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Board of Zoning Appeals

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Agency: [Cleveland Board of Zoning Appeals](#)

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Summary

- The Board of Zoning Appeals currently consists of four members, which means that a hearing could result in a tie vote. In the event of a tie, a variance will not be approved. Appellants were welcomed to postpone their applications until late October/November, as the board will be adding a fifth member soon.
- A short-term housing variance was denied in Tremont, as multiple community members came out to voice opposition to the proposal, citing a history of crime and nuisance activity tied to non-owner-occupied short-term rental properties in the neighborhood.
- Multiple applications at today's hearing centered the safety of pedestrians and children in their resolutions.

Follow-Up Questions

- What can stand in the way of variances approved by the Board of Zoning Appeals? For example, the board today reversed a decision made by the Department of Assessments and Licenses, but suggested that City Council still has the power to work around their resolutions. How often does this happen, and what recourse do residents have?

Notes

BOARD OF ZONING APPEALS

Monday | Aug. 28 | 9:30 a.m. to 12:50 p.m.

- I. **Call to Order/Roll Call:** *All members of the Board of Zoning Appeals were present at this meeting, achieving a quorum.*

Board members:

- Alanna Faith, *Interim Chair*
- Arleesha Wilson
- Nina Holzer

- Priscilla Rocha

II. Postponements/Withdrawals: Board Secretary Elizabeth Kukla said that, with a quorum of four board members, residents risk a tied vote. A tie would result in a denial. With this in mind, participants were invited to withdraw or postpone their applications until October, when the board is scheduled to bring on a fifth member, so that they no longer risk a tied vote.

Calendar No. 23-092 - *withdrawn*

- Proposal to add an additional fuel pump to Annie's Properties gas station at 7210 Memphis Ave.
- Appellant notified board that they will no longer be pursuing this variance and withdrew their application.

Calendar No. 23-102 - *postponed*

- Residents at 3305 Clinton Ave. would like to appeal the City Planning Commission's decision to approve a "lot split" at 3405 Clinton Ave., citing a violation of [Ordinance 309.26](#)
- Appellants needed to postpone hearing due to schedule conflict.

III. Review of Applications for Variances

Calendar No 23-141 - *APPROVED*

- John Sisamis is appealing the Commissioner of Assessments and Licenses' decision to deny his license for John's Hot Dogs.
- This is the second year in a row that Sisamis has been denied a license to operate his hot dog stand on the corner West 25th Street and Lorain Avenue.
 - Both years, the denial was made at the recommendation of Council Member Kerry McCormack, with the reasoning that the stand is too close to the West Side Market
 - Last year, the Board of Zoning Appeals attempted to support Sisamis' efforts to obtain a license by sending a field investigator to determine whether the stand met distance requirements from surrounding businesses. According to Sisamis, the field report proved that his stand was far enough away from the West Side Market to satisfy existing ordinances.
- ***The board voted to APPROVE the appeal, reversing the decision of Assessments and Licenses and allowing Sisamis to operate this stand.***
 - The board will send the resolution to McCormack, with notes from today's testimony.

- Sisamis asked what else he can do to ensure this is not an ongoing issue, as he has not been able to reach McCormack directly.

Calendar No 23-139 - *APPROVED*

- The Diocese of Cleveland proposed removing its 23-space parking lot at St. Stanislaus Social Center on the Cleveland Central Catholic High School campus in Slavic Village.
- They proposed adapting the lot to expand the frontage of the social center, designate a safe walking path for students entering the building, and add an ADA-compliant elevator at the entrance.
- Approximately 700 students are served by the St. Stanislaus Social Center during the school day and the only walkway to the building is directly through an active parking lot.
- Project representatives identified additional parking locations in the area that could serve the current parking needs.
- ***The board voted to APPROVE the application, noting the “paramount importance” of keeping students safe and complying with the Americans with Disabilities Act.***

Calendar No 23-140 - *DEFERRED*

- Homeowner Ernest Smith, 7205 Colfax Road, proposed construction of a new garage on his property, 40 feet back from the road, as opposed to 79 feet, as required by existing ordinances.
- Because of how deep his lot is, the variance to 40 feet would actually allow his garage to be more in-line with other, smaller lots on his street.
- Smith indicated that his wife has mobility issues, which also influenced his desire to bring the garage closer to the back of his house.
- With this information about Smith’s wife, board members felt strongly that it would be wise to modify the site plan slightly, situating the garage 6 feet behind the back porch, so that there would be room to install a lift-gate at some point. They asked Smith to submit new plans. He agreed.
- ***The board voted to DEFER until Smith submits a revised site plan.***

Calendar No 23-105 - *DENIED*

- Evelyn Mills, the property owner of two multi-unit buildings at 1206/4 Auburn Ave., applied for a variance to allow one unit in one of the buildings to be used for short-term rentals.
 - The board clarified that if a variance were approved, it would have to be applied to the whole property, allowing all units on that lot to be used as

short-term rentals.

- Mills' adult grandson was present to testify on her behalf, stating that Mills would not let the property be used for parties or nuisance activity. He further testified that long-term rent from her current tenants does not provide enough income for his grandmother to maintain the property.
- Members of the community attended this hearing to voice their opposition to the proposed variance
 - Kate O'Neil, neighbor and member of Bath House Association
 - Jonathan Petry, neighbor and block club co-chair
 - Donna Grigonis, director of Real Estate & Economic Development at Tremont West
- McCormack could not attend but had previously expressed disapproval of this and similar projects, citing the dangers of "absentee landlords."
- ***The board voted to DENY this variance, citing the concerns of McCormack and the community and not allowing Mills to pursue an Airbnb on her property.***
 - The board expressed a desire to help Mills explore options to increase income from a long-term rental, and Grigonis from Tremont West provided her direct number so that the conversation could continue.

Calendar No 23-106 / No. 23-107 - *DENIED*

- Sanctus Capital LLC applied for a variance to split a lot at 5408 Ithaca Court and erect a new two-story residence with attached garage on the neighboring 1968 W. 54th St. parcel.
- The only access to the new garage would be from the narrow (10-foot), one-way Ithaca Court.
- Multiple neighbors attended the meeting to express their concern about the proposed garage access.
 - Residents submitted a video of themselves trying to park within the proposed parking lane off of Ithaca, demonstrating the difficulty a motorist may have maneuvering the space without backing into the neighbor's fence.
 - Residents also said that pedestrians and students often walk along Ithaca, and a car backing out of the garage may not see people in the alley.
- ***The board voted to DENY this variance, saying that a garage might not be necessary and Sanctus Capital LLC should draft a new plan.***

Calendar No 23-131 - *APPROVED*

- Homeowners at 1356 W. 65th St. proposed a variance to build a garage with a

second-floor living space.

- ***The board voted to APPROVE this variance, applauding the homeowner's design.***

Calendar No 23-091 - *APPROVED*

- Jamal Warith, owner at 15707 Eldamere Ave., proposed a new two-story single-family residence with an attached garage.
- Previously, Warith had believed he owned a wire fence along his parcel and intended to replace it with a wooden fence.
 - A study of the lot proved that the fence belonged to his neighbors, who attended today's hearing, expressing concern that their fence would be taken down.
 - Warith was happy to honor the results of the lot investigation and no longer suggested that he would remove the fence.
- With other issues resolved, the neighbors still voiced opposition for the project, largely based on the positioning of the garage.
- ***The board voted to APPROVE this variance, stating that the neighbors' grievances were more about their aesthetic preferences than a legitimate hardship or rights violation.***

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