

**SOLON PLANNING & ZONING COMMISSION**  
**March 29, 2016 – 7:17 P.M.**

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

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

Absent: Mayor Drucker

Also Present: Assistant City Engineer Welch, Fire Inspector Wolf

**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)

Mr. Bentley presided.

**PENDING:**

1. 7511 SOM Center Road – Joseph Waligora – maximum 50% footprint of the dwelling variance (storage building), accessory structure side street setback variance (detached garage), cumulative side yard setback variance (detached garage and storage building), large vehicle side street setback variance, large vehicle screening variance, secondary driveway width variance:

There was no one in attendance during the Caucus representing this item.

Mr. Stolarsky said this is an item pending in the court and it is important to have this application completed. If the applicant is not in attendance tonight, they should be notified that their attendance at the next meeting is required.

**NEW:**

2. Off of Aurora Road (500' east of Signature Drive) – Breezethrough, Inc. – Dennis Oranski – PP#'s 956-38-021, 956-38-022, 956-28-023, 956-28-024, 956-28-025, 956-28-026 and 956-28-027 – lot width variance, front yard setback variance, not parallel to the street variance and lot consolidation: Mr. Frankland said the applicant is from North Carolina and was told it was unnecessary to attend this meeting as a public hearing will be scheduled for the next meeting which he will attend.

**COUNCIL REFERRAL:**

6. Request from Reno G Properties, LLC to rezone property located at 31835-31935 Aurora Road/Old South Miles Road to automotive zoning.

Mr. Frankland said he is preparing a memo regarding this item for the April 12<sup>th</sup> meeting.

Councilman Pelunis noted the traffic signal was removed from this location and recommended this item be forwarded to the Safety and Public Properties Committee for review of traffic patterns as business expansion may occur due to a rezoning.

Mr. Frankland said the traffic engineer will need the zoning code information to determine how the use in that district will function. The use in this area will not include auto repair of large, chain-based businesses that include retail sales. Mr. Frankland said the use will be auto repair of a "grandfathered" nature such as the businesses on Bainbridge Road.

Mr. Frankland said the public hearing can be scheduled for April 12<sup>th</sup> and will need to be continued for a few meetings. Once he completes the memo about the change, the information will be posted on the City website.

Mrs. McConoughey said this item needs to be submitted to the Board of Elections by August 10<sup>th</sup> to be placed on the November ballot.

The caucus ended at 7:27 P.M. and the meeting began at 7:30 P.M.

Mr. Bentley presided.

#### CHANGES TO THE AGENDA:

There were no changes to the agenda.

#### COMMENTS FROM THE AUDIENCE:

There were no comments from the audience.

#### APPROVAL OF MINUTES:

Motion by Councilman Pelunis, seconded by Mr. Newberry to approve the minutes of the March 15, 2016 meeting.

Roll Call: Aye: Bentley, Newberry, Pelunis

Nay: None

Abstain: Mazur

Motion Carried

#### PENDING:

1. 7511 SOM Center Road – Joseph Waligora 014-2016 1
  - 19.4% maximum 50% footprint of the dwelling variance (detached garage)
  - 37' accessory structure side street setback variance (detached garage)
  - 27' cumulative side yard setback variance (detached garage and storage building)

- 37' large vehicle side street setback variance
- Large vehicle screening variance
- 2' secondary driveway width variance

Motion by Mr. Mazur, seconded by Mr. Newberry to table consideration of Item 1 and request the Clerk to notify the applicant that his attendance is required at the April 12<sup>th</sup> meeting.

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

Motion Carried

NEW:

2. Off of Aurora Road (500' east of Signature Drive) – Breezethrough, 011-2016 1  
Inc., Dennis Oranski - PP#'s 956-38-021, 956-38-022, 956-28-023,  
956-28-024, 956-28-025, 956-28-026 and 956-28-027
- Lot width variance
  - Front yard setback variance
  - Not parallel to the street variance
  - Lot consolidation

Motion by Mr. Mazur, seconded by Mr. Newberry to schedule a public hearing for the lot consolidation on April 12, 2016.

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

Motion Carried

3. 33077 Springside Lane – Haodong Wang 015-2016 6
- 24 sq ft accessory structure area variance

Mr. Stolarsky advised only 4 of the 5 Commission members are in attendance, therefore, 3 of the members would have to vote in the affirmative for an item to be approved. If an applicant would prefer to wait for a full Commission to be present, they can request their item be tabled.

Mr. Haodong Wang was present. He displayed a site plan indicating the proposed location for the storage shed in the northwest corner of the lot. Mr. Wang said the variance is necessary because the shed is 24 sq. ft. larger than normally permitted by Code. He displayed a photograph of the proposed shed and said it will not significantly impact any of the neighbors' property.

Motion by Mr. Newberry, seconded by Councilman Pelunis to approve a 24 sq ft accessory structure area variance for 33077 Springside Lane.

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

Motion Carried

4. 5401 Naiman Parkway – CW Nom, LLC 016-2016 5
- Site plan – slope stabilization

Mr. Jon-Michael Lemon, Osborn Engineering, was present representing the applicant and he distributed photographs of the property. Mr. Lemon said the property contains a warehouse and he displayed a photo indicating the slope of the

property adjacent to Hawthorne Creek. He explained that the eastern border of the property co-exists with the western border of Hawthorne Creek. Mr. Lemon said 5401 Naiman Parkway is the southern-most building on Naiman Parkway and on the opposite side of the creek there is a city-owned parcel which backs up to residences located on Brainard Road. Mr. Lemon noted the steep drop-off on the side of the building and said previous erosion damage occurred due to the connection with the downspout on the building.

Mr. Lemon displayed another photo indicating erosion that has occurred along Hawthorne Creek. He said the proposal is to install a GeoWeb system, a soil stability system which will allow the restoration of the slope back to its original form as incorporated with the current FEMA (Federal Emergency Management Agency) maps and FIS (Flood Insurance Study) report. Mr. Lemon said the flow of Hawthorne Creek would not be adversely impacted as the restoration will be the same as its original form with no additional improvements.

Mr. Lemon displayed a photo taken at the top of the hill indicating none of the residences along Brainard Road are visible from the back of the building. In accordance with Solon's Codified Ordinances, Section 1462.04(j)(3), since the FIS Report shows a base flood velocity of over 5' per second, armoring is required for the area of the slope which will be incorporated within the base flood. In addition, the proposal is to fill the GeoWeb system with an aggregate stone so there will be additional stability. Mr. Lemon said during the meeting with the Planning Department, a darker color stone was discussed and the applicant is willing to consider this if the Commission determines it is appropriate.

Mrs. Welch said the Engineering Department has met with the applicant and they are aware that they need to comply with the flood plain ordinance.

Mr. Newberry asked Mrs. Welch if she knows what the 100 year flood depth is for Hawthorne Creek and Mrs. Welch said she would have to research that information.

Mr. Newberry asked what the tow of the GeoWeb system will be when exposed to high velocities and high volumes of water.

Mr. Lemon said the base flood is 6' to 6½' above the normal water edge and the FIS report indicated a cross-section immediately north and south of the property. It will effectively create a blended average through the cross sections as they are obtained and at that point the slope can be restored in accordance with that information which is how the velocities and depths were determined. Mr. Lemon said the tow of the GeoWeb system would stop approximately 2' vertically above the existing water elevation so approximately 4' to 5' would be under the base flood condition.

Mr. Newberry asked what size aggregate will be used.

Mr. Lemon said based upon the 6" opening within the GeoWeb, it will definitely be larger than a 57 but that is still being determined.

Mr. Newberry was pleased to hear this as it addressed a major concern that he noted from the literature that ¾" to 1" stone is typically the size GeoWeb uses and he is concerned that there is not enough mass in that stone to resist the sheer. He is concerned about the use of ¾" stone and whether it will be large enough to remain in the event of a severe flood.

Mr. Lemon said the size of the stone has not yet been determined as they are still waiting for final cross section information that they will modify for the current design. This information will also help verify the slope that will be used which will assist with determining the size of the aggregate used.

Mr. Newberry said the GeoWeb system is a very good system to use and it does an excellent job especially when it is installed in accordance with their strict recommendations and approved installation team. However, he does not want to see the applicant go through the expense of installing the system without sufficient mass to resist the sheer, which is significant in that location.

Mr. Mazur asked if the project will affect properties upstream or downstream.

Mr. Lemon said upstream or downstream properties will not be affected. He said this is the reason they will re-create the slope back to the original FIS report.

Mr. Mazur is curious about whether other property owners near Hawthorne Creek are or will have similar situations with erosion.

Mr. Lemon said they are protecting the asset on the top of the hill from the flow from Hawthorne Creek and the previous erosion from the top of the hill due to the downspout which became disconnected and created the channel shown in the picture he displayed.

Motion by Mr. Newberry, seconded by Mr. Mazur to approve the site plan for slope stabilization for 5401 Naiman Parkway contingent upon the dark aggregate color being used and to match the natural surroundings as closely as possible.

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

Motion Carried

5. 6700 Ayleshire Drive – Michael Jackson 017-2016 6
- 16' rear yard setback variance (patio)
  - ~~1.5' fence height variance (swimming pool fence)~~ *withdrawn*
  - 10' outdoor recreational fireplace height variance
  - Swimming pool equipment location variance (pool equipment enclosure)
  - Fence type variance (pool equipment enclosure)
  - ~~2.5'~~ 1.5' fence height variance (pool equipment enclosure) *amended during the meeting*
  - 12% uniform fence opening variance (pool equipment enclosure)

Mr. Patrick Cloonan, Architect, was present representing the applicant. He displayed a site plan indicating the proposed patio, pool and covered pavilion which will be connected to the house.

Mr. Cloonan explained the property is unique with a small backyard. He referred to the site plan and indicated the patio areas designated by the color orange. Mr. Cloonan indicated the 5' of compliant concrete located around the pool and said the orange sections are the patio areas to accommodate seating and a table and a walkway leading to the driveway. The patio areas create the need for the 16' rear yard setback variance. Mr. Cloonan said there is only grass along the rear side of the pool. He displayed a colored rendering to demonstrate the grass section.

Mr. Cloonan referred to the site plan indicating the proposed fence location. A 5' fence around the pool is required, however, due to the shape of the lot, part of the fence will be located in what is considered the side yard. Mr. Cloonan said a 3½' fence is permitted in the side yard which creates a conflict and the need for the 1.5' fence height variance.

Mr. Cloonan referred to the covered pavilion on the site plan indicating the fireplace. He said by Code outdoor fireplaces are allowed to be 12' high. However, since this is a covered pavilion, it now becomes an addition and the fireplace is required to be 22' because of the roof which creates the need for the 10' fireplace height variance.

Mr. Cloonan displayed a photograph of the side of the garage and indicated the proposed location for the swimming pool equipment which he would like to surround with a 5' to 6' board-on-board fence. He said this is a large vacant area with no windows, it is located a substantial distance from the street and is the most suitable location for the equipment. However, because it is considered the side yard, by Code a chain-link or wrought-iron fence is permitted. Mr. Cloonan believes a higher fence is warranted for this area to screen the pool equipment and the board-on-board fence does not have the percent opening per the City Code, therefore, variances are necessary.

Mr. Bentley asked what the height of the fireplace will be.

Mr. Cloonan said it will be between 20' to 22' in order to be 10' above the roof.

Mr. Bentley said the rendering provided appears to indicate there will be substantial vegetation surrounding the pool equipment enclosure. He feels this will assist with screening the equipment.

Mr. Cloonan said substantial thought and planning went into the creation of this plan. In addition to working with the Planning Department, the applicant made concessions to prevent the need for more variances and in consideration of the neighbors.

Mr. Mazur asked to see a sample of the fence for the pool equipment enclosure.

Mr. Cloonan displayed a rendering of the proposed board-on-board fence and said it can be made of cedar or vinyl.

Mr. Newberry said it is a well-conceived plan, however, he feels it is over-developing a small lot. He believes there is too much being crowded into a pie shaped lot. The rear yard setback variance does not concern him but the fence variances concern him. Mr. Newberry thinks there might be another way to install the fence to alleviate some of the variances. It is his belief that if the fence is installed from the corner of the house behind the pool equipment enclosure and runs perpendicular to the property line, the fence remains in the rear yard and a height variance is unnecessary.

Mr. Cloonan referred to the site plan and indicated the area Mr. Newberry was considering and said he believes this is still considered the side yard.

Mr. Frankland said the change would need to be reviewed in the Planning Department to get the exact location. However, as a rule, the fence is to be no closer to the street than the house which will maintain it in the rear yard and eliminate a variance.

Mr. Newberry has no issues with the fireplace height variance. He does, however, have concerns about the pool equipment location proposed. Although he understands that this is a convenient location and allows more space for the applicant in the back yard, he believes the yard is too small to accommodate everything the applicant is requesting.

Mr. Cloonan said the yard is not really that small but it is a corner lot which makes it challenging.

Mr. Newberry said the yard is oddly shaped but he will not support the pool equipment location variance. He feels a location in the rear yard can be found even if it meant reducing the amount of outdoor furniture on the patio but it would reduce the number of variances.

Mr. Cloonan said this is a gunite pool, with a hot tub and a waterfall. Therefore, the equipment will consist of two furnaces, two filters and three pumps. He indicated an area of the patio on the site plan and said this is an entire wall of windows in the living room. Mr. Cloonan said installing the pool equipment in that location would not be feasible.

Mr. Newberry said not overbuilding in this back yard would reduce the number of variances.

Councilman Pelunis agrees with Mr. Newberry on some of the issues. He feels the fence can be installed without a variance. Although he understands Mr. Newberry's concerns about the pool equipment location, he asked what the distance is from the proposed location for the pool equipment to the nearest neighbor's residence.

Mr. Cloonan referred to the site plan and said the proposed location on the side of the garage is a utility-type area, is the least offensive to any neighbors and at least 85' from the property line. He indicated the suggested location for the patio and said by installing in this location, the pool equipment will be closer to a neighbor.

Mr. Cloonan said the hardship is that this is a large lot with a small triangular-shaped back yard.

Councilman Pelunis said the least obtrusive location for the pool equipment is on the side of the garage.

Mr. Cloonan said they would be receptive to reducing the height of the fence for the pool equipment enclosure if it would alleviate some of the concern.

Mr. Newberry asked where the condenser for the air conditioning in the home is located.

Mr. Cloonan referred to the site plan and indicated the location of the condenser unit and its close proximity to a neighbor. He believes installing the pool equipment in that location would disturb the neighbor. Mr. Cloonan said the area on the side of the garage is the least obtrusive. In addition, the applicant would be willing to plant additional trees if the Commission thought it was necessary.

Mr. Bentley said he always considers any concerns expressed by neighbors when reviewing applications. As there were no objections received, he will support it.

Mr. Mazur asked Mr. Frankland how the change to the location of the fence should be addressed.

Although various options were considered, it was determined the applicant should withdraw the 1.5' fence height variance for the swimming pool at this time and meet with the Planning Department to determine a location in the side yard to remove the need for the variance.

There was also discussion regarding the 2.5' fence height variance for the pool equipment enclosure and it was the consensus of the Commission to reduce the variance to 1.5'.

Motion by Mr. Mazur, seconded by Mr. Newberry to approve a 16' rear yard setback variance (patio).

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

Motion Carried

The applicant requested the 1.5' fence height variance for the swimming pool be withdrawn.

Motion by Mr. Newberry, seconded by Mr. Mazur to accept the applicant's withdrawal of the 1.5' fence height variance (swimming pool fence).

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

Motion Carried

Motion by Mr. Newberry, seconded by Mr. Mazur to approve a 10' outdoor recreational fireplace height variance.



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

Motion Carried

Motion by Mr. Bentley, seconded by Councilman Pelunis to approve the swimming pool equipment enclosure location variance contingent upon the installation and maintenance of 100% year round screening of the enclosure as approved by the Planning Department.

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

Motion Carried

Motion by Mr. Newberry, seconded by Mr. Mazur to approve a fence type variance (pool equipment enclosure) to permit a board-on-board fence.

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

Motion Carried

Motion by Mr. Mazur, seconded by Mr. Bentley to approve a 1.5' fence height variance (pool equipment enclosure).

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

Motion Carried

Motion by Councilman Pelunis, seconded by Mr. Newberry to approve a 12% uniform fence opening variance (pool equipment enclosure).

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

Motion Carried

COUNCIL REFERRAL:

6. Request from Reno G Properties, LLC to rezone property located at 31835-31935 Aurora Road/Old South Miles Road to automotive zoning

Mr. Bentley said Mr. Frankland will be submitting a memo prior to the next meeting regarding this item and a public hearing will be scheduled for the meeting of April 12<sup>th</sup>.

Motion by Mr. Newberry, seconded by Mr. Mazur to forward this item to the Safety and Public Properties Committee for review of traffic patterns.

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

Motion Carried

Motion by Mr. Mazur, seconded by Mr. Newberry to schedule a public hearing on April 12, 2016.

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

Motion Carried

MINOR ALTERATIONS FROM THE PLANNING DEPARTMENT:

There were no minor alterations to review.

COMMENTS FROM THE COMMISSION:

There were no comments from the Commission.

COMMENTS FROM THE AUDIENCE:

There were no comments from the audience.

Motion by Mr. Mazur, seconded by Mr. Newberry to adjourn the meeting at 8:23 P.M.

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

Motion Carried

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Chairman

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Secretary