

**SOLON PLANNING & ZONING COMMISSION**  
**September 13, 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, Secretary Letourneau, Planner Consultant Kasimov

Absent: None

Also Present: Fire Inspector 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. Councilman Bentley also explained there are two times during the meeting where comments from the audience can be heard.

**PENDING:**

1. Aurora Road – PP#'s 953-02-001, 951-17-012, 953-06-001 – Hawthorne Golf Estates LLC - Subdivision plat approval: Councilman Bentley said this item will be tabled again tonight as the City is still waiting for information from the applicant.
2. 34182 Aurora Road – Echo Realty (Starbucks) – site plan review: Although the applicant said someone would be in attendance tonight, there was no one present at the Caucus. Councilman Bentley said if there is no representative present at the meeting, the item will have to be tabled again.

**NEW:**

3. 6875 Parkland Boulevard – Permatex, Inc. a subsidiary of I.T.W.- variance to not install curbing, parking aisle width variances, parking space length variance and site plan review: The Commission discussed the Engineering Department memo and Mr. Lyndon confirmed that he had received the applicant's storm water letter.
5. 5036 Neptune Oval – Brandon and Abbey Patton – not parallel to street variance, front yard setback variance, driveway side yard setback variance and building side yard setback variance: Mr. Ted Otero from Otero Signature Homes was

present representing the applicants and said he is seeking a 5' building side yard setback variance. The Commission discussed how the building side yard setback was determined and agreed that it should be a 5' building side yard setback.

6. 5259 Delray Avenue – Jacqueline Robertson – accessory structure location variance and side yard setback variance: Councilman Bentley said the applicant requested to withdraw their application.

7. 33217 N. Roundhead Drive – Drew Slane – variance for fence location and setback variance: Councilman Bentley said this item will be tabled as Mr. Slane will be making some changes based on comments from Mr. Lyndon. Mr. Drew Slane was present and understood the item will be tabled.

8. 106 Meadow Lane – Michael and Carole Rendon – accessory structure area variance and accessory structure height variance: It was determined during the Caucus that the correct measurement for the accessory structure height variance is 4' 9".

9. 5391 SOM Center Road – David and Amy Brewer – accessory structure location and height variances: Councilman Bentley said this item will be tabled at the request of the applicant.

10. 7304 Hollyhock Lane – Dan and Shirley Zabiegala – driveway width variance and accessory pavement front setback variance: Mr. and Mrs. Zabiegala were present and asked for clarification of the variances as they did not understand if enough footage had been granted. The Commission members explained how the City determined the variance based on the Zoning Code and assured the Zabiegalas the footage listed would meet the needs of the plan they submitted.

11. 35100 Aurora Road – Ara Bagdasarian/Solon Community Living – numerous variances: Councilman Bentley said this item will be referred to the Public Works Committee and the Safety and Public Properties Committee for their review. A public hearing will also be scheduled for the next meeting. A brief presentation will be given during the meeting tonight.

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:

There were no comments from the audience.

#### MINUTES:

Motion by Mr. Newberry, seconded by Ms. Sutton to approve the minutes of the August 23, 2022 meeting as presented.

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

Motion Carried

PENDING:

1. Aurora Road - PP#'s 953-02-001, 951-17-012, 953-06-001 - Hawthorne Golf Estates LLC  
PCPC-2021-171 - Ward 5
  - Subdivision plat (submitted 5/27/22)

A public hearing was scheduled.

Councilman Bentley said additional information is pending from the applicant, therefore, this item will be tabled.

Motion by Mr. Greenspan, seconded by Mr. Newberry to table consideration of Item 1.

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

Motion carried

2. 34182 Aurora Road – Echo Realty (Starbucks)  
PCPC-2022-278 – Ward 6
  - Site plan

Councilman Bentley advised the applicant is not present, therefore, this item will be tabled.

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

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

Motion carried

NEW:

3. 6875 Parkland Boulevard - Permatex, Inc. a subsidiary of I.T.W.  
PCPC-2022-291 - Ward 7
  - Variance to not install curbing
  - 2' parking aisle width variance (for 11 spaces)
  - 4' parking aisle width variance (for 17 spaces)
  - 2' parking space length variance (for 11 spaces)
  - Site plan

Mr. Al Wangenheim, Davis Development Group, was present representing the applicant. Mr. Wangenheim displayed the plan and explained the request to expand the parking lot, which was approved with the original plan. Mr. Wangenheim explained the applicant requests to add 684 square feet of pavement. He believed a stipulation was that a letter from Permatex be submitted to the Engineering Department. He explained variances are required because existing parking spaces are 19' deep with a 22' aisle width, the single row of parking requires an aisle variance, and there is no curbing.

Mr. Stolarsky requested Mr. Wangenheim indicate the handicapped parking spaces on the site plan and Mr. Wangenheim identified the spaces. Mr. Wangenheim explained the added parking areas are in a remote area and many existing parking spaces were made unavailable when snow was plowed.

Motion by Ms. Sutton, seconded by Mr. Greenspan to approve the variance to not install curbing.

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

Motion by Mr. Greenspan, seconded by Mr. Newberry to approve a 2' parking aisle width variance (for 11 spaces).

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

Motion by Mr. Newberry, seconded by Mayor Kraus to approve a 4' parking aisle width variance (for 17 spaces).

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

Motion by Mayor Kraus, seconded by Ms. Sutton to approve a 2' parking space length variance (for 11 spaces).

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

Motion by Mr. Newberry, seconded by Ms. Sutton to approve the site plan for 6875 Parkland Boulevard contingent upon requirements in the September 7, 2022 Engineering Department memo.

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

4. 6515 Copley Avenue - Olga Beregovskaya  
PCPC-2022-292 - Ward 7
  - ~~4~~ 3' side yard setback variance

Ms. Maria Pogrebetskaya was present representing the applicant. Ms. Pogrebetskaya displayed the site plan and explained the request for a side yard setback variance to install a concrete walkway for safety purposes. She noted the plan could be adjusted to 3' on the south side of the property.

Mr. Newberry advised the Engineering Department memo requires leaving space between the walkway and the property line for a positive drainage swale, particularly on the south side.

Mr. Newberry questioned the amount of the variance and Mr. Lyndon said due to the small drainage area, if the variance is reduced to 3', there would be enough area for grading to keep drainage on the applicant's property.

Mr. Newberry asked the applicant if a 3' variance is acceptable and the walkway would be made a little narrower. Ms. Pogrebetskaya agreed. She questioned if a

drain should be installed. Mr. Newberry said the contractor needs to ensure there is positive drainage down that side of the walkway.

Ms. Pogrebetskaya questioned if she needs to re-apply for the 3' variance. Mr. Newberry said when the site plan is submitted to the Engineering Department, the swale should be on the plan.

Motion by Mr. Newberry, seconded by Mr. Greenspan to approve a 3' side yard setback variance contingent upon requirements in the September 7, 2022 Engineering Department memo.

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

Nay: None

Motion carried

5. 5036 Neptune Oval - Brandon and Abbey Patton  
PCP-2022-293 - Ward 5

- Not parallel to street variance
- 10' front yard setback variance
- 5' driveway side yard setback variance
- ~~3'-9"~~ 5' building side yard setback variance

Mr. Ted Otero, Otero Signature Homes, was present representing the applicant. Mr. Otero displayed the site plan and explained the request to construct a new 4,500 square foot house with a four-car garage. Mr. Otero identified the property on a map and noted there is an approximately 20' rise near the tree line in the back portion of the property. Mr. Otero said the applicant is requesting a larger back yard for their growing family, therefore, a front yard setback variance is requested. He believes this will also improve alignment of the home with the neighboring home.

Mr. Otero advised of a correction to the revised site plan changing the request to a 5' building side yard setback variance.

Mr. Stolarsky advised the application was approved by the developer/homeowners association.

Councilman Bentley advised of the challenges of building on a cul-de-sac.

Motion by Mr. Greenspan, seconded by Ms. Sutton to approve a not parallel to street variance.

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

Nay: None

Motion carried

Motion by Ms. Sutton, seconded by Mayor Kraus to approve a 10' front yard setback variance.

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

Nay: None

Motion carried

Motion by Mayor Kraus, seconded by Mr. Newberry to approve a 5' driveway side 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 5' building side yard setback variance contingent upon the requirements in the September 7, 2022 Engineering Department memo.

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

Motion carried

6. 5259 Delray Avenue - Jacqueline Robertson  
PCPC-2022-295 - Ward 5
  - Accessory structure location variance
  - 5' 6" side yard setback variance

The applicant requested this item be withdrawn.

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

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

Motion carried

7. 33217 N. Roundhead Drive - Drew Slane  
PCPC-2022-296 - Ward 2
  - Variance for fence location of a third party easement
  - Setback variance

Councilman Bentley explained the applicant requests to build a fence and concrete pad on a utility easement, however, no structures are permitted in a utility easement. He said the applicant will work with the City to provide further information. The application will be tabled.

Motion by Ms. Sutton, seconded by Mr. Greenspan to table consideration of Item 7.

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

Motion carried

8. 106 Meadow Lane - Michael and Carole Rendon  
PCPC-2022-297 - Ward 6
  - 432 sf accessory structure area variance
  - 4'3" 4'9" accessory structure height variance (variance amount changed in Caucus)

Mr. and Mrs. Rendon were present. Mr. Rendon explained the request for area and height variances for an accessory building to store outdoor maintenance equipment for the property. He displayed a picture and plan for the proposed 600 square foot barn that will be 16' 9" in height.

Mr. Stolarsky said a call was received in the Planning Department regarding drainage and he asked Mr. Lyndon to explain further.

Mr. Lyndon spoke with the resident and explained the Engineering Department memo for the application requires positive drainage be maintained to a swale that runs through the property.

Mr. Rendon understood and noted the swale runs to a pipe under the neighbor's property. Mr. Rendon explained the barn should not impact the flow of water, however, he will address any issues if needed.

Motion by Mayor Kraus, seconded by Mr. Newberry to approve a 432 sf accessory structure area variance.

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

Motion carried

As a member of the audience wished to speak, Councilman Bentley advised the appropriate time for comments was at the beginning of the meeting or at the end of the meeting during the "Comments from the Audience" portion.

Motion by Mr. Newberry, seconded by Mr. Greenspan to approve a 4'9" accessory structure height variance contingent upon the requirements in the September 7, 2022 Engineering Department memo.

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

Motion carried

9. 5391 SOM Center Road - David and Amy Brewer  
PCPC-2022-298 - Ward 4
- Accessory structure location variance
  - 4'9" accessory structure height variance

Councilman Bentley advised the applicant requested their application be tabled.

Motion by Ms. Sutton, seconded by Councilman Bentley to table consideration of Item 9.

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

Motion carried

10. 7304 Hollyhock Lane - Dan and Shirley Zabiegala  
PCPC-2022-299 - Ward 2
- 2' driveway width variance
  - 4' accessory pavement front setback variance

Mr. and Mrs. Zabiegala were present and displayed the plan. Mrs. Zabiegala explained the request for variances for the installation of driveway replacement. They propose to extend the driveway from 16.3 feet wide at the garage to 20.3 feet wide. She said the driveway will taper and they request 30 feet wide in that area. The goal is to provide adequate access for family members that use mobility aids and for additional space to exit vehicles.

Motion by Mr. Newberry, seconded by Mayor Kraus to approve a 2' 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 4' accessory pavement front setback variance contingent upon the requirements in the September 7, 2022 Engineering Department memo.

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

Motion carried

11. 35100 Aurora Road - Ara Bagdasarian/Solon Community Living  
PCPC-2022-300 - Ward 6

- 37' front yard building setback variance (triplexes)
- 47' front yard building setback variance (5-unit building)
- 40' side yard building setback variance (triplexes)
- 80' side yard building setback variance (5-unit building)
- 40' rear yard building setback variance (triplexes)
- 80' rear yard building setback variances (5-unit building)
- 85' front yard accessory use variance
- 42' parking area to public streets variance
- 2' length variance for 3 parking spaces (clubhouse)
- 4' parking aisle width variance (clubhouse)
- 4' parking street access width variance (clubhouse)
- 4' driveway width access variance (clubhouse)
- 22' outdoor recreation area front to public street variance
- 0.3 units per acre density variance
- 4' street width variance
- 20' right-of-way width variance
- 1' sidewalk width variance
- Site plan

Mr. Ara Bagdasarian, 6790 Ridgecliff Drive, and Mr. Gary Biales, board member of Solon Community Living, 32870 Wintergreen Drive, were present. Mr. Bagdasarian presented a video of the proposed project designed to provide specialized housing to adult children with disabilities as their caregivers' age and pass on. The video outlined the location as ideal in terms of accessibility, walkability, recreational activities and security. The "pocket neighborhood" in which all the homes face a common greenspace will provide interaction with a layer of security while maintaining a neighborhood feel. The project will also provide a sense of autonomy. The project will provide caregiver suites with two resident assistants available for emergencies, etc.

Mr. Biales displayed the various plans and explained the proposed location is on Aurora Road at Portz Parkway. Mr. Biales explained the layout of the development in which the front doors are facing each other for interaction and a clubhouse for events, meals, etc. He explained the elevations and noted the caregiver units will be above the resident units in which the caregiver would reside onsite. He indicated the location surroundings including residential homes, Clearwater Court, the Community Center, City-owned property and a proposed detention basin. A preliminary storm water management plan has been submitted to the City. A private road is included in the plan and elevation plans are still under review and are almost final. Mr. Biales explained as the project proceeded, the plans were changed as the property was less acreage than planned resulting in variances. He explained the private road created a right-of-way which did not meet the setback requirement and requires a variance. He compared the private road with a similar public road in Carrington Court. Mr.



Biales said the driveway serves two units resulting in the need for a wider driveway. He further explained the need for the driveway, parking and setback variances. Mr. Biales noted the project will be heavily landscaped.

Councilman Bentley explained the zoning is unique to Solon and he is excited for the project. He understands the need for the project and thanked everyone for their cooperation.

Councilman Bentley said this item will be referred to the Safety and Public Properties and Public Works Committees and a public hearing will be scheduled.

Mr. Bagdasarian thanked everyone for their support.

Mr. Newberry congratulated the applicant and thanked them for the presentation.

Motion by Mr. Newberry, seconded by Ms. Sutton to refer Item 11 to the Safety and Public Properties Committee for review and recommendation.

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

Nay: None

Motion carried

Motion by Mayor Kraus, seconded by Mr. Newberry to refer Item 11 to the Public Works Committee for review and recommendation.

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

Nay: None

Motion carried

Motion by Ms. Sutton, seconded by Mr. Greenspan to schedule a public hearing on September 27, 2022.

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

Nay: None

Motion carried

12. 33000 Solon Road - PP#'s 954-02-013, 954-02-014, 954-02-174 - City of Solon  
PCPC-2022-301 - Ward 6
- Lot split/consolidation

A public hearing was scheduled.

Councilman Bentley explained the lot split/consolidation of City-owned property will create a new lot that is more conducive for the development of the Liberty Ford site.

Economic Development Director Shaker displayed the plat and explained the request to prepare and file a lot split/consolidation of city-owned property adjacent to the Liberty Ford site to prepare the lot for future purchase and development. Mrs. Shaker indicated the property is adjacent to the Police Department. She indicated the property to be split and the property to be consolidated which includes a small parcel on Solon Road to be combined with the Police Department property. The result will be two separate parcels. She noted the voters approved the zoning for a Mixed Planning Use Development. She believes the new parcel will attract potential development.

Councilman Bentley opened the public hearing and asked for comments. There were no comments, therefore, the public hearing was closed.

Motion by Mayor Kraus, seconded by Mr. Newberry to approve the lot split/consolidation of PP#'s 954-02-013, 954-02-014, 954-02-174 located at 33000 Solon Road contingent upon requirements in the September 8, 2022 Engineering Department memo.

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

Motion carried

13. 31967 Springside Lane - Igor Zhbakov and Margarita Shulman  
PCPC-2022-302 - Ward 6
- Accessory structure location variance

Ms. Margarita Shulman and Mr. Igor Zhbakov were present. Ms. Shulman explained they are building a new home and request to place an air conditioning unit on the side of the home behind the garage rather than in the back yard as required by Code. She displayed the plan and indicated the proposed location. Ms. Shulman said the plan is to place the unit in a shaded area and noted they have future plans for the back yard area. She added there were no objections from the neighbors.

Councilman Bentley agreed with the proposed location of the air conditioner.

Motion by Ms. Sutton, seconded by Mr. Greenspan to approve an accessory structure location variance contingent upon requirements in the September 8, 2022 Engineering Department memo.

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

Motion carried

14. 32001 Cannon Road - Church of the Resurrection  
PCPC-2022-303 - Ward 4
- 10' 6" height variance
  - Site plan

Mr. Marco Ciccarelli, studioTECHNE Architects, was present representing the applicant. Mr. Ciccarelli displayed the plan and explained the request to renovate and update the parish center building. He indicated the location of the site and renovations. He indicated the current steeple and crucifix and said this will be re-constructed and brick work is proposed. Mr. Ciccarelli indicated where 1,200 square feet will be added to accommodate the common area. In addition, some of the square footage being added will be for better accessibility and security control into the office area. He indicated the location of a delivery door to provide easier access and pick up of food items. Mr. Ciccarelli said a masonry wall for a mechanical enclosure will be replaced. He noted the area to be re-landscaped and within the area will be a small fountain. Mr. Ciccarelli accepted the City's recommendation for landscaping.

Mr. Ciccarelli showed the location of the classrooms. He explained the proposed roofing changes and that the masonry will match the existing building and glass windows will be added. He indicated the location of a trash enclosure and grill area. He said existing stucco will remain.

Motion by Mr. Newberry, seconded by Ms. Sutton to approve a 10' 6" height variance.

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

Motion carried

Motion by Ms. Sutton, seconded by Mayor Kraus to approve the site plan for 32001 Cannon Road contingent upon requirements in the September 8, 2022 Engineering Department memo.

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

Motion carried

COMMENTS FROM THE AUDIENCE:

Mr. Steve Knapp, 33955 McAfee Drive, spoke regarding Item 8. Mr. Knapp displayed the proposed plan and explained one of the exhibits in the application indicates the property to the rear of the applicant's property is his neighbor's property at 33900 McAfee Drive. Mr. Knapp clarified a large portion is in fact Mr. Knapp's property. Mr. Knapp was concerned of the location of the proposed barn as his property has walking trails in which they use. He questioned if the barn will affect his property. Mr. Knapp said he does not have an issue with the applicant's existing structure being replaced with the new barn, however, he believed the drawing and barn location needed further clarification.

COMMENTS FROM THE COMMISSION:

Mr. Newberry wished a Happy Rosh Hashanah to those who celebrate.

Councilman Bentley encouraged everyone to visit the final Farmers Market of the year on September 14<sup>th</sup>.

Mayor Kraus appreciates the private/public partnership with Solon Community Living. He thanked Mr. Bagdasarian for all his efforts.

Mayor Kraus wished a Happy Rosh Hashanah to those who celebrate.

Motion by Ms. Sutton, seconded by Mr. Newberry to adjourn the meeting at 8:47 P.M.

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

Motion carried

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Chairman

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Secretary