

SOLON PLANNING & ZONING COMMISSION
October 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, Secretary Letourneau, Planner Consultant Schmidt

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 as the City is still waiting for information from the applicant.

2. 35100 Aurora Road – Ara Bagdasarian/Solon Community Living – numerous variances and site plan: Councilman Bentley said all responses have been received from referring committees and it is believed this item will be forwarded to City Council for their review. Councilman Bentley said a public hearing is scheduled for this item.

Mr. Gary Biales was present representing the applicant and asked a question regarding a private road and a public road. He asked if variances are necessary, will he be able to get approval for that tonight as well.

Mr. Newberry said that information is not part of the jurisdiction of the Planning Commission. He said the Engineering Department would be the responsible entity for answering questions regarding roads and has no relation to the variances that are before the Planning Commission.

The caucus ended at 7:19 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:

Ms. Jasmine Stover, 5035 Delray Avenue, said she is an adjacent property owner directly affected by the variance request for 5259 Delray Avenue, Item 4. Ms. Stover opposes the variances and believes approval will change the character of the neighborhood and allow the current noise issues to continue, thereby disturbing her family's enjoyment of their property. She noted her daughter has special needs and such activity affects her daughter being outdoors. Ms. Stover is unaware of similar variance approval in the area. She believes approval of the variance will change a residential property to an industrial use area.

MINUTES:

Motion by Ms. Sutton, seconded by Mr. Newberry to approve the minutes of the September 27, 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 advised additional information is pending from the applicant. He announced the Metroparks purchased the larger abutting property. He explained the Hawthorne development will be single family homes for ages 50 years and older.

Councilman Bentley opened the public hearing and asked for comments. There were no comments from the audience, however, the public hearing remained open.

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

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

Nay: None

Motion carried

2. 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
- 2' driveway width variance (residential buildings)
- Site plan

Mr. Ara Bagdasarian was present representing Solon Community Living.

Motion by Ms. Sutton, seconded by Mayor Kraus to approve a 37' front yard building setback variance (triplexes).

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

Motion carried

Motion by Mayor Kraus, seconded by Mr. Newberry to approve a 47' front yard building setback variance (5-unit building).

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

Motion carried

Motion by Mr. Newberry, seconded by Mr. Greenspan to approve a 40' side yard building setback variance (triplexes).

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

Motion carried

Motion by Mr. Greenspan, seconded by Ms. Sutton to approve an 80' rear yard building setback variances (5-unit building).

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

Motion carried

Motion by Ms. Sutton, seconded by Mayor Kraus to approve a 40' rear yard building setback variance (triplexes).

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

Motion carried

Motion by Mayor Kraus, seconded by Mr. Newberry to approve an 80' rear yard building setback variances (5-unit building).

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

Motion carried

Motion by Mr. Newberry, seconded by Mr. Greenspan to approve an 85' front yard accessory use variance.

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

Motion by Mr. Greenspan, seconded by Ms. Sutton to approve a 42' parking area to public streets variance

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

Motion by Ms. Sutton, seconded by Mayor Kraus to approve a 2' length variance for 3 parking spaces (clubhouse).

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

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

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

Motion by Mr. Newberry, seconded by Mr. Greenspan to approve a 4' parking street access width variance (clubhouse).

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

Motion by Mr. Greenspan, seconded by Ms. Sutton to approve a 4' driveway width access variance (clubhouse).

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

Motion by Ms. Sutton, seconded by Mayor Kraus to approve a 22' outdoor recreation area front to public street variance.

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

Motion by Mayor Kraus, seconded by Mr. Newberry to approve a 0.3 units per acre density variance.

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

Motion by Mr. Newberry, seconded by Mr. Greenspan to approve a 4' street 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 20' right-of-way width variance

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

Motion by Ms. Sutton, seconded by Mayor Kraus to approve a 1' sidewalk width variance.

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

Motion by Mayor Kraus, seconded by Mr. Newberry to approve a 2' driveway width variance (residential buildings).

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 35100 Aurora Road contingent upon requirements in the September 13, 2022 Fire Department memo, the October 6, 2022 Engineering Department memo and the requirements of the September 15, 2022 Safety and Public Properties referral memo.

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

3. 5838 Briarwood Lane - Patrick & Emily Wallen
PCPC-2022-305 - Ward 6
- 6' detached garage height variance

The applicant was not present.

Motion by Mr. Newberry, seconded by Mayor Kraus to table consideration of Item 3 and to direct the Clerk to contact the applicant advising the applicant their attendance is requested at the October 25, 2022 meeting or their item will be moved to the Inactive Agenda.

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

NEW:

4. 5259 Delray Avenue - Jacqueline Robertson
PCPC-2022-308 - Ward 5
- 5' 6" side yard setback variance
 - Accessory structure location variance

Ms. Jacqueline Robertson and Mr. Kevin Robertson were present. Mr. Robertson displayed the plan and explained the request to construct a garage next to an existing garage. He explained the requested location is due to existing power lines and an existing tree stump in the rear yard and to align the new garage with the existing garage.

Councilman Bentley referred to Ms. Stover's comments made earlier in the meeting opposing the variances. He advised correspondence was received from another neighbor, Ms. Peleg, also concerned how the structure will be used. Councilman Bentley asked the applicants how they intend to use the structure.

Mr. Robertson said it is not a business because he does not make anything that is not for personal use, however, he does do some welding that will be maintained inside the garage.

Ms. Robertson said the garage use is partly for storage of a well pump and stairs and is used as a one-car garage.

Mr. Robertson noted the neighboring properties have three-car garages.

Mr. Newberry clarified that some activities that are now happening next to the existing garage will now be housed inside by the additional garage. Mr. Robertson said yes. Mr. Newberry asked the reason for the height variance and Mr. Robertson said his pick-up truck is higher than a standard garage door size and the height variance will allow him to park it in the garage to work on it. Mr. Robertson said the new garage will match the colors and siding of the existing garage.

In response to Councilman Bentley's question, Mr. Stolarsky advised the comments received questioned the intended use of the property. He explained any residence is governed and enforced by noise and hours of operation requirements. Commercial business is not permitted on the property and if there are concerns about this happening, the Zoning Inspector should be contacted. However, hobbies such as woodworking and auto interests are permitted.

Mayor Kraus asked if the concerns of the residents will be addressed. It was discussed by the Commission that noise issues would be resolved by occurring inside the garage.

Mr. Newberry asked if the garage will be insulated to reduce noise exposure. Mr. Robertson said yes. Mr. Newberry asked if the driveway is paved and Mr. Robertson said yes, it is an asphalt driveway.

Mr. Stolarsky reiterated that residents are required to abide by all noise and hours of operation requirements which are enforced by the Police Department and that this area is not zoned to conduct a commercial business.

It was discussed the location variance is due to the structure being located next to the house but not connected to the house. It was also noted there is a shed in the rear yard.

Motion by Mr. Greenspan, seconded by Mr. Newberry to approve a 5' 6" 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 an accessory structure location variance contingent upon requirements in the October 6, 2022 Engineering Department memo and that the structure is insulated, with attention to noise transmission across the property line.

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

Motion carried

COMMENTS FROM THE AUDIENCE:

Ms. Stover said although the applicant for Item 4 said the property will not be used for business purposes, she is still opposed to the many individuals dropping off items.

She said she did not expect to be living next to a home that operates like a commercial business. She appreciates the structure will be insulated, but would like soundproofing installed. She said she and surrounding property owners are not interested in hearing grinding at 7:30 A.M. Ms. Stover believes the activities taking place are more appropriate for a light industrial area. She would appreciate more being done to ensure the character of the neighboring properties are not affected.

Ms. Jody Peleg, 5030 Delray Avenue, expressed concerns about the activities on the property that may cause chemicals to leach into neighboring yards where children can be exposed. She believes such concerns should be proactively addressed.

COMMENTS FROM THE COMMISSION:

Lieutenant Eisenhuth announced the Fire Department Open House will be held on Thursday, October 13, 2022 from 6:00 P.M. to 8:00 P.M.

Mr. Newberry commented regarding Item 4 and understands the neighbors' concerns, however, he said the Planning Commission does not have the authority or justification to adjudicate. He said neighbors with concerns may contact the Zoning Inspector or the Police Department. He noted the Commission can only adjudicate the variances requested.

Mayor Kraus thanked everyone involved in the Fall Fest event on October 8, 2022. He believes it was the largest Fall Fest event to date.

Mayor Kraus congratulated Wrap Tite for the opening of their new manufacturing facility at the former Schwebel's building.

Motion by Mr. Newberry, seconded by Councilman Bentley to adjourn the meeting at 7:58 P.M.

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

Motion carried

Chairman

Secretary