

SOLON PLANNING & ZONING COMMISSION
May 11, 2021 – 7:30 P.M.

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

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

Absent: None

Also Present*: Fire Inspector Eisenhuth, Assistant City Engineer Lyndon, Councilwoman Meany, Senior Technology Analyst Walker

*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.

Mayor Kraus said Solon High School students Corey Goodman and Nigel Gore were present for the meeting as part of their senior project.

PENDING:

1. 32450 Cromwell Drive – Goldberg Companies, Inc. – site plan: Councilman Bentley advised the applicant requested to withdraw this item.

2. 31035 & 31135 Cannon Road - PP#'s 951-39-002 & 951-39-003 - Robert & Betty Evans and Morrison & Rebecca Waud – lot split/consolidation: A public hearing was scheduled.

Mr. Stolarsky questioned if the donation mentioned in the Engineering Department's memo was agreed to by the applicant and shown on the plat.

Mr. Lyndon said no and that the applicant conveyed they will consider the donation in the future if the City proposes a project.

NEW:

5. 7430 Royal Portrush Drive - Kenco Homes, Inc. - setback between structures variance: Mr. Ken Ingber, Kenco Homes, Inc. was present and explained his request for a 4' setback variance to allow 30' between two houses.

Mr. Newberry advised he will recuse himself from consideration of this item.

6. 5305, 5315 Fairfield Oval - Suzanne Svette, Executor Sundheim Estate - variance to not combine non-conforming lots of record and driveway without a principle structure variance: As Mr. Chandler, representative for the applicant, proposes to buy the neighboring lot and raze the existing house, Mr. Stolarsky said once the property is purchased and the house is razed, the lot becomes non-conforming and is the reason for the variance.

Councilman Bentley said it was questioned if the request can be made before the property is purchased. He said the answer is yes since permission from the existing property owner was granted.

Mr. Rick Chandler, 5305 Fairfield Oval, was present and explained the purpose of the request is for him to understand what can be built on the lot before he goes through the expense of preparing plans and asked for the Commission's consideration of that element.

It was noted there is no plan before the Commission. Mr. Frankland said the Planning Department memo states a blanket variance was requested but is not recommended to consider until a site plan is submitted.

Mr. Chandler said the houses in the development were built with 10' side yard setbacks which he requests for the proposed house. He indicated based on current Code requirements, he would be left with half of the width of the lot to build upon. He requested a determination as the sale of the property is contingent upon settling the matter and asked that it be considered this evening.

Mr. Frankland said it is outlined in the memo and such approvals in the past were related to an actual proposal for a house. Mr. Stolarsky agreed and questioned if the applicant will build in the same footprint as the current home.

Mr. Chandler said they will select a house that meets the requirements of the Commission, however, they dislike the current footprint. He reiterated other houses in the development have a 10' side yard setback and he believes it will be unusual to require a 20' side yard setback.

Mr. Stolarsky said the other properties are not the required one-acre lot as well and at the appropriate time, the Commission will consider setbacks, however, it cannot be guaranteed.

Mr. Chandler objected and said his request included the side yard setback variance, however, it was omitted from the agenda.

Mr. Stolarsky said requesting variances without a plan does not provide the Commission or the neighbors with a fair understanding of what will occur.

Councilman Bentley indicated he would not be comfortable granting a variance without a site plan.

Mr. Newberry said in similar situations in the past, the Commission requested the applicant provide a plan indicating the new structure and setbacks. He said in the past, the Commission approved variances to the current Code because setback requirements changed. He recommended the applicant provide a plan depicting how the house will fit within the platted setbacks of the lots and request variances for the hardship.

In response to Mr. Chandler's question, Mr. Newberry believes the Commission needs the actual footprint plan shown on the lot. Mr. Greenspan asked if a hand drawn plan could be submitted to avoid extra expense. Mr. Stolarsky said a sufficient plan is needed to allow the Planning Department to determine variances by dimension and for proper notification.

Mr. Mazur and Mayor Kraus recommended the item be tabled until a plan is received.

7. 5330 Brainard Road - Roman & Anna Fedoros - accessory structure area and accessory structure side yard setback variances: Councilman Bentley advised the Commission will consider specific dimensions as identified on the application and not a range and asked if the applicant understood. Mr. Fedoros was present and agreed.

8. 5455 Stone Creek Drive - Stone Creek Development, Inc. – front yard setback and not parallel to the street variances: Councilman Bentley said consideration is given to uniquely shaped lots and noted that a large stream exists in the rear of the property.

COUNCIL REFERRALS:

10. Request received from Daniel Mayer, Brokerage Services/Healthcare to rezone 34575, 34645 and 34675 Aurora Road (PP#'s 954-30-019, 954-30-018 and 954-30-017) from the R-1-C "Single Family Residential" Zoning District to the O-1 "General Office" Zoning District

Mr. Daniel Mayer, Brokerage Services/Healthcare, was present. It was noted a late submission which included drawings was received. Mr. Newberry is satisfied the site plan represents development for the three lots without variances.

The timeframe for submission to the November election was discussed. Mr. Frankland clarified the request will have to be submitted to the Board of Elections by August 3rd.

Mr. Stolarsky said Item 11 relates to this rezoning issue.

Councilman Bentley said Item 11 is a lot to the east of the three lots involved in Item 10. The owner requested to be included in the rezoning of the three lots.

Mr. Mazur asked if there is a plan to build on the lot from Item 11. Mr. Mayer said he does not know.

Mr. Newberry believes Mr. Novy would like to change the property zoning from residential to office zoning.

Mr. Novy was not present.

Mr. Lyndon indicated a parcel to the east of Mr. Novy's is city-owned and questioned if it would be beneficial to include it in the rezoning request as well. He said it contains a swale and an abandoned sanitary sewer.

Mr. Frankland said although it could be added, he did not find a benefit from the City's perspective to rezone the city-owned property as the City may use the property for any public purpose. He said the benefit of including Mr. Novy's property is that it could enable an access onto Aurora Road directly opposite of the Carrington Court access point for alignment purposes.

Mr. Newberry preferred a separate application be submitted for the City-owned property.

The caucus ended at 7:30 P.M. and the meeting began at 7:30 P.M.

CHANGES TO THE AGENDA:

There were no changes to the agenda.

Councilman Bentley welcomed Solon High School students Corey Goodman and Nigel Gore who were present for the meeting as part of their senior project.

COMMENTS FROM THE AUDIENCE REGARDING AGENDA ITEMS:

Mr. Brian Novak, 5295 Fairfield Oval, phoned in comments and indicated his support of the project at 5305/5315 Fairfield Oval.

MINUTES:

Motion by Mr. Mazur, seconded by Mayor Kraus to approve the minutes of the April 13, 2021 meeting as presented.

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

Motion Carried

Motion by Mr. Greenspan, seconded by Mr. Newberry to approve the minutes of the April 27, 2021 meeting as presented.

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

Motion Carried

PENDING:

1. 32450 Cromwell Drive - Goldberg Companies, Inc.
Case# 2021-00096, Ward 2
 - Site plan

Motion by Mr. Mazur, seconded by Mr. Greenspan to accept the withdrawal of Item 1 at the request of the applicant.

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

Motion Carried

2. 31035 & 31135 Cannon Road - PP#'s 951-39-002 & 951-39-003 - Robert & Betty Evans and Morrison & Rebecca Waud
Case# 2021-00114, Ward 5
 - Lot split/consolidation

A public hearing was scheduled.

Councilman Bentley opened the public hearing and asked for comments.

Mr. Nick Marino, Marino Surveying, LLC was present representing the applicant. Mr. Marino explained the Wauds, who own PP# 951-39-003, request to purchase and consolidate the north side of the neighboring property, PP# 951-39-002 owned by the Evans, which is wooded undeveloped land, to increase acreage.

There were no comments, therefore, the public hearing was closed.

Motion by Mr. Newberry, seconded by Councilman Bentley to approve the lot split/consolidation for PP#'s 951-39-002 & 951-39-003 at 31035 and 31135 Cannon Road.

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

Motion Carried

NEW:

3. 32975 Aurora Road - LPV Properties LLC (Birdigo)
Case# 2021-00120, Ward 6
 - Sign type variance
 - 11' sign height variance
 - 4' front yard setback variance

Ms. Linda Nichols, Archer Signs, was present representing the applicant.

Drawings were displayed of the proposed sign. Councilman Bentley said pole signs are rare in the City.

Ms. Nichols explained the request is to place a "Birdigo" sign in the existing pole sign space.

Mr. Greenspan questioned if the pole and base will be replaced. Ms. Nichols said they request to install new faces on the existing cabinet and change to LED lighting. It was clarified the variances requested are for the pole sign and not the building sign.

Councilman Bentley said the sign is grandfathered.

Motion by Mr. Mazur, seconded by Mr. Greenspan to approve a sign type variance.

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

Nay: None

Motion Carried

Motion by Mayor Kraus, seconded by Mr. Newberry to approve an 11' sign height variance.

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

Nay: None

Motion Carried

Motion by Mr. Newberry, seconded by Mr. Greenspan to approve a 4' front yard setback variance.

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

Nay: None

Motion Carried

4. 7135 SOM Center Road - Diamond/First Energy/AT&T
Case# 2021-00121, Ward 2
 - Site plan/cell tower modification

Motion by Mr. Newberry, seconded by Mr. Mazur to schedule a public hearing for May 25, 2021.

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

Nay: None

Motion Carried

5. 7430 Royal Portrush Drive - Kenco Homes, Inc.
Case# 2021-00122, Ward 1
 - 4' setback between structures variance

Mr. Newberry recused himself from consideration of Item 5.

Mr. Ken Ingber, Kenco Homes, Inc. was present. The site plan was displayed and Councilman Bentley indicated the location of the requested variance and said it is a common request for this neighborhood. He indicated his support.

Based on Mr. Newberry's recusal, Mr. Stolarsky advised this item requires the affirmative vote of three Commission members for approval.

Motion by Mr. Mazur, seconded by Mayor Kraus to approve a 4' setback between structures variance contingent upon requirements outlined in the Engineering Department memo of May 5, 2021.

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

Motion Carried

Mr. Ingber agreed to the contingencies of the approval.

6. 5305, 5315 Fairfield Oval - Suzanne Svette, Executor Sundheim Estate
Case# 2021-00123, Ward 5
- Variance to not combine non-conforming lots of record
 - Driveway without a principle structure variance

Councilman Bentley said during Caucus, Mr. Chandler expressed his objection to the omission of his side yard setback request as part of his submitted application.

The site plan was displayed.

Mr. Richard Chandler was present representing the applicant and explained he and Mrs. Chandler made an offer to acquire the neighboring lot at 5315 Fairfield Oval with the purpose of removing the existing structure and replacing it with a new home in conformance with the Code and the Fairfield Estates Homeowners Association covenants and restrictions. He said the offer is contingent upon approval of the requested variances. He is requesting to not consolidate the lots and to leave the driveway in place after the house is removed to mitigate construction vehicles in the neighborhood.

Councilman Bentley further clarified the request is to keep the lots separate in order to build a house on 5305 Fairfield Oval.

As discussed in Caucus, Mr. Chandler requests a 10' side yard setback for the new house which was the original setback at the time the existing home was built. However, the side yard setback was not included in the variances listed. Mr. Chandler would like further guidance. He noted the property abuts the Metroparks and requires a 30' setback. He said combined with a 20' setback on the opposite side, his setback amount would be limited. He believes a 10' setback is reasonable and applies to other homes in the neighborhood.

Mr. Newberry said as stated in Caucus, the Commission does not normally grant a variance to the Zoning Code without a plan that indicates the practical difficulty. He supports the variance to not combine non-conforming lots of record and the driveway without a principle structure variance, with a time frame. He objects to the request for a side yard setback variance without a site plan.

Mr. Chandler understood that along with a variance request, he would have to file detailed plans to get a building permit. Mr. Newberry said that is not the case and Mr. Chandler should return with a plot plan for the parcel indicating the footprint of the proposed house and setbacks.

Mr. Chandler understood.

Councilman Bentley added the Commission cannot approve a blanket variance. He advised it is common that the side yard setback is granted based on the character of the neighborhood, however, a plan is needed.

Mr. Mazur said the City is obligated to inform the surrounding neighbors of variance requests and the variances are unknown. He agreed with Mr. Newberry.

It was the Commission's consensus to table the application to allow time for the applicant to submit a site plan, for the Planning Department to identify variances and for the Clerk to provide notification to abutting and adjacent neighbors.

Motion by Mayor Kraus, seconded by Mr. Mazur to tabled consideration of Item 6.

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

Nay: None

Motion Carried

7. 5330 Brainard Road - Roman & Anna Fedoros

Case# 2021-00124, Ward 5

- 96 sq ft accessory structure area variance
- 5' accessory structure side yard setback variance

The applicant was not present.

Councilman Bentley said it was discussed in Caucus that the site plan did not have specific dimensions. He said the application states 12' x 22'.

It was discussed that the applicant was not present to agree to any contingencies. Councilman Bentley said if the applicant calls back, the Commission will continue with the application this evening.

8. 5455 Stone Creek Drive - Stone Creek Development, Inc.

Case# 2021-00125, Ward 5

- 15' front yard setback variance
- Not parallel to the street variance

Mr. Rick Dinallo, 33165 Solon Road, was present and explained that a stream runs through the property. He said the structure location was chosen to allow space between the two homes and to create space between the stream and the buffer. He said the home is designed to be narrower than other homes in the neighborhood. He said the neighbor to the right agreed to the plan.

Drawings were displayed to indicate the location of the stream and the neighboring home.

Councilman Bentley understands the challenges of unique lots and thanked Mr. Dinallo for his design.

Motion by Mayor Kraus, seconded by Mr. Mazur to approve a 15' front yard setback variance.

Roll Call: Aye: Bentley, Greenspan, Kraus, Mazur, Newberry
Nay: None Motion Carried

Motion by Mr. Newberry, seconded by Mr. Greenspan to approve a not parallel to the street variance contingent upon requirements of the Engineering Department memo of May 5, 2021.

Mr. Dinallo agreed to the contingencies.

Roll Call: Aye: Bentley, Greenspan, Kraus, Mazur, Newberry
Nay: None Motion Carried

Mr. Roman Federos returned to the meeting, therefore, Item 7 was heard.

7. 5330 Brainard Road - Roman & Anna Fedoros
Case# 2021-00124, Ward 5
- 96 sq ft accessory structure area variance
 - 5' accessory structure side yard setback variance

Mr. Federos explained his request for an extra 96 square feet for a proposed shed for storage purposes.

Mr. Newberry said the plan submitted shows a 12' x 20' to 22' building. He believes the variance will accommodate a 22' building. Mr. Federos indicated his understanding that the building should not be more than 22' with a 5' setback variance.

Mr. Stolarsky said there is an Engineering Department memo with requirements that will be a contingency to approval.

Mr. Federos committed to the requirements of the Engineering Department memo indicating drainage is necessary around the entire structure.

Motion by Mr. Newberry, seconded by Mr. Greenspan to approve a 96 sq ft accessory structure area variance contingent upon requirements of the Engineering Department memo of May 5, 2021.

Roll Call: Aye: Bentley, Greenspan, Kraus, Mazur, Newberry
Nay: None Motion Carried

Motion by Mr. Greenspan, seconded by Mr. Mazur to approve a 5' accessory structure side yard setback variance contingent upon requirements of the Engineering Department memo of May 5, 2021.

Roll Call: Aye: Bentley, Greenspan, Kraus, Mazur, Newberry
Nay: None Motion Carried

COUNCIL REFERRAL:

9. 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.

Councilman Bentley requested the item be tabled for further discussion and review.

There were no comments from the public. Councilman Bentley said the public hearing would remain open.

Motion by Mr. Mazur, seconded by Mr. Newberry to table consideration of Item 9.

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

Motion Carried

10. Request received from Daniel Mayer, Brokerage Services/Healthcare to rezone 34575, 34645 and 34675 Aurora Road (PP#'s 954-30-019, 954-30-018 and 954-30-017) from the R-1-C "Single Family Residential" Zoning District to the O-1 "General Office" Zoning District; and

11. Correspondence received from Mr. & Mrs. Eugene Novy to rezone PP# 954-30-016 as part of the previous rezoning issue (Item 10) from the R-1-C Zoning District to the O-1 Zoning District

A public hearing was scheduled.

Councilman Bentley opened the public hearing and asked for comments.

Mr. Stolarsky recommended Item 11 be considered with Item 10 to determine if Mr. Novy's request to rezone his parcel should be combined with Mr. Mayer's rezoning request.

Mr. Novy was not present, however, requested his property be part of the rezoning from residential zoning to office zoning.

Mr. Daniel Mayer, Brokerage Services/Healthcare, was present. Mr. Mayer apologized for the late submission of the proposed plan. He explained he is representing Drs. Pavlick and Reppas, oral surgeons, to acquire the three parcels from three individual owners and request rezoning for the development of their single tenant, owner-user, 5,000 square foot surgery center adjacent to the Heritage Building.

The site plan was displayed and Mr. Mayer explained the proposal includes parking in the front and back and patient pick up on the side of the building.

Councilman Bentley advised the plan is preliminary and would be an appropriate transition in between the larger Heritage Building and the residential area. He said the architectural Western Reserve design will be implemented.

Mr. Newberry indicated the project site plan includes Mr. Novy's parcel. Mr. Lyndon clarified each property and indicated the location of the City's property.

There were no comments, therefore, Councilman Bentley closed the public hearing.

Mr. Mazur supports the proposal and to include Mr. Novy's parcel.

Mr. Lyndon advised the Engineering Department required the applicant to produce any drawings, exhibits, legal descriptions, etc. that would be required by the Board of Elections.

Motion by Mr. Newberry, seconded by Mr. Mazur to recommend to the Council the rezoning of PP#'s 954-30-019, 954-30-018, 954-30-017 and 954-30-016 from the R-1-C "Single Family Residential" Zoning District to the O-1 "General Office" Zoning District.

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

Nay: None

Motion Carried

It was clarified there are four property owners but Mr. Novy is representing himself.

Mr. Mayer asked if Mr. Novy does not produce documents for the Board of Elections, will his clients' rezoning request be affected.

Mr. Stolarsky said these issues are premature at this point until the Council determines to submit the rezoning to the Board of Elections.

Mr. Mayer asked if it could create complications for his request as he is not affiliated with Mr. Novy. Mr. Stolarsky said no, it does not.

Councilman Bentley questioned if the motion needs to be amended and Mr. Stolarsky advised the Council will make the determination if they forward the rezoning to the ballot.

Mr. Newberry suggested Mr. Mayer contact Mr. Novy as they all have a common goal.

COMMENTS FROM THE AUDIENCE:

There were no comments from the audience.

COMMENTS FROM THE COMMISSION:

Mayor Kraus thanked Councilwoman Meany, Corey Goodman and Nigel Gore for joining the meeting. He is pleased the senior project program has returned and explained the many department meetings and events the students have and will participate in. He hopes the students will return to Solon in the future.

Mayor Kraus congratulated the Solon High School Class of 2021.

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

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

Motion Carried

Chairman

Secretary