

SOLON PLANNING & ZONING COMMISSION
December 14, 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: Fire Inspector Eisenhuth, Assistant City Engineer Lyndon

NOTES OF CAUCUS DISCUSSION:

Councilman Bentley presided.

Councilman Bentley explained to the applicants the procedures that take place during the meeting when they present their applications. He also explained that if their application includes a memo from the Engineering Department, they will be asked to agree to the requirements of that memo prior to the Commission voting and before a permit is issued.

NEW:

4. 34725 Ada Drive – Jake Balogh – 25% aggregate fence opening variance: Councilman Bentley spoke with Police Chief Tonelli who does not approve of fencing with no aggregate opening due to safety concerns in the event that officers would be unable to see inside the fenced area. Councilman Bentley supports the Police Chief's opinion and will not support the variance.

Mr. Greenspan said he has no issue with the rear section of the fencing having no opening, however, he would like to see the 25% aggregate opening maintained on the sides of the fencing.

Mr. Mazur indicated he will not support the variance.

Mr. Newberry and Mayor Kraus concurred with Mr. Greenspan's recommendation.

11. 33460 Pettibone Road – Junyi Liang – front yard setback variance: Councilman Bentley explained to neighbors of the property who were in attendance when they may comment during the meeting.

Councilman Bentley clarified with Planner Parks that the setback is 115' and not 150' as it appears to be unclear on the diagram. The applicant's representative was present and indicated a site plan included in the packet identifies the accurate location of the home.

Councilman Bentley thanked the applicant and said he would have been concerned if the setback was based on the diagram.

Mr. Newberry said the department memo clearly states it is a 115' setback, requiring a 45' variance. The Commission reviewed the site plan and said it appears that all of the houses have a similar setback.

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:

Mr. Matt Krutsch, 33530 Pettibone Road, referred to Item 11 in regard to the proposed front yard setback for the house to be built at 33460 Pettibone Road. Mr. Krutsch explained he is concerned his privacy will be affected if the proposed house is built at a larger setback than the existing homes and he is concerned with possible drainage issues.

Mr. Jim and Mrs. Joan Thompson, 7470 SOM Center Road, were present. Mr. Thompson referred to Item 11 and said he is also concerned with the setback based on the drawing he viewed, as well as drainage. Mrs. Thompson indicated she would like the existing park-like setting to be maintained.

Ms. Leslie Hetherington, 7476 SOM Center Road, advised she also would like the house from Item 11 to be in alignment with existing houses.

MINUTES:

Motion by Mr. Mazur, seconded by Mayor Kraus to approve the minutes of the November 9, 2021 meeting as presented.

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

Nay: None

Motion Carried

PENDING:

1. Aurora Road - PP# 956-38-019 & 956-38-020 - Terry Brubaker (estate)
PCPC-2021-00206 - Ward 1
 - 80' front yard setback variance
 - 30.1' rear yard setback variance
 - Not parallel to the street variance
 - Lot consolidation

A public hearing is scheduled.

Councilman Bentley opened the public hearing and asked for comments.

Mr. Mike Ferrante, 10326 Merriam Lane, Twinsburg, was present representing the applicant. Mr. Ferrante explained the request to consolidate two parcels in which to build a house. Mr. Ferrante said as they would like to preserve wetlands on the property, it is proposed to re-position the house resulting in the need for variances. The house will not be parallel to the street and will not meet the front and rear yard setback requirements. He advised a patio will be added in the rear yard as well.

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

Mr. Stolarsky asked Mr. Ferrante if he reviewed the Engineering Department memo of December 8, 2021. Mr. Ferrante indicated he will meet the requirements. He said the Army Corp of Engineers has given verbal approval, however, the official approval has not been received yet.

Mr. Newberry said as he mentioned in Caucus, he was concerned with the initial site plan submitted because of the proximity of the property lines and encroachment on the wetlands. He approves of the house being parallel to the property lines rather than the street. Mr. Ferrante thanked Mr. Lyndon for recommending re-positioning the house.

Motion by Mayor Kraus, seconded by Mr. Newberry to approve an 80' 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 30.1' rear 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.

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

Motion by Mr. Greenspan, seconded by Mayor Kraus to approve a lot consolidation for PP#'s 956-38-019 & 956-38-020 on Aurora Road contingent upon compliance with requirements in the December 8, 2021 Engineering Department memo.

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

NEW:

2. 5852 Glasgow Lane - Dave Zavagno
PCPC-2021-00207 - Ward 3
 - Accessory structure location variance

Mr. Dave Zavagno was present. Mr. Zavagno displayed the site plan and explained the proposal to install a generator on the side of the house.

Mr. Newberry advised of topography issues on the property.

Motion by Mr. Newberry, seconded by Mr. Mazur to approve an accessory structure location variance.

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

Motion Carried

3. 32420 Woodsdale Lane - Lei Wang - request to withdraw application received PCPC-2021-00208 - Ward 4
 - Accessory structure location variance

Motion by Mr. Newberry, seconded by Mr. Greenspan to accept the applicant's withdrawal of Item 3.

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

Motion Carried

4. 34725 Ada Drive - Jake Balogh
PCPC-2021-00209 - Ward 2
 - 25% aggregate fence opening variance

Mr. Jake Balogh was present. Mr. Balogh explained his difficulty in locating a fence company that will install a fence with the required opening due to the amount of labor involved and the current labor shortage. Mr. Balogh explained safety concerns would be mitigated due to the sloped topography of the property. Site drawings and photos of the proposed fence were displayed.

Councilman Bentley advised the fence opening requirement is necessary to provide the safety forces visibility behind the fence. Police Chief Tonelli does not support fences without an opening, therefore, Councilman Bentley advised he will not support the variance.

Mr. Mazur referred to the letter submitted by the applicant in regard to his rear yard abutting Solon Middle School's playing field. He questioned the distance from the property to the playing field. Mr. Balogh indicated the locations on the plan and the proposed location of the fence.

Mr. Mazur advised he will not support the variance considering the property abuts a school.

Mr. Balogh advised there is a property abutting the school property with a fence with no openings in the rear-yard section of the fence.

Mr. Mazur said approval of the variance would set a precedent.

Mr. Newberry asked the height of the fence. Mr. Balogh said 6'. Mr. Newberry said he would support a 5' fence, however, 6' would be too high for safety forces to see

over. Mr. Newberry believes other fences on the street likely have some type of opening. He said he will not support the variance.

Mr. Greenspan said he will not support a full privacy fence. He presented Mr. Balogh with the option to seek a variance for the rear portion only with the required opening on the sides.

Mayor Kraus will not support full coverage of the yard.

Mr. Newberry advised Mr. Balogh of his options. Mr. Balogh chose to move forward with no opening in the rear section only and the required opening on the sides.

Mr. Stolarsky advised the motion for approval should be clear. He indicated Mr. Balogh's responsibility to comply with the Engineering Department's memo, particularly the need for a license agreement. Mr. Balogh said the license agreement will address the drainage issue. Mr. Newberry clarified that if the City needs to repair the existing drainage area, it has the right to remove the fence.

Mr. Stolarsky reiterated Mr. Balogh is modifying the variance to apply to only the rear portion of the fence. Mr. Balogh agreed.

Motion by Mr. Newberry, seconded by Mayor Kraus to approve a 25% aggregate fence opening variance along the rear line portion of the parcel at 34725 Ada Drive contingent upon compliance with requirements in the December 8, 2021 Engineering Department memo.

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

Motion Carried

5. 5509 SOM Center Road - Jerry Vinecourt
PCPC-2021-00210 - Ward 4
 - Driveway material variance

Mr. Jim Vinecourt was present representing the applicant. Mr. Vinecourt displayed a site plan.

Councilman Bentley explained the applicant proposes to install a temporary gravel turn-around driveway extension until concrete can be installed. The Planning Department recommended if approved, the temporary variance be granted until June 30, 2022 to allow the applicant time to install concrete. He said it was discussed in caucus that if more time is necessary, the applicant may return for approval of an extension. A July 31, 2022 sunset was discussed, however, the applicant advised he would like to complete the work as soon as possible.

Councilman Bentley asked if Mr. Vinecourt reviewed the Engineering Department memo requirements. Mr. Vinecourt said yes.

Motion by Mr. Greenspan, seconded by Mr. Newberry to approve a temporary driveway material variance until June 30, 2022 contingent upon requirements in the December 8, 2021 Engineering Department memo.

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

Motion Carried

6. 5760 Ledgebrook Lane - Jason Bloch
PCPC-2021-00211 - Ward 4
- Accessory structure location variance

Mr. Jason Bloch was present and explained his request to locate a proposed hot tub on an existing concrete patio. A picture of an existing patio and the proximity to the neighbors' property was displayed. He said the location is ideal based on electrical access, safety reasons and accessibility from the house. He said it will also be screened.

Mr. Newberry requested a map be displayed of the proposed location. Mr. Block indicated the location on the map. Mr. Newberry clarified the Commission will consider the front portion of the house as opposed to the back.

Motion by Mr. Mazur, seconded by Mr. Newberry to approve an accessory structure location variance.

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

Motion Carried

7. 39750 Lochmoor Drive - Grady, Gloria and Melissa Burrows
PCPC-2021-00212 - Ward 3
- Accessory structure location variance

Ms. Melissa Burrows, Cleveland Heights, was present and displayed the plan. Ms. Burrows explained the request to install two air conditioning units in the side yard rather than in the required rear yard to avoid obstructing the view from the windows of the multi-residential units of the house. She said the units will be screened with landscaping. It was noted the property is also on a corner lot.

Motion by Mr. Greenspan, seconded by Mr. Newberry to approve an accessory structure location variance.

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

Motion Carried

8. 33790 Bainbridge Road - Foot & Ankle Associates of Cleveland/BSD Solon Park, LLC
PCPC-2021-00213 - Ward 6
- 8 sq ft sign area variance

Mr. Bob Kunzen, Brilliant Electric Sign Company, was present representing Foot & Ankle Associates of Cleveland. Mr. Kunzen displayed the plan and explained the request to install a 28 square foot wall sign. He said the property owner approves and indicated the location on the plan. It was determined another sign is installed at the same location, however, it meets the Code requirement of 20 square feet in area.

Mr. Newberry explained the building is located in the Historic District and only one sign is permitted per building. He said this building is an exception based on its size.

Motion by Mayor Kraus, seconded by Mr. Newberry to approve an 8 square foot sign area variance.

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

Motion Carried

9. 30201 Aurora Road - American Tower/Verizon Wireless
PCPC-2021-00214 - Ward 6
 - Site plan - cell tower modification

Councilman Bentley advised cell tower requirements are in the process of being amended to be considered as minor alterations, however, legislation has not been approved yet.

Motion by Mr. Newberry, seconded by Mr. Mazur to schedule a public hearing on January 11, 2022.

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

Motion Carried

10. 6575 Dorset Lane - Amit Patel
PCPC-2021-00215 - Ward 3
 - Accessory structure location variance

Ms. Sonya Patel, 6575 Dorset Lane, was present representing the applicant. Ms. Patel explained the request to install a pergola over an existing deck. The site plan was displayed. It was noted the location is considered the side yard of the lot.

Ms. Patel agreed to the requirements of the Engineering Department memo.

Motion by Mr. Mazur, seconded by Mr. Greenspan to approve an accessory structure location variance contingent upon compliance with requirements in the December 8, 2021 memo from the Engineering Department.

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

Motion Carried

11. 33460 Pettibone Road - Junyi Liang
PCPC-2021-00216 - Ward 2
 - 45' front yard setback variance

Mr. Chris Bunge, Drees Homes, was present representing the applicant. Mr. Bunge explained the applicant's request to increase the front yard for safety purposes, privacy and to provide more driveway parking considering there is no parking permitted on Pettibone Road. He explained the proposed 115' setback is where the land naturally slopes on the property and will allow for a garden basement with larger windows. Mr. Bunge said narrow side yards are also an issue. He displayed a drawing referred to earlier in the meeting that he said was not quite indicative of

the plan. He clarified the location would be seven to eight feet behind the property to the right.

In regard to concerns of the neighbors, Mr. Bunge clarified the location of the proposed home to the neighbors' homes.

Councilman Bentley supports the 115 foot setback as it maintains privacy for the neighbors.

Mr. Stolarsky requested Mr. Lyndon address the concerns of neighbors in regard to drainage issues.

Mr. Lyndon said it will be necessary for the lot to have its own individual drain to be maintained.

Mr. Bunge indicated the location of the proposed drain on the plan.

Councilman Bentley believes the correction regarding the front yard setback should alleviate the concerns of the neighbors.

Mr. Newberry agreed and approves of the setback in relation to existing homes.

Mr. Newberry said the development is older and requirements for developments at that time were different.

It was identified on the plan where a waterway existed prior.

Mr. Bunge agreed to the requirements in the Engineering Department memo.

Motion by Mr. Mazur, seconded by Mr. Newberry to approve a 45' front yard setback variance contingent upon compliance with requirements in the December 8, 2021 memo from the Engineering Department.

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

Motion Carried

COUNCIL REFERRALS:

12. From Planning Director Holloway regarding a proposed amendment to Section 1286.06 of the Zoning Code entitled "Accessory Structures in "R-1-A", "R-1-B", "R-1-C", "R-1-D", "R-1-E" and "R-2" Residential Zoning Districts"

Mr. Parks explained the amendment addresses heating, ventilation, air conditioning and other mechanical equipment in residential districts. In response to increased questions regarding location of HVAC units on a property, an amendment is proposed to expand permitted locations.

Mr. Mazur noted generators are included in the amendment.

Motion by Mr. Newberry, seconded by Mr. Mazur to schedule a public hearing for January 11, 2022.

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

Motion Carried

Mr. Greenspan requested the verbiage in Section 3, "as determined by the Director of Planning and Community Development" be removed.

Mr. Parks said the verbiage is a precedent in other sections of the Code.

Councilman Bentley advised such determinations are discussed with Commission members and others as well.

Mr. Newberry supports the verbiage and said there is an appeal process if an applicant objects to a decision.

Councilman Bentley and Mr. Stolarsky agreed with Mr. Newberry.

Mr. Greenspan believes appeal is another step in the process. He questioned the need for screening.

Mr. Newberry explained equipment could be installed that is not appealing to a neighbor.

Mr. Stolarsky advised it can be researched.

Mr. Newberry believes there is time to further research language.

13. From Planning Director Holloway regarding a proposed amendment to Section 1285.05 of the Zoning Code entitled "Wireless Communication Antenna and Tower Regulations"

Mr. Parks explained the proposed amendment would allow minor alterations to cell towers, such as antenna replacements or additions that do not change the height, mechanical equipment at the base of the tower or fiber optic lines, be an administrative review and determination.

Councilman Bentley further explained this will streamline the process for wireless communication companies.

Motion by Mr. Newberry, seconded by Mr. Mazur to schedule a public hearing for January 11, 2022.

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

Motion Carried

Mr. Newberry said a permit will still be necessary.

COMMENTS FROM THE AUDIENCE:

There were no comments from the audience.

COMMENTS FROM THE COMMISSION:

In turn, members of the Commission wished everyone happy holidays.

Mayor Kraus wished everyone a happy, safe holiday season.

Mayor Kraus thanked everyone who participated in the Holiday Market at the Community Center.

Mayor Kraus expressed best wishes to Marilyn Thomas, former Solon School Board member, on her retirement.

Motion by Mr. Newberry, seconded by Mr. Greenspan to adjourn the meeting at 8:39 P.M.

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

Motion Carried

Chairman

Secretary