

PLANNING, ZONING & BUILDING COMMISSION

CITY HALL

January 11

16

The City of Cortland Planning, Zoning & Building Commission met on Monday, January 11, 2016 at 6:40 P. M. at the City Administration Building, 400 N. High Street, Cortland, Ohio. In attendance were the following board members: Chairman John Picuri, Vice Chairman Sally Lane, Bill Sasse, Don Bell, and Donald Fatobene. Also present were Mayor Jim Woofter, Service Director Don Wittman, Law Director Patrick Wilson and the following individuals:

John Gnat

848 Woodland

Warren

John Picuri: Good evening. It is 6:40, Monday, January 11, 2016. I would like to call to order the Cortland Planning, Zoning and Building Commission for Public Hearing 38-15. The purpose of this public hearing is to consider a variance request to exceed the number of allowable wall mounted signs at 600 S. High St. Is there anyone here to speak for the proposed variance?

John Gnat: Yes, John Gnat. I am with Mahoning Lighting. We are the sign company that would be putting the signs up, representing Burger King. They are going to be doing a pretty extensive remodel here shortly that is in the works at the moment. That is the reason for the new signage. They are going to be doing a lot of cosmetic changes to the building. The number of signs they have now is similar to what they are asking for. They are just different signs. Some of the signs are going to be removed. There are 4 signs up on the cupola, which are going to be removed completely. But various signs on each elevation added, so we are still exceeding the allowable number of signs. They are making a substantial commitment to stay in the area, stay in your community. Some of these corporate insists that they have, not every one of these, but it is still what they would like to see on their new building. Route 5 goes down one side and Route 46 down the other so it is seen from two major streets. If you have any questions, I would be glad to answer.

John Picuri: Does anyone have any questions? Is there anyone else here to speak for the proposed variance? Is there anyone here to speak against the variance? Hearing none, can I have a motion to close the public hearing?

Donald Fatobene made a motion to close the public hearing, seconded by **Bill Sasse**.

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The City of Cortland Planning, Zoning & Building Commission met on Monday, January 11, 2016 at 6:50 P. M. at the City Administration Building, 400 N. High Street, Cortland, Ohio. In attendance were the following board members: Chairman John Picuri, Vice Chairman Sally Lane, Bill Sasse, Don Bell, and Donald Fatobene. Also present were Mayor Jim Woofter, Service Director Don Wittman, Law Director Patrick Wilson and the following individuals:

John Gnat	848 Woodland	Warren
Fred Berecek	129 Gleneagle	Cortland
Bunny Berecek	129 Gleneagle	Cortland
Joe Koch, Sr.	7058 Mahoning Ave.	Youngstown
Joseph E. Koch, Jr.	1323 Cross Cove	Youngstown
Anthony J. Koch	7058 Mahoning Ave.	Youngstown

John Picuri: Good evening. It is 6:50, Monday, January 11, 2016. I would like to call to order the Cortland Planning, Zoning and Building Commission for Public Hearing 37-15. The purpose of the public hearing is to consider a variance request to encroach on the 10’ side lot line setback requirement by up to five (5) feet for the construction of a single family home at 132 Gleneagle. Is there anyone here to speak for the proposed variance?

Joe Koch: My name is Joe Koch, 7058 Mahoning Avenue, Austintown, Ohio. In essence, it is kind of captured here in the drawing I think that everyone got along with the application. Being that we have this 30’ sanitary sewer easement, it kind of creates the hardship that brings this necessity about. The size of the house is certainly not overly sized – it is in character with the neighborhood and we certainly wouldn’t want to reduce the value of the homes that are currently there by shrinking it down. By going towards the sanitary sewer easement – I did have some discussion with Don, he was very helpful – and talking about where that sanitary is actually located. One of our options was to go towards the sanitary side, but we both agreed that this would probably be the lesser of the, for lack of a better word, two evils. Because the sanitary isn’t exactly in the center of this easement, it favors more towards the house side. If we would have moved it into the sewer easement, which would be I guess it is a licensing type procedure, that would be an option but would probably be more of a problem. Assuming the sewer ditch when that was put in, it is obviously going to be bigger to allow for a cage and by the time you put the footer and the substructure in for the home you are really putting at risk the integrity of the construction aspect of it even if you did take some extra precautions by underpinning the footer. So by moving it over we could be right on the line on the sanitary side – the variance, I know Cortland shares a lot of the same type of zoning commonalities, if you will with rear yard side yard setbacks and even the setback is even less at 37 - 6. In Austintown, the typical setback is 50 feet. So it would be certainly within character and just by chance we do have a neighbor, if you are looking at the lot – to the left, which would be to the south. They have an abnormally wide side yard, not that that matters to the property line but it does lend to the variance request being a little more in character in that you have 24 plus or minus feet in the side yard which is fourteen feet in excess of the side yard requirement. So for these and other reasons owing to these special circumstances – the sanitary sewer easement, the 10’ side yard being certainly 6.5 feet at its closest would not cause any abnormal hardship to anybody in the neighborhood, and keeping in character with the neighborhood we feel that this is certainly a viable option and we would appreciate your consideration. I will be glad to field any questions that you may have.

Fred Berecek: Just one question, - is that house being built on a single or double lot?

Joe Koch: Single.

Fred Berecek: Towards where the ditch is going down through there? We live right across the street.

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Joe Koch: It is actually on the shoulder of the sewer easement. So that property line, even though the easement is on the property line it encumbers 30 feet of that property.

Fred Berecek: I know, we have a double lot and we have it on both sides.

Joe Koch: Typically and I think Don would agree – 20 foot with 10 and 10 is more typical on a situation like this. I know there was some movement of sewer lines that changed everything.

Don Wittman: Just by way of review – the drainage ditch or the watercourse that goes through, from 11 through the golf course and underneath the road there is the north property line. The sanitary sewer easement is running parallel to that watercourse. The reason that Mr. Koch is here looking for the variance is that the original developer of these lots is no longer in business so the house model that they were building cannot fit. It is limiting the saleability of this lot. There is nowhere to build a house unless it is 40' wide and it is hard to find something other than those single family villas that is 45 feet wide. Before you, the variance is for up to 5 feet however it looks like as drawn they will only need to encroach 3 ½ feet into the side yard setback. We felt it was best to leave it at 5 in case there were any other – anything else came up they would not have to come back to this board. It is up to 5 feet encroachment on the side yard setback. As Mr. Koch alluded to, the nearest structure would be almost 30 feet between the house once constructed, which really is the main purpose for side yard setbacks - the proximity to other homes for fire prevention.

John Picuri: Sir, could I get you to state your name for the record?

Fred Berecek: Fred Berecek and this is my wife, Andrea Berecek.

John Picuri: Thank you for your comments.

Fred Berecek: The fellow that lives next door, he isn't here is he?

Joe Koch: No he isn't but we did talk to him and he has no problem with it. I actually expected him to be here in support which is of course hearsay at this point.

Patrick Wilson: If we restricted ourselves to hearsay we would be in trouble.
(Laughter)

John Picuri: Thank you. Is there anyone else here to speak in favor of the variance? Anyone to speak against? Hearing none, I would like to ask for a motion to close the public hearing.

Bill Sasse made a motion to close the public hearing, seconded by **Don Bell**.

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The City of Cortland Planning, Zoning & Building Commission met on Monday, January 11, 2016 at 7:00 P. M. at the City Administration Building, 400 N. High Street, Cortland, Ohio. In attendance were the following board members: Chairman John Picuri, Vice Chairman Sally Lane, Bill Sasse, Don Bell, and Donald Fatobene. Also present were Mayor Jim Woofter, Service Director Don Wittman, Law Director Patrick Wilson and the following individuals:

John Gnat	848 Woodland	Warren
Fred Berecek	129 Gleneagle	Cortland
Bunny Berecek	129 Gleneagle	Cortland
Joe Koch, Sr.	7058 Mahoning Ave.	Youngstown
Joseph E. Koch, Jr.	1323 Cross Cove	Youngstown
Anthony J. Koch	7058 Mahoning Ave.	Youngstown

John Picuri: Good evening. It is 7:00, Monday, January 11, 2016. I'd like to call to order the regular meeting of Cortland Planning, Zoning & Building Commission. Can we have roll call please?

Roll Call: Bill Sasse, here; Sally Lane, here; John Picuri, here; Don Bell, here; Donald Fatobene, here.

John Picuri: Can I have a motion for approval of commission minutes for December 14, 2015 regular meeting?

Don Bell made a motion to approve December 14, 2015 meeting minutes, seconded by **Sally Lane**.

John Picuri: Any discussion? Hearing none, can we have a vote?

Roll Call: Donald Fatobene, yes; Sally Lane, yes; Bill Sasse, yes; John Picuri, yes, Don Bell, yes. **MOTION APPROVED.**

John Picuri: Is there any old business to be brought before the commission? Hearing none, we will move directly to new business. Can I have a motion to approve **01-16 Variance Request. The request is to encroach on the 10' side lot line setback requirement by up to five (5) feet for the construction of a single family home at 132 Gleneagle.**

Donald Fatobene made a motion for approval of **01-16**, seconded by **Don Bell**.

John Picuri: Is there anyone here to speak in favor of the variance request?

Joe Koch: Yes, Joe Koch, 7058 Mahoning Avenue, Austintown, Ohio. Just to repeat what was said in the earlier meeting. I don't have anything to add, it is on the record, correct?

John Picuri: Yes. Don, do we have an issue with the request?

Don Wittman: No, the option of encroaching on the side setback is a better alternative as opposed to going into a sanitary easement. There would be some concerns with undermining of that sewer during construction and worst case if that all went to plan and was okay, but we had to go back and do any sort of work with that sanitary sewer at a later date we would be digging within 5 to 6 feet of a basement wall. By keeping it out of the sanitary sewer easement and the dimensions of the lot are such that it requires this variance.

Patrick Wilson: I would just note, John, that the neighboring property owners were notified to be here this evening.

John Picuri: Thank you, Mr. Koch. Is there anyone here to speak against or any further discussion? Can we have a vote on 01-16 please?

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Roll Call: Sally Lane, yes; Bill Sasse, yes; Donald Fatobene, yes; John Picuri, yes; Don Bell, yes. MOTION PASSED.

Don Wittman: The next step would be to apply for the zoning permit, sewer tap and water tap. I have the site plan and I have the application – we can touch base when you are actually ready to get going on that.

Joe Koch: We will have to notify our buyers – we have a contingent situation. Thank you.

John Picuri: Next on the agenda, can I have a motion to approve **02-16 Variance Request? The request is to exceed the number of allowable wall mounted signs at 600 S. High St.**

Bill Sasse made a motion for approval of 02-16, seconded by Don Bell.

John Picuri: Is there anyone here to speak in favor of the variance request?

John Gnat: Yes, my name is John Gnat, 848 Woodland St., Warren Oh. Again, you have a copy of the drawings / proposals. Are there any questions that I can answer?

Jim Woofter: I have a question – Don, what are we exceeding on the variance? How much over?

Don Wittman: Four. As far as a wall mounted sign for a business establishment, they are allowed to have one sign. In this instance, they are looking at having a total of 5 individual signs. It is because of the branding of Burger King, their circular signs all on one face of the building – typically if there are multiple signs making up a wall mounted sign we look at it as a single sign. However, the way this package was put together it was best to look at saying they are going to have a total of 5 signs, looking at them individually.

John Picuri: This also faces two separate roadways similar to the Dunkin Donuts we approved a couple of months ago.

Don Wittman: Correct. There are two major arterial roadways with substantial traffic and this being a corporate chain. Basically you are going to have signs on the west and east elevations of the building which front those roadways as well as the south side so that they are seen.

John Gnat: I wasn't involved when they put the original Burger King there. Was there a variance required for the number of signs?

Don Wittman: Yes. If someone comes in with a request for changing a sign that is not in compliance with our ordinances as far as size or height and new corporate logo, I don't treat that as an alteration or change. It is really more of a maintenance issue. Because these signs were being moved from the cupola to the face of the building as well as the lettering of "The Home of the Whopper," I just felt it best to bring it to this board for review.

John Picuri: Thank you. Any other discussion from the board? Hearing none, can we have a vote on 02-16 please?

Roll Call: John Picuri, yes; Don Bell, yes; Sally Lane, yes; Donald Fatobene, yes; Bill Sasse, yes. MOTION PASSED.

John Picuri: Next on the agenda are the actual signs – Wall signs, various, 600 S High St. Mahoning Lighting on behalf of Burger King. First can I have a motion to approve **03-16 – Sign A, "Home of the Whopper" – 27.78 sq. ft, internally lit.**

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Bill Sasse made a motion for approval of 03-16, seconded by Don Bell.

John Picuri: Could you explain the sign?

John Gnat: Yes, the “Home of the Whopper” sign is an internally lit channel letter set. It is going to be lit with LED modules. The sign itself is gray in nature, I don’t understand why they put a gray sign on a gray roof, but they do. It does light white at night. During the daytime though, it is a gray sign. They are changing the roof from shingles to standing seam metal roof which is gray in color. It kind of blends in but anything you put on the wall is going to stand out. It is a LED sign, gray in color, illuminates white at night.

John Picuri: Thank you. Questions from the board? Can we have a vote on 03-16 please?

Roll Call: **John Picuri, yes; Donald Fatobene, yes; Sally Lane, yes; Don Bell, yes; Bill Sasse. MOTION PASSED.**

John Picuri: Next, can I have a motion to approve **04-16 – Sign B (2), “Burger King” Circular Logo– 28.27 sq. ft., also internally lit.**

Don Bell made a motion for approval of 04-16, seconded by Donald Fatobene.

John Picuri: Can you explain this one as well?

John Gnat: Yes, it is an internally lit sign with LED modules. It has a plastic face, the background is white with blue swish, yellow buns and red Burger King lettering. It is typical to what is there now, it is the same logo.

John Picuri: Thank you. Any comments from the board? Can we have a vote on 04-16 please?

Roll Call: **Bill Sasse, yes; Sally Lane, yes; Don Bell, yes; Donald Fatobene, yes; John Picuri, yes MOTION PASSED.**

John Picuri: Next, can I have a motion to approve **05-16 – Sign C, “Burger King” Circular Logo– 19.63 sq. ft., also internally lit.**

Donald Fatobene made a motion for approval of 05-16, seconded by Don Bell

John Gnat: It is a duplicate of Sign B however it is smaller in size.

John Picuri: Thank you. Any comments from the board? Can we have a vote on 05-16 please?

Roll Call: **Bill Sasse, yes; Sally Lane, yes; John Picuri, yes; Don Bell, yes; Donald Fatobene, yes. MOTION PASSED.**

John Picuri: Can I have a motion to approve **06-16 – Sign D, “Burger King with small logo” – 45 sq. ft., internally lit.**

Don Bell made a motion for approval of 05-16, seconded by Bill Sasse.

John Gnat: Again, this is a channel letter set, internally lit with LED modules. This particular set would be red in color with the typical Burger King logo.

John Picuri: Thank you. Any comments? Can we have a vote on 06-16 please?

Roll Call: **Donald Fatobene, yes; Sally Lane, yes; Bill Sasse, yes; John Picuri, yes; Don Bell. MOTION PASSED.**

John Picuri: Don, is there anything we need to let him know about the permit?

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Don Wittman: No, he has the fees paid and application in. We can get the permit issued shortly.

John Gnat: I am not sure when the project is going to take place. I just wanted to get a jump on this.

Don Wittman: Do you want us to hold onto it then?

John Gnat: Yes. Thank you very much.

John Picuri: Is there any other business to come before this board this evening?

Don Wittman: I just want to provide some background on why we are breaking out each one of those signs for an individual vote. It seems redundant when it is something as clear as this, however, should there be an issue it allows us to split it out. That is why there were four different items and four different numbers so there is a clear record. It is something we started last year and we are going to carry on through and get away from the "a"s and "b"s.

John Picuri: Any other business? Can I have a motion to adjourn, please?

Bill Sasse made a motion to adjourn the meeting, seconded by **Don Bell**.

Roll Call: Sally Lane, yes; Bill Sasse, yes; Donald Fatobene, yes; John Picuri, yes; Don Bell, yes. **MOTION APPROVED.**

Meeting Adjourned: 7:14 pm.

Chairman

Date

Secretary