

PLANNING, ZONING & BUILDING COMMISSION

CITY HALL

June 11 18

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

Anthony Cocca	100 Debartolo Place	Youngstown
Gary Hughes	115 Gleneagle	Cortland
Jessica Judeh	115 Gleneagle	Cortland

**Curt Moll:** It's 7:00 and I'd like to call to order the regular meeting of the City of Cortland Planning, Zoning & Building Commission on June 11, 2018. Can I have a roll call, please.

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

**Curt Moll:** I need a motion for approval of minutes from May 14<sup>th</sup>, please.

**Don Fatobene** motioned and **Don Bell** seconded.

**Curt Moll:** Any discussion, questions? Can I have roll call, please.

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

**Curt Moll:** Now we can move on to the **replat 25-18**. I'll need a motion for **25-18 Replat** – A Replat of Lots 269, 270, & 286 to include part of vacated Brook Drive in Brookside Allotment of Cortland volume 10 at page 149 & part of lands of Vincent J. DiGiacobbe.

**Don Fatobene** motioned and **Sally Lane** seconded.

**Curt Moll:** Thank you. Don provided me with a little pre-sketch and I'm going to pass down (passed the sketch to members), it shows you what the lands are, that are being combined. Just that little triangle in the corner. It was a little hard to figure out what part was actually going into it, but that makes it a little clearer. Any further explanation, Don?

**Don Wittman:** No.

**Curt Moll:** So this combines those lots and adds...

**Don Wittman:** Well, I guess a little explanation would be the fact that the land is actually not accessible by DiGiacobbe and the roller rink because it is on the other side of the creek or a very steep slope there. So this will allow that property to have the setbacks required to which we can approve the zoning permit for the addition contingent on this coming in.

**Curt Moll:** Okay.

**Don Wittman:** And you can see that there was actually some property that was originally part of the roller rink and some from the right of way that was vacated. So, this just cleans everything up.

**Curt Moll:** So, this actually was a building on three parcels?

**Don Wittman:** Yes.

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**Curt Moll:** I didn't think we allowed that. (Laughter) Any further discussion, any comments, no questions? Can we have a roll call please?

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

**Curt Moll:** The next item is **26- 18 Wall sign – 322 South High Street** – 67 sq. ft. - internal lighting. We need a motion.

**Don Fatobene** motioned and **Don Bell** seconded.

**Anthony Cocca:** We just wanted to present our sign package that we believe is compliant with the rules and regulations now, for the street sign and the wall sign. It's modified from our last meeting to fit the request that..

**Curt Moll:** Very good, we do appreciate that.

**Mayor Woofter:** Yes, I wanted to thank you for making those changes.

**Anthony Cocca:** Thank you for allowing us to. I always have to present the biggest we can and then...

**Mayor Woofter:** Of course, I know how that works.

(laughter, agreeing)

**Curt Moll:** Any questions about the signs that we have at this point? They are all in regulation, right Don?

**Don Wittman:** Yes. We are voting on the wall sign at this point.

**Curt Moll:** I understand, we need to vote on the wall sign.

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

**Curt Moll:** I need a motion for item **27-18 a Pole mounted sign -322 South High Street** – 32 sq. ft., 12 ft. high – internal lighting.

**Don Fatobene** motioned and **Sally Bell** seconded.

**Curt Moll:** Thank you. Any further questions? I think that we have discussed the sign. There is a picture of it in there, it's our regulation, so if there's anything that you want to say, that'd be great but you don't have to.

**Anthony Cocca:** I think I'll just shut up. (laughter)

**Curt Moll:** I think you're ok. Can we have roll call please?

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

**Mayor Woofter:** Mr. Cocca, I have a question, not in regards to the signs but, on the face of the building I see it looks like you might be placing an awning.

**Anthony Cocca:** Yes Sir.

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**Mayor Woofter**: Okay, there's not an existing awning there now nor, had there been one before, right?

**Anthony Cocca**: No, this would be something to keep water off the front doors for people walking in.

**Curt Moll**: That will trim it up a little bit.

**Mayor Woofter**: Okay, that will help break it up a little.

**Anthony Cocca**: We are working on something else with them too to maybe dress it up a little bit.

**Curt Moll**: We appreciate that.

**Mayor Woofter**: That'd be great, we would like to see that, thank you.

**Curt Moll**: Next on the agenda is..

**Anthony Cocca**: Thank you, guys.

**Don Wittman**: Do you want to jump?

**Curt Moll**: We can jump to the last item for you and then you can go. The last item; I need a motion for **30-18 New Business** application – **322 South High Street** – Dollar Tree.

**Don Fatobene** motioned and **Don Bell** seconded.

**Curt Moll**: You can talk about it if you'd like.

**Anthony Cocca**: We'd like to bring Dollar Tree into town so we filled out the application for it.

**Don Wittman**: And from an ordinance perspective, this is a permitted use in the zoning designation, service district and the parking spaces were addressed with the variances at the last meeting.

**Curt Moll**: Right, we already addressed the parking. And I think we expressed in that meeting our concern about the truck access which you addressed very well, thank you. Any questions?

**Mayor Woofter**: Will they have refrigerators in there?

**Anthony Cocca**: Yes, I don't know how many, cooler wise, but they do have coolers in there.

**Mayor Woofter**: So they will sell food as well?

**Anthony Cocca**: Yes, grocery products. Eggs, everything in the store is a dollar. That's Dollar Tree's moto and actual way of doing business. It's amazing with everything being a dollar...you got to take a look at it.

**Curt Moll**: Very good, no further questions? Can we have a roll call please?

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

**Curt Moll:** Thank you Sir, I really appreciate you bringing more business into town.

**Mayor Woofter:** You're welcome to leave if you want.

**Anthony Cocca:** Thank you.

**Curt Moll:** Back to the residential addition zoning permit approval. **28- 18 Residential addition zoning permit approval – 115 Gleneagle.** Could I have a motion please?

**Don Fatobene** motioned and **Sally Bell** seconded.

**Curt Moll:** Would someone like to come up, state your name and address, and explain what you are going to do there. Either one of you or both.

**Gary Hughes:** My name's Gary Hughes and I moved here from Arizona and moved in with my daughter.

**Mayor Woofter:** What's the address please?

**Gary Hughes:** 115 Gleneagle in Cortland. And we got together and decided that we would like to put an addition on the house for me and a garage for the use of my son-in-law's truck. We presented it to Don and the addition is going to be more or less a three car garage, all in brick with an addition on the back that is attached to the house by an 8 ft. wide hallway, and goes into what was supposed to be a kitchen and we decided to maybe just change it into a game room if possible. Don felt maybe there was a problem with having a kitchen on the property; that it would be too much like an apartment, with a bedroom and a bathroom. And of course that is all in brick to match my daughter's house. It's going to be done very, very nicely, with the new addition property that we bought to the left of the house. We had that deed changed.

**Curt Moll:** That's been replatted?

**Gary Hughes:** Yes, replatted by you and accepted.

**Don Wittman:** Initially, the architect, by way of background, because normally you don't see residential additions. But, I wasn't comfortable issuing a permit and actually, my initial review of this was that a mother-in-law suite on a single family home would make it a potential duplex situation.

**Curt Moll:** I didn't agree with you.

**Don Wittman:** I did get an opinion from the law director so, essentially, this is an appeal on that decision. You have before you the plans, as submitted with the kitchen. Mr. Hughes had come to see me and said – I could get rid of the kitchen because then it's really not a living quarters and it would be a regular addition.

**Gary Hughes:** We've decided to change it into a game room if that's going to push it over the top.

**Don Wittman:** However, if you look at the definitions of dwelling, single-family detached means a detached building used exclusively as a place of residence for one family. A dwelling two-family duplex means a building uses a place of residence for two families occupying separate dwellings/units. I guess it would be more of a use situation down the road should the house sell.

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**Curt Moll**: Oh yes, then it would be an issue.

**Don Wittman**: It would not be permitted to rent that space out to a non-family member.

**Don Fatobene**: Is there a separate entry way into the addition?

**Curt Moll**: Not really.

**Jessica Judeh**: Through the garage.

**Don Fatobene**: I can tell you from the lending stand point, they would like at this as a single-family home with a mother-in-law suite.

**Gary Hughes**: Excuse me, excuse me; father-in-law suite. (laughter)

**Don Fatobene**: Without a separate entry way; that's how they would look at it.

**Don Wittman**: There is an entry way from the garage.

**Curt Moll**: Yes but both parties use the garage, so it's not like it's .. I mean, if you rented that as an apartment, would you let them use your three car garage?

**Jessica Judeh**: We actually talked to our attorney and he said if we could do a deed restriction..

**Don Wittman**: For future sale of the property?

**Jessica Judeh**: For future sale of the property, it cannot be used as a rental.

**Mayor Woofter**: We would be willing to do that.

**Gary Hughes**: I'm sure Mr. Wilson knows that.

**Curt Moll**: I don't know that we'd have to do that, really.

**Patrick Wilson**: Well, that is one way of securing compliance with the zoning code. I think that's an awfully...

**Curt Moll**: The question I have, Law Director is who would enforce the deed restriction?

**Patrick Wilson**: This board.

**Curt Moll**: The same board that would rule it if they used it as multi-family.

**Patrick Wilson**: Yes.

**Mayor Woofter**: If you went and had the deed restriction drawn up, you would give the city a copy of that so we would have that on file. So that if you would ever sell your property; which you never know.

**Curt Moll**: Do we enforce deed restrictions Don?

**Mayor Woofter**: No, we don't.

**Curt Moll**: I didn't think so.

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**Don Wittman**: However, in this situation, it's another layer of protection because the agreed party would be the city in an attempt to address compliance with the zoning use regulations for that dwelling. It's just one of those things that I felt needed to have some discussion.

**Curt Moll**: And I understand that, and if it was a separate structure, then we couldn't do it because it would be a separate structure on the same plat.

**Don Wittman**: But it will be attached.

**Curt Moll**: As long as it's attached to the house, and it doesn't provide.. I don't see a problem with the kitchen, a lot of houses have two kitchens.

**Mayor Woofter**: Neither do I.

**Curt Moll**: (inaudible, many people talking)... you can have a kitchen in the basement and a kitchen in the attic (many talking) that's like having a wing with a master bathroom.

**Jessica Judeh**: We were going to do it as a bedroom addition, you know if....

**Curt Moll**: I don't see that; you put it in the deed restriction and I really don't see a problem with it.

**Gary Hughes**: Is that necessary though? I don't know the answer to that.

**Curt Moll**: It's going to be restricted anyway so, if it's a legal problem to put it in there, then – no. That would be further protection for the city.

**Mayor Woofter**: The city would like to see it just so we have something....

**Patrick Wilson**: I would like to address concern about the expense, it shouldn't be an expensive ordeal to have that done.

**Jessica Judeh** & **Gary Hughes**: No.

**Don Wittman**: I'm probably being overly cautious, because I try to avoid any potential problems down the road, because I've been given so many in the years that I have been working here. (laughter) ..fix things from the past.

**Curt Moll**: Like building on three lots.

**Patrick Wilson**: Don and I, our job is to look 20 years down the road, and if someone gets into a similar situation, and looks back at this and says – well the city didn't care, they turned a blind eye toward this. And we say – no we didn't, we had a deed restriction put in place, and then you voted on it, to allow it.

**Curt Moll**: In reality, if you walked in here with a house plan, a new house, that included this, you wouldn't say a word about it.

**Don Wittman**: It depends if it's in a single-family or if the underlying zone is a multi-family.

**Gary Hughes**: Well we are a single-family. She's my daughter. You can't get much closer than that.

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**Curt Moll**: The zoning there is single-family. It was changed to that so we wouldn't have situations like that. It would be a zoning violation if someone rented it to another family.

**Mayor Woofter**: What we are saying here is, you want to do the kitchen, do the kitchen.

**Gary Hughes**: Alright.

**Mayor Woofter**: You don't have to make it a game room.

**Curt Moll**: Do we have a motion for this? Do we need to vote on this?

**Patrick Wilson**: Do you want to amend the motion to approve it subject to a deed?

**Don Wittman**: No, it's as submitted.

**Mayor Woofter**: Yes, I would do that.

**Curt Moll**: Do you want to amend the motion to say that it needs a deed restriction? If that becomes a problem, come back.

**Jessica Judeh**: Okay.

**Curt Moll**: So, we amend the motion, a second for the amendment.

**Don Fatobene**: So moved.

**Patrick Wilson**: Who made the motion?

**Curt Moll**: Don made the motion.

**Patrick Wilson**: Which Don? Don Fatobene made the motion.

**Don Wittman**: Instead of modifying that, do want to just make the approval contingent upon providing a deed restriction?

**Curt Moll**: Okay.

**Don Wittman**: Let the record reflect that this is a proposed addition to a single-family house, and in the compliance with the existing zoning of R-12, it must be used as a residence for a single-family and not rented to a non-family member.

**Curt Moll**: Got all that?

**Patrick Wilson**: We are asking a lot of our new scribe so, give her a moment.

**Curt Moll**: Can we have a roll call please.

**Sally Lane, yes; Don Bell, yes; Donald Fatobene, yes; Curt Moll, yes; MOTION PASSED.**

**Curt Moll**: Thank you for bringing that in. It's a difficult problem (inaudible).

**Jessica Judeh**: Thank you.

**Curt Moll**: One more thing, we need to set a public hearing, I need a motion for **29- 18 Set Public Hearing** – The purpose of the hearing is to consider a variance for 640

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Wakefield to allow an electronic variable message sign and a size of 96 sq. ft. which exceeds the 48 sq. ft. maximum. Hearing to be set for July 9, 2018 at 6:45 p.m.

**Don Fatobene** motioned and **Don Bell** seconded.

**Curt Moll**: Discussion? Roll call please.

**Sally Lane, yes; Curt Moll, yes; Don Bell, yes; Don Fatobene, yes. MOTION APPROVED.**

**Curt Moll**: Passes. Anything else for the board? Don?

**Don Wittman**: No.

**Curt Moll**: Patrick?

**Patrick Wilson**: Nothing.

**Curt Moll**: Mayor?

**Mayor Woofter**: I have nothing.

**Curt Moll**: I need a motion to adjourn.

**Don Fatobene** motioned and **Don Bell** seconded.

**Curt Moll**: Roll call please.

**Curt Moll, yes; Don Bell, yes; Sally Lane, yes; Don Fatobene, yes**

**Meeting Adjourned: 7:21 pm.**

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Chairman

\_\_\_\_\_  
Date

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Secretary