

SOLON PLANNING & ZONING COMMISSION
June 15, 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, Planner Parks, Secretary Letourneau

Absent: None

Also Present*: Director of IT Gibbs, Assistant City Engineer Lyndon, Vice Mayor Meany, Fire Inspector Wolf, Councilman Zelwin

*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.

Councilman Bentley explained this will be the last Zoom meeting. It was discussed that for any application approved this evening, the applicant is required to attend the June 21st Council meeting in person.

Mr. Stolarsky explained a quorum is necessary for approval, therefore, if an applicant prefers, they may request to be tabled until a full Commission is present.

**Mr. Mazur joined the meeting at 7:30 P.M.; lost connection at 8:12 P.M. and re-connected at 8:45 P.M. for the duration of the meeting. Due to these technical difficulties, Mr. Mazur abstained from the vote for certain items.

PENDING:

1. 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: Councilman Bentley explained new material was submitted and provided a brief background of the application. Mayor Kraus asked the impact of the Cleveland Metroparks letter submitted. Mr. Stolarsky explained the Metroparks' objection is to the driveway setback variance, however, the driveway will not be moved.

NEW:

2. 29495 F.A. Lennon Drive/29500 Solon Road - PP#'s 953-11-001 & 953-11-002 - Swagelok Company, f/k/a Crawford Fitting Co. - lot consolidation: Item number two in the Engineering Department memo of June 9, 2021 was removed as a contingency.

4. Portz Parkway - PP# 954-35-005 - Solon Park Apartments III/City of Solon - lot split: The lot split is part of the process to auction property for the proposed special needs development.

6. 35625 Spicebush Lane - David W. Biggers - accessory structure location variance: Approval of a storage pod in the front yard was requested due to reconstruction of the home after a fire. Councilman Bentley suggested a time limit be placed on approval.

7. 6146 Liberty Road - Rabih Makdessi - number of accessory structures variance (to permit 2 additional): Councilman Bentley said there is an issue with a detached patio.

Mr. Makdessi was present and said a fire pit will be removed near the deck and replaced with a gazebo.

Councilman Bentley said the detached patio may be an issue. Mr. Parks advised detached patios have not been permitted historically, therefore, variances for this have not been addressed.

Mr. Stolarsky said the detached deck is more of a use issue rather than a variance.

9. 37370 Windy Hill Lane - Johnanna Griffin & Trevor Baker - accessory structure location variance: Councilman Bentley explained several complaints were received by neighbors. After a review of the property, it was determined work was done before a permit was issued for certain items.

Ms. Griffin was present and explained she received verbal permission for the work in her front yard last year, however, the proposed fountain was not discussed. However, she did not receive permission in writing. Ms. Griffin said she received much miscommunication between former and current City employees which caused confusion. She indicated she would like something in writing regarding interior work she would like to do. Ms. Griffin believes the issues with the neighborhood are a result of a dispute with one neighbor.

Councilman Bentley indicated the Planning Commission can only address the item before it and that the permit process protects the homeowner.

Mr. Stolarsky said a past employee with years of experience would not have permitted building in the right-of-way.

10. 36425 Churchill Drive - Allison & Daniel Kronenfeld - rear yard setback and number of accessory structures variance (to permit 1 additional): Councilman Bentley said the request is to build a fire pit on an irregular shaped lot.

The caucus ended at 7:30 P.M. and the meeting began at 7:31 P.M.

CHANGES TO THE AGENDA:

There were no changes to the agenda.

COMMENTS FROM THE AUDIENCE REGARDING AGENDA ITEMS:

There were no comments.

MINUTES:

Motion by Mr. Newberry, seconded by Mr. Mazur to approve the minutes of the May 25, 2021 meeting as presented.

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

Motion Carried

PENDING:

1. 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
 - 10' side yard setback variance
 - 20' street side yard setback variance
 - 15' rear yard setback variance
 - 8' pavement side yard setback variance

Councilman Bentley explained a new site plan was received. Also received was correspondence from the Cleveland Metroparks.

Mr. Richard Chandler, 5305 Fairfield Oval, was present and explained the requested variances. Mr. Chandler advised their intent is not to consolidate the lots if they choose to buy the neighboring property, raze the current home and build a new home.

An aerial view of the property was displayed. Councilman Bentley considered the property a corner lot based on its location to the Metroparks.

Mr. Chandler said in order to build a new house on the property, he requests a variance to not combine the lots. He does not want to change the plat that has been the same for 42 years. In order to accomplish the building of a new home, he needs to be permitted to revert to the setbacks that were in place at the time of the development of Fairfield Oval. He believes the setbacks he is requesting are

typical of other properties on Fairfield Oval. Mr. Chandler referred to a listing with the setbacks for various properties on Fairfield Oval.

Mr. Chandler said the 10' side yard setback variance is of particular importance as the property abuts the Metroparks where there is a deed restriction of 30'. It will be possible to build a new home but only if the 10' side yard setback variance is approved on the opposite side otherwise over half of the lot would be used for setbacks.

Mr. Chandler said he is asking to maintain the driveway without a principle structure to make it more convenient for access and to reduce the amount of dirt and dust that might disturb the neighbors during construction. However, he will remove the request for the variance if it is so deemed. Mr. Chandler believes it would make more sense to get the variance and maintain the driveway.

Mr. Chandler said the 20' street side yard setback variance is more of a technical variance as it was explained to him. This is due to the Metroparks being adjacent to the property and Hawthorn Parkway being the closest street, therefore, a variance is necessary.

Mr. Chandler explained the 15' rear yard setback variance is to accommodate a screened-in porch which he believes will have little impact to the neighbor in the rear yard.

The 8' pavement side yard setback variance is for the garage apron which is within a couple of feet of the Metroparks' property line and is still compliant with their deed restrictions.

A copy of the most recent revised house site plan was displayed. Mr. Chandler said the driveway has been reduced but the apron remains at full width. The location of the screened-in porch was noted.

Mayor Kraus believed the practical difficulty is that the variances are necessary to build the house.

Mr. Chandler explained the items to consider when re-developing this property such as it is a half-acre lot that they are trying to re-develop under a previous version of the code with different setback requirements and the current requirement for the 20' street side yard setback is not appropriate for a lot this size. Compounding the problem is the property is adjacent to the Metroparks, which has a required 30' setback for structures. He said if the 30' setback and the 20' setback are added together, there is only 42% of the total property's width, which is too constricting. He believes in order to develop this property by razing the current home, it is necessary to build a higher end property and the requested variances are necessary. He said the 10' side yard setback is necessary to conform with the neighborhood.

Mr. Stolarsky concurred that the setback variances are necessitated based on the zoning requirements and lot sizes. He explained the Chandlers own the property next to the property requesting the side yard setback request.

Councilman Bentley said variances will be necessary for placement on the lot. He found it is common in the neighborhood for properties to be against the lot line.

Mr. Stolarsky said variances expire after one year, however, he suggested a contingency with a time limit be added to the variance to not combine non-conforming lots of record and driveway without a principle structure variance.

Mr. Chandler had no objection.

Mayor Kraus asked if Mr. Chandler prefers to keep the driveway without a principle structure variance. Mr. Chandler preferred to proceed with the variance.

Mr. Newberry preferred to see a site plan before voting on the side yard setback from the Metroparks' property. He questioned if the requested side yard setback on the Metroparks' side is appropriate in regard to space for proper drainage because there is no information on grading on the site plan. Mr. Newberry clarified to Mr. Chandler that the site plan will need to show drainage around the house. Mr. Chandler said he will address any drainage issues, if necessary.

Mr. Mazur asked the proposed square footage of the existing house and proposed house. Mr. Chandler said the proposed house is a little over 4,200 square feet and he was unaware of the existing house's square footage. He noted the largest house in the neighborhood is over 4,200 square feet.

Mr. Mazur asked if Mr. Chandler intends to move into the house. Mr. Chandler said it is possible, but unknown at this time.

Mr. Mazur questioned the initiative and is concerned the lot may remain vacant for a long period of time. Mr. Chandler said the plan is to begin construction when a builder is chosen, site plans are submitted to the City and the work is scheduled. He said he has no interest in an empty lot next to his house. He said the goal is a retirement home for him and his wife that is ADA compliant, however, it may also be rented for a few years. He clarified to Mr. Mazur the first proposal for a recreational space was his first choice for the property and to remove a deteriorating property that will reduce values in the neighborhood.

Placing time limits on certain variances was discussed. Mr. Stolarsky said a time provision could be applied as a contingency. Councilman Bentley agreed with a time limit on the first two items.

Councilman Bentley said Councilwoman Meany and Councilman Zelwin were present.

Mr. Greenspan indicated his support of the setback variances and a time limit on certain variances. He asked Mr. Lyndon to discuss drainage. Mr. Lyndon agreed

with Mr. Newberry and said without a site plan, it is only known where drainage exists now. He said if the variance is approved, Mr. Chandler will be responsible for drainage issues and he may have to return to the Planning Commission for further approvals.

Mr. Mazur is concerned a house will not be built after variance approval and the lot will remain vacant.

Mr. Stolarsky said if the house is not built and variances expire, the lot is not buildable and lots will need to be combined. Mr. Stolarsky said it is the applicant's right to buy the lot and remove the house without building a new house.

Councilman Bentley said if the variances expire, the applicant will need to remove the driveway.

Mr. Newberry said the non-conforming lot variance will need a time limit.

Mr. Chandler advised the construction business is experiencing delays and asked that it be considered. Mr. Stolarsky said the time limit will still expire after one year.

Councilwoman Meany questioned if the Chandlers plan to raze the house immediately. Mr. Chandler said they prefer to leave the lot as is until a builder is ready to proceed. Councilwoman Meany agreed. She added that most of the residents of the neighborhood support the Chandlers' proposal. She questioned the content of the Metroparks' comments. Mr. Stolarsky said they objected to one variance.

The Commission agreed to a time limit on the variance to not combine non-conforming lots of record and the driveway without a principle structure variance.

Motion by Mr. Newberry, seconded by Mr. Greenspan to approve a variance to not combine non-conforming lots of record for 5305 and 5315 Fairfield Oval contingent upon expiration of the variance 12 months from Council's approval.

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

Nay: None

Motion Carried

Motion by Mr. Greenspan, seconded by Mr. Newberry to approve a driveway without a principle structure variance for 5315 Fairfield Oval contingent upon expiration of the variance 12 months from Council's approval.

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

Nay: None

Motion Carried

Motion by Mayor Kraus, seconded by Mr. Mazur to approve a 10' side yard setback variance.

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

Nay: None

Motion Carried

Motion by Mr. Greenspan, seconded by Mr. Mazur to approve a 20' street side yard setback variance.

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

Motion Carried

Motion by Councilman Bentley, seconded by Mr. Greenspan to approve a 15' rear yard setback variance.

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

Motion Carried

Motion by Councilman Bentley, seconded by Mayor Kraus to approve an 8' pavement side yard setback variance.

Roll Call: Aye: Bentley, Greenspan, Kraus
Nay: Newberry
Abstain: Mazur**

Motion Carried

The variances were all approved contingent upon compliance with the Engineering Department's memos of May 5, 2021 and June 9, 2021.

Ms. Linda Gerhart, 5310 Fairfield Oval, said she has been unable to view the live meeting. In response to Ms. Gerhart's question regarding the status of Item 1, Councilman Bentley advised the vote was completed and the variances were approved.

Ms. Gerhart indicated her objection to the variances and believes the project will be a disruption. She is disappointed the variances were granted and that the property will be a "blank slate". She is disappointed the existing house will be razed and believes the applicant could have purchased the house much earlier.

Mr. Stolarsky advised Ms. Gerhart that she will be able to make comments regarding this item at the June 21, 2021 Council meeting.

NEW:

2. 29495 F.A. Lennon Drive/29500 Solon Road - PP#'s 953-11-001 & 953-11-002 - Swagelok Company, f/k/a Crawford Fitting Co.
PCPC# 2021-00134 - Ward 7
 - Lot consolidation

A public hearing was scheduled.

Councilman Bentley opened the public hearing and asked for comments.

Councilman Bentley said item number two was removed from the Engineering Department memo of June 9, 2021.

Mr. John Monroe, Mansour Gavin Law Firm, was present representing the applicant. Mr. Nick Dolchak, Director of Swagelok Global Headquarter and Facilities and Adam Cornett, internal attorney with Swagelok were also present.

Mr. Monroe explained the request to consolidate PP# 953-11-001 containing detention basins with PP# 953-11-002 to comply with the Code, create a lot containing 90 acres in size and to allow the certificate of occupancy issued.

The site plan was displayed. Mr. Monroe indicated the location of the headquarters building and the lot to be consolidated.

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

Mr. Newberry asked if the applicant will comply with the requirements of the Engineering Department memo. Mr. Monroe said yes and they intend to file a deed with the consolidated parcel for the official record.

Mayor Kraus commended Swagelok for working with the Engineering Department on the headquarters project.

Mr. Stolarsky said the contingency removed from the Engineering Department memo was for an easement to the City for a proposed 10' multi-purpose trail, however, the issue will be discussed at some point in the future.

Motion by Mr. Newberry, seconded by Mayor Kraus to approve the lot consolidation of PP#'s 953-11-001 and 953-11-002 located at 29495 F.A. Lennon Drive/29500 Solon Road for Swagelok contingent upon requirements in the Engineering Department's memo of June 9, 2021 (excluding item no. 2 of the memo).

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

Nay: None

Abstain: Mazur**

Motion Carried

3. 34530 Pettibone Road - Larry A. Jones, Sr.
PCPC# 2021-00135 - Ward 1
 - 15' side yard setback variance
 - 25' cumulative side yard setback variance
 - 13' front yard setback variance

Mr. Larry A. Jones was present. Mayor Kraus welcomed Mr. Jones, who is also a judge, to Solon.

Mr. Jones explained his request to build a home on an 83' wide lot. He said the purchase agreement is contingent upon approval of the variances. Mr. Jones agreed to the contingencies outlined in the Engineering Department memo of June 9, 2021.

The site plan was displayed. Councilman Bentley said other lots on the street are close to the property line.

Mr. Newberry said the front setback was measured perpendicular to the right-of-way line and is why a variance is needed.

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

As Mr. Mazur was having technical difficulties and was not part of the discussion, he recused himself from voting for Item 3.

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

Motion by Mayor Kraus, seconded by Mr. Newberry to approve a 25' cumulative side yard setback variance.

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

Motion by Mr. Newberry, seconded by Mr. Greenspan to approve a 25' cumulative side yard setback variance contingent upon compliance with requirements of the Engineering Department memo of June 9, 2021.

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

4. Portz Parkway - PP# 954-35-005 - Solon Park Apartments III/City of Solon
PCPC# 2021-00136 - Ward 6
 - Lot split

A public hearing was scheduled.

Councilman Bentley opened the public hearing and asked for comments.

The site plan was displayed. Mr. Lyndon explained the request to split a lot owned by Solon Park Apartments to be purchased by the City for the extension of Clearwater Court to connect to Portz Parkway. He said a purchase agreement and right-of-entry is in place to begin construction.

Mr. Stolarsky advised the City will need to file a consolidation plat. Mr. Lyndon understood and said he will comply with the requirements of the Engineering Department memo of June 9, 2021.

Motion by Councilman Bentley, seconded by Mr. Mazur to approve a lot split for PP# 954-35-005 for Solon Park Apartments.

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

5. 39650 Aurora Road - Aleksey & Vicktoria Kotov
PCPC# 2021-00137 - Ward 1
- 22' rear yard setback variance

Ms. Vicktoria Kotov was present. A site plan was displayed and Ms. Kotov explained the proposal to add onto an existing patio. Councilman Bentley advised the lot is irregular shaped and the rear yard backs up to woods.

Motion by Mr. Mazur, seconded by Mr. Greenspan to approve a 22' rear yard setback variance.

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

Motion Carried

As the Engineering Department memo contingency was omitted from the motion, a new motion was made.

Motion by Mr. Mazur, seconded by Mr. Greenspan to approve a 22' rear yard setback variance contingent upon the requirements of the Engineering Department memo of June 9, 2021.

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

Motion Carried

6. 35625 Spicebush Lane - David W. Biggers
PCPC# 2021-00138 - Ward 6
- Accessory structure location variance

The applicant was not present. Councilman Bentley explained the request to permit a storage pod on the property due to a house fire and renovation of the home.

Due to questions regarding the application, Mr. Stolarsky suggested the item be tabled.

Motion by Mr. Mazur, seconded by Mr. Greenspan to table consideration of the Item 6.

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

Motion Carried

7. 6146 Liberty Road - Rabih Makdessi
PCPC# 2021-00139 - Ward 4
- Number of accessory structures variance (to permit 2 additional)

Mr. Makdessi was present and explained the request to remove a fire pit near an existing deck and replace it with a gazebo.

Councilman Bentley identified an existing shed and fire pit with seating on the site plan. He clarified closer to the house is a detached deck with a fire pit that will be removed and replaced with a gazebo.

It was discussed the variance is to permit two additional accessory structures consisting of an existing fire pit and gazebo.

An existing concrete area with benches was discussed. Based on Mr. Stolarsky's review, Mr. Newberry believed it was not an issue the Planning Commission would consider. Mr. Stolarsky said the concrete area is not before the Planning Commission this evening and that he would need to discuss it with the Planning Department. He said although it is probably an impermissible use, there is no code provision for detached patios.

Motion by Mr. Mazur, seconded by Mr. Greenspan to approve a number of accessory structures variance (to permit 2 additional) contingent upon the requirements of the Engineering Department memo of June 9, 2021.

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

Motion Carried

8. 33764 Canterbury Road - Denise Hejduk
PCPC# 2021-00140 - Ward 1
- 6' side yard setback variance

Mr. Ken Hejduk was present representing the applicant. The site plan was displayed and Mr. Hejduk explained the proposal to replace a deck that was removed with a larger deck that will require a variance based on the required setback variance. He said the neighboring lot is vacant and unbuildable and he believes no other properties will be impacted by the proposal.

Mr. Hejduk agreed to the requirements in the Engineering Department's memo of June 9, 2021.

Motion by Councilman Bentley, seconded by Mr. Newberry to approve a 6' side yard setback variance contingent upon compliance with the Engineering Department's memo of June 9, 2021.

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

Motion Carried

9. 37370 Windy Hill Lane - Johnanna Griffin & Trevor Baker
PCPC# 2021-00141 - Ward 3
- Accessory structure location variance

Ms. Johnanna Griffin was present and explained the proposal to install a fountain on a concrete base in the front yard. She said there is no plumbing or electrical work involved and she may or may not install a pump that operates on solar energy.

Councilman Bentley identified the location of the proposed fountain and a walkway and Ms. Griffin identified additional statues in the four corners of the front yard and pavers installed.

Mr. Stolarsky requested Mr. Parks explain the definition of structure. Mr. Parks said anything erected on a means of support is considered a structure, therefore, anything man-made such as the walkway, the fountain area, the statues and the benches.

Mr. Stolarsky said the variance is to allow the structures in the front yard. Mr. Parks concurred. Mr. Stolarsky asked if a number of structures variance is necessary and Mr. Parks explained the Planning Department determined a number of structures variance would not be pursued.

Mr. Stolarsky requested Mr. Lyndon explain the City's policy of structures in the City right-of-way. Mr. Lyndon said the City's policy is no obstructions in the right-of-way due to safety factors. He advised a drainage study will begin on Creekside Trail to the west and that the existing sidewalk to the east will be extended to Creekside Trail, therefore, no structures can be in the right-of-way. He added that there is a 10' utility easement for underground utilities behind the right-of-way and the utility companies will enforce their rights when needed by removing any obstructions if work is deemed necessary.

The utility easement and right-of-way were identified on a map. Mr. Lyndon reiterated no obstructions may be added to the right-of-way and it is not recommended to place obstructions on the utility easements.

Councilman Bentley advised the items that will need to be removed and questioned if a surveyor may be necessary. Mr. Lyndon said a surveyor would identify property lines, however, the City may be able to assist in finding property pins.

Mr. Newberry does not support relying on a photograph to identify property lines.

Ms. Griffin advised multiple neighbors also have items in the right-of-way.

Mr. Stolarsky said specific issues in regard to other properties can be brought to the City's attention, however, the issue before the Commission involves this property.

Councilman Zelwin said the sidewalk extension is pending the results of the stormwater study on Creekside which will take some time. However, he believes other items in the right-of-way on other properties are not comparable with this property.

Mr. Mazur asked if the statues and benches are to be removed.

Councilman Bentley advised the applicant the items in the right-of-way need to be removed. He said accessory structures are usually approved for the back yard.

Mr. Mazur said all the structures are included in addition to the fountain. Mr. Stolarsky concurred. The applicant believed only the fountain was the issue. It was reiterated that any man-made structure is included. Mr. Baker was present and said he understood.

Councilman Bentley said the walkway leading from the house to the street is considered a structure as it connects to the road rather than the driveway. The pavers of the four triangles in each corner of the front yard are considered landscaping material and are permitted.

Mr. Newberry preferred a motion be made in the positive contingent upon requirements of the Engineering Department memo and to ensure the applicant understands that the items in the right-of-way other than landscaping need to be removed immediately whether or not the variance is approved and that the City does not recommend placing items in the utility easement. If the variance is denied, then all items considered to be structures need to be removed.

Mr. Lyndon said the Engineering Department employees are not qualified surveyors and identified property pins are not guaranteed to be the legal property boundary as they can be moved. He said surveyors will include notes as to whether a pin is off the actual location by a certain distance.

Motion by Mr. Newberry to approve an accessory structure location variance contingent upon the front property line be surveyed by a licensed surveyor, any structure above ground not considered landscaping be removed and compliance with requirements of the Engineering Department memo of June 9, 2021.

Councilman Bentley was unsure of the motion. Mr. Newberry said the other option is to make the motion to approve contingent on the Engineering Department memo.

There was no second to the motion, therefore, there was no vote.

There was additional discussion on details to be included in the motion.

Mr. Lyndon said in the past, a survey was not required for similar situations, however, for any structure against the right-of-way, it is suggested a survey be requested.

Motion by Councilman Bentley, seconded by Mr. Mazur to approve an accessory structure location variance contingent upon compliance with requirements of the Engineering Department memo of June 9, 2021.

Roll Call: Aye: None

Nay: Bentley, Greenspan, Kraus, Mazur, Newberry Motion failed

Mr. Stolarsky advised the applicant's right to appeal and the procedure involved.

10. 36425 Churchill Drive - Allison & Daniel Kronenfeld
PCPC# 2021-00142 - Ward 4
- 30' rear yard setback variance
 - Number of accessory structures variance (to permit 1 additional)

Mr. Kronenfeld was present and explained the proposal to install a fire pit and pergola. He said there is an existing shed on the property. He noted the back yard is wooded and screened and would not be visible to neighbors. The site plan was displayed.

Councilman Bentley explained the shape of the lot is irregular and is the reason for the rear yard setback variance request.

Mr. Mazur noted a Fire Department memo was received. Inspector Wolf explained the details included in the Fire Department memo.

Mr. Kronenfeld advised the recommended height for the pergola will be researched.

Motion by Mr. Newberry, seconded by Mr. Mazur to approve a 30' rear yard setback variance.

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

Nay: None

Motion Carried

Motion by Mr. Greenspan, seconded by Councilman Bentley to approve a number of accessory structures variance (to permit 1 additional) contingent upon requirements of the Fire Department memo of June 9, 2021 and the Engineering Department memo of June 9, 2021.

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

Nay: None

Motion Carried

COUNCIL REFERRAL:

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

No new material was received.

Motion by Mr. Newberry, seconded by Mr. Greenspan to table consideration of Item 11.

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

Nay: None

Motion Carried

COMMENTS FROM THE AUDIENCE:

There were no comments from the audience.

COMMENTS FROM THE COMMISSION:

Mr. Greenspan wished everyone a happy Fourth of July holiday.

Mr. Newberry commended everyone involved for their efforts conducting meetings via Zoom.

Mr. Lyndon wished everyone happy Father's Day and a happy Fourth of July holiday.

Inspector Wolf looks forward to meeting in-person and to the Fourth of July fireworks display.

Councilman Zelwin thanked Mr. Lyndon and Mr. Parks for their assistance.

Mr. Gibbs indicated his pleasure in attending Planning Commission meetings.

Councilman Bentley thanked Mr. Gibbs and his department for operating the Zoom meetings. He wished everyone a happy Fourth of July holiday.

In regard to masks, Councilman Bentley advised everyone should do what is comfortable to them.

Mayor Kraus commended Mr. Gibbs and the IT Department for their efforts in conducting Zoom meetings.

Mayor Kraus said the first Farmers Market will be held on Wednesday, June 23, 2021 starting at 3:00 P.M. at the Historical Society.

Motion by Mr. Newberry, seconded by Mr. Mazur to adjourn the meeting at 9:54 P.M.

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

Motion Carried

Chairman

Secretary