

**SOLON PLANNING & ZONING COMMISSION**  
**July 13, 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\*: Assistant City Engineer Lyndon, Fire Inspector Eisenhuth

**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.

**PENDING:**

1. 35625 Spicebush Lane – David W. Biggers – accessory structure location: Approval of a storage pod in the front yard was requested due to reconstruction of the home after a fire. The Biggers were present and explained that their contractor is trying to coordinate a schedule for the completion of the project. There have been difficulties getting the construction supplies necessary to complete the project because of the pandemic. The Commission discussed a time limit for approval of the variance.

**NEW:**

2. 29001 Solon Road – 29001 Solon Road, LLC – sign area variance and number of wall signs variance: The Commission discussed the location of the business. There was no representative present during the Caucus.

3. 5467 Brainard Road – Matthew John Adornetto – detached garage area variance, side yard setback variance and rear yard setback variance: Councilman Bentley said this application is to remove an existing garage and construct a new one. Mr. Adornetto was present.

4. 6639 Edgemoor Avenue – Scott and Anne Barto – side yard setback variance: Councilman Bentley said this property is a corner lot and the Commission gives a little more flexibility to applicants when considering a corner lot. There was no representative present during the Caucus.

5. 33755 Station Street – Shibley Properties – pavement side yard setback variance: Mr. Ted Vitale, Vitale Asphalt, was present representing the applicant.

Mr. Lyndon spoke with Mr. Vitale prior to the Caucus regarding the request to re-pave the parking lot up to the neighboring property. Mr. Lyndon said this was not indicated on the application and has not been reviewed accordingly.

Councilman Bentley said additional information will be necessary to review the application appropriately; such as, striping, parking space layout, possible changes to storm water calculations and possibly a cross-access agreement will be necessary. He said this application will be tabled.

Mr. Lyndon suggested Mr. Vitale meet with Mr. Parks to determine if any additional variances will be necessary. Mr. Vitale said he will do so and return for the July 27<sup>th</sup> meeting.

6. 6020 Enterprise Parkway – WOMOB Fresenius Solon, LLC – front yard setback variance: Councilman Bentley said this application is to install awnings at the entrances. In addition, a color variance will be added to the application. There was no representative present during the Caucus.

7. 33885 Country View Lane – Ronald and Kim Hands – number of accessory structures variance, accessory structure area variance and a rear yard setback variance: The Commission clarified the locations of accessory structures on the property. There was no representative present during the Caucus.

8. 7455 SOM Center Road – Carl and Maria Klein – accessory pavement area variance: Councilman Bentley said this is an application for a driveway turnaround. There was no representative present during the Caucus.

9. 7527 SOM Center Road – Olie and Jen Pannell – front yard setback variance, a side yard setback variance and a revised site plan has been submitted for a new home proposed to be built: Mr. Stolarsky clarified the variance is for a 1' 3" front yard setback variance.

In response to Councilman Bentley's question, Ms. Rebecca Pantuso, Pantuso Architecture, who was present representing the applicant, said the new house will not be located in the same footprint as the current house. The house will be located farther from the road.

Ms. Pantuso said the current house has been added onto numerous times and this was considered, however, it was determined that the best method would be to construct a new house.

Mr. Lyndon said the existing driveway is considered to be the best location for this parcel. The proposal is to relocate the driveway further west but there is an existing manhole in that location which will require long-term maintenance. He believes the existing sewer lateral is in that location as well.

Ms. Pantuso said the applicant is trying to maintain as much back yard as possible. However, they will attempt to divert the driveway away from the manhole and the sewer lateral once they have approval for the house variances.

10. 33700 Aurora Road – Olympic Restaurants, LLC – free standing sign design variance and a free standing sign material variance: Councilman Bentley said it was determined that this item would need to be tabled. Mr. Peter Moissis, representing Olympic Restaurants, LLC, was present and requested to discuss the item further. Councilman Bentley said further discussion will take place during the meeting.

11. 33000 Solon Road – City of Solon (Verizon Wireless) – cell tower modification. The representative from Strategis was not present during the Caucus.

The caucus ended at 7:27 P.M. and the meeting began at 7:31 P.M.

Councilman Bentley informed applicants that if there are contingencies associated with their application, they will be asked to agree to them prior to approval of the variances by the Commission.

#### CHANGES TO THE AGENDA:

There were no changes to the agenda.

#### COMMENTS FROM THE AUDIENCE REGARDING AGENDA ITEMS:

Ms. Nicole Pride-Allen, 7533 SOM Center Road was present. She explained that she is a neighbor to the Pannell's at 7527 SOM Center Road, Item 9 on the agenda. Ms. Pride-Allen said she is excited about their proposal to build a new home but wants assurance that the flooding issues between their two properties will be addressed and the water will be re-routed to the manholes. She said currently there are two pipes located in the Pannell's yard and one in her yard which drain into her yard and flood her basement. Ms. Pride-Allen displayed photos of her flooded yard and a photo of her standing in the water to indicate the depth.

Ms. Pride-Allen displayed a photo indicating the two pipes from the Pannell's yard and the pipe in her yard that drain into her yard. She asked that the pipes be re-routed so as not to overwhelm her yard with water.

Councilman Bentley said the Engineering Department will review drainage during the construction of the new home and will determine where the pipes need to drain to ensure they do not drain onto Ms. Pride-Allen's property.

#### MINUTES:

Motion by Mr. Mazur, seconded by Mr. Newberry to approve the minutes of the June 15, 2021 meeting as presented.

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

Nay: None

Motion Carried

PENDING:

1. 35625 Spicebush Lane – David W. Biggers  
PCPC# 2021-00138 – Ward 6
  - Accessory structure location variance

Mr. and Mrs. Biggers were present and Mr. Biggers explained that they had a fire at their home. He explained that it took some time to negotiate with the insurance company to determine what expenses would be covered. Once this was determined and a contractor was found, COVID-19 prevented them from moving ahead with the reconstruction. Mr. Biggers explained while they stored some of their belongings off-site, they have been using a pod in their driveway to store a few of their household items.

Mr. Biggers explained that it has been difficult due to shortages during COVID-19 to obtain the necessary materials and appliances in order to continue with the reconstruction process now that the contractor is able to continue with the reconstruction. Mr. Biggers said his contractor is trying to determine a schedule now that he is able to access the necessary supplies again and part of the arrangement includes maintaining the pod in the driveway to store materials and supplies.

Motion by Mr. Newberry, seconded by Mr. Mazur to approve an accessory structure location variance for the storage pod to remain in the driveway for a period of one year (expires July 19, 2022).

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

Motion Carried

NEW:

2. 29001 Solon Road – 29001 Solon Road, LLC  
PCPC 2021-00143 – Ward 5
  - 136.6 sq ft sign area variance
  - Number of wall signs variance (to permit one additional)

As there was no representative present for Item 2, the Commission determined it would be tabled.

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

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

Motion Carried

3. 5467 Brainard Road – Matthew John Adornetto  
PCPC 2021-00144 – Ward 5
  - 140 sq ft detached garage area variance
  - 5' side yard setback variance
  - 4' rear yard setback variance

Mr. Matt Adornetto was present and displayed a site plan of his property. He indicated the location of a dilapidated building he plans to remove. Mr. Adornetto indicated the approximate area of a proposed new garage. He explained that the property slopes so he is trying to get the new building on the area of property adjacent to the driveway that is the flattest.

Mr. Adornetto indicated the driveway and requested to also add some pavement to the driveway to make it easier to maneuver vehicles because of the drop off into a ravine, especially in the winter.

Mr. Newberry believes the change to the driveway is not a significant change.

Councilman Bentley said providing Mr. Adornetto adheres to the approved setbacks, he is able to place the garage where it is the flattest.

Mr. Parks said it appears that a section of the driveway will be eliminated, and, if so, additional variances will be unnecessary.

Mr. Adornetto said he does plan to eliminate a section of the driveway but wishes to extend it in another area on the east side.

Mr. Parks said this will likely create the need for a side yard setback variance for the driveway. In response to Councilman Bentley's question regarding determining that variance now, Mr. Parks said the measurements to the side yard property line are not provided, therefore, he cannot make a determination.

Mr. Stolarsky said the variances being considered can be addressed for the new garage but this does not include any additional pavement for the driveway.

Mr. Lyndon said it is stated in the Engineering Department memo that any work to be done to the driveway would require a driveway permit, which is separate from the variances requested for the garage. At the time of the permit request, it will be reviewed and determined by the Planning Department if a variance is necessary. If it is found that a variance is necessary, the applicant will have to return to the Planning Commission with a new application for the driveway.

Mr. Newberry requested clarification from Mr. Parks for the setback variances.

Mr. Parks explained the setback variances are for the shed in the northeast section of the lot as it was reviewed and determined to be a non-conforming structure.

Motion by Mr. Greenspan, seconded by Mayor Kraus to approve a 140 sq ft detached garage area variance contingent upon compliance with the Engineering Department memo dated July 2, 2021.

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

Motion Carried

Motion by Mr. Mazur, seconded by Mr. Newberry to approve a 5' side 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 4' rear yard setback variance.

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

Motion Carried

Mr. Adornetto advised he will be unavailable to attend the July 19<sup>th</sup> Council meeting. He asked if the item can be approved without his presence or with a representative present. It was determined that if the application is placed on the Consent portion of the Council agenda, it would be allowed.

4. 6639 Edgemoor Avenue – Scott and Anne Barto  
PCPC 2021-00145 – Ward 7
  - 5' side yard setback variance

As there was no representative present for Item 4, the Commission determined it would be tabled.

Motion by Mr. Mazur, seconded by Mr. Newberry to table consideration of Item 4.

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

Motion Carried

5. 33755 Station Street – Shibley Properties  
PCPC 2021-00146 – Ward 6
  - 15' pavement side yard setback variance

Councilman Bentley said Mr. Vitale was in attendance for the Caucus and it was determined that additional variances will be necessary so the item will be tabled tonight. Mr. Vitale will contact the Planning Department to review what information is necessary to determine the variances and will return for the July 27<sup>th</sup> meeting.

Motion by Mr. Newberry, seconded by Mr. Greenspan to table consideration of Item 5.

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

Motion Carried

6. 6020 Enterprise Parkway – WOMOB Fresenius Solon, LLC  
PCPC 20221-99147 0 Ward 6
  - 10' front yard setback variance
  - Color variance

As there was no representative present for Item 6, the Commission determined it would be tabled.

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

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

Nay: None

Motion Carried

7. 33885 Country View Lane – Ronald and Kim Hands

PCPC 2021-00148 – Ward 4

- Number of accessory structures variance (to permit 2)
- 56 sq ft accessory structure area variance
- 2' rear yard setback variance

As there was no representative present for Item 7, the Commission determined it would be tabled.

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

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

Nay: None

Motion Carried

8. 7455 SOM Center Road – Carl and Maria Klein

PCPC 2021-00149 – Ward 1

- 260 sq ft accessory pavement area variance

As there was no representative present for Item 8, the Commission determined it would be tabled.

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

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

Nay: None

Motion Carried

9. 7527 SOM Center Road – Olie and Jen Pannell – revised site plan submitted

PCPC 2021-00151 – Ward 1

- 1'-3" front yard setback variance
- 20' side yard setback variance

Ms. Rebecca Pantuso, Pantuso Architecture was present representing the applicant. Ms. Pantuso displayed the plan and explained the property is located on a corner lot. She said the home has many additions and rather than build another addition, it is the intention of the applicant to raze the existing house and build a new house. Ms. Pantuso said the side yard setback from Russell Drive is for the garage location.

The Engineering Department memo indicated an existing manhole cover and Ms. Pantuso said they understand the driveway will need to accommodate the location of the manhole cover.

Motion by Mr. Mazur, seconded by Mr. Newberry to approve a 1'-3" front yard setback variance.

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

Motion Carried

Motion by Mr. Mazur, seconded by Mr. Newberry to approve a 20' side yard setback variance contingent upon compliance with requirements of the July 6, 2021 Engineering Department memo.

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

Motion Carried

10. 33700 Aurora Road – Olympic Restaurants, LLC  
PCPC 2021-00152 – Ward 6

- Free standing sign design variance
- Free standing sign material variance

Mr. Pete Mioassis, representing Simply Greek Restaurant, was present and explained the request to erect an A-frame sign advertising the restaurant. The sign was erected during the pandemic, however, the City notified him that the sign was not in compliance with the Zoning Code. He said the sign is a cost-effective way to promote the business.

Mr. Mioassis understood the application will be tabled based on an objection from the property owner who advised that she did not authorize the application, as required on the variance application. Mr. Mioassis explained a wall sign variance was approved by the Planning Commission and Council in the past and, at that time, the Law Director acknowledged the applicant had the authority to request the variance.

Mr. Mioassis advised there are conflicts between the property owner and him and that the property owner has multiple violations on the property. He is dismayed that the application will be tabled for the A-frame sign to obtain the consent of the property owner, which he believes will never be given. Mr. Mioassis requested the Commission acknowledge the signed and notarized lease he presented permitting all signage approved by the City.

Mr. Mioassis said the sign was a successful advertising tool during the pandemic to him and other businesses that used them.

Mr. Stolarsky recommended the property owner's approval be required for the application.

Mr. Mioassis proposed to submit the lease to the Commission for review.

Mr. Stolarsky said it is not for approval of the current sign request. Mr. Mioassis believes the lease is approval for all signs.

Mr. Newberry made a motion to table, however, discussion continued.

Mr. Mioassis asked how this application differs from the past application. Mr. Stolarsky advised his recommendation to table remains.



Mr. Miossis asked the Commission to review the lease.

Mr. Stolarsky said notwithstanding the lease, it is the practice to require the landowner's approval for the application.

Mr. Miossis again stated the sign approval is in the lease.

Councilman Bentley and Mr. Mazur suggested Mr. Miossis meet with the Law Department.

Motion by Mr. Newberry, seconded by Mr. Mazur to table consideration of Item 10.

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

Nay: None

Motion Carried

Mr. Miossis submitted the lease to the Clerk of Council.

11. 33000 Solon Road – City of Solon (Verizon Wireless)

PCPC 2021-00153 – Ward 6

- Cell tower modification

As there was no representative present for Item 11, the Commission determined it would be tabled.

Motion by Mr. Mazur, seconded by Councilman Bentley to table consideration of Item 11.

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

Nay: None

Motion Carried

#### COUNCIL REFERRAL:

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

No new material was received.

Mr. Stolarsky said a meeting will be held with Mr. Myers and Mr. Frankland.

Motion by Mr. Newberry, seconded by Mr. Mazur to table consideration of Item 12.

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

Nay: None

Motion Carried

#### SAFETY AND PUBLIC PROPERTIES COMMITTEE REFERRAL:

13. Heritage Coffee

Mr. Stolarsky advised the Planning Commission does not have jurisdiction over the referral as the Commission is a recommending body and that the Council approved the application.

Motion by Mr. Newberry, seconded by Mr. Mazur to accept the Safety and Public Properties Committee referral regarding Heritage Coffee and the finding that the Planning Commission has no jurisdiction over this item.

Mr. Mazur advised he is satisfied with the plan since the Fire Department approved the application.

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. Mazur announced the Solon Benevolent Fund will hold the annual raffle for homes day and listed the prizes. He noted that although there was no raffle last year, Davis Automotive still donated to the Solon Benevolent Fund. He said Solon Homes Days will be held July 23<sup>rd</sup> to July 25<sup>th</sup>.

Councilman Bentley thanked everyone involved in continuing with meetings during the pandemic.

Mayor Kraus looks forward to seeing everyone at Home Days.

Motion by Mr. Mazur, seconded by Mr. Newberry to adjourn the meeting at 8:19 P.M.

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

Motion Carried

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Chairman

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Secretary