

PLANNING, ZONING & BUILDING COMMISSION

CITY HALL

November 14, 22

The City of Cortland Planning, Zoning & Building Commission met on Monday, November 14, 2022 at 7:00 P.M. at the City Administration Building, 400 N. High Street, Cortland, Ohio for their regular meeting. In attendance were the following board members: Chairman Curt Moll, Sally Lane, Don Bell and Don Fatobene. Also present were Mayor Deidre Petrosky, Law Director Patrick Wilson, and the following individuals:

Matt Smegal	7555 St. Rt. 7	Kinsman
Ashley Smegal	7555 St. Rt. 7	Kinsman

Curt Moll: It is 7:00, Monday, November 14, 2022. I'd like to call to order the regular meeting of the Planning, Zoning & Building Commission of Cortland. Could I have a roll call please?

Roll Call: Brian Hodor, absent; Sally Lane, here; Curt Moll, here; Don Bell, here; Don Fatobene, here.

Curt Moll: The first item on our agenda is the Approval of Commission Minutes for the July 11, 2022 regular meeting. Is there a motion for this, please?

A motion was made by **Don Fatobene** and seconded by **Sally Lane**.

Curt Moll: Thank you. Is there any discussion or correction to the minutes? Can we have a roll call please?

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

Curt Moll: There is no old business, so we will go right to new business. The first item on the agenda is **33-22 - Plat Approval** – K. & W. Sanford Plat No. 1, Pt. of G.L. No.s 27 & 28, City of Cortland, Trumbull County, Ohio. Could I have a motion please?

A motion was made for **33-22** by **Don Fatobene** and seconded by **Don Bell**.

Curt Moll: We don't have anyone here. What they are doing is; they have a relatively large piece of property, and if you look at the drawing, they are splitting it into 3 lots. They are going to build three lots back there; I think it's a family affair. Because of bank considerations and other things in the City's preference, they are going to have 3 separate lots back there. They are going to declare this Blake Blvd. right-of-way. They are probably not going to build a street at this point but at some point, you could. Then you could develop this and split those further. They did exactly what the city asked them to do. I think that I support this very strongly.

Mayor Petrosky: Yes, they did.

Law Director Patrick Wilson: Where is the third lot?

Curt Moll: It's the property at the bottom (referring to the map). He is splitting these two lots off.

Law Director Patrick Wilson: I see. He is creating 1 and 2 and the right-of-way.

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Mayor Petrosky: It's going to be a homestead, but Kim told them to do it this way because what happens 50 years from now when nobody wants to live here. You have to have access to these properties.

Curt Moll: What if one of these kids gets divorced and, in the settlement... You don't want to do that. That is why we really wanted to have the access.

Mayor Petrosky: Or if someone dies...

Law Director Patrick Wilson: I think that was smart of Kim to suggest this.

Curt Moll: Any questions from the Board? I think that it's pretty straight forward. Can I have a roll call please?

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

Curt Moll: The next item on the agenda is **34-22 – Parcel Spit** – Parcels 30-000003 & 18-029800, 64.60 acres, Warren Meadville Rd. (S.R. 5) situated in the Township of Johnston & City of Cortland, County of Trumbull, and State of Ohio and being known as part of Lots 27 and 28 of Division III SW of said Johnston Original township. I need a motion for this please?

A motion was made for 34-22 by **Don Fatobene** and seconded by **Don Bell**.

Curt Moll: This one is a little bit different in that we have properties in this particular parcel that are both in the City of Cortland and in the township (Johnston). What we have asked them to do is to separate those. You wanted to speak to this.

Matt Smegal: I'm Matt Smegal. We purchased this property back about a year and a half ago from the Larrisons. It was 2 parcels, the front parcel being Johnston and the back being Cortland. I was approached by the Weaver Family to purchase 25 acres of this. Their mother lives in Walnut Run. They want the property to stay like it is because they don't want to be subject to the Cortland taxes. I'm just coming and trying to represent it as best I can. If it doesn't get moved to Cortland, they don't want the property so it will stay...

Curt Moll: Kim and I discussed this. It is not the greatest thing in the world to have these properties isolated, they are landlocked properties. But it's also not the greatest thing to try and combine the governance of a parcel in a township and in the city at the same time. We really need to separate them, that's really why it went this direction.

Matt Smegal: Okay.

Curt Moll: As far as annexing into the city, there is no requirement. You're just selling this piece of property. Our feeling was...

Matt Smegal: It's not ideal.

Curt Moll: It's not ideal, exactly. At some point in time, somebody could annex it and then it would all become part of the city and they could do something different with it. At this point in time, there is no intent to do that.

Mayor Petrosky: Can I read Kim's...

Curt Moll: Sure, please.

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Mayor Petrosky: Kim wasn't able to be here this evening. (The following letter was read by the Mayor from Kim.)

~My apologies for not being able to be present at this meeting. My summary and opinion of this split are summarized here.

Mr. Smegal is looking to split a 49.78 acre landlocked parcel located in the City of Cortland into 2 pieces. To the east of this parcel is SR 11. To the west is an 11.56 acre parcel located in Johnston Township that fronts on SR 5 that he is also looking to split in 2. The two pieces are divided by Walnut Creek. A picture of what he is proposing is located in your packet.

First, I would like to say that I am against landlocked parcels. Parcels have no good use without frontage. In the situation here, the same person owns both the front and the back piece. Unfortunately, the parcels fall under different jurisdictions. Cortland in the back, Johnston in the front. Parcels should not be combined if they fall under different jurisdictions. The Trumbull County Planning Commission will allow it because they have no rule that says it is not permitted. They will also support whatever decision is made by Cortland. The Trumbull County Planning Commission is not a supporter of landlocked parcels either but when one exists, it's hard to make it right. A point of sale or request for change (in this case both) is usually the only time it can be made right. To make this correct, the front parcel, that is located in Johnston Township, should be annexed into the City of Cortland and then the overall properties can be split into two properties, like the owner is wanting, eliminating the landlocked piece in the back. A parcel to the north and one to the south. It doesn't make any sense to change one landlocked parcel into 2 landlocked parcels. While it doesn't make the situation any worse, it doesn't correct an existing problem. You can only vote on what can be done with the parcel located in the City of Cortland. He is asking to split the Cortland piece in two. Johnston and/or Trumbull County Planning Commission can only decide what can be done on the parcel in the front. Splitting that piece in two. I have spoken to both Trumbull County Planning Commission and Trumbull County Tax map. Both agreed that landlocked parcels should be eliminated. I sympathize with the current owner. He is only looking to sell the property. The future owner is looking to save a bit of tax money by keeping the front parcel in Johnston. The tax difference is why the future owner is against annexation from what I have been told. If anyone is interested in what the difference is in taxes, Mr. Smegal should be able to provide the difference in the tax amount he was quoted from the Trumbull County Auditor's Office. Current taxes are as follows; The current property tax on the front parcel, in Johnston Twp is \$2,343.10 (in 2021) and \$1,561.74 on the back parcel in Cortland (in 2021).

One other benefit of being in the city is access to water and sanitary sewer. Unfortunately, there is no water or sanitary sewer currently for this future owner to connect to. If you do choose to vote to allow this split, at a minimum I will request to have the front and the back piece linked by a parcel number to prevent someone from selling off the back piece. The two pieces will be linked preventing ownership by two different people. ~

So, 1 person in the front and 1 person in back. She mentioned that you said it would cost about \$300 more a half?

Matt Smegal: Per front parcel, yes. It would be roughly \$1,400 is what I'm gathering.

Mayor Petrosky: Per year?

Matt Smegal: Per year, yes.

Mayor Petrosky: Thank you for allowing me to read Kim's note.

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Matt Smegal: That is a really good summary.

Curt Moll: Kim and I discussed this for some time, and you can't always do what is easiest to do or what's right, in this case. I think that we'll have to have some discussion. Do you have any questions for this gentleman?

Matt Smegal: On the parcel that I'll own, there is a house. That house is currently rented out. The people have wanted to purchase the home. In the event that that happens, and I need to split that up front to allow access to the back, will I need to have that zoned Cortland? On that front piece for there to be access? I mean that's fine, I just want to kinda...

Curt Moll: I'm not sure. If you provide access, it would be a matter of you selling a piece of that off.

Law Director Patrick Wilson: You would be on (parcel) 4?

Matt Smegal: Yes, I would still own 3 and 4. On 3; there is a home there. If I decide to sell that and we annex that into Cortland for the sale, I would have a little sliver for the access to the back 40 and that would be annexed into Cortland as well. That's how it would have to be done?

Curt Moll: I'm not sure that that would be any requirement to be annexed.

Law Director Patrick Wilson: To keep the city services is all. You wouldn't have to flip that front parcel.

Curt Moll: The township and the county would have to split off a piece for them.

Law Director Patrick Wilson: Yes, Johnston would have to agree to that sliver.

Curt Moll: That's why I really think that we are better off here keeping things separated from the township until some decision is made about annexation. This is really allowing these people to do with their property what they want to do.

Don Fatobene: The buyer is only buying parcel 1?

Matt Smegal: They are buying 1 and 2.

Curt Moll: She is proposing that they link those on the tax map so that they are single ownership. I think that is a good idea. Ownership doesn't change in the back, number 4. I don't think that the tax map would change there. But, at the time of sale, then there is an opportunity to link those two properties.

Don Fatobene: Just curious; is the buyer looking to build?

Matt Smegal: I think that is their idea. Being that their mom is in Walnut Run, she lives there, a lot can happen. I think that the idea is that they are closer to her.

Curt Moll: Anymore comments from the Mayor, from Patrick? No, okay. Could we have a roll call please?

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

Matt Smegal: Thank you very much.

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Curt Moll: Anything else anyone would like to discuss?

Mayor Petrosky: Can I just get clarification? If he wants to sell off this parcel number 4, he needs an easement basically; ingress and egress, to...

Don Fatobene: To cross through.

Curt Moll: Or sell a piece of property. There is plenty of property to do that.

Law Director Patrick Wilson: To get access, he'd have to get it through Johnston.

Don Fatobene: He was actually talking about selling parcel 3 because that's where the house is, then he would retain parcel 4.

Law Director Patrick Wilson: But he would need a driveway.

Don Fatobene: Right, he would need access.

Mayor Petrosky: So, parcel 3 could remain in Johnston and they would have to agree to...

Law Director Patrick Wilson: Getting his curb cut out onto the road.

Curt Moll: But since he is selling the property, it's probably not a big deal for him to split a piece of that 6 acres off to provide a driveway.

Don Fatobene: When he was talking, it sounded like he plans on trying to get this annexed and out of Johnston and into Cortland, parcel 3, before the sale.

Law Director Patrick Wilson: Yes, it would work.

Curt Moll: That would be better.

Mayor Petrosky: Yes, it would.

Curt Moll: The other thing would work too. My problem is, I can't see forcing this guy, because he is selling the property next door, to annex and combine. It just didn't make sense to me.

Law Director Patrick Wilson: That's correct. I agree with you.

Curt Moll: Okay. Can we call adjournment?

A motion for adjournment was made by **Don Bell** and seconded by **Don Fatobene**.

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

Meeting Adjourned: 7:17 pm

Chairman

Date

Secretary