

SOLON PLANNING & ZONING COMMISSION
April 26, 2016 – 7:02 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)

Mr. Bentley presided.

PENDING:

1. Off of Aurora Road (500' east of Signature Drive) – Breezethrough, Inc. – Dennis Oranski – PP#'s 956-38-021, 956-38-022, 956-38-023, 956-38-024, 956-38-025, 956-38-026 and 956-38-027 – lot width variance, front yard setback variance, not parallel to the street variance and lot consolidation: Mr. Stolarsky said at the direction of the Commission, he attempted to contact Mr. Oranski to determine the relevant circumstances surrounding the sale of two parcels in 2006 to someone that Mr. Oranski said was not a relative. He asked for purchase and sales agreements, settlement statements and facts regarding the actual exchange of money in an effort to determine if this was a legitimate arm's length transaction. However, he has not yet heard from Mr. Oranski.

NEW:

6. 34200 Lakeview Drive – Chris and Laura Seelig – accessory structure location variance and accessory structure side yard setback variance: Mr. Bentley said a letter was received from a neighbor.

COUNCIL REFERRAL:

9. Proposed amendment to remove commercial "Sports Training Facilities" as Industrial District permitted uses: Mr. Bentley said a public hearing will be scheduled for the next meeting and the information will be posted to the City's website.

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

The caucus ended at 7:08 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 Mayor Drucker, seconded by Mr. Mazur to approve the minutes of the April 12, 2016 meeting.

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

Nay: None

Motion Carried

PENDING:

- | | | | |
|----|---|----------|---|
| 1. | Off of Aurora Road (500' east of Signature Drive) –
Breezethrough, Inc. - Dennis Oranski - PP#'s 956-38-021,
956-38-022, 956-38-023, 956-38-024, 956-38-025, 956-38-026
and 956-38-027 | 011-2016 | 1 |
| | <ul style="list-style-type: none"> ▪ Lot consolidation ▪ 75' lot width at building line variance ▪ 135' front yard setback variance ▪ Not parallel to the street variance | | |

Mr. Stolarsky contacted Mr. Oranski by email and asked for documentation regarding the sale of two parcels previously owned by him and his daughter to Lorre Andryszczyk approximately six months after they were purchased. However, he has not yet received any information from Mr. Oranski.

Motion by Mr. Newberry, seconded by Councilman Pelunis to table consideration of Item 1 and request the Clerk contact the applicant requesting his attendance at the next meeting.

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

Nay: None

Motion Carried

- | | | | |
|----|---|----------|---|
| 2. | 6259 Azalea Circle – Kip Botirius | 019-2016 | 3 |
| | <ul style="list-style-type: none"> ▪ 21' fence setback from side street right of way variance ▪ 12% uniform fence openings variance | | |

Mr. Rod Tekavec, RT Fence, Streetsboro, OH, was present representing the applicant. He apologized for no representative attending the previous meeting as there was a miscommunication between him and Mr. Botirius. Mr. Tekavec said a member of his staff was unaware that the variances had not yet been approved and initiated the project. He received a phone call from the Zoning Inspector regarding the installation of the fence posts and before he could respond to it, the fence was installed.

Councilman Pelunis asked if a permit was issued for the project.

Mr. Tekavec said a permit was applied for and they were informed variances would be required. He said an application for the variances was submitted. Mr. Tekavec thought Mr. Botirius attended the April 12th meeting and Mr. Botirius thought Mr. Tekavec attended the April 12th meeting and that the variances had been approved.

Councilman Pelunis asked Mr. Frankland if the applicant was made aware of the upcoming meeting with an agenda.

Mr. Frankland said there is an initial meeting with the Planning Department to determine the variances and refer it to the Planning Commission.

Mr. Tekavec said a 3½' picket fence was installed on a corner lot.

Mr. Mazur asked Mr. Tekavec if he has ever conducted business in Solon before.

Mr. Tekavec said he has conducted business in Solon and he is a resident of Solon. He is aware of the rules but believed the variances had been approved.

Mr. Mazur asked if the fence posts were installed prior to the meeting of April 12th and Mr. Tekavec replied they were.

Mr. Mazur said Mr. Tekavec started the project prior to getting approval despite knowing the City's procedures regarding fence installation. Mr. Tekavec said it was his belief that the permit had been issued.

Mr. Mazur expressed dismay with this outcome. He is concerned that there are three applications on tonight's agenda where projects were completed prior to the applicants receiving approval. He asked Mr. Tekavec if he was aware that there will be a penalty associated with this application.

Mr. Tekavec said as this has never happened to him before, he was not aware that a penalty would be associated with the project and he said it was not done intentionally.

Mayor Drucker viewed the property and said she understands that the installation was completed prior to approval, however, this is not the first time it has happened in Solon. Although she would prefer applicants follow the City's procedures, she makes her decision to approve or disapprove variances based upon whether she would have voted for the application if the standard process was followed. Mayor

Drucker said the property is on a corner lot and she will support the variances. However, a penalty will be applied to the permit.

Mr. Bentley agreed with Mayor Drucker.

Mr. Newberry's practice is to deny variances when the applicant asks for forgiveness as opposed to permission and he will not deviate from that policy.

Motion by Mayor Drucker, seconded by Councilman Pelunis to approve a 21' fence setback from side street right-of-way variance.

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

Motion Carried

Motion by Mr. Mazur, seconded by Mayor Drucker to approve a 12% uniform fence openings variance.

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

Motion Carried

In response to the Mayor's request, Mr. Frankland said the penalty will be applied to the permit which will not be issued until it is approved by the City Council, therefore, Mr. Tekavec will be unable to pay the penalty before the Council meeting.

3. 33665 Baldwin Road – Mr. & Mrs. Edmonds 023-2016 6
 ▪ 11.5' front yard setback variance (handicap ramp)

Mr. Mike Simko, President of Access Solutions, Inc., was present representing the applicant. He explained a non-permanent modular ramp system has been installed. Mr. Simko explained he is a third party contracted by a government agency to install a modular ramp at this address.

Mr. Simko said he was out of town when the ramp was installed. He explained that the employee who installed the ramp believed installation was important as the resident would have been unable to enter and exit the house. Mr. Simko said the modular ramp systems are frequently installed and normally there is no permit process required. He explained that he has only completed one other job in Solon many years ago and the employee who installed the ramp was unaware that a permit was necessary. Mr. Simko said they responded to the City as soon as they received the notice.

Mr. Simko displayed a site plan indicating the location of the modular ramp.

Mr. Mazur feels it should be customary for a business to determine what permits are necessary and which City ordinances need to be followed when performing work.

Mr. Simko agreed and said he has addressed the situation internally with his employees, however, he cannot change what has already occurred.

Mr. Mazur said a letter was received from a neighbor objecting to the unsightliness of the ramp system. He asked if the home owner might consider adding landscaping to act as a screening.

Mr. Simko is unsure if the homeowner would be in a position to add landscape screening. He is a third party contracted by a State funding agency to install the ramp. However, considering the ramp was provided for the homeowners, he is inclined to believe they would not be in a position to add landscaping.

Mayor Drucker said when handicap ramps are being considered, it has always been her position that the installation of a ramp is necessary because of a physical need and she does not believe mandating landscaping is appropriate. She will not support a contingency to add landscaping. However, it is the homeowner's responsibility to maintain the front yard which includes maintaining the grass that is growing under the ramp. Mayor Drucker said the amount of grass that is currently under the ramp is very close to being in violation of the City's maintenance code.

Mr. Simko said he will inform the homeowner of the potential violation. He said he believes the homeowner intends to place mulch under the ramp.

Mr. Mazur said he normally supports variances for handicap ramps as well but is concerned about the objections raised by the neighbor which is why the consideration of landscaping was requested.

Councilman Pelunis agreed with Mayor Drucker and does not feel landscaping should be a contingency for approval of the variance. It is unknown how long the ramp will be necessary and if a State agency is involved, there might not be financial means to add the landscaping. He feels requiring landscaping would add an unfair burden to the homeowner.

Mr. Mazur said there will be a penalty assessed to the permit. He feels it was important to note the neighbor's concerns about what they consider to be an unsightly structure.

Mr. Simko said unfortunately there is not much that can be done to make a handicap ramp more attractive, however, a person is entitled to be able to enter and exit their home.

Mr. Bentley said he will support the variance and also believes it is difficult to make a handicap ramp attractive.

Motion by Mayor Drucker, seconded by Mr. Mazur to approve an 11.5' front yard setback variance for a handicap ramp for 33665 Baldwin Road.

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

Nay: Newberry

Motion Carried

NEW:

4. 30201 Aurora Road – ATC/Cosmo Solon – AT&T/NB&C
 - Site plan - 3 additional antennas

Motion by Mr. Newberry, seconded by Mayor Drucker to schedule a public hearing on May 10, 2016.

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

Motion Carried

5. 33800 Inwood Road – PP#'s 954-08-093 & 954-08-142 028-2016 7
Solon Board of Education
▪ Lot consolidation

Motion by Mr. Mazur, seconded by Mr. Newberry to schedule a public hearing for a lot consolidation of PP#'s 954-08-093 and 954-08-142 on May 10, 2016.

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

Motion Carried

6. 34200 Lakeview Drive – Chris & Laura Seelig 029-2016 4
▪ Accessory structure location variance
▪ 5' accessory structure side yard setback variance

Mr. Chris Seelig was present. He explained that he lives in the Sherbrook sub-division and they have their own Architectural Review Committee. Mr. Seelig had his plan reviewed in the fall by the Committee and it was approved. In an effort to have the shed installed before it snowed, it was constructed without a permit and the approval of any necessary variances.

Mr. Seelig displayed an aerial view of the property indicating the surrounding neighbors. Mr. Seelig displayed a site plan indicating the location of the shed and noted the close proximity to his neighbor's property. He said his neighbor's house is on a corner parcel with the house situated at an angle and this makes his yard very visible to them. In addition, there are only a few trees in his rear yard. Mr. Seelig said the HOA encourages discussion and approval from neighbors when installing a shed. Mr. Seelig said he received the approval from his adjacent neighbors and it was at the request of Ms. Kathy Teamor who was present in the audience and lives on the corner parcel next door, to locate the shed in its current location as landscaping on their property shields them from having to view it. He said the shed placement is behind the original rear yard line of the house and he indicated where an addition was built onto the house many years ago.

Mayor Drucker said a letter was received from the neighbor who lives across the street. She viewed the properties today and the neighbor has a direct view of the shed from their home. However, they indicated in the letter that they would be more tolerant of the shed in its current location if it was screened. Therefore, this is an application she would support with the addition of screening. While she is pleased Mr. Seelig worked with his adjacent neighbor, the neighbor across the street has a legitimate concern also.

Mr. Seelig displayed photos of his property from the street indicating the shed.

Mayor Drucker said the photo is deceiving because when standing on the neighbor's property, there is a direct view of the shed.

Mr. Seelig referred to the photo and said the area where additional screening might be added is actually on the Teamor's property and he is unsure if he would be allowed to add screening on their property.

Mayor Drucker said the shed might have to be moved.

Mr. Bentley also viewed the property and said the location of the shed makes it appear to be on the Teamor's property.

Mr. Seelig referred to the aerial view of his property and indicated the rear yard. He said if the shed were moved to this location, it would be very visible from Lakeview Drive.

Mr. Mazur said it is his understanding the Sherbrook HOA approved the location for the shed on the condition that Mr. Seelig applies for and receives the approval of the Planning Commission and the City Council prior to the installation of the shed.

Mr. Seelig recalled permission was received from the HOA pending approval of the adjacent neighbors. He did not recall being informed he needed the City's approval as well.

Mr. Mazur viewed the property and cannot support the location of the shed. He said it appears to be in the front yard when looking down the driveway. Mr. Mazur recommended turning the shed 90 degrees so the doors face Mr. Seelig's property and then screen it on the Lakeview Drive side. In addition, it should be painted the same color as the house.

Mr. Seelig intends to paint the shed as soon as the weather improves.

Mayor Drucker suggested Mr. Seelig table consideration of his application tonight and get input from the Planning Department, the neighbor across the street and the adjacent neighbor to determine if screening will appease all concerned or if it is necessary to move the shed.

Mr. Seelig said he was just advised by Ms. Teamor that she would permit him to plant vegetation on her property to screen the shed. Mr. Seelig requested the item be tabled.

Motion by Mr. Newberry, seconded by Mayor Drucker to table consideration of item 6.

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

Nay: None

Motion Carried

COUNCIL REFERRAL:

7. Request from Reno G Properties, LLC to rezone property located 025-2016 6
at 31835-31935 Aurora Road/Old South Miles Road to automotive zoning

Mr. Darren Guerrini, Reno G Properties LLC, was present.

A public hearing was scheduled and Mr. Bentley opened the public hearing and asked for comments. There were no comments, however, the public hearing will remain open.

Mr. Guerrini said this request is for the Liberty Ford Service Department to be relocated to the location on 31835-31935 Aurora Road/Old South Miles Road. As recommended by Mr. Frankland, he was able to speak with a representative from Swagelok about the rezoning request.

Mr. Frankland said that he and Mr. Stolarsky met with Mr. Guerrini and a representative from Liberty Ford and explained the criteria for the development agreement. He feels the development agreement should be ready by the time this item is referred to the City Council.

8. Request from Daniel Margheret to rezone property located at 027-2016 5
5910 and 5900 Harper Road (northwest corner of Harper Rd.
and Aurora Rd. intersection) from I-2 (Industrial Manufacturing)
to O-2 (Office Park)

Mr. Dan Margheret, 5633 Spring Grove Drive was present on behalf of his company, DJM Group, owners of 5900 and 5910 Harper Road, the northwest corner of Harper Road and Aurora Road intersection. He explained that the two buildings have always been used for office and professional use, the same use as the building across the street. The building has never been used for industrial use but remains zoned for industrial use. Mr. Margheret is requesting these two addresses be rezoned to O-2, similar to the properties across the street.

A public hearing was scheduled and Mr. Bentley opened the public hearing and asked for comments. There were no comments, however, the public hearing will remain open.

Mayor Drucker asked if the O-2 zone is supposed to be approximately 15 acres. As the O-2 zone is located across the street from Mr. Margheret's properties, adding them will bring the zone into better conformance.

Mr. Frankland said he believes this change will make the area more consistent with the intent for this zoning and will increase the area closer to the 15 acre requirement.

Mayor Drucker believes this change is sensible for that area and she will fully support placing this rezoning request on the November ballot.

There were no further comments, however, Mr. Bentley said the public hearing will remain open.

9. Proposed amendment to remove commercial "Sports Training Facilities" as Industrial District permitted uses.

Mr. Bentley said the updated information will be on the City's website for residents to review.

Motion by Mr. Newberry, seconded by Mayor Drucker to schedule a public hearing on May 10, 2016.

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

Motion Carried

MINOR ALTERATIONS FROM THE PLANNING DEPARTMENT:

1. 6551 - 6573 Cochran Road – Davis Development

Mr. Frankland displayed an aerial view of the property and said this request is for two buildings. He displayed a rendering of the building indicating the areas containing aluminum striping which is currently bronze. The proposal is to change the striping to white.

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

2. 6531 Cochran Road – Great Lakes Cold Storage

Mr. Frankland displayed an aerial view of the property and a site plan. He indicated areas adjacent to the rear of the building that were previously approved with landscaping. However, it has since been determined that it will be difficult to maintain vegetation in these areas. Therefore, the new proposal is to install gravel instead. Mr. Frankland said there is substantial green space in the front of the building and screening for the parking area.

Mr. Frankland displayed a photograph of the driveway entrance leading to the building. He indicated where large rocks have been installed on the side of the driveway because trucks were driving over the lawn.

Mayor Drucker asked if consideration has been given to widening the driveway.

Mr. Frankland said that might be considered in the future but the applicant would like to keep the rocks in the driveway to determine if it helps prevent trucks from driving on the grass.

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

COMMENTS FROM THE COMMISSION:

Mayor Drucker congratulated the Water Reclamation Department and the Service Department for a successful Earth Day event. It was a great opportunity to highlight the Water Reclamation Department where employees were busy giving tours and answering questions. She thanked all those who helped make Earth Day a successful event.

Councilman Pelunis thanked everyone who participated in Earth Day and said it was a well-attended event.

COMMENTS FROM THE AUDIENCE:

There were no comments from the audience.

Motion by Mayor Drucker, seconded by Councilman Pelunis to adjourn the meeting at 8:19 P.M.

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

Motion Carried

Chairman

Secretary