

Mayor Annene M. Blackwell

CITY OF MAPLE HEIGHTS PLANNING AND ZONING COMMISSION
MAPLE HEIGHTS CITY HALL **NOVEMBER 14, 2016**

NO CAUCUS: **MEETING STARTS AT 6:30 P.M.**
Public Meeting: 6:30 p.m. Council Chambers, City Hall

ROLL CALL: **ARNOLD, GYEKENYESI, OSTENSON, WEBBER & HANSBERRY**

PUBLIC HEARING:

This Public Hearing was called according to Section 1262.13 of the Codified Ordinances of the City of Maple Heights. If you are an applicant, please **REMAIN PRESENT** until you are called during the regular meeting, which begins after the public hearing, to explain your application. The Public Hearing is to permit the public to speak in opposition or in favor of the applicant's case.

2016-PZ-09 An application from Michael A. Ackerman for McDonald's Corp. requesting a Lot Consolidation in a Neighborhood Commercial (NC) Zoning District consolidating Permanent Parcels numbered 782-16-035 thru 782-16-040 with Permanent Parcels numbered 782-16-041 and 782-16-084 in a Residential Single Family-Medium Density (RSF-M) Zoning District into one parcel with an area of 1.0875 acres at 5114 Northfield Road, Maple Heights, Ohio.

2016-PZ-10 An application from Denise Baptiste for Caribbean BBQ requesting a Conditional Use Permit to operate a Fast Food Restaurant in a Neighborhood Commercial (NC) Zoning District at 5242 Warrensville Center Road, Maple Heights, Ohio.

2016-PZ-11 An application from John Burks for Cuddly Kiddies Learning Center requesting a Conditional Use Permit to operate a Type A Day Care in a Neighborhood Commercial (NC) Zoning District at 5890 S. Lee Road, Maple Heights, Ohio.

The Public Hearing was closed at _____.

PUBLIC MEETING

ROLL CALL: **ARNOLD, GYEKENYESI, OSTENSON, WEBBER & HANSBERRY**

MINUTES: September 12, 2016

CASE NO.: 2016-09

Application: PLANNING & ZONING
Property: 5114 Northfield Road
Applicant: Michael A. Ackerman for McDonald's Corp.
Request: Approval of a Lot Consolidation in a Neighborhood Commercial (NC) Zoning District with parcels located in a Residential Single Family-Medium Density (RSF-M) Zoning District
Zoned: Neighborhood Commercial (NC) Zoning District and Residential Single Family-Medium Density (RSF-M) Zoning District
Codes:

Planning and Zoning must take action by January 13, 2017

_____MVD_____SEC_____AA

CASE NO.: 2016-10

Application: PLANNING & ZONING
Property: 5242 Warrensville Center Road
Applicant: Denise Baptiste for Caribbean BBQ
Request: Approval of a Conditional Use Permit to operate a Fast Food
Restaurant in a Neighborhood Commercial (NC) Zoning District
Zoned: Neighborhood Commercial (NC) Zoning District
Codes: Chapters 1278.04(V); 1261.95; 1262.12
Planning and Zoning must take action by January 13, 2017

_____MVD_____SEC_____AA

CASE NO.: 2016-11

Application: PLANNING & ZONING
Property: 5890 S. Lee Road
Applicant: John Burks for Cuddly Kiddies Learning Center
Request: Approval of a Conditional Use Permit to operate a Type A
Day Care in a Neighborhood Commercial (NC) Zoning District
Zoned: Neighborhood Commercial (NC) Zoning District
Codes: Chapters 1278.04(H), 1261.30, 1262.12
Planning and Zoning must take action by January 13, 2017

_____MVD_____SEC_____AA

DISCUSSION:

A discussion among the Planning & Zoning Commission, Council and Administration regarding the question of whether or not to amend Section 1298.19 of the Codified Ordinances regarding fence height requirements.

The current code has a three feet maximum height requirement regarding side yard fences within 15 feet of the sidewalk. Also, the current code prohibits front yard fences except those that are ornamental and no higher than 3 feet.

ADJOURNMENT: Time _____

PLANNING AND ZONING COMMISSION
APPLICATION : (Type or PRINT CLEARLY in Black Ink)

CASE NO.: 2016-PZ-09

PROPERTY ADDRESS: 5114 Northfield Road, Maple Heights, OH 44137 PP# _____ ZONING DISTRICT "NC" & "RSF-M"
 782-16-035 thru 782-16-040 and 782-16-041 & 782-16-084

APPLICANT:
 NAME: Michael A. Ackerman, agent for McDonald's Corp. COMPANY: Donald G. Bohning & Associates, Inc.
 MAILING ADDRESS: 7979 Hub Parkway, Valley View, OH 44125
 PHONE: (216)642-1130 CELL: _____ FAX: (216)642-1132
 E-MAIL ADDRESS: mackerman@dgbassoc.com ID: _____

PROPERTY OWNER
 NAME(S): McDonald's Corporation & American Land Acquisition Co. (formerly)
 MAILING ADDRESS: 2 Easton Oval, Suite 200, Columbus, OH 43219
 PHONE: _____ CELL: (440)655-8689 FAX: (614)418-3346
 E-MAIL ADDRESS: dave.gnatowski@us.mcd.com

ACTION REQUESTED: Lot Consolidation

I, the undersigned applicant, have included the required ten (10) completed sets of Professional Quality documents with this application. I understand that the Building Commissioner reserves the right to refuse this application if found to be incomplete or improperly submitted, including, but not limited to, the attached application and drawings. I, or my authorized agent or representative, shall be present at the public meeting on the designated date as noted at the bottom of this application. I further understand that my failure to be present for the meeting at the date and time stated below may cause the case to be denied. Please call 216-587-9000 ten (10) days prior to meeting date to ensure that your case has been placed on the Planning & Zoning agenda.

10/18/2016
 (Date)

Michael A. Ackerman
 (Applicant's Printed Name)


 (Applicant's Signature)

OFFICE USE ONLY:

ZONING DISTRICT: NC & RSF-M Zoning Districts PLANNING _____ ZONING _____
 APPLICABLE CODE(S) _____

CASE WORDING: approval of a lot consolidation in a NC zoning district consolidating permanent parcels 782-16-035 thru 782-16-040 w/ permanent parcels 782-16-041 & 782-16-084 in a RSF-M zoning district into one parcel w/ an area of 1.0875 acres

Next Scheduled Planning /Zoning Meeting:
11/14/2016 @ 6:30 p.m.
 5353 Lee Road, Maple Heights, OH 44137

Approved for Meeting

_____ Date

_____ Building Commissioner

Maple Heights Building Department, 5353 Lee Road, Maple Heights, Ohio, 44137 * 216-663-4094 * Fax: 216-587-9094
 View the entire Planning & Zoning, Building & Housing Codes at: amlegal.com - Online Library.

(Rev: 6/1/11) The Zoning Map is available at www.mapleheights.cuyahogacounty.us on the Forms page under Planning & Zoning.

PLANNING AND ZONING COMMISSION
APPLICATION : (Type or PRINT CLEARLY in Black Ink)

CASE NO.: 2016-P2-10

PROPERTY ADDRESS: 5242 Warrensville Ct Rd PPH# _____ ZONING DISTRICT _____

APPLICANT: Denise Baptiste COMPANY: _____
 NAME: _____
 MAILING ADDRESS: 18413 Edinboro Ave
 PHONE: _____ CELL: 646-858-9093 FAX: _____
 E-MAIL ADDRESS: Sweetting.202@gmail ID: _____

PROPERTY OWNER NAME(S): _____
 MAILING ADDRESS: _____
 PHONE: _____ CELL: _____ FAX: _____
 E-MAIL ADDRESS: _____

ACTION REQUESTED: open a Caribbean Restaurant in existing space.

I, the undersigned applicant, have included the required ten (10) completed sets of Professional Quality documents with this application. I understand that the Building Commissioner reserves the right to refuse this application if found to be incomplete or improperly submitted, including, but not limited to, the attached application and drawings. I, or my authorized agent or representative, shall be present at the public meeting on the designated date as noted at the bottom of this application. I further understand that my failure to be present for the meeting at the date and time stated below may cause the case to be denied. Please call 216-587-9000 ten (10) days prior to meeting date to ensure that your case has been placed on the Planning & Zoning agenda.

10/24/16 (Date) Denise Baptiste (Applicant's Printed Name) [Signature] (Applicant's Signature)

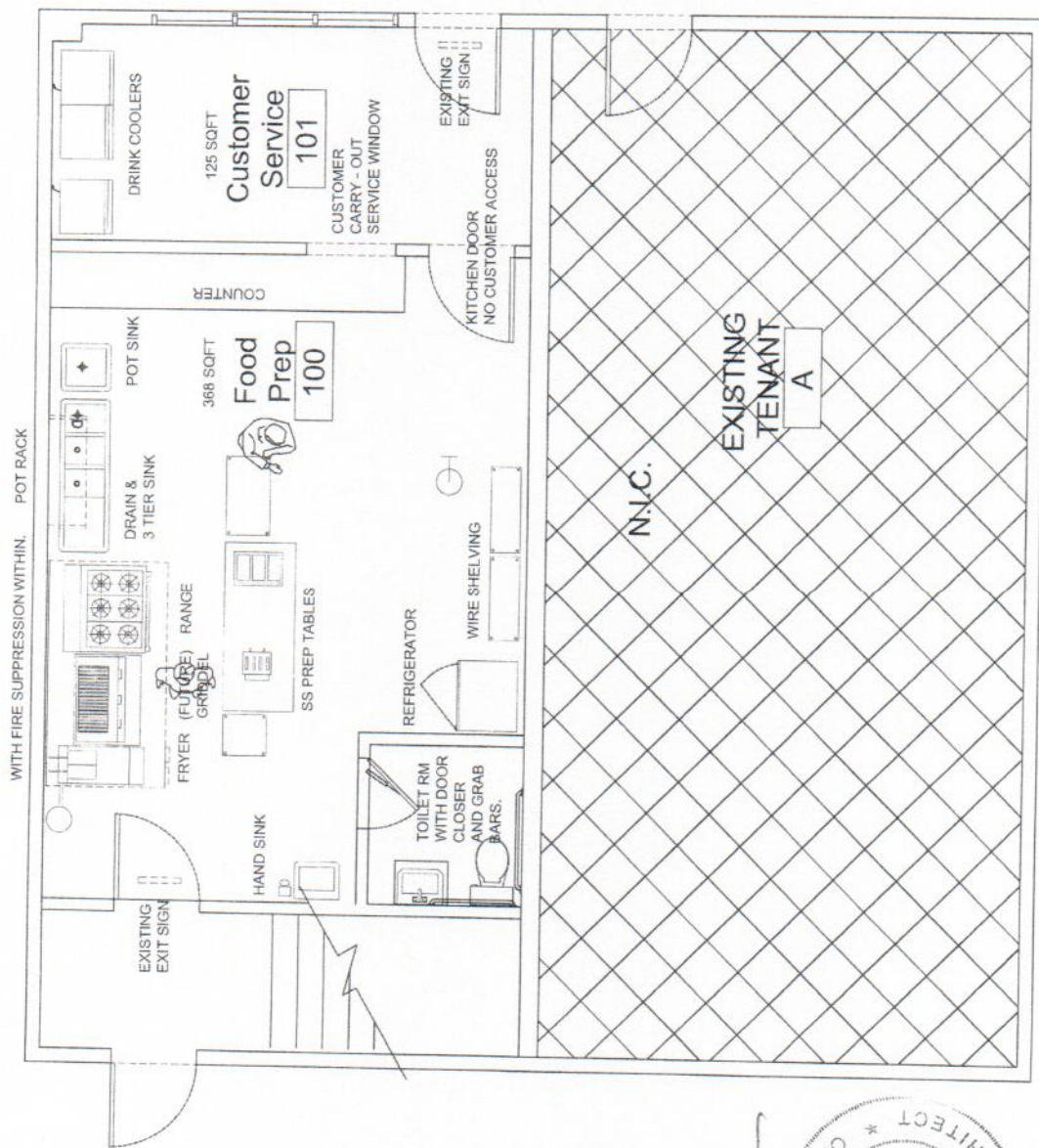
OFFICE USE ONLY:

ZONING DISTRICT: NC Zoning District PLANNING _____ ZONING _____
 APPLICABLE CODE(S) Chapters 1278.04(V); 1261.95; 1262.12
 CASE WORDING: Approval of a Conditional Use Permit to operate a ^{Fast Food} Restaurant in a NC Zoning District per Chapters 1278.04(V); 1261.95; 1262.12

Next Scheduled Planning /Zoning Meeting:
11/14/2016 @ 6:30 p.m.
 5353 Lee Road, Maple Heights, OH 44137

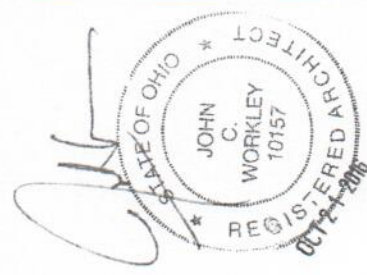
Approved for Meeting
 _____ Date _____ Building Commissioner

5242 Warrensville Center Rd.



MAIN FLOOR PLAN
SCALE: 1/4" = 1'-0"

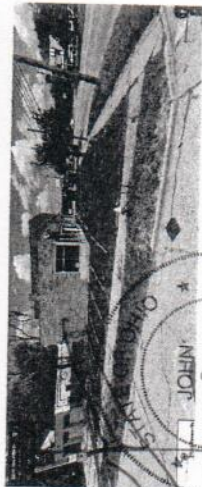
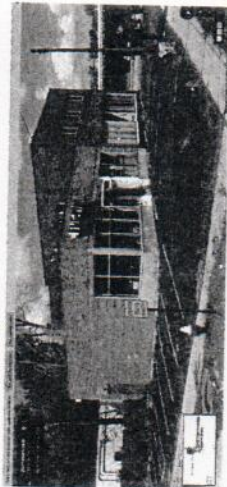
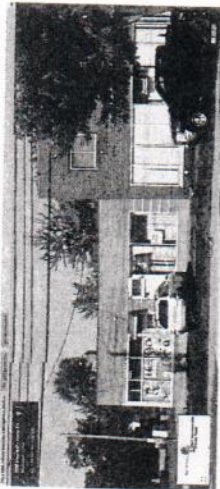
Proposed Tenant Improvements for CARIBBEAN BBQ 5242 Warrensville Road Maple Heights, Ohio 44130		Sheet Title: FLOOR PLAN AND NOTES Sheet Number: A1.1
Date: 10/21/2016	Project No: 16071000	Drawn By: JCW
Checked By: JCW	Scale: 1/4" = 1'-0"	KEY PLAN



2016-P2-10

782-21-028 LISTED WITH
MAPLE HEIGHTS, OH. 44137

Parcel 782-21-028 has been
consolidated WITH parcel 782-21-027



45 FT

45 FT

150.51 FT

150.51 FT

TENANT "C"
MUSIC

TENANT "B"
CARIBBEAN BBQ

TENANT "A"
BEAUTY SALON

STOCK ROOM

GARAGE
TWO CAR

COURTYARD

EXISTING
FENCE/GATE

Parking

WARRENSVILLE CENTER ROAD

MOUNTVILLE DRIVE
SITE PLAN:
SCALE: NOT TO SCALE



782-21-027 AHUJA, BALJIT S
5242 WARRENSVILLE CENTER RD
MAPLE HEIGHTS, OH. 44137

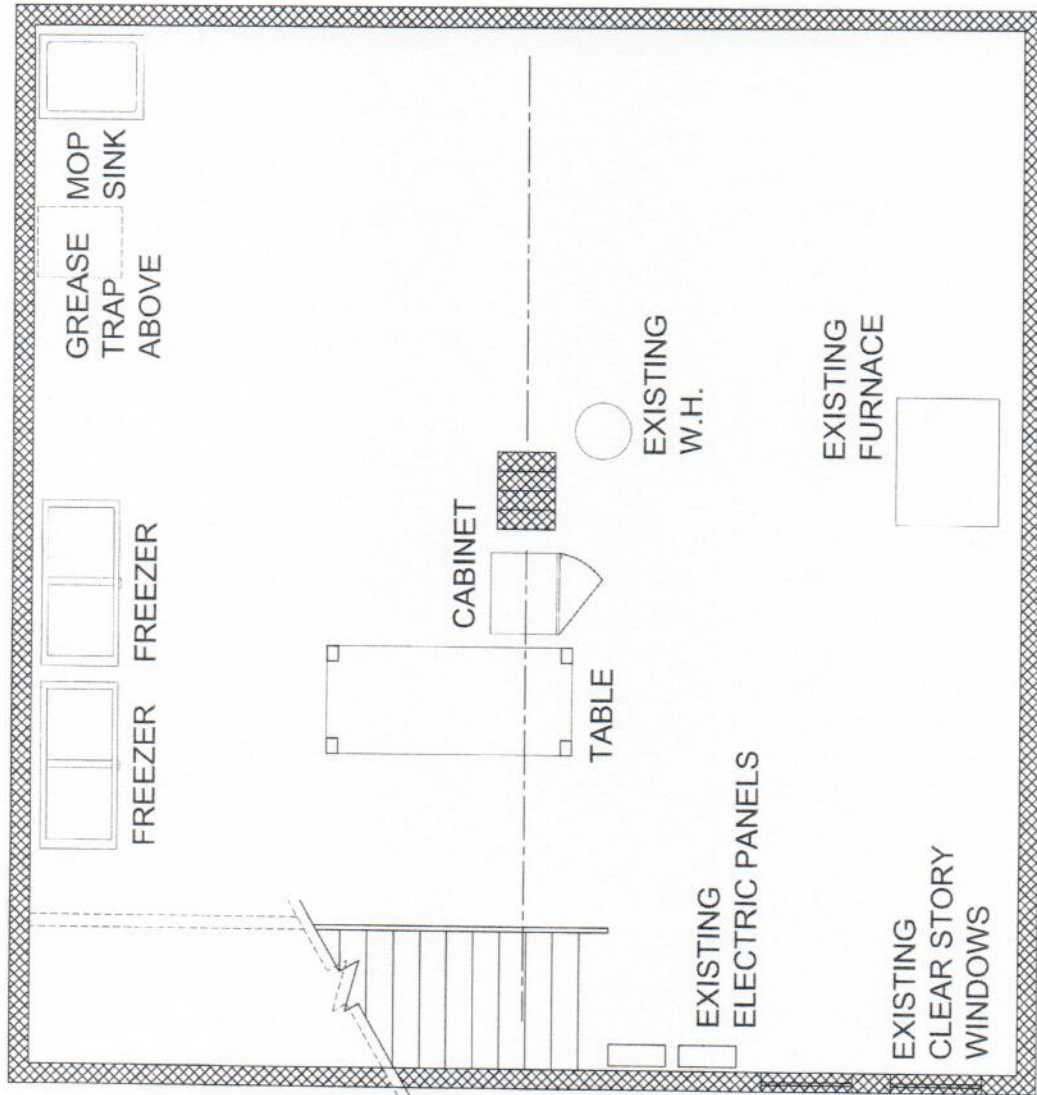
<p>Proposed Tenant Improvements for:</p> <h2>CARIBBEAN BBQ</h2> <p>6265 Warrensville Road Maple Heights, OH 44130</p>		<p>Sheet Title: SITE PLAN</p>
<p>Date: 10/21/2016</p>	<p>Project No: 16071000</p>	<p>Sheet Number: \$1.0</p>
<p>Drawn By: JCW</p>	<p>Checked By: JCW</p>	
<p>Scale: 1/4" = 1'-0"</p>		
<p>KEY PLAN</p>		



voccon.
INCORPORATED
3142 FIVE OAKS
COLUMBUS, OH 43215
614.885.1000
www.voccon.com

Two Great Central Tower Suite 504
New York, NY 10017
646.866.1200
www.vocconarchitects.com

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BASEMENT PLAN:
SCALE: 1/4" = 1'-0"

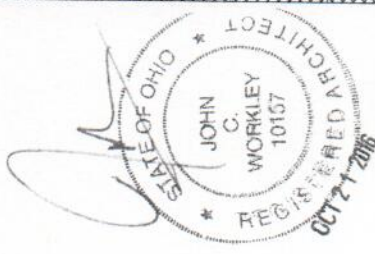
Date:	10/21/2016	Sheet Title:	FLOOR PLAN AND NOTES
Project No.:	160710.00	Sheet Number:	A1.0
Drawn By:	JCW	Scale:	1/8" = 1'-0"
Checked By:	JCW		

Proposed Tenant Improvements for

CARIBBEAN BBQ

6242 Waverlyville Road
Highland Heights, Ohio 44139

vocon.
3415 Waverlyville Road
Highland Heights, Ohio 44139
754.886.0000
The Grand Center Tower, Suite 100
140 East 640 Street
Highland Heights, Ohio 44139
754.886.0000
vocon@vocon.com



DATA ROOM

Annette M. Blackwell
Mayor



Frank Consolo
Law Director

MEMORANDUM

To: Planning and Zoning Commission Members
Copy: Mayor Blackwell, Council President Trojanski
From: Frank Consolo, Law Director
Date: October 25, 2016
Re: Fence Requirements Maple Hts. Codified Ordinance Section 1298.19

Mayor Blackwell has requested advice and comment from the members of the Planning and Zoning Commission concerning current fence height requirements contained in Section 1298.19 of the Maple Heights Codified Ordinances (copy attached).

By way of background, the County Land Bank through its Side Yard Program (copy attached) offers fencing as an option for side yards that are purchased by adjacent homeowners. An issue has arisen, however, because the County Land Bank will not install fencing less than 4 foot in height. This is a conflict with certain front yard and side yard requirements in our code which require fencing be no more than 3 foot in height. Land Bank Director Frangos has requested that Council take action to immediately amend Section 1298.19 and simply replace the 3 foot height restriction with a 4 foot height restriction.

As you can see from my October 24, 2016 email (a copy of which is attached along with email chain) I disagree with Director Frangos that this is a simple matter. It is my recommendation that the Mayor and Council take time to study and consider the impact of changing the City's fence height requirements set forth in Section 1298.19.

Accordingly we value your opinions and thoughts on this matter and would appreciate you giving your comments and advice. Please consider whether you will meet as a body to discuss this or individually provide responses. Convening as a body to discuss this issue may be most efficient, but I will defer to your judgment.

If you should have any questions or need further information, please do not hesitate to contact me.



1298.19 FENCES

A. Purpose

The purpose of this section is to establish regulations controlling the use of fences whereby the property owner may have the privilege of privacy, security and landscape design within the property with due consideration to the environment of neighboring properties, the appearance of the community and the safety of the public and the individual.

B. Definitions As used in this chapter:

1. "Barbed wire fence" means a fence, or portion of a fence, made with metal wire having sharp points or barbs along its length.
2. "Boundary line fence" means a fence erected along the boundary line of any lot which encloses or partially encloses a parcel of property.
3. "Chain link fence" means a fence usually made of metal, consisting of loops of wire interconnected in a series of joined links.
4. "Fence" means any artificially constructed barrier of any material or combination of materials, living or otherwise, erected to enclose or screen areas of land.
5. "Living fence" means a natural plant species which has been planted to form a continuous barrier to prevent passage or for protection.
6. "Open ornamental fence" means a fence, usually made of wood (such as a rail, split rail or picket fence), that is constructed for its beauty or decorative effect and, when viewed at right angles, has not less than fifty percent of the surface area of its vertical plane (the area within a rectangular outline enclosing all parts of the fence in its vertical plane) open to light and air.
7. "Privacy fence" means a fence structure, or any part thereof, consisting of materials constructed to inhibit light, ventilation and sight through said fence. This definition shall not include a living fence.
8. "Private nuisance" means either of the following:
 - a. That which destroys or deteriorates the property of an individual or of a few persons or interferes with their lawful use or enjoyment thereof and which produces such material annoyance, inconvenience and discomfort that the law will presume resulting damage; or
 - b. That which annoys and disturbs one in possession of his or her property, rendering its ordinary use or occupation physically uncomfortable to him or her.
9. "Similar fence" means a fence which has slats less than four inches apart with a minimum height of three (3) feet, designed, used, constructed or maintained for the primary purpose of altering or changing the natural accumulation of snowfall upon any property.

C. Erection; Permit Required; Application and Plot Plan; Fee

Any fence, other than living and snow fences, which may be permitted, shall, prior to its erection, require the issuance of a permit by the Building Commissioner after an application for the same has been approved. Application shall be made on a City application form and be accompanied by a plot plan showing property lines, the location of all existing driveways, sidewalks, fences and structures on the subject property, and the distances from all fences and structures within five (5) feet of the property lines to the proposed fence. The plot plan shall show the location of the proposed fence with length, height and fence style noted. A permit fee shall be required in accordance with the fee schedule as adopted by City Council.

D. General Requirements

1. Application

These requirements shall be the general fence requirements for all districts in the City.

2. Permitted Fences

The following are permitted fences:

- a. Living fences
- b. Boundary line fences
- c. Privacy fences
- d. Open ornamental fences
- e. Chain link fences

3. Restricted Fences

The following are restricted fences:

- a. Tennis court fences. Approval is required from the Planning Commission.
- b. Barbed wire fences.
 - (1) Barbed wire fences are prohibited when the fence would abut a residential district or use.
 - (2) Approval is required from the Planning Commission for all other barbed wire fences.
- c. Snow fences. Snow fences may be erected and used only in the months of customary snowfall (October 30th through April 30th), after which they shall be removed. No snow fence shall be used so as to cause an artificial or unnatural accumulation of snow or drifting snow to accumulate on the property of another, in excess of that which would otherwise accumulate in the absence of such a fence.
- d. Chicken wire fences. Chicken wire fences are prohibited.
- e. Galvanized cattle fences. Galvanized cattle fences are prohibited.
- f. Electrified fences. Electrified fences are prohibited, except for underground low-voltage per fences.

4. Access Corridors

No fence shall be erected or allowed to grow in a natural state so as to create an inaccessible and/or unmaintainable area or corridor with any other principal, accessory or fence structure. Such area or corridor shall be a minimum distance of thirty (30) inches from any principal, accessory or fence structure. This shall not prohibit a fence from being adjacent to or attached to another principal, accessory or fence structure at an approximately right angle.

5. Attachment to a Neighbor's Structure

A fence may be erected across a property line to be adjacent to or attached to a neighbor's principal, accessory or fence structure if notarized authorization from said property owner is submitted with the required application for a fence permit.

6. Appearance

All visible supports must face the property of the owner making the installation, unless the Planning Commission grants approval to do otherwise.

7. Swimming Pool Fences

Swimming pool fences shall comply with the regulations set forth in Chapter 1480 of these Codified Ordinances.

8. Maintenance

a. Living fences. Living fences shall be trimmed and maintained at all times so as not to create a private nuisance, as determines by the Building Commissioner, or interfere with pedestrian and vehicular traffic on both public and private property.

b. All other fences. All other fences shall be maintained:

- (1) So as not to interfere with pedestrian and vehicular traffic on both public and private property; and
- (2) In accordance with the City's Property Maintenance Code as set forth in Chapter 1490 of these Codified Ordinances.

E. Fences in Residential Districts

1. Application

This section shall apply to Single-Family, Two-Family and Multifamily Districts.

2. Maximum Fence Height and Location

a. Rear Yard. (As defined in Chapter 1261).

(1) Living fences. Living fences shall not exceed three (3) feet in height for fifteen (15) feet from any public sidewalk. Otherwise they may grow to their natural height.

(2) Privacy and boundary line fences. Privacy and boundary line fences shall not exceed three (3) feet in height for fifteen (15) feet from any public sidewalk. Otherwise they shall not exceed six (6) feet from the finished grade to the top of any portion of the fence. Fence posts may exceed the fence height by six (6) inches.

(3) Chain link fences. Chain link fences shall not exceed six (6) feet from the finished grade to the top of any portion of the fence. Fence posts may exceed the fence height by six (6) inches.

(4) Corner lot exception. Open chain link fences up to six (6) feet in height may be erected in a rear yard that abuts a public sidewalk or street.

b. Side yard. (As defined in Chapter 1261).

(1) Location and height. Except for living fences, the maximum height of any fence located in a side yard wherein an entrance door to the dwelling exists, or where the driveway is located, shall be six feet from the finished grade to the top of any portion of the fence, including posts. Such side yard fence shall not be constructed in front of the dwelling. Any living side yard fence shall not exceed three feet in height for fifteen feet from any public sidewalk or front property line. Fences (except living fences) are prohibited in all other side yards.

(2) Corner lot exception. Open chain link fences up to six (6) feet in height may be erected in a side yard that abuts a public sidewalk or street.

c. Front yard. (As defined in Chapter 1261).

(1) Living fences. Living fences shall not exceed three (3) feet in height for fifteen (15) feet from the front property line and/or any public sidewalk. Beyond fifteen (15) feet they may grow to their natural height.

(2) Open ornamental fences. Open ornamental fences shall not exceed three (3) feet in height.

(3) All other fences. All other fences shall be prohibited in a front yard.

d. Height exception. A privacy fences may be erected in a rear yard and shall not exceed eight (8) feet in height, including posts, when the rear or side yard property line abuts a property used for nonresidential purposes. Such fence shall not exceed three (3) feet in height for fifteen (15) feet from any public sidewalk.

F. Fences in Nonresidential Districts

1. Application

This section shall apply to all Park, Nursing Home and Retirement Living, Local Retail, Office Building, General Retail, Commercial Service, and Industrial Districts.

2. Maximum Fence Height and Location

a. Rear and side yards. (As defined in Chapter 1261).

(1) Living fences. Living fences shall not exceed three (3) feet in height for fifteen (15) feet from any public sidewalk. Otherwise they may grow to their natural height.

(2) Privacy and boundary line fences. Privacy and boundary line fences shall not exceed three (3) feet in height for fifteen (15) feet from any public sidewalk. Otherwise they shall not be restricted in height in order to comply with the performance standards in Section 1298.32, Performance Standards.

(3) Corner lot exception. Open chain link fences may be erected in side and rear yards that abut a public sidewalk or street with no setback requirement.

b. Front yards. (As defined in Chapter 1261).

(1) Living fences. Living fences shall not exceed three (3) feet in height for fifteen (15) feet from the front property line and/or any public sidewalk. Beyond fifteen (15) feet they may grow to their natural height.

(2) Open' ornamental fences. Open ornamental fences shall not exceed three (3) feet in height.

(3) All other fences. All other fences shall be prohibited in a front yard unless approval is granted by the Planning Commission.

3. Nonconforming Residential Uses

This section shall not apply to preexisting, nonconforming residential dwellings in the districts set forth in paragraph F.1. hereof. In the case of such pre-existing, nonconforming dwellings, subsection E. shall apply and govern.

G. Inspections

It shall be the duty of each property owner erecting a fence to determine property lines, at his or her expense, and to ascertain that the fence this constructed does not deviate from the plans approved by the Building Commissioner and does not encroach upon another lot or parcel of land unless specifically authorized by that abutting property owner, in writing. The person responsible for the erection of such fence shall contact the Building Department to have the fence inspected upon completion. The inspection will not be to determine whether the fence is encroaching upon another lot, nor shall it relieve the property owner of the duty imposed upon him or her by this Section.

H. Exemptions

1. Legally pre-existing fences that had a valid permit issued shall comply with Chapter 1292. There is no exemption from Section 1298.19D.8.

2. Fences constructed or owned by the City are exempted from the provisions of this chapter. There is no exemption from Section 1298.19D.8.

I. Appeals

See Chapter 1262, Administration and Enforcement, for provisions relating to appeals.

J. Enforcement

See Chapter 1262, Administration and Enforcement, for provisions relating to enforcement of this chapter.

(Ord. 2000-128. Passed 12-6-00.)

Frank Consolo

From: Frank Consolo
Sent: Monday, October 24, 2016 11:57 AM
To: 'Annette Blackwell'
Cc: Fred White; Richard Trojanski; Toni Jones; Leonette Cicirella; 'Ed Hren (hren@cvelimited.com)'
Subject: RE: Fencing and side yards
Importance: High

Good morning Mayor-

I have no problem amending our zoning code with regard to fence height if the City so desires. I do want everyone to understand however that there is more thought to this than simply changing the height references in the code from 3 feet to 4 feet as suggested by Mr. Frangos. That's the simple part.

The hard part is determining whether there are policy reasons for why the code for years has had a three foot max height requirement. For instance, with regard to side yards, the code prohibits fences over three feet high, within 15 feet of the sidewalk. Such a requirement was usually put in as a safety policy. The concern is this – if a fence is running parallel to someone's driveway the part of the fence running from the sidewalk up to 15 feet towards the rear of the property must not be higher than 3 feet. The reason for this is that someone backing out of a driveway must have an unobstructed view of oncoming vehicles and pedestrians. I do not know, and am not qualified to offer an opinion on, whether raising the height to 4 feet will cause a safety issue. This is something that should be explored by the administration, council and probably P&Z members. That will take time.

Likewise, as currently written, the code prohibits front yard fences except those that are ornamental and no more than 3 feet high. Obviously there was a policy reason years ago for limiting the style and height of front yard fences. Again, this may be something that the administration, council and P&Z may wish to take time to consider.

In any event, I am prepared to amend the code in time for the next council meeting if so desired. I just wanted everyone to consider the possible ramifications.



Frank Consolo
212 Hoyt Block – 700 West St. Clair Ave. – Cleveland, OH 44113
Tel: (216) 696-5400 – Fax: (216) 696-2610 – Cell: (216) 952-8682

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IRS CIRCULAR 230: Under U.S. Treasury Regulations, we are required to inform you that any tax advice contained in this communication (including any attachment) is not intended to be used, and cannot be used, to avoid penalties imposed under the Internal Revenue Code.

From: Annette Blackwell [mailto:ablackwell@mapleheightsohio.com]
Sent: Monday, October 24, 2016 11:32 AM
To: Frank Consolo
Cc: Fred White; Richard Trojanski; Toni Jones; Leonette Cicirella
Subject: RE: Fencing and side yards

Good morning,

I would really to offer this fencing to side lot recipients, are we good on getting this moved along and approved?

Thanks.

From: Gus Frangos [mailto:gfrangos@cuyahogalandbank.org]
Sent: Thursday, October 20, 2016 9:21 PM
To: Frank Consolo <fconsolo@consololaw.com>; Lilah Zautner <lzautner@cuyahogalandbank.org>
Cc: Jacqui Knettel <jknettel@cuyahogalandbank.org>; Fred White <fwhite@mapleheightsohio.com>; Richard Trojanski <mhccouncilpresidenttrojanski@gmail.com>; Annette Blackwell <ablackwell@mapleheightsohio.com>; Toni Jones <tjonesD2@hotmail.com>; Jason Knauer <jknauer@cuyahogalandbank.org>
Subject: Re: Fencing and side yards

Thanks Frank. The only thing I would suggest is that it just means going into the code and changing a "3" to a "4." At least I would think that the Council could introduce that, and then it can begin going through whatever processes it needs to. We provide amendment assistance to many cities and if the Mayor wants, we can have the amendment prepared by Monday. Please give us a sense why something like this would so greatly interfere with the press of business in Maple Hts. These are nice features that we provide on these sidelots, and it would be unfortunate for citizens not to be able to partake. Otherwise, when will this be able to get introduced to the Council.

From: Frank Consolo <fconsolo@consololaw.com>
Sent: Thursday, October 20, 2016 5:10 PM
To: Lilah Zautner
Cc: Jacqui Knettel; Fred White; Richard Trojanski; Annette Blackwell; Gus Frangos; Toni Jones; Jason Knauer
Subject: RE: Fencing and side yards

Hi Lilah-

I have reviewed this matter with Mayor Blackwell and just called your office and left you a VM.

Please proceed on these properties *without* the 4' fencing. The bottom line is that absent a variance by P&Z (and I do want this to go through P&Z first) the Code will need to be changed. It is not realistic that Council will be able to quickly amend the Code given the press of other outstanding business on the Council agenda. Thanks and if you have any questions please contact me directly.

PLANNING AND ZONING COMMISSION
APPLICATION : (Type or PRINT CLEARLY in Black Ink)

CASE NO.: 2016-PZ-11

PROPERTY ADDRESS: 5890 Lee Rd S PPH _____ ZONING DISTRICT _____

APPLICANT NAME: John Burks COMPANY: Cuddly Kiddies Learning CTR
MAILING ADDRESS: 5890 Lee Rd S, Maple Hts; OH 44137
PHONE: 216 510-5672 CELL: _____ FAX: 216 510-5672
E-MAIL ADDRESS: SBURKS7777@AOL.COM ID: _____

PROPERTY OWNER NAME(S): Hoffman Family Investment
MAILING ADDRESS: 727 Craig Rd Suite 100
PHONE: (314) 567-5811 CELL: 314-567-5811 FAX: 314 567-9945
E-MAIL ADDRESS: TLANE@HOFFMANDEV.COM

ACTION REQUESTED: _____

I, the undersigned applicant, have included the required ten (10) completed sets of Professional Quality documents with this application. I understand that the Building Commissioner reserves the right to refuse this application if found to be incomplete or improperly submitted, including, but not limited to, the attached application and drawings. I, or my authorized agent or representative, shall be present at the public meeting on the designated date as noted at the bottom of this application. I further understand that my failure to be present for the meeting at the date and time stated below may cause the case to be denied. Please call 216-587-9000 ten (10) days prior to meeting date to ensure that your case has been placed on the Planning & Zoning agenda.
11-3-16 (Date) John Burks (Applicant's Printed Name) John Burks (Applicant's Signature)

OFFICE USE ONLY:

ZONING DISTRICT: NC Zoning District PLANNING _____ ZONING _____
APPLICABLE CODE(S) Chapters 1278.04(H); 1261.30; 1262.12
CASE WORDING: approval of a Conditional Use Permit to operate a Type A Day Care in a NC Zoning District per Chapters 1278.04(H); 1261.30; 1262.12

Next Scheduled Planning /Zoning Meeting:
11/14/2016 @ 6:30 p.m.
5353 Lee Road, Maple Heights, OH 44137

Approved for Meeting

Date Building Commissioner

Program Inspection Report



Maple Heights Building Department
5353 Lee Road, 44137
PH: Ph: (216) 663-4094

Hoffman Family Investment
727 Craig Rd Suite 100
St Louis, MO 63101

Contacts

Building Official
Fred D White

Secretary
Sonia Beaman

Inspector
Kevin Holfeltz

Mayor
Annette Blackwell

Details

Name: Hoffman Family Investment
Address: 727 Craig Rd Suite 100

Re: 5890 Lee Rd South, Maple Heights, OH 44137
Date of Inspection: 10/31/2016
Inspection Type: Rental
Inspection Result: In Compliance

An inspection of your property has been conducted. The following listed violation(s) are required to be corrected and/or abated no later than the compliance date here in after.

Violations

Notes

Point of sale re-inspection John 216-548-0708

Issued: 11/3/2016

Inspector: _____

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1. All violations are to be corrected and re-inspected **OR** funds must be escrowed in sum of 100% times the approved estimates amount for any interior or exterior violations prior to title transfer.
2. **ALL** violations must be completed and re-inspected prior to occupying the property.
3. Snow covered items subject to future violation.
4. **No funds** will be released from escrow until all violations have been corrected.
5. Permits may be required, Contact the Building Department for further information.
6. All inspections are only valid for 6 months from original date of issuance.
7. Failure to comply with this notice may result in the issuance of a summons without further notice and shall require a court appearance.
8. **Please note: The City of Maple Heights** assumes no liability or responsibility for failure to report violations that may exist and makes no guarantee that violations cannot or will not occur in the future.
9. SAFEbuilt assumes no liability or responsibility of the purchase of a property based solely on the inspection report and the

Darrell Pate

From: Daniel Sypen
Sent: Monday, October 31, 2016 10:23 AM
To: Darrell Pate
Subject: Cuddly Kiddies

5890 Lee South, Cuddly Kiddies was Ok for occupancy when I was last there. There are no fire code violations.

Daniel Sypen, Captain
Maple Heights Fire Department
5520 Warrensville Center Road
Maple Heights, Ohio 44137
Phone 216.662.6035
Fax 216.587.9055
DSypen@MapleHeightsOhio.com



CITY OF MAPLE HEIGHTS

Department of Building

5353 Lee Road, Maple Heights, OH 44137

Phone: 216-663-4094 Fax: 216-587-9094



PERMIT#: 2016-02935

TENANT LICENSE

RESIDENTIAL: [] SINGLE FAMILY [] MULTI-FAMILY [] CONDO
COMMERCIAL: [] APARTMENT [X] BUSINESS (1 Bldg.) [] RETAIL [] RESTAURANT

ADDRESS OF PROPERTY: 5890 Lee Rd PP# 78624098 UNIT: _____

PRIMARY TENANT: Cuddly Kiddies PHONE: (216) 510-5672

OWNER'S NAME: Hogman Family Investment PHONE: (314) 567-5811

AGENT NAME: _____ PHONE: _____

This form certifies that the above person, business or corporation is the Owner/Tenant of the property, an inspection of the above property was conducted and that the described structure and property complies with the applicable sections of the Maple Heights Codified Ordinances (Chapter 1486 of the Code). This Certificate shall expire and become null and void upon change in use, change of ownership or upon rental of a structure on the property.

APPROVED:

DATE:

Apr 3, 2016

Chief Building Official

Date of Title Transfer: 05-02-97

Owner Registration: 7-21-16

Inspection Approved: 10-31-16

Issued by: [Signature]