

PLANNING, ZONING & BUILDING COMMISSION

CITY HALL

September 11

17

The City of Cortland Planning, Zoning & Building Commission met on Monday, September 11, 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, Donald Fatobene and Jim Bradley. Also present were Mayor Jim Woofter, Service Director Don Wittman, Law Director Patrick Wilson and the following individuals:

Elijah Waldrop	312 S Mecca St.	Cortland
James Westbay	1440 Millers Landing	Cortland
Joshua Palmer	214 W Main St.	Cortland

Curt Moll: Good evening. It is 6:50 p.m., Monday, September 11, 2017. I’d like to call to order the Cortland Planning, Zoning & Building Commission for Public Hearing 26-17 – 312 S Mecca St. The purpose of the hearing is to consider a variance request for 312 S Mecca St. to allow a sign area of 40 sq. ft. which exceeds the 32 sq. ft. maximum and a height of 19’ which exceeds the 12’ maximum. Who do we have to speak for this? Could you explain to us what you need to do there? I know we have pictures.

Elijah Waldrop: Elijah on behalf of Brian Hall, 312 S Mecca St. He gave me a statement to read on this behalf: “I am sorry that I was not able to attend tonight’s meeting. The reason for the variance request is to replace the face panels of our current sign. In the process of applying for permits, I was made aware that our sign was not in compliance with city codes. Therefore I seek a variance to keep the existing sign as it is. The current sign to my knowledge has been in place since 1984 or earlier. The location of the sign is on a hill, and does need to sit higher than code in order to be viewed by traffic from the north and south.”

It just needs to be bigger so everyone can see it because it sits a little lower than the hill.

Mayor Woofter: Are there any plans to cut the tree down on the other side that blocks?

Elijah Waldrop: I hope so. I’d like to get someone in to do some landscaping.

Mayor Woofter: Isn’t that your property?

Elijah Waldrop: I believe up to the curb – but not everything in the back half.

Mayor Woofter: The tree right next to the sign, isn’t that on your property?

Elijah Waldrop: I believe so.

Mayor Woofter: You sure would be able to see the sign a lot better, without that tree. It is just a scrub tree anyway.

Curt Moll: Does anyone have any questions from the board? Is there anyone here to speak in favor of the sign? Is there anyone here to speak against the sign?

Terri Barnovsky: Jim DiGiacobbe called today. They were one of the notified adjacent property owners. He could not be at the meeting this evening, but he did want to go on the record to say he was not in opposition to this sign.

Curt Moll: Okay good. And certainly this is the lowest cost alternative to replace what is there. Any other comments? I guess I need a motion to close the hearing.

Don Bell made a motion to close the public hearing, seconded by **Donald Fatobene.**

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The City of Cortland Planning, Zoning & Building Commission met on Monday, September 11, 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, Donald Fatobene and Jim Bradley. Also present were Mayor Jim Woofter, Service Director Don Wittman, Law Director Patrick Wilson and the following individuals:

Elijah Waldrop	312 S Mecca St.	Cortland
James Westbay	1440 Millers Landing	Cortland
Joshua Palmer	214 W Main St.	Cortland
Korey Gall	170 N. Park	Warren
Shawn Carvin	170 N. Park	Warren
Dennis Bryan	208 St. Andrews	Cortland
Jim Maderitz	6 Turnberry Pl.	Cortland
Kara Kautz	10 Turnberry Pl.	Cortland

Curt Moll: Good evening. It is 7:00 p.m., Monday, September 11, 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, here.

Curt Moll: Could I have a motion for the approval of commission minutes for August 14, 2017 regular meeting?

Don Bell made a motion to approve August 14, 2017 meeting minutes, seconded by **Donald Fatobene.**

Curt Moll: Any discussion or corrections to the minutes? Can I have a roll call please?

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

Curt Moll: Seeing no old business, we will go right to new business. The first item of business is **31-17 – Variance Request – 312 S Mecca St** – The request is to allow a sign area of 40 sq. ft. which exceeds the 32 sq. ft. maximum and a height of 19' which exceeds the 12' maximum. Can I have a motion, please?

Don Bell made a motion to approve 31-17, seconded by **Sally Lane.**

Curt Moll: Any discussion on this variance? Any additional questions? Would you come up and explain again and read your statement so it goes in the minutes?

Elijah Waldrop: This is a letter from my boss, Brian Hall, who was unable to make it. "I am sorry that I was not able to attend tonight's meeting. The reason for the variance request is to replace the face panels of our current sign. In the process of applying for permits, I was made aware that our sign was not in compliance with city codes. Therefore I seek a variance to keep the existing sign as it is. The current sign to my knowledge has been in place since 1984 or earlier. The location of the sign is on a hill and does need to sit higher than code in order to be viewed by traffic from the north and south."

Curt Moll: State your name again please.

Elijah Waldrop: Elijah Waldrop.

Curt Moll: Any additional questions? Okay, can we have a roll call?

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

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Curt Moll: Next item on the agenda is **32-17 Pole Mounted Sign – 312 S Mecca St. – Centerra Country Store.** Could I have a motion for this please?

Don Bell made a motion for approval of 32-17, seconded by Donald Fatobene.

Curt Moll: This is the actual sign. I think we have heard enough about the sign. We have pictures. Same representative. There is a picture in here of the sign and an illustration of where it is going to go. Does anyone have questions?

Don Wittman: Just to note for the record, as far as the information provided to us – it does show an LED sign underneath that, but that is not part of this approval process. It is just to reface the existing 5x8 sign.

Curt Moll: Okay, if there are no further questions, we can have a roll call please.

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

Curt Moll: Next item on the agenda is **33-17 Wall Mounted Sign – 214 W Main St. – Mayflower Wollam Insurance – 25 sq. ft. – External lighting.** Can I have a motion for that please?

Don Bell made a motion for approval of 33-17, seconded by Sally Lane.

Curt Moll: Who do we have to speak for the sign?

Joshua Palmer: Joshua Palmer. We have two signs, one is going to be on either side of the door. We believe that provides a more professional, clean look. The other option was to put it on top of the roof or to cover some of our windows. So we would like to put one sign on one side of the door and one sign on the other to provide a clean, professional look.

Curt Moll: And we have pictures here. Any other questions? Hearing none, I guess we can have a roll call please.

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

Curt Moll: Thank you. Next item on the agenda is **34-17 Replat - A Replat of Lots 65 & 66 – Walnut Run Estates Phase 2, Plat Volume 46, Page 63 & 64 and Lot 64 – Walnut Run Estates Phase 3, Plat Volume 48, Page 15 forming Lots 64A & 66A.** Can I have a motion, please?

Don Bell made a motion for approval of 34-17, seconded by Donald Fatobene.

Curt Moll: Who would like to explain what we are doing here?

Shawn Carvin: I am Shawn Carvin. I am Director of the Trumbull County Land Bank. We acquire tax delinquent properties through the foreclosure process. We have a large inventory across the county and we try to sell them to adjacent property owners for yard expansion. When a case comes up when there are two property owners and both are interested, we simply cut the property in half giving half to each property owner. This is the case with this property, we are looking to split it right down the middle and replat to the adjacent property owners' properties so that they have larger yards.

Curt Moll: Very good. And this is the same action as the next item as well?

Shawn Carvin: Yes and there will probably be a couple more coming.

Curt Moll: Any questions? Don, any concerns about this?

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Don Wittman: This is the one on St. Andrews so it is pretty straight forward. There are no easements that will be impacted or affected.

Curt Moll: If there are no further comments or questions, I would ask for a roll call.

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

Don Wittman: So that having passed, it will go for recommendation to Council who will also have to vote on that. But a representative does not need to be present at the Council meeting.

Curt Moll: On these kinds of things, they do pretty much take our recommendation. The next item on the agenda is **35-17– Replat** - A Replat of Lots 27 thru 29 – Walnut Run Estates Phase 1, Plat Volume 46, Page 62 forming Lots 27A & 29A. Could I have a motion please?

Don Bell made a motion for approval of 35-17, seconded by **Sally Lane.**

Curt Moll: Do you want to get up and talk about this one?

Shawn Carvin: Shawn Carvin, Trumbull County Land Bank. We are going to split this lot in half and give both of the adjacent property owners a larger yard.

Curt Moll: Don, you said there are easements here we need to be concerned about.

Don Wittman: Yes. Lot 29A, I believe that affects 6 Turnberry Place. There is a utility easement that will remain in effect between your existing property line and the new property that you are going to be acquiring. If you were going to construct anything on there, you would have to come to the city for approval of that. But as far as twenty feet from your house, assuming they set it ten feet from that property line. It is just a consideration to let you know you can't extend that, if you were to do an addition you can't really go to the north.

Jim Maderitz: What is that?

Don Wittman: I believe it is a sewer easement, sanitary sewer.

Curt Moll: So there is sanitary sewer in that location now?

Don Wittman: Yes.

Curt Moll: But you have fifty feet on the other side of there or forty feet.

(Several comments)

Jim Maderitz: So the easement runs between us and the other side of St. Andrews, right?

Don Wittman: Shawn, who is going to be recording these?

Shawn Carvin: Valley Tech will record them for us.

Don Wittman: Okay. But, it goes through your office?

Shawn Carvin: Yes.

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Curt Moll: I was just trying to clarify, there is no option to move that. Sometimes, there is if it is for future use. Any questions from the board? Okay I think we can have a roll call.

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

Curt Moll: Okay, that brings us to item **36-17 Zoning Permit Approval – Duplex, Lot 49 Spring Creek Dr., Hidden Lakes Dev. Plat #6** – Cortland Industrial Developers, Inc. Can I have a motion?

Don Bell made a motion for approval of **36-17**, seconded by **Donald Fatobene.**

Curt Moll: The reason for this coming here is we are building a duplex in a multi-family zoning area.

Don Wittman: Yes, I can only issue zoning permits for single family development. Anything over single family needs to come before Planning & Zoning Commission for approval.

Curt Moll: I just wanted to make sure that got in there. Do you want to come and talk about your plan here?

James Westbay: I am James Westbay. I am just going to build the same thing that I built on Lot 47. The lots on the north side of Spring Creek were all kept for multi-family.

Don Wittman: I think the difference on this one, you are going to have a bonus area over the garage where that other unit didn't.

James Westbay: Yes.

Curt Moll: It is a big unit. Is there a unit on 48 as well now?

James Westbay: Yes. I just built on 47 the same identical unit – only change is the bonus room.

Mayor Woofter: What is your square footage on each side?

James Westbay: It is 1300.

Mayor Woofter: Without the bonus room?

James Westbay: Yes.

Curt Moll: Any other questions for Mr. Westbay? I don't hear any comments coming from Don. All of the setbacks and everything are met?

Don Wittman: Yes.

Curt Moll: Can I have a roll call?

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

Curt Moll: Next, we have **37-17 Set Public Hearing** – The purpose of this hearing is to consider a variance request for 681 S High St. to allow a sign area of 100 sq. ft. which exceeds the 32 sq. ft. maximum and a height of 21' which exceeds the 12' maximum. **Public Hearing to be set for October 9, 2017 at 6:50 p.m.** Can I have a motion?

Don Bell made a motion for approval of **37-17**, seconded by **Sally Lane.**

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Curt Moll: Do you want to say anything about this, Don?

Don Wittman: Well, if you happen to go out and look at the former Rub-a-Dub Scrub Car Wash it has already been changed.

Curt Moll: Part of it. The bottom is still the same as it was. It still has the changeable copy.

(Several comments)

Mayor Woofter: They did that and I happened to see it and informed Don and I think we got it stopped before any other...

Curt Moll: Any other modifications.

Patrick Wilson: Is it a new owner?

Mayor Woofter: I don't know.

Curt Moll: The owner is from Ashtabula so I don't know.

Don Wittman: It hasn't changed hands as far as what is on the Auditor's site.

Curt Moll: That doesn't mean the business hasn't changed hands.

Mayor Woofter: We don't know that.

Curt Moll: No I don't. All I see is there is an Ashtabula, Ohio address. This variance will be written as both size and height of both signs or are we going to separate a little more? I guess I am concerned we have no option to reject part of it and accept the rest.

Don Wittman: So, you would like to see a vote on the variance for the height and then a vote on the variance for the size.

Curt Moll: When there are two different things you are varying, why wouldn't you vote on them independently?

Don Wittman: I think that had been the practice. I think with Centerra, it was just an oversight. I think it was specific enough to treat it as one variance.

Curt Moll: If we treated it as three variances or four, would they have to come in with \$100 for each one?

Don Wittman: No.

Curt Moll: It will be easier to discuss it in that way.

Mayor Woofter: Well considering that they are not requesting to change the structure of the sign or the height – it is already there. Everything they are using is already there.

Curt Moll: I know, but the last guy did not change the name of the business so that he did not have to change the sign. So we penalized somebody for five or six years on the old name of a business. Rub-a-Dub Scrub, he wanted to operate under something else. When the business changed hands several years ago, we told them if they wanted to change the sign they would have to have it conform to our current zoning regulations. So they sat there with that unchanged sign with the old business name for six years or so.

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Don Wittman: They utilized under new management and kept the existing name. They wanted to change the name of the business but being faced with having to do a new sign or comply with our stricter regulations, they chose to leave it in place. That conversation was not held with this new owner, which makes sense if it is a new owner.

Jim Bradley: Possibly, if it is not a new owner it could just be the same person who now wanted to change the name of his business six years ago and now just did it.

Mayor Woofter: That is a possibility. But we don't know that. Unless we have something in our minutes we can look back on.

Curt Moll: That never came to this board.

Don Bell: Don, you say it hasn't changed on the auditor's website?

Don Wittman: No it has not – at least the last time I checked.

Curt Moll: Can we have a roll call?

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

Curt Moll: I think we need better information before the public hearing. I would like to call for a motion to adjourn.

Don Bell made a motion to adjourn the meeting, seconded by **Donald Fatobene.**

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

Meeting Adjourned: 7:17 pm.

Chairman

Date

Secretary