

PLANNING, ZONING & BUILDING COMMISSION

CITY HALL

February 12

18

**The City of Cortland Planning, Zoning & Building Commission met on Monday, February 12, 2018 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, Don Bell and Donald Fatobene. Also present were Mayor Woofter, Service Director Don Wittman, Law Director Patrick Wilson and the following individual:**

**Mark Brown**

**301 S High St.**

**Cortland**

**Curt Moll:** I'd like to call to order the regular meeting of the Planning, Zoning & Building Commission for the City of Cortland. It is Monday, February 12, 2018 at 7 o'clock. First item on the agenda is a roll call, please.

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

**Curt Moll:** The second item on the agenda which I need a motion for is the approval of commission minutes for January 8, 2018 re-organization meeting.

**Don Bell made a motion to approve January 8, 2018 re-organization meeting minutes, seconded by Donald Fatobene.**

**Curt Moll:** Thank you. Any discussion? Can we have a roll call please?

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

**Curt Moll:** I need a motion for the approval of commission minutes for January 8, 2018 regular meeting.

**Donald Fatobene made a motion for approval of January 8, 2018 regular meeting minutes, seconded by Don Bell.**

**Curt Moll:** Thank you. Any discussion or correction to those minutes? Can we have a roll call please?

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

**Curt Moll:** Seeing as there is no old business, we will go right to new business. Item **04-18 – New Sign** – 301 S. High St. – Mark's Signs – 20 sq. ft. – LED lighting Can I have a motion please?

**Don Bell made a motion for approval of 04-18, seconded by Donald Fatobene.**

**Curt Moll:** Who is here to talk about your sign?

**Mark Brown:** Mark Brown, 301 S. High St., Cortland. It is an electric sign in the front yard, two-faced. It is 4 ft. x 6 ft., lighting is LED, with lexan faces. It is only going to be, I am not sure if I wrote it on there, but it is only going to be 18 inches off the ground.

**Curt Moll:** It says 12 inches here.

**Mark Brown:** I didn't want to go too high because the front yard is already on a hill.

**Mayor Woofter:** Is that 12 inches high or 12 inches in?

**Mark Brown:** 12 inches high.

**Curt Moll:** So that makes it 6 feet high total. I have a question. Have you sighted off the exit from the post office to make sure there is not going to be a problem there?

**Mark Brown:** Yes.

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**Curt Moll**: That would be my only concern.

**Mark Brown**: I thought there was a tree there, but there isn't. It will be back far enough, pretty much where the guy who had the scooter store's sign was.

**Curt Moll**: I would just be very careful not to block that view because that is a tough exit anyways because of the angle.

**Mark Brown**: I looked at it and it is actually back far enough and it will light up the whole front yard and everything. It should be okay. If there is a problem, we'll move it.

**Curt Moll**: Any other questions? Don, do you have any issues with this sign?

**Don Wittman**: No.

**Curt Moll**: Can we have a roll call, please?

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

**Curt Moll**: Thank you. Your sign has been approved. You need to give them money and then we will be all set.

**Mark Brown**: I am going to drop it off tomorrow morning.

**Curt Moll**: Thank you. Next item on the agenda is **05-18 Set Public Hearing** – The purpose of the hearing is to consider a variance request to allow an off-premises sign and to exceed the maximum number of signs allowed on a parcel with a single building at 100 Windsor Dr. **Hearing to be set for March 12, 2018 at 6:50 p.m.** Could we have a motion please?

**Don Bell** made a motion for approval of 05-18, seconded by **Donald Fatobene.**

**Curt Moll**: Any discussion?

**Don Wittman**: Just to talk a little bit about as far as – They were asking for a variance to have a second sign. And technically even though you kind of look at Windsor Park as one complex with multiple units, it is not platted that way. So that is why the second variance request was for offsite premises. Even though it is pretty close to the building it is technically on another parcel. So that is why it would be an off-site premises sign.

**Don Bell**: They are in the second building back?

**Don Wittman**: Correct.

**Don Bell**: But the sign is out front near the road.

**Don Wittman**: Correct.

**Curt Moll**: Obviously if we only allow one pedestal sign out front then we would be treating them as a single unit.

**Don Wittman**: Right. It is a variance for off-premises as well as multiple ground mounted signs.

**Curt Moll**: But where would he put his ground mounted sign if he wanted to – he would have to go back and put it on his property then?

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**Don Wittman**: Correct.

**Curt Moll**: That is an unreasonable request, I think. That is unreasonable to request him to do that.

**Don Wittman**: Right and it wouldn't serve the purpose.

**Curt Moll**: I understand his problem.

**Don Wittman**: Then I guess one of the other options was to go across the street and put it in with permission of the property owner somewhere outside of the city jurisdiction. But he does have permission. The owner that they lease from does have both buildings.

**Curt Moll**: But he doesn't have an easement. So there is potential down the road if there were a different owner involved that could be a problem.

**Don Wittman**: But the owner is the same for the 100 building and the 200 building.

**Mayor Woofter**: Does Peak Performance have this entire building back here?

**Don Wittman**: No. I don't think so.

**Mayor Woofter**: The way you have it written in there it looks like it is the whole building. There was a dentist office in there, too.

**Don Wittman**: It was just to label it. I don't know how much square footage they have.

**Curt Moll**: The only thing I guess I am concerned about is we have a multiple sign out front for the whole complex. If we are treating this one that way then that sign is really not appropriate either.

**Mayor Woofter**: My concern is that if he can do it so can anybody else.

**Curt Moll**: And there would be 14 signs out there on the road.

**Don Bell**: How is the height requirement on that sign? Could they go up a little bit?

**Mayor Woofter**: Which sign?

**Don Bell**: The one that is already there, the existing sign.

**Mayor Woofter**: They have already done that and it looks terrible. That was done many years ago when Ed Repphun owned the facilities.

**Curt Moll**: Probably there should be two of those signs out front, one for each building. Can we have a roll call please?

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

**Curt Moll**: Next on the agenda- **06-18 Set Public Hearing** – The purpose of the hearing is to consider a variance request to allow an additional 11.5 sq. ft. sign to the existing pole sign that exceeds the 32 sq. ft. maximum at 650 S. High St. **Hearing to be set for March 12, 2018 at 6:40 p.m.** Can I have a motion?

**Don Bell** made a motion for approval of 06-18, seconded by **Donald Fatobene.**

**Curt Moll**: Thank you. Any comments about this?

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**Mayor Woofter:** I will be glad to fill you in on what I know of this.

**Don Wittman:** I wouldn't discuss that at all.

**Curt Moll:** It will come up in the public hearing.

**Don Wittman:** I think the chairman pointed out the basis for granting a variance section which should be reviewed before the next meeting.

**Curt Moll:** I am going to read it when we are done here but I don't know that I want to do it right at this point. Because we have two variance requests and it is really germane to both of them. If there is no further comment, can we have a roll call please?

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

**Curt Moll:** The comment I made earlier was that there is a section 1133.02 called variances and d) says a variance from the terms of this Zoning Ordinance may be granted by the Planning and Zoning Commission upon finding one of these six things to be true. And the six things are: There are special conditions and circumstances which are peculiar to the land structure, or building involved which are not applicable to other lands, structures, or buildings in the same district. And the district we are talking about is the Service District on S High St. A literal interpretation of the provisions of the Zoning Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of our Ordinance. Number 3- A special condition and circumstances do not result from the actions of the applicant. The reason he needs this is not his doing. Number 4 - Granting the variance requested will not confer on the applicant any special privilege that is denied by this ordinance to other lands, structures, or buildings in the same district. The variance requested will be in harmony with the general purpose and intent of this ordinance, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare. And finally, the variance requested is the minimum variance that will make possible the legal use of the land, building, or structure. So those are the things we are allowed to consider in granting a variance.

**Don Wittman:** That is within the Planning and Zoning Code. Only because there is no such mirrored language in the sign ordinance.

**Curt Moll:** I would think it would apply to whatever we do. Would you, Patrick?

**Patrick Wilson:** Absolutely.

**Curt Moll:** That is the criteria we need to use. We can make that determination at the next meeting. That should be the kinds of things we ask them in the public hearing. Any other discussion or things to bring before the board this evening? If not, I need a motion to adjourn.

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

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

**Meeting Adjourned: 7:12 pm.**

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Chairman

\_\_\_\_\_  
Date

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Secretary