

PLANNING & ZONING COMMISSION
June 11, 2013 – 7:00 P.M.

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

Present: Commission Members Bentley and Newberry, Mayor Drucker, Councilwoman Richmond, Prosecutor Stolarsky, Planning Director Frankland, Secretary McConoughey

Absent: Chairman Mazur

Also Present: Fire Lieutenant Benedict, Assistant City Engineer Welch

The following items remained on the Inactive Agenda:

- A. Willow Street – PP# 956-39-056 – Robert Kucinic – Front yard setback variance
- B. 6235 Sharondale Drive – Richard Lascala – 4.5' cumulative side yard setback variance, 120 sq ft maximum storage building area variance, number of storage buildings variance to permit 2, 4" storage building height variance
- C. 35730 Bainbridge Road – Dale Barstow – maximum front yard pavement coverage variance and minimum distance between driveways variance
- D. PP# 951-41-011 (located off of Woodall Road) – Wurm Family – Lot split, frontage on unimproved street variances, front yard setback variances, rear yard setback variance, not parallel to street variances and driveway side yard setback variances

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)

Vice Chairman Richmond presided.

PENDING:

- 1. 7365 Royal Portrush Drive – Kailan Zhang – total amount of accessory pavement variance and an accessory pavement setback variance: Mr. Frankland said he met with Mr. Zhang and options for adding pavement in the rear yard were discussed. Mr. Zhang is still reviewing the options, therefore, the item should be tabled tonight.

NEW:

2. 5410 Harper Road – PP# 951-11-010 – Robert and Dianne Smith – Re-approval of a lot split: Mr. Frankland said this lot split was previously approved, however, the applicant never filed the approval with the County Recorder and the one year filing deadline has expired.

3. Cannon Road & SOM Center Road – PP#'s 951-39-006, 952-09-001, 952-12-004 – Burton Insurance Agency, Mary Lambert – Lot split and consolidation: Mr. Frankland said a public hearing needs to be scheduled for June 25, 2013.

4. 34500 Dogwood Lane – Frank and Cheryl Radis – 1' minimum swimming pool fence height variance: Councilwoman Richmond asked Mr. Radis why he was seeking approval for a 4' fence when a 5' fence is required by Code.

Mr. Radis said the proposal is to replace a 3 ½' fence that was there when they purchased the home and is now in disrepair. They have a ranch style home and believe a 5' fence will be too encumbering since the fence will not only surround the pool but will also surround the yard as well as abut the house. Mr. Radis believes that installing a 4' fence is safer than the 3 ½' fence currently installed and he feels a 5' fence will be unattractive and is unnecessary since they are not closely situated near neighbors. He said safety is very important to them and there will be magnetic locks and safety latches installed.

Councilwoman Richmond asked Mr. Radis if requested by the Commission, would he consider installing a 5' fence.

Mr. Radis said he does not believe he would consider installing a 5' fence and believes it would create a restrictive environment when using the deck and yard.

Mayor Drucker said installing a new 4' fence will be a better safety feature than the current 3 ½' fence in disrepair and Mr. Radis might choose to not replace the fence at all.

6. 5886 Briarhill Drive – Michele & David Camiener – 280 sq ft maximum amount of accessory pavement variance: Mr. David Camiener was present and said there are many drivers and cars in his household and it is becoming increasingly difficult to maneuver all of the vehicles. He said parking on the street is not pleasing his neighbors and he has received approval from his neighbors for the project.

Mr. Stolarsky pointed out that a member of the Commission is not in attendance and advised the applicants to consider this. He said depending on what the applicant believes the outcome might be to a request, there are only 4 voting members tonight and a tie vote would mean the request is not approved. The applicants might, therefore, wish to table the item until there is a full Commission.

Mr. Frankland said he will present one minor alteration.

The caucus ended at 7:16 P.M. and the meeting convened at 7:30 P.M.

Vice Chairman Richmond presided.

CHANGES TO THE AGENDA:

There were no changes to the agenda.

COMMENTS FROM THE AUDIENCE:

There were no comments from the audience.

APPROVAL OF MINUTES:

Motion by Councilwoman Richmond, seconded by Mr. Bentley to approve the minutes of the May 28, 2013 meeting.

Roll Call: Aye: Bentley, Drucker, Newberry, Richmond
Nay: None

Motion Carried

PENDING:

1. 7365 Royal Portrush Drive – Kailan Zhang – 5/28 tabled 038-2013
 - 286 sq ft total amount of accessory pavement variance
 - 15' accessory pavement setback variance

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

Roll Call: Aye: Bentley, Drucker, Newberry, Richmond
Nay: None

Motion Carried

NEW:

2. **PUBLIC HEARING** - 5410 Harper Road – Robert and Dianne Smith 040-2013
 - Lot split (re-approval)
 - 350.89' lot depth variance – Parcel 1
 - 20.20' lot depth variance – Parcel 2
 - 279.94' lot depth variance – Parcel 3

A public hearing was scheduled and Councilwoman Richmond opened the public hearing and asked for comments.

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

Mayor Drucker said this is a re-approval of an application that was approved in March of 2012. However, the applicant never had it recorded and the approval has expired.

Mayor Drucker said this is different from another application for lot splits on Harper Road recently reviewed by the Commission since this request will not create lots smaller than permitted by Code. She said she will support this request because it will create larger lot sizes than required by Code. Mayor Drucker said she did not support the other application because approval would have created lots smaller than permitted by Code.

Motion by Mayor Drucker, seconded by Councilwoman Richmond to re-approve the lot split for PP# 951-11-010 for Robert and Dianne Smith at 5410 Harper Road.

Roll Call: Aye: Bentley, Drucker, Newberry, Richmond

Nay: None

Motion Carried

Motion by Mr. Newberry, seconded by Mr. Bentley to re-approve a 350.89' lot depth variance for Parcel 1.

Roll Call: Aye: Bentley, Drucker, Newberry, Richmond

Nay: None

Motion Carried

Motion by Mr. Bentley, seconded by Mayor Drucker to re-approve a 20.20' lot depth variance for Parcel 2.

Roll Call: Aye: Bentley, Drucker, Newberry, Richmond

Nay: None

Motion Carried

Motion by Councilwoman Richmond, seconded by Mayor Drucker to re-approve a 279.94' lot depth variance for Parcel 3.

Roll Call: Aye: Bentley, Drucker, Newberry, Richmond

Nay: None

Motion Carried

3. Cannon Road & SOM Center Road – PP#'s 951-39-006, 952-09-001,
952-12-004 - Burton Insurance Agency, Inc./Mary Lambert 041-2013
 - Lot split/consolidation

Motion by Mr. Newberry, seconded by Mr. Bentley to schedule a public hearing for a lot split/consolidation for PP#'s 951-39-006, 952-09-001 and 952-12-004 for June 25, 2013.

Roll Call: Aye: Bentley, Drucker, Newberry, Richmond

Nay: None

Motion Carried

4. 34500 Dogwood Lane – Frank and Cheryl Radis 042-2013
 - 1' minimum swimming pool fence height variance

Mr. Frank Radis was present and displayed photographs of his pool and the surrounding fence. He explained that currently a 3 ½' chain-link fence surrounds his property and pool. Mr. Radis indicated where a 4 ½' babylock fence has been installed for added safety around the pool.

Mr. Radis said the current 3 ½' chain-link fence is in disrepair and the proposal is to replace it with a 4' aluminum, ornamental black fence. He displayed a photograph of the proposed fence. Mr. Radis indicated the areas of his property that the

current fence surrounds and since he has a ranch style home, he feels a 5' fence would create a closed-in atmosphere. He said the 4 ½' babylock fence will remain around the pool for additional security. Mr. Radis believes the variance should be granted since the current fence is 3 ½' high and they are proposing a 4' fence which will enhance the security around the pool.

In response to Councilwoman Richmond's question, Mr. Radis said he did not install the 3 ½' chain-link fence. It was there when he purchased the property, although he did install the babylock fence around the pool.

Mr. Radis displayed an aerial view of his property indicating the location of the pool and the distance to his neighbor's homes. He indicated wooded areas and said it is difficult to view his yard especially in the spring and summer because of the dense vegetation. Mr. Radis also indicated on the aerial view where a lake is located in the area. Mr. Radis said one of the reasons they purchased the property was because of the wooded views and they do not want the view impeded by a fence. Mr. Radis said the proposed fence will also have upgraded safety features on the gates.

Mayor Drucker said she will support the variance request since Mr. Radis is improving the quality of the fence and increasing the height from 3 ½' to 4'. She said Mr. Radis could just leave the 3 ½' chain-link fence that is in disrepair. Although she would prefer to see a 5' fence installed, she will not object to the request for a 4' fence.

Mr. Bentley feels the Code should be adhered to and a 5' fence should be installed. He said the babylock fence is at 4 ½' and installing a 5' fence will only be adding an additional 6". He said there are regulations for a reason and he would have difficulty supporting the request for the 1' variance.

Mr. Radis indicated his property on the photographs and said although it is difficult to see, there are topography issues as well.

Mr. Newberry expressed his concerns about approving a variance for a fence that is shorter than required by Code. He is not sure if he believes there is a practical difficulty for the request. Mr. Newberry understands that aesthetically the shorter fence would look better and that it would create less of an intrusion when using the deck and viewing the property. Although he is not ready to disapprove the request, he is unsure if he will approve it and would like to see other options explored. From a safety standpoint, a 5' fence would be a better deterrent than a shorter fence if someone was trying to get over the fence to access the pool.

Councilwoman Richmond asked Mr. Newberry what other options might be considered. Mr. Newberry suggested different height fences might be an option. For example, a 3 ½' fence from the house out to the pool is currently working fine, however, behind the pool where the wooded area begins, a 5' fence might be considered for added security. He further discussed other options for potential

placement and height of the fence. Mr. Newberry would like the application to be further reviewed for an alternate resolution.

Mr. Stolarsky said only 4 members of the Commission are present and an affirmative vote would require 3 members. He said the applicant might want to review options and return when there is a full Commission present.

Mr. Radis determined the request should be tabled this evening and options can be reviewed. He said he would welcome feedback from the Commission and encouraged Commission members to come and view the property.

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

Roll Call: Aye: Bentley, Drucker, Newberry, Richmond
Nay: None

Motion Carried

5. 33003 Aurora Road – Chia-Chun Ivan Tsou (Saaj) 043-2013
 ▪ Number of wall signs variance (to permit 2)

Mr. Aldo Duré, Benext Design, was present representing the applicant. He displayed a photograph of the restaurant indicating where the sign is proposed. The proposal is to have the Saaj sign above the window and the Lebanese Bar & Grill sign below the window.

Councilwoman Richmond has no concerns and believes the sign will look good.

Mr. Newberry agreed with Councilwoman Richmond.

Motion by Mr. Newberry, seconded by Mr. Bentley to approve the number of wall signs variance (to permit 2).

Roll Call: Aye Bentley, Drucker, Newberry, Richmond
Nay: None

Motion Carried

6. 5886 Briarhill Drive – Michele & David Camiener 044-2013
 ▪ 280 sq ft maximum amount of accessory pavement variance

Mr. David Camiener was present and displayed a diagram of the driveway indicating the location for the proposed pavement. He said the additional pavement should help improve safety issues since there are 5 drivers in the house and there have already been a couple of accidents.

Councilwoman Richmond said Councilman Kraus submitted a letter supporting the request.

Motion by Mr. Bentley, seconded by Councilwoman Richmond to approve a 280 sq ft maximum amount of accessory pavement variance for 5886 Briarhill Drive.

Roll Call: Aye: Bentley, Drucker, Newberry, Richmond
Nay: None

Motion Carried

7. 31460 Crabtree Lane – Jami & Jonathan Schaefer 045-2013
- 5.9 minimum side yard setback variance
 - 5.9' minimum cumulative side yard setback variance
 - 18' minimum rear yard setback variance

Mr. Jonathan and Mrs. Jami Schaefer were present. Mrs. Schaefer said the proposal is to add a bedroom and bathroom to their home and letters of approval have been submitted by the surrounding neighbors. She displayed a drawing of the addition.

Motion by Mr. Bentley, seconded by Councilwoman Richmond to approve a 5.9' minimum side yard setback variance.

Roll Call: Aye: Bentley, Drucker, Newberry, Richmond
Nay: None

Motion Carried

Motion by Councilwoman Richmond, seconded by Mr. Newberry to approve a 5.9' minimum cumulative side yard setback variance.

Roll Call: Aye: Bentley, Drucker, Newberry, Richmond
Nay: None

Motion Carried

Motion by Mayor Drucker, seconded by Councilwoman Richmond to approve an 18' minimum rear yard setback variance.

Roll Call: Aye: Bentley, Drucker, Newberry, Richmond
Nay: None

Motion Carried

MINOR ALTERATIONS FROM THE PLANNING DEPARTMENT:

1. 29825 Solon Road – The Illuminating Company

Mr. Frankland displayed an aerial view of the property and said a previous plan was reviewed with a 195' guard rail along the side of the property line. However, when the work was completed on the parking lot, the guard rail was not replaced so this is considered a site plan alteration. Mr. Frankland indicated the location and said although there is a slight drop to the grade; the Engineering Department did not feel it was steep enough to require the installation of a guard rail.

The Commission members agreed no further review of this item was necessary.

COMMENTS FROM THE COMMISSION:

Mayor Drucker announced that on Tuesday, June 18th, the Solon Historical Society is hosting a road trip to the Lake County History Center for a guided tour of their eight-acre educational complex. The museum building features a series of changing exhibits and a gift shop. Those interested in attending should meet at the Solon Historical Society at 10:00 A.M. to car pool to the location where the first stop will be at the Lake County History Center's Family Restaurant for lunch. There is a \$5 museum admission fee and attendees are responsible for their own lunch.

Mayor Drucker congratulated the Solon Girls' Track Team who won the Division 1 State Championship in Columbus this past weekend.

Mayor Drucker said the Solon Future Problem Solving Teams won 6 trophies at the International tournament this past weekend. Congratulations to all 31 members.

Mr. Bentley congratulated the members of the Solon High School graduating class of 2013 and wished them well.

COMMENTS FROM THE AUDIENCE:

There were no comments from the audience.

Motion by Mr. Bentley, seconded by Councilwoman Richmond to adjourn the meeting at 8:15 P.M.

Roll Call: Aye: Bentley, Drucker, Newberry, Richmond

Nay: None

Motion Carried

Vice Chairman

Secretary