

**SOLON PLANNING & ZONING COMMISSION**  
**MARCH 13, 2018 – 7:05 P.M.**

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

Present: Commission Members Bentley, Mazur, Newberry, Councilman Pelunis, Mayor Kraus (entered at 7:28 P.M.), Assistant Law Director/Prosecutor Stolarsky, Planning Director Frankland, Acting Secretary Buller

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. Willow Street – PP# 956-39-047 – Lingjun Jiang – street paving and utility installation variances: Mr. Frankland said conversations have been had with Mr. Stolarsky regarding the various issues but the applicant has not been in contact for several weeks.

**NEW:**

2. 32866 Charmwood Oval – Yang Guo and Xiaoming Fu – 10' cumulative side yard setback variance and 10' side yard setback variance: Mr. Bentley reviewed the March 8, 2018 letter from a concerned neighbor requesting the applicants provide rodent protection and additional landscaping to obstruct the shed from their sunroom view. Mr. Newberry said the landscaping could be taken under consideration, but the Commission could not adjudicate rodent protection. He noted the neighbor did not request the application be denied. Mr. Bentley suggested the applicants consider landscaping and communicating with the neighbor. Councilman Pelunis said if the Commission so desires, it could require landscaping as a contingency. Mr. Frankland said the shed will not be too close to the side or rear yard. Mr. Guo said they could plant landscaping in the area.

**COUNCIL REFERRAL:**

6. Consideration of notification procedures for variances and lot consolidations: Mr. Frankland suggested the Commission could approve codifying variance notification at this point and the lot consolidation notification could be addressed at a future time. The Commission noted there have been no residents in attendance to comment.

8. Request from Craig Novak to amend the Zoning Code to permit medical related uses in the I-2 Zoning District (Industrial Manufacturing): Mr. Frankland said the I-1 Zoning District allows for medical and dental offices and the I-2 Zoning District does not. He recommended the Commission also consider the allowable size of buildings, such as hospitals.

Mr. Mazur questioned if it is necessary to amend the entire I-2 District. Mr. Newberry said it becomes a new zoning district if it is not amended in its entirety. Mr. Mazur recommends keeping the public hearing open for discussion.

Mr. Novak was not present. The Commission preferred he be present for discussion.

The caucus ended at 7:23 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 Mr. Newberry, seconded by Councilman Pelunis to approve the minutes of the February 27, 2018 meeting as presented.

Roll Call: Aye: Bentley, Newberry, Pelunis

Abstain: Kraus, Mazur

Nay: None

Motion Carried

#### PENDING:

- |    |   |          |   |
|----|---|----------|---|
| 1. | Willow Street – PP# 956-39-047 – Lingjun Jiang  | 005-2018 | 1 |
|    | <ul style="list-style-type: none"> <li>▪ Street paving variance</li> <li>▪ Utility installation variance</li> </ul> |          |   |

Mr. Bentley provided a brief review of the application and said this request entails a lengthy process. He stated the applicant has not been in communication with the Planning Department for a few weeks. He proposed placing this item on the Inactive Agenda.

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

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

Nay: None

Motion Carried

#### NEW:

- |    |   |          |   |
|----|---|----------|---|
| 2. | 32866 Charmwood Oval – Yang Guo and Xiaoming Fu   | 017-2018 | 7 |
|    | <ul style="list-style-type: none"> <li>▪ 10' cumulative side yard setback variance</li> </ul> |          |   |

- 10' side yard setback variance

Mr. Guo was present and displayed plans. He pointed out the shed's location at the rear of the pie shaped lot. Mr. Guo said using the current ordinance, the shed would be positioned in the middle of the backyard and would not line up with the neighbor's shed.

Mr. Bentley noted Mr. Guo would be amiable to providing screening. Mr. Guo said landscaping could be placed at the back of the shed to alleviate the neighbor's concerns. Mr. Mazur said he would support this item if landscaping is agreed to.

Motion by Mr. Newberry, seconded by Mr. Mazur to approve the 10' cumulative side yard setback variance.

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

Motion Carried

Motion by Mr. Mazur, seconded by Councilman Pelunis to approve the 10' side yard setback variance.

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

Motion Carried

3. 5022 Hidden Creek Circle – Govind Dixit 018-2018 5
- 4' side yard setback variance

Mr. Dixit was present and displayed plans to replace a deck. He said the current deck is falling apart and is too small for his family.

Mr. Bentley inquired as to the building material. Mr. Dixit replied wood.

Mr. Newberry noted there is evergreen screening in place. Mr. Dixit stated that was correct.

Motion by Mr. Mazur, seconded by Mayor Kraus to approve the 4' side yard setback variance.

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

Motion Carried

4. 5230 Harper Road – William L. and Toni Cervino 019-2018 5
- 17.5' front yard setback variance
  - 350 sq ft accessory pavement variance

Mr. Cervino, 5200 Harper Road, was present and displayed plans for the proposed new home construction. He said Harper Road is a high traffic roadway so it would be beneficial to place the house farther back and extra pavement would allow on-site parking in addition to easier turnaround.

Mr. Stolarsky inquired if the applicant had seen the March 7, 2018 Engineering Department memo referencing their November 6, 2013 memo. Mr. Cervino stated yes. Mr. Stolarsky asked Mr. Cervino if he was aware of and would agree to comply

with the provisions with regard to utilities and managing water service on the property. Mr. Cervino agreed.

Mr. Mazur thanked Mr. Cervino for agreeing with the City to install two houses instead of three on this parcel. He complimented him on building an attractive house.

Motion by Mr. Newberry, seconded by Mayor Kraus to approve the 17.5' front yard setback variance contingent upon compliance with the stipulations in the March 7, 2018 Engineering Department memo.

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

Motion Carried

Motion by Mayor Kraus, seconded by Mr. Mazur to approve the 350 sq ft accessory pavement variance.

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

Motion Carried

- |    |   |          |   |
|----|---|----------|---|
| 5. | 5515 N. Woods Lane – Scott and Alison Weingold  | 020-2018 | 5 |
|    | <ul style="list-style-type: none"> <li>▪ Accessory structure location variance</li> <li>▪ 56 sq ft accessory structure area variance</li> </ul> |          |   |

Mr. Weingold was present and displayed pictures of the house including the recent addition. He indicated where a 224 square foot pavilion would be constructed at the rear of the house. Mr. Weingold said the size of the pavilion would fit their entertaining style, and allow the desired furnishings for the pavilion and the pool.

Mr. Bentley agreed the pavilion balanced with the scale of the house. He noted the recent house addition caused the need for these variances.

Motion by Mayor Kraus, seconded by Mr. Mazur to approve the accessory structure location variance.

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

Motion Carried

Motion by Mr. Mazur, seconded by Mr. Newberry to approve the 56 sq ft accessory structure area variance.

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

Motion Carried

#### COUNCIL REFERRALS:

- |    |   |          |
|----|---|----------|
| 6. | Consideration of notification procedures for variances and lot consolidations | 013-2018 |
|----|---|----------|

Mr. Bentley explained the need to codify the notification procedure; who would receive notices and the distance from the initial lot the notices would be sent. He said this will remove any subjectivity.

The public hearing remained open and Mr. Bentley invited comments.

Mr. Frankland said this amendment includes variance notification. He said it was suggested that it be amended to also regulate lot splits and consolidations. He explained a lot split combination is a minor subdivision, with policies regarding minor subdivision in place; however, they are not specifically addressed in the code. Mr. Frankland said addressing that issue would require re-writing the subdivision code. He recommended, if the Commission so desires, to move forward with variance notification only.

Mr. Frankland favored using Option Two, notifying a 100-foot radius around properties, as it would be less subjective. He said in most circumstances this procedure would capture a few more lots, but would remove the requirement of the Clerk's office to be subjective. Councilman Pelunis believes this option creates a formula and removes ambiguity.

Mr. Bentley said the notification to apartment and condominium buildings should be discussed. Councilman Pelunis believes, to alleviate issues, notification should include owner-occupied only. Mr. Bentley said in the case of condominiums, each individual owner would be notified. With regard to condominiums, Mr. Newberry said the common and limited common areas are owned by the association as opposed to individual ownership. He inquired if the ordinance would require notification of each individual condominium owner or the association only. Councilman Pelunis said the Ohio Condominium Act allows condominium associations to apply a percentage of ownership to owners. He prefers the owners be notified rather than the management company. Mr. Newberry agreed. Mr. Frankland said the County Auditor identifies owners. Mr. Mazur said the Commission has, in the past, requested homeowner's association approval to variance requests. Mr. Stolarsky interjected assuming the variance request is within the association's common areas.

Mr. Bentley questioned if this would include notifying the homeowners associations. Mr. Newberry felt if the contact person was known, yes. Mr. Stolarsky said historically the Clerk's office maintains a current list of HOA contacts; however, once notifying management companies is assumed as a duty, it could expand to include individual houses that are managed. He did not favor inserting that condition in the codification.

Mr. Mazur verified the 100 foot radius starts at all perimeter lines of the property and added over communication is appropriate. Mayor Kraus voiced approval of the 100 foot radius notification.

There were no additional comments. The public hearing was closed.

Motion by Mr. Newberry, seconded by Mr. Mazur to recommend to Council the approval of the codification of the notification procedures for variances to include all owners or property within 100 feet of the perimeter of the lot on which a variance is being sought.

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

Nay: None

Motion Carried

7. Request from Darren Guerrini to create a new "I-3" (Industrial Auto Service) zoning classification and place Reno G. Properties, LLC located at 31835–31935 Aurora Road and other properties located along Old South Miles Road in the new zoning classification 014-2018 6

Mr. Bentley said a public hearing is scheduled for the March 27, 2018 meeting.

Motion by Mr. Newberry, seconded by Councilman Pelunis to table consideration of Item 7.

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

Motion Carried

8. Request from Craig Novak to amend the Zoning Code to permit medical related uses in the I-2 Zoning District (Industrial Manufacturing) 021-2018

A public hearing was scheduled.

Mr. Bentley opened the Public Hearing and invited comments.

The applicant was not present.

There were no public comments. The public hearing remained open.

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

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

Motion Carried

MINOR ALTERATIONS FROM THE PLANNING DEPARTMENT:

There were no minor alterations.

COMMENTS FROM THE AUDIENCE:

There were no comments from the audience.

COMMENTS FROM THE COMMISSION:

Mr. Mazur wished everyone a Happy St. Patrick's Day.

Mr. Newberry extended everyone a Happy St. Patrick's Day. He wished continued good fortune to the Solon High School athletes. He reminded everyone of the High School's spring musical "Secret Garden".

Mayor Kraus wished luck to the Solon High School Boys' Basketball Team in their upcoming game against Shaker Heights and luck to the girls' basketball team at the State semi-finals against Wadsworth. He looks forward to the potential of a State Championship for Solon.

There were no additional comments from the Commission.

Planning Commission  
March 13, 2018

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Motion by Mr. Bentley, seconded by Councilman Pelunis to adjourn the meeting at 8:08 P.M.

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

Motion Carried

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Chairman

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Acting Secretary