

**PLANNING & ZONING COMMISSION**  
**October 13, 2015 – 7:00 P.M.**

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

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

Absent: None

Also Present: Fire Inspector 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)

Councilman Pelunis presided.

**PENDING:**

1. 6382 SOM Center Road – Paul Gruttadauria/Mr. Chicken – building color variance and site plan for new awnings: Mr. Frankland said as there has been no contact from the applicant, he would recommend this item be placed on the Inactive Agenda.

**NEW:**

3. 38595 Pettibone Road – George Balog/Country Club Builders – side yard setback variance, cumulative side yard setback variance and distance between principal structures variance: Councilman Pelunis said correspondence was received from a neighbor objecting to the variances and concerned about trees that were removed from his property. He said it might be possible to add a contingency that the trees be replaced.

Mayor Drucker said the Commission cannot get involved with personal issues and can only review the variances as they relate to the application, therefore, the Commission cannot require a contingency for replacement of the trees.

Mr. John Corsaro, the adjacent neighbor to the property, was present and said he would like to speak regarding the removal of the trees.

Mr. Stolarsky said Mr. Corsaro may speak about the variances and how they will affect his property during the meeting.

Mayor Drucker said the applicant will be required to remove the storage building on the property and install a man door as a contingency if the application is approved.

5. 30300-30340 Solon Industrial Parkway – Tameran, Inc. – parking lot setback variance and a lot split of PP#'s 953-22-019 and 953-22-020: Mr. Frankland said a public hearing needs to be scheduled and a cross-access agreement is necessary.

7. Master Plan Public Hearing: Councilman Pelunis said the public hearing for the Master Plan will be continued for resident comment during the meeting.

Mr. Frankland said he has 2 minor alterations to present.

The Commission discussed Item 1 on the Inactive Agenda, the Verizon Wireless utility tower on SOM Center Road. Mr. Frankland said the applicant recently contacted him and although the Clerk sent the applicant a letter advising them to contact the Planning Department, he seemed surprised to learn that the Commission would reconsider the original application. Mr. Frankland said the applicant will review the information, however, he has not received any further information from the applicant.

The caucus ended at 7:13 P.M. and the meeting began at 7:30 P.M.

#### CHANGES TO THE AGENDA:

There were no changes to the agenda.

#### COMMENTS FROM THE AUDIENCE:

Mr. John Corsaro, 34400 Lakeview Drive, owns the property at 38535 Pettibone Road, located adjacent to 38595 Pettibone Road, Item 3. He objects to the variances and is displeased about the removal of two trees and a Rose of Sharon bush from his property by the applicant. Mr. Corsaro spoke with the applicant who said he thought the trees were on his property and that the trees were dead.

Mr. Corsaro said during that conversation, the applicant informed him that his railroad ties were located one inch over the property line onto the applicant's property. He displayed a photograph indicating the railroad ties and explained the City removed them during the re-paving of Pettibone Road and installed new ones in that location once the paving was completed. Mr. Corsaro said there is a six inch difference in the placement of the new railroad ties from the original installation.

Mr. Corsaro knew the previous owners of the property at 38595 Pettibone Road and believes it was never their intention to add an attached garage on their driveway. He believes they considered adding a garage behind the home, similar to his neighbor to the west of his property.

Mr. Corsaro said the applicant verbally agreed to plant replacement trees, however, the applicant has been unavailable to review this agreement with him.

Mr. Corsaro does not feel variances should be granted for an attached garage when it is possible to add a garage in the back yard. He believes an attached garage was originally planned for the house but the space became a family room instead. Mr. Corsaro said an option could be to turn the family room into a garage which was the original intention of that space when the home was built in the 1960's. He does not feel the variances should be granted.

Mr. Paul Kondrat, 38655 Pettibone Road, was present. He is the neighbor located on the other side of the property for Item 3 and he believes the contractor, Mr. George Balog, will enhance the property with the addition of an attached garage. He said the trees that were removed were dead. Mr. Kondrat feels the improvements being made to the house and property will make it more attractive. Mr. Kondrat said Mr. Corsaro has not lived in his house for 10 years and has made no improvements during that time.

APPROVAL OF MINUTES:

Motion by Mayor Drucker, seconded by Mr. Bentley to approve the minutes of the September 29, 2015 meeting.

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

Motion Carried

PENDING:

- |    |  |          |   |
|----|--|----------|---|
| 1. | 6382 SOM Center Road – Paul Gruttadauria/Mr. Chicken   | 088-2015 | 6 |
|    | <ul style="list-style-type: none"> <li>▪ Building color variance</li> <li>▪ Site plan for new awnings</li> </ul> |          |   |

Motion by Mr. Bentley, seconded by Mr. Mazur to move Item 1 to the Inactive Agenda.

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

Motion Carried

NEW:

- |    |   |          |   |
|----|---|----------|---|
| 2. | 5065 Harper Road- Michael Arsena  | 093-2015 | 5 |
|    | <ul style="list-style-type: none"> <li>▪ Lot consolidation – PP#'s 951-42-007 and 951-42-008</li> </ul> |          |   |

Motion by Mr. Mazur, seconded by Mr. Newberry to schedule a public hearing for a lot consolidation of PP#'s 951-42-007 and 951-42-008 on October 27, 2015.

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

Motion Carried

- |    |  |          |   |
|----|--|----------|---|
| 3. | 38595 Pettibone Road – George Balog/Country Club Builders  | 094-2015 | 5 |
|    | <ul style="list-style-type: none"> <li>▪ 18' side yard setback variance</li> <li>▪ 22.8' cumulative side yard setback variance</li> <li>▪ 0.4' distance between principal structures variance</li> </ul> |          |   |

Mr. George Balog, 675 Glen Eden Court, Aurora, OH, was present. He displayed a site plan and said three options for a garage addition were reviewed. The first option was turning the family room into a garage which may have been its intended purpose when the home was originally built. However, this would greatly reduce the square footage of the home and an addition would likely be necessary. Mr. Balog said a second option was constructing a garage behind the house at the end of the driveway but as the property slopes down, it would cause driving down a hill to get into the garage. This would be a challenge to construct and inconvenient for the homeowner. Mr. Balog said a third option was to construct a single car garage but it was determined this might not be the best option aesthetically.

Mr. Balog said he is receptive to any suggestions. He said the plans were reviewed with his architect and Mr. Kondrat, the neighbor adjacent to the proposed garage, and it was determined that an attached garage would be the most sensible option. It was believed this would be the most aesthetically pleasing and would improve the sale potential of the property. Mr. Kondrat indicated the location of the proposed garage on the site plan.

Mayor Drucker said during the Caucus, Mr. Balog agreed to install a man door between the garage and the house and to remove a shed on the property that is in disrepair. She asked him to confirm this.

Mr. Balog agreed to both items.

Mayor Drucker asked the intended use for the excess driveway that will be located behind the garage.

Mr. Balog referred to the site plan indicating the proposed garage would not be flush with the house, but upon discussion with Mr. Kondrat, it was determined the garage should be moved back to be flush with the house.

Mr. Frankland said moving the proposed garage back would not change any of the variances. However, a portion of the driveway will still remain behind the garage and as stated in the Zoning Code, the pavement is required to have a use. Therefore, it can be considered a patio and part of the house which would be approved if it was being considered as a new installation.

Motion by Mr. Newberry, seconded by Mr. Bentley to approve an 18' side yard setback variance.

Mayor Drucker explained to Mr. Corsaro that while she understands he is frustrated, she considers the requested variances will only improve the property which is a benefit for the surrounding neighbors and the community. She said previous financing was not approved for the property because there was no garage. Therefore, she will support the variances and believes granting them will only assist with improving the home.

Roll Call: Aye: Bentley, Drucker, Mazur, Newberry, Pelunis  
Nay: None Motion Carried

Motion by Mr. Bentley, seconded by Mayor Drucker to approve a 22.8' cumulative side yard setback variance.

Roll Call: Aye: Bentley, Drucker, Mazur, Newberry, Pelunis  
Nay: None Motion Carried

Motion by Mayor Drucker, seconded by Mr. Mazur to approve a 0.4' distance between principal structures variance with the contingency that the storage shed is removed and that a man door is installed.

Roll Call: Aye: Bentley, Drucker, Mazur, Newberry, Pelunis  
Nay: None Motion Carried

Mr. Balog agreed to the contingencies.

4. Briarhill Drive, PP# 952-04-027 – Briar Lake Association - 095-2015 6  
 ▪ 92' front yard setback variance

Mr. Tim Singer, 5889 Briarhill Drive, was present representing the Briar Lake Association. He displayed a site plan indicating where the proposed shed will be located and noted the distance from the lake to the street is 50.' In order to meet the 100' setback, the shed would have to be located in the lake, therefore, a variance is necessary.

Mr. Singer referred to the site plan and said this is the most non-sloping area for the shed and as far away from the lake as possible in case the water level rises. He said the shed will also be minimally visible from the road. Mr. Singer displayed a photograph and indicated the substantial height difference between the road and the proposed shed location. He said the roof of the shed will be almost even with or slightly higher than the road.

Mr. Newberry said this is basically the same request that was presented to the Planning Commission and approved in January of 2013.

Mr. Singer agreed and said there were continuity issues when the board members changed and the shed was never installed.

Motion by Mr. Mazur, seconded by Mr. Newberry to approve a 92' front yard setback variance.

Roll Call: Aye: Bentley, Drucker, Mazur, Newberry, Pelunis  
Nay: None Motion Carried

5. 30300-30340 Solon Industrial Parkway – Tameran, Inc. 096-2015 3  
 ▪ Parking lot setback variance  
 ▪ Lot split – PP#'s 953-22-019 and 953-22-020

Motion by Mr. Newberry, seconded by Mr. Mazur to schedule a public hearing for a lot split for PP#'s 953-22-019 and 953-22-020 on October 27, 2015.

6. 38200 Fox Run Drive – Bruce Kermode 097-2015 3  
▪ 3.7' front yard setback variance

Mr. Russell Powell, Powell Remodeling, was present representing the applicant. He displayed a site plan indicating where a vinyl composite front porch is proposed and said the location of the steps is creating the need for the variance. Mr. Powell said approving the variance will permit the porch to be 8' wide and without the variance, the porch would only be 3' wide which would be impractical.

Mr. Powell believes the porch will enhance the home's appearance and increase its value. In addition, old brick stairs and broken concrete will be removed and the landscaping will be replaced.

Mr. Newberry asked if the proposed setback extends to the first stair riser.

Mr. Powell said the setback is from the first riser to the right-of-way.

Motion by Mr. Bentley, seconded by Mayor Drucker to approve a 3.7' front yard setback variance.

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

Motion Carried

7. Proposed amendments to the Master Plan

1. Plan Introduction and Process – (Article I, Chapters 1-4)
2. Revised Statement of Goals, Policies and Objectives (Article 1, Chapter 5)
3. Revised Central Retail District Plan – (Article III, Chapter 16)
4. New Peripheral Retail District Plan (Article III, Chapter 17)
5. Revised Industrial Core Plan – (Article III, Chapter 18)
6. New Peripheral Industrial Area Plan – (Article III, Chapter 19)

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

Mr. Bob Butts, 34275 Bainbridge Road, was present. He asked if there is a time frame for the re-routing of Bainbridge Road that is proposed in the Master Plan and when locally affected residents would be notified.

Mayor Drucker explained that the Master Plan is a vision for the City and is not definitive. She said the restructuring of Bainbridge Road has had much discussion with various City departments regarding the least impact to homes. Mayor Drucker said affected residents would be informed if changes to Bainbridge Road were being actively considered. At this time, it is only a long-term vision to someday change the road and the City will always respect residents and their homes.

Mr. Butts said he does not believe the City would disrespect the residents as the City did a great job keeping residents informed when the Coral Company's proposal for re-development was under consideration for the Marc's Shopping Center. He was only curious if there might be a time frame being considered for the restructuring of Bainbridge Road.

Mayor Drucker said she would like to see the re-development of the Marc's Shopping Center. However, the Bainbridge Road intersection would be a whole other plan for consideration and discussion would take place with residents that could be impacted. She feels this is a possible event for some time in the future and if a developer did approach the City with a plan that included extensive changes, the impacted residents would be notified and their input considered.

Mr. Charles Dickens, 34395 Bainbridge Road, was present and was also concerned about the re-routing of Bainbridge Road.

As Mr. Dickens had just arrived, Mayor Drucker repeated the information she told Mr. Butts. She emphasized that the Master Plan is used as a guide for the City and there are no plans to re-align Bainbridge Road in the immediate future.

Mr. Dickens said although he is not fond of the Bainbridge Road/SOM Center Road intersection, he was curious about the information contained in the Master Plan and wanted to know what plans were being considered as it appears it would affect his property. He explained that it took him and his wife 8 years to find a home and City where they wished to locate. However, he now understands the process involved with the Master Plan.

As the Public Hearing was still open, Councilman Pelunis asked if there were any further comments from the public. Although there were no additional comments, the Public Hearing will remain open for further public comments at the next meeting.

Mr. Frankland said in the 2010 Master Plan, Bainbridge Road appeared in blue, which is indicative to a plan that it is conceptual. However, the new version of the Master Plan depicts it as an actual road with lines. Mr. Frankland said to prevent further concern, it might be better to go back to depicting the road in blue. He displayed three different pictures of the road that are contained within the Master Plan which are only to depict the multiple possibilities.

#### MINOR ALTERATIONS FROM THE PLANNING DEPARTMENT:

1. 34050 Solon Road – Labor Ready (AAA Building)

Mr. Frankland displayed an aerial view of the property. He said Labor Ready is located in the rear of the building and they wish to move to the front of the building. Mr. Frankland displayed a photograph of the front of the building and indicated where it would be necessary to install an entry door. In addition, a

sidewalk would be added to access the door. No modifications to the parking lot will be necessary.

In response to Mr. Bentley's question, Mr. Frankland said the business is permitted to put a sign on the building.

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

2. 30201 Aurora Road – AT&T (replacement antennas)

Mr. Frankland displayed an aerial view of the property which is located across the street from Enterprise Parkway and indicated the tower location. He displayed a site plan and said the proposal is to replace antennas at the 150' height level that are 5" deeper which will be unnoticeable at that height.

Councilman Pelunis said he recalls a past business had issues with an application regarding a cell tower. He asked Mr. Frankland if there might be any concerns.

Mr. Frankland said that issue was regarding new towers and new antennas. This proposal is simply to replace existing antennas.

Mr. Newberry recalls that the issue was because the business was an electronics company that worked with frequencies and this proposal is not the same.

The Commission agreed it is unnecessary for the applicant to submit a formal application and no further review of this item is necessary.

COMMENTS FROM THE COMMISSION:

Mayor Drucker said the Solon Historical Society is hosting a "Family Game Night/Cookie Night" on Friday, October 16<sup>th</sup> at 7:00 P.M. and all are welcome. It's a night of back to basics, with board games, cards, checkers, Monopoly, etc. Those attending should bring their own games and a dozen of their favorite cookies to share. This is a free event, open to the public and will be held at the museum at 33975 Bainbridge Road.

Mr. Mazur thanked the Service Department for the great job they did decorating the outside of City Hall with the attractive fall decorations.

Mr. Mazur thanked Mr. Stolarsky for his efforts to have the excess signage removed from the CVS building.

Mr. Stolarsky said it was a joint effort by many to accomplish the removal of the excess signage.

COMMENTS FROM THE AUDIENCE:

There were no comments from the audience.

Motion by Mr. Mazur, seconded by Mr. Newberry to adjourn the meeting at  
8:14 P.M.

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

Motion Carried

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Chairman

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Secretary