



**POSTPONED FROM MARCH 23, 2026**

**Calendar No. 25-197:**

**4239 Lee Rd.**

**Ward 1**

**Joseph Jones**

Open Pantry LLC, owner proposes to reopen discontinued gas station in G1 Local Retail Business District. The owner appeals for relief from the strict application of the following sections of the Cleveland Codified Ordinances:

1. Section 343.01 which states that a gas station is not permitted in Local Retail Business but is first permitted in General Business District per Section 343.11.
2. Section 359.02 which states that regarding discontinuance of a Nonconforming Use the following applies:
  - (a) A nonconforming use of a building or premises which has been discontinued shall not thereafter be returned to such nonconforming use.
  - (b) A nonconforming use shall be considered discontinued:
    - (1) When the intent of the owner to discontinue the use is express; or
    - (2) When the use is voluntarily discontinued for six (6) months or more. The intent to voluntarily discontinue a use may be implied from acts or the failure to act, including, but not limited to, the removal of and failure to replace the characteristic equipment and furnishing; or
    - (3) The cessation of business operations for two (2) years or more unless the cessation of business operations was caused by factors out of the control of the business such as the disability or illness of the proprietor or governmental action unrelated to the behavior of the business. If the business operations have ceased for more than two (2) years, the presence of characteristic equipment and furnishing is not relevant.
    - (4) When it has been replaced by a conforming use; or
    - (5) When it has been changed to another use under permit from the Board of Zoning Appeals.
3. Section 343.14 which states that motor vehicle service station, motor vehicle service garages and car washes located in General Retail Business Districts shall also be established and maintained in accordance with the following provisions. These regulations shall also be considered by the Board of Zoning Appeals in hearing zoning variance applications for alterations to such uses or variances to establishment of such uses as nonconforming uses in other Business Districts:
  - (a) No motor vehicle service station, motor vehicle service garage or car wash shall be located on a parcel that is within one hundred (100) feet of a Residence District unless the following conditions are met:
    - (1) A solid board-on-board wood fence or brick or stone wall at least six (6) feet in height is placed along any property line abutting a Residence District in addition to any otherwise required landscaping;
    - (2) No motor vehicle repair activity occurs within ten (10) feet of a Residence District;
    - (3) No service bay or garage door is oriented toward a Residence District.

(b) No service station shall be located on a "mid-block" property except if located on a street with a right-of-way that is at least eighty (80) feet wide. A "mid-block" property is any property other than a corner property, which is a property located at the intersection of two (2) streets.

(c) No motor vehicle repairs shall be performed before 7:00 a.m. or after 9:00 p.m.

(d) Number and Orientation of Service Bays. A motor vehicle service garage or service station shall include no more than four (4) service bays. For corner properties, such service bays shall be oriented to a street characterized by commercial or industrial uses as opposed to residential or local retail uses, if one (1) or more of the abutting streets can be so characterized. The Department of Building and Housing may consult the City Planning Commission in making such determinations.

(e) All tires, barrels, discarded auto parts, and other outdoor storage of materials used or sold on the premises must be screened from view from adjacent properties and streets by a "screen barrier" as required in Section 352.10.

(f) No commercial tractor, trailer or semi-trailer, except trailers designed to be pulled by passenger automobiles, may be parked on the premises of a motor vehicle service station or service garage for more than four (4) hours within any twenty-four (24) hour period, except in case of emergency. Not more than four (4) customer vehicles may be stored overnight in an outdoor location on the premises of a motor vehicle service station or service garage. A vehicle that is not in working order shall not be stored on such premises for more than forty-eight (48) hours.

(g) Fuel pumps at motor vehicle service stations may be located in a required yard but shall be set back at least fifteen (15) feet from any street right-of-way line and any property line.

*NOTE: THIS CASE WAS POSTPONED FROM JANUARY 26, 2026 DUE TO SNOWSTORM AND WAS POSTPONED A SECOND TIME FROM FEBRUARY 23, 2026 DUE TO LACK OF FIVE MEMBERS. THIRD POSTPONEMENT WAS DUE TO AN ADMINISTRATIVE SCHEDULING ERROR.*

### **POSTPONED FROM MARCH 23, 2026**

**Calendar No. 25-198:**

**7910 Harvard Ave.**

**Ward 2**

**Kevin Bishop**

Open Pantry LLC, owner proposes to re-establish use of a nonconforming motor vehicle service station (a.k.a. gas station) in a Limited Retail Business Zoning District. The owner appeals for relief from the strict application of the following sections of the Cleveland Codified Ordinances:

1. Section 359.02 which states that regarding discontinuance of a Nonconforming Use the following applies:
  - (a) A nonconforming use of a building or premises which has been discontinued shall not thereafter be returned to such nonconforming use.
  - (b) A nonconforming use shall be considered discontinued:
    - (1) When the intent of the owner to discontinue the use is express; or
    - (2) When the use is voluntarily discontinued for six (6) months or more. The intent to voluntarily discontinue a use may be implied from acts or the failure to act, including, but not limited to, the removal of and failure to replace the characteristic equipment and furnishing; or
    - (3) The cessation of business operations for two (2) years or more unless the cessation of business operations was caused by factors out of the control of the business such as the disability or illness of the proprietor or

governmental action unrelated to the behavior of the business. If the business operations have ceased for more than two (2) years, the presence of characteristic equipment and furnishing is not relevant.

(4) When it has been replaced by a conforming use; or

(5) When it has been changed to another use under permit from the Board of Zoning Appeals.

2. Section 343.14 which states that motor vehicle service station, motor vehicle service garages and car washes located in General Retail Business Districts shall also be established and maintained in accordance with the following provisions. These regulations shall also be considered by the Board of Zoning Appeals in hearing zoning variance applications for alterations to such uses or variances to establishment of such uses as nonconforming uses in other Business Districts:

(a) No motor vehicle service station, motor vehicle service garage or car wash shall be located on a parcel that is within one hundred (100) feet of a Residence District unless the following conditions are met:

(1) A solid board-on-board wood fence or brick or stone wall at least six (6) feet in height is placed along any property line abutting a Residence District in addition to any otherwise required landscaping;

(2) No motor vehicle repair activity occurs within ten (10) feet of a Residence District;

(3) No service bay or garage door is oriented toward a Residence District.

(b) No service station shall be located on a "mid-block" property except if located on a street with a right-of-way that is at least eighty (80) feet wide. A "mid-block" property is any property other than a corner property, which is a property located at the intersection of two (2) streets.

(c) No motor vehicle repairs shall be performed before 7:00 a.m. or after 9:00 p.m.

(d) Number and Orientation of Service Bays. A motor vehicle service garage or service station shall include no more than four (4) service bays. For corner properties, such service bays shall be oriented to a street characterized by commercial or industrial uses as opposed to residential or local retail uses, if one (1) or more of the abutting streets can be so characterized. The Department of Building and Housing may consult the City Planning Commission in making such determinations.

(e) All tires, barrels, discarded auto parts, and other outdoor storage of materials used or sold on the premises must be screened from view from adjacent properties and streets by a "screen barrier" as required in Section 352.10.

(f) No commercial tractor, trailer or semi-trailer, except trailers designed to be pulled by passenger automobiles, may be parked on the premises of a motor vehicle service station or service garage for more than four (4) hours within any twenty-four (24) hour period, except in case of emergency. Not more than four (4) customer vehicles may be stored overnight in an outdoor location on the premises of a motor vehicle service station or service garage. A vehicle that is not in working order shall not be stored on such premises for more than forty-eight (48) hours.

(g) Fuel pumps at motor vehicle service stations may be located in a required yard but shall be set back at least fifteen (15) feet from any street right-of-way line and any property line.

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