

# The City Record

Official Publication of the Council of the City of Cleveland



December the Thirtieth, Two Thousand and Nine

**Frank G. Jackson**  
Mayor

**Martin J. Sweeney**  
President of Council

**Patricia J. Britt**  
City Clerk, Clerk of Council

Ward	Name
1	Terrell H. Pruitt
2	Nathaniel K. Wilkes
3	Zachary Reed
4	Kenneth L. Johnson
5	Phyllis E. Cleveland
6	Mamie J. Mitchell
7	TJ Dow
8	Shari L. Cloud
9	Kevin Conwell
10	Eugene R. Miller
11	Michael D. Polensek
12	Anthony Brancatelli
13	Joe Cimperman
14	Joseph Santiago
15	Brian J. Cummins
16	Kevin J. Kelley
17	Matthew Zone
18	Jay Westbrook
19	Dona Brady
20	Martin J. Sweeney
21	Martin J. Keane

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[www.clevelandcitycouncil.org](http://www.clevelandcitycouncil.org)

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# DIRECTORY OF CITY OFFICIALS

## CITY COUNCIL – LEGISLATIVE

President of Council – Martin J. Sweeney

Ward	Name	Residence	
1	Terrell H. Pruitt	3877 East 189th Street	44122
2	Nathaniel K. Wilkes	8410 Vineyard Avenue	44105
3	Zachary Reed	3734 East 149th Street	44120
4	Kenneth L. Johnson	2948 Hampton Road	44120
5	Phyllis E. Cleveland	2369 East 36th Street	44105
6	Mamie J. Mitchell	12701 Shaker Boulevard, #712	44120
7	TJ Dow	7715 Decker Avenue	44103
8	Shari L. Cloud	1152 East 98th Street	44108
9	Kevin Conwell	10647 Ashbury Avenue	44106
10	Eugene R. Miller	13615 Kelso Avenue	44110
11	Michael D. Polensek	17855 Brian Avenue	44119
12	Anthony Brancatelli	6924 Ottawa Road	44105
13	Joe Cimperman	P.O. Box 91688	44101
14	Joseph Santiago	3169 West 14th Street	44109
15	Brian J. Cummins	3104 Mapledale Avenue	44109
16	Kevin J. Kelley	5904 Parkridge Avenue	44144
17	Matthew Zone	1228 West 69th Street	44102
18	Jay Westbrook	1278 West 103rd Street	44102
19	Dona Brady	1272 West Boulevard	44102
20	Martin J. Sweeney	3632 West 133rd Street	44111
21	Martin J. Keane	15907 Colletta Lane	44111

City Clerk, Clerk of Council – Patricia J. Britt, 216 City Hall, 664–2840  
 First Assistant Clerk — Sandra Franklin

### MAYOR – Frank G. Jackson

- Ken Silliman, Secretary to the Mayor, Chief of Staff
  - Darnell Brown, Executive Assistant to the Mayor, Chief Operating Officer
  - Valarie J. McCall, Executive Assistant to the Mayor, Chief of Government Affairs
  - Chris Warren, Executive Assistant to the Mayor, Chief of Regional Development
  - Monyka S. Price, Executive Assistant to the Mayor, Chief of Education
  - Maureen Harper, Executive Assistant to the Mayor, Chief of Communications
  - Andrea V. Taylor, Executive Assistant to the Mayor, Press Secretary
  - Andrew Watterson, Executive Assistant to the Mayor, Chief of Sustainability
  - Natoya J. Walker, Interim Director, Office of Equal Opportunity
- DEPT. OF LAW – Robert J. Triozzi, Director, Richard F. Horvath, Chief Corporate Counsel,  
 Thomas J. Kaiser, Chief Trial Counsel, Barbara A. Langhenry, Chief Counsel, Rm. 106  
 Karen E. Martines, Law Librarian, Room 100

### DEPT. OF FINANCE – Sharon Dumas, Director, Room 104;

- Frank Badalamenti, Manager, Internal Audit
- DIVISIONS: Accounts – Richard W. Sensenbrenner, Commissioner, Room 19
- Assessments and Licenses – Dedrick Stephens, Commissioner, Room 122
- City Treasury – \_\_\_\_\_, Treasurer, Room 115
- Financial Reporting and Control – James Gentile, Controller, Room 18
- Information Technology and Services – Douglas Divish, Commissioner, 205 W. St. Clair Avenue
- Purchases and Supplies – James E. Hardy, Commissioner, Room 128
- Printing and Reproduction – Michael Hewitt, Commissioner, 1735 Lakeside Avenue
- Taxation – Nassim Lynch, Tax Administrator, 205 W. St. Clair Avenue

### DEPT. OF PUBLIC UTILITIES – Barry A. Withers, Interim Director, 1201 Lakeside Avenue

- DIVISIONS – 1201 Lakeside Avenue
- Cleveland Public Power – Ivan Henderson, Commissioner
- Street Lighting Bureau – \_\_\_\_\_, Acting Chief
- Utilities Fiscal Control – Dennis Nichols, Commissioner
- Water – John Christopher Nielson, Commissioner
- Water Pollution Control – Ollie Shaw, Commissioner

### DEPT. OF PORT CONTROL – Ricky D. Smith, Director

- Cleveland Hopkins International Airport, 5300 Riverside Drive
- Burke Lakefront Airport – Khalid Bahhur, Commissioner
- Cleveland Hopkins International Airport – Fred Szabo, Commissioner

### DEPT. OF PUBLIC SERVICE – Jomarie Wasik, Director, Room 113

- DIVISIONS: Architecture – Kurt Wiebusch, Commissioner, Room 517
- Engineering and Construction – \_\_\_\_\_, Commissioner, Room 518
- Motor Vehicle Maintenance, Daniel A. Novak, Commissioner, Harvard Yards Streets – Randell T. Scott, Commissioner, Room 25
- Traffic Engineering – Robert Mavec, Commissioner, 4150 East 49th Street, Building #1
- Waste Collection and Disposal – Ron Owens, Commissioner, 5600 Carnegie Avenue

### DEPT. OF PUBLIC HEALTH – Matt Carroll, Director, Mural Building, 75 Erieview Plaza

- DIVISIONS: Air Quality – Richard L. Nemeth, Commissioner
- Environment – Willie Bess, Commissioner, Mural Building, 75 Erieview Plaza
- Health – Karen K. Butler, Commissioner, Mural Building, 75 Erieview Plaza

### DEPT. OF PUBLIC SAFETY – Martin Flask, Director, Room 230

- DIVISIONS: Dog Pound – John Baird, Chief Dog Warden, 2690 West 7th Street
- Correction – Robert Taskey, Commissioner, Cleveland House of Corrections, 4041 Northfield Rd.
- Emergency Medical Service – Edward Eckart, Commissioner, 1708 South Pointe Drive
- Fire – Paul A. Stubbs, Chief, 1645 Superior Avenue
- Police – Michael C. McGrath, Chief, Police Hdqtrs. Bldg., 1300 Ontario Street

### DEPT. OF PARKS, RECREATION & PROPERTIES – Michael Cox, Director

- Cleveland Convention Center, Clubroom A, 1220 East 6th Street
- DIVISIONS: Convention Center & Stadium – James Glending, Commissioner
- Public Auditorium, East 6th Street and Lakeside Avenue
- Parking Facilities – Leigh Stevens, Commissioner
- Public Auditorium, East 6th Street and Lakeside Avenue
- Park Maintenance and Properties – Richard L. Silva, Commissioner
- Public Auditorium – East 6th Street and Lakeside Avenue
- Property Management – Tom Nagle, Commissioner, East 49th Street & Harvard
- Recreation – Kim Johnson, Commissioner, Room 8
- Research, Planning & Development – Mark Fallon, Commissioner, 1501 N. Marginal Road
- Burke Lakefront Airport

DEPT. OF COMMUNITY DEVELOPMENT – Daryl Rush, Director, 3rd Floor, City Hall  
 DIVISIONS: Administrative Services – Terrence Ross, Commissioner  
 Neighborhood Services – Louise V. Jackson, Commissioner  
 Neighborhood Development – Joseph A. Sidoti, Commissioner

DEPT. OF BUILDING AND HOUSING – Edward W. Rybka, Director, Room 500  
 DIVISIONS: Code Enforcement – Tyrone L. Johnson, Commissioner  
 Construction Permitting – Timothy R. Wolosz, Commissioner

DEPT. OF PERSONNEL AND HUMAN RESOURCES – Trudy Hutchinson, Director, Room 121

DEPT. OF ECONOMIC DEVELOPMENT – Tracey A. Nichols, Director, Room 210

DEPT. OF AGING – Jane Fumich, Director, Room 122

DEPT. OF CONSUMER AFFAIRS – Omayra G. Feliciano, Acting Director

COMMUNITY RELATIONS BOARD – Room 11, Blaine Griffin, Director; Mayor Frank G. Jackson, Chairman Ex-Officio; Rev. Charles Lucas, Jr., Vice-Chairman; Councilman Kevin Conwell, Councilman Brian J. Cummins, Councilman Joe Santiago, Councilman Matthew Zone, City Council Representatives; Charles L. Patton, Jr., Paula Castleberry, Emmett Saunders, John Banno, Kathryn M. Hall, Evangeline Hardaway, Janet Jankura, Gia Hoa Ryan, Rev. Jesse Harris, Magda Gomez, Fred J. Livingstone, Margot James Copeland.

CIVIL SERVICE COMMISSION – Room 119, Reynaldo Galindo, President; Rev. Earl Preston, Vice President; Lucille Ambroz, Secretary; Members: Diane M. Downing, Michael L. Nelson.

SINKING FUND COMMISSION – Frank G. Jackson, President; Council President Martin J. Sweeney; Betsy Hruby, Asst. Sec’y; Sharon Dumas, Director.

BOARD OF ZONING APPEALS – Room 516, Carol A. Johnson, Chairman; Members; John Myers, Ozell Dobbins, Joan Shaver Washington, Tim Donovan, \_\_\_\_\_, Secretary.

BOARD OF BUILDING STANDARDS AND BUILDING APPEALS – Room 516, J. F. Denk, Chairman; \_\_\_\_\_, Arthur Saunders, Alternate Members – D. Cox, P. Frank, E. P. O’Brien, Richard Pace, J.S. Sullivan.

BOARD OF REVISION OF ASSESSMENTS – Law Director Robert J. Triozzi, President; Finance Director Sharon Dumas, Secretary; Council President Martin J. Sweeney.

BOARD OF SIDEWALK APPEALS – Service Director Jomarie Wasik, Law Director Robert J. Triozzi; Councilman \_\_\_\_\_.

BOARD OF REVIEW – (Municipal Income Tax) – Law Director Robert J. Triozzi; Utilities Director \_\_\_\_\_; Council President Martin J. Sweeney.

CITY PLANNING COMMISSION – Room 501 – Robert N. Brown, Director; Anthony J. Coyne, Chairman; David H. Bowen, Lillian Kuri, Lawrence A. Lumpkin, Gloria Jean Pinkney, Norman Krumholz, Council Member Joe Cimperman.

FAIR EMPLOYMENT WAGE BOARD – Room 210 – Gerald Meyer, Chair; Angela Caldwell, Vice Chair; Patrick Gallagher, Kathryn Jackson, Draydean McCaleb, Council Member \_\_\_\_\_, Ed Romero.

FAIR HOUSING BOARD – Charles See, Chair; Lisa Camacho, Daniel Conway, Robert L. Render, Genesis O. Brown.

HOUSING ADVISORY BOARD – Room 310 – Keith Brown, Terri Hamilton Brown, Vickie Eaton-Johnson, Mike Foley, Eric Hodderson, Janet Loehr, Mark McDermott, Marcia Nolan, David Perkowski, Joan Shaver Washington, Keith Sutton.

CLEVELAND BOXING AND WRESTLING COMMISSION – Robert Jones, Chairman; Clint Martin, Mark Rivera.

MORAL CLAIMS COMMISSION – Law Director Robert J. Triozzi; Chairman; Finance Director Sharon Dumas; Council President Martin J. Sweeney; Councilman Kevin Kelley.

POLICE REVIEW BOARD – Thomas Jones, Board Chair Person; Vernon Collier, Verne Whalen, Nancy Cronin, Elvin Vauss.

CLEVELAND LANDMARKS COMMISSION – Room 519 – Jennifer Coleman, Chair; Laura M. Bala, Council Member Anthony Brancatelli, Robert N. Brown, Thomas Coffey, Allan Dreyer, William Mason, Michael Rastatter, Jr., John Torres, N. Kurt Wiebusch, Robert Keiser, Secretary.

AUDIT COMMITTEE – Yvette M. Ittu, Chairman; Debra Janik, Bracy Lewis, Diane Downing, Donna Sciarappa, Council President Martin J. Sweeney; Law Director Robert J. Triozzi.

## CLEVELAND MUNICIPAL COURT JUSTICE CENTER – 1200 ONTARIO STREET JUDGE COURTROOM ASSIGNMENTS

Judge	Courtroom
Presiding and Administrative Judge Ronald B. Adrine	15A
Judge Marilyn B. Cassidy	12B
Judge Emanuella Groves	13A
Judge Michelle D. Earley	12A
Judge Kathleen Ann Keough	14B
Judge Anita Laster Mays	14C
Judge Lauren C. Moore	14A
Judge Charles L. Patton, Jr.	13D
Judge Raymond L. Pianka (Housing Court Judge)	13B
Judge Michael John Ryan	12C
Judge Angela R. Stokes	15C
Judge Pauline H. Tarver	13C
Judge Joseph J. Zone	14D

Earle B. Turner – Clerk of Courts, Russell R. Brown III – Court Administrator, Paul J. Mizerak – Bailiff; Jerome M. Krakowski – Chief Probation Officer, Gregory F. Clifford – Chief Magistrate

# The City Record

71 OFFICIAL PUBLICATION OF THE COUNCIL OF THE CITY OF CLEVELAND

Vol. 96

WEDNESDAY, DECEMBER 30, 2009

No. 5012

## CITY COUNCIL

MONDAY, DECEMBER 28, 2009

The City Record  
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[www.clevelandcitycouncil.org](http://www.clevelandcitycouncil.org)  
Address all communications to  
**PATRICIA J. BRITT**  
City Clerk, Clerk of Council  
216 City Hall

### PERMANENT SCHEDULE STANDING COMMITTEES OF THE COUNCIL 2006-2009

#### MONDAY — Alternating

9:30 A.M. — **Public Parks, Properties and Recreation Committee:** Johnson, Chair; Wilkes, Vice Chair; Brancatelli, Cummins, Kelley, Polensek, Pruitt.

9:30 A.M. — **Health and Human Services Committee:** Cleveland, Chair; Kelley, Vice Chair; Cimperman, Conwell, Mitchell, Reed, Santiago.

11:00 A.M. — **Public Service Committee:** Brady, Chair; Pruitt, Vice Chair; Cleveland, Cummins, Johnson, Polensek, Reed, Santiago, Wilkes.

11:00 A.M. — **Legislation Committee:** Dow, Chair; Keane, Vice Chair; Cleveland, Cloud, Johnson, Reed, Wilkes.

#### MONDAY

2:00 P.M. — **Finance Committee:** Sweeney, Chair; Cimperman, Vice Chair; Brady, Brancatelli, Cleveland, Conwell, Kelley, Miller, Mitchell, Polensek, Westbrook.

#### TUESDAY

9:30 A.M. — **Community and Economic Development Committee:** Brancatelli, Chair; Dow, Vice Chair; Brady, Cloud, Cummins, Miller, Pruitt, Westbrook, Zone.

1:30 P.M. — **Employment, Affirmative Action and Training Committee:** Pruitt, Chair; Miller, Vice Chair; Conwell, Cummins, Dow, Johnson, Mitchell.

#### WEDNESDAY — Alternating

10:00 A.M. — **Aviation and Transportation Committee:** Kelley, Chair; Keane, Vice Chair; Cleveland, Cloud, Dow, Mitchell, Westbrook.

10:00 A.M. — **Public Safety Committee:** Conwell, Chair; Brady, Vice Chair; Cummins, Miller, Mitchell, Polensek, Pruitt, Santiago, Zone.

#### WEDNESDAY — Alternating

1:30 P.M. — **Public Utilities Committee:** Zone, Chair; Reed, Vice Chair; Cummins, Keane, Kelley, Polensek, Santiago, Westbrook, Wilkes.

1:30 P.M. — **City Planning Committee:** Cimperman, Chair; Westbrook, Vice Chair; Conwell, Dow, Keane, Reed, Zone.

The following Committees are subject to the Call of the Chair:

**Rules Committee:** Sweeney, Chair; Cleveland, Kelley, Keane, Polensek.

**Personnel and Operations Committee:** Westbrook, Chair; Cloud, Kelley, Mitchell, Santiago, Sweeney, Wilkes.

**Mayor's Appointment Committee:** Cleveland, Chair; Kelley, Miller, Sweeney, Westbrook.

### OFFICIAL PROCEEDINGS CITY COUNCIL

NO MEETING

### THE CALENDAR

The following measures will be on their final passage at the next meeting:

NONE

### BOARD OF CONTROL

December 23, 2009

The regular meeting of the Board of Control convened in the Mayor's office on Wednesday, December 23, 2009, at 10:30 a.m. with Director Triozzi presiding.

Present: Directors Triozzi, Smith, Acting Director R. Scott, Directors Carroll, Flask, Cox, Rush, Acting Director Odom, Interim Director Feliciano and Director Rybka.

Absent: Mayor Jackson and Director Dumas, Acting Directors Withers, West and Director Nichols.

Others: Deborah Midgett, Acting Commissioner, Purchases and Supplies.

Natoya Walker, Acting Director, Office of Equal Opportunity.

On motions, the following resolutions were adopted, except as may be otherwise noted:

#### Resolution No. 575-09.

By Interim Director Withers.  
Be it resolved, by the Board of Control of the City of Cleveland that all bids received on October 29, 2009, for rehabilitating and relining sewers at various locations citywide, for the Division of Water Pollution Control, Department of Public Utilities, under the authority of Section 129.292 of Codified Ordinances of Cleveland, Ohio, 1976, are rejected.

Yeas: Directors Triozzi, Smith, Acting Director R. Scott, Directors Carroll, Flask, Cox, Rush, Acting Director Odom, Interim Director Feliciano and Director Rybka.

Nays: None.

Absent: Mayor Jackson and Director Dumas, Acting Directors Withers, West and Director Nichols.

#### Resolution No. 576-09.

By Director Smith.  
Resolved, by the Board of Control of the City of Cleveland that all bids received for the repair of expansion strips in the terrazzo floor in the passenger terminal building at Cleveland Hopkins International Airport for the Department of Port Control, received on November 5, 2009, under the authority of Section 181.101 of the Codified Ordinances of Cleveland, Ohio, 1976, be and the same are rejected.

Yeas: Directors Triozzi, Smith, Acting Director R. Scott, Directors Carroll, Flask, Cox, Rush, Acting Director Odom, Interim Director Feliciano and Director Rybka.

Nays: None.

Absent: Mayor Jackson and Director Dumas, Acting Directors Withers, West and Director Nichols.

#### Resolution No. 577-09.

By Director Smith.  
Resolved, by the Board of Control of the City of Cleveland that the bid of Fabrizi Trucking & Paving Co., Inc., for the necessary items of the rental of large capacity trucks with operators and other equipment with operators for use on airport property, all items, for the various divisions, Department of Port Control, for a period of two years beginning with the date of execution of a contract, received on November 11, 2009, under the authority of Ordinance No. 1048-09, passed by the Council of the City of Cleveland on September 21, 2009, which on the basis of the estimated quantity would amount to \$232,878.96, is affirmed and approved as the lowest and best bid, and the Director of Port Control is requested to enter into a requirement contract for the labor and materials

necessary, which shall provide for the immediate purchase as the initial amount of the contract of the following:

Requisition No. 200227

which shall be certified against the contract in the sum of \$135,500.00.

The requirement contract shall further provide that the Contractor shall furnish the remainder of the City's requirements for such labor and materials, whether more or less than the estimated quantity, as may be ordered under subsequent requisitions separately certified against the contract.

Be it further resolved by the Board of Control that the employment of the following subcontractors by Fabrizio Trucking & Paving Co., Inc., is approved:

<u>Subcontractor</u>	<u>Amount</u>
<u>CSB/MBE/FBE%</u>	
Cook Paving & Construction Co., Inc.	
14.99% CSB/MBE	\$34,931.84
Friedel Trucking Company, Inc.	
5.00% CSB/FBE	\$11,643.95

Yeas: Directors Triozzi, Smith, Acting Director R. Scott, Directors Carroll, Flask, Cox, Rush, Acting Director Odom, Interim Director Feliciano and Director Rybka.

Nays: None.

Absent: Mayor Jackson and Director Dumas, Acting Directors Withers, West and Director Nichols.

**Resolution No. 578-09.**

By Director Wasik.

Resolved, by the Board of Control of the City of Cleveland that all bids received on November 18, 2009 for Hauling of Recyclables, Yard Waste, Construction and Demolition, and Other Materials for the Division of Waste Collection, Department of Public Service under the authority of Section 181.101 of the Codified Ordinances of Cleveland, Ohio, 1976, are rejected.

Yeas: Directors Triozzi, Smith, Acting Director R. Scott, Directors Carroll, Flask, Cox, Rush, Acting Director Odom, Interim Director Feliciano and Director Rybka.

Nays: None.

Absent: Mayor Jackson and Director Dumas, Acting Directors Withers, West and Director Nichols.

**Resolution No. 579-09.**

By Director Rush.

Whereas, under the authority of Ordinance No. 2076-76 passed October 25, 1976, the City is conducting a Land Reutilization Program according to the provisions of Chapter 5722 of the Ohio Revised Code; and

Whereas, Section 183.024, Codified Ordinances of Cleveland, Ohio, 1976, authorizes the Commissioner of Purchases and Supplies to acquire certain properties owned by the Department of Housing and Urban Development (HUD) and Fannie Mae, each for a price determined as Fair Market Value, as part of the Land Reutilization Program; and

Whereas, under the authority of Section 183.024, the City has acquired Permanent Parcel No. 138-07-014, locat-

ed at 4161 East 116th Street from HUD; and

Whereas, Sulieman Mansur Mumin has proposed to the City to purchase the property for rehabilitation and/or redevelopment; and

Whereas, Section 183.024 authorizes the Commissioner of Purchases and Supplies, when directed by the Director of Community Development, and with the prior written consent of the Council member(s) in whose ward the property acquired from HUD or Fannie Mae to be sold is located, to convey the property to purchasers for the public purpose of rehabilitation and/or resale for consideration established by the Board of Control at not less than fair market value; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that under the authority of Section 183.024, Codified Ordinances of Cleveland, Ohio, 1976, the consideration for the sale of Permanent Parcel No. 138-07-014 to Sulieman Mansur Mumin is established as \$375.00, which amount is determined to be not less than fair market value taking into account such terms and conditions, restrictions and covenants as are deemed necessary or appropriate.

Yeas: Directors Triozzi, Smith, Acting Director R. Scott, Directors Carroll, Flask, Cox, Rush, Acting Director Odom, Interim Director Feliciano and Director Rybka.

Nays: None.

Absent: Mayor Jackson and Director Dumas, Acting Directors Withers, West and Director Nichols.

JEFFREY B. MARKS,  
Secretary

## CIVIL SERVICE NOTICES

### General Information

Application blanks and information, regarding minimum entrance qualifications, scope of examination, and suggested reference materials may be obtained at the office of the Civil Service Commission, Room 119, City Hall, East 6th Street, and Lakeside Avenue.

Application blanks must be properly filled out on the official form prescribed by the Civil Service Commission and filed at the office of the commission not later than the final closing date slated in the examination announcement.

**EXAMINATION RESULTS:** Each applicant whether passing or failing will be notified of the results of the examination as soon as the commission has graded the papers. Thereafter, eligible lists will be established which will consist of the names of those candidates who have been successful in all parts of the examination.

**PHYSICAL EXAMINATION:** All candidates for original entrance positions who are successful in other parts of the examinations must submit to a physical examination.

REYNALDO GALINDO,  
President

## SCHEDULE OF THE BOARD OF ZONING APPEALS

MONDAY, JANUARY 11, 2010

9:30 A.M.

**Calendar No. 09-250:** 11139-43 Superior Avenue (Ward 9)

Bobbie Johnson, owner, appeals to establish use of a two-story building as a nightclub/lounge with a game room and to do exterior alterations that include a rebuilding of the rear porch and stairs, located on a 35' x 120' parcel in a General Retail Business District; subject to the limitations of Section 347.12(a), the proposed use is required to be 500 feet from a residential district and it abuts a Two-Family District; no landscaping is shown contrary to Sections 352.08 through 352.12 and a required 8-foot wide, landscaped transition strip along the rear property line and a 6-foot wide frontage strip where the parking lot abuts the street; a gravel parking surface is proposed contrary to Section 349.07(a) that all parking and vehicle maneuvering areas must be graded for drainage within the lot, hard surfaced with concrete, asphalt or an engineered pervious paving system, the design of which must be approved by the Department of Building and Housing; and a parking area equal to approximately one-half the gross floor area is proposed, where a parking area equal to three times the gross floor area is required according to the provisions in Section 349.04(e) of the Cleveland Codified Ordinances.

**Calendar No. 09-251:** Appeal of Robert Shumay - Decision of Public Service Department

Robert Shumay and John Sesamis appeal under the authority of Section 76-6 of the Charter of the City of Cleveland and Section 329.02(d) of the Cleveland Codified Ordinances from a decision of the Director of Public Service regarding denied applications for temporary sidewalk occupancy permits for vending locations described as #1 Public Square (location #15), Hanna Mall/South Side (location #26), 615 St. Clair Avenue N.E. (location #34), 901 East 9th Street (location #35), and Ontario and St. Clair Avenue S.W. (location #109).

**Calendar No. 09-254:** 5000 Track Avenue (Ward 5)

Food Warehouse, Inc., owner, appeals to construct an addition/platform for the loading and unloading of goods at an existing one-story warehouse building on an acreage parcel in a Semi-Industry District; where docks or platforms shall be not less than 50-feet back from the building line along the street or alley on which they face and not less than 80-feet from the centerline of the street, as stated in Section 349.17 of the Cleveland Codified Ordinances.

**Calendar No. 09-255:** 6021 Memphis Avenue (Ward 13)

James Souris, owner, appeals to change from a gas station to a restaurant the use of a one-story

building on a 48.56' x 111.69' corner parcel in a Local Retail Business District; nonconforming to Section 327.02, the site plan does not show a location of a trash area or the dumpster; and 22 off-street parking spaces are proposed, contrary to 26 spaces required in accordance with Section 349.04(f); and provisions in Sections 352.08 through 352.11 require a 6-foot wide frontage landscaping strip along the parking lot where it borders the street and an 8-foot wide transition, landscaping strip along the rear property line where the lot abuts a residential district. The property in question is subject to a setback of 12-feet and a patio is not a permitted front yard encroachment in the provisions of Section 357.13 of the Cleveland Codified Ordinances.

**Calendar No. 09-259:** 10603 Euclid Avenue (Ward 6)

The Cleveland Clinic, owner, appeals to establish use for salt domes on a 40' x 190' parcel in a Local Retail Business District; subject to the limitations of Section 343.01 the proposed use is not permitted and

first permitted in a Semi-Industry District, provided that any material stored in an unenclosed premises to a height greater than 4-feet above the grade level shall be surrounded by a substantial 7-foot high wall or screened fence, as stated in Section 345.03(c)(33) of the Cleveland Codified Ordinances.

Secretary

**REPORT OF THE BOARD OF ZONING APPEALS**

**MONDAY, DECEMBER 28, 2009**

NO MEETING

**REPORT OF THE BOARD OF BUILDING STANDARDS AND BUILDING APPEALS**

NO MEETING

**PUBLIC NOTICE**

NONE

**NOTICE OF PUBLIC HEARING**

NONE

**CITY OF CLEVELAND BIDS**

NO BIDS

**ADOPTED RESOLUTIONS AND ORDINANCES**

NONE

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NO MEETINGS

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