

**SOLON PLANNING & ZONING COMMISSION**  
**OCTOBER 29, 2019 – 7:15 P.M.**

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

Present: Commission Members Mazur, Newberry, Councilman Pelunis, Mayor Kraus, Assistant Law Director Stolarsky, Planning Director Frankland, Secretary McConoughey

Absent: Mr. Bentley

Also Present: 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.)

Vice Chairman Mazur presided.

Mr. Mazur explained there are two opportunities to comment at the meeting. One is at the beginning of the meeting for those who are not an applicant and the other is during a public hearing.

**NEW:**

3. 32972 South Roundhead Drive – Colton Wetherwax – 10.5% uniform fence opening variance: Mr. Mazur advised an email was received from the City's new Police Chief, Richard Tonelli, indicating the 25% fence opening requirement should be required for safety reasons.

Councilman Pelunis said this property is in his ward and he has no objection to the variance as it is only a difference of 5/16".

Mr. Mazur advised he will recommend adhering to the Police Chief's recommendation as he does not want to set a precedent.

Councilman Pelunis said the Planning Commission has granted this type of variance many times and he will support the variance.

4. 6717 Winston Lane – Stuart and Kimberly Krantz – recreational fire place and pool variances: Mr. Mazur said correspondence was received from a neighbor indicating their concerns regarding this issue.

Mr. Mazur asked Mrs. Krantz if they have contacted the Homeowners Association and Mrs. Krantz said she had, however, she was told there was a certain process to follow and it would take some time before they would receive the Homeowners Association decision.

Mr. Newberry said the Commission has been hesitant to approve variances in the Thornbury subdivision prior to the Homeowner Association's approval and believed the application should be tabled until approval is received from the Homeowners Association.

Mr. Krantz said he would like to present his plans to determine if the Commission will approve his plan before proceeding any further. He understands final approval would depend on the Homeowners Association.

Councilman Pelunis suggested the Commission could consider the application and if approved, a contingency could be added in the regard to the Association's approval.

Councilman Pelunis referred back to Item 3 involving the uniform fence opening variance and noted the fence is only five feet tall which would allow the yard to be viewed from outside over the fence.

Mr. Stolarsky advised as there are only four members present, three affirmative votes are required for approval. Therefore, any applicant may choose to table their issue prior to a vote if they believe they would benefit from consideration by a full Commission.

Mr. Newberry advised he may be absent from the next meeting which would still result in only four members being present at the next meeting.

Mr. Stolarsky advised although the City considers the Homeowners Association's requirements, the Commission is not controlled by them.

The caucus ended at 7:25 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:

Dr. Russell Wang, 6725 Winston Lane, was present regarding his next door neighbors, Stuart and Kimberly Krantz, Item 4. Dr. Wang said his property lies lower than the neighbors and since their sprinkler system was installed, the water runoff causes his yard to be so wet it is difficult to mow. He is concerned the proposed additions will worsen the water runoff situation. Dr. Wang said he respects what the neighbors are attempting; however, he asked the Commission to require that drainage be directed to the rear of their property rather than onto his property. He requested a retaining wall be required if a runoff problem occurs at a later date.

There were no additional comments from the audience.

#### MINUTES:

Motion by Councilman Pelunis, seconded by Mayor Kraus to approve the minutes of the October 15, 2019 meeting as presented.

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Roll Call: Aye: Kraus, Mazur, Newberry, Pelunis  
Nay: None

Motion Carried

PENDING:

1. 33124 Linden Drive – PP#'s 954-05-222 & 954-05-223 095-2019 7  
Elizabeth Rentschler  
▪ Lot consolidation

A public hearing was scheduled and Mr. Mazur opened the public hearing.

There were no comments; therefore, Mr. Mazur closed the public hearing.

Mr. Frankland displayed an aerial of the property and indicated the property line is dividing the house. He said the lot consolidation would create a .43 acre property and bring it into compliance with the Zoning Code.

Motion by Mr. Newberry, seconded by Mayor Kraus to recommend approval of the lot consolidation of PP#'s 954-05-222 and 954-05-223 located at 33124 Linden Drive.

Roll Call: Aye: Kraus, Mazur, Newberry, Pelunis  
Nay: None

Motion Carried

2. 33695 and 33655 Bainbridge Road - PP#'s 952-21-049 & 098-2019 6  
952-21-016 - KMC Real Estate Holdings LLC  
▪ Lot consolidation

A public hearing was scheduled. Mr. Mazur opened the public hearing.

Mr. Bill Savel, Brooklyn Cabinets Inc., 2950 Westway Drive, Brunswick, was present representing the applicant. Mr. Savel said the Engineering Department's request for an expanded right-of-way by dedicating a portion of the frontage property has been accounted for and a mortgage release does not apply because there is no mortgage on this property.

There were no comments; therefore, Mr. Mazur closed the public hearing.

Motion by Mr. Newberry, seconded by Mr. Mazur to recommend approval of the lot consolidation of PP#'s 952-21-049 and 952-21-016 located at 33695 and 33655 Bainbridge Road.

Roll Call: Aye: Kraus, Mazur, Newberry, Pelunis  
Nay: None

Motion Carried

NEW:

3. 32972 South Roundhead Drive – Colton Wetherwax 099-2019 2  
▪ 10.5% uniform fence opening variance

Councilman Pelunis said this property is located in his ward and the applicant has requested his item be tabled until the next meeting.

Mr. Mazur noted a memo was received from Police Chief Tonelli indicating his opinion that the City should maintain the requirement for 25% visibility for residential fences mainly for the protection of the Safety Forces who on occasion need to visually observe if someone is attempting to conceal themselves behind a fence structure.

Motion by Councilman Pelunis, seconded by Mayor Kraus to table Item 3 until the November 12, 2019 meeting.

Roll Call: Aye: Kraus, Mazur, Newberry, Pelunis  
Nay: None

Motion Carried

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|----|---|----------|---|
| 4. | 6717 Winston Lane – Stuart and Kimberly Krantz  | 100-2019 | 3 |
|    | <ul style="list-style-type: none"> <li>▪ 30' rear yard setback variance</li> <li>▪ 5' pool setback variance</li> <li>▪ 8' outdoor recreational fireplace height variance</li> <li>▪ 9' outdoor recreational fireplace setback variance</li> <li>▪ 5' outdoor recreational fireplace width variance</li> <li>▪ .5' outdoor recreational fireplace depth variance</li> <li>▪ Number of outdoor recreational fireplaces variance (permit 1 additional)</li> <li>▪ 4' outdoor recreational fireplace setback variance</li> <li>▪ <i>pool equipment location variance</i></li> <li>▪ <del>17%</del> 19% rear yard lot coverage variance</li> </ul> |          |   |

Mr. Patrick Cloonan, CDS Construction Inc., was present representing the applicant. Mr. Cloonan said the Krantz's recently moved to this house and had mistakenly believed the lot extended to the line of trees in the rear. He displayed an aerial of the property and indicated the property line and the line of trees further back.

Mr. Cloonan said Dr. Wang's privacy and drainage concerns would be alleviated by the line of approximately 20' tall arborvitae along the sides of the property.

Mr. Cloonan displayed renderings of the proposed lanai with a wood burning fireplace and pool. He explained the layout of each.

Mr. Mazur questioned the distance from the property line to the Homeowners Association tree line and Mr. Cloonan estimated it was around 80' to 100' and is a non-buildable parcel.

Mr. Cloonan said the wood burning fireplace and the portable fireplace would comply with the Code. He said the Fire Code states a portable propane or natural gas fireplace can be located as close as 10' to a structure and a wood burning portable fireplace can be located as close as 15' to a structure.

Mr. Mazur asked what type of fireplace is proposed and Mr. Cloonan said most likely a portable glass rock fireplace, but it is still in the design stages.

Mr. Cloonan displayed renderings of the rear lot and said it is a very small footprint for such a large home. He noted the mature landscaping on both sides creates a natural coverage.

Mr. Cloonan said the minimum 20'x40' pool size is mandated by the State because it contains a diving board.

Mr. Cloonan was not concerned with drainage issues and he indicated areas where drains can be installed on the patio so no water is leaving the patio. The water from the pool would be directed away from Dr. Wang's property. Mr. Cloonan believes Dr. Wang's drainage situation will actually be improved.

In response to Mr. Mazur's question, Mr. Frankland explained the height of the chimney is dependent on the closeness of the structure and it is required to project above the roof line.

Mr. Eisenhuth advised, in this case, the chimney is required to be 3' above the roof line of the lanai.

Mr. Cloonan said the Architectural Code requirements will be met. Mr. Frankland suggested, if the variance is approved, compliance with the Ohio Building Code should be a contingency.

Mr. Mazur questioned if the arborvitae closest to Dr. Wang's property will hide the view of the pool and Mr. Cloonan displayed the aerial and indicated a pine tree beyond the arborvitae that could hide the pool from the Wang's line of vision.

Councilman Pelunis asked Mr. Lyndon if this project will create any additional runoff from impervious surfaces for the neighbor.

Mr. Lyndon advised anytime impervious surface is added it increases the volume of runoff. However, runoff management options and drainage issue are included in the Engineering Department's review process and he offered to meet with the parties to discuss the plan.

Mr. Cloonan displayed the renderings and indicated the areas where catch basins would be built under the patio to tie into the storm drain at the property's edge. Mayor Kraus suggested compliance with the drainage management requirements be a contingency of approval.

Mr. Mazur said during the caucus there was discussion regarding the Homeowners Association approval for this project and he suggested a contingency be added to require an approval letter prior to the Council meeting. Mr. Cloonan noted the Association wanted the City's approval of the plan prior to beginning their review. He will attempt to get written approval prior to the Council meeting. However, regardless he will comply with the contingency.

Mr. Newberry referred to the Wangs' letter that requested solid fencing and trees be added to block noise and maintain visual aesthetics. He believes the applicant has met the requirement for the trees and, as was discussed in caucus, a solid fence is not permitted. It is his opinion giant arborvitae will screen noise more effectively than a fence.

Mr. Newberry said if the Commission approves this item prior to securing a Homeowners Association letter of approval, the Commission will be required to rely on the Council to delay the approval until after HOA approval.

Mr. Stolarsky disagreed and advised if the applicant moves forward based on the City's approval and there are more stringent requirements from their Homeowners Association, they are going forward at their own risk.

Councilman Pelunis agreed and is prepared to move forward by adding a contingency requiring the HOA's approval.

Mr. Cloonan questioned if a variance is required to place the pool equipment in the side yard instead of the rear yard where it would be closer to the neighbors.

Mr. Frankland said the Zoning Code requires the pool and equipment be placed in the rear yard with the equipment no further than 10' from the water's edge.

Mr. Cloonan said the pool equipment would be adjacent to the Wangs' house but would make less noise than an air conditioner.

Mr. Frankland said the Commission could consider a side lot location variance for the pool equipment.

Mr. Stolarsky clarified the notification letter sent to neighboring residents states additional variances may be determined.

Mr. Mazur said according to the plan, the equipment is screened very well and he does not believe there are windows on the south side of the house.

Motion by Councilman Pelunis, seconded by Mayor Kraus to approve the 30' rear yard setback variance.

Roll Call: Aye: Kraus, Mazur, Newberry, Pelunis  
Nay: None

Motion Carried

Motion by Mayor Kraus, seconded by Mr. Newberry to approve the 5' pool setback variance.

Roll Call: Aye: Kraus, Mazur, Newberry, Pelunis  
Nay: None

Motion Carried

Motion by Mr. Newberry, seconded by Mr. Mazur to approve the 8' outdoor recreational fireplace height variance contingent upon compliance with the Ohio Building Code requirements.

Roll Call: Aye: Kraus, Mazur, Newberry, Pelunis  
Nay: None

Motion Carried

Motion by Councilman Pelunis, seconded by Mayor Kraus to approve the 9' outdoor recreational fireplace setback variance.

Roll Call: Aye: Kraus, Mazur, Newberry, Pelunis  
Nay: None

Motion Carried

Motion by Mayor Kraus, seconded by Mr. Newberry to approve the 5' outdoor recreational fireplace width variance.

Roll Call: Aye: Kraus, Mazur, Newberry, Pelunis  
Nay: None

Motion Carried

Motion by Mr. Newberry, seconded by Mr. Mazur to approve the .5' outdoor recreational fireplace depth variance.

Roll Call: Aye: Kraus, Mazur, Newberry, Pelunis  
Nay: None

Motion Carried

Motion by Mr. Mazur, seconded by Mayor Kraus to approve the number of outdoor recreational fireplaces variance (to permit one additional).

Roll Call: Aye: Kraus, Mazur, Newberry, Pelunis  
Nay: None

Motion Carried

Motion by Mayor Kraus, seconded by Mr. Newberry to approve the 4' outdoor recreational fireplace setback variance contingent upon compliance with the Ohio Building Code requirements.

Roll Call: Aye: Kraus, Mazur, Newberry, Pelunis  
Nay: None

Motion Carried

Motion by Mr. Newberry, seconded by Mayor Kraus to approve a location variance for pool equipment as shown on the submitted plan.

Roll Call: Aye: Kraus, Mazur, Newberry, Pelunis  
Nay: None

Motion Carried

Motion by Councilman Pelunis, seconded by Mr. Newberry to approve the 19% rear yard lot coverage variance contingent upon compliance with the Engineering Department, Building Department and Law Department requirements and subject to the Homeowners Association approval of installing a pool prior to issuance of a building permit.

Roll Call: Aye: Kraus, Mazur, Newberry, Pelunis  
Nay: None

Motion Carried

#### COMMENTS FROM THE AUDIENCE

There were no comments from the audience.

#### COMMENTS FROM THE COMMISSION

Councilman Pelunis said Election Day is November 5<sup>th</sup> and reminded Ward 2 residents the polling location has been moved to the Community Center.

Mr. Newberry reminded everyone to vote on Tuesday and said the Ward 5 polling location remains at Advent Lutheran Church.

Motion by Mr. Newberry, seconded by Mayor Kraus to place Inactive Agenda Item B on the Active Agenda.

Roll Call: Aye: Kraus, Mazur, Newberry, Pelunis  
Nay: None

Motion Carried

Mr. Newberry advised everyone to pay attention to Trick-or-Treaters on Thursday.

Mayor Kraus reminded everyone to vote on Tuesday. He reviewed the polling locations for each ward.

Mr. Mazur announced Solon resident, Marilyn Matia, has written a book called *Kitchen Table Talk*. He said there will be a book signing at the Fireside Book Shop, 29 North Franklin Street, on Saturday, November 16<sup>th</sup> from 1:00 P.M. to 3:00 P.M.

Motion by Mr. Newberry, seconded by Councilman Pelunis to adjourn the meeting at 8:12 P.M.

Roll Call: Aye: Kraus, Mazur, Newberry, Pelunis  
Nay: None

Motion Carried

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Chairman

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Clerk of Council