



## Mayor's Office of Capital Projects

Date: January 26, 2022

To: Mark D. Griffin, Chief Legal Counsel  
Department of Law

From: James D. DeRosa, Interim Director  
Mayor's Office of Capital Projects

Re: Request for Encroachment Legislation

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We are requesting an Ordinance be prepared authorizing the Director of Capital Projects to issue a permit to Scranton Avenue Carriage Works to encroach into the public right-of-way of Kenilworth Avenue by installing, using, and maintaining a concrete stoop, awning and planter.

An electronic draft copy will be emailed to your Department to facilitate the processing of this request.

If you have any questions please contact Eric Westfall, Survey Department 664-3780, Thank you.

MS/ebw

Cc: Ryan Puente, Chief Government Affairs Officer  
Elise Hara Auvil, Chief Administrative Officer  
Bradford J. Davy, Chief Strategy Officer  
Bonnie Teeuwen, Chief Operating Officer  
Richard Switalski, Administration Bureau Manager, Division of Engineering & Const.  
Eric Westfall, Plats and Surveys Section (Acting)  
Meredith Carey, Legislative Liaison  
Nancy Lanzola, Department of Law

**LEGISLATIVE SUMMARY**  
**Mayor's Office of Capital Projects**  
**Division of Engineering and Construction**

**Encroachment into the public right-of-way of Kenilworth Avenue  
with a new concrete step and stoop, awning and planter.**

Ordinance Number: 149-2022

Description: Authorizing the Director of the Mayor's Office of Capital Projects to issue a permit to 3004 St. Clair, LLC to encroach into the public right-of-way of Kenilworth Avenue by installing, using, and maintaining a concrete step and stoop, awning and planter.

Purpose

To create a code complaint entry into the existing building at 2341 Scranton Road by installing a concrete stoop and for beautification of the building.

A consent form acknowledging approval of this request will be forthcoming from the Council Member

Ward: Ward 3 Council Member Kerry McCormack



**10.21.2021**

**Mr. Eric Westfall  
Mayor's Office of Capital  
Projects  
601 Lakeside Avenue - Rm.  
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Dear Mr. Westfall,

This letter is a formal request and intent for encroachment on to the public right-of-way at 2341 Scranton Road (known as Scranton Ave. Carriage Works). The 22,000 SF lot (Parcel No. 00410060) maintains the 100+ year old brick building. The owner (3004 St. Clair, LLC) has plans to refurbish and enliven the existing building into a mixed-use complex of (7) rentable apartment units, (1) rentable retail space, and renovate the 2<sup>nd</sup> floor into a private residence for the owners. The plans have been reviewed by the city and a building permit has been established (B20008023). Construction is underway and slated for completion by the end of 2021.

Through the demolition process in the retail space (located at the corner of Scranton Rd. and Kenilworth Ave.), the design-build team discovered the ground floor of the retail space is actually 14 inches above existing sidewalk grade. There is evidence that suggests there were once concrete steps up to the old openings of the building, that were then bricked in, and are now opened back up for new storefronts. The issue now is, in order to create a code compliant entry into the retail space, a concrete stoop is required that encroaches into the public right-of-way. Please see the attached PDF for reference.

We have consulted with the departments of Zoning, Building & Housing, and City Engineering and this proposed stoop will require an Encroachment Permit. Our goal is for an expedited review of this encroachment for the following reasons:

- A.) It is an existing building that had encroachment access in the past.
- B.) The outcome is a small encroachment into public right-of-way (approx. 11' x 5'-8") and still allows for the required sidewalk clearances and will result in a code compliant, corner-activating entry for the retail space.
- C.) 3004 St. Clair, LLC. is committed to the enlivening and beautification of the building, the entire corner lot, and the community as a whole.
- D.) The typical Encroachment Approval process that was passed down to us seems to be designed for larger, ground-up developments that do not have a building permit (estimated approval process takes 3-6 months).
- E.) The Scranton Ave. Carriage Works project currently has achieved all required building, roadwork, and sidewalk permits. Our hope is that this encroachment process will not delay final occupancy of the retail tenant.

I would welcome the opportunity to discuss this project and the encroachment review process with you in person. Please let me know if you might have some availability in the coming week (10/25-10/29/21). I am happy to bring full size drawings to your office for our discussion. Thank you for your time and consideration.

Sincerely,

A handwritten signature in black ink, appearing to read 'L Staib', written in a cursive style.

## Lucas Staib

AoDK Architecture | Architectural Designer  
14394 Detroit Avenue, Lakewood, Ohio 44107  
O 216.771.1920 x111    E [ls@aodkinc.com](mailto:ls@aodkinc.com)  
M 814.341.5131        W aodkinc.com



Boundary Description for  
Stoop Encroachment  
City of Cleveland, County of Cuyahoga, State of Ohio  
**0.0014 acre easement**



Situated in the City of Cleveland, County of Summit and State of Ohio and known as being part of the right of way of Kenilworth Avenue, 100 feet in width and adjacent to Sublot 9 as shown on the Ziemer Allotment, recorded in Plat Volume 4, Page 37 of the Cuyahoga County Recorder's Records and is bounded and described as follows: Beginning at the intersection of the northerly right of way line of Kenilworth Avenue and the easterly right of way line of Scranton Road, 60 feet in width, said point also being the southwesterly corner of Sublot 9; thence North 88°59', 16" East, along the northerly right of way line of Kenilworth Avenue and the southerly line of Sublot 9, 1.98 feet to the PRINCIPAL PLACE OF BEGINNING of the area herein to be described;

thence North 88°59'16" East, continuing along the northerly right of way line of Kenilworth Avenue and the southerly line of Sublot 9, 11.67 feet to a point thereon;

thence South 00°59'16" West, 5.40 feet to a point;

thence South 88°59'16" West, 11.67 feet to a point;

thence North 00°39'42" West 5.40 feet to the Principal Place of Beginning, containing 62 square feet or 0.0014 acres of land more or less according to a survey by Guy P. Haney, P.S. No. S-7631, for Davey Resource Group in December of 2021. Subject to all highways, easements and covenants of legal record.

Bearings are based on Ohio State Plane Coordinate System, North Zone, NAD 1983, ground



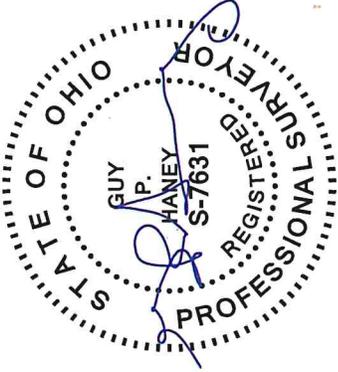
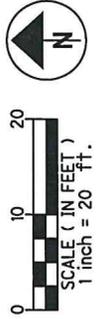
Corporate Headquarters  
295 South Water Street, Suite 300  
Kent, OH 44240  
800-828-8312

Local Office  
1310 Sharon Copley Rd  
PO Box 37  
Sharon Center, OH 44274  
330-590-8004

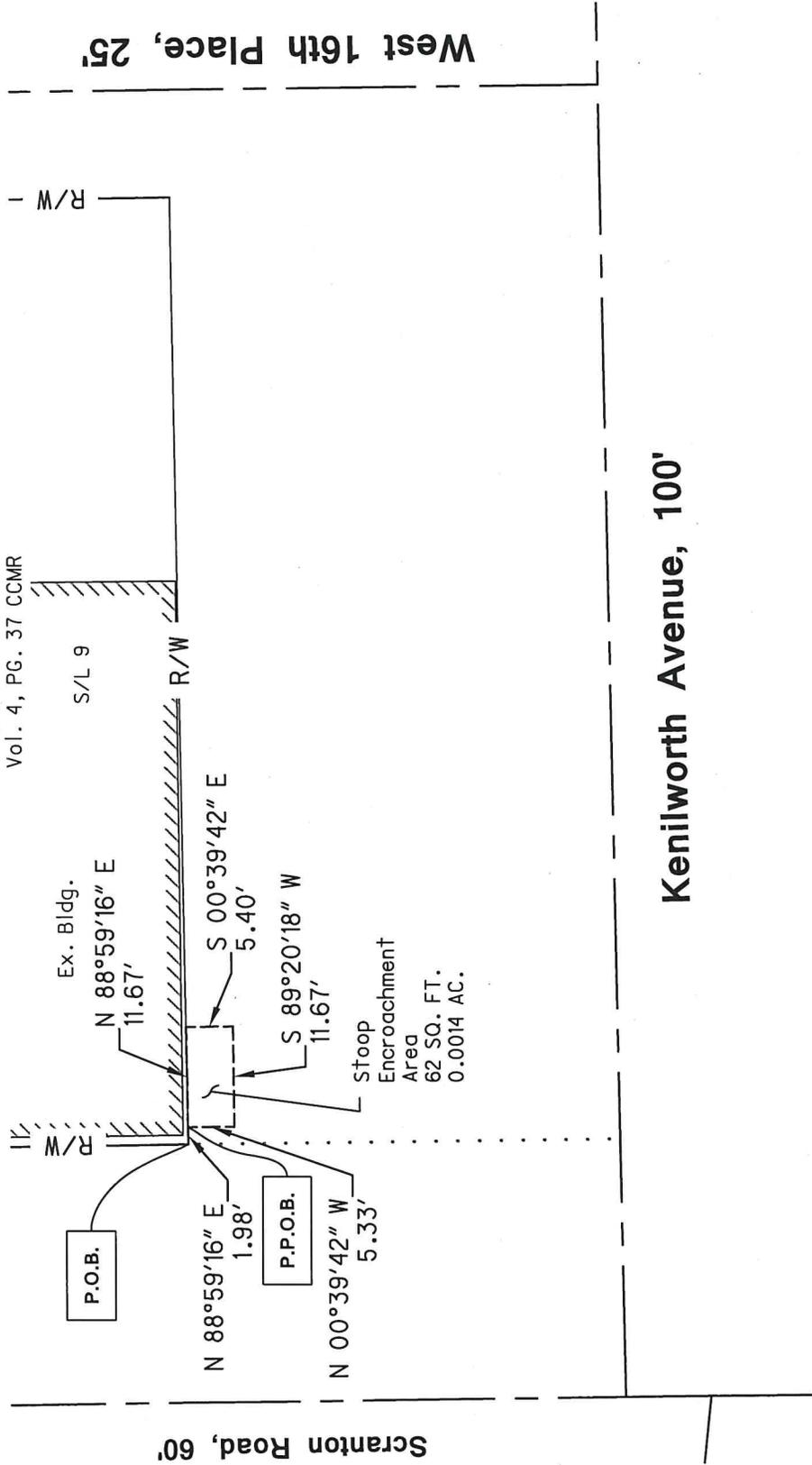
SKETCH OF

# Stoop Encroachment Exhibit

Situated in the City of Cleveland, County of Cuyahoga an State of Ohio and known as being part of Sublot Nos. 4-9 as shown on the Ziemer Allotment, Volume 4, Page 37



John Ziemer's Allotment  
Vol. 4, PG. 37 CCMR



**Kenilworth Avenue, 100'**

STOOP ENCROACHMENT

EXHIBIT

PROJECT NUMBER

2264

DATE

2021-12-17

