

**PLANNING & ZONING COMMISSION**  
**June 10, 2014 – 7:00 P.M.**

The Planning Commission met at City Hall on the above date.

Present: Commission Members Bentley and Mazur, Mayor Drucker, Councilman Pelunis, Assistant Law Director/Prosecutor Stolarsky, Planning Director Frankland, Secretary McConoughey

Absent: Commission Member Newberry

Also Present: Fire Lieutenant Eisenhuth, Assistant City Engineer Welch

**NOTES OF CAUCUS DISCUSSION:**

(Secretary's note: Agenda items not mentioned under Notes of Caucus Discussion are items that were not pertinently discussed during Caucus)

Chairman Pelunis presided.

**NEW:**

2. 33960 Country View Lane – Nancy O'Brien – Maximum accessory building area variance and a rear yard setback variance: Councilman Pelunis said he spoke with an adjacent neighbor who has concerns about the location which will be discussed during the meeting.

3. 36790 Broadstone Drive – Prestige & Premier Co. – Dwelling orientation variance: Mr. Frankland said as the Code requires a home to be oriented toward a street or an intersection, the variance is necessary for a different orientation.

The caucus ended at 7:06 P.M. and the meeting convened at 7:30 P.M.

Councilman Pelunis presided.

Mr. Stolarsky advised as there are only four members of the Commission present tonight, applicants may request their item be tabled until there is a full Commission.

**CHANGES TO THE AGENDA:**

Councilman Pelunis said Item 7, The Fountains of Solon, will be withdrawn at the request of the applicant's legal counsel.

COMMENTS FROM THE AUDIENCE:

Mr. Ken Gazdag, 5151 SOM Center Road, was present to speak about Item 2. He is an adjacent neighbor to 33960 Country View Lane and cannot support the 4' minimum rear yard setback variance without more specific information regarding size, layout and dimensions. Mr. Gazdag said the information he reviewed was vague making it difficult to reach an informed decision about the patio placement and he would like to see the variance denied.

Mr. Harve Eisenberg and Mrs. Barbara Eisenberg, 34850 Dogwood Lane, were present to speak about Item 4. Although he does not object to the applicant having a vegetable garden, he does not approve of the location, which is located close to the road. Mr. Eisenberg said there is no way to make the garden look attractive as it is quite large and the proposed fencing is very tall. He understood that only split-rail fences were permitted in front yards. Mr. Eisenberg feels this garden would be more appropriate as a community garden and Solon should provide this service to residents.

APPROVAL OF MINUTES:

Motion by Mayor Drucker, seconded by Mr. Mazur to approve the minutes of the May 27, 2014 meeting, as read.

Roll Call: Aye: Bentley, Drucker, Mazur, Pelunis  
Nay: None

Motion Carried

PENDING:

1. 35310 Solon Road – PP# 952-29-012 - Dorothy S. May, 037-2014 4  
Revocable Trust Indenture
  - Lot split

A public hearing was scheduled. Councilman Pelunis opened the public hearing and asked for comments.

The applicant, Mr. Jim May, was present and explained although he is requesting the lot split at this time, he has no intention of making any changes to the current lot. His intention is to simplify transfer of property to his heirs at the time of his death.

Mr. May said he was notified by the Planning Department that a storage building that currently exists on the proposed new vacant lot must be removed or relocated to the lot with the existing home if the lot split is approved as the Code prohibits an accessory structure to be located on a vacant lot.

Mr. May asked if the removal and/or re-location of the storage building is a City of Solon ordinance or a Cuyahoga County ordinance.

Mr. Frankland said this is a City of Solon ordinance. He explained that an accessory building can only be located on property where there is a principle structure. Therefore,

once the property is split, it will create a property with an accessory building but no principle structure.

Mr. May said he would like to have the accessory building remain on the property and asked what, if any, considerations can be made or if a variance can be granted.

There were no further comments, therefore, the public hearing was closed.

Mr. Frankland said in order to consider leaving a storage building on a parcel without a principle structure, there will be variances associated with it and potentially a use variance as well. He said if someone wanted to install a storage building on a lot without a principle structure and applied to the Planning Department to do so, it would not be permitted. Mr. Frankland said the item can be tabled for further review.

Mr. Mazur said he does not want to set a precedent by permitting the accessory building to remain on the parcel without a principle residence.

Councilman Pelunis has no issue with the lot split but is concerned with the accessory building remaining on the property. He agreed with the other Commission members and suggested the item be tabled for further review.

Mayor Drucker also feels the item should be tabled.

Mr. Mazur suggested Mr. May explore options to economically re-locate the accessory building.

Motion by Mr. Bentley, seconded by Mr. Mazur to table consideration of Item 1.

Roll Call: Aye: Bentley, Drucker, Mazur, Pelunis

Nay: None

Motion Carried

NEW:

- |    |   |          |   |
|----|---|----------|---|
| 2. | 33960 Country View Lane – Nancy O'Brien   | 045-2014 | 4 |
|    | <ul style="list-style-type: none"> <li>▪ 112 sq ft maximum accessory building area variance</li> <li>▪ 4' minimum rear yard setback variance</li> </ul> |          |   |

Mr. Joe O'Brien was present and said the proposal is to install a shed on his property to house his lawn tractor, other yard implements and patio furniture in the winter. Although he has a two-car garage, it is not large and only accommodates his two cars. Mr. O'Brien said he is also proposing the addition of a patio in the rear yard and explained the manner in which it was measured.

Councilman Pelunis is concerned about the size of the patio and its location, as it is unclear on the aerial view where it will be precisely located.

Mr. Frankland said at issue is the very rudimentary drawing indicating where the patio will be located that was added to the application at the last minute. He said once a permit is applied for, an inspector from the Building Department will inspect

the site and use their best judgment regarding the property line as the City does not require a survey be performed.

In response to Councilman Pelunis' question, Mr. O'Brien said he is unsure what the square footage of the patio will be.

Mr. Mazur asked if the patio might be re-configured so that a variance is unnecessary.

Mr. O'Brien said part of the problem is the property has an irregular shape and the house does not directly face the street.

Councilman Pelunis has no issue with the variance for the shed, however, would like to see more information regarding the patio. He asked Mr. O'Brien to consider tabling the item tonight and returning with information regarding the patio square footage and a better rendering of its location. Mr. O'Brien agreed to table review of his application.

It was determined both variances will be heard at the next meeting.

Motion by Mr. Mazur, seconded by Mr. Bentley to table consideration of Item 2.

Roll Call: Aye: Bentley, Drucker, Mazur, Pelunis

Nay: None

Motion Carried

Councilman Pelunis advised Mr. O'Brien to contact the Planning Department as soon as possible to review his plan and receive their input.

3. 36790 Broadstone Drive – Prestige & Premier Co. 046-2014 1
- Dwelling orientation variance

Mr. Chris Brown, Prestige Homes, was present representing the applicant. He said the proposal for a dwelling orientation variance is necessary because the parcel is a corner lot. Mr. Brown said during his initial meeting with the Planning Department, the location of the home met the Zoning Code requirements with no variance necessary. However, once the field staking was completed on the property, it was determined that the line-of-sight from the rear of the home would be directly into the side of the neighboring home. Mr. Brown displayed a site plan with the placement of the home as required by the Zoning Code and an exhibit of the placement of the home with the proposed variance. He indicated the line-of-sight on both depictions.

Mr. Brown said the homeowner for 36790 Broadstone Drive and the adjacent neighbor have submitted documentation in writing expressing their agreement to the dwelling orientation variance.

Mr. Bentley said he spoke with the adjacent homeowner who would like to see the variance approved. He also believes if the variance is approved, the location of the

home will fit well with the curvature of Stockwood Drive in that area. He will support the variance.

Motion by Mr. Bentley, seconded by Mr. Mazur to approve a dwelling orientation variance for 36790 Broadstone Drive.

Roll Call: Aye: Bentley, Drucker, Mazur, Pelunis

Nay: None

Motion Carried

4. 33755 Country View Lane – Lisa Harry 047-2014 4
- 42' minimum accessory structure setback from right-of-way variance
  - 22' minimum fence setback from right-of-way variance
  - 36' maximum fence setback from residence variance
  - 2.5' maximum fence height variance
  - Fence type variance

Ms. Lisa Harry and Mr. Philip Yenyó, 33755 Country View Lane were present. Ms. Harry said prior to planting their garden, she checked the website to determine if a permit was required for a garden. She determined that no permit is necessary for a garden and they determined the best location in the yard would be where there is maximum sunshine.

Ms. Harry spoke with the Planning Department who assisted her in determining what is considered to be her rear yard since the property is a corner lot. She noted anywhere a garden is placed in the rear yard will be seen from Country View Lane due to the layout of the property.

Ms. Harry was informed that deer fencing is not allowed and only split-rail fencing is allowed without the need of a variance. As the type of fence they are proposing does not meet the City's requirements, it is necessary to apply for a variance.

Mr. Yenyó said after speaking with members of the Planning Department, he was told anything that is installed to protect gardens is considered fencing. He said although many of the garden supply stores list the deer fencing mesh as heavy duty, he believes deer have the ability to rip through it. Mr. Yenyó displayed photographs of heavy-duty mesh fencing that he was able to find which he believes will be more resistant to deer.

Mr. Yenyó used the City's GIS to print out a layout of the yard to demonstrate the placement of the 43' x 25' garden. He displayed a photograph of the raised-bed garden he would like to install and explained that the soil is of poor quality in that area. Mr. Yenyó displayed a rendering indicating the river rock he is proposing in front of the garden to make it more aesthetically pleasing. The posts are made of treated wood and quite tall as the plan is to hang baskets for strawberries, hummingbird feeders and bird houses on them. However, he has been made aware that the posts are 2' taller than the Zoning Code allows.

Mr. Yenyo said many of their neighbors have commented positively on the garden and have signed letters supporting the garden. It was determined that the applicant would make copies of the letters and submit them to the Clerk.

Mr. Yenyo displayed photographs of other homes in their neighborhood where deer fencing has been installed on split-rail fences. He indicated where many of the fences appear to be very close to the road and possibly within the right-of-way. It was noted that one of the photographs indicates an approximate 3' high split-rail fence with mesh fencing and posts added to the fence for an additional approximately 3' of mesh fencing.

In response to Councilman Pelunis' question, Mr. Yenyo said to place the garden elsewhere would mean removing two large trees which provide shade to the home.

Mayor Drucker said the concerns of the neighbors are mainly about the garden being located so close to the street and its visibility when entering the neighborhood. She asked if screening for the garden had been considered.

Mr. Yenyo displayed an aerial view of the property indicating the front of the yard which is adjacent to Miles Road. The garden was located in the rear yard as permitted in the Zoning Code. However, due to the odd shape of the property, there is not as much room in the rear yard.

Ms. Harry indicated on the aerial view where other gardens are located in surrounding neighbors' yards.

Councilman Pelunis said although he understands others have gardens, the gardens are not located so close to the road as the garden proposed.

Ms. Harry said if the garden is moved to their front yard, it would still require variances as fences are not permitted in front yards.

Mr. Mazur expressed his concern over the number of variances requested and said it has always been his position to listen to the concerns of neighbors when making variance decisions. Mr. Mazur viewed the garden and said it appears to be more of a structure and compared it to a building without a roof. He does not believe he can support the request for the variances.

Councilman Pelunis agreed with Mr. Mazur with regards to the garden appearing to be a structure. He said based on the photograph, there appears to be a door in the structure. Councilman Pelunis is concerned about the precedent this would set if the variances are approved and, therefore, does not believe he can support it.

Ms. Harry said when the application was initially submitted to the Planning Department, they were informed that only two variances were necessary. They were later told that additional variances would be necessary.

Mr. Yenyo displayed a photograph indicating the garden's proximity to the road and said he does not believe there are any safety issues as it relates to the right-of-way line.

Councilman Pelunis said he is unaware of any concerns about safety issues.

Ms. Harry said even if the garden was moved elsewhere in the rear yard, it will still be viewed from the street.

Councilman Pelunis said it might be possible, however, to build the garden without variances in the rear yard.

Mr. Bentley would like to find a solution to the situation as he understands the importance of finding the right location for a garden to grow well. He asked if the area could be staked in a different location.

Ms. Harry and Mr. Yenyo said the structure has already been built. Ms. Harry asked if it would no longer be considered a structure if the fencing is removed.

However, Mr. Yenyo said if the fencing and poles are removed, the deer will ruin the garden.

Mr. Frankland said it is currently considered a structure under the definition of the Zoning Code because of the wood, the base, the framing and the fencing. He explained that the structure definition is very broad and a raised bed made of landscape timbers without fencing is still considered a structure. However, a raised bed with plantings is not considered a structure.

Mr. Yenyo said he has already spent a significant amount of money on the structure and does not have the funds to surround it with shrubbery for screening purposes. He said the vegetation he grows helps to feed his family.

Mr. Mazur said after viewing the property, he would not be opposed to the garden being relocated to the front yard as it would be less visible.

Councilman Pelunis said as the location is so close to the road, he would be concerned about road salt and chemicals getting into the garden.

Mr. Frankland said the Planning Department will assist the applicants with determining an alternative location.

Ms. Harry said the garden will be seen wherever it is placed due to the layout of the property. She also wished to make clear that the letters of support they have received are from their immediate neighbors which is in contrast to the objections raised from people who live on Dogwood Lane, Bridle Trail or Forest Lane. Ms. Harry said there are two entrances into the neighborhood for those who may not wish to view the garden in its current location.

Councilman Pelunis recommended the item be tabled and the applicants meet with the Planning Department to review options.

Motion by Mr. Bentley, seconded by Mayor Drucker to table consideration of item 4.

Roll Call: Aye: Bentley, Drucker, Mazur, Pelunis

Nay: None

Motion Carried

5. 30725 Solon Industrial Parkway – Interdesign Inc. 048-2014 7
- Site plan - parking lot modification

Mr. David Young was present. He displayed a site plan indicating the existing parking designated by an area in green. Mr. Young said Phase One will involve scraping the asphalt and re-paving it.

Mr. Young said in September of 2013, it was determined that the wetlands study would need to be updated. At that time, Chagrin Valley Engineering was hired to complete a wetlands delineation which was submitted to the Army Corps of Engineers on November 5, 2013. As of today, there has been no report issued from the Army Corps of Engineers and it has been very difficult to get any assistance to determine when the report will be completed.

Mr. Young said Phase Two of the project consists of additional parking which they are currently unable to install until the Army Corps of Engineers releases their report. Mr. Young displayed an alternate site plan but said this plan includes removal of a mound which will cost \$160,000 to remove and will not give them optimal parking. He expressed his frustration with the Army Corps of Engineers lack of assistance and reporting in a timely manner.

Mr. Frankland explained that the approval will be good for one year.

Motion by Mr. Mazur, seconded by Mr. Bentley to approve the site plan for parking lot modifications for 30725 Solon Industrial Parkway with the contingencies associated with the memo from the Engineering Department dated June 2, 2014 concerning the requirements for storm water management and necessary approvals from the Army Corp of Engineers.

Roll Call: Aye: Bentley, Drucker, Mazur, Pelunis

Nay: None

Motion Carried

6. 33160 Solon Road – SSSS, Inc. 049-2014 6
- Revised site plan – architectural modification
  - Lot consolidation – PP#'s 954-02-021, 954-02-022, 954-02-023, 954-02-024

Mr. Steve Ciciretto, Architect, was present. He said the conceptual design for the cultural center was previously approved, however, some minor changes need to be made to the design. Mr. Ciciretto displayed the site plan and indicated where a 10' x 9' storage area is proposed for lawn care equipment.



Mr. Ciciretto said it has been determined that it would be expensive to frame the high wall in the original submission. He displayed a rendering of the original elevations and a rendering of the proposed elevations and indicated where the roof line would change. Mr. Ciciretto said the Station Street elevation will not change and he displayed renderings indicating the view of the roof from different locations. He said this proposal will simplify construction but the previously approved architectural details will remain. Mr. Ciciretto said these changes have been made to the architectural drawings and have been submitted to the Engineering Department for their review.

Motion by Mr. Mazur, seconded by Mr. Bentley to approve the revised site plan for architectural modifications for 33160 Solon Road.

Roll Call: Aye: Bentley, Drucker, Mazur, Pelunis

Nay: None

Motion Carried

Motion by Mr. Bentley, seconded by Mr. Mazur to schedule a public hearing on June 24, 2104 for a lot consolidation for PP#'s 954-02-021, 954-02-022, 954-02-023 and 954-02-024.

Roll Call: Aye: Bentley, Drucker, Mazur, Pelunis

Nay: None

Motion Carried

6A. 28985 Ambina Drive, Exact Crane – (application previously distributed for 5/27/14 agenda) 043-2014 7

- Site plan – temporary salt storage building

Mr. Frankland said this item should be tabled for further review to determine if this use is permitted. He would like an opinion from the Law Director.

Motion by Mr. Mazur, seconded by Mr. Bentley to table consideration of Item 6A and refer this item to the Law Director.

Roll Call: Aye: Bentley, Drucker, Mazur, Pelunis

Nay: None

Motion Carried

#### COUNCIL REFERRAL:

7. From University Hospitals Health System/The Fountains of Solon requesting the rezoning of property located on Franklin Park Boulevard from the C-3 (Commercial) Zoning to R-3 (Multi-Family Residential) Zoning for an apartment/townhouse complex 029-2014 4

Councilman Pelunis said a letter was received from the applicant's attorney stating that the application is being withdrawn.

Motion by Mr. Bentley, seconded by Mayor Drucker to remove Item 7 from the agenda and accept the applicant's withdrawal.

Roll Call: Aye: Bentley, Drucker, Mazur, Pelunis

Nay: None

Motion Carried

Mr. Mazur believes this is the wrong location and the wrong plan for this project.

MINOR ALTERATIONS FROM THE PLANNING DEPARTMENT:

1. 6275 Cochran Road – Misco Refractometer

Mr. Frankland displayed an aerial view of the property and indicated the rear of the building where two overhead garage doors are located. He said in an effort to allow light into the building, the proposal is to add glass panels on the top with spandrel glass on the bottom but still maintain functioning garage doors.

The Commission agreed no further review of this item was necessary.

Request for Input

Mr. Frankland said there have been issues with keeping the landscaping buffering alive at Fire Station 3. He displayed an aerial view of the property indicating the location of the landscape buffering. Mr. Frankland said junipers have been planted in that location since they are deer-resistant, however, they have been replaced once and do not thrive in that location.

Mr. Frankland said the new proposal is being considered by the Safety and Public Properties Committee. However, they would like input from the Planning Commission about the concept of the proposal and if it will be considered acceptable.

Mr. Frankland said the new proposal is to remove the dead vegetation and replace it with sections of vinyl fence in an earth tone color with landscaping in between the fence sections. Mr. Frankland displayed a rendering of the fence. He indicated an area containing blue spruce trees that will remain.

Mr. Frankland said they would like input from the Commission to determine if this plan would be considered reasonable before they prepare a final plan.

In response to Mr. Bentley's question, Mr. Frankland said the fence will be 6' high. The distance between the fences will be staggered and can be determined by whatever the Commission and the Council deem appropriate. He explained the plan can be refined as it proceeds and can also be reviewed by the City's landscape architect. Mr. Frankland said it is not sensible to keep planting vegetation that will not thrive.

Councilman Pelunis said he is fine with the conceptual idea and spoke to Chief Shaw about it.

COMMENTS FROM THE COMMISSION:

Mayor Drucker congratulated the Solon High School Girls' Track Team, who won the State championship again this year.

Mayor Drucker said the American Cancer Society is hosting Solon's Relay for Life this weekend. The event begins on Friday, June 13<sup>th</sup> with the opening ceremony starting at 6:00 P.M.

In turn, members wished Mr. Newberry a speedy recovery from his recent surgery.

Mr. Bentley said school will be out for the summer soon and encouraged everyone to be cautious when driving.

Mrs. Welch reminded everyone that the Village of Glenwillow will be moving forward with their Pettibone Road Reconstruction Project. The project will start on June 13<sup>th</sup> and the detour will be in effect with traffic restricted in the eastbound direction of Pettibone Road. There will be a map posted on the City's website under the Engineering Department's "Project Information."

COMMENTS FROM THE AUDIENCE:

There were no comments from the audience.

Motion by Mr. Mazur, seconded by Mr. Bentley to adjourn the meeting at 8:56 P.M.

Roll Call: Aye: Bentley, Drucker, Mazur, Pelunis

Nay: None

Motion Carried

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Chairman

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Secretary