

**PLANNING & ZONING COMMISSION**  
**May 10, 2011 – 7:15 P.M.**

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

Present: Commission Members Bentley, Mazur, Newberry, Councilwoman Richmond, Mayor Drucker, Law Director Lobe, Planning Director Frankland, Secretary McConoughey

Absent: None

Also Present: Fire Lieutenant Benedict, City Engineer Busch

The following items remained on the Inactive Agenda:

- A. Thornbury Subdivision – Forest City Land Group – Dedication Plat for phases 7 and 8
- B. 34050 Aurora Road – BP America – Number of signs variance (to permit 16)
- C. Hawthorne Estates Subdivision – TransCon Builders
- D. Requests from Wolf Family Trust and Larry Coven, for consideration of allowing medical and dental occupancy in the I-2 Zoning District

**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 Mazur presided.

**PENDING:**

1. 6585 Liberty Road – Alex and Julie Spirikaitis - front yard setback variance: Mr. Mazur said there is no new information and the Engineering Department cannot proceed until information from the Army Corp of Engineers is received. He spoke with the contractor and asked him to speak with the neighbors regarding the location of the garage.

**NEW:**

2. 5482 Banbury Drive – Steve & Anne August - swimming pool accessory building area variance: Mr. Mazur said Mr. Frankland has determined it will be appropriate to reduce the variance to 40 sq ft providing the applicant agrees that the 168 sq ft building will be the only permitted accessory building on the property.

Mr. August was present and said he agreed and had already submitted a letter indicating his agreement to the Planning Department.

Mr. Mazur said letters were received from some of the neighbors concerned with possible noise and one letter referred to specific deed restrictions for the neighborhood.

Mr. August said there are no applicable deed restrictions for this type of application and submitted documents; which included the title, declarations, covenants and restrictions, regulations and the articles of incorporation.

Mr. Lobe said he will review all of the documentation.

3. 6640 Liberty Road – Robert Shimits - total amount of accessory pavement variance: Mr. Mazur said the applicant committed to adding the pergola to the patio area.

Mayor Drucker questioned a gravel area and Mr. Shimits said this issue was considered previously and he believed it was addressed at that time.

Mr. Frankland said the gravel area is not connected to this area and is not associated with this variance.

4. 35245 Aurora Road – Mark Strongoli - variance to allow two accessory structures: Upon further review, the Planning Department determined the above variance was unnecessary.

Mr. Mazur said, however, the applicant will be penalized for building without a permit.

#### COUNCIL REFERRAL:

5. Mr. Mazur said a public hearing will be scheduled for the Council Referral, Item 5, amendment to clarify Contractor Registration Requirements.

Mr. Frankland said he has four minor alterations to present and briefly described them.

The caucus ended at 7:25 P.M. and the meeting convened at 7:30 P.M.

#### CHANGES TO THE AGENDA:

Item 4 will be removed from the agenda.

#### COMMENTS FROM THE AUDIENCE:

There were no comments from the audience.

#### APPROVAL OF MINUTES:

Motion by Mayor Drucker, seconded by Mr. Bentley to approve the minutes of the April 26, 2011 meeting as presented.

Roll Call: Aye: Bentley, Drucker, Mazur, Newberry  
Nay: None  
Abstain: Richmond

Motion Carried

PENDING:

1. 6585 Liberty Road – Alex and Julie Spirikaitis (additional site plan submitted) – 4/26 tabled 024-2011
  - 122.5' front yard setback variance

Mr. Busch confirmed no information has been received from the Army Corp of Engineers.

Mr. Mazur said he spoke with the contractor and asked him to speak with the neighbors to discuss their concerns.

Motion by Mr. Newberry, seconded by Councilwoman Richmond to table consideration of Item 1.

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

Motion Carried

NEW:

2. 5482 Banbury Drive – Steve & Anne August 026-2011
  - 40 sq ft area variance for accessory building

Mr. Mazur said a building permit was issued for a 168 sq ft accessory building. However, upon inspection, it was determined the building was actually 208 sq ft.

Mr. August was present and said he was unaware that the roof overhang was considered as square footage and believed only the footprint or perimeter of the structure would be considered. He explained the overhang was added for aesthetic purposes and improved the building's appearance.

Mr. August said during installation of the building, the size was changed when it was determined that the heater would get very hot and create a safety hazard. Therefore, it was determined that creating a wall to separate the electrical equipment would be logical. However, this created the change in square footage to 208', including the overhang.

Mr. August submitted a letter stating the 10' x 16' structure will be used as an accessory structure.

Mr. Frankland said as a procedural issue, the Building Department will require an accurate footprint and may have to change the permit information which can be provided by the Planning Department.

Mr. Mazur said a letter was received indicating an objection to the structure because of deed restrictions. However, after research by the Planning Department and review by the Law Director, the deed restriction does not apply to this issue.

Mr. Lobe clarified there is a deed restriction which has no bearing on this application since there is no municipal purpose for it.

Mr. Mazur said letters with objections are taken seriously and thoroughly reviewed and the Commission proceeded with due diligence.

Mayor Drucker said she viewed the area and determined there were at least 9 other accessory structures in the neighborhood. Although one letter of objection was received, a letter of support with signatures from numerous neighbors was also received.

Mr. August said he counted 21 accessory structures, including gazebos.

Mr. Mazur said the Ward 4 Councilman also submitted information in support of the accessory building.

Motion by Mayor Drucker, seconded by Mr. Newberry to approve a 40 sq ft area variance for an accessory building for 5482 Banbury Drive.

Roll Call: Aye: Bentley, Drucker, Mazur, Newberry, Richmond

Nay: None

Motion Carried

3. 6640 Liberty Road – Robert Shimits 027-2011  
 ▪ 275 sq ft total amount of accessory pavement variance

Mr. Robert Shimits was present and displayed a photograph of how his existing yard appears. He intends to create a patio between the existing sidewalk pavement and the pool house. However, due to the topography of the property and construction, an 18 inch height difference was created which would have required steps leading down to the pool level.

Mr. Shimits displayed a rendering of the proposed new patio area which will require removal of the existing pavement and dropping the grade level to match the pool house level. This will also make the property safer and more attractive. The pergola will be constructed to connect the house to the pool house.

Mr. Bentley said the rendering depicted an outdoor fireplace on the patio and asked for clarification.

Mr. Shimits said the contractor added the fireplace to the rendering, however, he does not intend to install a fireplace at this time.

In response to Mr. Mazur's question, Mr. Shimits displayed the photograph again and indicated the location of the additional accessory pavement.

Motion by Mr. Mazur, seconded by Mr. Newberry to approve the 275 sq ft total amount of accessory pavement variance for 6640 Liberty Road.

Roll Call: Aye: Bentley, Drucker, Mazur, Newberry, Richmond

Nay: None

Motion Carried

4. 35245 Aurora Road – Mark Strongoli

028-2011

- Variance to allow two accessory structures

Mr. Mazur said upon further review by the Planning Department, it was determined that the existing structure on the property is defined as a garage. Therefore an accessory building is permitted and no variance is required. However, the building was constructed without a building permit and the applicant will be fined.

Motion by Mr. Mazur, seconded by Mr. Bentley to remove Item 4 from the Agenda.

Roll Call: Aye: Bentley, Drucker, Mazur, Newberry, Richmond

Nay: None

Motion Carried

#### COUNCIL REFERRAL:

5. Amendment to clarify Contractor Registration Requirements: Mr. Frankland said although the City has contractor registration requirements, there is an exception that states: a homeowner in the City performing his/her own work is not required to be a registered contractor. On occasion, a contractor constructs a spec home on land which they own, however, believes the Code does not apply to them since they are the homeowner and consider themselves exempt from the registration requirements. Mr. Frankland said this is not the intent of the Code and this amendment will rectify that section.

In response to Mr. Bentley's question regarding the amount of time a person would be required to live in a Spec house before it can be sold, Mr. Frankland said this issue is addressed in the amendment and it is stated that a property owner must be a permanent resident of that address for a time period determined by the Chief Building Official.

Mr. Mazur questioned the fee for contractor's to register in the City.

Mr. Frankland was unsure, however, he believes it is minimal.

Motion by Mr. Mazur, seconded by Councilwoman Richmond to schedule a public hearing for Tuesday, May 24, 2011.

Roll Call: Aye: Bentley, Drucker, Mazur, Newberry, Richmond

Nay: None

Motion Carried

#### MINOR ALTERATIONS FROM THE PLANNING DEPARTMENT:

Mr. Garrett Altman, a Senior from Solon High School interning at City Hall reviewed minor alterations from the Planning Department.

1. 31501 Solon Road - Zircoa

Mr. Altman displayed an aerial of the property and indicated the area where the applicant proposes landscaping between two buildings and the removal of landscaping in the front of one of the buildings due to roof issues. The landscape plan will be reviewed and approved by the City's landscape architect.

Mr. Altman displayed a rendering of the proposed landscaping between the buildings.

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

2. 31875 Solon Road – 1 EDI Source

Mr. Altman displayed an aerial of the property and indicated the location for a proposed generator in the rear of the property. The unit will be enclosed by a beige and black weather enclosure and will be surrounded by a 6' tall chain-link fence.

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

3. 5750 Harper Road – Nestlé Corporation

Mr. Altman displayed an aerial view of the property and indicated the location for a new containment structure for the north elevation of the building. The new tank, which is required for production, will be enclosed and will include a partial concrete wall with chain-link fencing installed along the top.

In response to Mr. Newberry's question, Mr. Frankland said the tank will be located partially underground and surrounded by wall and fencing.

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

4. 33631 Aurora Road – Solon Square Shopping Center

Mr. Frankland displayed a rendering of the property indicating the former D.O. Summers site. The applicant is proposing to re-brick the building with the same color brick face brick already on the building. However, rather than having full-length windows, a knee-wall made of stone will be constructed for half of the window. Mr. Frankland displayed a sample of the stone to be used and said the City's landscape architect has reviewed the proposal and found it to be acceptable.

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

COMMENTS FROM THE COMMISSION:

Mayor Drucker said the City and its new Healthy Solon Program is partnering with the Cleveland Clinic. A Healthy Solon initiative called Tour de Solon is being offered Saturday, May 14<sup>th</sup> with a bike ride through the City. She said many different

courses are being offered starting at 9:00 A.M. with registration beginning at 7:30 A.M. It will be held at The Cleveland Clinic located at Harper Road.

Mayor Drucker said the Council has scheduled another work session to review the rental occupancy program on Monday, May 16<sup>th</sup> at 5:00 P.M. prior to the regularly scheduled Council meeting. It is open to the public and will be held in the Caucus Room and will not be televised.

Mr. Bentley wished good luck to all of the spring athletic teams in Solon. He also encouraged everyone to attend the schools' spring concerts.

Mayor Drucker said the Solon Center for the Arts is performing "Kiss Me Kate," which is the first in the summer series. Performances will be held on May 13<sup>th</sup> 14<sup>th</sup> and 15<sup>th</sup>. The Harvest Kitchen is partnering with the Solon Center for the Arts by offering a dinner package with the purchase of tickets.

Mr. Frankland thanked Mr. Altman for his assistance presenting the minor alterations.

COMMENTS FROM THE AUDIENCE:

There were no comments from the audience.

Motion by Mr. Mazur, seconded by Councilwoman Richmond to adjourn the meeting at 8:00 P.M.

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

Motion Carried

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Chairman

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Secretary