

BERLIN TOWNSHIP ZONING COMMISSION (BZC)

OF DELAWARE COUNTY, OHIO 43015

**ORGANIZATIONAL MEETING
TUESDAY, DECEMBER 13, 2022: 7:00 PM**

CALL TO ORDER

The meeting was held at Berlin Township Hall, 3271 Cheshire Road, and was called to order by Vice-Chairperson Christina Littleton at 7:00 PM.

BZC members present: Vice-Chairperson Christina Littleton, Jerry Valentine, Darcy Kaplan, Angela Brown, 1st alternate member Jenny Sloas (seated).

Also present: 2nd alternate member Keith Goshia, Zoning Clerk Lisa Knapp, Zoning Inspector Jake Bon; Assistant Zoning Inspector Sherry Graham.

Not present: Chairperson Steve Flaherty.

AGENDA ITEM: ELECTION OF BZC CHAIRPERSON, 2023

Ms. Kaplan made a motion to elect Mr. Valentine as chairperson for 2023. Ms. Brown seconded the motion.

Vote: Kaplan, yes; Brown, yes; Littleton, abstain; Sloas, yes; Valentine, yes.

AGENDA ITEM: ELECTION OF BZC VICE-CHAIRPERSON, 2023

Mr. Valentine made a motion to elect Ms. Kaplan as vice-chairperson for 2023. Ms. Brown seconded the motion.

Vote: Valentine, yes; Brown, yes; Sloas, yes; Kaplan, yes; Littleton, abstain.

AGENDA ITEM: SET MEETING DATES FOR 2023

Ms. Brown made a motion to approve the 2023 BZC meeting schedule. Meetings will be held on the second and fourth Tuesday of the month at 7:00 p.m., with the exception of just one meeting in December on the second Tuesday, at the Berlin Township Hall, 3271 Cheshire Road, Delaware, Ohio 43015. Mr. Valentine seconded the motion.

Vote: Brown, yes; Valentine, yes; Littleton, abstain; Sloas, yes; Kaplan, yes.

AGENDA ITEM: APPROVAL OF MINUTES

Mr. Valentine made a motion to approve the minutes from the 11/22/22 BZC meeting, as presented. Ms. Littleton seconded the motion.

Vote: Valentine, yes; Littleton, yes; Brown, yes; Sloas, yes; Kaplan, yes.

Motion carried, minutes were approved.

AGENDA ITEM: NEW ZONING INSPECTOR

Ms. Graham introduced the new Zoning Inspector Jake Bon, who has been on the job for 2 weeks and is doing a fantastic job. The BZC welcomed Mr. Bon.

PROOF OF PUBLICATION

Ms. Knapp stated that this hearing was advertised in the November 29, 2022 Delaware Gazette, as follows:

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52 BERLIN TOWNSHIP ZONING COMMISSION
53 NOTICE OF PUBLIC HEARING
54

55 The Berlin Township Zoning Commission will hold a public hearing December 13, 2022,
56 at 7:00 p.m. at the Berlin Township House located at 3271 Cheshire Road Delaware
57 OH 43015 to hear application, designated as BZC 22-003, filed by The Shire LLC, Kari
58 Lindberg, 538 Uxbridge Ave., Gahanna, OH 43230. The applicant is requesting an
59 administrative review for the overlay district, Old Cheshire Planned Unit Development
60 District (OCPUD), Parcel #41841001018001, ±11.0 acres, 5441 Cheshire Road, Galena,
61 OH 43021, for an agrarian-based single family residential community; not to exceed 10
62 dwelling units with a maximum of 7 build areas, known as the Shire. For questions, call
63 Sherry Graham, Assistant Zoning Inspector at 740.548.5217 x103. You can find the
64 packet on the Berlin Township website www.berlintwp.us under the agenda and meeting
65 tab for Zoning Commission. The person responsible for giving notice of the public
66 hearing by publication is Cathy Rippel. Township residents are encouraged to attend.
67

68 BERLIN TOWNSHIP ZONING COMMISSION
69 Steve Flaherty, Chairman
70

71 Ms. Littleton reviewed the adopted meeting policy of the BZC. She noted that audience
72 members will be given 3 minutes each to ask questions, she asked that they limit
73 repetitive comments, and that each person speaking identify their name and address.
74

75 **AGENDA ITEM: BZC 22-003, THE SHIRE LLC**
76

77 *The Shire, LLC., by Kari Lindberg, requesting an administrative review for the overlay*
78 *district/Old Cheshire Planned Unit Development District (OCPUD), at 5441 Cheshire*
79 *Road, for an agrarian-based single-family residential community that is not to exceed 10*
80 *dwelling units with a maximum of 7 build areas, known as The Shire.*

81
82 Ms. Littleton noted that the meeting is live and is being recorded.
83

84 Tony Eyerman, 1907 River Road, Delaware, Ohio 43015, said he is the land planner and
85 consultant to the owner and her family. They are here tonight to request approval of BZC
86 22-003. Also present is Amy Dutt, the landscape designer. The planner is Courtney
87 Wade, the architect is Jeff Ashmore, legal counsel is Andy Wecker, and the surveyor is
88 Bob Patridge.
89

90 Mr. Eyerman said The Shire is an 11-acre parcel on the north side of Cheshire Road in
91 Old Cheshire. Ms. Lundberg and her family are native to this area and their family
92 homestead sits at the bottom of Alum Creek Lake now. She and her family have a vision
93 for this site, which is just east of where she grew up on Bale-Kenyon Road. It is an
94 agrarian-based hamlet, which is a small farmstead.
95

96 Mr. Eyerman said the vision for The Shire consists of six residential homesites, focused
97 towards a relocated and restored barn and garden areas. Three of the homesites on the
98 western end have been sited to sensitively allow for the potential for walkouts facing into
99 the wooded ravines of Alum Creek State Park. They will work to preserve as many trees
100 as possible, as well as the ravines.
101

102 Mr. Eyerman said the 10 homesites maximum would allow for some of the structures to
103 have two residential units in each structure, for folks in the family who do not want a full-
104 size house but the architectural quality will maintain the full-size residential look, or for
105 full-time caretakers for the family.
106

107 Mr. Eyerman said the residential architecture will be of the rural farmhouse vernacular
108 and it is inherent to the vision. Mr. Ashmore has brought plans for some of the homes, as
109 well as the barn proposed for the site. Residential dwelling materials such as wood,

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110 masonry, stone, brick, hardi-plank, smart siding. Aluminum and vinyl siding is
111 prohibited. Metal and vinyl materials are permitted as material on soffits, gutters and
112 racine roofs.

113

114 Mr. Eyerman said the barn will be a relocated and restored barn for the Knox
115 County/Utica area. The barn and outbuildings are major elements for the vision of the
116 community and will be a major element to the Berlin Township residents. and will help
117 complement the Berlin Township Comprehensive Land Use Plan, whose purpose has
118 always been to maintain the rural character of the area.

119

120 Mr. Eyerman said the onsite garden operations will be located just to the east of the barn.
121 The garden is over half an acre, and the greenhouse will allow for extended-season
122 plantings. An outbuilding will be located just to the north of the barn, for the mechanical
123 equipment that will be necessary.

124

125 Mr. Eyerman said that Ms. Dodd did a great job on the landscaping plan and it is very
126 detailed. Much of the wooded and reforested site will be retained, and there will be a
127 meadow garden area and a short grass prairie area.

128

129 Mr. Eyerman said the utilities have all been coordinated as well as the traffic study and
130 fire department.

131

132 Mr. Eyerman said as a condominium community, all drives will be maintained privately
133 so they are not a burden on the township. The property is currently zoned Neighborhood
134 Commercial. He is proposing an NCD district with an Old Cheshire Planned Unit
135 District overlay. The gross density is 0.91 dwelling units/acre. The net density is 1.0 to
136 1.1 dwelling units/acre. 9.5 acres of the site is outside of the building pad areas.

137

138 Mr. Eyerman said setbacks comply with the zoning resolution at 30' front and 25'
139 between buildings. Accessory structures will have a 15' setback, and there will be a 30'
140 front setback. The maximum building height not including cupolas, steeples or towers,
141 would be 35'.

142

143 Mr. Eyerman said all lighting will be residential in nature with possible security lighting.
144 The parking and signage comply with the zoning resolution. There will be solar panels
145 on the roof of the structures. No divergences are requested.

146

147 Ms. Littleton said this property is in the overlay and will not go to the trustees for
148 approval.

149

150

Commission Consideration

151

152 Mr. Valentine said he likes the rural design of the proposal and the open space. He
153 asked about the mailpods. Mr. Eyerman said they would be close to the entrance to the
154 barn as there is a drive-through area there. People can get out of their car and access
155 them despite the weather. There are 10 maximum units and they must all be located
156 together.

157

158 Mr. Valentine said the DCPRC discussed paths and there is one that leads to Alum Creek.
159 Ms. Lundberg said there are some paths throughout for the residents, and not for the
160 public. Mr. Valentine said DCRPC recommended that there be an easement for future
161 path connectivity. It may appear that they are dead-ends, but ultimately the paths will be
162 connected.

163

164 Mr. Eyerman said he did not include such a path or easement because it is not likely the
165 paths will be connected in that area. It will most likely be located on the south side.

166

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167 Mr. Valentine asked if there was a timetable for development. Ms. Littleton said it was
168 included in the packet and was a long process. Mr. Eyerman said the barn will go up
169 first. Ms. Brown said the last house will be built in 2028, per page 9. Ms. Lundberg said
170 the guesthouse will be built first so they have a place to live while building their homes.
171
172 Mr. Valentine said there is mounding on the east side, and on the west side it is all trees.
173 Mr. Eyerman said if a mound was built there, the trees would be killed.
174
175 Ms. Kaplan asked whether the applicant would commit to the sewer. Ms. Lundberg and
176 Mr. Eyerman said they would. Ms. Kaplan asked where the connection was, and Mr.
177 Eyerman pointed it out. Ms. Kaplan complemented the plan for its native plantings,
178 which is a feature that developers typically do not include.
179
180 Ms. Brown said she had questions about the trail. She agreed about the location of the
181 trails in the future.
182 Ms. Brown said that between building area 4 and 5 is for side load garages as they share a
183 driveway. Typically, the BZC would like to see 20% side load garages but since this is a
184 private compound, she did not see it being an issue. It would be great to have, however.
185
186 Ms. Brown asked if public were coming into the barn in the future, would there be
187 sufficient parking? Ms. Lundberg said the driveway will be extra wide and there are
188 scattered extra spots, as well as some on the north side of the barn. She also liked the
189 native plantings and said it was heartwarming.
190
191 Ms. Sloas said the barn is gorgeous and she appreciated that there are few variances. She
192 asked how high the windmill would be. Ms. Lundberg said they will have solar panels
193 until wind power is perfected. Mr. Eyerman said he would remove the windmills from
194 the application as they cannot be defined at this time.
195
196 Mr. Goshia said the application states “seven build areas,” not seven lots, and he asked
197 whether those lots could be subdivided. Mr. Eyerman said no, and that this is a proposed
198 condominium development and it actually six build areas not including the barn.
199
200 Mr. Goshia said the township will not plow the gravel roads. Mr. Eyerman said the
201 vision is to keep it rural/rustic looking. These are private roads but will need to support
202 70,000 PSI for fire department purpose. A structural engineer is working on that and it
203 most likely done. The county engineer and fire department have signed off on it.
204
205 Ms. Littleton asked whether the gravel roads would be to county standards. Mr. Eyerman
206 said they are. Ms. Littleton said DCRPC recommended some kind of walkways and she
207 asked whether they have considered a solid surface from house to house for bikes,
208 wheelchairs, wagons, etc. Ms. Lundberg said they only have planned the gravel drive.
209 Mr. Eyerman said the base is 304 gravel, which is a highway base so it will be compacted
210 nearly to concrete levels. It will be strong enough to accommodate a wheelbarrow,
211 wagon or fire truck. Ms. Lundberg said it should work fine for those uses and walkers.
212 Mr. Goshia asked if it would not be chip-sealed. Ms. Lundberg said that was correct.
213
214 Ms. Littleton said the applicants have mentioned several things during this hearing that
215 are not in the text, including the solar panels, exterior materials, etc. and she asked that
216 they be placed in the text. Mr. Eyerman agreed to do so. Ms. Littleton asked what the
217 exterior materials would be. Mr. Eyerman said the intention is that the exterior materials
218 for the residential units would be wood, masonry such as stone or brick, hardi-plank-type
219 composite materials. Mr. Ashmore said the materials would be very long-lasting.
220
221 Ms. Littleton asked about the colors. Mr. Eyerman said they would be light-colored
222 earthtones. Ms. Littleton asked that be included in the text.
223 Ms. Littleton said on page 13, item J indicates that the building pad width for each
224 residential site is 75’ minimum. She said that typically, there is a maximum building pad.

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225 Mr. Eyerman said a maximum is provided because these are condominiums. With a
226 12.5' side yard setback, it would be the equivalent of a 100' wide lot, for example. It
227 allows for flex space within that pad/envelope in case there is a tree or something they
228 want to keep.

229

230 Ms. Littleton asked that a maximum be defined. Mr. Valentine said there were no real
231 lots so that would not work. Ms. Brown said she did not want trees to be cut down due to
232 a maximum or minimum pad size. Mr. Eyerman said he could provide a minimum or
233 maximum and a statement that it will not go past the location of the turnaround as well.
234 Ms. Littleton took her request back after the discussion.

235

236 Ms. Littleton asked whether "walkouts" meant walkout basements. Mr. Eyerman said
237 that was correct. Ms. Lundberg said the houses will probably be on-slab, one-floor, and
238 very ADA accessible. She did not see having walkouts and she highly doubted they
239 would ever be built. Ms. Littleton noted that makes engineering of the house much more
240 difficult.

241

242 Ms. Littleton said the applicant provided a valid argument about planning for the trail to
243 be on the south side of Cheshire Road. She said she is not familiar with the layout of the
244 golf course, but with the construction of the peanut-about at Africa and Cheshire Roads,
245 she did not think there would be an issue with the corner on the north side if a trail was
246 built there eventually. She said fewer property owners would be impacted if the
247 township has the trail on the north side of Cheshire Road. She said the township would
248 typically require a trail on this property along Cheshire Road.

249

250 Mr. Eyerman said the cost for a trail across 1,000' of the frontage would be close to
251 \$200,000-250,000. Spreading that over 6 homes is \$30-40,000 for a trail that goes
252 nowhere. Ms. Brown said she just pulled it up, and it appears that it would be difficult to
253 put a trail along the north side of Cheshire Road due to the golf course. Mr. Goshia asked
254 whether the township has an easement that could be used.

255

256 Ms. Brown said there are many existing buildings in the area. Ms. Graham said there has
257 also been some expansion there. Ms. Littleton added that they would have to work with
258 Alum Creek State Park. Ms. Brown suggested that an easement be placed, versus
259 requiring them to install a trail.

260

261 Mr. Eyerman suggested that an easement be provided if one is also provided by the golf
262 course.

263

264

Public Comment

265 Amy Eichen, 61 Westgate Drive, Delaware, said she met Ms. Lundberg earlier this
266 summer. She has been vocal in the township about retaining their agricultural roots and
267 maintaining that feel. She hopes there is a snowball effect and that others get on board
268 with it. This will be an asset to the community and she thanked the applicant for having a
269 vision and following through with it.

270

271 Ms. Lundberg said the homes will be set back and difficult to see from Cheshire Road
272 due to the gardens and barn in front, so it will help maintain the rural appearance of the
273 area.

274

275 Terese Spaulding, 272 West Heffner Street, said she moved to Delaware County 6 years
276 ago and she appreciates the walkability of the area. She has half an acre replete with
277 butterflies and the like that people love to visit. She appreciated having this vision early
278 enough to implement it.

279

280 Mr. Eyerman asked for a brief recess so he could present the conditions as a list for
281 review and approval.

282

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283 Ms. Littleton made a motion to adjourn The Shire hearing to allow the applicant to put
284 together their amendments. The hearing will be reconvened after the informal
285 presentation with Mike Shade. Ms. Brown seconded the motion.

286

287 Vote: Littleton, yes; Brown, yes; Valentine, yes; Kaplan, yes; Sloas, yes.

288

289 **AGENDA ITEM: INFORMAL DISCUSSION WITH ATTORNEY MIKE SHADE**
290 **REGARDING 526 PEACHBLOW ROAD**

291

292 Attorney Mike Shade, 236 West Central Ave., Delaware, Ohio, and Todd Faris, with
293 Faris Planning and Design, presented the information. Mr. Shade said this is the Old
294 Sherman property, and he reviewed the location. The client is PeachBlow Road, LLC.
295 To the south is the mobile home park and there will be connectivity to the east to Berlin
296 Meadows. To the north is the City of Delaware.

297

298 Mr. Shade said there are approximately 75,000 cars that travel per day along U.S. 23.
299 There is a light a Greif Parkway, and there will be connectivity to the other side of the
300 road. However, that is in limbo as they are waiting on ODOT to determine what they
301 will do with US 23.

302

303 Mr. Shade said there were several proposals. Some of the discussions were formulated
304 based on comments from the commissioners regarding the Route 23 area. They are not
305 opposed to housing, but they would like to see commercial development if possible along
306 Route 23.

307

308 Mr. Faris provided proposed plans to the BZC. He said this is in subarea 7B and is
309 shown as Planned Commercial with roads. The property is about 80 acres and the
310 frontage that touches Route 23 is not controlled by the entity bringing this forward, so
311 there would mostly likely be connections elsewhere such as to the north, Worthington
Arms, and Berlin Meadows.

312

313 Mr. Faris said there are four proposed plans. Features including single-family 55+
314 condos, townhouse condos that would buffer the back of the retail center that is between
315 this property and the single-family property proposed there. It also included a
316 “Bridgepark light” development, where the buildings define the roadway. The buildings
317 would be multi-story with office and commercial below, and condos or multi-family
318 above. There would be a transition to single-family condo or single-family homes.

319

320 Ms. Brown said Plan B does not make sense from a roadway perspective as it pushes
321 traffic through neighborhoods. Mr. Shade said the plan approved by Berlin Township
322 shows the connector road over, coming from Berlin Meadows to this area. It was
323 designed that way. Ms. Brown said she understands the connections, but Plan B does not
324 make sense. There was additional discussion.

325

326 Ms. Kaplan asked how much of the site was buildable. Mr. Faris said the stream corridor
327 will take out about 5-10 acres. Ms. Brown said she would like to see it as a destination,
328 not just more houses. Because it is in a commercial area, it would bring more taxes to the
329 township. Ms. Sloas said it takes a long time to get to locations that are commercial
330 currently, and it would be nice to have one close by.

331

332 Ms. Littleton said transitional housing between Berlin Meadows and commercial uses is
333 important. Ms. Brown suggested having stair-step down housing be the first portion on
334 the side of Berlin Meadows and bringing it over to the commercial area. There was
335 additional discussion. Multi-use trails were suggested.

336

337 Ms. Kaplan thanked for native plantings.

338

339 Ms. Littleton made a motion to reconvene The Shire application. Ms. Brown seconded
340 the motion.

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341 Vote: Littleton, yes; Brown, yes; Sloas, yes; Kaplan, yes; Valentine, yes.

342

343 Mr. Eyerman provided six written conditions, which were marked as Exhibit E.

344

345

RESOLUTION 2022.12.13.A: APPROVE BZC 22-003 THE SHIRE

346

347 Ms. Littleton made a motion to approve BZC 22-003, with the conditions included in
348 Exhibit E:

349

350 1) Mailpods for The Shire shall be located in association with the entrance to the barn.

351

352 2) An easement for a multi-purpose trail along Cheshire Road shall be provided by The
353 Shire to Berlin Township upon receipt by Berlin Township of a trail easement from
354 Double Eagle Golf Club.

355

356 3) Remove all references to wind and windmills in The Shire development plan.

357

358 4) Residential dwellings shall be constructed with exterior materials including wood,
359 masonry, hardi- plank materials, and smart siding materials. Aluminum and vinyl siding
360 are prohibited. Metal and vinyl are permitted as materials for soffits, gutters, and racine
361 roofs. Exterior colors for all structures shall be earthtone and white.

362

363 5) Remove the building pads from the steep slopes.

364

365 6) A minimum of two building pads will include sideload garages or sideload homes.

366

367 Mr. Valentine seconded the motion.

368

369 Vote: Littleton, yes; Valentine, yes; Kaplan, yes; Brown, yes; Sloas, yes.

370

371

AGENDA ITEM: OTHER BUSINESS

372

373 Mr. Valentine thanked Ms. Littleton for all her work and said she would be missed. Ms.

374 Littleton thanked the BZC for supporting her and said she would miss everybody.

375

376 Ms. Littleton said she would retain her positions on the parks and trails committee as well
377 as the architectural review board for the business park.

378

379 Ms. Brown said the vice-president on the parks and trails committee as well as another
380 member have resigned so the township is seeking applicants to fill the position.

381

382

Zoning Inspector Report

383

384 Ms. Graham said things have been very slow at the zoning office.

385

386 Ms. Graham said a potential new owner of the old adventure site on Route 23, which is
387 4.05 acres, is trying to purchase the property and add a parsonage, which is a place a
388 pastor lives. They want to convert the building, which is rotated in the planned industrial
389 district, to a church with a parsonage. However, the district does not allow for any
390 residential use whatsoever.

391

392 Ms. Graham said she spoke to trustee Ron Bullard, who informed her that presidential
393 development is not permitted there. However, the potential owner would not take no for
394 an answer and they discussed a potential rezoning. The use would be the same except for
395 the residential use for the parsonage. She said there would need to be a new application
396 filed including details such as a traffic study and more.

397

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398 Mr. Valentine suggested dividing the property and rezoning only one part of it as
399 residential. Ms. Graham said the residential use would be inside of the commercial
400 building.

401
402 Ms. Littleton said the next regular meeting would be on Tuesday, January 10, 2023 at
403 7:00 p.m. when BZC 22-003 Peachblow Crossing will be heard.

404
405 Motion to adjourn. Meeting adjourned.

406
407 There was no further business to come before the BZC. Motion to adjourn. Meeting
408 adjourned.

409
410 _____
411 Steve Flaherty, Chairperson

412
413 _____
414
415 Christina Littleton, Vice-Chairperson

416
417 _____
418
419 Jerry Valentine, member

420
421 _____
422
423 Darcy Kaplan, member

424
425 _____
426
427 Angela Brown, member

428
429 _____
430
431
432 Jenny Sloas, 1st alternate member

433
434 _____
435
436 Keith Goshia, 2nd alternate member

437
438
439
440
441 Attest: _____
442 Lisa F. Knapp, Berlin Township Zoning Clerk
443
444