

**SOLON PLANNING & ZONING COMMISSION**  
**December 13, 2016 – 7:00 P.M.**

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

Present: Commission Members Bentley, Mazur and Newberry, Councilman Pelunis, Mayor Drucker, 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)

Chairman Bentley presided.

**PENDING:**

2. 31100 Solon Road – MFS Supply – site plan for parking lot alteration and accessory structure: Mr. Frankland said the applicant indicated that the sidewalk modification will be withdrawn but they will proceed with the accessory structure.

Mr. Bentley said if a representative is not in attendance during the meeting to clarify the proposal, the item will be tabled.

**NEW:**

5. 36179 Meadowdale Drive – James and Debra Dale – fence side yard setback variance and a fence height variance: Mayor Drucker spoke with the applicant who said they will withdraw the application, however, no correspondence has yet been received. She recommended considering the variances tonight in case the applicant has decided not to withdraw the application, as he indicated to her that he would like to install the fence soon.

Mayor Drucker said she also spoke with the applicant for Item 8 regarding the same type of fence issue and an email was received from the applicant withdrawing the application.

7. 5757 Spring Grove Drive – Brian Nawrocki and Josephine Vecchio – front yard setback variance, not parallel to the street variance, accessory structure location variance, detached garage area variance and a driveway width variance:

There was no representative present for the application but the adjacent neighbors were present and had questions about the proposal as they received the notification letter from the Clerk's office. They asked what other variances might be identified

during the process since it is mentioned in the notification letter additional variances may be identified.

8. 31842 Lynton Lane – Walter and Darlene Zawadkas – fence variances: Mr. Bentley said as previously stated, this item will be withdrawn. The Council approved the fence amendment ordinance prepared by Mr. Frankland and it will be effective on January 13, 2017. The amendment will make the variances in Items 5 and 8 unnecessary.

9. 32731 Baldwin Road – Natalie Johnson – setback variances: Mr. Bentley asked the contractor if the old foundation will be removed and if the new garage will be adjacent to the house.

Ms. Diane Bija, the contractor, was present and said the old foundation will be removed and the garage will be adjacent to the house. She said the existing garage has deteriorated and the homeowners are making efforts to upgrade the home.

#### COUNCIL REFERRAL:

10. Proposed amendment to the Zoning Code regarding the “Cell Tower Antenna Review Process”: Mr. Bentley said a public hearing is scheduled and the recommendation is to forward this item to the Council for their review.

Mr. David Stone, representative for MFS Supply, arrived at the Caucus and Mayor Drucker asked if the sidewalk request will be withdrawn.

Mr. Stone said he will make a phone call prior to the meeting to confirm the withdrawal of the sidewalk alteration.

Mr. Frankland will present two minor alterations during the meeting.

The caucus ended at 7:11 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:

There were no comments from the audience.

#### APPROVAL OF MINUTES:

Motion by Councilman Pelunis, seconded by Mr. Newberry to approve the minutes of the November 29, 2016 meeting as presented.

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

Nay: None

Abstain: Mazur

Motion Carried

PENDING:

1. 6010 Kruse Drive – DAISA of Solon (Le Chaperon Rouge) 082-2016 6
- Minimum number of street access drives variance (to parking lot containing more than 25 spaces)
  - Site plan (approval of 3 bollards)

Motion by Mayor Drucker, seconded by Mr. Newberry to table consideration of Item 1 at the request of the applicant.

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

Motion Carried

2. 31100 Solon Road – MFS Supply 087-2016 7
- Site plan – parking lot alteration & accessory structure

Mr. David Stone, MFS Supply, was present. He displayed a photograph indicating the sun shade structure which they are requesting be permitted to remain permanently and requested approval of the sidewalk alteration be withdrawn.

Mr. Newberry will not approve the structure because it was installed without a permit and it is his practice to deny such requests.

Mr. Bentley said if the item is approved, a penalty will be assessed for installing the structure without a permit.

Motion by Mayor Drucker, seconded by Mr. Mazur to recommend approval of the site plan for the accessory structure.

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

Motion Carried

Motion by Mr. Mazur, seconded by Mr. Newberry to accept the applicant's withdrawal of the sidewalk alteration portion of the application.

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

Motion Carried

3. 6958 SOM Center Road – PP# 954-18-022 - Kevin and Katie Egan 090-2016 7
- Lot split
  - 176' front yard setback variance
  - 39' lot width at building line variance
  - 199' lot width to depth variance

Mr. Bentley opened the public hearing.

Mr. Kevin Egan was present and said he anticipates the Commission will vote no for this application as he has presented it in the past. He explained he has spoken to many knowledgeable City employees about his proposal and appreciates the helpful feedback he has received. Mr. Egan asked for additional assistance from the City in an effort to gain the extra space needed for his growing family.

Mr. Egan said his goal was to split the lot to add a second dwelling to the property for his in-laws. He explained that his mother-in-law is currently living with them and he believed this created a hardship. The approval of the proposal would have given his mother-in-law her own space.

Mr. Egan said he would like to eventually construct an addition to the home to help alleviate some of the crowding issues. He is concerned about changing the character of the home since it is a 160 year-old farmhouse and he does not want to drastically change its appearance.

Mr. Egan said a foundation and ramp from a previous barn exist on the property which is where he wanted to build the second home if the lot split was approved. He was hoping for guidance from the City to creatively build a second dwelling while meeting the Code requirements.

Mr. Egan displayed an aerial view of the property indicating the existing foundation and ramp. He explained that it once was an 80-acre working farm and he would like to preserve some of its history by utilizing the foundation and possibly building another barn and adding a kitchen and bathroom for his in-laws to have their own space. Mr. Egan said if it appears that this is unlikely and the Commission will deny the request, he will withdraw his application.

Mayor Drucker met with Mr. Egan to review the current plan and believes the creation of a flag-lot makes it more difficult to support this request. She did not support the previous request for a lot split. Mayor Drucker said it is her understanding from Mr. Stolarsky and Mr. Frankland that an addition can be added to the back of the home with the removal of the garage. However, a duplicate dwelling is not permitted. Mayor Drucker said a separate living space is permitted but not a separate address or a complete dwelling attached to the dwelling.

Mayor Drucker said although she would like to help Mr. Egan, she cannot support this proposal and she believes there is adequate space available to construct an addition and a garage.

Mr. Egan said his goal was to utilize more of the property and the existing foundation. He feels it will be challenging to have an addition constructed that will not change the home's history.

Councilman Pelunis agreed with Mayor Drucker and said he did not support the request previously and his position has not changed.

Mr. Egan said he understands that flag lots are not a goal of any development plan. He indicated on the aerial where another flag lot is located and, therefore, did not believe it would be out of character for the neighborhood. Mr. Egan said since he has not received any positive feedback about the proposal, he will withdraw the application.

Mr. Bentley closed the public hearing.

Motion by Mr. Mazur, seconded by Mr. Newberry to accept the applicant's withdrawal of Item 3.

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

Motion Carried

NEW:

4. 7310 Popham Place – Minu John and Liju Jacob 095-2016 2
- 5.5' side yard setback variance
  - 5.5' cumulative side yard setback variance
  - 2' rear yard setback variance

Ms. Minu John was present and said she would like to install an 8' x 8' shed in the rear yard of her property. She displayed an aerial view and indicated the proposed location of the shed. Ms. John indicated where Norway spruce trees are located, which she does not want to remove, and the area where the shed would fit appropriately.

Mayor Drucker referred to the aerial view and said the existing trees will also serve as screening for the shed.

Councilman Pelunis said this address is located in his ward and he has not received any objections from residents. He has no objection to the shed placement and believes the location is appropriate with the existing trees adding screening.

Motion by Councilman Pelunis, seconded by Mayor Drucker to approve a 5.5' 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 5.5' cumulative side yard setback variance.

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

Motion Carried

Motion by Mr. Mazur, seconded by Mr. Newberry to approve a 2' rear yard setback variance.

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

Motion Carried

5. 36179 Meadowdale Drive – James and Debra Dale 096-2016 4
- 10' fence side yard setback variance
  - 1' fence height variance

Mayor Drucker said she spoke with Mr. Dale about the fence variances. She explained that a new ordinance regarding fences was passed by the Council and will be effective January 13<sup>th</sup>. Mayor Drucker said this ordinance will eliminate the need for the variances. She said Mr. Dale indicated to her that he would send an email withdrawing the application, however, it has not yet been received. Therefore, she asked the Commission to proceed with the request for variances in case he changed

his mind about the withdrawal and she will follow-up with a phone call to Mr. Dale prior to consideration by the Council.

Motion by Councilman Pelunis, seconded by Mayor Drucker to approve a 10' fence side yard setback variance.

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

Motion Carried

Motion by Mr. Mazur, seconded by Mr. Newberry to approve a 1' fence height variance.

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

Motion Carried

6. 31501 Solon Road – Zircoa, Inc. (Ronne Proch) 097-2016 6  
 ▪ 1.5' sign width variance

Ms. Tina Bushi was present representing the applicant. She displayed a rendering of the proposed sign and said the existing sign is 6' x 12.' Ms. Bushi referred to the rendering and said the supporting structure for the proposed sign will increase it to 6' x 14' and the variance is necessary for the word portion of the Zircoa sign.

Ms. Bushi said the yellow supporting structure of the sign is made out of zirconium brick which is the product Zircoa produces.

Motion by Mayor Drucker, seconded by Mr. Mazur to approve a 1.5' sign width variance.

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

Motion Carried

7. 5757 Spring Grove Drive – Brian Nawrocki and Josephine Vecchio 098-2016 5  
 ▪ 223' front yard setback variance  
 ▪ Not parallel to the street variance  
 ▪ Accessory structure location variance  
 ▪ 108 sq ft detached garage area variance  
 ▪ 4' driveway width variance

Mr. Brian Nawrocki and Mr. Matt Hasel, Adaptive Engineering Group, were present. Mr. Nawrocki said that he is a lifelong resident of Solon and bought the property so he and his wife can build their dream home. He displayed a site plan and said the proposal is to raze the existing home and build a new home on higher ground, further back on the property. Mr. Nawrocki said he would like to utilize the foundation from the existing home to construct a garage but it would be located in the front of the property.

Mr. Hasel referred to the site plan indicating the proposed location of the house which would require the not parallel to the street variance. He said the size of the proposed garage, by using the existing foundation, will be larger than the Code requirement of 900 sq ft and would require a variance.

Mr. Hasel referred to the site plan indicating the existing driveway which they would like to utilize, however, not all sections of the driveway are 14' wide. He said the new driveway to access the new home will be 14' wide. He advised a wetland delineation study was completed and four wetland locations have been identified as well as three streams. The proposed location of the new home reduces any conflicts with the wetlands and the streams. In addition, a culvert and Army Corp permit will be required at a stream crossing toward the front of the property.

Mayor Drucker asked if the new home can be built in the same location as the old home.

Mr. Nawrocki said the proposed home will be substantially larger and would be located very close to the first set of wetlands. He said it is a large lot and he would also like to have his home located where he can have privacy.

Councilman Pelunis said Mr. Nawrocki lives in the neighborhood and purchased the property with the knowledge of the character of the neighborhood. He questioned the practical difficulty and from a legal standpoint, why the Commission would grant the variances for the new home.

Mr. Nawrocki said in the past two years three other homes have been razed and new ones constructed in the area.

Councilman Pelunis asked Mr. Stolarsky if this creates a practical difficulty.

Mr. Stolarsky said a want versus a need such as wanting the house set further back on the property is not a practical difficulty, however, the wetlands might create engineering issues.

Mr. Newberry explained if the practical difficulty standard is met, then a variance must be granted. However, because there is no practical difficulty, it does not mean a variance cannot be granted.

Mr. Stolarsky said he respectfully disagreed with Mr. Newberry. He said variances are generally driven by a need for finding a practical difficulty.

Mr. Newberry said in the *Duncan vs. Middlefield* decision, the Supreme Court allowed for variances to be granted at the discretion of the local community and it also said if the tests are met, then variances must be granted.

Mr. Nawrocki said the house size will be double and the proximity to the wetlands could pose potential flood issues to the basement.

Mr. Mazur asked for clarification regarding a garage for the new house as one depiction indicates a garage and another depiction does not.

Mr. Hasel referred to the site plan and said that is the accurate depiction. The plan for the new house indicates a 4-car garage and a 2-car garage.

Mr. Mazur asked what the garage in the front of the property will be used for and Mr. Nawrocki said he intends to use it for additional garage space.

Mayor Drucker asked if the basement of the old house will be turned into a garage.

Mr. Nawrocki said yes.

Mr. Bentley said the garage door would be located in the back of the building and it would face the new home. He asked if the building would be partially underground.

Mr. Nawrocki said when looking at the structure from the street, the left side and the front are below grade, the ride side is visible and the back of the structure is a walk out. He intends to install a green roof on top of the foundation since the company he works for makes green roof products.

Mayor Drucker said she is having a difficult time visualizing what this will look like and asked Mr. Nawrocki if it would be possible to see the product as this would help her with her decision.

Mr. Nawrocki said he can provide the Commission with a sample but does not have it with him.

Councilman Pelunis agreed with Mayor Drucker and said he would like to see a rendering of how the garage will look before making a decision on the application. He would like to see a rendering of what the garage will look like from various angles and how it would be viewed by the neighbors.

Mr. Nawrocki said he previously met with Mr. Frankland who suggested he speak to the neighbors and get their feedback. He did that and distributed information to them.

Councilman Pelunis said positive feedback from the neighbors will be instrumental in his decision.

Mr. Bentley said the aerial view he looked at indicates seven of the homes are all at approximately the same setback. He would like to see a view of any one of the newly constructed homes with the larger setback.

Mr. Newberry said two of the new houses were built a little further back than the original home but not as far back as Mr. Nawrocki is proposing.

Mayor Drucker is concerned about the driveway and the amount of trees that would have to be removed.

Mr. Nawrocki said he will remove as few trees as possible.

Mayor Drucker said there have been previous issues with the removal of trees when a house was built further back on property than the other homes in the



neighborhood as the front of the new home would face the back of the other homes. Full screening would be required to protect the neighbors' privacy.

Mr. Mazur said he cannot recall the Commission approving an accessory structure in the front yard. This would allow the applicant to park eight cars on the property.

Mr. Nawrocki said he owns six vehicles and currently parks two on his property and stores his collection of cars for racing.

Mr. Eisenhuth said with the addition of the culvert on the property, the applicant needs to ensure that a fire truck is able to drive over it. In response to Mr. Mazur's question, Mr. Eisenhuth said sprinklers are not required in the underground garage.

Motion by Mr. Newberry, seconded by Mayor Drucker to table consideration of Item 7.

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

Motion Carried

8. 31842 Lynton Lane – Walter and Darlene Zawadkas 099-2016 2
- 20' fence setback from right-of-way variance
  - 2.5' fence height variance
  - Fence type variance

Motion by Mayor Drucker, seconded by Mr. Mazur to accept the applicant's withdrawal of Item 8.

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

Motion Carried

Mr. Bentley explained that the Council recently approved legislation regarding fences on corner lots that would have made the variances for Items 5 and 8 unnecessary.

Mayor Drucker said the legislation was not passed under emergency and, therefore, takes 40 days for it to be effective. The effective date of the legislation will be January 13, 2017.

9. 32731 Baldwin Road – Natalie Johnson 100-2016 7
- 7' front yard setback variance
  - 1' side yard setback variance
  - 13' cumulative side yard setback variance

Ms. Diane Bija, New Creation Builders, was present representing the applicant.

She said the existing garage is greatly deteriorated and the applicant is proposing to construct a new garage adjacent to the home which will improve the aesthetics of the property and will also reduce the current side yard setback. Ms. Bija displayed a rendering of the proposed garage and said it will help update its appearance.

Motion by Mayor Drucker, seconded by Mr. Mazur to approve a 7' front yard setback variance.

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

Motion Carried

Motion by Mr. Mazur, seconded by Mr. Newberry to approve a 1' side yard setback variance.

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

Motion Carried

Motion by Mr. Newberry, seconded by Mayor Drucker to approve a 13' cumulative side yard setback variance.

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

Motion Carried

#### COUNCIL REFERRAL:

10. Proposed amendment to the Zoning Code regarding the "Cell Tower Antenna Review Process"

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

Mr. Stolarsky said he has reviewed all of the applicable FCC rules and regulations and the letters and comments provided by the associated businesses and he finds nothing in the proposed amendment inconsistent with or which would deter from the FCC regulations. The intent of the amendment, as written by Mr. Frankland, is to assist with streamlining the process and to ensure that compliance will continue.

Motion by Mayor Drucker, seconded by Mr. Mazur to recommend approval of the amendment regarding the "Cell Tower Antenna Review Process" and forward to City Council for their review.

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

Motion Carried

#### COMMENTS FROM THE AUDIENCE:

Mr. Asit Biswas, 7300 Popham Place, was present and spoke regarding Item 4. He said the trees Ms. John spoke of are small and he believes they can be removed easily to make room for the shed and not require variances.

Mr. Biswas said he is unfamiliar with procedures and did not speak when Ms. John was presenting her application. He understands the Commission already approved the application and is unsure what he might be able to do about it now.

Mayor Drucker said the Planning Commission has already voted on this item and the applicant is no longer present. She suggested Mr. Biswas submit a letter regarding his objections to the Council who will review this item on Monday,

December 19<sup>th</sup>. Mayor Drucker said Mr. Biswas should plan on being at the Caucus at 7:00 PM and submit his objections at that time or the item will be placed on the Consent Agenda since it was a unanimous vote by the Planning Commission.

Mr. Bentley said it is important that Mr. Biswas submit his letter stating his opinion about the application to the Clerk's office as soon as possible.

Mayor Drucker said the letter must be submitted by Friday to ensure that the Council will receive it in time to review it prior to the meeting on Monday, December 19<sup>th</sup>.

Mr. Biswas said he will discuss it further with his wife to determine if they want to submit a letter because it is their neighbor.

MINOR ALTERATIONS FROM THE PLANNING DEPARTMENT:

1. 6555 Davis Industrial Parkway – Vintage Wine Distributors

Mr. Frankland displayed an aerial view of the property indicating where an air conditioning unit is proposed on the outside of the building. He said the unit will be required to be screened because it is near a residential neighborhood and the applicant will surround it with trees. In addition, Mr. Frankland indicated the area of substantial woods that separates the business from the neighborhood.

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

2. 6565 Davis Industrial Parkway – CVS/Coram Healthcare

Mr. Frankland displayed an aerial view of the property and said the proposal is to add and replace equipment on the roof. Although a final plan for screening has not yet been received, the applicant is required by Code to screen the equipment because it is near a residential area. Mr. Frankland said a variance would be required to not screen the roof top equipment and, therefore, an application would have to be submitted. However, he is hopeful that the applicant will screen the equipment.

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

COMMENTS FROM THE COMMISSION:

Mayor Drucker said as this is the last Planning Commission meeting of the year, she wished everyone Happy Holidays and a Happy, Healthy and Prosperous New Year.

Mayor Drucker wished Ms. Letourneau, Assistant to the Clerk of Council, well in her new endeavor as Administrative Coordinator for the Water Reclamation Department.

Motion by Mr. Newberry, seconded by Mr. Mazur to cancel the Planning Commission meeting of December 27, 2016.

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

Motion Carried

In turn, the Commission members wished everyone Happy Holidays.

Ms. Letourneau thanked Mayor Drucker for her comments and said she has enjoyed working for the Planning Commission.

Mr. Bentley wished Ms. Letourneau well and thanked her for her assistance on the Planning Commission.

Motion by Mr. Mazur, seconded by Mr. Newberry to adjourn the meeting at 8:30 P.M.

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

Motion Carried

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Chairman

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Secretary