

SOLON PLANNING & ZONING COMMISSION
October 10, 2016 – 7:00 P.M.

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

Present: Commission Members Bentley, Mazur and Newberry (entered at 7:20 P.M.), Councilman Pelunis, Mayor Drucker, Assistant Law Director/Prosecutor Stolarsky, Planning Director Frankland, Acting Secretary Letourneau

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)

Chairman Bentley presided.

PENDING:

1. 31500 Solon Road – 31500 Solon Associates LLC – parking lot setback variances and lot split of PP# 953-33-005: Mr. Frankland said the applicant will be at the meeting on October 25th.

Mr. Bentley said the item will be tabled.

2. SOM Center Road (south of 7557) – PP# 956-12-006 – Clarence and Carolyn Edwards (Anthony and Ashley Phillips – contingent buyers) - front yard setback variance, side yard setback variance, cumulative side yard setback variance and living area variance and not parallel to street variance: Mr. Frankland said the plan submitted indicated there will be an 18' driveway apron, which is permitted. The memo from the Planning Department recommended the driveway apron be deeper than 18' for ease of maneuverability. However, the applicant can make this determination and the Planning Department is able to approve the change.

Mr. Bentley asked about the encroachment issue with the adjacent property.

Mr. Frankland said the survey indicates that an encroachment with the adjacent property exists. However, that is a private agreement between the two property owners.

Mr. Stolarsky said the encroachment issue does not affect the plan before the Commission.

Mr. Anthony Phillips was present and said they are aware of the encroachment issue.

Mr. Bentley announced that Mr. Newberry will be late for the Caucus but will be present for the meeting.

NEW:

6. 7515 Worlington Drive – Dale and Lina Wollschleger – number of accessory structures variance, accessory location variance for a fireplace and a pergola, outdoor recreational fireplace distance from a building variance, outdoor recreational fireplace width variance for below and above permitted height, outdoor recreational fireplace depth variance for below and above permitted height and an accessory structure side yard setback variance for the pergola:

Mr. Mazur asked if it has been confirmed that the chimney is at least 10' away from the house.

Mr. Frankland said the site plan indicates that the chimney will be located at least 10' away from the house.

Mayor Drucker said although the site plan indicates the fireplace is 10' away from the house, Mr. Mazur is requesting confirmation. She asked if anyone from the City has actually been to the site to measure the distance.

Fire Inspector Eisenhuth said he spoke with the builder who assured him the chimney was over 10' away from the residence.

Mr. Mazur said the City Code permits a chimney to be 15' from a residence and the Ohio Building Code permits a chimney to be 10' from a residence. He would like assurance that the chimney is, at a minimum, 10' from the residence.

Mayor Drucker asked Fire Inspector Eisenhuth about the request for a spark arrestor.

Fire Inspector Eisenhuth said a spark arrestor is not a requirement but was only a recommendation.

Mr. Ted Otero, the builder, was present representing the applicant and said a spark arrestor will be installed.

Fire Inspector Eisenhuth said with the homeowner's permission, he can be there early tomorrow morning to take the measurements to confirm the chimney is at least 10' from the residence.

The Commission discussed tabling the item until the measurement is taken or continuing with the application and adding a contingency, if approved. It was determined the application will continue and Fire Inspector Eisenhuth will provide the Commission with a new memo regarding the distance.

COUNCIL REFERRAL:

8. From the Planning Director regarding proposed amendments to the zoning ordinance for fences located on corner lots: Mr. Bentley said a public hearing is scheduled and it is his intention to have the public hearing remain open for at least one more meeting.

Mr. Frankland said he will add another amendment to allow decorative fences in the side yard and to not allow chain-link fences.

Mr. Frankland said he will present one minor alteration.

The caucus ended at 7:20 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. Phillip Kramer, 5698 Gemini Court, was present to discuss Item 8, the proposed amendment to the zoning ordinance for fences located on corner lots. He believes this will be a detrimental change and will affect his property. Mr. Kramer said even with the 25% opening, he does not want to look at a 6' fence from his front window.

Mr. Kramer feels this could affect many properties in the City and without the proper weeding and trimming maintenance, it might look inappropriate on the outside side of the fence. He opposes the amendment to this section of the Code.

APPROVAL OF MINUTES:

Motion by Mr. Newberry, seconded by Councilman Pelunis to approve the minutes of the September 27, 2016 meeting as submitted.

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

Nay: None

Motion Carried

PENDING:

- | | | | |
|----|--|----------|---|
| 1. | 31500 Solon Road – 31500 Solon Associates LLC | 061-2016 | 7 |
| | <ul style="list-style-type: none"> ▪ Lot split – PP# 953-33-005 ▪ 5' parking lot setback variance – Parcel A – south lot line ▪ 5' parking lot setback variance – Parcel B – north lot line ▪ 5' parking lot setback variance – Parcel B – south lot line ▪ 5' parking lot setback variance – Parcel C – north lot line | | |

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

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

Nay: None

Motion Carried

2. SOM Center Road (south of 7557) – PP#956-12-006 068-2016 1
Clarence and Carolyn Edwards (Anthony and Ashley Phillips –
contingent buyers)
- 51' front yard setback variance
 - 5' side yard setback variance
 - 4.5' cumulative side yard setback variance
 - 198 sq ft living area variance

Mr. Anthony Phillips and Mrs. Ashley Phillips were present. Mr. Phillips said the variances are necessary in order to build a single family residence on the property.

Mr. Phillips displayed a site plan and said previous concerns were raised regarding the driveway and he was informed that elevations would be necessary to complete the review of the application. Therefore, a surveyor was hired who completed the necessary elevations which were submitted to the City for review by the Engineering Department and the Planning Department.

Mr. Bentley referred to the site plan and noted the culvert located on the property presenting a challenge to install the driveway. He said the elevations from the surveyor were necessary to determine the most appropriate location for the driveway. Mr. Bentley said as the Engineering Department and the Planning Department have reviewed the site plan with the elevations, the application review process can be completed by the Planning Commission.

Mr. Newberry thanked the applicants for their cooperation and said now that there is a survey indicating where the driveway can be located, he will support the application.

Motion by Mayor Drucker, seconded by Mr. Mazur to approve a 38' front yard setback variance for PP# 956-12-006.

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

Motion Carried

Motion by Mr. Mazur, seconded by Mr. Newberry to approve a 5' side yard setback variance.

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

Motion Carried

Motion by Mr. Newberry, seconded by Mr. Bentley to approve a 4.6' cumulative side yard setback variance.

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

Motion Carried

Motion by Councilman Pelunis, seconded by Mayor Drucker to approve a 198 sq ft living area variance.

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

Motion Carried

Motion by Mayor Drucker, seconded by Mr. Mazur to approve a not parallel to the street variance.

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

Motion Carried

3. 39665 Lochmoor Drive – Dan and Shirley Leonard 075-2016 3
 ▪ Lot consolidation – PP#'s 955-10-006 and 955-10-007

As the applicant was unable to attend the meeting, Mr. Frankland presented an aerial view of the property indicating the two lots and the home which is situated on one of the lots. He said the owner previously split the parcels and he would now like to re-consolidate the two parcels. Mr. Frankland said no variances are needed for this request.

A public hearing was scheduled and Mr. Bentley opened the public hearing and asked for comments. There were no comments, therefore, the public hearing was closed.

Mr. Newberry recalled that when the lot split was approved, one of the variances granted was to not install a sidewalk on the lot without a home. He asked Mr. Frankland how this affects the current request to re-consolidate the parcels.

Mr. Frankland said based on the City's sub-division code, if the re-consolidation makes the previously granted variance null and void, then the requirement would be to add the sidewalk.

Mrs. Welch said she would have to research the parcel to determine the zoning for sidewalks in that area. *(Mrs. Welch later determined sidewalks already exist across the two parcels #955-10-006 and #955-10-007).*

Motion by Mr. Mazur, seconded by Mr. Newberry to approve a lot consolidation for PP#'s 955-10-006 and 955-10-007.

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

Motion Carried

4. 39850 Edith Street – Micah Zakem 076-2016 1
 ▪ Lot consolidation – PP#'s 956-39-011 and 956-39-012

Mr. Frankland displayed an aerial view of the property as the applicant was unable to attend the meeting. He indicated the two lots on the aerial and said variances were approved at the previous Planning Commission meeting for the parcels to allow the addition to move forward contingent upon the properties being consolidated. Therefore, approval of the consolidation will meet the contingency placed by the Planning Commission and it is also required by Code.

A public hearing was scheduled and Mr. Bentley opened the public hearing and asked for comments. There were no comments, therefore, the public hearing was closed.

Motion by Mr. Newberry, seconded by Mr. Mazur to approve a lot consolidation for PP#'s 956-39-011 and 956-39-012.

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

Motion Carried

NEW:

5. 6874 Highland Drive – Donald Sovey 078-2016 3
- Lot consolidation – PP#'s 955-33-069 and 955-330-070
 - 30' fence setback from right-of-way variance
 - 0.5' fence height variance
 - Fence type variance

Motion by Mr. Newberry, seconded by Mr. Mazur to schedule a public hearing for the lot consolidation of PP#'s 955-33-069 and 955-330-070 on Tuesday, October 25th.

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

Motion Carried

6. 7515 Worlington Drive – Dale and Lina Wollschleger 079-2016 1
- Number of accessory structures variance (fireplace & pergola)
 - Accessory structure location variance (fireplace)
 - Accessory structure location variance (pergola)
 - 10.5' outdoor recreational fireplace distance from a building variance
 - 12'-10.75" outdoor recreational fireplace width variance (below permitted height)
 - 5'-2.75" outdoor recreational fireplace width variance (above permitted height)
 - 4" outdoor recreational fireplace depth variance (below permitted height)
 - 4" outdoor recreational fireplace depth variance (above permitted height)
 - 5.5' accessory structure side yard setback variance (pergola)

Mr. Ted Otero, Otero Signature Homes and Mr. Dale Wollschleger were present. Mr. Otero explained the necessity for a variance for a fireplace and a pergola.

Mr. Otero displayed a site plan and noted the location of a previously approved addition. He said it was necessary to relocate an outdoor fireplace as it interfered with the pool location. Mr. Otero indicated the new location of the fireplace and the location of the pergola.

Mr. Otero displayed a rendering of the fireplace and said it contains two columns with lighting and storage areas for wood. The distance from the house to the center of the fireplace is approximately 15'.

Mayor Drucker said during the Caucus, discussion took place about a spark arrestor being installed as recommended by the Fire Department. Mr. Otero said one will be installed. Mayor Drucker said additionally a contingency for approval will be added

that the Fire Inspector will confirm the chimney is located a minimum of 10' from the residence.

Motion by Mayor Drucker, seconded by Mr. Mazur to approve a number of accessory structures variance for a fireplace and a pergola.

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

Motion Carried

Motion by Mr. Mazur, seconded by Mr. Newberry to approve an accessory structure location variance for the fireplace contingent upon the Fire Department inspection that the chimney is at least 10' from the residence and that a spark arrestor will be added to the chimney.

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

Motion Carried

Motion by Mr. Newberry, seconded by Mr. Bentley to approve an accessory structure location variance for the pergola.

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

Motion Carried

Motion by Councilman Pelunis, seconded by Mayor Drucker to approve a 10.5' outdoor recreational fireplace distance from a building variance.

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

Motion Carried

Motion by Mayor Drucker, seconded by Mr. Mazur to approve a 12'-10.75" outdoor recreational fireplace width variance (below permitted height).

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

Motion Carried

Motion by Mr. Mazur, seconded by Mr. Newberry to approve a 5'-2.75" outdoor recreational fireplace width variance (above permitted height).

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

Motion Carried

Motion by Mr. Newberry, seconded by Mayor Drucker to approve a 4" outdoor recreational fireplace depth variance (below permitted height).

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

Motion Carried

Motion by Councilman Pelunis, seconded by Mayor Drucker to approve a 4" outdoor recreational fireplace depth variance (above permitted height).

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

Motion Carried

Motion by Mayor Drucker, seconded by Mr. Mazur to approve a 5.5' accessory structure side yard setback variance for the pergola.

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

Motion Carried

Mr. Mazur said a penalty for constructing the fireplace without the necessary building permits will be issued.

Mr. Stolarsky said the penalty calculation is based on the area of the structure and will be at least \$150.

7. 34225 Pettibone Road – Paul & Carrie Skowronski 080-2016 1
▪ 125 sq ft accessory pavement variance

Councilman Magill was present and said the variance is for additional driveway pavement which he feels is important for safety when backing out onto Pettibone Road and he supports the request.

Paul and Carrie Skowronski, the homeowners, and Scott Jakosh, contractor, were also present. Mr. Jakosh displayed an aerial view of the property, noting the diagonal shape to the lot, which poses a challenge when trying to turn cars around and when backing out onto Pettibone Road. Mr. Jakosh said the Skowronskis would like to get the driveway addition installed before the winter as they are expecting a child and they are anticipating many guests and, therefore, would like to have the extra driveway space.

Mr. Jakosh displayed a site plan indicating the proposed location for an area of pavement 5' wide by 25' in length, allowing vehicles the additional room for maneuverability.

Motion by Mayor Drucker, seconded by Mr. Mazur to approve a 125 sq ft accessory pavement variance.

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

Motion Carried

COUNCIL REFERRAL:

8. Memo from the Planning Director regarding proposed amendments to the zoning ordinance for fences located on corner lots

A public hearing was scheduled and Mr. Bentley opened the public hearing and asked for comments. There were no comments, therefore, the public hearing was closed.

Mr. Frankland said the ordinance, as currently written, will permit chain-link fences in the side yard which has not previously been typically permitted. Therefore, if the Commission is in approval, an additional amendment can be made that only decorative fences will be permitted in the side yard. Mr. Frankland said he will have the additional amendment to the Commission before the next meeting.

Mr. Mazur would like to see this change made to the ordinance. He would prefer not to see chain-link fences in the side yard.

Mayor Drucker commented on the previous comments made by Mr. Kramer. She said the aggregate opening percentage has not changed at all with this amendment. The only changes being made are highlighted on the memo.

Mr. Frankland said the 25% aggregate opening has been in effect for approximately 30 years.

Mr. Kramer said the City's website lists a 45% aggregate opening.

Mr. Frankland said that was a recent amendment for front-yard fences and was made within the last year.

Mr. Kramer believes you should be able to see through a fence with a 25% opening. When he looks at his neighbor's property, he sees a total wall of fence.

Mr. Frankland said from a security standpoint, 25% aggregate opening has been acceptable as long as there is the ability to see in the yard at an angle.

Mr. Kramer said the view from his front window will be a solid wall of 6' high fencing and from his viewpoint, will have no opening at all.

Mr. Bentley said he appreciates Mr. Kramer bringing his concerns to the Commission. He gave Mr. Kramer a copy of the amendment and said only the items in red are changing. Mr. Bentley feels that Mr. Kramer's concerns are not items that are being changed and have been in effect for many years.

Mr. Bentley said the public hearing will remain open for the next meeting.

MINOR ALTERATIONS FROM THE PLANNING DEPARTMENT:

1. 33185 Bainbridge Road – Solon Freeway Lanes

Mr. Frankland displayed a site plan and said a change is being made to a previously approved plan for an addition to the building. He indicated the addition on the west side of the property and said the proposal is to remove approximately 500 sq ft, making the addition narrower. Mr. Frankland said the building elevation will remain the same. In addition, the previous plan did not indicate bollards around two light poles, however, the Fire Department had no issues with this. Mr. Frankland noted a change in the location of the dumpster.

Mr. Frankland said although the plan indicates an access drive onto Solon Road, this is not part of the approval and the drive has not been approved.

In response to Mr. Mazur's question, Mr. Frankland said the dumpster will be enclosed.

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

COMMENTS FROM THE COMMISSION:

Mayor Drucker thanked everyone at the Fire Department for a great Open House event this past Sunday. She said everyone looked like they were truly enjoying themselves.

Mayor Drucker wished all of the City's Jewish friends, family and residents an easy fast.

Mr. Newberry wished the Jewish community a Happy New Year.

Councilman Pelunis congratulated Fire Inspector Eisenhuth on his award winning chili at the Fire Department Open House on Sunday.

COMMENTS FROM THE AUDIENCE:

There were no comments from the audience.

Motion by Mr. Mazur, seconded by Mayor Drucker to adjourn the meeting at 8:11 P.M.

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

Motion Carried

Chairman

Secretary