

**SOLON PLANNING & ZONING COMMISSION**  
**SEPTEMBER 12, 2017 – 7:30 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: Fire Inspector Eisenhuth, Assistant City Engineer Welch, Assistant Clerk of Council Buller

**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.

**NEW:**

8. 32640 Shadowbrook Drive – David and Dina Rock – 15.5% front yard pavement coverage variance, 10' distance between drives variance: Mr. Frankland stated there were existing pavers installed that requires altering the variances. He explained the maximum front yard pavement coverage variance would actually be 45% creating a 20% variance and the minimum accessory pavement setback from the front property line created a 25 foot variance. Mr. Frankland suggested a vote on the pavers setback variance regardless of other action taken this evening to allow a permit for them.

The caucus ended at 7:15 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. Dale Cross, 6483 Glenallen Avenue, asked if Item 5 was a minor variance request. Mr. Newberry answered the variance was necessary because the applicant wanted to build too close to the property line.

Mr. John Stropki, 32620 Shadowbrook Drive, voiced opposition to Item 8 based on the impact the driveway would create on the aesthetics of the neighborhood. Mr. Stropki calculated the concrete driveway as planned would cover 42% of the front yard. He stated Solon values its greenspace and trees and believed this variance would be contrary to that view.

Mr. Joe Hric, 5935 Liberty Road, stated approval of the Item 4 variance would position a chicken coop relatively close to his home and expressed concern about the odor. He requested the coop be placed further into the applicant's yard.

There were no additional comments from the audience.

APPROVAL OF MINUTES:

Motion by Councilman Pelunis, seconded by Mr. Newberry to approve the minutes of the August 15, 2017 meeting as presented.

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

Motion Carried

PENDING:

Mr. Bentley explained Items 1, 2 and 3 involve the SOM Center/Aurora Road intersection improvements and additional issues which could take considerable time need to be resolved before consideration of the variances.

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|----|---|----------|---|
| 1. | 6465 SOM Center Road – Sprint – PP# 954-34-017  | 055-2017 | 6 |
|    | <ul style="list-style-type: none"> <li>▪ 25' front yard parking lot setback from right of way variance</li> <li>▪ 28.8' front yard building setback from right of way variance</li> </ul> |          |   |

Motion by Mr. Mazur, seconded by Mr. Newberry to place Item 1 on the Inactive Agenda.

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

Motion Carried

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|----|---|----------|---|
| 2. | 6375 SOM Center Road – Arby's – PP#'s 954-29-021 and 954-29-022   | 055-2017 | 6 |
|    | <ul style="list-style-type: none"> <li>▪ 25' front yard parking lot setback from right of way variance</li> <li>▪ 4.7' front yard building setback from right of way variance</li> <li>▪ 24' drive-thru setback from right of way variance</li> </ul> |          |   |

Motion by Mr. Newberry, seconded by Mr. Mazur to place Item 2 on the Inactive Agenda.

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

Motion Carried

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|----|--|----------|---|
| 3. | 6353 SOM Center Road – Dunkin' Donuts – PP#'s 954-29-021 and 954-29-020  | 055-2017 | 6 |
|    | <ul style="list-style-type: none"> <li>▪ 9' front yard parking lot setback from right of way variance</li> <li>▪ 16.3' front yard building setback from right of way variance</li> </ul> |          |   |

Motion by Councilman Pelunis, seconded by Mr. Newberry to place Item 3 on the Inactive Agenda.

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

Motion Carried

NEW:

Mr. Stolarsky explained four out of five Commission members are present and an affirmative vote of three members will be required for an item to pass. He expounded if at any time prior to the vote an applicant feels they would benefit from having a full commission, they can request their item be tabled.

4. 5925 Liberty Road – Carolyn Wenneman and Hoang Tran 087-2017 3
- Number of accessory structures variance
  - 24 sq ft accessory structure area variance
  - 7' side yard setback variance

The applicants were present and explained their proposal to reposition the chicken coop behind the storage shed and install a fenced and roofed enclosure around the coop. Mr. Tran stated a variety of predator animals frequent the area. He presented plans that would align the enclosure directly behind the storage shed. However, Mr. Tran stated the coop could be realigned within the enclosure to move it further from the neighboring property.

Ms. Wenneman stated to shield the enclosure from the street; it would be aligned behind the shed.

Mr. Tran stated the storage shed was the acceptable eight feet and the agricultural building would require a 15 foot side setback. He stated the coop itself was small and could be relocated at a different location within the enclosure. Ms. Wenneman stated the coop could be situated at a 15 foot setback within the fencing.

Mr. Newberry asked Mr. Frankland if the enclosure would be considered part of the agriculture use. Mr. Frankland stated the structure would be considered part of the agriculture use and would require the 15 foot setback. Mr. Tran stated he could revise the enclosure plans to meet the required setback. Mr. Frankland advised moving the enclosure would avoid the need for the side yard setback variance.

Mr. Bentley inquired if the chickens would have access to the underside of the coop and also the enclosure. Mr. Tran stated that was correct.

Mr. Bentley noted Mr. Hric, a neighbor, requested the coop be situated further from his property.

Mr. Tran agreed to move the enclosure to meet the required setback.

Motion by Mr. Newberry, seconded by Councilman Pelunis to approve the number of accessory structures variance.

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

Motion Carried

Motion by Mr. Mazur, seconded by Mr. Newberry to approve the 24 sq ft accessory structure area variance.

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

Motion Carried

Mr. Stolarsky asked the applicants if they wished to withdraw the 7 foot side yard setback variance request. Mr. Tran stated yes.

Motion by Councilman Pelunis, seconded by Mr. Newberry to accept the withdrawal of the 7' side yard setback variance.

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

Motion Carried

5. 6475 Glenallen Avenue – Scott Halleen  
▪ 1' side yard setback variance

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Mr. Ralph Continenza, Courtesy Home Improvements, was present representing the applicant. He displayed a 12 foot by 16 foot pie-shaped deck design that was located approximately four feet from the property corner line.

Mr. Mazur asked if the deck had been installed without a permit. Mr. Frankland stated there was no permit. Mr. Continenza stated there was a miscommunication with his carpenter regarding the permit. He stated he was on vacation and the homeowner was out of town when the deck was built. Mr. Continenza explained another job was originally scheduled for that week but those supplies were not available so his carpenter completed the deck on Glenallen instead.

Mr. Bentley inquired how this structure was constructed. Mr. Continenza stated with 42 inch footers, concrete and posts.

Mr. Newberry advised of his practice to deny variances requested after the fact.

Mr. Mazur advised Mr. Continenza the Building Department could assess a fine. Mr. Continenza stated it was their error and he was aware of a possible fine.

Motion by Councilman Pelunis, seconded by Mr. Mazur to approve the 1' side yard setback variance.

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

Motion Carried

6. 27320 Miles Road – Miles Road Properties LLC  
▪ Extension of a non-conforming use variance

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Mr. Kevin Young, 27320 Miles Road, was present. In order to house a boat and a recreational vehicle, he planned to add a taller building alongside the existing masonry structure. Mr. Young displayed pictures and proceeded to explain the building details. He stated the approximately three-acre property is heavily wooded.

Mr. Newberry noted this property is zoned for warehouse use and this is a semi-residential use requiring the variance.

Motion by Mr. Newberry, seconded by Mr. Mazur to approve the extension of a non-conforming use variance.

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

Motion Carried

7. 35025 Bainbridge Road – Ed Skok 090-2017 4  
▪ 20.25' front yard setback variance – (for handicap ramp)

Ms. Amy Kalk, 34690 Cannon Road was present representing the applicant. Ms. Kalk explained the layout and plans of the proposed handicap ramp.

Mr. Stolarsky stated Councilman Pelunis raised a potential conflict but upon review, no conflict exists.

Motion by Mr. Mazur, seconded by Councilman Pelunis to approve the 20.25' front yard setback variance for a handicap ramp.

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

Motion Carried

8. 32640 Shadowbrook Drive – David and Dina Rock 091-2017 4  
▪ 20% front yard pavement coverage variance  
▪ 10' distance between drives variance  
▪ 25' pavement setback variance

Mr. and Mrs. Rock were present. Mr. Rock proposed to install a circular driveway and replace the straight driveway with matching concrete. He stated the variance would be for the space between the two driveways.

Mr. Newberry stated it was brought to the Commission's attention there are existing pavers abutting the existing driveway that require a minimum setback accessory pavement area variance. Mr. Rock stated the pavers would be removed when the driveway was replaced.

Mrs. Rock stated their yard's aesthetic beauty will be maintained. Mr. Rock specified greenspace will be taken into account.

Mr. Rock presented photographs depicting neighboring circular driveways. He stated roughly 25% of the neighboring houses have circular driveways, including one installed in the past two years.

Mr. Bentley noted Mr. Stropki voiced opposition to this driveway and the Commission received two letters in opposition.

Councilman Pelunis stated previously, similar variances were not objected to by neighbors and he encouraged the applicants to try to reach a compromise with the neighbors. He stated the issue is the percentage of coverage. Councilman Pelunis stated even if circular driveways are common in the neighborhood, the Commission must consider objections.

Mrs. Rock requested guidance since coverage is the issue and existing driveways contain similar coverage. Mr. Frankland stated the issue is the main variance for the percentage of coverage. He stated 25% of the front yard is permitted to be paved and

some of the circular drives met the 25%. This request amounts to 45%. Prior to 2006, when the flooding issues occurred, regulations were not in place. Mr. Frankland suggested the neighboring drives could have been installed prior to that time. He added storm water runoff is also a concern.

Mr. Bentley stated when neighbors object, it is not his practice to support a request. He stated a tie vote this evening would result in a failure and suggested the item be tabled to allow the opportunity for compromise with the opponents.

Mr. Rock requested a copy of the objections so he could speak with them.

Mr. Mazur stated the neighbors have noted a 40% front yard concrete coverage could create a water runoff problem and there is no practical difficulty.

Mr. Rock stated the contractor was of the opinion the percentage coverage fell within the code and the sole issue was the distance between the two drives. Mr. Newberry suggested the contractor could have overlooked the coverage.

Mr. Rock stated he would talk with the contractor and try to reach a compromise with the neighbors.

Motion by Mr. Newberry, seconded by Mr. Mazur to table consideration of Item 8.

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

Nay: None

Motion Carried

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|----|--|----------|---|
| 9. | 32910 Solon Road – James A. Alesci   | 092-2017 | 6 |
|    | <ul style="list-style-type: none"> <li>▪ 5' parking lot aisle width variance</li> <li>▪ 7 space total on-site parking variance</li> <li>▪ Building material variance</li> <li>▪ Site plan - building addition</li> </ul> |          |   |

Mr. James Alesci and Mr. Frank Alesci were present. Mr. Frank Alesci described the plan to expand 280 square feet of the building's lower level into 560 square feet to include the addition of a stairwell and an elevator.

Councilman Pelunis inquired how the lower level would be used. Mr. Frank Alesci stated it would be used for catering production. It would also allow patrons to park in the back lot.

Motion by Mr. Mazur, seconded by Mr. Newberry to approve the 5' parking lot aisle width variance.

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

Nay: None

Motion Carried

Motion by Mr. Newberry, seconded by Mr. Mazur to approve the 7 space total on-site parking variance.

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

Nay: None

Motion Carried

Mr. Mazur inquired the reason for the building material variance. Mr. Frankland stated the material would be concrete block and painted the same as the building.

Motion by Councilman Pelunis, seconded by Mr. Mazur to approve the building material variance.

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

Motion Carried

Ms. Welch stated there were no storm water requirements for this project.

Motion by Mr. Newberry, seconded by Councilman Pelunis to approve the site plan for building addition.

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

Motion Carried

10. 5385 Naiman Parkway – Raintree Holdings LLC 093-2017 5
- 20 space total on-site parking variance
  - Site plan - parking

Mr. Bob Vallarelli was present and reviewed the request for the variance on an existing building to accommodate a new tenant who will occupy the entire building. Mr. Vallarelli stated there will be ten employees on site along with drivers.

Motion by Mr. Mazur, seconded by Mr. Newberry to approve the 20 space total on-site parking variance.

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

Motion Carried

Motion by Mr. Newberry, seconded by Mr. Mazur to approve the revised parking site plan.

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

Motion Carried

11. 32750 Solon Road – Philip Wenk 094-2017 6
- Building color variance
  - Number of wall signs variance

Mr. Philip Wenk was present. He displayed pictures of colorful "Crayola" type wrapped bollards installed to enhance building safety and create a kid friendly appearance.

Councilman Pelunis stated the concept was interesting, aesthetically pleasing and contributed to the building's safety.

Mr. Wenk presented a picture of a banner stating "Thank you! for letting us serve your children for over 50 years" and requested to hang the banner on the outside wall of the building, aside the large windows.

Councilman Pelunis stated banners have been approved for various reasons although a time specific allowance should be in place. Mr. Wenk stated the banner was already installed.

Motion by Councilman Pelunis, seconded by Mr. Mazur to approve the building color variance.

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

Motion Carried

Motion by Mr. Newberry, seconded by Mr. Mazur to approve the number of wall signs variance to display the banner for 181 days from the date of Council approval.

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

Motion Carried

MINOR ALTERATIONS FROM THE PLANNING DEPARTMENT:

1. 34180 Aurora Road – First National Bank

Mr. Frankland explained clear glass would be installed in place of spandrel glass as originally planned.

The Commission determined no further review was necessary.

2. 6531 Cochran Road – Great Lakes Cold Storage

Mr. Frankland stated an access drive was revised to avoid utility poles that resulted in the drive being in closer conformance with the Code.

Mr. Frankland pointed out where another building connection would be installed to the addition on the north side of the existing building. It will not be easily visible.

Mr. Frankland stated the railroad tracks on the property's south side will not be removed but the northward tracks would be.

The Commission determined no further review was necessary.

3. Liberty Road across from Spicebush Lane – Islamic Center

Mr. Frankland presented the approved landscape architect plans. He noted as many trees as possible would be planted on the south side of the building.

Mr. Frankland pointed out a minor modification of a west elevation dormer window being moved and on the south elevation, a window will be removed and doors reoriented.

Mr. Frankland noted these types of changes typically happen to buildings when approaching the construction drawing phase.

The Commission determined no further review was necessary.

4. 33000 Aurora Road – Bilek Properties

Mr. Frankland stated the owners of the apartment buildings would like to pave a gravel sidewalk leading to the parking lot. This request has not received final approval by the

Engineering or Building Departments but it would allow them to proceed with the planning phase.

The Commission determined no further review was necessary.

5. 30175 Solon Industrial Parkway – CBG Investments, Inc.

Mr. Frankland stated modifications have been made to the construction plans. He stated additional pavement would be added to the parking lot.

The Commission determined no further review was necessary.

COMMENTS FROM THE COMMISSION:

Motion by Mr. Newberry, seconded by Mr. Mazur to schedule a Public Hearing for the cell tower modification request for the Verizon Wireless cell tower located at 33000 Solon Road.

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

Motion Carried

COMMENTS FROM THE AUDIENCE:

Ms. Buller relayed Mrs. Rock's request to note the letters opposing Item 8 were from two separate individuals not three as previously stated.

Two Kent State Architect students were in attendance to observe the meeting process.

There were no additional comments from the audience.

Motion by Mr. Mazur, seconded by Mr. Newberry to adjourn the meeting at 8:48 P.M.

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

Motion Carried

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Chairman

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Secretary