

**SOLON PLANNING & ZONING COMMISSION**  
**March 23, 2021 – 7:00 P.M.**

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

Present\*: Commission Members Greenspan, Mazur, Newberry, Councilman Bentley, Assistant Law Director Stolarsky, Planning Director Frankland, Secretary Letourneau

Absent: Mayor Kraus

Also Present\*: Director of Information Technology Gibbs, Assistant City Engineer Lyndon, Fire Inspector Eisenhuth, Councilman Pelunis (Caucus only)

\*Due to the COVID-19 health crisis all those present appeared via video connection.

**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.)

Councilman Bentley presided.

Due to the COVID-19 health emergency, the general public was not permitted to attend, however, were invited to phone-in to provide comments.

Mr. Stolarsky explained a quorum is required for the Commission to act on an item and as one Commission member is absent, at least three members would have to vote in the affirmative for an item to be approved. Therefore, if any applicant wishes to wait for a full Commission to vote on their item, they can request their item be tabled.

**PENDING:**

1. 33549 Solon Road – Nicole Dauria – various variances and site plan: Councilman Bentley said a new site plan was received earlier this evening and questioned if it has been reviewed by the City's landscape consultant.

Although Mr. Frankland said he has not heard from the landscape consultant, he believed the new plan reflects the discussion that took place at their meeting. He said if the Commission decides to move forward with the application, it should be pending the approval of the revised plan by the City's landscape consultant.

Mr. Mazur advised he was unaware of a newly submitted plan.

In response to Mr. Newberry's concern regarding the easement, Ms. Dauria asked for the next exhibit to be displayed for clarification about the easement.

2. 32450 Cromwell Drive – Goldberg Companies, Inc. – site plan: Mr. Stolarsky advised he understands that the Liberty Hill Homeowners Association (HOA) has had discussions with the management company, Goldberg Companies, and it is possible the HOA will erect the signage instead of the management group. He had discussions with the attorney for the Goldberg Companies who believes this has been discussed but nothing has been determined. He does not believe there will be a representative in attendance tonight from Goldberg Companies.

Councilman Pelunis was in attendance and Mr. Stolarsky asked for his input.

Councilman Pelunis said during a conference call between the representative from the HOA and a principal from the Goldberg Companies, it was discussed that the HOA would request the signage and change the name on the application. Councilman Pelunis asked that the item be tabled tonight until a decision can be reached

3. 5655 SOM Center Road – PP#952-33-004 – Louis Cancasci - lot split: Mr. Nick Moreno from Moreno Surveying was present representing the applicant and explained the parcel is approximately 10 acres and the owner, Mr. Cancasci wishes to split off about 2½ acres to deed to his son.

NEW:

5. 7272 Capilano Drive – Raymond and Daniela Isakov – accessory structure location variance: Mr. Isakov was present and said in reviewing the bylaws of the HOA, a generator can be installed in the side or rear yard providing it is “walled” off. He intends to surround it with shrubbery.

Mr. Stolarsky said the HOA bylaws where a resident resides is independent of the City. The Planning Commission will consider the City’s requirements and determine variance approval. He said a resident living in a neighborhood which includes an HOA would be well advised not to proceed with a project until approval from the HOA has been received. He has no issues with the Commission approving this item tonight but would advise the applicant to confirm the request with their HOA.

Mr. Newberry will not approve the item without the approval from the HOA.

Councilman Bentley clarified it is the applicant’s decision to either request the item be tabled tonight or to continue with the voting process considering there is one Commission member absent.

6. 7424 Liberty Road – Mike Gervace – various side yard setback variances: Mr. Newberry said a similar application was received for this parcel previously.

Mr. Chris Bunge, Drees Homes, was present representing the applicant and said since that time, it has been determined to build the new house in the same footprint as the previous home.

**COUNCIL REFERRAL:**

7. Proposed amendment to Section 1288.04 (3)(d) entitled "Non-Commercial Opinion Signs" of the Zoning Code: Councilman Bentley said he was hoping this would be the last meeting to discuss the proposed amendments.

Mr. Newberry and Mr. Mazur preferred the item to remain on the agenda for another meeting to give additional time for any additional comments.

Mr. Stolarsky said he asked Attorney Myers to attend the meeting tonight to respond to any questions or clarify any sections. He asked Councilman Bentley if he would still like Attorney Myers to attend the meeting.

The Commission determined Attorney Myers' attendance at the meeting will be beneficial during the discussion.

Mr. Frankland recommended changing the enforcing department from the Building Department to the Planning Department.

The caucus ended at 7:24 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 REGARDING AGENDA ITEMS:**

There were no comments regarding agenda items.

**MINUTES:**

Motion by Mr. Newberry, seconded by Mr. Greenspan to approve the minutes of the February 9, 2021 meeting as presented.

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

Motion Carried

**PENDING:**

- |  |            |   |
|--|------------|---|
| 1. 33549 Solon Road - Nicole Dauria                  | 2021-00095 | 6 |
| • 25' front yard setback variance                    |            |   |
| • 5' rear yard parking setback variance              |            |   |
| • 4' cross access drive width variance               |            |   |
| • Primary building material variance (roof)          |            |   |
| • Primary building material variance (fence railing) |            |   |
| • Revised site plan                                  |            |   |

Ms. Nicole Dauria, Pop Culture, was present. A map of the location was displayed and Ms. Dauria explained a one-way entrance to the right of the building is planned since the parking lot is very small. There is no access for

two-way traffic, therefore, it has to be a one-way entrance. Ms. Dauria said a one-way entrance sign will be posted. The rear of the property was indicated on the map and Ms. Dauria said Mr. Glenn Gable, owner of RollHouse Entertainment, has agreed to an easement connecting the two lots. She said customers will enter from 33549 Solon Road through the one way entrance and exit through the rear of the property via access to the connected RollHouse Entertainment driveway. Ms. Dauria expressed gratitude to Mr. Gable for working with her on the easement and said it was tremendously helpful with the project.

A site plan of the exterior was displayed.

Mr. Newberry asked what additions and changes are planned for the exterior of the building.

Ms. Dauria said a deck on the front of the building is planned along with the easement. In response to Mr. Newberry's question regarding the need for a setback variance, Ms. Dauria confirmed this variance is necessary to accommodate the deck.

A rendering of the most recent site plan received prior to the meeting was displayed. Ms. Dauria referred to the area where a walkway will be located which will lead to the porch. She said there is an existing dormer which will be maintained and the roof for the porch will be built around it. In addition, lattice will surround the porch and landscaping will be installed around all of the exposed areas. The landscaping will consist of boxwood plantings to create a site barrier.

Councilman Bentley advised this business is located in the Historic District of Solon and at a recent meeting, there was much discussion regarding the design requirements in order to adhere to the contextual requirements for that location to ensure it blends in with the surrounding properties.

Councilman Mazur said the metal roofing and wire fencing that is proposed does not seem to fit the historical aspect of the area. He would like an opinion from the City's architect consultant.

Ms. Dauria believes it will be appropriate for the area as the building located across the street has a metal roof and a building located down the street has the wire fencing. She believes the wire porch railing will look great since it basically disappears and there are no posts. Ms. Dauria said it is her understanding that the metal roof is necessary because of the pitch of the roof. In response to Mr. Mazur's question, Ms. Dauria said the metal roofing color will be brown.

Mr. Frankland advised the City's architect consultant reviewed the plan and approved the materials as presented, the metal (wire) railings and the roofing; including the colors. This does require a variance but the materials were approved.

Mr. Mazur referred to a letter received from Mr. Gage Price, a neighboring business owner. Mr. Price is concerned about the disposal of food into the dumpster and that it might attract animals. He asked if the dumpster will be enclosed. Mr. Mazur said he did not see this on the site plan.

Ms. Dauria said there will be a dumpster but did not know that it was necessary to enclose it and it is not on the site plan.

Mr. Frankland said it was discussed at a recent meeting that the dumpster needs to be enclosed. However, the site plan can still be voted on tonight and the enclosure for the dumpster can be reviewed as a minor alteration within the Planning Department. A dumpster is not a requirement of the Zoning Code, but if there is a dumpster on the site then it is required to be enclosed.

Mr. Newberry said if a dumpster is on the property it will need to be enclosed, and since it is not on the site plan, a contingency will have to be added for approval of the site plan. He said a landscape plan is also necessary for the site plan to be approved.

Ms. Dauria requested the appropriate site plan be displayed indicating the landscaping for the boxwoods represented by circles on the site plan.

Mr. Mazur indicated his concerns have been alleviated knowing the City's architect consultant has approved the roofing and the porch railing and that the dumpster will be enclosed and match the material of the building. Mr. Mazur was concerned with the late submission of the updated site plan and noted it is difficult for the Commission to appropriately review late submittals.

Mr. Greenspan supports the application and the architectural detail of the wire railings for the porch.

Motion by Mr. Newberry, seconded by Mr. Greenspan to approve a 25' front yard setback variance.

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

Motion Carried

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

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

Motion Carried

Motion by Mr. Greenspan, seconded by Mr. Mazur, to approve a 4' cross access drive width variance.

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

Motion Carried

Motion by Mr. Mazur, seconded by Mr. Newberry, to approve a primary building material variance for a brown roof.

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

Motion Carried

Motion by Mr. Newberry, seconded by Mr. Greenspan, to approve a primary building material variance for a wire fence railing.

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

Motion Carried

Motion by Mr. Greenspan, seconded by Mr. Mazur to approve the revised site plan for 33549 Solon Road contingent upon the City landscape architect's approval of the landscaping plan and the dumpster enclosure, compliance with the Engineering Department's memo dated March 3, 2021, compliance with correspondence dated March 4, 2021 from GPD Group and review and acceptance by the City's Law Department of the cross access agreement prior to occupancy.

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

Motion Carried

2. 32450 Cromwell Drive - Goldberg Companies, Inc. 2021-00096 2
- Site plan

Motion by Mr. Newberry, seconded by Mr. Greenspan, to table consideration of Item 2.

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

Motion Carried

3. 5655 SOM Center Road - PP# 952-33-004 - Louis Cancasci, 2021-00097 4  
Trustee of Louis Cancasci Trust
- Lot split

A public hearing was scheduled.

Mr. Newberry requested a site plan review prior to receiving comments. The site plan was displayed.

Mr. Nick Marino, Marino Surveying LLC, was present representing the applicant and said the lot currently consists of 10 acres and a request has been made to split off a section on the north side of the property consisting of approximately 2.7 acres. He indicated the location to be split on the site plan.

Councilman Bentley opened the public hearing and asked for comments.

Mr. Jeffrey Dubin, 5670 Ledgebrook Lane, is concerned about the topography of the land. His property abuts the rear portion of this parcel and there is an escarpment with a steep pitch. He said there has been care taken to ensure the drainage from this property is made to avoid runoff onto surrounding properties. Mr. Dubin said he just heard that the parcel is being split for the purpose of building a home. Since it is unknown what setbacks or variances might be necessary, he asked that the Commission carefully review the project. Mr. Dubin said he understands this meeting is for the technical aspect of approval to

split the lot, but asked if there will be another opportunity to review the plans for the proposed project.

Councilman Bentley said the applicant would return to the Planning Commission only if variances are required for the proposed house. The Engineering Department and Building Department will be involved with grading and drainage issues and will ensure it is done to Code or permits will not be issued.

Mr. Brian Quinn, 5625 SOM Center Road, who lives to the north of the parcel being split said after receiving notification about the meeting, he wanted to know how this might affect his property. They have lived there for twenty five years and have enjoyed the woods and the privacy it has given them.

Councilman Bentley reiterated his previous explanation and said only the lot split is under consideration tonight.

Mr. Quinn asked if the applicant will return to the Commission once they have the house plans prepared.

Mr. Newberry said they will only have to return to the Planning Commission if variances are required for the new house.

Councilman Bentley said if no variances are necessary, the applicant will still have to get all of the proper permits from the various City departments and meet all of the requirements in accordance with City codes.

Mr. Newberry said it is likely that trees will be removed from the property if a house is being built on it.

Mr. Jason Bloch, 5760 Ledgebrook Lane, said he is the President of the Sherbrook Homeowners Association. Mr. Bloch relayed the concerns of the residents of Ledgebrook Lane regarding challenging topography and significant drainage issues of the property. He explained that some of the residents on Ledgebrook Lane already experience issues with drainage and he asked that the City be aware of the problems and to closely monitor these issues.

Mr. Greenspan advised he has had experience working with the Engineering Department and he is confident they will ensure that any runoff from the property being developed will be contained on that property. He explained the Engineering Department ensures the grading is completed according to the Code.

Mr. Bloch said he will pass the information along to the neighbors in hopes of alleviating their concerns and thanked the Commission for the attention to the matter.

Michael Kan, 5740 Ledgebrook Lane, has similar concerns and appreciates the responses and information received from the Commission thus far. He referred

to a section of the Zoning Code and asked if this is considered to be a subdivision.

Mr. Frankland said this is less than four lots and is considered a minor subdivision where the minimum lot size is 24,000 square feet, approximately .45 acres. The lot being created will be 2.69 acres, therefore, there are no variances or frontage requirements necessary for approval of this lot split. Mr. Frankland explained this does not fall under the subdivision code that Mr. Kan questioned and therefore the regulations for that category do not apply to this application.

Christine Mayer, 5680 Ledgebrook Lane, expressed her concerns regarding drainage issues for that area as well. Ms. Mayer appreciates the information about the process and approvals necessary prior to a home being built on the property and ensuring the water will stay on the property. Ms. Mayer referred to the previously discussed grade and heavily wooded nature of the property and asked the Commission to consider any impact the removal of woodlands might create.

As there were no further comments, the public hearing was closed.

Motion by Mr. Mazur, seconded by Mr. Greenspan to approve the lot split for PP# 952-33-004 located at 5655 SOM Center Road.

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

Motion Carried

NEW:

4. 34520 Maple Drive - Robert L. Barker, Jr. 2021-00099 4  
 • 600 sq ft accessory pavement area variance

Mr. and Mrs. Robert Barker were present. Mr. Barker explained the proposal to install a parking pad off the driveway at the top of the hill for easier access. He said the property drops off at the back and goes down to a creek.

The Commission reviewed the site plan for the proposed 20' x 30' parking pad.

Motion by Mr. Newberry, seconded by Mr. Mazur, to approve a 600 sq ft accessory pavement area variance.

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

Motion Carried

5. 7272 Capilano Drive - Raymond and Daniela Isakov 2021-00100 1  
 • Accessory structure location variance

Mr. Raymond Isakov was present and an aerial of the property was displayed indicating the side of the home where a generator is proposed to be installed. He explained the gas lines are located in this area, thereby, simplifying the installation. He said shrubbery will be planted around the generator to screen the neighbor's



view and the view from the golf course. Mr. Isakov said the HOA bylaws permit the generator to be located on the side of the house.

Councilman Bentley suggested a contingency be placed on approval pending receipt of the approval from the HOA before the April 5<sup>th</sup> Council meeting.

Mr. Newberry reminded the Commission this particular HOA is very active with their residents and there have been past issues after approvals were given by the Commission. Therefore, he would like the HOA approval before voting.

Mr. Mazur and Mr. Greenspan agreed that adding the contingency pending approval from the HOA is appropriate.

Mr. Isakov said it should not be a problem to get approval emailed to the Clerk of Council's office by April 5<sup>th</sup>.

Motion by Mr. Mazur, seconded by Mr. Greenspan to approve an accessory structure location variance for a generator located at 7272 Capilano Drive with the contingency that written approval from the HOA be provided prior to Council's April 5<sup>th</sup> meeting.

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

Motion Carried

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|----|--|------------|---|
| 6. | 7424 Liberty Road - Mike Gervace   | 2021-00101 | 1 |
|    | <ul style="list-style-type: none"><li>• 10' side yard setback variance (right)</li><li>• 5' side yard setback variance (left)</li><li>• 15' cumulative side yard setback variance</li><li>• 2.5 inch side yard pavement setback variance</li></ul> |            |   |

Mr. Chris Bunge, Drees Homes, was present representing the applicant. An aerial of the property was displayed and Mr. Bunge explained the variances proposed.

Mr. Bunge explained the lot is approximately 100 feet wide with a side-entry garage proposed and the variances are necessary to install the garage pad. Mr. Bunge said there are wetlands in the rear of the property which is why the house is proposed 105' off of the road as this will alleviate a wetland delineation and additional variance requests.

Mr. Bunge said the house will fit in with the surroundings of the neighborhood and will not look out of place.

Councilman Bentley asked if this house would be in front of or behind the house located at 7430, to which Mr. Bunge said he believes it is in line with the house next door.

Mr. Scott McRill, the potential buyer, said he is aware another project was previously planned for this property that was not approved. He has met with various City departments and understands the issues; primarily the wetlands in the

rear of the property. Mr. McRill said this is why the decision was made to build the new home in the same location as the previous house that occupied the site.

Councilman Bentley believes the proposal is appropriate for this property and the side-entry garage is similar to other properties in the neighborhood.

Motion by Mr. Mazur, seconded by Mr. Newberry, to approve a 10' side yard setback variance (right).

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

Motion Carried

Motion by Mr. Newberry, seconded by Mr. Greenspan, to approve a 5' side yard setback variance (left).

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

Motion Carried

Motion by Mr. Greenspan, seconded by Mr. Mazur, to approve a 15' cumulative side yard setback variance.

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

Motion Carried

Motion by Mr. Mazur, seconded by Mr. Newberry, to approve a 2.5 inch side yard pavement setback variance contingent upon compliance with the Engineering Department memo of March 16, 2021.

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

Motion Carried

- |     |   |            |   |
|-----|---|------------|---|
| 6A. | 29500 Solon Road - Swagelok (Chris Rhodes)<br>Swagelok (Chris Rhodes) | 2021-00102 | 7 |
|-----|---|------------|---|
- Number of ground signs variance (to permit 9)
  - 10' freestanding ground sign side yard setback variance (west)
  - 5' freestanding ground sign side yard setback variance (east)
  - 11' 9.6" freestanding ground sign width variance
  - 76' freestanding ground sign area variance

Mr. Chris Rhodes, Swagelok Company, was present and explained the world headquarters building is nearing completion. He said this application is for the variances associated with the new signage needed.

Ms. Julie Trott-Heisey, Vocon, was present representing the applicant. She advised that this request is a follow-up to the original application that was approved two years ago in May. The original application included conceptual signage that was both building-mounted and monument signs. This application is for the final package.

Mr. Michael Nilsen, Vocon, was also representing the applicant and advised plans have been submitted showing locations for all of the proposed signs for the Swagelok campus. Mr. Nilsen reviewed the various site plans concerning the proposed signage, locations, drainage, utilities, and landscaping in detail.

Ms. Trott-Heisey addressed the memorandum received from the Engineering Department requesting landscaping and signage to be placed 10 feet from the right-of-way. The sign is currently at 10 feet, so as the project moves forward, Vocon will relocate the sign back from the right-of-way to add an additional four foot grass strip between proposed landscaping and existing sidewalk. This will place the sign 16.6 feet from the right-of-way. A sketch will be forwarded to the Engineering Department to validate the new proposed locations.

Motion by Mr. Mazur, seconded by Mr. Newberry, to approve a number of ground signs variance (to permit 9 additional) for a total of 10.

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

Motion Carried

Motion by Mr. Newberry, seconded by Mr. Greenspan to approve a 10' freestanding ground sign side yard setback variance (west).

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

Motion Carried

Motion by Mr. Greenspan, seconded by Mr. Mazur to approve a 5' freestanding ground sign side yard setback variance (east).

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

Motion Carried

Motion by Mr. Mazur, seconded by Mr. Newberry, to approve an 11' 9.6" freestanding ground sign width variance.

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

Motion Carried

Motion by Mr. Newberry, seconded by Mr. Greenspan to approve a 76' freestanding ground sign area variance contingent upon compliance with the Engineering Department's memo of March 18, 2021.

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

Motion Carried

#### COUNCIL REFERRAL:

7. Proposed amendment to Section 1288.04 (3)(d) entitled "Non-Commercial Opinion Signs" of the Zoning Code

A public hearing was scheduled.

Councilman Bentley opened the public hearing and asked for comments.

Mr. Frankland advised there has been a change in the verbiage. The enforcing body of the zoning codes would be the Planning Department rather than the Building Department.

Mr. Myers reviewed the amendment changes concerning the three options offered to the Commission. The Commission chose the more detailed option which included enforcement mechanisms. The proposed ordinance was drafted and is very close to the sample given with the original analysis.

Mr. Myers explained the ordinance would give a liberal definition of what is legal due to preservation of free speech. Reasonable restrictions are defined in terms of size, time of display, location, and the condition of signs. These restrictions apply to all types of signs, regardless of purpose. He said signs that do not fit within the restrictions will be subject to a four-step enforcement process. If there is still a problem after the four-step enforcement process has been utilized, the City will be able to take the sign down but not take it off the property and eventually fine the resident a maximum of \$100.00.

Mr. Myers stressed the importance of free speech, however if a resident is not in compliance, they are given four different opportunities to correct the issue.

Mr. Mazur noted an error on Page 1 in which "swelling" should be changed to "dwelling".

The Commission discussed more permanent signs such as holiday and sports signs and whether they are governed by this ordinance and are subject to review by the Commission.

There were no further comments. Councilman Bentley said the public hearing will remain open.

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

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

Motion Carried

#### BOARD OF ZONING APPEALS:

8. Appeal from Attorney Brian Bonham, representing Liberty Investment Group, 32811 Aurora Road, regarding issuance of a zoning violations letter for prohibited property conditions

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

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

Motion Carried

#### COMMENTS FROM THE AUDIENCE:

There were no phone-in comments from the audience.

COMMENTS FROM THE COMMISSION:

Mr. Newberry wished everyone a happy spring and reminded everyone to get their vaccine.

Councilman Bentley said there have been a few troubling weeks in society with unhealthy ways of expressing anger. He implored all Americans to treat each other humanely and decently and to discuss issues.

Motion by Mr. Newberry, seconded by Mr. Mazur to adjourn the meeting at 9:38 P.M.

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

Motion Carried

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Chairman

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Secretary