

Twitter Thread by Documenter_Keith



Documenter_Keith

@DocumenterK



Hi, I'm Keith and I'll be live-tweeting today's Monday, Feb 1, 2021, City of Cleveland's Board of Zoning Appeals

**Meeting that will start soon at 9:30 AM for #CLEDocumenters @cledocumenters
@NeighborUpCle**

Cleveland's Board of Zoning Appeals can be accessed and watched here,

<https://t.co/4653oLF7YZ>

Today's agenda for Cleveland's Board of Zoning Appeal meeting can be seen here,

<https://t.co/VjpCmRHA8c>

FEBRUARY 1, 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/UCB8ql0Jrhm_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 January 29, 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 216.664.3826 or email us at cityplanning@clevelandohio.gov by You can also email Secretary Elizabeth Kukla at ekukla@city.cleveland.oh.us.

9:30

Calendar No. 21-001

4116 Biddulph Rd.

Ward 13

Kevin J. Kelley

17 Notices

Premier Cleveland, owner, proposes to change the use of existing single family residence to a two family residence with existing detached 2 car garage in an A1 One-Family Residential District. The owner appeals for relief from the strict application from the following sections of the Cleveland Codified Ordinances:

1. Section 337.02(a) which states that two family residence not permitted in a One-Family Residential Zoning District; first allowed in Two-Family District 337.03(a). (Filed January 8, 2021)

The meeting has adjourned and a call to order has occurred.

Cleveland's board of zoning will review Premier Cleveland's, owner, proposal to change the use of existing single family residence to a two family residence with existing detached 2 car garage in an A1 One-Family Residential District. This is located in Ward 13.

9:30

Calendar No. 21-001

4116 Biddulph Rd.

Ward 13

Kevin J. Kelley

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1. Section 337.02(a) which states that two family residence not permitted in a One-Family Residential Zoning District; first allowed in Two-Family District 337.03(a). (Filed January 8, 2021)

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9:30

Calendar No. 21-002

3420 W. 130th Street

Ward 16

Brian Kazy

8 Notices

Tony Ciero, owner, proposes to change the use of existing single family residence to two family residence 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 355.04(b) which states that the minimum required lot width is 50' and 40' are proposed. Minimum lot area of 6,000 square feet is required; proposing 4,800 square feet.(Filed January 8, 2021)

Premier Cleveland is requesting this change via the "use variance" legal standard.

CiscoWebex

Public Hearing

Calendar No. 21-0014116 Biddulph RdWard 13

CU

Call-in User_2

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.

Jayne Bauer of the local neighborhood approves as long as the owner registers with the City's rental registry.

Kyle Reese, of Cleveland's City Planning Department, spoke to fellow employee Davenport who reviews this area of Cleveland and is supportive of this proposal.



Tim Donovan notes that there might be substantial changes to the property in order to meet approval and asks if they should wait until Building and Housing has reviewed the property.



Call-in-user-6 notes it doesn't make sense to delay this and motion in the expectations of the owners which include registering as a rental, being up to code, and having a lead test.

Board of Zoning has ratified 4116 Biddulph Rd.

Cle Board of Zoning reviews Tony Ciero proposal to change the use of existing single family residence to two family residence in a B1 Two-Family Residential District. 3420 W. 130th Street is located in ward 16.

CiscoWebex

Public Hearing

Calendar No. 21-002

3420 W. 130th Street

Ward 16

Alanna Faith



Tony Ciero, owner, proposes to change the use of existing single family residence to two family residence. The owner appeals for relief from the strict application from the following sections of the Cleveland Codified Ordinances:

1. Section 355.04(b) which states that the minimum required lot width is 50'; proposed 40'. Minimum lot area of 6,000 sqft is required; Proposing 4,800 sqft. (Filed January 8, 2021)



Liz Kukla reviews the history of the property and does not find any pertinent information.



**Elizabeth
Kukla**
Secretary of the Board of
Zoning Appeals
Cleveland, OH

Tony Ciero is seeking this approval as it is required to sell the property, which was his childhood home that was converted to a double by his mother.

War 16 Councilman Brian Kazy supports this proposal.

Brian Kazy



Nonpartisan

Cleveland City Council Ward 16

Proposal variance No. 21-002 for Tony Ciero's property was approved.

Cle Board of Zoning reviews variances No. 21-003 submitted by Gus Kazak who proposes to change use of a two family dwelling to a three family dwelling in a B1 Two-Family Residential District. 1297 West 115th Street is in Ward 15.

iscoWebex

Public Hearing

Calendar No. 21-003

1297 West 115th Street

Ward 15

Alanna Faith



Gus Kazak proposes to change use of two family dwelling to three family dwelling. 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 a three dwelling unit residence is not permitted in a Two Family residential district, first permitted in a Multi-Family residential district.
2. Section 349.04 which states that one accessory off-street parking space per dwelling unit is required, no compliant parking spaces are provided (due to proposed non-paved parking area).
3. Section 349.07 which states that accessory off-street parking spaces must be paved and drained within the lot.
4. Section 355.04(b) which states that in a "B" area district, a lot size of at least 2,400 per dwelling unit is required. 7,200 square foot lot size is required: 4,760 square foot. (Filed January 4, 2021)



This variance is being reviewed according to the use variance and area variance legal standards.



LEGAL STANDARD

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

The owner Gus Kazek is seeking to turn it into 3 family dwelling after an appraisal noted its nonconformance. Mr. Kazek plans to pave and drain the parking once asphalt plants open in late March and early April.



Gus Kazek



9:30

Calendar No. 21-005:

3120 Clark Ave

Ward 14

Jasmine Santana

19 Notices

Hani and Samira Ziadeh, owners, propose to construct a new 50 unit multi-family building located on a parcel that is split zoned C2 General Retail Business District and 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 an apartment building is not permitted in a Two Family district, first permitted in a Multi-Family residential district 337.08(b).
2. Section 349.04(a) which states that 50 off-street parking spaces are required; 25 spaces provided.
3. Section 352.10 which states that 6' wide landscape stripe is required between parking lot and street; none is proposed. Property is enclosed at sidewalk with 14 poles (bollards) continuous pavement; former car dealership lot in front of property.
4. Section 355.04 which states that one half lot area is permitted or in this case 21,510 square feet and 60,393 square feet are proposed. (Filed January 12, 2021)
5. Section 349.15 which states that 3 bicycle parking spaces required; none proposed.
6. Section 341.02(b) which states City Planning Commission approval is required. (January 13, 2021)

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Hani and Samira Ziadeh propose to construct a new 50 unit multi-family building located on a parcel that is split zoned C2 General Retail Business District and B1 Two Family Residential District.

3120 Clark Ave is located in Ward 14.

Liz Kukula reviews a history of the property,

iscoWebex

Public Hearing

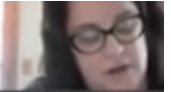
Calendar No. 21-005

3120 Clark Ave

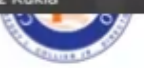
Ward 14

HISTORY OF THE PROPERTY





Liz Kukula



The legal standard is presented. Appellants are requesting a use variance and an area variance.



carol johnson

LEGAL STANDARD

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

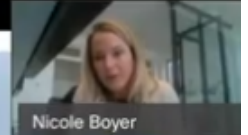
To obtain the use variance, Appellant must prove that denying the request:

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.

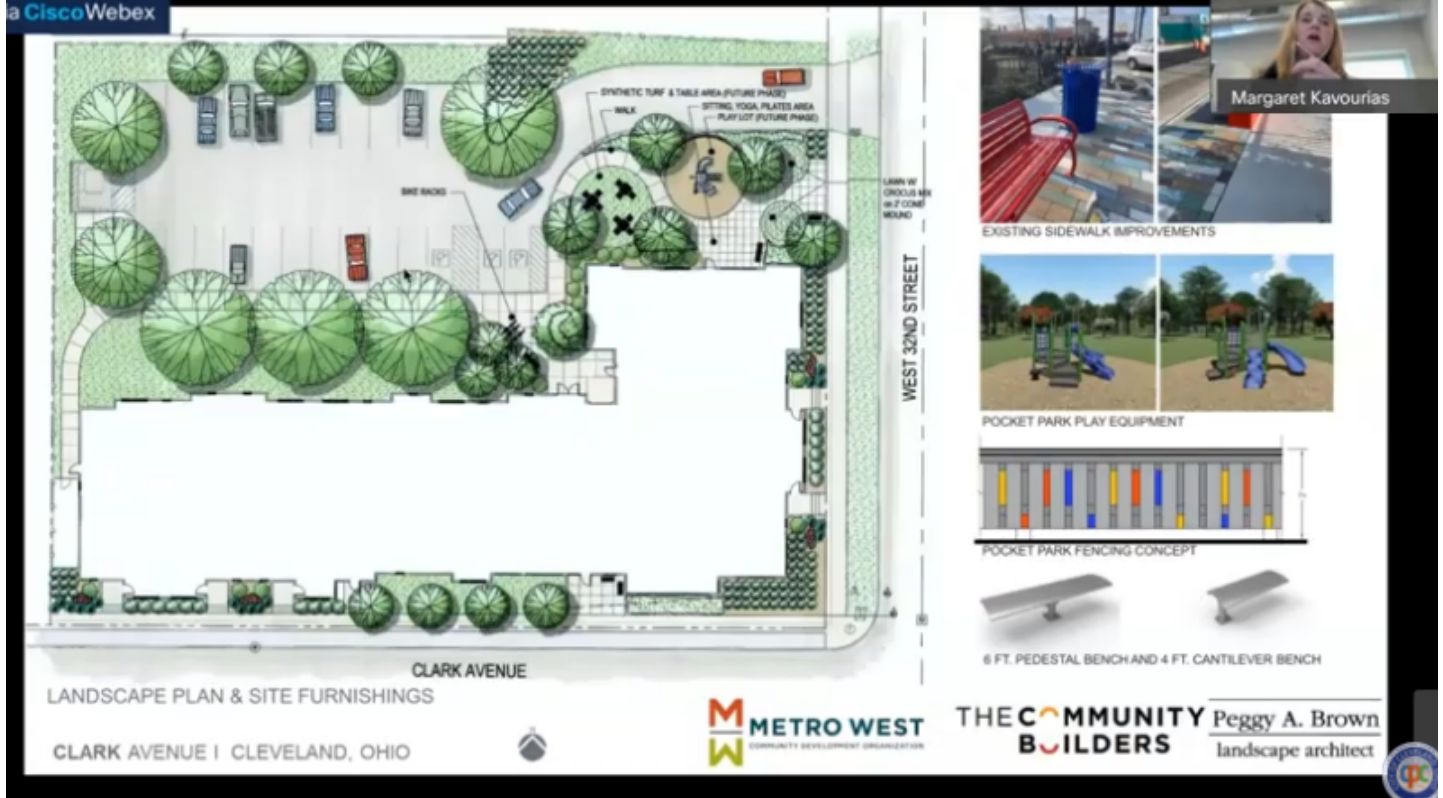
Nicole Boyer is a representative of the owners. The application is to secure the necessary zoning to move forward with the financing packaging to construct apartments on the site.



Nicole Boyer



Architects Margaret Kavourias and Kevin Dreyfuss-Wells of RDL architecture firm involved in this project are reflecting on the nature parcels.



Carol Johnson would like to know if the parcels are consolidated.

Architect Kavourias notes they are not of this moment.

Architect Dreyfuss-Wells notes they will be once they reach that phase.

Carol Johnson is concerned about residents living on the first floor. She is worried about having too many individuals congregating on the first floor and the security of said individuals.



Tim Donovan asks who is the target audience for these units?

Nicole Boyer answers that the target audience is family general audience. They believe it will serve a wide variety of people be it single mothers, older individuals, and professionals who wish to live in the area.

Tim Donovan, "There are 50 units, how many are 2 bedrooms or more?"

Nicole Boyer, "35% are 1 bedroom. On average roughly 21 unites or 40% have multi-occupant households."

Tim Donovan asks about the pocket park concept.

Nicole Boyer notes the pocket park is envisioned to be engaged by all residents.

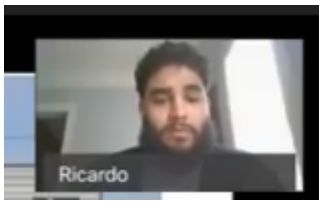
Carol Johnson, "Will there be a management team on site?"

Nicole Boyer, "Yes, the community builders are owners as well as full-time management."

Sandy Smith is a member of the community and is pleased with the proposed drawings of the apartment complex. She takes issues with the lack of parking and appreciates the developers have experience with these kind of issues.

None-the-less, Sandy Smith asks, "Do the developers have a plan to address parking other the vague references?"

Ricardo replies and generally believes there is significant amount of parking available in the area.



Ward 14 council member Jasmine Santana [@jsantanaward14](#) is not present to provide commentary.



Calendar No. 21-005 has been granted and will be ratified.

Variance proposal Calendar No. 20-196 is presented.

4161 W. 150th Street LLC., owner, proposes to erect 145 square foot pole sign in a General Industry Zoning District.

4161 West 150th Street is located in Ward 16.

POSTPONED FROM DECEMBER 21, 2020

9:30

Calendar No. 20-196:

4161 West 150th Street

Ward 16

Brian Kazy

7 Notices

4161 W. 150th Street LLC., owner, proposes to erect 145 square foot pole sign in a General Industry Zoning District. The owner appeals for relief from the strict application of the following sections of the Cleveland Codified Ordinances:

1. Section 350.14(e)(1) which states that a Maximum 100 square foot pole sign is permitted; 145 square feet are proposed.
2. Section 350.14(b) which states that 25' maximum height of pole sign is permitted and a 30' high pole sign proposed.
3. Section 350.15(c) which states that a free standing sign located in an Industrial Zoning District shall be 3 feet from the Street Right of Way. (Filed November 25, 2020-Testimony Taken) *FIRST POSTPONEMENT MADE AT THE REQUEST OF THE CITY PLANNING COMMISSION TO ALLOW TIME FOR FURTHER REVIEW.*

Liz Kukla reviews the history of the property.



HISTORY OF THE PROPERTY



The legal standard is reviewed.

This application is requesting an area variance.



LEGAL STANDARD

Madam Chair, Members of the Board, Appellant is requesting area variances from the sign 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.

Dustin James is present to reflect on the project. The proposed sign will be 5 1/2 inches wider than the current one in place.



Adam Davenport and Melissa Miller believe they will be able to accomplish what they will need to do with their current sign, not the proposed one.

Ward 16 Council member Brian Kaz [@kazy_brian](#) comments on the history of the application & notes that it was previously delayed to provide the applicant time to interact with the community. Ward 16 Kaz states the applicant failed to do this & as such does not support the proposal.

A conversation reflecting over the nature of the sign occurs. They reflect on the description of the sign as a "pole." Another reflection leads the members to note that there is no submitted site plan that details the current sign is to code with respect to setback distance.

Alanna Faith asks, "Dustin, why did you fail to meet with Adam Davenport and the CDC? If we give you four (4) more weeks to meet with respective parties, can you do that?"

Dutin James, "I apologize we did not do that before and yes, we can."

Alanna notes that you need to meet with the members of the community. You need to explain to them what you are doing. Once you take out the old sign, you are installing a new sign that must meet the code.

Variance appeal Calendar No. 20-196 was voted and delayed by Cleveland Board of Zoning.

Cleveland Board of Zoning has moved on to reviewing Old Business, Requests for Affirmation, Requesting for Rehearing, and Miscellaneous.

Cisco Webex

Old Business

1.	Cal. No. 20-203:	14029 Arlis Ave	(C,D,AF,MB)
2.	Cal. No. 20-207:	2462 West 6 th St.	(C,D,AF,MB)
3.	Cal. No. 20-200:	10808 Churchill Dr.	(C,D,AF,MB)~
4.	Cal. No. 20-206:	4500 Lorain Ave	(C,D,KB,AF,MB)***
5.	Cal. No. 20-183:	5203 Tillman Ave.	(C,D,KB,AF)*
6.	Cal. No. 20-182:	5201 Tillman Ave.	(C,D,KB,AF)*
7.	Cal. No. 20-181:	5121 Tillman Ave.	(C,D,KB,AF)*
8.	Cal. No. 20-180:	5119 Tillman Ave.	(C,D,KB,AF)*
9.	Cal. No. 20-045:	4700 Lorain Ave.	(C,D,KB,AF,MB)*
10.	Cal. No. 19-278:	16802 Puritas Ave.	(C,D,KB,AF,MB)*
11.	Cal. No. 20-098:	1854 W. 48 th Street	(C,D,KB,AF,MB)*
12.	Cal. No. 20-155:	16001 Holmes Ave.	(J,D,KB,AF,MB)* revised
13.	Cal. No. 20-029:	15432 St. Clair Ave.	(J,D,KB,AF,MB) dismiss/remind sent

REQUESTS FOR AFFIRMATION: Cleveland Bricks is asking for an affirmation of the following cases because due to Covid19 pandemic their building code adjudication has slowed down:
Calendar No. 20-112: 4608 W. Clinton (Rear Dwelling)
 Cleveland Bricks, owner, proposes to erect a 2 story frame single family residence with attached garage in a B1 Two-Family Residential District. The owner appeals for relief from the strict
Calendar No. 20-113: 4610 W. Clinton (Front Dwelling)
 Cleveland Bricks, owner, proposes to erect a 3 story frame single residence attached garage in a B1 Two-Family Residential District. The owner appeals for relief from the strict application of the

REQUEST FOR REHEARING: Cal. Number 20-206: Appeal of Landmarks Decision to deny demolition: Secretary Donald Petit is requesting a rehearing to allow for other city staff to be present as well as the Councilman. He also cited that the Board failed to enumerate the reasons why they overturned the decision. Letter was emailed to you.

MISC.- Cal. No. 20-151: 11800 Sprecher Adjustment to dimension
 The appellant clarified on Monday, right after ratification that the billboard will be 820 square feet instead of 816. No variance is needed for the square footage and the new size is within the code requirements. The variances were regarding changeable copy and distance to other billboards. I did not post the ratification in the City Record yet, since I heard from the appellants before I could post it. If they don't need a variance for square footage do we even need to consider the minor changes?

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

The request for Rehearing Cal. No. 20-206 as requested by Secretary Donald Pit concerning the tear down of a building.

Tim Donovan notes that often when one thinks a building cannot be saved, in fact the building can be saved. He will go in with eyes wide open if hears the case.

After a brief review of what a rehearing involves, the Board of Zoning has decided to deny the request for a rehearing.

Meeting adjourned at ~11:30 a.m. This concludes the City of Cleveland's Board of Zoning Appeals Meeting. The next Cleveland BOZ Appeals meeting is scheduled for Mon, Feb 8th, 2021 at 9:30 AM. For more meeting coverage, check out <https://t.co/rgwG6GSYfV>.

Summary:

Today Mon, Feb 1, 2021 the City of Cleveland's Board of Zoning Appeals Meeting was held at 9:30 AM until 11:30 AM. The 5 member council reviewed five appeal variance proposals. 4 of the 5 appeals were approved: Calendar No. 21-001No. 21-002, No. 21-003, & No. 21-005.

The 5th appeal, Calendar No. 20-196, was delayed to allow the applicant more time to meet with community members and receive consent for their proposal.

BOZ members also reviewed old business and denied a rehearing.

To review the details of the 4 appeal variances discussed and approved and the 1 delayed review the agenda,

<https://t.co/VjpCmRHA8c>

If you would like to learn more about City of Cleveland's Board of Zoning appeals meeting process read about it here,

<https://t.co/3WL5lyeiip>

Additionally, check out Documenter [@dmcbillion](#). He live-tweeted today's [@CleCityCouncil](#) Health & Human Services Committee, which happened at the same time as the Board of Zoning Appeals meeting. Read about out what happened here,

<https://t.co/R2m6HW0S8Q>

Good morning! I'll be live-tweeting today's [@CleCityCouncil](#) Health & Human Services Committee meeting for [#CLEDocumenters](#) [@CLEDocumenters](#) [@NeighborUpCLE](#). The meeting will be livestreamed starting at 9:30 am <https://t.co/yrG6Mf0uOF>

— Danny Mc ([@dmcbillion](#)) [February 1, 2021](#)

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](#)

Or email us at lcaswell@neighborhoodgrants.org