

**BERLIN TOWNSHIP BOARD OF ZONING APPEALS (BZA)**  
*OF DELAWARE COUNTY, OHIO*

**PUBLIC HEARING**  
**APRIL 4, 2023: 7:00 PM**

**CALL TO ORDER**

The meeting was held at the Berlin Township Hall, 3271 Cheshire Road, Delaware, Ohio 43015.

The meeting was called to order by Chairperson Don Sutton at 7:00 PM.

Pledge of Allegiance.

BZA members present: Chairperson Don Sutton, Brad Cook, Michelle Cook, Larry Harmon, BZA 1<sup>st</sup> alternate member Quinn Machan (seated).

Also present: 2<sup>nd</sup> alternate member Jessica Kuenzli, Zoning Clerk Lisa Knapp, Zoning Inspector Jake Bon.

Not present: Vice-Chairperson Jason Acevedo.

Meeting participants were sworn in by Jennifer Koontz of Runfola Reporters.

**LEGAL NOTICE**

*Berlin Township Board of Zoning Appeals*

*The Berlin Township Board of Zoning Appeals will hold a public hearing April 4, 2023 at 7:00 p.m. at the Berlin Township House 3271 Cheshire Rd., Delaware, OH 43015 for the purpose of hearing the following application:*

*BZA 23-001, request by Pulte Homes, 475 Metro Place South, Ste 200, Dublin OH 43017. The applicant is requesting a conditional use permit for a Model Home with parking lot, Parcel #41831001068000, 2598 McKenna Drive, Lot 3361, ±0.296 acre, in the subdivision known as Maeve Meadows.*

*This application is available for public examination by appointment from March 16 – April 4, 2023 inclusive; Monday through Friday, excluding legal holidays, from 8:00 a.m. – 4:30 p.m. at the Berlin Township Zoning Office located at 3271 Cheshire Road, Delaware, OH 43015. Call Jacob Bon, Zoning Inspector at 740.548.5217 x103 for questions or appointment. The person responsible for giving notice of the public hearing by publication is Cathy Rippel.*

*Board of Zoning Appeals of Berlin Township*  
*Don Sutton, Chairman*

**AGENDA ITEM: BZA 23-001**

*Pulte Homes of Ohio, requesting a conditional use permit for a model home with parking lot at 2598 McKenna Lane, lot 3361, in the Maeve Meadows subdivision.*

**List of Exhibits**

Ms. Knapp read the list of exhibits into the record as follows:

**Original File Exhibits**

1. Application for Conditional Use for Model Home/Parking Lot, Pulte Homes of Ohio, LLC, 475 Metro Place South, Suite, Dublin, OH 43017, dated 01/10/23, submitted 02/10/2023.
2. Letter to Don Sutton, Berlin Township Zoning Appeals Chairman, regarding the request for conditional use permit for model home/parking lot, with 1-6 points, letter not dated 01/06/2023, (2-pgs), submitted with application filed 02/10/2023.

**BERLIN TOWNSHIP BOARD OF ZONING APPEALS (BZA)**  
*OF DELAWARE COUNTY, OHIO*

**PUBLIC HEARING**  
**APRIL 4, 2023: 7:00 PM**

- 57 3. Property information for parcel #418-310-01-068-000, Legal Description for  
58 containing the two lots where the model and parking will be located, 11 x 17  
59 zoning exhibit plan (5 pages) *submitted with application filed 02/10/2023.*  
60 4. 8x14 Maeve Meadows Zoning Description & Zoning Exhibit Maeve Meadows  
61 for lots 3361 & 3362 (2 pages), *submitted with application filed 02/10/2023.*  
62 5. 11x17 plat plan of Lot 3361, 2598 McKenna Drive, plat plan lot 3362 parking lot,  
63 plat plan of the model home and parking lot side by side Lots 3361 & 3362, (3-  
64 pages) *submitted with application filed 02/10/2023.*  
65 6. 11x 17 plat plan, lot and houses numbers, Maeve Meadows, (1-pg) *submitted with*  
66 *application filed 02/10/2023.*  
67 7. 11 x 17 final plat of Maeve Meadows (4-pgs), *submitted with application filed*  
68 *02/10/2023.*  
69 8. 11 x 17 of landscape plan for Model Home (lot 3361) and parking (lot  
70 362) *submitted with application filed 02/10/2023.*  
71 9. 11 x 17 color Model Home different signage with specifications, (1-pg), *submitted*  
72 *with application filed 02/10/2023.*  
73 10. Color photos of lighting examples for Maeve Meadows Model/Parking lot, with  
74 specifications and heights, not dated, (7-pgs), *submitted with application filed*  
75 *02/10/2023.*  
76 11. Ariel view of surrounding property owners within 300' and addresses,  
77 dated 03/09/2023.  
78 12. Request of publication in the Delaware Gazette via email, dated 03/09/2023.  
79 13. Notice of Hearing to applicant with proof of mailing, dated 03/20/2023.  
80 14. Letter to adjunct property owners, with proof of mailing, dated 03/20/2023.  
81 15. Proof of publication in the Delaware Gazette dated 03/15/2023.

Applicant Presentation

82  
83  
84  
85 Mr. Sutton said a letter has been provided from the fire department, which was  
86 marked as Exhibit 16 by the court reporter.

87  
88 Joe Lamparyk, with Pulte Homes, 475 Metro Place South, Dublin, Ohio 43017,  
89 presented the application and answered questions from the Board. Mr. Lamparyk  
90 said he has submitted an application for a conditional use permit for a sales home  
91 within a model home being built in Maeve Meadows.

92  
93 Mr. Sutton reviewed Section 11.06 Conditional Uses from the Berlin Township  
94 zoning resolution, criteria that must be met to approve the application.

95 11.06 Conditional Uses

96  
97 A. Model Homes in Subdivisions, the same being defined as residential type  
98 structures used as sales offices by builders/developers and to display the  
99 builder's/developer's product. The same may be furnished within, since its purpose is  
100 to display to prospective buyer the builder's/developer's features (such as exterior  
101 siding treatment, roofing materials, interior trim, moldings, floor coverings, etc.), in  
102 the environment of a completed home. Model homes may be staffed by the  
103 builder's/developer's sales force. Model homes shall be subject to the following  
104 restrictions:

105  
106 1. Lighting: All exterior lighting, except for security lighting, must be down-lighting,  
107 so that no light shall be cast onto adjoining residential properties. All off-street  
108 parking areas must be illuminated. All exterior lighting, except for security lighting,  
109 shall be extinguished at the closing time of the model home.

110  
111 Mr. Sutton said that Exhibit 10 shows the lighting that is intended to be used and he  
112 asked the applicant to explain to the Board how it meets the requirements. Mr.  
113 Lamparyk said the model home will be purchased by a buyer in the future, so the  
114 features on the model home will continue on with the home later. The front entrance

**BERLIN TOWNSHIP BOARD OF ZONING APPEALS (BZA)**  
*OF DELAWARE COUNTY, OHIO*

**PUBLIC HEARING**  
**APRIL 4, 2023: 7:00 PM**

115 at the garage door will have coach lighting, and there will be a lamppost in the  
116 parking area. There will be lights on and above the first-floor level for security  
117 lighting

118  
119 2. Parking: All model homes shall provide off-street paved parking for the public.  
120 Such off-street paved parking shall be located as directed by the Board of Zoning  
121 Appeals. The number of required parking spaces shall be six (6) per model home. The  
122 driveway of the model home may be utilized for not more than two (2) parking  
123 spaces.

124  
125 3. Screening and Trash Receptacles: Landscape drawing shall be required and show  
126 adequate landscaping and screening from adjoining residential lots, together with the  
127 clear marking of the boundaries of the model home lot. Trash receptacles shall be  
128 provided around the model home for use by visitors to the home.

129  
130 Mr. Sutton said there appears to be two trash receptacles; one in the parking lot, and  
131 one at the model home. Mr. Lamparyk said there is just one, at the connection of the  
132 walkway to the model home to the model home.

133  
134 4. Termination of Use: The use of model homes within a residential subdivision, or  
135 within any single phase of a multi-phase subdivision, shall terminate after five (5)  
136 years from its opening date, or when building permits have been issued for ninety  
137 percent (90%) of the lots, whichever comes first.

138  
139 Mr. Lamparyk said this is self-fulfilling and they are typically closing out the model  
140 at that point anyway. They have followed these restrictions on the other model homes  
141 in the township.

142  
143 5. No building equipment or materials may be stored at the model home.

144  
145 Mr. Lamparyk said this is a standing rule. He said they use the models as marketing  
146 and a sales showcase, and it can be used as an office for the salesperson and also as  
147 an office for the construction manager on site, although they do not plan to do that  
148 here. However, it could happen on a temporary basis and perhaps boxes could be  
149 carried in, but he does not allow storage of material at the model home.

150  
151 6. Model Home Signs: Model home signs may be approved by the Board of Zoning  
152 Appeals provided the following conditions are met:

153  
154 a. the sign shall not exceed 16 (sixteen) square feet per side with 32 (thirty two)  
155 square feet maximum total display area;

156  
157 b. the overall height of the sign shall be no more than four (4) feet above grade.

158  
159 c. model home sign shall be located on the same lot as the model home.

160  
161 Mr. Sutton said there are several different signs in Exhibit 9. Mr. Lamparyk said this  
162 covers all of the signs that would be used in the community as part of the Pulte  
163 marketing, including the entrance sign into the community. The signs are also  
164 included in the landscaping plan. There is a wood sign that includes the name of the  
165 model home, as well as “available” and “sold” signs that are installed on lots during  
166 the marketing process. There are A-frame directional signs that will be placed and  
167 taken down as the model opens and closes each day.

168  
169 Mr. Sutton asked if the wood sign would be placed in front of the model home. Mr.  
170 Lamparyk said that was correct. Mr. Sutton said that would be within the overall  
171 height limitations permitted by the zoning resolution.

172

**BERLIN TOWNSHIP BOARD OF ZONING APPEALS (BZA)**  
*OF DELAWARE COUNTY, OHIO*

**PUBLIC HEARING**  
**APRIL 4, 2023: 7:00 PM**

173 Mr. Harmon asked how the bigger signs were 4' above grade. Mr. Lamparyk said  
174 this is a document that shows all of the signs that were approved during the zoning  
175 process, including those that are not associated with the model, including the ones  
176 referenced by Mr. Harmon.

177  
178 Mrs. Cook asked whether the signs to be used at the model are 3, 4, 6 and 7. Mr.  
179 Lamparyk said that was correct. He added that item 4 was actually a small plastic box  
180 that includes the gallery hours.

181  
182 Mr. Sutton asked about Exhibit 16, the letter from the fire department. Mr. Lamparyk  
183 said a co-worker reached out to the fire department and spoke to several individuals  
184 to explain their intent to use the model home, but did not receive any restrictions at  
185 that time. This is the first time he has heard of any concerns and the date of the letter  
186 is recent. There are two things the fire department typically require, including the  
187 ability to put a fire out, so there are active fire hydrants in the community. The second  
188 is access so the fire department can get in to put out the fire. There is ample access to  
189 put out a fire at this time.

190  
191 Mr. Lamparyk said the model is under construction and has a roof on it, with the  
192 understanding that no further permits were required by the fire department. He  
193 reached out to them today and did not receive a call back yet. He also emailed  
194 yesterday and asked how they would like them to approach this. The concerns they  
195 typically have, have been met. This hearing is about approving the conditional use  
196 permit, which he knows the fire department has a say in, but he did not know what  
197 was expected of them.

198  
199 Mr. Sutton said he feels that issue is outside of the control of the Board but he feels  
200 they can proceed with a vote. If there is something that the fire department would  
201 like to require, they can limit use or occupancy of the model home if necessary. The  
202 Board is here to consider a conditional use.

203  
204 Mrs. Cook asked whether the applicant had provided the layout and schematics of the  
205 floors with an exit. Mr. Lamparyk said the house plans have been approved and show  
206 an office. He intends to speak with them and send them the house plans. It is Pulte's  
207 policy to have a fire extinguisher in the home.

208  
209 Mr. Sutton asked Mr. Lamparyk if the fire department had discussed the issue with  
210 him. Mr. Lamparyk said they had not.

211  
212 Mr. Harmon said the fire department is as concerned with an occupied building  
213 catching on fire as they are a vacant building. It states that no building shall begin  
214 without the emergency access road installed. Mr. Lamparyk said that the site is able  
215 to be accessed.

216  
217 Mr. Sutton said the application has already been through the zoning process and  
218 received a zoning permit, and they are here tonight to consider the conditional use  
219 permit. He believes they have done a good job addressing that issue and have  
220 provided sufficient information.

221 **RESOLUTION 2023.04.04.#A: APPROVE BZA 23-001**

222 Mr. Cook made a motion to approve BZA 23-001 for a conditional use permit for a  
223 model home. Mrs. Cook seconded the motion.

224  
225 Vote: Mr. Cook, yes; Mrs. Cook, yes; Harmon, yes; Machan, yes; Sutton, yes. Motion  
226 carried.

227  
228

**BERLIN TOWNSHIP BOARD OF ZONING APPEALS (BZA)**  
*OF DELAWARE COUNTY, OHIO*

**PUBLIC HEARING**  
**APRIL 4, 2023: 7:00 PM**

229

**APPROVAL OF MINUTES**

230 Mrs. Cook made a motion to approve the minutes from the 12/13/22 BZA  
231 organizational meeting. Mr. Machan seconded the motion.

232

233 Vote: Mrs. Cook, yes; Machan, yes; Mr. Cook, yes; Harmon, yes; Sutton, yes.

234

Motion carried.

235

236 Mrs. Cook suggested speaking with the fire department and ask them to respond to  
237 applicants in a timely manner, and to provide them with a copy of what the Board  
238 considers when considering a conditional use permit.

239 There was no further business. Meeting was adjourned.

240

241

242

243

244

\_\_\_\_\_  
Don Sutton, Chairperson

245

246

247

248

\_\_\_\_\_  
Jason Acevedo, Vice-Chairperson

249

250

251

252

\_\_\_\_\_  
Brad Cook, member

253

254

255

256

\_\_\_\_\_  
Michelle Cook, member

257

258

259

260

\_\_\_\_\_  
Larry Harmon, member

261

262

263

264

\_\_\_\_\_  
Quinn Machan, 1<sup>st</sup> alternate member

265

266

267

268

\_\_\_\_\_  
Jessica Kuenzli, 2nd alternate member

269

270

271

Attest: \_\_\_\_\_

272

Berlin Township Zoning Clerk Lisa F. Knapp