

PLANNING, ZONING & BUILDING COMMISSION

CITY HALL

June 12

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The City of Cortland Planning, Zoning & Building Commission met on Monday, June 12, 2017 at 6:50 P. M. at the City Administration Building, 400 N. High Street, Cortland, Ohio. In attendance were the following board members: Chairman Curt Moll, Vice Chairman Sally Lane, Don Bell, and Jim Bradley. Also present were Mayor Jim Woofter, Service Director Don Wittman, Law Director Patrick Wilson and the following individuals:

Roger Gosser	140 Diamond Way	Cortland
Ron Betts	116 Emerald Ln	Cortland
Tressie Betts	116 Emerald Ln	Cortland
Hazel Barto	118 Emerald Ln	Cortland
Catherine Johnson	112 Emerald Ln	Cortland
Bryan Cupp	134 Diamond Way	Cortland
Lindsey Foster	22082 Lorain Rd.	FairviewPark
Donald Cozad	100 Topaz Trail	Cortland
Nellie Cozad	100 Topaz Trail	Cortland
Olivia Cozad	100 Topaz Trail	Cortland
Dave & Judy Majick	138 Diamond Way	Cortland
Cheryl Yaugo	121 Topaz	Cortland
Sandra Shaffer	113 Topaz	Cortland
Jennifer McCutcheon	149 Diamond Way	Cortland

Curt Moll: Good evening. It is 6:50 p.m., Monday, June 12, 2017. I'd like to call to order the Cortland Planning, Zoning & Building Commission for Public Hearing 09-17. The purpose of the public hearing is to consider a variance request for 134 Diamond Way to allow a garage addition to encroach on the 30' front setback requirement by up to 5 ft. Who do we have to speak for this this evening? Could you come up to the podium please and state your name and address?

Bryan Cupp: My name is Bryan Cupp. I live at 134 Diamond Way.

Curt Moll: And then talk a little bit about what you want to do. Could you also give us that sign-in sheet as well before someone walks off with it?

Bryan Cupp: So, I wanted to put an addition on the garage that is currently there toward the road. The measurements, you have the drawings, are 21.5 x 21.5 which would give me 20x20 inside the garage.

Curt Moll: Do you have any questions?

Jim Bradley: There is already a garage there, correct? So it is an additional garage attaching to and in front of the current garage?

Bryan Cupp: That is correct.

Jim Bradley: So essentially like a 4 car garage?

Bryan Cupp: Right.

Curt Moll: The reason - I guess the purpose of both garages then will be to store cars?

Bryan Cupp: Yes.

Mayor Woofter: In your particular association, how many units are there?

Bryan Cupp: There are 4 units.

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Mayor Woofter: And there's 4 units in your particular building?

Bryan Cupp: Yes.

Mayor Woofter: So you have your own association aside from everybody else where you live?

Bryan Cupp: Yes, we are Gemwood 6.

Curt Moll: I guess the other question would be, this will be on common property then?

Bryan Cupp: Yes.

Curt Moll: Has your association done anything to approve this process?

Bryan Cupp: We were waiting to see what was happening here tonight, whether I would be allowed or not allowed to. I made contact with my neighbors and talked to them and of course they got the letters – we all talked about it. We did not have a meeting. I didn't want to waste anybody's time – we were just waiting to see what was going to happen tonight.

Mayor Woofter: Is there anybody else from your building that are here?

Bryan Cupp: I guess not.

Mayor Woofter: No?

Curt Moll: I guess the other question that I would have – is there an absolute requirement to infringe on this five feet? What is the logic behind saying it has got to be this big?

Bryan Cupp: The size of the garage I have now is 20x20 interior and it is not by any stretch of the imagination a large garage. It is enough room to get in and out of the vehicles and open up the lift-gate of the van.

Jim Bradley: You have four vehicles yourself? These are all your vehicles going in?

Bryan Cupp: Yes.

Jim Bradley: With any kind of racking system?

Bryan Cupp: No. There is not enough room. I already checked into that.

Don Wittman: Looking at the parcel, it appears as if there may be enough room to build adjacent to the existing garage. Did you explore that option and is there a reason why you can't pursue that?

Bryan Cupp: The electric lines from the box go to – behind my garage there is a meter base and all of the wires go underneath that. The cost of moving those wires was pretty expensive.

Curt Moll: If we were to not approve this this evening, would you go ahead with a shorter garage?

Bryan Cupp: I could but it would be an inconvenience. I would look into it.

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Curt Moll: Okay. I have a question on whether we can – we have a chicken or egg situation I guess. Patrick, is there any clear law on this?

Patrick Wilson: Yes, I wasn't aware that this was a condominium unit request. But, since there is common ownership you would want to see approval from the association. Your role is not to rule one way or another in relation to the condo association.

Curt Moll: What you are saying is even if we approve this variance this evening it gives him no legal right to do this.

Patrick Wilson: He still has to get approval from the condo association. As far as your comment, Curt, about the chicken and the egg, it would have been preferable that the city receive the approval of the condominium association prior to asking this board to vote on it.

Curt Moll: With that, I think we understand what you are trying to do. Go ahead and have a seat. There have been some other people come in, if you would be kind enough after the public hearing to sign in, we would appreciate it. Is there anyone else here to speak for this variance? Is there anyone to speak against the variance? We have a number of people here and a limited amount of time, do you have a spokesperson or is there someone that could generally express your feelings? If we could get the most knowledgeable person up here to talk first and remember you are addressing the board and myself. If you have questions for the homeowner please address those to me and I will ask him later.

Roger Gosser: My name is Roger Gosser and I live at 140 Diamond Way. I am President of Gemwood 22 association which is adjacent to Bryan's. We are 136 through 142 Diamond Way and we are opposed to this building.

Curt Moll: And the reason for that, would be.

Roger Gosser: We just don't feel like it is going to be for the betterment of the community. It is something that I don't think was in the planning stage when Mr. Mellott first built those and really think that it would be an eyesore for the neighborhood.

Curt Moll: Thank you. Is there anyone else? Please state your name and address.

Jennifer McCutcheon: My name is Jennifer McCutcheon 149 Diamond Way. I am also the President of our condo association. Our building, the four of us got the letter, we do oppose it because we personally feel in a condo way of living you want to keep all the buildings looking the same. Once you change that who knows what you are going to allow the next person to do. You come to a condo living to live in a condo living. Enclosed patio, I could see that but not adding on to a garage coming towards the road. We just think we would like to keep our community, our neighborhood looking the way it is. Uniform – that's how they built them – let's keep them that way.
(Applause)

Curt Moll: There is general agreement on that. Would anyone else like to speak?

Patrick Wilson: What is the number of your condo association?

Jennifer McCutcheon: We are Gemwood 20.

Curt Moll: Would anyone else like to speak?

Nellie Kozad: I am Nellie Kozad. I live at 100 Topaz Trail. We are Gemwood 7 and that entails 124 and 126 Diamond Way and 100 and 102 Topaz Trail. We are behind the

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building that this is in question. We feel the same way as the lady that spoke prior to me. We have been there personally since May of 1985. We moved to a condominium situation because there are guidelines and rules that everyone has to follow and it keeps our community the way we want it, the reason that we moved there. Although, something that needs to, maybe you don't know, although there are Gemwood 1, 2, 3, 4, 5, 6, 7 – the reason for that as I understand it when we were built, Jim Ryan at the time – older people that have lived in Cortland for awhile will remember him, Ryan the realtor. He was the trustee when George Mellott and his son Michael first started this development. And when we asked why are we Gemwood 1, 2, 3, 4, 5, 6, 7 and it was explained to us this way – that the State of Ohio has a rule or something that they put in place that a builder / contractor that started a condominium development that once he submitted a plan had so long to build them, to finish them. And in the state other contractors who came in and built condominium developments didn't finish them – took off and left them unfinished, left the people who got into these communities with an unfinished community. They didn't know how they were going to sell. They were the first in the area or they were new to the area which is why my husband and I came to Cortland was because of these condominiums. As Mr. Mellott finished 4 units or 6 units he would form an association and if the time ever came that they stopped selling the rest of the land he had could be developed for single family homes. At the time I think, maybe you know better than me, there was 80 some acres originally. And when the sales did slow down and came pretty much to a stop, he did sell off the rest of it to single family homes. And even then those are – it is a really nice community. I am going to get long winded here. I remember one time there was a doctor here in Cortland – he was a doctor not a resident – who opposed some of the condos that were building up north here. His objection and a lot of people's objection in that area was – he didn't want them to turn in to – he thought in the future they would look like row houses or...

Mayor Woofter: I think we understand what you mean.

Patrick Wilson: I just want to make sure that there is no one else that needs to speak because we are past our allotted time for the public hearing.

Nellie Kozad: Let me get to this then, I will get there. Although we are all those different numbers of associations we are all governed by one master.

Mayor Woofter: I know you share the same kind of documents.

Nellie Kozad: yes.

Mayor Woofter: But each set of buildings are different associations.

Nellie Kozad: They are. But we are all covered by – no matter who you are – you can't have swimming pools, sand boxes, swing sets, clothes lines, outbuildings. That is the master.

Patrick Wilson: Right, but the common ownership regulation about which I was speaking with Curt relates to the actual condominium association, the 4 units. When I was addressing Mr. Cupp, that is what I was making reference to was just that association. The board will take into consideration everyone's opinion because you live there and you got notice about it but as far as legally considering the condominium association ownership, it has to be just that unit. That is the common property that they share.

Unidentified: If he does what he is going to do –

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Patrick Wilson: I am not suggesting that this is a debate. This is a public hearing for you folks to air your opinion. You can continue, I just wanted to make sure we understood that.

Nellie Kozad: Well, we are against it. I thought I was explaining something to you that maybe you didn't know. We are Gemwood Knolls Condominiums – we are only separated the way we are because of what was going to be from the contractor good for the community and good for the buyers of these condos when it was first started.

Curt Moll: Thank you very much.

Dave Majick: I have two things.

Mayor Woofter: Would you state your name and address for the record?

Dave Majick: Dave Majick, 138 Diamond Way. Two things. Number 1 – I am going to assume as I drove around that you will set a precedent because none of the condos that Mellott built or that Carleton built have any additions out front like that. Number 2 – You are going to okay this. He lives on the end. What about me in the middle? Am I going to be able to put a 2 car garage out in the middle and the other 2 are on the ends like that? That's it.

Curt Moll: Thank you, Dave. If no one else has anything else to say, would you like to make any other comments?

Bryan Cupp: I do appreciate everybody coming out. I don't want to ruin anybody's day.

Unidentified: It's nothing against you.

Bryan Cupp: I was on the zoning board in the last township I lived in and I understand that there is no animosity or anything here and I have none for any of you. I just want you to know that. Due process says I come in, I pay my \$100, I ask questions, I get results – yes or no. I am not trying to change the look of your neighborhood and I am not trying to change anybody's

Unidentified: But it will.

Multiple people speaking: (Inaudible)

Mayor Woofter: Please address your comments to the board and not to the individual. Thank you.

Bryan Cupp: I will take your feelings and your concerns also into consideration. I have been a good neighbor. I have kept my place up very nice and I have had no issues with any of you prior to this. I don't plan on having any issues after this. This for me was information that I needed to go forward to do something. The board will decide whether I can or can't do something and I just appreciate you coming out. I will also like I said consider your (inaudible).

Curt Moll: Thank you. At this point, I will close the public hearing. If I could ask the 2 or 3 people who came in later, could come up and sign in please. Can I have a motion to close the hearing?

Don Bell made a motion to close the public hearing, seconded by **Sally Lane**. The public hearing closed at 7:09 p.m.

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The City of Cortland Planning, Zoning & Building Commission met on Monday, June 12, 2017 at 7:00 P. M. at the City Administration Building, 400 N. High Street, Cortland, Ohio. In attendance were the following board members: Chairman Curt Moll, Vice Chairman Sally Lane, Don Bell, and Jim Bradley. Also present were Mayor Jim Woofter, Service Director Don Wittman, Law Director Patrick Wilson and the following individuals:

Roger Gosser	140 Diamond Way	Cortland
Ron Betts	116 Emerald Ln	Cortland
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Cheryl Yaugo	121 Topaz	Cortland
Sandra Shaffer	113 Topaz	Cortland
Jennifer McCutcheon	149 Diamond Way	Cortland

Curt Moll: Good evening. It is 7:10 p.m., Monday, June 12, 2017. I'd like to call to order the regular meeting of the City of Cortland Planning, Zoning & Building Commission. Can we have roll call please?

Roll Call: Jim Bradley, here; Sally Lane, here; Curt Moll, here; Don Bell, here; Donald Fatobene, absent.

Curt Moll: Thank you. First item of business is the approval of commission minutes for May 22, 2017 regular meeting. Members present were Sally Lane, Don Bell, Donald Fatobene and Jim Bradley. Could I have a motion please?

Don Bell made a motion to approve May 22, 2017 meeting minutes, seconded by Jim Bradley.

Curt Moll: Any comments or discussion about the minutes? Can we have a roll call please?

Roll Call: Donald Fatobene, absent; Sally Lane, yes; Jim Bradley, yes; Curt Moll, abstain; Don Bell, yes. **MOTION APPROVED.**

Curt Moll: The first item of new business is 18-17 – Variance Request for 134 Diamond Way – The request is to allow a garage addition to encroach on the 30' front setback requirement by up to 5 ft. I have a question at this point, Patrick. If we get a motion for this and we decide not to take action, is there any difference between not getting a motion? If we were to take this and table it or do something like that.

Patrick Wilson: I'd like to see that, if that is the will of your body is to table it until next time I would want to see it proposed as a motion and then a roll call vote on the motion..

Curt Moll: You would like to see it proposed with a motion and roll call on that motion to table it. Okay first I need a motion for the variance request. **Don Bell made a motion for approval of 18-17, seconded by Jim Bradley.**

Curt Moll: Now I would like to have a little discussion. This is a real concern of ours because one, we don't know what the association is going to do because you need some approval from the association and the bank and some other issues in order to do this. Because you are talking about building on common property. So we have a great deal of concern and obviously we have heard a lot of comments here this evening. If we table this, we would not have another public hearing. We would have a vote on it at some

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point in the future or not. I would feel much better about it, if I knew the association was going to approve what you are going to do with your plans or if you modified plans in some way so that they would approve it rather than have us vote it down and you come back with plans.

Don Wittman: But I think what is before this board is the 3 ½ foot encroachment into the front setback. It is the issuance of the variance or granting of a variance which would allow the issuance of a zoning permit that doesn't adhere to the 30 foot setback. Now procedurally on my end, if that is something that the Law Director is recommending to me as the Zoning Administrator before we would issue a zoning permit for even a 18 foot garage which doesn't need the variance or a 21 ½ foot garage which would. So there is a possibility that you could construct a garage out front that is only 18 feet and not the 21 ½ feet. What is before this board is what I've shown colored in which is the 3 ½ foot.

Curt Moll: And the people that have come and objected to this are not going to like it any better if it is 18 ½ feet versus 21 feet.

Mayor Woofter: And this all could be a moot point. Bryan, are you aware that if – I don't know what the situation is in your particular association – the 4 condos – but if there are mortgages held on each of those properties you also have to have the bank's approval of each of the mortgage companies in order for you to proceed. Were you aware of that? Because you are using common ground that everybody owns in that particular unit – those four buildings. This property is owned by all 4 of you, so what you are going to do is change the initial ownership of the common ground so the banks have to approve that as well.

Unidentified: That is not true though.

Mayor Woofter: Yes it is true.

(Multiple speakers): There is more than four people (Inaudible)

Mayor Woofter: First of all you don't want to speak out so much. There is only 4 in that association.

Unidentified: I know but that common ground has more than 4.

Curt Moll: That depends on how it was documented at the time. I don't know how the documents were prepared.

Mayor Woofter: But anyways, nonetheless, I think you have a lot of footwork to do before...

Bryan Cupp: If I could speak, this was for me to gather information. That is why I have not contracted anybody to build yet. We did not have a meeting to approve although I did talk to them and I have their blessing. But I told them what I am finding out now is what I can or cannot do. I don't want to waste anybody's time. I put up \$100.00 to more or less gather information. I did not know about the mortgages and lenders.

Curt Moll: At least for my purpose, I am not sure it makes any difference. You could bring us something in the future which might make us feel better about it, that might make a difference. My personal feeling is that it doesn't make any difference what this board does, because there are other people who take precedence over what we do. So as far as the issue we have before us tonight, that has been brought to us about appearance and consistency and all those kinds of things – this decision has nothing to do with that. Because the condo association will either allow an 18 ½ foot or a 21 foot or whatever they are going to allow or not allow. The banks will either cooperate or not cooperate.

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Based on that, I don't think our decision bears a lot of weight. Are we going to stand in the way of the condo association if they want to do this is the question. I don't know whether you guys want to do that or not.

Mayor Woofter: Listening to everybody, just as a candid question how do you feel about the project?

Bryan Cupp: I will think about it. The main thing is I have talked to a lot of people and the people who agreed with it are not here tonight.

Jim Bradley: Would those be the only three that are part of your HOA then?

Bryan Cupp: No, there are other neighbors that I have talked to also. They know that I wouldn't do anything shoddy and the appearance would be nice. Again, this was for me to gather information because I have other options. I can sell my condo and move to a house...

Multiple speakers

Patrick Wilson: Now we have moved out of a public hearing. The meeting is controlled and conducted by Mr. Moll. If he needs to hear from anybody in the audience he will call on you. Mr. Cupp was called upon so he can speak but anyone else who wishes to be heard during this open discussion period needs to be acknowledged by the chair. Thank you.

Curt Moll: Based on our discussion this evening, what do you folks think our action should be here? Am I hearing we should table this?

Patrick Wilson: That seems to make the most sense from what I am hearing from Mr. Cupp also. That way you are not required – if it fails we would have to go back to scratch with a different public hearing.

Curt Moll: If you come back with a different idea,

Bryan Cupp: I do realize that if I am within the setback lines, I do not need the permission of the commission to do it. I can just do it. I get a zoning permit and I do it. So taunting me at this meeting is the worst thing that any of you can do.

Curt Moll: Let's keep this at a business level.

Bryan Cupp: I am just stating my piece.

Don Wittman: Procedurally, when Mr. Cupp came to me to investigate the feasibility of doing the garage on the front, I examined and said there's a 30 foot setback – you have approximately 18 feet which you can bring the garage out. But he had the plans showing 21.5 feet. I said essentially it makes sense to come to the board for the full uniform square garage to equal what was there and ask for the variance. Also you would need to have approval from the homeowner's association.

Curt Moll: I think we will have a motion then to table this.

Don Bell made a motion to table 18-17, seconded by **Sally Lane**.

Roll Call: Sally Lane, yes; Jim Bradley, yes; Donald Fatobene, absent; Curt Moll, yes; Don Bell, yes. ITEM TABLED.

Curt Moll: You just need to let us know if you get the other approvals and we will have another session. I don't feel comfortable handling this this evening without the other

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approvals. In reality, those documents take precedence over what we are doing. You get all the okays there then we will feel differently perhaps about what we are considering.

Don Wittman: Procedurally, Patrick, is there a time frame for which that needs to be considered lest it be approved?

Patrick Wilson: 60 days from when it was introduced which it was introduced tonight. We need to address this either at our July or August meeting.

Curt Moll: So at the August meeting we will have to have a vote on it.

Don Wittman: So we will have to vote it up or down.

Mayor Woofter: But we wouldn't automatically do that, would we? We would only do it if he came back and requested to be on the agenda.

Curt Moll: It would have to be placed on the agenda each meeting. 2nd meeting we will have to either vote it down or vote it up – one or the other.

Mayor Woofter: I would ask that if you decide to pull the request to please inform the city.

Curt Moll: That would be helpful.

Patrick Wilson: But you have time – we don't have to do this in July. We have to do it in August. And it would appear as an agenda item, just for everyone else in the room, it would appear as an agenda item under Old Business. It would still be an opportunity to discuss not in a public hearing format, but if someone had questions they could be addressed to the chair and would most probably be heard during a discussion period.

Curt Moll: Okay moving on to the next agenda item – It is **19-17 Replat of Lots 22 and 23 of Shepherd's Hill Allotment Phase 1, Plat Vol. 34, Page 95**. Can I have a motion for that please?

Don Bell made a motion for approval of 19-17, seconded by **Sally Lane**.

Curt Moll: Who is here to talk about the replat?

Don Wittman: The item before that is basically the lot consolidation, so you can work through it a little bit.

Unidentified: I just wanted to say (inaudible) it is more between him and the 4 people in his condo so whatever we say doesn't make

Curt Moll: Well it does because we have heard you.

Unidentified: Well we can't say any more.

Curt Moll: Well you can. You can come back when we are going to vote on it. We understand what your situation is.

Unidentified: So you are saying that we do have input at the next?

Curt Moll: Anytime this is on the agenda, yes. Thank you. Please state your name.

Lindsey Foster: My name is Lindsey Foster and I represent the office of LS Architects, the architecture firm that has the next item on your docket. Our client, Dr. David Harnett,

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is looking to consolidate the adjacent property to build an addition onto his existing dental office.

Curt Moll: You say he has purchased this property?

Don Wittman: Yes, the parcel is owned by Dr. Harnett and in order to build across the property line, there needs to be a replat of the lots. So you can see the lot closest to Niles Ashtabula Road would be known as Lot 23A by incorporating the acreage to the south. And the lot further up the hill which is undeveloped and vacant would incorporate the rear acreage from that parcel and that would be known as Lot 22A.

Curt Moll: So the front former lot was same depth but now wider.

Don Wittman: Correct.

Patrick Wilson: We have common ownership. It is not a purchase situation.

Don Wittman: Correct. Here again there are condo docs which will need to be addressed because the professional building is owned by multiple individuals but the land is not. They are aware that they will have to re-do their ownership agreements but essentially this is Step 1 in allowing the replat of that parcel. And you see there are owners signature lines that would indicate approval.

Patrick Wilson: Those are all members of the association in other words right Don?

Don Wittman: Yes.

Curt Moll: You just want to combine those lots so you can build bigger?

Lindsey Foster: Yes.

Curt Moll: Any questions from the board? Can we have a vote on 19-17?

Roll Call: **Curt Moll, yes; Don Bell, yes; Sally Lane, yes; Donald Fatobene, absent; Jim Bradley, yes. MOTION PASSED.**

Curt Moll: Next, we have **20-17 Commercial Addition** – I need a motion 2,631 sq. ft. to 500 Wakefield Unit B&C. Can I have a motion? **Don Bell made a motion for approval of 20-17, seconded by Jim Bradley.**

Curt Moll: Would you like to address this one?

Lindsey Foster: Sure. For the addition in question for Dr. Harnett, he is proposing to add 4 treatment rooms, a new sterilization center and a storage area on main level. Underneath the main level is just a storage area for dental equipment and miscellaneous things. It has no use other than for storage. While you are looking at your plans versus what I have on the board here the doctor surprised us with a request layout change. I have a small drawing if you would like to review?

Don Wittman: Is the layout changing or exterior at all or just interior?

Lindsey Foster: It essentially flipped. Nothing has been added or removed from the proposed rooms based on the drawings you have in front of you – for his functionality he preferred everything opposite the way we had it in the drawings.

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Don Wittman: What this board is reviewing essentially is the setbacks of the walls and everything so if the existing footprint is remaining the same and you are just moving interior walls that has no bearing.

Mayor Woofter: Could I see your drawing please?

Lindsey Foster: I have several copies here.

Mayor Woofter: Are you saying this will just be a mirror image?

Lindsey Foster: Essentially yes.

Mayor Woofter: So this wall is going to be where this wall is, or is it going to be in line with this?

Lindsey Foster: It is going to be in line with the existing

Mayor Woofter: So that is changing some of the setbacks. So Don, you might want to take a look at this. It is going to change that. So instead of this being like this and sticking out beyond this wall it is going to be...

Don Wittman: Well that makes more sense.

Lindsey Foster: I wanted to make you aware and not answer questions and find out previously approved and start building

Mayor Woofter: The square footage actually changed some as well.

Lindsey Foster: It is about 50 feet larger on the first floor but the basement storage decreased by about 200 sq. ft. There is a crawl space for dental piping but that will be unusable space.

Curt Moll: So could you give the exact square footage to Terri for the minutes? We did read the square footage into the motion so we need to say it has a corrected square footage.

Don Wittman: 980 sq. ft. for the first floor and the basement which is essential a walk out basement would be 760 sq. ft.

Lindsey Foster: Correct.

Curt Moll: Which gives you a total of 1740 sq. ft. How did you get to 2631 before?

Don Wittman: It is not going to be a full basement.

Lindsey Foster: When the layout flipped per the doctor's request it started to encroach on the existing space where the breakroom is, and we had concerns that if we put a full basement we would alter the structure of the foundation of the existing building and decided to just do a crawl space with a slab.

Curt Moll: Very good. Anything else to add? Any questions? Don, anything to add?

Don Wittman: I just ask that a revised application and drawings be resubmitted electronically for final permit issue.

Curt Moll: Parking lot?

Lindsey Foster: The parking is existing and will remain as is.

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Curt Moll: So no issue with detention or anything like that I guess. The setbacks are all correct.

Don Wittman: They are correct.

Curt Moll: With that, can we have a vote on 20-17?

Roll Call: **Curt Moll, yes; Donald Fatobene, absent; Sally Lane, yes; Don Bell, yes; Jim Bradley, yes. MOTION PASSED.**

Curt Moll: Very good. Anything else to be brought before the board this evening?

Mayor Woofter: I don't. Not really, I guess. I would just ask that in the future meetings that, you probably want to really consider the neighbors in that neighborhood regardless of what his four people...

Curt Moll: I guess the question in my mind is, he gets the approval from the neighbors and then if we deny the variance and he could build it anyways.

Mayor Woofter: I don't believe he could go ahead. Oh I see what you are saying. This board could deny the variance and he could go ahead and build it to 18 feet and then their option would be a civil lawsuit against him.

Don Bell: I think he is going to run into a problem with the banks.

Mayor Woofter: Not necessarily.

Don Bell: I think he will.

Curt Moll: More than likely.

Patrick Wilson: But I think Jim's point is even if he gets past the banks, gets by us, the condo association could still gum up the works in court.

Mayor Woofter: My hope is he is just going to withdraw.

Curt Moll: I have a lot of sympathy for the owners of surrounding properties. Anything else?

Don Wittman: I want to hear about the marijuana dispensary seminar guys went to.

Curt Moll: I went to a different one. The Mayor went to that one.

Mayor Woofter: It is going to be quite expensive. It isn't going to be something you see popping up everywhere. It is going to take deep pockets to do it and many state approvals and licensing. Just to apply for the license is \$10,000.

Curt Moll: I think we have degenerated far enough. I need a motion for adjournment.

Don Bell made a motion to adjourn the meeting, seconded by **Sally Lane**.

Roll Call: **Jim Bradley, yes; Sally Lane, yes; Don Bell, yes; Donald Fatobene, absent; Curt Moll, yes. MOTION APPROVED.**

Meeting Adjourned: 7:36 pm.

Chairman

Date

Secretary