

**SOLON PLANNING & ZONING COMMISSION  
OCTOBER 9, 2018 – 7:15 P.M.**

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

Present: Commission Members Bentley, Mazur, Newberry, Councilman Pelunis, Mayor Kraus, Assistant Law Director/Prosecutor Stolarsky, Planning Director Frankland, Secretary McConoughey

Absent: None

Also Present: Fire Inspector Eisenhuth, Councilman Magill, Assistant City Engineer Welch

**NOTES OF CAUCUS DISCUSSION:**

Chairman Bentley presided.

(Secretary's note: Agenda items not mentioned under Notes of Caucus Discussion are items that were not pertinently discussed during Caucus.)

**NEW:**

2. 33080 Cromwell Drive – Dekotah Dionne Lynn LaMothe, Trust - side yard setback, cumulative side yard setback and rear yard setback variances: Councilman Pelunis noted objections were received regarding this item. Mr. Bentley advised the objections will be discussed during the meeting.

**COUNCIL REFERRAL:**

4. Proposed Mixed Use Planning District (MPD): Councilman Pelunis advised he would forward some revisions he would like considered to Mr. Frankland. The Commission members discussed the proposed Mixed Use Planning District (MPD) and determined a public hearing should be scheduled.

The caucus ended at 7:25 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.

MINUTES:

Motion by Mr. Mazur, seconded by Mr. Newberry to approve the minutes of the September 25, 2018 meeting as presented.

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

Motion Carried

NEW:

- |    |  |          |   |
|----|--|----------|---|
| 1. | 7570 SOM Center Road – Herdeep Mudhar  | 068-2018 | 1 |
|    | <ul style="list-style-type: none"> <li>▪ Accessory use location variance</li> <li>▪ 5' side yard setback variance</li> </ul> |          |   |

Ms. Herdeep Mudhar was present. Ms. Mudhar presented pictures and stated the back yard puddles when it rains so it's not a good area for the shed. She indicated the shed could be placed behind a small fence on the garage side of the house.

Mr. Bentley asked what direction the shed door would face. Ms. Mudhar preferred the door face the back yard.

Mr. Newberry stated a creek runs along the opposite side of the lot.

Mr. Bentley noted the shed's placement would be on the high side of the lot and there is a deck in the back yard.

Mr. Mazur stated previous requests to place a shed in the side yard have not been approved and he does not support setting a precedent. Mr. Mazur stated it was brought to his attention that a shed was previously located at this location. Although this is a challenging lot with a steep back yard, he suggested two potential shed locations adjacent to the north or south of the deck where the ground is level.

Councilman Pelunis inquired if the neighboring house had a window that would face the shed. Ms. Mudhar stated yes, a small window.

Councilman Pelunis asked the Clerk if any objections were received. Mrs. McConoughey did not believe so. Councilman Pelunis prefers the shed be placed parallel to the back line of the house but stated since there were no objections, he does not have an issue. Ms. Mudhar felt placing the shed toward the back line of the house would create wasted space and would interfere with the view from their deck and the neighbor's deck.

Mr. Mazur suggested placing the shed on the south side of the deck. Ms. Mudhar stated that location would interfere with the scenery.

Councilman Pelunis suggested positioning it further back so the house to the right would not be looking at a shed but it was decided the chimney projection would present a problem.

Mr. Newberry said placing the shed's back corner up against the chimney projection would allow a greater front setback and provide less obstruction to the northern neighbor.

Councilman Pelunis suggested screening as a contingency.

Mr. Frankland stated screening is not a requirement but the Commission could make that a condition.

Mr. Bentley asked the applicant if she would be amenable to planting screening along the side and front of the shed and Ms. Mudhar advised the front is screened by a fence.

Mr. Newberry stated the front fence would be sufficient screening but believed screening should be considered for the neighbor to the north.

Although Ms. Mudhar agreed to plant shrubs on the side, Mr. Mazur said there are other locations the shed could be placed and objects to the variances.

Mr. Frankland requested clarification of the screening and Mr. Newberry envisioned an arborvitae type of shrub on the north side of the shed and Ms. Mudhar asked how tall the arborvitae should be.

Councilman Pelunis prefers the neighboring house look at screening versus a shed.

Mr. Newberry stated the arborvitae should be between four to six feet tall.

Motion by Mr. Newberry, seconded by Mayor Kraus to approve an accessory use location variance.

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

Motion Carried

Motion by Councilman Pelunis, seconded by Mayor Kraus to approve a 5' side yard setback variance contingent upon the shed being placed as far from the front as possible and screening planted on the north side property line.

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

Motion Carried

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|----|---|----------|---|
| 2. | 33080 Cromwell Drive – Dekotah Dionne Lynn LaMothe, Trust | 071-2018 | 2 |
|    | ▪ 2.25' side yard setback variance                        |          |   |
|    | ▪ 8.25' cumulative side yard setback variance             |          |   |
|    | ▪ 13'-5" rear yard setback variance                       |          |   |

Ms. Tierra LaMothe, 33080 Cromwell Drive, was present representing the applicant. Ms. LaMothe stated they were new to Solon and were not aware of the permitting process at the time the deck was built. She presented pictures and plans of the back yard deck.

Councilman Pelunis noted he received objections to the variances based on the fact that a permit was not obtained and the deck's close proximity to the property line. He said the safety of the structure is a concern as it was installed without a permit or inspections.

Ms. LaMothe relayed the nearest neighbor had no objections to the deck.

Councilman Pelunis noted (the neighbor) Wendy Hochberg had no objection to the deck but did request trees be planted to obscure the deck from view.

Mr. Bentley advised it is not uncommon for residents to be unaware of the need for permits and said the deck could be inspected to make certain it is structurally sound.

Councilman Pelunis noted there was also an objection to the location.

Mayor Kraus said he is aware of special circumstances necessitating the need for the deck. He asked the applicant if she would be willing to place screening around the deck and Ms. LaMothe said she would.

Mr. Mazur asked if the Building Department will inspect the structure if the variances were approved.

Mr. Frankland stated the inspectors will inspect the structure and determine if it is safe.

Mr. Mazur said according to the Code, the homeowner or the contractor will face a monetary penalty for not securing a permit if the variances are approved and if it fails inspection, it will be required to be fixed or removed.

Ms. LaMothe apologized for not following procedure and stated the reason for building the deck is for her daughter who has cerebral palsy. She noted the physical therapist submitted a letter regarding the advantages of outdoor space for her daughter.

Mr. Bentley advised a letter was received from Therapist Jessica Devore supporting the benefits for outdoor space.

Mr. Newberry said it is his practice to object to variance requests after the fact; however, he understands the situation, yet is not happy a permit was not secured.

Mr. Bentley requested the applicant supply the name of the contractor and arrange for an inspection.

Mayor Kraus has no objection to granting the variances with inspection and screening contingencies.

Mr. Stolarsky noted if the Council approves the requests, the inspections will be part of the permitting process.

Motion by Mr. Mazur, seconded by Mayor Kraus to approve a 2.25' side yard setback variance contingent upon appropriate screening approved by the Planning Department.

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

Motion Carried

Motion by Mayor Kraus, seconded by Mr. Bentley to approve an 8.25' cumulative side yard setback variance.

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

Motion Carried

Motion by Mr. Mazur, seconded by Mr. Newberry to approve a 13'-5" rear yard setback variance.

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

Motion Carried

3. 6310 Melbury Avenue - Johnathan Miller/Solon Ace Hardware 072-2018 6  
▪ Sign location variance

Mr. Johnathan Miller was present and presented pictures and indicated the Ace Hardware sign has been approved for the main entrance of the store, a backlit Ace logo would be added on the Melbury Avenue section and a spotlight will be removed.

Mr. Newberry inquired if there is signage on Station Street and Mr. Miller said not at the present time.

Mr. Mazur complimented Mr. Miller on the attractiveness of the sign.

Mr. Newberry welcomed Ace Hardware to Solon and wished them the best of luck.

Motion by Mr. Newberry, seconded by Mr. Mazur to approve a sign location variance.

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

Motion Carried

COUNCIL REFERRAL:

4. Review of proposed Mixed-Use Planning District (MPD) Zoning Classification 070-2018

Councilman Pelunis suggested discussion be held until after Mr. Frankland's October 23<sup>rd</sup> presentation.

Mr. Newberry agreed and thanked Mr. Frankland for a thorough first draft ordinance.

Mayor Kraus stated this is a frequent topic during meetings with developers and believes developers in the community are looking forward to the codification of this proposal. Mayor Kraus thanked Mr. Frankland for his efforts.

Mr. Bentley stated a Public Hearing should be scheduled for this item.

Mr. Newberry suggested leaving the Public Hearing open until the November 13<sup>th</sup> meeting.

Motion by Mr. Mazur, seconded by Mr. Newberry to schedule a Public Hearing for the October 23, 2018 meeting.

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

Motion Carried

#### MINOR ALTERATIONS FROM PLANNING DEPARTMENT

##### 1. 34310 Aurora Road - Market District Supermarket

Mr. Frankland stated a temporary metal ramp located at the beer and liquor delivery area would be replaced along with a general clean-up of the area. He stated the new ramp would not obstruct traffic or aisle widths.

The Commission agreed no further review of the item was necessary.

#### COMMENTS FROM THE AUDIENCE

There were no comments from the audience.

#### COMMENTS FROM THE COMMISSION

Mr. Bentley acknowledged a Kenston High School student was in attendance fulfilling his government class assignment.

Mr. Mazur commended the Mayor and Administration for the successful Fall Fun Fest.

Mr. Newberry stated he enjoyed the variety of vendors and watching the children have a wonderful time at the Fall Fun Fest.

Mr. Newberry stated Solon will be sponsoring a Hurricane Florence Donation Drive Wednesday, October 10<sup>th</sup> from 6:00 P.M. to 8:30 P.M. at the Community Center Banquet Room. He stated cash, checks and non-perishable items are welcome.

Councilman Pelunis also enjoyed the Fall Fun Fest.

Councilman Pelunis commended Mayor Kraus on the informative Town Hall meeting regarding opioids and encouraged everyone to view it.

Mr. Bentley thanked Councilman Magill for attending the meeting.

Councilman Magill was startled a contractor would not know of the city's permitting policy. He asked if it is policy to send a warning letter to contractors who perform work without a permit.

Mr. Bentley stated there is a policy with a penalty involved.

Inspector Eisenhuth encouraged everyone to attend the Fire Station Open House on Sunday, October 7<sup>th</sup> from 1:00 P.M. to 4:00 P.M.

In response to Councilman Magill's comments, Mr. Stolarsky stated a contractor's registration could be pulled if enough violations are documented.

In reference to the Cromwell Drive variances, Mr. Bentley considers parenting a child with challenges is stressful enough and he believes it is incumbent on the City to support them as best they can. Mr. Bentley noted each case is different and is decided with the facts that are presented at the time.

Mayor Kraus agreed that it is incumbent on the City to extend support when they can to people faced with difficulties.

Mayor Kraus thanked the Commission for their positive comments regarding the Fall Fun Fest. He said the festival exceeded his expectations.

Mayor Kraus thanked the presenters at the Town Hall meeting for their educational and informative dialogue.

Mayor Kraus looks forward to the football season.

Motion by Mr. Mazur, seconded by Mr. Newberry to adjourn the meeting at 8:17 P.M.

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

Nay: None

Motion Carried

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Chairman

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Secretary