

PUBLIC HEARING SOLAR PANELS – 6816 OAKES RD.
BRECKSVILLE PLANNING COMMISSION
Community Room – Brecksville City Hall
October 24, 2019 Page 1

Present: Michael Bandsuh, Michael Harwood, Eric Lahrmer, Ron Payto, Kirk Roman, Dominic Sciria
Absent: Mayor Hruby
Others: Eric Hall, Gerald Wise, and approximately 11 guests

Mr. Roman opened the public hearing at 7:00 p.m. by reading the following legal notice published in the October 10, 2019 issue of the *Sun Star Courier*.

The Brecksville Planning Commission will hold a Public Hearing on October 24, 2019 at 7:00 P.M. in the Community Room of Brecksville City Hall, 9069 Brecksville Road, Brecksville, Ohio to consider the request for a residential Solar Photovoltaic System which requires a deviation regarding the location of the system proposed to be installed at 6816 Oakes Road, Brecksville, Ohio 44141.

Mr. Jacob Hynes, of PowerHome Solar and Roofing, explained that the proposed solar panel installation involved nine, black, non-reflective, flush mounted panels installed on the rear of the home. The panels would not be visible from the street.

Mr. Wade Perry, 6837 Oakes Road, asked how the power comes back into the system and what would happen in the case of a power outage. Mr. Hynes shared some technical information with him, concluding by noting that if the power grid went down the solar panels would be down also.

Mr. Roman advised that this issue would come up again in the Work Session later in the evening. The public hearing was closed at 7:03 p.m.

THE BRECKSVILLE PLANNING COMMISSION

KIRK ROMAN, CHAIRMAN
DOMINIC SCIRIA, VICE CHAIRMAN
ERIC LAHRMER, SECRETARY

Minutes recorded by Nancy Dimitris

PUBLIC HEARING TO CONSIDER ZONING CODE AMENDMENT – SECTION 1157.04(e)
BRECKSVILLE PLANNING COMMISSION
Community Room – Brecksville City Hall
October 24, 2019 Page 1

Present: Michael Bandsuh, Michael Harwood, Eric Lahrmer, Ron Payto, Kirk Roman, Dominic Sciria
Absent: Mayor Hruby
Others: Eric Hall, Gerald Wise, and approximately 11 guests

Mr. Roman opened the public hearing at 7:03 p.m.

The Brecksville Planning Commission will hold a Public Hearing on October 24, 2019 at 7:05 p.m. in the Community Room of Brecksville City Hall, 9069 Brecksville Road, Brecksville, Ohio to consider the proposed Zoning Code Amendment of Section 1157.04(e) Conditional Uses by adding subsection (2) Retail sales and service used in open yards and subsection (3) other conditional uses.

Mr. Eric Hall, of the Brecksville Building Department, spoke about the City's Manufacturing/Distribution zoning district, located on the southern border of the City, south of Miller Road. That zoning code encompasses light, industrial development which has been stagnant in recent years. The Planning Commission would like to consider conditional use designations in the M-D District on a case-by-case basis that potentially could promote some growth in that district. Any proposal for conditional use would be reviewed by the Planning Commission and, if approved, would then be recommended to City Council for their consideration.

Mr. Hall reviewed the proposed additional language to amend Code Section 1157.04(e):

1. 1157.04(e)(2) Retail sales and service uses in open yards. Garden equipment and supplies, lumber, garden furniture and nursery stock can be permitted outdoors provided that this is in conjunction with a main use retail establishment on the same lot and no goods are sold, stored, or displayed in a required front or side yard.
2. 1157.04(e)(3) Any other use not listed above, or in any subsequent classification, may be permitted if determined by the Planning Commission, to be appropriate in accordance with the procedures set forth in § 1191.10.

There were no questions from Commission members or the public present. Mr. Roman advised that this issue would come up again in the Work Session later in the evening. The public hearing was closed at 7:08 p.m.

THE BRECKSVILLE PLANNING COMMISSION

KIRK ROMAN, CHAIRMAN
DOMINIC SCIRIA, VICE CHAIRMAN
ERIC LAHRMER, SECRETARY

Minutes recorded by Nancy Dimitris

PUBLIC HEARING TO CONSIDER FRONT YARD SETBACK – 5411 VALLEY PARKWAY
BRECKSVILLE PLANNING COMMISSION
Community Room – Brecksville City Hall
October 24, 2019 Page 1

Present: Michael Bandsuh, Michael Harwood, Eric Lahrmer, Ron Payto, Kirk Roman, Dominic Sciria
Absent: Mayor Hruby
Others: Eric Hall, Gerald Wise, and approximately 11 guests

Mr. Roman opened the public hearing at 7:08 p.m. by reading the following legal notice published in the October 10, 2019 issue of the *Sun Star Courier*.

The Brecksville Planning Commission will hold a Public Hearing at 7:10 p.m. on Thursday, October 24, 2019, in the Community Room of Brecksville City Hall, 9069 Brecksville Road, Brecksville, Ohio, to establish a front yard setback of 34 feet for Permanent Parcel #603-12-013, 5411 Valley Parkway, Brecksville, Ohio 44141.

Mr. Mike Burianek, of Modern Home Concepts, was requesting approval for a 34 ft. frontyard setback for 5411 Valley Parkway. The requested setback would align the house with the adjacent home to the east.

Ms. Elizabeth McCafferty, 5510 Valley Parkway, asked what the normal setback would be in that area. Mr. Wise explained that for this particular lot it would be up to the Planning Commission to establish a frontyard setback. Mr. Harwood noted that the Commission used a map showing setbacks of established homes along the street to determine a setback for the lot which would align a new home on the lot with other homes along the street. Ms. McCafferty approached Commission members to view the area map.

Ms. McCafferty wondered why the new driveway had to be directly opposite her driveway on Valley Parkway. Mr. Burianek explained that the first 100 ft. of frontage along Valley Parkway belonged to the MetroParks and it was their practice to restrict the number of entrance/exits off Valley Parkway. The proposed driveway would probably serve as a common drive to future development adjacent to the 5411 property.

Mr. Roman advised that this issue would come up again in the Work Session later in the evening. There were no questions and the public hearing was closed at 7:14 p.m.

THE BRECKSVILLE PLANNING COMMISSION

KIRK ROMAN, CHAIRMAN
DOMINIC SCIRIA, VICE CHAIRMAN
ERIC LAHRMER, SECRETARY

Minutes recorded by Nancy Dimitris

REGULAR MEETING
BRECKSVILLE PLANNING COMMISSION
Community Room – Brecksville City Hall
October 24, 2019 Page 1

Present: Michael Bandsuh, Michael Harwood, Eric Lahrmer, Ron Payto, Kirk Roman, Dominic Sciria
Absent: Mayor Hruby
Others: Eric Hall, Gerald Wise, and approximately 11 guests

Mr. Roman opened the Regular Meeting of the Planning Commission at 7:14 P.M.

APPROVAL OF THE REGULAR MEETING MINUTES OF OCTOBER 3, 2019

It was moved by Mr. Roman and seconded by Mr. Harwood that the Planning Commission Regular Meeting Minutes of October 3, 2019 be approved.

ROLL CALL: Ayes: Michael Bandsuh, Michael Harwood, Eric Lahrmer, Kirk Roman, Dominic Sciria
Abstain: Ron Payto
Nays: None
MOTION CARRIED

APPROVAL OF THE WORK SESSION MEETING MINUTES OF OCTOBER 3, 2019

It was moved by Mr. Roman and seconded by Mr. Harwood that the Planning Commission Work Session Meeting Minutes of October 3, 2019 be approved.

ROLL CALL: Ayes: Michael Bandsuh, Michael Harwood, Eric Lahrmer, Kirk Roman, Dominic Sciria
Abstain: Ron Payto
Nays: None
MOTION CARRIED

REPORT OF COUNCIL REPRESENTATIVE - No Report

REPORT OF CITY ENGINEER - No Report

The Regular Meeting recessed into the Work Session, and reopened to make a motion.

GASCOYNE SOLAR PANELS – 6816 OAKES ROAD

It was moved by Mr. Roman and seconded by Mr. Harwood that the Planning Commission approve and recommend to City Council a solar panel system installation at 6816 Oakes Road, Brecksville, Ohio as described in the application dated September 5, 2019, attached plans by PowerHome Solar and Roofing dated September 3, 2019 and the Penn Fusion Engineering Services report dated August 27, 2019, contingent on Utility Company Interconnection approval and contingent on approval by City Council of the following deviation:

- A deviation from Section 1186.03(c)(1) requirement that a roof-top solar configuration be limited to the portion of the roof which faces the rear yard to allow the array on Roof #1 to face the side yard.

ROLL CALL: Ayes: Michael Bandsuh, Michael Harwood, Eric Lahrmer, Ron Payto, Kirk Roman, Dominic Sciria
Nays: None
MOTION CARRIED

The Regular Meeting recessed into the Work Session, and reopened to make a motion.

M-D DISTRICT USE REVIEW

It was moved by Mr. Roman and seconded by Mr. Harwood that the Planning Commission approve and recommend to City Council amendments to Section 1157.04(e) by adding new subsections:

(2) Retail sales and service uses in open yards. Garden equipment and supplies, lumber, garden furniture and nursery stock can be permitted outdoors provided that this is in conjunction with a main use retail establishment on the same lot and no goods are sold, stored, or displayed in a required front or side yard.

(3) Any other use not listed above or in any subsequent classification may be permitted if determined by the Planning Commission to be appropriate in accordance with the procedures set forth in §1191.10.

ROLL CALL: Ayes: Michael Bandsuh, Michael Harwood, Eric Lahrmer, Ron Payto, Kirk Roman,
Dominic Sciria
Nays: None
MOTION CARRIED

The Regular Meeting recessed into the Work Session, and reopened to make a motion.

PALLESCHI FRONT YARD SETBACK – 5411 VALLEY PARKWAY

It was moved by Mr. Roman and seconded by Mr. Harwood that the Planning Commission recommend to City Council the establishment of a frontyard setback of 34 feet at 5411 Valley Parkway, Brecksville, Ohio, Permanent Parcel #603-12-013 as described in the application dated September 10, 2019 and shown on the drawing titled Lot Fit Plan by Modern Home Concepts dated September 25, 2019, pending approval of City Council and the approval of the Board of Zoning Appeals of the following variances:

1. Section 1151.21(d) a variance of 60% from the requirement that each lot shall abut a dedicated street for a distance of not less than 60% of the lot width to allow 0%.
2. Section 1151.23(g) a variance of 127 feet from the requirement that the nearest portion of a dwelling shall be located no less than 300 feet from the edge of a high tension power line easement to allow 173 feet.

ROLL CALL: Ayes: Michael Bandsuh, Michael Harwood, Eric Lahrmer, Ron Payto, Kirk Roman,
Dominic Sciria
Nays: None
MOTION CARRIED

The Regular Meeting closed at 8:15 p.m.

THE BRECKSVILLE PLANNING COMMISSION

KIRK ROMAN, CHAIRMAN
DOMINIC SCIRIA, VICE CHAIRMAN
ERIC LAHRMER, SECRETARY

Minutes recorded by Nancy Dimitris

WORK SESSION
BRECKSVILLE PLANNING COMMISSION
Community Room – Brecksville City Hall
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Present: Michael Bandsuh, Michael Harwood, Eric Lahrmer, Ron Payto, Kirk Roman, Dominic Sciria
Absent: Mayor Hruby
Others: Eric Hall, Gerald Wise, and approximately 11 guests

Mr. Roman opened the Work Session at 7:15 p.m.

GASCOYNE SOLAR PANELS – 6816 OAKES ROAD

Mr. Jacob Hynes, of PowerHome Solar and Roofing, was present to request the installation of a nine panel, solar photovoltaic system for a home at 6816 Oakes Road. This request was reviewed at a public hearing earlier in the evening. Mr. Hynes noted that the system had been altered, from the original design, to accommodate Mr. Bandsuh's suggestion from the Commission's September 19th meeting, to move four panels to a less visible location which would have no effect on the efficiency of the system.

Mr. Roman inquired about any possible contacts with the neighbors concerning the proposed solar installation. Mr. Hynes thought the property owner mentioned that the neighbors were interested in the proposed project, but he wasn't aware of any specific comments. The Perrys, 6837 Oakes Road, commented that they had no objection to the solar system as long as it was on a rear facing roof. Mr. Harwood related, for the benefit of the Perry's, the recent request of a group of citizens to have the zoning code pertaining to solar systems modified to be less restrictive and less focused on preserving aesthetics. He noted that there were modifications to the solar energy code sections, however every solar application was still reviewed by the Planning Commission for recommendation to City Council. The Perrys supported the importance of aesthetics in solar panel installations.

Mr. Robert Liptak, 6836 Oakes Road, commented that the claim "solar is clean energy" comes at a price. He pointed out that according to the Audubon Society, over 30 billion birds have been killed over the last ten years by solar and wind power systems. He thought there was not enough research into how solar and wind power affect the ecosystem. Commission members had no further questions and the Work Session recessed into the Regular Meeting for a motion.

M-D DISTRICT USE REVIEW

Mr. Eric Hall, of the Brecksville Building Department, reiterated the discussion from a public hearing earlier in the evening relating to proposed changes in Code Section 1157.04(e) as outlined below. The intention of the amendments to the Code to permit conditional uses in a Manufacturing/Distribution District, would be to encourage growth in the southern section of the City where development in light industrial was stagnant. To a question by Mr. Bandsuh, it was confirmed that the proposed change in the Code would be a ballot issue.

1. 1157.04(e)(2) Retail sales and service uses in open yards. Garden equipment and supplies, lumber, garden furniture and nursery stock can be permitted outdoors provided that this is in conjunction with a main use retail establishment on the same lot and no goods are sold, stored, or displayed in a required front or side yard.
2. 1157.04(e)(3) Any other use not listed above or in any subsequent classification may be permitted if determined by the Planning Commission to be appropriate in accordance with the procedures set forth in § 1191.10.

The Work Session recessed into the Regular Meeting for a motion.

PALLESCHI FRONT YARD SETBACK – 5411 VALLEY PARKWAY

Mr. Mike Burianek, of Modern Home Concepts, was present to request approval for a 34 ft. frontyard setback for 5411 Valley Parkway. The requested setback would align the house with the adjacent home to the east. Mr.

Wise asked about septic and a well and Mr. Burianek said both had been approved. This proposal was discussed at a public hearing earlier in the evening and Commission members had no further questions. The Work Session recessed into the Regular Meeting for a motion.

DEL RIO LOT SPLIT CONSULTATION – 4900 EDGERTON ROAD

Mr. David Del Rio, property owner of 4900 Edgerton Road, was present to request a split of his three acre parcel into two 1 ½ acre parcels, each with 100 ft. frontage. It was noted that the zoning code for an R-20 lot on a collector street required a minimum frontage of 150 feet. Mr. Del Rio remarked that there were several other properties along Edgerton Road that were 100 foot frontage. He had no plans to build on either lot and felt the property would better attract buyers as two smaller lots. Mr. Del Rio was present for a consultation to determine the Commission's reaction to his proposal before he incurred any expense. Mr. Sciria felt the lot might be more marketable as a larger parcel to accommodate the larger homes being built today.

Mr. Bandsuh acknowledged that there may be some 100 ft. lots that were either grandfathered in, or may have had hardship criteria that caused the Commission to consider variances from Code. He believed there were zoning regulations for a reason and the Commission should abide by them unless there were compelling circumstances for a variance. He did not feel splitting a lot into two non-conforming lots for resale would warrant consideration. Mr. Del Rio thought that his investment in the installation of sewers and water, to provide the City with two tax paying property owners rather than one, would be reason to consider his request. Mr. Harwood pointed out there were no development plans before the Commission to support any consideration for deviation from Code. Further discussion among Commission members revealed there was no support for the request and the matter was tabled.

STEFANESCU SOLAR PANELS – 4533 GLEN EAGLE DRIVE

Mr. Cody Cooper, of Yellowlight Solar, was present to request a solar panel system for a home at 4533 Glen Eagle Drive. The solar system would involve installation of panels on three roof surfaces, including one on the front, facing the street. Mr. Cooper said the deviation for front facing panels was justified by the power savings of \$138/month with the front facing panels, versus \$86/month if those panels were moved to the rear roof.

Mr. Roman noted an overall picture of the neighborhood showing adjacent homes was not provided, so there was no reference on how the installation would look in the context of the neighborhood. Mr. Payto drew up another possible arrangement of the panels. Mr. Cooper's radiance map of the home indicated Mr. Payto's revision would not work. Mr. Harwood mentioned the Code changes for solar energy that permitted more panels on roof surfaces. There was some question about setting a public hearing. Mr. Lahrmer indicated that the zoning code prohibited installation of solar panels on front facing roofs. In his experience, the Commission did not set public hearings for proposals they could not support and he would not support this proposal. A polling of Commission members yielded no support for the front facing solar panel installation and the proposal was tabled.

OAKES ROAD PROPERTY SPLIT – 4311 OAKES ROAD

Ms. Jeannette Luli, who was not on the agenda, said the Mayor encouraged her to come to the Commission. She was requesting a brief consultation regarding a proposed property split. Her dad, who was now deceased, owned a parcel 215 ft. X 454 ft. at 4311 Oakes Road, directly across Oakes from the entrance to the Blossom property. The parcel had once been two parcels and was then consolidated years ago. The family has been trying to sell the large parcel for a year now with no results. Ms. Luli was concerned that property taxes and utility costs were being paid for a parcel they can't sell. The family would now like to divide the property into two lots with equal frontage. Mr. Wise pointed out that Oakes was a collector street and the R-20 zoning code required 150 ft. frontage. Ms. Luli mentioned two nearby lots of 100 ft. frontage. Mr. Harwood suggested the old plat be pulled for reference.

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Ms. Luli wanted some direction on whether to incur the expense of moving forward with surveying work. Mr. Harwood advised that the Commission would need an actual application with all the support documents so some evaluation could be made on setbacks for the house on the lot and other issues. Mr. Payto felt pulling the old plat was important. He remarked there should be some compelling reason, or hardship demonstrated for the Commission to consider the split. Ms. Luli was advised to contact the Building Department on documentation required to move forward which would include:

- The old plat on the lot
- Demonstrate the lot, with the existing house, meets Code sideyard requirements – 10 ft.
- Lot without the house – needs to be 100 ft. or more
- Have lot width of 7 houses on either side of proposed property
- Demonstrated hardship
- Application and associated documents

Mr. Payto suggested Ms. Luli consult with Mr. Hall on how to provide the information needed for a consultation at a minimum expense.

The Work Session closed at 8:15 p.m.

THE BRECKSVILLE PLANNING COMMISSION

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ERIC LAHRMER, SECRETARY

Minutes recorded by Nancy Dimitris