

Twitter Thread by [Documenter_Keith](#)



[Documenter_Keith](#)

[@DocumenterK](#)



Hi, I'm Keith and I'll be live-tweeting today's Monday, July 19, 2021, the City of Cleveland's Board of Zoning Appeals ("BOZA") meeting starting at 9:30 AM for [@cledocumenters](#) [#CLEDocumenters](#) & [@NeighborUpCle](#)

[Join the meeting via youtube](#)

What is the Board of Zoning Appeals? (Left image)

Who currently is the five member body? (Right image)

Board of Zoning Appeals

The Board of Zoning Appeals is a five member body responsible for hearing appeals from individuals who are requesting exceptions or variations for City Ordinances in regard to land use and building requirements or from individuals who are questioning the appropriateness of orders made by City officials.

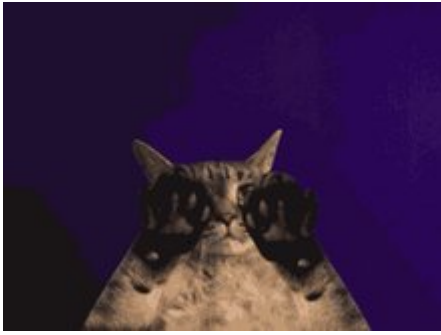
It is the Board's goal to treat all individuals fairly and courteously. Each appeal is heard and decided on its own merit. The Board of Zoning Appeals may be limited in their authority, if any, to grant a variance from the Zoning Code. Listed below are answers to commonly asked questions regarding the Board of Zoning Appeals.

Learn more about Zoning

For additional general information about BOZA, read and review [@cledocumenters](#) Board of Zoning Appeals 101 Presentation,

<https://t.co/5aitRoHU5Q>

<https://t.co/zidI8vIzDi>



Citizen Tools

Board of Zoning Appeals Website
<https://t.co/3WL5lyeiip>

- Features:
- Upcoming Agendas
 - Past Agendas
 - Past materials presented at meetings
 - Contact Information

Download Agendas

Please note: All files after **2011** are in the Adobe Acrobat format. 

2021 ▾

Change Year

To Change the Year, make a selection from the drop down box.

July 19, 2021 ▾

Go

Select the agenda to view from the drop down box.

Older Agendas can be found here.



Graphics/Photos: Download a PDF copy of the materials that are presented at the meeting.

July 12, 2021 ▾

Go

Access the BOZA July 19, 2021 meeting Agenda via [@cledocumenters](https://t.co/uKrHW2URTr)
<https://t.co/uKrHW2URTr>

Access the BOZA July 19, 2021 meeting Agenda via the BOZA website,
<https://t.co/JLnuEYY2QF>

BOZA July 19, 2021 Agenda, Pages 1 to 3



BOARD OF ZONING APPEALS
601 Lakeside Avenue, Room 516
Cleveland, Ohio 44114-1071
<https://planning.clevelandohio.gov/bza/cpc.html>
216.664.2580

JULY 19, 2021

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/UCB8qI0JrhM_pYIR1OLY68bw/

In order to keep the WebEx session manageable, we are asking individuals that wish to participate in the meeting to contact the City Planning office by phone or email by noon on July 16, 2021. 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 City Planning office and request access to the WebEx Board of Zoning Appeals Meeting please call 216.664.2210 or email us at cityplanning@clevelandohio.gov . You can also email Secretary Elizabeth Kukla at ekukla@city.cleveland.oh.us.

9:30

Calendar No. 21-098:

13001 Dove Ave.

Ward 2

Kevin L. Bishop

22 Notices

Paul Snowball, owner proposes to construct a 7 space parking lot in a B1 Two-Family Residential and 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 349.07 (a) which states that 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 spaces, surfaced with concrete, asphaltic concrete, asphalt or other surfacing materials.
2. Section 349.07 (b) which states that accessory off-street parking spaces shall be provided with wheel or bumper guards that are so located that no part of a parked vehicle will extend beyond such parking space.
3. Section 349.07 (c) which states that the driveway used to provide accessibility to accessory off-street parking spaces shall be so located and arranged to minimize traffic congestion.
4. Section 349.13(c) which states the Board of Zoning Appeals may permit, temporarily or permanently, the use of land in a Residence District for a parking lot.
5. 349.13(c)(6) All parking is to be kept back of the setback building line by barrier unless specifically authorized otherwise by the Board.
6. 358.04 Fences in actual front yards shall not exceed four (4) feet in height and shall be at least fifty percent (50%) open. (Filed June 7, 2021)

2. Section 348.04(d)(4)(C) which states that on the Primary Street Frontage, surface parking location must be behind the rear wall of the main building. Surface parking is not behind rear wall of main building. (Filed February 22, 2021; Zoning Code change effective May 21, 2021-Testimony Taken) *POSTPONED AT THE REQUEST OF THE BOARD TO ALLOW TIME FOR COMMUNITY REVIEW.*

POSTPONED FROM MAY 17, 2021

9:30

Calendar No. 21-034

9322 Nelson Ave.

Ward 2

Kevin Bishop

16 Notices

9305 Garfield LLC, owner, proposes to renovate and use as office and warehouse in a B1 Two-Family Residential District. The owner appeals for relief from the strict application from the following sections of the Cleveland Codified Ordinances:

1. Section 337.03 which states that warehouse and office uses are not permitted in a Two Family residential district.
2. Section 349.04 which states that required accessory off-street parking is required at the rate of one space per 500 square feet for office use and 10% of the gross floor area for warehouse use: 5 parking spaces required, none provided.
3. Section 349.07 which states that all vehicle maneuvering areas must be paved.
4. Section 52.08-12 which states that a ten foot landscaped transition strip providing 75% year round opacity is required where property abuts residential district. (Filed February 25, 2021-Testimony Taken) *THIRD POSTPONEMENT MADE AT THE REQUEST OF THE APPELLANT TO ALLOW TIME TO ACQUIRE A NEARBY LANDBANK LOT. FIRST AND SECOND POSTPONEMENT MADE AT THE REQUEST OF THE CITY AND THE APPELLANT TO ALLOW TIME FOR DESIGN REVIEW TO TAKE PLACE.*

POSTPONED FROM JUNE 21, 2021

9:30

Calendar No. 21-087:

1331 West 65th Street

Ward 15

Jenny Spencer

26 Notices

Apartment 92 Gordon Square LLC, owner, proposes to construct a three story building consisting of five dwelling units, office and gym space, and consolidate with existing, non-conforming four dwelling unit 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 multiple dwelling unit building with office and gym space is not a permitted use in a Two-Family Residential zoning district.
2. Section 357.01(d) which states that a specific front setback of 10 feet is required along West 65 Street where a 5-foot front setback is proposed. Note: the Board of Zoning Appeals is limited in its ability to grant front yard setbacks unless certain circumstances exist per code section 329.04 (c).

Citizens Tools

Geographic Information System (GIS) Maps

"[Use] an interactive GIS web app for viewing the official zoning district maps, overlays, landmarks, and other planning-related information in the City of Cleveland. "

<https://t.co/UnzIsZYOJx>

GIS map Zoning Reviewer can be resourceful while watching the BOZA meetings,

<https://t.co/aGGNDD1FdP>

BOZA's July 19, 2021 meeting is live,

Via CiscoWebex



The banner features a night view of the Cleveland skyline with the Terminal Tower and Shaker Square. Overlaid on the right is the City of Cleveland City Planning Commission (CPC) logo, which includes the text 'CITY PLANNING COMMISSION', 'CITY OF CLEVELAND OHIO', and 'FREDDY L. COLLIER JR., DIRECTOR'. The logo also contains the letters 'CPC' in a stylized font.

Cleveland Board of Zoning Appeals
Monday July 19, 2021
PLEASE MUTE YOUR MICROPHONE
Kelley Britt, Board Chair
Elizabeth Kukla, Secretary

Maurice Ruelens Alanna Faith Elizabeth Kukla Kelley Britt

The Preamble is read by Elizabeth Kukla,

Via CiscoWebex

Cleveland Board of Zoning Appeals
July 19, 2021

Preamble
IN COMPLIANCE WITH NOTIFICATION REQUIREMENTS OF THE CITY'S OPEN MEETING LAW , UNDER COVID-19 EMERGENCY DECLARATION, 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

Participants (3)
City Planning
John Smith
Mike Public

Mute Stop video Share Record Participants Chat

Participants Panel Chat Panel

Maurice Ruelens Alanna Faith Elizabeth Kukla Kelley Britt

BOZA Roll Call,

Tim Donovan is absent

Kelley Britt (Chairman) is present

Myrlene Barnes is present

Alanna Faith is present

Via Cisco Webex

Cleveland Board of Zoning Appeals

Call to Order & Roll Call



The seal of the City of Cleveland Planning Commission is circular. It features the text "CITY OF CLEVELAND" at the top and "PLANNING COMMISSION" at the bottom. In the center, there is a stylized "CPC" logo with the letters in blue, orange, and green. Below the logo, it says "BRENDON L. COLLIER JR. - DIRECTOR".

Maurice Ruelens

Alanna Faith

Elizabeth Kukla

Kelley Britt

BOZA has three requests for postponements.

Calendar No. 21-105

Calendar No. 21-087

Calendar No. 21-026 (included but no slide information provided)

All 3 have been passed without objection and postponed until August meetings.

Postponements / Withdrawals



POSTPONEMENT REQUESTS

Calendar No. 21-105:

14100 Lakeshore Blvd.

Ward 8

Breakwater Tower LLC, owner, applies to erect a business identification wall sign, 384 square feet in area, in a C2 Multi-Family Residential District. The owner appeals for relief from the strict application of the following sections of the Cleveland Codified Ordinances:

1. Section 350.13(a) which states that a multi-family apartment building, in a Residential District, is allowed one business identification sign of a maximum of 20 square feet in area and proposed signage is 384 square feet in area.
2. Section 350.16 which states that for permit applications within designated design review districts, the Landmarks Commission or City Planning Commission, as applicable, may authorize the Commissioner of Building and Housing to issue a permit which requires adherence to standards which are either less strict or stricter than the standards otherwise required by the Zoning Code. The City Planning Commission has specifically denied this application for premises in a Design Review District. (Filed June 8, 2021)

Calendar No. 21-087:

1331 West 65th Street

Ward 15

1. 337.03 Multiple dwelling unit building with office and gym space is not a permitted use in a 2 Family Residential zoning district.

357.01(d) A specific front setback of 10 feet is required along West 65th Street; 5 foot front setback is proposed.

357.08(b)(1) A rear yard equal to the height of the building of 30 feet is required, 8'1" rear yard is proposed.

349.04 Required, accessory off-street parking is required at the rate of one space per dwelling unit plus one per 500 square feet of office space; 11 parking spaces are required, four parking spaces are proposed.

2. 355.04(b) Maximum gross floor area in a "B" area district cannot exceed one-half the lot size, or 4,532.5 square feet: **12,408 7,938** square feet gross square footage of buildings on lot is proposed. 2,400 square foot lot size per dwelling unit is required for residential buildings in a "B" area district, requiring a lot size of 21,600 square feet: 9,065 square foot lot is proposed.

3. 341.02 Approval of the City Planning Commission is required.

BOZA reviews Calendar No. 21-104

Address: 3985 East 66th Street

9:30

Calendar No. 21-104:

3985 East 66th Street

Ward 12

Anthony Brancatelli

15 Notices

Cental Rental LLC., owner proposes to add a dwelling unit and establish use as four dwelling unit apartment building 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:

Section 337.03 which states that a four dwelling unit building is not permitted in a 2 Family residential district. (Filed June 8, 2021)

9:30

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Several individuals are sworn in to reflect on the variance request,

Anthony Brancatelli, Ward 12 City Council Representative

Nicole Calhoun of City Planning Commission

Marilyn Mosinski of Slavic Village Development Corporation

Michael Centa, property owner

3985 East 66th Street' history is reviewed.



HISTORY OF THE PROPERTY



A Use Variance is requested by property owner

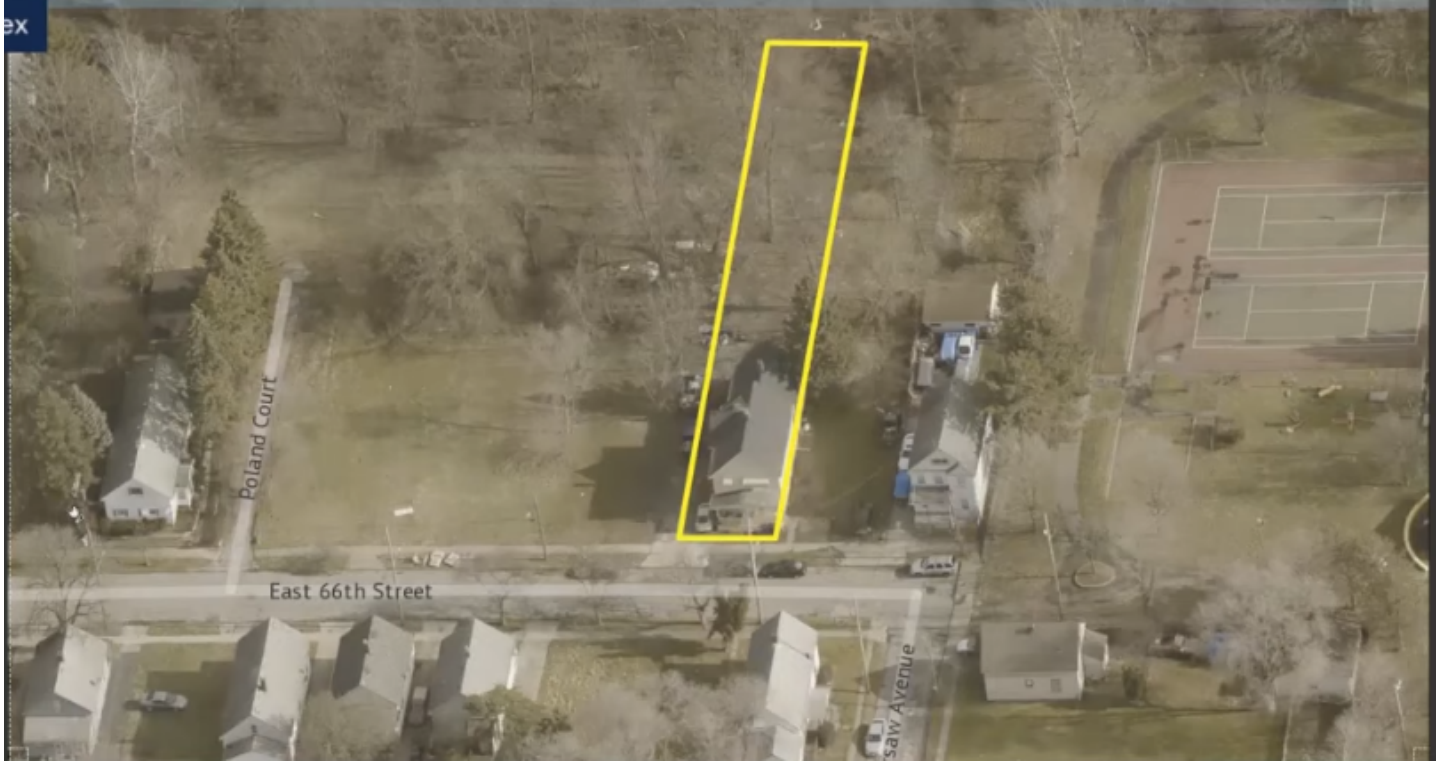
Goal: Convert a two-family house into a four-person dwelling



LEGAL STANDARD

Madam Chair, Members of the Board, Appellant is requesting a use variance. 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.



Marilyn Mosinski of Slavic Village Development Corporation does not support the variance request due to lack of parking and not a "feasible addition to area of neighborhood."

Maurice Ruelens speculates that the house is already being used as a 4 person dwelling due to the amount of mailboxes present in the photograph.

Property Owner Michael Centa denies this.

Nicole Calhoun of City Planning Development does not support the variance request and wants to see proper parking addressed.

Ward 12 representative Anthony Brancatelli does not support the variance request as he is worried about the current condition of the property.

Property Owner Centa requests a withdrawal to address the property without a ruling. It is granted without objection.

BOZA reviews Calendar No. 21-098

Address: 13001 Dove Ave.

9:30

Calendar No. 21-098:

13001 Dove Ave.

Ward 2

Kevin L. Bishop

22 Notices

Paul Snowball, owner proposes to construct a 7 space parking lot in a B1 Two-Family Residential and 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 349.07 (a) which states that 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 spaces, surfaced with concrete, asphaltic concrete, asphalt or other surfacing materials.
2. Section 349.07 (b) which states that accessory off-street parking spaces shall be provided with wheel or bumper guards that are so located that no part of a parked vehicle will extend beyond such parking space.
3. Section 349.07 (c) which states that the driveway used to provide accessibility to accessory off-street parking spaces shall be so located and arranged to minimize traffic congestion.
4. Section 349.13(c) which states the Board of Zoning Appeals may permit, temporarily or permanently, the use of land in a Residence District for a parking lot.
5. 349.13(c)(6) All parking is to be kept back of the setback building line by barrier unless specifically authorized otherwise by the Board.
6. 358.04 Fences in actual front yards shall not exceed four (4) feet in height and shall be at least fifty percent (50%) open. (Filed June 7, 2021)

1 | Page

Individuals sworn in to reflect on Calendar No. 21-098

Paul Snowball, Property Owner

Marka Fields, of City Planning Commission

Amanda Cramer

Elizabeth Kukla reviews the history of the property.

ex

Public Hearing

Calendar No. 21-098:

13001 Dove Ave.

Ward 2



HISTORY OF THE PROPERTY





Laure Wagner presents the legal standard and variance requested.

Paul Snowball has requested an area variance to address Cleveland Codified Ordinances parking requirements

Public Hearing

Calendar No. 21-098:

13001 Dove Ave.

Ward 2



LEGAL STANDARD

Madam Chair, Members of the Board, Appellant is requesting area variances from the off-street parking and fence requirements of the zoning code, as well as permission to construct a parking lot in a residential district.

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.

Subsection 349.13(c) provides that the Board may permit, temporarily or permanently, the use of land in a residential 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 to be established is to be posted; and
- 9) The Board may impose such other and further conditions as it may deem necessary to reduce the adverse effect of the proximity of a parking lot on the character, development and maintenance of the Residence District in which the parking lot is to be located.

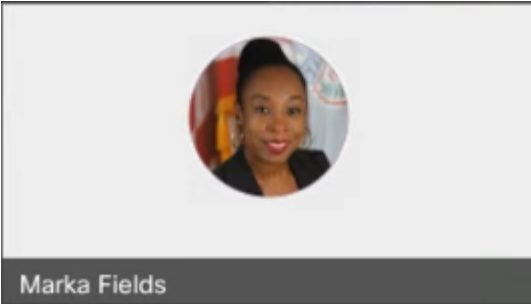
Maurice Ruelens provides a summary of the property. 13001 Dove Avenue used to be a Cleveland Landbank Property and has not been properly graded. Additionally, the owner is requesting to install a fence larger than 4 feet.

Property Owner Paul Snowball is present and reviews his history with the property as well his goals, 7 parking spaces and green space for the remainder of the lot. He also owns corner parcel 13723024.

Snowball has a history with the building and the area as he grew up there.



Marak Fields commented that they approved the landbank sale and are generally supportive of the property. She is willing to work with the Property Owner Snowball to addressing the various variances requested.



BOZ Members Kelley Britt and Alanna Faith indicates that Snowball needs more time to address the changes and draft plans.

Snowball indicates he already has the drawings and is attempting to not postpone.

BOZA Member Ruelens indicates he should have received a letter. Snowball disputes this.

BOZA postpones to give Snowball time to address some of the variances, it is postponed until September 13, 2021.

BOZA reviews Calendar No. 21-099

Address: 6818-6094 Denison Avenue

9:30

Calendar No. 21-099:

6818-6904 Denison Ave.

Ward 14

Jasmine Santana

15 Notices

CLE Ohio Properties LLC., owner proposes to expand motor vehicle sales facility and erect new 2,700 square foot motor vehicle service garage in a B1 Semi-Industry District and a C2 General Retail Business District. The owner appeals for relief from the strict application of the following sections of the Cleveland Codified Ordinances:

1. Section 357.14 which states that parking/display of autos for sale is not permitted in an established ten-foot specific setback on Denison Avenue.
2. Section 349.07(a) which states that 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 spaces, surfaced with concrete, asphaltic concrete, asphalt or other surfacing materials approved by the Director of Building and Housing. No surfacing or drainage details for lot provided.
3. Section 341.02(c) which states that new construction of motor vehicle service garage requires approval of the City Planning Commission/Department. (Filed June 7, 2021)

Individuals Sworn In

Wesam Iwais

Kristen Zolas

Public Hearing		
Calendar No. 21-099:	6818-6904 Denison Ave.	Ward 14
		
<u>SWEARING IN ALL WHO ARE PRESENT FOR THIS CASE:</u>		
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 <u>I DO</u> and <u>YOUR NAME</u>.		

Kukla reviews the history of 6818-6094 Denison Avenue



HISTORY OF THE PROPERTY



An area variance is requested.



LEGAL STANDARD

Madam Chair, Members of the Board, Appellant is requesting area variances from the off-street parking requirements 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.

Iwais seeks to expand his business and generally comments he will do anything to be compliant with the city.



BOZA reviews Calendar No. 21-103.

Public Hearing

Calendar No. 21-103:

17014 Laverne Ave

Ward 17

Melanie Lauricia, owner proposes to erect 38' x 30' 1-story frame gable detached garage with open patio area in an A1 One-Family 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 that the minimum distance from all property lines is 18 inches; and the appellant is proposing 12 inches.
2. Section 337.23C which states that accessory garage shall not exceed 933 square feet, proposing 1,140 square feet. (Filed June 8, 2021)

A photograph of a two-story brick house with a gabled roof and a small front porch. The house is surrounded by a green lawn and trees. A sidewalk leads from the street to the front porch. A small circular logo is visible in the bottom right corner of the photo.

Sworn in today to reflect on Calendar No. 21-103.

Melanie Lauricia, Property Owner
Cristopher

An area variance is requested by property owner Lauricia



LEGAL STANDARD

Madam Chair, Members of the Board, Appellant is requesting area variances from the accessory building setback and maximum square footage requirements 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.

Lauricia wants to update their garage, which includes an expansion and a request to not be compliant with distance requirement from the property line.

Via CiscoWebex

City of Cleveland Board of Zoning Appeals
Melanie Lauricia / 17014 Laverne Ave Cleveland OH 44135

Appeal

Thank you for hearing our appeal. We have lived in our home since 2007 and this project is our most exciting DIY so far. It's the final update to make the property exactly fit our needs for storage and recreation.

While the 6 inches of space to the property line on each side and 207 square feet increase over ordinance is not substantial, the variance provides great relief. While keeping in mind the essential character of the property, neighborhood and my immediate neighbor's interests, I believe there is justice in allowing these 2 variances due to the following factors:

- Support from immediate neighbors to the right and left of property line
- Precedent in neighborhood for larger garages

Design Board



BOZA Member Ruelens supports the expansion but contends the distance from the property line must be met.

Lauricia debates wit the BOZA and ultimately agrees to the setback.

BOZA grants conditional approval based on her actions.

BOZA reviews Calendar No. 21-106.

Address: 2341 Scranton Rd.

Public Hearing

Calendar No. 21-106:

2341 Scranton Rd.

Ward 3

3004 St. Clair LLC, owner proposes to make exterior alterations and build a parking lot in a G3 Local Retail Business District. The owner appeals for relief from the strict application of the following sections of the Cleveland Codified Ordinances:

1. Section 349.07 which states that 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 spaces, surfaced with concrete, asphaltic concrete or asphalt.
2. Section 352.04 which states that a landscape plan is required; none proposed.
3. Section 352.10 which states that six-foot-wide landscaped screen is required for parking lots; none proposed.
4. Section 357.14 which states that parking is a prohibited front yard encroachment. (Filed June 10, 2021)



Sworn in to reflect on Calendar No. 21-106.

Luca Staib, KOD Architecture

Donna Grigonis, Tremont West Development Corporation

Bob Brophy, Davey Resource Group

Kukla reviews a history of the property.

"In 1989 a permit was issued for a one-story addition. I did go back to the 1930s and it was labeled auto truck factory. There is one variance on file for building additions and change for mix-use."



HISTORY OF THE PROPERTY



Applicant seeks an area variance concerning requirements for their parking lot.



LEGAL STANDARD

Madam Chair, Members of the Board, Appellant is requesting area variances from the off-street parking and screening requirements of the zoning code.

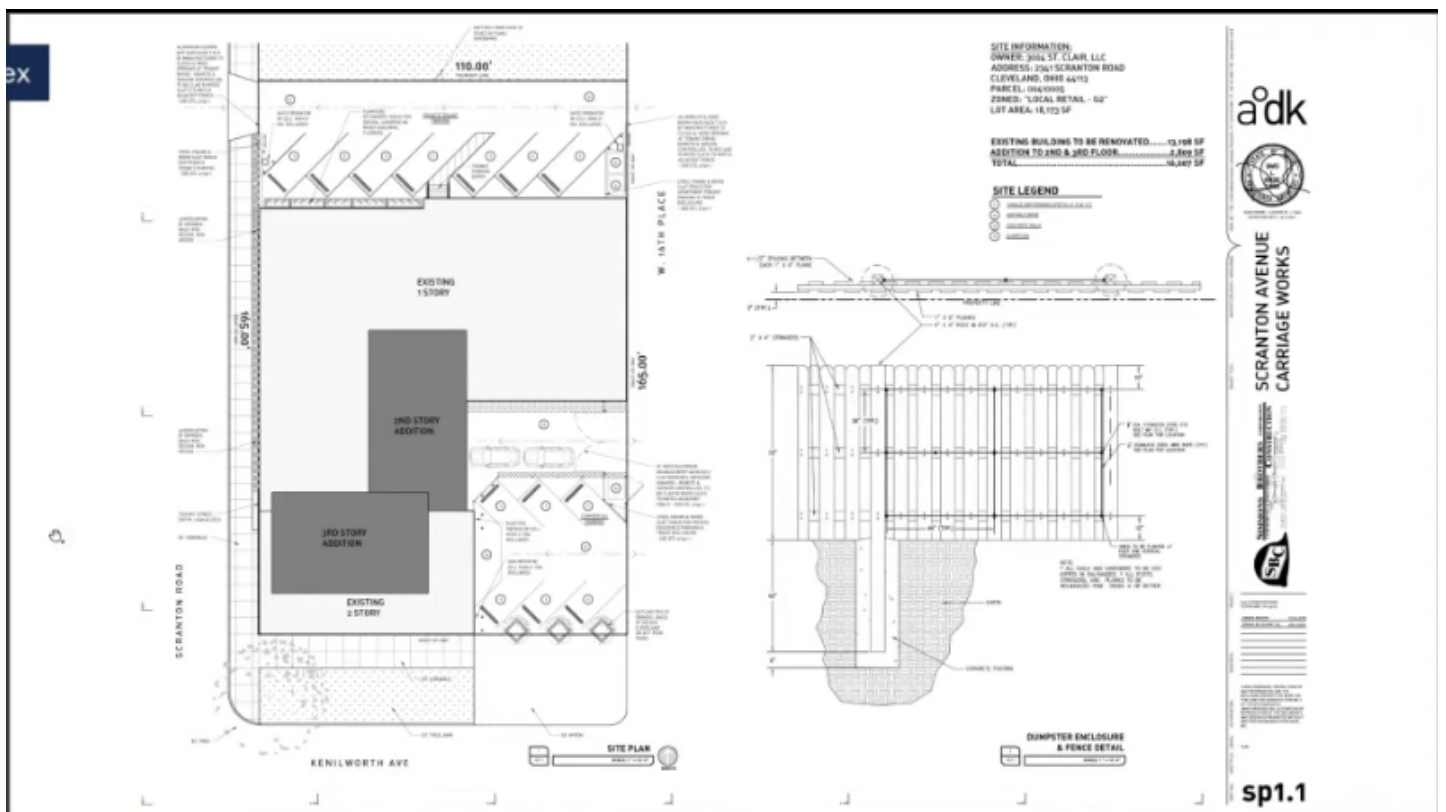
To obtain the area variances, Appellant must prove that denying the request:

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.

Architect Lucas Staib is the spokesperson for the applicant and is seeking an extension of variances that were previously approved last year. The owner purchased another parcel for an expansion of his parking lot.



Architect Staib provides documents from their original variance request.



After a back forth about the requests being made, previous actions taken, and a fence to block apartments views of headlights in the parking lot, Items number 3 and 4 of Calendar No. 21-106 are approved.

BOZA hears Calendar No. 21-034 which was postponed from May 17, 2021 meeting.

POSTPONED FROM MAY 17, 2021

9:30

Calendar No. 21-034

9322 Nelson Ave.

Ward 2

Kevin Bishop

16 Notices

9305 Garfield LLC, owner, proposes to renovate and use as office and warehouse in a B1 Two-Family Residential District. The owner appeals for relief from the strict application from the following sections of the Cleveland Codified Ordinances:

1. Section 337.03 which states that warehouse and office uses are not permitted in a Two Family residential district.
2. Section 349.04 which states that required accessory off-street parking is required at the rate of one space per 500 square feet for office use and 10% of the gross floor area for warehouse use: 5 parking spaces required, none provided.
3. Section 349.07 which states that all vehicle maneuvering areas must be paved.
4. Section 52.08-12 which states that a ten foot landscaped transition strip providing 75% year round opacity is required where property abuts residential district. (Filed February 25, 2021- Testimony Taken) *THIRD POSTPONEMENT MADE AT THE REQUEST OF THE APPELLANT TO ALLOW TIME TO ACQUIRE A NEARBY LANDBANK LOT. FIRST AND SECOND POSTPONEMENT MADE AT THE REQUEST OF THE CITY AND THE APPELLANT TO ALLOW TIME FOR DESIGN REVIEW TO TAKE PLACE.*

A use and area variance are requested by property owner.

ex

Public Hearing

Calendar No. 21-034:**9322 Nelson Avenue****Ward 2**



LEGAL STANDARD

Madam Chair, Members of the Board, Appellant is requesting a use variance and area variances from the off-street parking, landscaping, and screening requirements 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.

Ruelens summarizes that the property had parking and landscaping issues.

Appellant reflects on the updates to the property.

Cosmetic appearances



Marka Fields of City Planning Commission recommended for conditional approval based upon parking being updated to code and additional landscaping.

BOZA motions for conditional approval of Calendar No. 21-034 Items 1 and 4 if parking is updated to code.

1. Section 337.03 which states that warehouse and office uses are not permitted in a Two Family residential district.
2. Section 349.04 which states that required accessory off-street parking is required at the rate of one space per 500 square feet for office use and 10% of the gross floor area for warehouse use: 5 parking spaces required, none provided.
3. Section 349.07 which states that all vehicle maneuvering areas must be paved.
4. Section 52.08-12 which states that a ten foot landscaped transition strip providing 75% year round opacity is required where property abuts residential district. (Filed February 25, 2021- Testimony Taken) *THIRD POSTPONEMENT MADE AT THE REQUEST OF THE APPELLANT TO ALLOW TIME TO ACQUIRE A NEARBY LANDBANK LOT. FIRST AND SECOND POSTPONEMENT MADE AT THE REQUEST OF THE CITY AND THE APPELLANT TO ALLOW TIME FOR DESIGN REVIEW TO TAKE PLACE.*

BOZA approves 1, 2, and 4.

BOZA grants affirmations.

Public Hearing



1.	Cal. No. 21-097:	2198 East 82 St.	(KB,D, AF,MB)
2.	Cal. No. 21-096:	1625 Rockwell Ave.	(KB,D, AF,MB)
3.	Cal. No. 21-092:	3332 West 32. St.	(KB,D, AF,MB)
4.	Cal. No. 21-102:	Hot Dog License appeal	(KB, D, AF, MB)
5.	Cal. No. 21-091:	4157 Lorain Ave.	(D,KB,AF,MB)~
6.	Cal. No. 21-006:	9501 Pierpoint Ave.	(J,D,KB,AF,MB)*
7.	Cal. No. 20-045:	4700 Lorain Ave.	(J,D,KB,AF,MB)*
8.	Cal. No. 19-278:	16802 Puritas Ave.	(J,D,KB,AF,MB)*
9.	Cal. No. 20-098:	1854 W. 48 th Street	(J,D,KB,AF,MB)*

REQUESTS FOR AFFIRMATION : **BZA20-042:** 3325 Warren Road.: Matt Ditlevson was granted variances to erect a carriage house 7/13/20. The contractors are unable to complete the work (full construction drawings) before the deadline as there has been a delay due to COVID-19 (2nd request).

BZA20-185: 1380 E. 32 Street City of Cleveland was granted variances to renovate recreation center and reduce off-street parking to 14 spaces. The contractors are unable to make deadline as there has been a delay due to COVID-19.

REQUEST FOR REINSTATEMENT : NONE

MISC- None.

- ~ Items received
- * Pending the receipt of requested information by the Board.
- *** Request for Rehearing/Reconsideration.

Board of Zoning Appeals Meeting for July 19, 2021 is adjourned around 11:25AM.

After the meeting is adjourned, Ruelens comments that since going virtual, BOZA has not required guest speakers to provide addresses. A small conversation is had among members reminding each other to start asking for addresses from guest speakers next week.

Summary of Board of Zoning Appeals July 19, 2021 meeting:

Calendar No. 21-098 is postponed.

Calendar No. 21-099 is withdrawn.

Calendar No. 21-103 is conditionally approved.

Calendar No. 21-104 is withdrawn.

Calendar No. 21-105 is postponed

Calendar No. 21-106 is partially approved.

Calendar No. 21-026 is postponed.

Calendar No. 21-034 is partially conditionally approved

Calendar No. 21-087 is postponed.

Remember to check out Antonio Foushee's recorded notes of this meeting. They should be posted soon on the Cleveland Documenter's website, access past meetings here:

<https://t.co/uKrHW2URTr>

To become involved and for more meeting coverage, check out <https://t.co/rgwG6GSYfV>. Have questions? Think we got something wrong? Send any enquiries on the meeting or these tweets to [@cledocumenters](https://twitter.com/cledocumenters)

Or email us at lcaswell@neighborhoodgrants.org