) to sixteen (16) unrelated adults.
2. Section 337.03(h) which states that a Residential Facility, for six (6) to sixteen (16) persons, is not permitted in a Two Family zoning district but is first permitted in a Multi-Family Residential zoning district as conditional upon approval by the City Planning Commission, per Section 337.08(g).

Calendar No. 23-044:

1865 W. 22 Street.

Ward 3

Kerry McCormack

1865 W. 22 St. LLC, proposes to renovate existing building and erect an addition of 7 new units with 6 new parking space to existing 7 unit apartment building located in a K4 Semi-Industry Zoning District. The applicant appeals for relief from the strict application of the following section of the Cleveland Codified Ordinances:

1. Section 349.04(a) which states that an additional 7 parking spaces are required for the new 7 units where only 6 parking spaces are proposed.

POSTPONED FROM FEBRUARY 13, 2023

Calendar No. 23-009:

4630 Broadway Avenue.

**Ward 5
Richard Starr**

Julie Abuaun, owner, proposes to establish use as Outside/Open Storage and install a six (6) foot high fence in a C2 Local Retail Business District. The owner appeals for relief from the strict application of the following sections of the Cleveland Codified Ordinances:

1. Section 345.03(c)(33) which states that "Outside/Open Storage" is first permitted in Semi-Industrial District. Any material stored in unenclosed premises to a height greater than four (4) feet above grade level shall be surrounded by a substantial seven (7) foot high wall or fence erected to observe all required building lines.
2. Section 349.04 (j) which states that for "open storage" one (1) parking space for each employee plus 15% of the gross lot area and no parking is proposed.
3. Section 349.07(a) which states accessory off-street parking spaces, driveways and maneuvering areas shall be properly graded for drainage so that all water is drained within the lot providing such parking space, surfaced with concrete, asphaltic concrete or asphalt.
4. Section 352 which states that a landscape plan is required; none proposed.

Calendar No. 23-010:

4636 Broadway Avenue.

**Ward 5
Richard Starr**

Abuaun, owner, proposes to establish use as Outside/Open Storage and install a six (6) foot high fence in a C2 Local Retail Business District. The owner appeals for relief from the strict application of the following sections of the Cleveland Codified Ordinances:

1. Section 345.03(c)(33) which states that "Outside/Open Storage" is first permitted in Semi-Industrial District. Any material stored in unenclosed premises to a height greater than four (4) feet above grade level shall be surrounded by a substantial seven (7) foot high wall or fence erected to observe all required building lines.
2. Section 349.04 (j) which states that for "open storage" one (1) parking space for each employee plus 15% of the gross lot area and no parking is proposed.
3. Section 349.07(a) which states accessory off-street parking spaces, driveways and maneuvering areas shall be properly graded for drainage so that all water is drained within the lot providing such parking space, surfaced with concrete, asphaltic concrete or asphalt.
4. Section 352 which states that a landscape plan is required; none proposed.

POSTPONEMENT WAS MADE AT THE REQUEST OF THE COUNCILMAN TO ALLOW TIME FOR FURTHER REVIEW. NO TESTIMONY TAKEN.

POSTPONED FROM FEBRUARY 27, 2023

Calendar No. 23-016:

1546 E 65th Street.

**Ward 7
Stephanie Howse**

Famicos Foundation, proposes to erect a 1 ½ story frame single-family residence with attached garage on a City of Cleveland land bank lot. The appellant is requesting 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 13.3 feet.
2. Section 337.23(6)(B)(2)(b) which states the required side street setback for the attached garage is 18 feet and the appellant is proposing 12 feet.
3. Section 341.02(b) which states that City Planning approval is required before issuance of building permit.

POSTPONED AT THE REQUEST OF THE APPELLANT DUE TO A CHANGE IN THE SITE PLAN AND CONSEQUENTLY THE ADJUDICATION.

REINSTATED FROM MARCH 6, 2023

Calendar No. 22-233:

9119 Kempton Ave.

**Ward 9
Kevin Conwell
25 Notices**

Bill Paige, owner, proposes to establish use as a Residential Facility/Family Home for a maximum of 5 residents 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 325.571 which states 325.571 Residential Facility "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 the Ohio Revised Code; or (c) three (3) to sixteen (16) unrelated adults.
2. Section 337.03(b) which states such facility/home shall not be located less than 1,000 feet from another residential facility. The proposed residential facility is within 1,000 feet of an existing residential facility at 9602 Empire Ave Cleveland.

THIS CASE WAS DISMISSED ON MARCH 6 DUE TO APPELLANT'S ABSENCE; STAFF FOUND AFTER THE HEARING THAT THE APPELLANT'S LETTER HAD BEEN RETURNED AS "UNDELIVERABLE".