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Board of Zoning Appeals

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

Date: Jan. 8, 2024

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Summary:

- The Cleveland Board of Zoning Appeals addressed eight appeals for variances during this meeting. Four were from individual owners, two were from housing developers, and two were treatment facilities or places for community meetings and gatherings. Five appeals for variances were approved, one was withdrawn, one was postponed to a later meeting, and one was dismissed.

Follow-up Questions:

- With this being my first time attending a Board of Zoning Appeals meeting, I was a little confused about how the process works and about the board's relationship with the Department of Building and Housing in particular. How can I learn more?
- I was wondering if there was any aggregate data about board decisions similar to what I compiled in the summary paragraph above. If not, is that something that might become available through the mayor's Office of Urban Analytics and Innovation?
- Given Documenters' ongoing [affordable housing survey](#) and [interview project](#), I was wondering about the relationship between affordable housing and zoning. Does restrictive zoning prevent the construction of affordable housing? Does the need to request case-by-case variances hinder construction? Would it be better to have an overall relaxation of standards to promote construction and eliminate some of these cases?

Notes

The livestream for this meeting began at about 9:53 a.m., well after the scheduled start time of 9:30 a.m. For that reason, I missed the roll call of board members and some of the first cases under review. In looking at WebEx attendees, it appears that all members were present except Terri Hamilton Brown; however, she could have been present in person and not have a screen on WebEx with her name listed.

The Board of Zoning Appeals reviewed the following cases:

a) **Calendar #23-209 – 2214 Denison Ave.** - The owners of this building wanted to establish use as a mental health/behavioral health facility in a residential area. The facility has been in operation for 1.5 years with no calls from neighbors. Facility operators Mr. and Mrs. Norris spoke to the board about potential security issues with the building and the facility's relationship with neighboring residences and apartment complexes.

The board discussed with Council Member Rebecca Maurer the possibility of holding a community meeting about this issue. Maurer said that a Jan. 31 community meeting would be a good time to do a "temperature check" of neighbors about the facility.

However, it was also mentioned that neighbors had been notified of this change and already had an opportunity to voice concerns. After discussion, the board decided to approve the variance pending the receipt of an authorization letter from the owner of the property (Whisk LLC).

b) **Calendar #23-211 - 11911 Farrington Ave.** – Owner Shondell Stillwell was cited for parking his trailer and car in an illegal fashion on his property. The building and housing department had previously found that he was in violation of the zoning code and that he needed to either move his vehicles or consolidate lots in order to be in compliance. After discussion, Stillwell decided to withdraw his request for a variance and settle the matter with Building & Housing.

c) **Calendar #23-213 – 2171 E. 85th St.** – Owner Zachary Lewis wanted to put a shipping container on his property as a replacement for his garage, which was damaged and would be expensive to repair. Council President Blaine Griffin joined the meeting and voiced his support for the variance given Lewis' engagement with the Fairfax community. The city planner suggested moving the shipping container farther away from the property line so it wouldn't negatively affect any potential future development. The board approved the variance request subject to Lewis moving the shipping container in collaboration with the city planner.

d) **Calendar #23-212 – 10300 Detroit Ave.** – Flaherty & Collins Development LLC is building a 60-unit apartment complex next to the West Park RTA Rapid station and transit center. This project is receiving tax credits related to affordable housing. The developers held a community meeting with neighborhood residents last summer, and the project has community support. The project needed variances related to parking and unit size due to

the unusual geography of the area in relation to the transit center. After discussion, the board approved the variances for this project.

e) **Calendar #23-216 – 2268 West 28th St.** – Owner Matthew Moss (who is a City Planning staff member) is requesting several variances for the property due to the small size of the house and lot. City Planning staff recommended approval and stated such variances were “typical” for lots of that size. After discussion, the board approved the variances for this project.

f) **Calendar #23-218 - 1555 East 118th St.** – 1555 East 118 LLC is building two four-story multi-unit buildings (19 units total) and is requesting several variances related to size, proximity to other properties, and number of parking spaces. The developers said that many likely tenants wouldn’t have cars (because they would be students at nearby Case Western Reserve University or work in the area) and were likely to use public transit (the developers plan to give subsidized transit passes to tenants). For this reason, the developers were seeking to build only seven parking spaces (or nine, depending on whether parking on the driveway counted as a parking space). The developers said they had spoken with Council Member Kevin Conwell and with neighbors and all supported the project.

However, two neighbors testified before the board in opposition to the project, mainly due to the impact the proposed development would have on the pre-existing lack of parking in the area.

City Planning staff addressed other concerns around fire safety and garbage disposal. Upon questioning from the board, the developers said they had not been able to work with a neighborhood development organization to do community engagement. The board said the developers needed to talk to Conwell about community engagement around the project.

After discussion, the board informed the developers that they needed to work further with the Building and Housing Department to make sure that the list of variances needed for the project was complete. The board postponed final review of the project until that work was completed and a community meeting was held to ensure community input on the project.

g) **Calendar #23-189 – 18615 St. Clair Ave.** – Owner Reginald Germany is requesting several variances so his tenant, Yvette Jackson, can use space at this address for activities such as workshops and financial literacy classes. This case was postponed from

Nov. 27, 2023, to allow Germany time to obtain signatures and other evidence of support from neighbors. Board Member Arleesha Wilson recused herself from the case, but the board still had a quorum present. When asked by the board, Germany said he had not obtained support from neighbors because he doesn't have neighbors. The board was told that Council Member Anthony Hairston testified back in November that he had been informed of the project. After discussion, the board approved the variances contingent on Germany reaching a parking agreement with his tenant.

h) **Calendar #23-190 – 1721 Burgess Ave.** – This case was dismissed because the appellants were not present.

The board meeting was adjourned shortly before noon.

If you believe anything in these notes is inaccurate, please email us at cleDOCUMENTERS@gmail.com with "Correction Request" in the subject line.