

**SOLON PLANNING & ZONING COMMISSION**  
**April 11, 2022 – 7:30 P.M.**

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

Present: Commission Members Greenspan, Newberry, Sutton, Councilman Bentley, Mayor Kraus, Assistant Law Director Stolarsky, Director of Planning Holloway, Secretary Letourneau

Absent: None

Also Present: Fire Lieutenant Eisenhuth, Assistant City Engineer Lyndon

**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. Agenda topics may not have been discussed in order; however, they have been placed in order for the convenience of this record.)

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:**

2. 6960 Woodlands Lane – Eddy Zillen – side yard setback variance: Councilman Bentley said letters of approval from the homeowners association and a neighbor have been received.
  
4. 5570 Harper Road – Chabad Jewish Center of Solon – accessory structure location variance: Councilman Bentley said questions regarding the decibel level of the requested generator and the exercise schedule to test the generator have been raised. Mr. Ron Kluchin was present representing the applicant and said the decibel level is between 60 to 80 decibels and a cowl encloses the generator to help prevent excess noise. It will be tested once a week for ten minutes at either 10:00 A.M. or 11:00 A.M.
  
5. 7229 Selworthy Lane – Casey & Leah Stella – front yard setback variance, driveway width variance and pavement side yard setback variance: Councilman Bentley explained this item involves setback variances for a proposed front porch. Correspondence has been received from Ward 2 Councilman Pelunis noting he has received no negative comments and approves of the request.

7. 33125 Cannon Road – Steve Kubofcik – front yard setback variance: Councilman Bentley said a letter of objection was received from a neighbor. He believes the extended garage will not be in line with the other homes on the street.

11. 34205 Aurora Road – Steve Osgood, Square Foot Companies, LLC – side yard setback variance and site plan: Councilman Bentley said a bank proposes to build on the former Wildlife Garden site.

The caucus ended at 7:15 P.M. and the meeting began at 7:30 P.M.

CHANGES TO THE AGENDA:

Councilman Bentley said there were no changes to the agenda but noted Item 6 was withdrawn by the applicant.

COMMENTS FROM THE AUDIENCE REGARDING AGENDA ITEMS:

There were no comments from the audience.

MINUTES:

Motion by Mayor Kraus, seconded by Mr. Newberry to approve the minutes of the March 15, 2022 meeting as presented.

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

Motion Carried

PENDING: No items.

NEW:

1. 28554 Miles Road - PP# 951-04-007 - Brainard Miles Retail Development LLC  
PCPC-2022-239 - Ward 5
  - Lot split
  - 15' side yard setback variance
  - Variance to allow parking lot with no principle use

Motion by Mr. Newberry, seconded by Ms. Sutton to schedule a public hearing for a lot split for 28554 Miles Road on April 26, 2022.

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

Motion Carried

2. 6960 Woodlands Lane - Eddy Zillen  
PCPC-2022-240 - Ward 3
  - 10' side yard setback variance

Mr. Eddy Zillen and Mr. Eli Mahler, architect, were present. Mr. Mahler explained the request for a garage addition. He said material, windows, trim and stone details will match the existing home.

Councilman Bentley requested the addition location be identified on the plan. The site plan was displayed and Mr. Mahler identified the addition and turn-around drive location.

Mr. Newberry asked if the existing garage doors will remain with the addition of two doors in the rear. Mr. Zillen said yes.

Councilman Bentley advised there is an Engineering Department memo that must be addressed before any building permit would be issued. Mr. Mahler acknowledged receipt of the Engineering Department memo. He noted letters were received from the homeowners association and a neighbor in support of the project.

Motion by Ms. Sutton, seconded by Mr. Greenspan to approve a 10' side yard setback variance contingent upon compliance with the requirements of the April 6, 2022 Engineering Department memo.

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

Motion Carried

3. 7424 Liberty Road - Scott & Michele McRill  
PCPC-2022-241 - Ward 1
  - 2' pavement side yard setback variance
  - 600 sq ft accessory pavement area variance

Mr. Scott McRill was present and explained the request to extend a previously approved variance that has expired and request approval for a new variance resulting from the landscape and hardscape designs that are now installed. Mr. McRill displayed the plan and indicated a turnaround that was desired for maneuvering vehicles out of the side load garage, to provide safe egress when exiting onto Liberty Road and to assist delivery drivers.

Mr. McRill advised a permit request was submitted as required by the Engineering Department's memo.

Mr. Newberry noted that the pavement variance was not considered in the previous application because construction was not complete on the house and there was no driveway pavement installed. He explained a variance was granted to allow a gravel driveway, however, a pavement variance was not before the Commission at that time.

Motion by Mr. Newberry, seconded by Mayor Kraus to approve a 2' pavement side yard setback variance.

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

Motion Carried

Motion by Mr. Greenspan, seconded by Ms. Sutton to approve a 600 sq ft accessory pavement area variance contingent upon compliance with the requirements in the Engineering Department memo of April 6, 2022.

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

Motion Carried

4. 5570 Harper Road - Chabad Jewish Center of Solon  
PCPC-2022-242 - Ward 5
  - Accessory structure location variance

Mr. Ron Kluchin, 23215 Commerce Park, Beachwood, was present representing the applicant. Mr. Kluchin explained the request to install a generator due to issues that resulted from previous power outages. The site plan was displayed. He said the requested location is related to the location of the gas line, and would be screened by the landscaping. The generator is intended only to run during power outages, and during a weekly 10 minute test run. Mr. Kluchin said the decibel level would be 67 db at 23 feet and should not be heard from Cannon or Harper Roads. There is also a soundproof enclosure to further reduce sound. Mr. Kluchin requested approval so that work on the gas line can begin and the generator can be ordered, as generators are in short supply and the wait can be long.

Ms. Sutton asked if the soundproof cover would need to be removed for the weekly testing. Mr. Kluchin indicated that the cover would not need to be removed.

Mr. Greenspan noted that in his experience, test runs for residential generators are generally quieter than full operation.

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

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

Motion Carried

5. 7229 Selworthy Lane - Casey & Leah Stella  
PCPC-2022-243 - Ward 2
  - 5' front yard setback variance
  - 1' driveway width variance
  - .5' pavement side yard setback variance

Mr. Tim Beaumont, The Pattie Group, was present representing the applicant. Mr. Beaumont displayed the plan and explained the proposal to add a covered front porch for protection from the weather. He noted that the existing house placement does not comply with the existing setback requirements. He indicated the setback on the plan and displayed a drawing indicating the location of the house on the property.

Mr. Beaumont said the driveway will be expanded for additional space and a basketball area for children to play.

Mr. Newberry asked if the driveway is being rebuilt. Mr. Beaumont said they are repairing the existing driveway, and increasing the width of the driveway closest to the home.

Councilman Bentley relayed Councilman Pelunis' comments indicating his support for the application with no objections.

Motion by Mayor Kraus, seconded by Mr. Newberry to approve a 5' front yard setback variance.

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

Motion by Mr. Newberry, seconded by Ms. Sutton to approve a 1' driveway width variance.

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

Motion by Mr. Greenspan, seconded by Ms. Sutton to approve a .5' pavement side yard setback variance contingent upon compliance with requirements in the Engineering Department memo dated April 6, 2022.

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

6. 28200 Miles Road - Brainard Miles Retail Development LLC  
PCPC-2022-244 - Ward 5
  - Total number of wall signs variance (to permit 1 additional)

Councilman Bentley said this application was withdrawn at the request of the applicant.

Motion by Mr. Newberry, seconded by Ms. Sutton to accept the applicant's withdrawal of Item 6.

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

7. 33125 Cannon Road - Steve Kubofcik  
PCPC-2022-245 - Ward 4
  - 10' front yard setback variance

Mr. Steve Kubofcik was present and described the project to increase the garage size from a three car to a four car garage to house a vehicle currently parked outside. An additional 9.5 feet is proposed to be added to the existing garage, however, Mr. Kubofcik was willing to decrease it to 8 feet. He said the aesthetic of the front of the dwelling would be maintained. He indicated the location of the addition on the plan.

Councilman Bentley inquired about the vehicle visible in the picture provided in the application, Mr. Kubofcik confirmed that is the vehicle that would be moved inside the garage addition.

Councilman Bentley indicated a memo was received from the Engineering Department related to this application and a letter of objection was received from a neighbor. Councilman Bentley asked if a bay could be extended in the rear to accommodate the vehicle rather than extending toward the front of the property.

Councilman Bentley said he will not support the proposed addition before the Commission.

Mr. Kubofcik said the suggestion to extend a bay to the rear would place the addition closer to the neighbor's property line and would significantly alter the symmetry of the roofline. He suggested reducing the size of the addition from 9.5' to 8' which would still meet his objective.

Mr. Newberry understands the concern of the neighbor, but does not see that the addition would make a large visual difference. Mr. Newberry would be in support of reducing the addition from 9.5' to 8' to compromise with the neighbor's objection.

Mr. Greenspan agreed that there would be significant renovation to change the addition to be parallel to the street, and supports the plans as presented.

Ms. Sutton voiced concern for consistency of the houses on the street. As the neighbor disagreed with a 10' variance, she would like to know if the neighbor would be in support of an 8' variance. She said she is not inclined to support the variance due to the concern of the neighbor.

Mayor Kraus said he would not support a 10' variance but would support 8'.

Mr. Stolarsky said the Commission may approve an 8' variance instead of the 10' variance.

Motion by Mr. Newberry, seconded by Mr. Greenspan to approve an 8' front yard setback variance contingent upon compliance with requirements in the Engineering Department memo of April 6, 2022.

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

Motion Carried

8. 6836 Silkwood Lane - John Cicero  
PCPC-2022-246 - Ward 6
- 88 sq ft accessory structure area variance
  - 4.5" accessory structure height variance

Mr. John Cicero was present and explained the request to build a patio structure in the backyard. Mr. Seth Hansen, Exscape Designs, was present representing the applicant. Mr. Hansen displayed the plan and explained the details of the project. He said the structure will be screened from view by neighbors by existing trees and proposed plantings.

An elevation plan was displayed. Mr. Hansen said the 16' x 16' premanufactured structure has a height of 12'-4.5" at the peak of the roofline.

Mr. Newberry believes the plan would not interfere with the overall look of the neighborhood, as the existing house seems further forward than neighboring houses.

Motion by Mayor Kraus, seconded by Mr. Newberry, to approve an 88 sq ft accessory structure area variance.

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

Motion Carried

Motion by Mr. Newberry, seconded by Ms. Sutton to approve a 4.5" accessory structure height variance contingent upon compliance with the requirements in the April 6, 2022 Engineering Department memo.

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

Motion Carried

9. 5513 Pine Lane - Michelle A. Freireich  
PCPC-2022-247 - Ward 5
- Accessory structure location variance

Mr. Stephen Freireich was present and explained the proposal to install a standby generator on the side of the house. He displayed the plan and indicated the location of the proposed generator. He said the location was chosen due to cost and efficiency of installing the generator on the side of the house near the existing air conditioning unit and away from windows.

Ms. Sutton asked if the generator will be screened. Mr. Freireich said it would be screened from the street by bushes.

Mr. Newberry asked if the neighbor to the side of the house has any windows in the direction of the proposed generator. Mr. Freireich no; it is the neighbor's garage.

Motion by Mr. Greenspan, seconded by Ms. Sutton to approve the accessory structure location variance.

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

Motion Carried

10. 6150 SOM Center Road - PP#'s 952-17-043 & 952-17-041 - Chick-fil-A, Inc.  
PCPC-2022-248 - Ward 6
- Lot consolidation

Councilman Bentley said a public hearing needs to be scheduled for this item.

Motion by Ms. Sutton, seconded by Mr. Greenspan to schedule a public hearing for a lot consolidation at 6150 SOM Center Road on April 26, 2022.

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

Motion Carried

11. 34205 Aurora Road - Steve Osgood, Square Foot Companies, LLC  
PCPC-2022-249 - Ward 6
- 15' side yard setback variance
  - Site plan

Mr. Rob Sullivan, Nelson Architecture, 19333 Van Aken Boulevard, Shaker Heights, was present representing the applicant. Mr. Sullivan explained his colleagues in the Chicago office have been primarily working on this project and asked Mr. Sullivan to attend the meeting. He understood several revisions have been made to the site plan. The revised site plan from April 8, 2022 changed the access for the handicap parking space and corrected a pavement encroachment issue. Mr. Sullivan displayed the site plan and indicated the locations for the changes on the plan. He advised his client is eager to obtain approval.

Mr. Stolarsky said that the Commission appreciates the effort the applicant has displayed in working with the departments. He said the new site plan resulted in the identification of additional variances that have not yet been published. He explained there is some history of conflict with other property owners along Aurora Road. On behalf of the legal department, Mr. Stolarsky would prefer that the newly identified variances be published before a decision is reached by the Commission.

Mr. Holloway also indicated his preference to table this item until all departments have an opportunity to review the revised site plan.

Mr. Lyndon agreed with Mr. Holloway. He indicated the traffic engineer also provided comments late in the day. He prefers more time to ensure that the site plan is properly reviewed.

Councilman Bentley also agreed more time is necessary to ensure that the site plan is properly reviewed by City departments.

Mayor Kraus said additional time will allow for the appropriate variances to be identified and to avoid delays to the applicant.

Mr. Sullivan questioned the deadline for submittal of new information. Ms. Letourneau explained the deadline for submitted information and comments for any application is the Wednesday before the Planning Commission meeting.

Mr. Holloway and Mr. Lyndon assured Mr. Sullivan they will provide their comments as soon as possible.

In response to Mr. Newberry's question about the Engineering Department memo in the Commission's meeting packet, Mr. Lyndon advised the main concern was for the applicant to address the comments regarding pavement encroaching on the City easement. He advised the applicant has been working with the City to address concerns.

Mr. Greenspan questioned if Mrs. Shaker's concern regarding the trail was addressed. Mr. Stolarsky advised it is a major part of the review.

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

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

Motion Carried



COMMENTS FROM THE AUDIENCE:

There were no comments from the audience.

COMMENTS FROM THE COMMISSION:

Ms. Sutton wished her daughter a happy birthday.

Mr. Newberry advised he attend the first Master Plan Committee meeting and he looks forward to participating in future meetings.

Mr. Newberry commended the Solon High School Drama Club for their recent performance.

Councilman Bentley said he also looks forward to participating in the Master Plan meetings.

Mayor Kraus thanked the Commission for their participation in the Master Plan Committee.

Mayor Kraus wished everyone Happy Passover and Happy Easter.

Motion by Ms. Sutton, seconded by Mr. Newberry to adjourn the meeting at 8:28 P.M.

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

Motion Carried

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Chairman

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Secretary