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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 process appeared confusing for many appellants.
- Community feedback seemed to hold a lot of stake with the board today.
- This meeting may be better attended in person or via WebEx, where the viewer might have control over the display and better see who's speaking.

Follow-Up Questions

- How common is it for Cleveland City Council members to deny vendor permits?
- I can't find any mention of Marcus Madison's appointment to the Board of Zoning Appeals online. Did I hear this wrong?

Notes

The meeting began on time. The view [on YouTube](#) focused on the slides, so it was not possible to tell who in the meeting room was speaking unless they were verbally identified. I will identify speakers who seem to be part of the Board of Zoning Appeals as "the board" since I cannot tell who is specifically speaking. Some audio was difficult to hear. All members of the Board were present.

[Agenda](#) items were presented in this order:

Calendar No. 24-105: 4724 Memphis Ave. (Ward 13)

Parkway Plaza LLC, proposes demolishing the existing structure to erect a new 9,133 square foot retail building and a 23-space parking lot. They are requesting relief from strict application of several codes regarding setbacks from the street or property line, landscaping transition strips around the parking lot, and requirement for approval from the City Planning Commission/Department.

Xavier Bay from City Planning staff said the neighborhood designer requested a postponement to allow for design review as the demolition and new building were

included on the same application. Appellant Gary Fisher said he was confused, and that this has already been approved after a neighborhood design review. Fisher and his attorney (unable to hear name) were sworn in and said the property was already demolished in 2022 as parts of it were collapsing. The board said City Planning had approved the demolition, but the new construction portion of the permit request should have been submitted separately from the demolition. Someone recognized that high turnover within City Planning over the past two years likely contributed to this confusion.

The case was postponed at the request of City Planning to Aug. 19.

Calendar No. 24-104: 16205 Delrey Ave. (Ward 1)

Owner Constance Boykins proposes a 1-story additional living space to a single-family home, requesting relief from the minimum interior side yard requirements of 10'. The owner is proposing 6'7".

The contractor for this project was sworn in, though poor audio quality obscured his name. He said the existing structure already violates the side yard requirements and the new addition would actually be farther from the property line than the existing home. The purpose of the expansion is to support aging in place for the homeowner. The request was granted on the condition that a notarized letter from the homeowner providing permission for the contractor to speak on behalf of the homeowner be submitted to the board.

Calendar No. 24-106: John's Hot Dog's (Ward 3)

Owner John Sisamis disputed the denial of his vendor license.

Sisamis and LaRhonda Talton-Morris from the [City of Division of Assessments & Licenses](#) were sworn in. This is the third year Sisamis has [come before the board](#) appealing the denial of his Mobile Food application near the West Side Market (W. 25th and Lorain adjacent to Market Square Park near the bus stop). Ward 3 Council Member Kerry McCormack is not in favor and has denied the permit renewal application annually since 2022.

The board said information was carefully gathered in 2022. A field investigator was sent out to measure the area and the Division of Licensing and Assessments have placed Sisamis' cart where it is in compliance with code. Talton-Morris said the cart's placement has been in compliance. The board asked the basis for McCormack's denial denying the vendor license. Talton-Morris said McCormack has not provided a reason for the denial

since 2022, when he said the request was within 100 ft of the West Side Market while it was in operation, and there are many restaurants in the area. The new location approved is greater than 100 ft. from the market.

The board discussed the ordinance ([241.36c](#)) requiring the council member to approve licenses and the operating hours of John's Hotdogs. A motion to overrule the denial was unanimously approved. Sisamis asked how he can prevent having to take time off work to come downtown annually when he's operating within the code. The board said they can't do anything as long as McCormack continues to deny the permit. Talton-Morris said she has discussed this with an attorney to see what options there are to resolve this for future permit renewals.

Calendar No. 24-107: 4117 E. 93rd St. (Ward 2)

Owner Shawanda Hammonds Slaughter proposes change of use for the property from a one-family dwelling to a daycare facility, requesting approval and relief from the requirement that daycares must be 30 ft. from any adjoining premises in a residence district.

Appellant Slaughter was sworn in. She said she was approved for zoning in 2008 but she was not aware at that time that there was an issue with the occupancy. She said she has been operating this business for over 20 years. Slaughter answered questions about the operations of her daycare, including the number of children enrolled, hours of operations, residents in the home, pick-up and drop-off locations, and number of staff.

Slaughter said she is planning on converting this property to a commercial center with 13 children. She said she has a step-up to quality rating and is serving the community in several ways. The board clarified that the request was written up for permitting a commercial center, but the permit required is actually a type 'A' daycare in a Two-Family District. There was likely a miscommunication in the application process that caused this discrepancy. The neighbors will need to be notified in order for the board to consider the a type 'A' daycare in a Two-Family District, so the proposal is being postponed to Aug. 19.

Calendar No. 24-108: 698 E. 124th St. (Ward 10)

RAL Property Management proposes a residential facility for five occupants in a two-family residential district, requesting relief from a requirement that residential facilities be greater than 1,000 feet from other residential facilities.

Eight neighbors of the property were sworn in, in addition to Waynenita Perryman, who was present virtually on behalf of RAL Property Management (the appellant). Perryman

said they are planning to house 1-5 unrelated older adults in the home. They will “typically” be older male veterans, over the age of 55, who are unable to live on their own without support. The focus is not for residents with mental health barriers to independent living, but for people who have been displaced.

Perryman answered questions about the expected operations such as expected staffing levels. She said services provided would include meal preparation, laundry services, and transportation to appointments but not “[activities of daily living](#)”. Perryman said there has been no community outreach regarding the proposal, but that she reached out to Ward 10 Council Member Anthony Hairston’s office on July 26 and is waiting to hear back. RAL Property Management LLC has two other group home locations in different Cleveland neighborhoods.

The neighbors shared comments opposing the variance, including safety concerns for the elderly and children on the street, property value depreciation, and a history of disruptive tenants leased to by the current owner of the home, who they say lives out of state and hasn’t kept the property maintained. Several of the neighbors said they “don’t live in the best area” but they watch out for each other and want to keep the neighborhood safe.

Darrell Branch, who lives next door to the property, said many neighbors who came to speak today have lived there for decades. He said the owner of the property has rented to tenants who have resulted in calls to the police and other problems, so he has “zero faith” they will place people there who won’t cause an “opportunity for something to happen.” He asked the board if the variance is approved, would the owners be able to easily convert it to another type of group home (such as a halfway house)? Branch said he is a veteran himself and understands the need for veteran housing but that it shouldn’t be placed in a residential area.

In answering questions for the board, Perryman said the LLC has only been renting the home since May 2024, so cannot speak to the previous tenants. This clarified a lot of confusion about the facts of the case. Perryman said they hire lawn service and have placed surveillance cameras on the property. She said she understands the neighbors concerns but that this would be a residential facility, not a halfway house, and there would be a curfew for residents. Perryman said if the variance is not approved, there would be no other economically feasible use of the property for the LLC, and that they were not aware of zoning concerns when they rented the property.

The board answered Branch’s question, saying if the variance for a residential facility was

approved, the appellant would have the right to change the target demographic of residents at any time.

Bay from City Planning said the neighborhood is oversaturated with residential facilities and they typically would not support a variance midblock. Ariel Washington, neighborhood planner, recommended the LLC meet with the ward's council member and residents in-person, and share details such as the schedule for curfews. Washington asked for more due diligence before the board decides on the issue.

The board denied the request unanimously.

A member of the board said "off the record" that the neighbors should consider organizing a formal block club as one might more effectively request heightened police patrols on the street ***[Editor's note:: According to the Open Meetings Act, anything said in a public government meeting is "on the record."]*** One of the neighbors who came to testify said his "faith was restored" by the board's decision as he assumed it was a "done deal." A member of the board said they "love when people come in" whether in support or opposition, saying it gives the community a voice.

Calendar No. 24-091: 2489 Professor St. (Ward 3)

Owner Chad Kusa proposes construction of a three-family unit in a two-family residential district, requesting relief from the two-family limit and permission to double the allowed footprint of the structure within the lot.

The case had been postponed from an earlier meeting due to a scheduling conflict. Three people were sworn in, family members serving as proxy as Kusa was not able to make it. They said the building proposed is not significantly different from other homes on the street, and it's very close to the merchant and multifamily district.

Donna Grigonis with Tremont West Development Corporation was sworn in. She said while the community is very walkable, there are a lot of issues with parking and the neighborhood would like for there to be 1:1 parking spots per unit (the plan does show this, though a board member previously questioned if the plan is feasible as drawn). Grigonis said it should not be used as an AirBnB, and the owners said it will "definitely not be used as an AirBnB," but a long-term rental (i.e. 2 year lease) and personal residence for Kusa.

Bay said the administration supports density. He said most properties are "substandard" in the area so they like to support opportunities for "20th century" units with the modern

amenities that people want. Signs were set outside the house and notices were mailed to the neighbors and no one attended to speak in opposition.

Motion to approve was unanimously passed.

Old Business:

Calendar No. 24-115: 1200 W. 76th St. The Shoreway Building, LLC.

The appellant is requesting six more months as they are waiting for the architectural drawings to be complete. They have had issues with the interior layout design. The extension was approved.

Before the end of the meeting, a board official announced that Marcus Madison will be starting soon as a new member of the board. He was appointed on July 23. The board proposed the new member be given time to acclimate before fully participating in meetings.

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