



Division of Zoning and Development Review

ZONING BOARD OF ADJUSTMENT

HEARING AGENDA

September 17, 2015

**Date of Hearing:** September 17, 2015  
**Time of Hearing:** 9:00  
**Zone Case 238 of 2015**

5306 Kent Way

**Zoning District:** R1A-VH  
**Ward:** 10  
**Council District:** 7, Councilperson Deborah Gross  
**Neighborhood:** Upper Lawrenceville  
**Applicant:** Slotter Casey  
**Owner:** Slotter Casey

Lot subdivision and two new three story single family attached dwellings with 14'x22' one story attached garages and two compact car parking pads at rear, rear decks and rooftop decks above the second story.

**Variance:** 903.03.E.2      minimum 5ft front setback required and 3ft requested for unit 1

minimum 5ft interior side setback required and 0ft requested(dwelling, garages, parking pads, decks)

**Variance:** 912.04.B      minimum 2ft rear setback required and 0ft requested(parking pads)

Appearances  
For Appellant:

Objectors:

Observers:

**Past Cases & Decisions:**  
N/A

**Notes:**  
N/A

**Date of Hearing:** September 17, 2015  
**Time of Hearing:** 9:10  
**Zone Case 196 of 2015**

315 44<sup>th</sup> St

**Zoning District:** R1A-H  
**Ward:** 9  
**Council District:** 7, Councilperson Deborah Gross  
**Neighborhood:** Central Lawrenceville  
**Applicant:** Senko Robert  
**Owner:** Senko Robert

New one story 22'x22' detached garage at rear of single family dwelling.

**Variance :** 903.03.D.2      minimum 5ft interior side setback required and 0ft requested

Appearances  
For Appellant:

Objectors:

Observers:

**Past Cases and Decisions:**

ZBA 259 of 2013, applicant's request for a construction of a new 3 story single family detached dwelling with a two-car parking area at rear was approved.

**Notes:**

N/A

**Date of Hearing:** September 17, 2015

**Time of Hearing:** 9:20

**Zone Case 233 of 2015**

4926 Cypress St

**Zoning District:** R2-H,R1-H

**Ward:**

**Council District:** 7, Councilperson Deborah Gross

**Neighborhood:** Bloomfield

**Owner:** Barbour Marshall R

**Applicant:** Icon Development

Use of multi-family residential with 16 units and 17 parking spaces.

**Special Exception:** 921.02.A.4 change from a one nonconforming use to another is a Special Exception

**Variance:** 921.02.A.1(a) expansion of nonconforming use by more than 15% is not permitted in residential zoning district

**Variance:** 903.03.D.2 minimum 15ft exterior side setback required and 0ft provided

**Variance:** 916.02.A.6 minimum 25ft rear setback required and 0ft provided  
903.03.D.2

**Variance:** 916.02.B.1 maximum height 40ft permitted and 42ft provided  
903.03.D.2

**Variance:** 916.04.C parking shall not be located within 15ft of residential properties, 0ft provided

Appearances

For Appellant:

Objectors:

Observers:

**Past Cases and Decisions:**

ZBA 78 of 2012, Special Exception approved for conversion of existing structure (warehouse) into multi-unit residential building (14 units total) with conditions.

ZBA 17 of 2015, applicant's request for use of multi-unit residential (14 units) with six parking spaces, or alternatively 0 spaces was approved with condition.

**Notes:**

N/A

**Date of Hearing:** September 17, 2015  
**Time of Hearing:** 9:30  
**Zone Case 200 of 2015**

333 44<sup>th</sup> St

**Zoning District:** R1A-H  
**Ward:** 9  
**Council District:** 7, Councilperson Deborah Gross  
**Neighborhood:** Central Lawrenceville  
**Owner:** ARI Enterprises LLC  
**Applicant:** ARI Enterprises LLC

Lot subdivision and use of structures as single family dwellings;  
second story addition to existing rear structure.

**Variance:** 903.03.D.2      minimum 1,800 sq. ft. lot size permitted  
and 1,200 sq. ft.(lot 1) and 1,166 sq.  
ft.(lot2 ) requested

minimum 15ft front setback required and  
0ft requested(lot 2)

minimum 5ft interior side setback  
required and 0ft requested(lot2)

**Variance:** 914.02      one off-street parking space required and  
0 proposed (lot1)

**Variance:** 926.10.129      frontage upon a street required(lot2)

Appearances  
For Appellant:

Objectors:

Observers:

**Past Cases and Decisions:**

N/A

**Notes:**

N/A

**Date of Hearing:** September 17, 2015  
**Time of Hearing:** 9:40  
**Zone Case 261 of 2015**

2318 Broadway Ave

**Zoning District:** R1D-M  
**Ward:** 19  
**Council District:** 4, Councilperson Natalia Rudiak  
**Neighborhood:** Beechview  
**Applicant:** Cheong Walter Kenneth  
**Owner:** Cheong Walter Kenneth

2.5' x 3.5' exhaust fan at rear of existing restaurant.

**Variance:** 912.04.B                      minimum 5ft rear setback required and  
2ft requested

Appearances  
For Appellant:

Objectors:

Observers:

**Past Cases and Decisions:**

ZBA 179 of 2014, applicant's request for use of existing three story structure as two dwelling units on upper floors and continued use of the first floor as bar and restaurant; new 20ft x 23ft deck with the access ramp and parking area at front accessory to uses was approved with condition.

**Notes:**

Certificate of Occupancy 20272, dated 5/1/1968, permitted occupancy "Bar and restaurant –first floor, one family dwelling-second floor".



**Date of Hearing:** September 17, 2015

**Time of Hearing:** 10:00

**Zone Case 205 of 2015**

430 Lincoln Ave

**Zoning District:** R1D-M

**Ward:** 12

**Council District:** 9 ,Councilperson Rev. Ricky Burgess

**Neighborhood:** Larimer

**Applicant:** Survival Home The Nigerian Charity

**Owner:** Survival Home The Nigerian Charity

Use of existing one story garage structure as religious assembly (limited).

**Special Exception:** 911.04.A.53 use of religious assembly(limited) is a Special Exception in R1D zoning district

Appearances

For Appellant:

Objectors:

Observers:

**Past Cases and Decisions:**

ZBA 101 of 1995, Special Exception denied for the occupancy of a one-story structure as an auto and truck repair garage including mechanical work and body and fender work.

**Notes:**

N/A

**Date of Hearing:** September 17, 2015  
**Time of Hearing:** 10:10  
**Zone Case 206 of 2015**

313 Atwood St

**Zoning District:** OPR-A  
**Ward:** 4  
**Council District:** 3, Councilperson Bruce Kraus  
**Neighborhood:** Central Oakland  
**Applicant:** Funari Gary  
**Owner:** Funari Gary

Use of existing structure as two family dwelling units.

**Variance:** 914.02      two on-site parking spaces required and  
0 proposed

Appearances  
For Appellant:

Objectors:

Observers:

**Past Cases and Decisions:**

ZBA 48 of 1999, use variance granted to change the occupancy of the existing 2 ½ story row-type structure from a one-family dwelling to a business office for the American Civil Liberties Union”.

**Notes:**

Certificate of Occupancy 83568, dated 8/26/2002, permitted occupancy “Two story frame office building with 6.6ft x 18ft handicapped access ramp front of existing structure.”

**Date of Hearing:** September 17, 2015  
**Time of Hearing:** 10:20  
**Zone Case 254 of 2015**

421 Linial Ave

**Zoning District:** R1D-L  
**Ward:** 19  
**Council District:** 4, Councilperson Natalia Rudiak  
**Neighborhood:** Brookline  
**Applicant:** Colwell Kevin R & Donna M  
**Owner:** Colwell Kevin R & Donna M

Second story rear addition to single family dwelling.

**Variance :** 903.03.B.2      minimum 5ft interior side setback required  
and 2ft requested

Appearances  
For Appellant:

Objectors:

Observers:

**Past Cases and Decisions:**

N/A

**Notes:**

Certificate of Occupancy  
78880, dated 3/17/2000,  
permitted occupancy "One  
family dwelling(10'6" x 18'2"  
dormer addition in front)".

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