

**BERLIN TOWNSHIP ZONING COMMISSION (BZC)**

*OF DELAWARE COUNTY, OHIO 43015*

**REGULAR MEETING & HEARING  
TUESDAY, NOVEMBER 14, 2023: 7:00 PM**

1

**CALL TO ORDER**

2 This meeting was held at Berlin Township Hall, 3271 Cheshire Road, and was called to  
3 order by Chairperson Darcy Kaplan at 7:00 PM.

4

5 BZC members present: Chairperson Darcy Kaplan, Vice-Chairperson Angela Brown,  
6 Jenny Sloas, Jasper DeChristopher.

7

8 Also present: BZC 1st alternate Tara Shields; Zoning Inspector Jake Bon, Zoning  
9 Secretary Cathy Rippel, Assistant Zoning Inspector Jerry Valentine, Zoning Clerk Lisa  
10 Knapp.

11

12 Not present: BZC member Keith Goshia.

13

14 Ms. Kaplan read the BZC's adopted meeting rules. She said the applicant would first  
15 describe their application, the BZC would ask questions, and then there would be public  
16 comment. Her objective is that everybody who wishes to give public comment is able to  
17 do so.

18

**AGENDA ITEM: LEGAL NOTICE APPROVAL OF MINUTES**

19

20 Ms. Knapp said this meeting was advertised in the October 28, 2023 Delaware Gazette,  
21 as follows:

22

23

**BERLIN TOWNSHIP ZONING COMMISSION  
NOTICE OF PUBLIC HEARING**

24

25  
26 The Berlin Township Zoning Commission will hold a public hearing November 14, 2023,  
27 at 7:00 p.m. at the Berlin Township House located at 3271 Cheshire Road Delaware  
28 OH 43015 to hear application, designated as BZC 22-005, filed by John Angelo Burke,  
29 JiAngelo Builders LLC, 7034 Africa Road, Galena, OH 43021. The applicant is  
30 requesting an administrative review for the overlay district, Old Cheshire Planned Unit  
31 Development District (OCPUD), Parcel #41841001069000 & 41841001070000, ±11.0  
32 acres, vacant lands situated on the south side of Cheshire Road, east of East Street in  
33 Village of Cheshire, for mixed-use traditional village blend of all the elements OCPUD,  
34 known as the Cheshire Mills.

35

36 For questions, call Jake Bon, Zoning Inspector at 740.548.5217 x103. You can find the  
37 packet on the Berlin Township website [www.berlintwp.us](http://www.berlintwp.us) under the agenda and meeting  
38 tab for Zoning Commission. The person responsible for giving notice of the public  
39 hearing by publication is Cathy Rippel. Township residents are encouraged to attend.

40

41 BERLIN TOWNSHIP ZONING COMMISSION

42 Darcy Kaplan, Chair

43

**AGENDA ITEM: APPROVAL OF MINUTES**

44

45 Ms. Brown made a motion to approve the minutes from the 10/24/23 BZC meeting as  
46 presented. Ms. Sloas seconded the motion.

47

48 Vote: Brown, yes; Sloas, yes; DeChristopher yes; Kaplan, yes. Motion carried.

49

50

**AGENDA ITEM: BZC 22-005 CHESHIRE MILLS**

51 Attorney Bryan S. Hunt, with Loveland Law, LLC 3300 Riverside Drive, Suite 125,  
52 Upper Arlington, Ohio 43221, legal counsel for DeAngelo LLC, said he appreciates the

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53 opportunity to appear and discuss this proposal. He and John Burke, owner of JiAngelo  
54 Builders, presented the application and answered questions.

55  
56 Mr. Hunt said the proposal is to develop approximately 11 acres into a mixed-use  
57 development with up to 45 residential dwelling units, active and passive open space, and  
58 commercial uses permitted under the zoning resolution. It would be formed as a  
59 condominium, which means that individual units would be exclusively owned by the unit  
60 owners, and common elements would exist that would be maintained by the association  
61 at the expense of those unit owners. The unit owners, their guests and their invitees  
62 would be subject to whatever restrictions, covenants and conditions that are contained in  
63 the governing documents. Those would align with the standards in the approved  
64 development text.

65  
66 Mr. Hunt said he has submitted a detailed plan and text for the development, and those  
67 items reflect that this proposal falls within the standards of the Cheshire Planned Unit  
68 Development District overlay, as well as the township's Comprehensive Land Use Plan  
69 (CLUP), including the recommendations for Planning Area 9, where this property is  
70 located. He is here for administrative review and hopefully approval.

71  
72 Mr. Burke said he met with the BZC back in May to discuss concept ideas for the  
73 property, and he was not sure how an overlay would be applied to the property under the  
74 OCPUD. He read through the township's zoning laws, and took some of the feedback  
75 received. He felt he needed to work within the maximum heights permitted in the  
76 district, and said he had addressed some of the lighting issues brought up by a  
77 homeowner at that meeting.

78  
79 Mr. Burke said he reorganized the buildings; originally, he had three exits onto Cheshire  
80 Road and the county requested that he reduce that to two. He spoke with the EPA  
81 regarding the detention ponds and the water exiting on a timed-release basis.

82  
83 Mr. Burke said most of the properties have a 30' setback, but the county intends to take  
84 an additional 20' from the property owners to widen Cheshire Road in the future. He  
85 also did a traffic study to see whether a turn lane was required, and was informed that one  
86 is required in and out.

87  
88 Mr. Burke said that the buildings were originally set up to be at the 30' setback which  
89 matches the existing setbacks of many of the commercial areas in the Village of  
90 Cheshire. However, that would be just 10' from the road right-of-way. That bothered  
91 him, but then he realized that was a common situation in downtown areas.

92  
93 Mr. Burke said he identified some wetlands to be mitigated.

94  
95 Mr. Burke said there is an existing commercial development at Cheshire and Africa  
96 Roads, and he would like to continue with retail businesses, such as a restaurant. He  
97 plans a park in between the existing homes and the development, as well as a public park  
98 area for visitors, with basketball and bocce courts. There is a transition further down to  
99 residential uses. The commercial buildings will be no greater than 10,000 SF, although  
100 there may be some hotel rooms or apartments above that space.

101  
102 Mr. Burke said they are capped to 45-46 dwellings maximum, but he currently only has  
103 layouts for 30-40 units that he feels comfortable with. He is requesting a range so the  
104 market can dictate the types of housing. There could be single-family, Epcon-style or  
105 with an alley, or perhaps 40 twin singles around the perimeter.

106  
107 Mr. Burke provided an overview of what could be seen from the road, in relationship to  
108 The Shires that is being developed. The park will be kept closer to the entrance to The

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109 Shires. He displayed some models of homes being built by him at his new development  
110 in the City Delaware along Route 23 that will have 40 of the same type of design,  
111 averaging 30-40' wide. Most of their pads will be 40' by 66' or 35' by 66.' The alley-  
112 load units would be on 120' lots, with front porches.

113

114 Mr. Burke said he plans all of the homes himself. He enjoys building custom homes and  
115 does not like having just a limited number of home styles. Most homes here will be  
116 designed for a first-floor master, especially the 35' wide, and the 40' wide could support  
117 two bedrooms downstairs in addition to the master. Basements can be finished, he added.

118

119 Mr. Burke displayed additional renderings of the homes in his new City of Delaware  
120 development. Most homes will have a 10:12 or 12:12 pitch to the front, and a 6:12 front  
121 to back, and sometimes there will be a dormer. The alley-loading houses will help the  
122 view be a farmhouse style from the road. Although it is included in the text, he tries to  
123 stay away from vinyl siding. There will also be a postal area.

124

125 Mr. Burke said there would be all-natural materials on the building exteriors. There will  
126 be an area where residents can get their mail, as well as a workout area. The  
127 development would not support a swimming pool as that would be a large expense for  
128 just 40 homes. The pavilion will be enclosed and there will be a water wheel design to  
129 match the mills in the area. A small playground, twin bocce ball courts, and a basketball  
130 court. Alternately, pickleball may be an option.

131

132 Mr. Burke said one building on the corner was designed to look like a building in Dublin,  
133 and Gables have been added. The other building has a barn-style building with a  
134 commercial appearance. He displayed typical exterior materials including garage doors.  
135 Mr. Burke showed the preliminary landscaping plan that does not include the street trees.

136

137 Mr. Burke showed an aerial view of the area, which was color-coded to show the views  
138 of the residential homes that are adjacent to this development. He said he added some  
139 trees, and tried to be cognizant of the view of the existing residents.

140

141

Commission Consideration

142

143 Mr. DeChristopher asked whether the developer would be purchasing wetland credits or  
144 whether they would be onsite. Mr. Burke said it would probably be wetland credits.

145

146 Mr. DeChristopher said the landscaping plan shows a 6' screening fence, but he could not  
147 tell where it would be located. Mr. Burke said it may be to hide the trash area from the  
148 public. He does not have a plan to install a perimeter fence. He said no divergence for  
149 minimum home size was included. Mr. Burke said they would meet the requirements, and  
150 most would probably be around 1600 SF. The rooms above the commercial areas may be  
151 smaller, but probably not less than 1200 SF.

152

153 Mr. DeChristopher asked whether all residential areas in Area A would be condominiums  
154 except those above the commercial, and whether there would be no rentals there. Mr.  
155 Burke said the code allows up to 25%, so no more than 11 units could be rentals. His  
156 property being built in Delaware has three units that back to Route 23, which would be  
157 very undesirable for single-family homes, so a triplex would probably work better. Mr.  
158 DeChristopher said vinyl isn't really used in developments in the township.

159

160 Mr. DeChristopher referenced the walking path along Cheshire Road, and referenced the  
161 CLUP, which speaks to a multi-use path being built there. Mr. Burke said his preference  
162 would be to put that into the right-of-way as the road is going to be expanded to three or  
163 four lanes.

164

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165 Mr. DeChristopher said regarding parking spots, in area A, it is stated that there would be  
166 two spots in the garage for the front-loading units plus two outside. He asked about the  
167 alley-loading. Mr. Burke said there would be two in the garage, and one that could be  
168 parked sideways, so they are one short. However, there are 26 on-street parking spots  
169 scattered throughout Subarea A, so the aggregate total provided is still four per dwelling  
170 unit in that area.

171

172 Mr. DeChristopher was concerned about a sideload in front of somebody's garage due to  
173 the logistics, as it blocks the entire area. Mr. Burke said the garages could be moved back  
174 to provide 20' so two cars could park there. However, that would be at the expense of  
175 rear yard space in case they want a detached garage that provides a more private space.

176

177 Mr. DeChristopher said the interior street has parking all along the front and he did not  
178 think they needed an additional space. However, he would take it under consideration.

179

180 Mr. DeChristopher said regarding the landscaping plan, he likes Area C. However, he is  
181 apprehensive of the streets for the residential areas, as there is no detail for the  
182 landscaping in those areas. The example given in A-9 that shows the Benton Commons  
183 is what he is fearful of seeing here. There are a lot of buildings on that property in the  
184 residential area, the setbacks are closer than permitted, and the buildings are just 10'  
185 apart. As the buildings are built, there is no room for street trees. Mr. Burke said  
186 typically there would not be landscaping from the garage to the entrance to the front door,  
187 which takes away 20', and there would still be 10-11' for landscaping. He would put  
188 together an exhibit for that.

189

190 Mr. DeChristopher was concerned about the setbacks, which are shown as substantially  
191 less than required in the text. He is worried that the housing is pushing into the setbacks  
192 and creating more impervious space. He is less concerned about the rear setbacks  
193 because they are per the code, except with the parking issue. The code requires 30' for  
194 the front, and the applicant has requested half of that, so it seems things are being pushed  
195 forward to fit some buildings. There are options on lots 39, 36 and 40, but most of what  
196 he has shown is geared towards the 40 units in residential area A.

197

198 Mr. Burke said the code said that setbacks can vary within the PUD, and the OCPUD has  
199 smaller, tighter lots and configuration and that cannot be done without bringing buildings  
200 closer. Mr. DeChristopher said that even within the OCPUD, in a couple of places within  
201 the front setbacks he is still under what is required. Mr. Burke said they are wanting a  
202 downtown/midtown feel, but he is requesting rural setbacks. He is trying to create  
203 something that reflects the village lifestyle, which cannot be achieved with rural setbacks.

204

205 Ms. Sloas said she likes the overall design. She noted that there have been general  
206 difficulties in this area of undesirable uses going into this area, and she applauded the  
207 applicant for bringing something in that would be good for the village of Cheshire, a  
208 mixed-use development. There have been many discussions about the Old Cheshire  
209 Planned Unit Development District (OCPUD) but have not been able to use it much, so it  
210 is nice to see it in action. This is the type of project that it is designed for, the blending  
211 and creation of mixing residences and commercial and making it walkable to make a  
212 village feel. It will create a sense of community in that area and designing it well to  
213 make it usable for the existing residents.

214

215 Ms. Sloas had questions about the parking in the commercial area. She asked how many  
216 spaces there would be. Mr. Burke said there would be 152 parking spaces along private  
217 streets and boat parking would be accommodated in some spots. Ms. Sloas asked about  
218 the retention area. Mr. Burke said he would build a 3.5' fence to prevent anything from  
219 falling in.

220

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221 Ms. Brown asked whether the barn would have a portion open so it would feel like a  
222 gathering space. Mr. Burke said he is not opposed to that but there is another area in the  
223 subdivision that could have a pavilion with an area below for an HOA meeting, exercise  
224 room, etc. or whether they should be separate. He is not sure what he should do. Ms.  
225 Brown said it may be too big to be an open area for the public so that would be fine if it  
226 was moved to the building where it would be used for the HOA. Ms. Brown asked  
227 whether there would be parking at the mailboxes. Mr. DeChristopher said there would be  
228 16 spaces.

229  
230 Ms. Brown said regarding the 30/36/40 number of units, she does not like the idea of  
231 there being twin singles along the back, due to the existing residences. She suggested 36  
232 versus 40, and being able to have those individual units there. Mr. Burke said he could  
233 make it so single-family homes would back to the same type of housing, and there would  
234 be 36. Those would be for sale, and all the rentals would be in the commercial. The 30  
235 is if the alley-loads are all single-family as well, which he is fine with, if that is what  
236 everyone prefers. The 40' width is the sweet spot for retirees and provides more  
237 creativity, but the 35' wide is also nice.

238  
239 Ms. Brown strongly encouraged not going with the 40 units but staying with the 36 to 30.  
240

241 Ms. Brown asked that 3' tall mounding with evergreens be built in-between this and the  
242 neighboring property owners. She asked for that between Meadowview Lane and the  
243 Meadows at Cheshire. Mr. Burke said there are some trees already on the property line  
244 and he would rather not put a mound in those areas. Mr. DeChristopher said the 30' is  
245 the utility easement and drainage swale.

246  
247 Ms. Brown asked whether he feels that the congestion has now been taken away  
248 somewhat from East Street. Mr. Burke said Fourth Street needs to be repaved.

249  
250 Ms. Brown said she would prefer Hardiplank over vinyl siding.

251  
252 Ms. Kaplan said Mr. Burke had stated that the setbacks were within the code, yet he was  
253 asking for divergences, so this is unclear. Mr. Burke said if he did not ask for the  
254 divergences, he would not get them. The OCPUD provides more latitude than a typical  
255 residential subdivision, which has rigid standards. He summarized what he thought were  
256 divergences on the next to the last page of the application.

257  
258 Ms. Kaplan said there does not seem to be a divergence as requested to section 18-03 D)  
259 5) A) General Development Character, Permitted and Accessory Uses. Mr. Burke was  
260 not sure whether there was or not. Ms. Kaplan said this is an administrative review and is  
261 the final stop, so everything needs to be very clearly stated in the text.

262 Ms. Kaplan said the Architectural Review Board was referenced, but that does not apply  
263 to the OCPUD.

264  
265 Ms. Kaplan said regarding the divergence requested for Section 18-03 D) 5) D) indicates  
266 that materials and colors shall be submitted for approval. The BZC wants everything  
267 committed to and enumerated during this process. She did not see a divergence request to  
268 this section. Mr. Burke said he agreed, and he thinks he needs his own architectural  
269 review board to ensure that it meets the criteria. He said the trending colors may change  
270 in the future and he asked what would happen if there was a material change in the future.  
271 Ms. Kaplan said the approval would be based upon what has been presented.

272  
273 Ms. Kaplan said because there are not really any lots, the applicant has not stated the  
274 percentage of open space, she would like a commitment to what can be expected when  
275 this is developed. She asked whether there are open space acreages broken down for  
276 Sections A, B and D. Mr. Burke said there is open space, but it is not broken down. Ms.

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277 Kaplan reminded him that the zoning as approved applies to anybody else who may take  
278 over the property in the future. Mr. Burke said the entire subarea B is for the park  
279 amenities and facilities. Ms. Kaplan said she would like to see more specificity regarding  
280 that.

281  
282 Ms. Kaplan said regarding the requested divergence for 18-04 F) Paths and Walkways,  
283 the applicant has committed to paths and walkways. It states that sidewalks and paths  
284 shall be separated from the paved street surface by at least 5' of landscaped or grassed  
285 strip. She is not clear on what divergence he is requesting.

286  
287 Mr. Burke said that typically in the smaller subdivisions, they do not put sidewalks on  
288 both sides of the street so everybody stays on the same side of the street, for safety. He  
289 usually installs 5-6' wide sidewalk rather than the 4' that many people do, because he  
290 wants two people to be able to pass. Along the front of Cheshire Road, he set it up to  
291 allow a 6' wide path, but the multi-use path is actually 8' wide. He would prefer concrete  
292 rather than asphalt, to provide a downtown feel.

293  
294 Mr. Burke said these are private roads, so there would not be sidewalks on both sides.  
295 All maintenance will be handled by the HOA. Ms. Kaplan said the commitment for at  
296 least a 5' wide sidewalk/path would be an expectation of the township. She said she  
297 believes that along the Cheshire Road corridor, the county engineer is requiring multi-use  
298 paths to be built. Mr. Burke said that is not what he told him during the meeting. Ms.  
299 Kaplan said the township has required a multi-use path on every other development with  
300 that kind of frontage on a main thoroughfare.

301  
302 Mr. Burke said Carson Trails may be the only entity requiring that, but they are not at the  
303 point in the process that all of those plans are in order, so perhaps that is coming from the  
304 county. Ms. Kaplan said this is one of the longer stretches along Cheshire Road. Mr.  
305 Burke said the goal may be to connect to Johnnycake Corners elementary. Ms. Brown  
306 suggested speaking with trustee Megan Raehll regarding that.

307  
308 Ms. Brown said the concrete is really nice, but five years down the road, asphalt may be  
309 required. Mr. Burke said there is no bike path for the existing buildings in the area. Ms.  
310 Brown was not certain. Mr. Burke said he is in the same village and at the same  
311 setbacks. Ms. Brown said it is a new requirement. Ms. Kaplan said there are many areas  
312 that currently stub but there are plans for the future to connect them all. She said you  
313 have to start out somewhere.

314  
315 Ms. Brown said when this goes to the trustees, that will come up again. Ms. Kaplan said  
316 that actually, this is a final administrative action, and the request will not go before the  
317 trustees.

318  
319 Mr. Burke said he is asking to follow the rules with some slight adjustments, and  
320 apparently some of them aren't even adjustments but are clarifications regarding how  
321 things should be done. He is just applying the development text that defines what the  
322 OCPUD is that is already assigned to this parcel. Ms. Kaplan said she appreciates that,  
323 but the BZC needs to understand what they are considering.

324  
325 Ms. Kaplan said there is a divergence requested from 18-04 H), minimum front setbacks,  
326 which requires that dwelling units shall be set back 30' from the street right-of-way, and  
327 the applicant is requesting 15'. The code requires that front load garages shall be set  
328 back at least 10' and flush with the dwelling unit, sideloads shall be 10', and set back at  
329 least 50' from the street right-of-way. The applicant is requesting 21' behind the curb for  
330 garages and not really delineating whether it is side or front load. This is a divergence,  
331 she noted. She said that is cutting the right-of-way in half.

332

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333 Ms. Kaplan said that is a substantial divergence. Mr. Burke said this is in keeping with  
334 the 2010 and 2023 CLUP, which states district 9 is to be developed with smaller, tighter  
335 zero setbacks in this area. Ms. Kaplan said it seems the specific language for the OCPUD  
336 in the zoning resolution is not in alignment with the OCPUD.

337

338 Ms. Kaplan said the next divergence is from 18-04 K), minimum side yard setback. This  
339 states it is as approved per plan. She asked whether the applicant was seeking a  
340 divergence or agreeing to the 10' minimum side yard. Mr. Burke said the side yard  
341 between the buildings is 10', but the side yard on the other side if there is not a building  
342 there varies. It is 30' at the lowest house furthest west, and furthest east it is 30' from the  
343 boundary at that time. If there is parking, they need to be 10-11' away from the parking  
344 area so it does not come right up against those houses as well.

345

346 Ms. Kaplan asked whether there was anything less than 10'. Mr. Burke said there are  
347 porches and courtyards for alley-load homes, where the alleys start 10' behind the curb,  
348 then there would be the sidewalk, plantings and a courtyard before one gets to the house.  
349 The house would be 20' away. It would be less than 10' if it was measured from the back  
350 of the sidewalk, and the porch would be closer, but it is not less than 10' as measured by  
351 the township because there is not a specific property line.

352

353 Ms. Kaplan said the applicant is requesting a divergence from 18-04 M), which requires a  
354 30' rear side yard setback for single-family detached dwellings, and 15' for accessory  
355 buildings. The applicant is requesting 8' for accessory buildings and paved areas. Ms.  
356 Kaplan said she did not recall any accessory buildings. Mr. Burke said those would be  
357 the trash buildings that have not been defined. Ms. Kaplan said those do not appear to  
358 actually be buildings, but instead privacy fencing. Mr. Burke said the landscaping  
359 showed a fence, but he would probably do a brick or stone wall that ties in with the  
360 architecture.

361

362 Ms. Kaplan asked whether that would be 8' offset from the nearest building. Mr. Burke  
363 said he was measuring from the perimeter boundary. The minimum is 6' and he is  
364 suggested 8' away. Ms. Kaplan asked for more clarity on the landscaping plan. There  
365 are some elements of this design that are wonderful; she likes the elevations of the  
366 buildings and that he has adequately addressed parking and has provided parking for the  
367 post office area. She also likes the walkable and public areas.

368

369 Ms. Kaplan said she has concerns about delineating the acreage from areas A, B, and C.  
370 The total development acreage is 10-11 acres and there a 5 units per developable area.  
371 However, area C is not residential and instead is commercial. It does not seem it should  
372 be considered in that acreage to calculate the density of residences. Mr. Burke said as a  
373 condominium it will stay as one piece. The code does not state that only one use per  
374 parcel can be chosen, but instead that residential is limited to a number of dwelling units  
375 per acre based on net developable acreage. Using 10 as a multiplier, that is over 9 which  
376 is 45-46 houses being allowable. The code does not state they need to be scattered  
377 equally across the property.

378

379 Ms. Kaplan said if Area C is dedicated to commercial development that should not be  
380 calculated for the residences. Mr. Burke said there are non-residences above it. The  
381 zoning text does not say they cannot be mixed or that a separate calculation is required if  
382 there is a mixture. The CLUP specifically states there should be a mix here. If he was  
383 doing public roads and there were lot lines, he could see the argument that commercial is  
384 separate. However, the commercial will have a higher monthly fee that will contribute to  
385 the overall maintenance that will help defray the costs to the residents.

386

387 Mr. Hunt said that under Ohio Law, zoning regulations are a derivation of private  
388 property rights so they would be strictly construed in favor of the freeness of property.

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389 The zoning resolution states that density is a maximum of five units per net developable  
390 acre, which is not defined as taking into account commercial buildings, etc.

391

392 Ms. Kaplan said if this was 10 residential acres, there would not be more than 50 entities.  
393 Proposed is commercial in addition to residential. She is perplexed by the calculation.

394

395 Mr. Hunt said that the zoning resolution does not show it needs to be calculated  
396 differently. Ms. Kaplan said because it is mixed use, he is probably right. In the past, the  
397 areas are broken out individually by their size and use, and the density is calculated from  
398 there. Ms. Sloas said per the CLUP, he appears to be right. "The Village of Cheshire and  
399 some of its adjacent properties depicted on the CLUP are recommended for  
400 redevelopment in a mixed use planned district that would permit residential use up to 5  
401 units per net developable acre, and local commercial uses, preferably in a downtown-look  
402 historic architectural syntax, on-street angled parking, sidewalks, street trees and shallow  
403 or zero setbacks."

404

405 Mr. Burke said commercial is limited by availability of parking.

406

407 Ms. Kaplan asked where the turn lane would be located. Mr. Burke said it would  
408 probably be at Ryan Street.

409

410 Ms. Shields asked whether the apartments would be rental units. Mr. Burke said if he  
411 built 30-35 units on the other side, he would probably build the remaining units as  
412 condominiums so he could sell them. However, he would prefer to keep those as rentals.

413

414 Ms. Shields asked whether the traffic study applied to this development. Mr. Burke said  
415 it did, and it had more buildings on it. He has revamped it and limited commercial  
416 development to 10,000 SF and the location was set as part of that study.

417

418 Ms. Shields said the traffic study indicated that there would be no traffic impact on East  
419 Street. She asked whether that could be changed so left turns could not be made. Mr.  
420 Burke said that people will find a way to get around that. There is a one-way entrance by  
421 design to keep the residential separate from the commercial areas. He may also install a  
422 sign that states they are private roads and separate from the commercial area.

423

424 Ms. Shields said she is concerned about the East Street entrance, which is not very wide  
425 as it is, and there will be parking on the side. People will be turning into the commercial  
426 area where the loading zones for boats are located. There was no information regarding  
427 the impact on East Street as people turn in and go behind to get to the alleyway. Mr.  
428 Burke said he is not sure about the science of the traffic studies and how that works. If  
429 additional uses such as 3-4 restaurants were proposed, he would probably need to submit  
430 a new traffic study. He noted that he did limit the commercial to 10,000 SF.

431

432 Ms. Shields said the bus stops at Cheshire and East, and East and Ford, and that makes it  
433 difficult to have two vehicles on the roads at the same time. Ms. Shields said regarding  
434 the parking, there is no required 3' tall landscaping buffer 5' wide, between the parking  
435 lot and the sidewalks, per Section 26 of the landscaping requirements.

436

437 Mr. Burke said he has moved the sidewalk to butt up against that, as would be seen in a  
438 downtown environment.

439

440 Ms. Shields said regarding the fencing mentioned by Mr. DeChristopher, there is an  
441 arrow that points to it on the landscaping plan and states it is a 6' tall privacy fence, ±883  
442 linear feet. Trees they intend to plant such as Ginkgo Biloba trees can have a 15-20'  
443 spread and they may hang over the parking spaces. Mr. Burke said he had missed that  
444 detail and he would look into it.



**BERLIN TOWNSHIP ZONING COMMISSION (BZC)**

*OF DELAWARE COUNTY, OHIO 43015*

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445 Ms. Shields said there is no landscaping drawn around the amenity zones and the parks,  
446 and it seems as though there would be zero shade as far as landscaping trees are  
447 concerned. Mr. Burke said a basic package was put together and he added landscaping in  
448 front of the ponds to deter people bicycling down the sidewalk towards the ponds.

449  
450 Ms. Shields said it can be hard for people to enjoy amenities when there is no shade, and  
451 she would like to see a landscaping plan. Mr. Burke said he is not opposed to that.

452  
453 Mr. Valentine said there can be issues when an area is changing from rural to a village.  
454 His biggest concern is separating the village from the residents, especially the Meadows  
455 at Cheshire. He applauded the village in getting this quaint area that has been discussed  
456 for 15 years.

457  
458 Mr. Burke said he could have 40' wide homes along The Meadows.

459  
460 Public Comment

461  
462 Ms. Kaplan said letters from residents would be read into the record first.

463  
464 -----  
465 Hello Jake,

466  
467 I wanted to reach out to say that I am against the proposed multi-family housing complex.  
468 This would impact our community in a negative way adding more traffic to the ever-  
469 growing developments that is popping up all around Berlin, Galena and surrounding  
470 areas.

471  
472 They are taking away all the land for the deer and other animals that have been around  
473 way before all of these housing developments came into play. One of the main reasons  
474 we moved here was because of all the natural surroundings, but now it is becoming so  
475 congested, just like living in a downtown city.

476  
477 I do not want this to pass, and all my friends and neighbors feel the same way. Please  
478 pass this along onto the board. Thank you for your time.

479  
480 Respectfully, Liz Hill, 5809 Burnet Drive North, Meadows at Cheshire.

481  
482 -----  
483 Jacob, thank you for speaking with me today. Unfortunately, I am unable to make  
484 tonight's meeting but I definitely wanted to go on the record on the subject. I will try to  
485 keep it brief. I'm a 26-year license real estate broker, a 23-year resident  
486 of Berlin Township and a 27-year resident of Delaware County.

487  
488 From a real estate perspective, there is next to no one that benefits from this multi-family  
489 high density housing. outside of the developer. It creates a burden on all that live around  
490 it whether it be traffic additional tax burden on the existing property owners, to deal with  
491 improvements due to the increased population decrease property values for those living  
492 near it or simply a negative aesthetic that does not blend in with the current look and feel  
493 of the community.

494  
495 Multi-family housing has its place, and there always needs to be affordable housing for  
496 the public, but it makes no sense to put it where the masses moved outside the city to  
497 single family home neighborhoods attracts to be next to a state park and have that look  
498 and feel and this is where the township trustees and zoning department need to interject  
499 some common sense into this and just say no.

500

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501 We all have heard the term urban sprawl, and it is a negative real estate term for when the  
502 city comes out to the rural areas and gobbles it up and the long-term residents that live  
503 there. Please stop that from happening in Berlin Township. Thank you for allowing me  
504 to be heard.

505  
506 Scott Bookheimer, 6042 Steward Road, Galena

507 -----  
508 Email to Mr. Bon:

509  
510 To whom it may concern: I've been a resident of Berlin Township since 2001, currently  
511 residing at 2379 Meadowshire Road. I understand that a proposed multi-family housing  
512 complex is to be discussed at tonight's commission meeting. Since I am unable to attend,  
513 I ask that my concerns with this proposal be noted.

514  
515 Specifically, my concerns are:

516  
517 Increased traffic congestion in the area, especially at and near the intersection of Africa  
518 and Cheshire Roads. I've been hit in this intersection previously.

519  
520 Negative environmental impacts: I've been blessed to raise my family in an area of nature  
521 sustained by the state park and its surrounding areas. Continued development and  
522 oversaturation will negatively affect us.

523  
524 Increased burden on township resources, including fire, roads and police services.

525  
526 Diversion of taxpayer funds to pay for the infrastructure (drains, sidewalks, traffic  
527 signs/signals) needed to support the increase of people in the area.

528  
529 Lastly, the above will cause decreased property values for myself and my neighbors, and  
530 our quality of life will be negatively affected as well. Thank you for hearing my  
531 concerns.

532  
533 Sincerely, Paul Miller, 2379 Meadowshire Road, Galena

534 -----  
535

536 My wife and I want to express our concerns about the development that will be going  
537 directly behind our property. We are not happy about this development and do not see  
538 any value for us or the community. We purchased our home in this neighborhood area to  
539 be away from traffic. our questions below:

- 540
- 541 1) There aren't any apartments or condos around this area, at least not on Africa
  - 542 Road. Why pick this location? Who is your clientele?
  - 543 2) Are you going to build fencing around the condos?
  - 544 3) Are you going to enforce strict trespassing policy for your tenants?
  - 545 4) Will you have quiet hours in your policy? We have lived here because it is
  - 546 peaceful and quiet.
  - 547 5) What amenities are you providing and are they only for your tenants?
  - 548 6) Are you going to ensure that you are not housing any convicted criminals and be
  - 549 thorough with your screening process. How do we trust that you are not just
  - 550 going to house any tenant without a clear background check?
  - 551 7) How do we as people of this community benefit from this?

552  
553 My family and I bought this home in this neighborhood because it is peaceful and quiet.  
554 It was a huge selling point for us, as we enjoy the serenity of being away from  
555 traffic. We picked the suburbs for this reason.

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556 We also have a huge backyard that looks into nature and not buildings. Now the thought  
557 of looking into high-rise condos truly makes us feel defeated. My wife and I work hard  
558 to provide a safe and good life for our children, and now we have to figure out how to  
559 navigate around this, or even if we want to. We're not saying condos are a bad  
560 investment, it's just not for this community.

561  
562 Build it somewhere else where it does not hurt property value and disrupt the lives of  
563 people who are living in neighborhoods.

564  
565 Gary and Joanna Kongkeo, 5619 Greenfield Drive, Galena.  
566 -----  
567

568 Mr. Bon, thank you for taking the time to read this email. As a resident of the Meadows  
569 at Cheshire here in Berlin Township, I was disappointed to see the Cheshire Mills  
570 proposal for property east of Fourth Street and south of Cheshire Road. To add  
571 commercial property and a high-density community to such a small parcel will not only  
572 infringe on what drew families to buy homes in the Meadows at Cheshire, but will also  
573 decrease our property values.

574  
575 What drew my family to this area was the suburban feel, but also the convenience of this  
576 area in reference to shopping dining and commuting. All are only a short 10 to 15  
577 minutes away. I purposely bought outside of the city so as not to be surrounded by the  
578 commercial feel and the traffic such endeavors bring. I know the vast majority of my  
579 neighbors I've spoken with absolutely share my sentiment.

580  
581 We do not want or need the convenience that this endeavor would provide, and do not  
582 wish to have our small and quiet communities turned into high density living. Had we  
583 wanted those conveniences we certainly could have bought in nearby communities that  
584 offer that. I would ask at a minimum that this proposal be put into proper public vote so  
585 that our voices can be heard and we're not forced to change the community we all  
586 love. Thank you for listening.

587  
588 Rob Hill, 5809 Burnett Drive North, Meadows at Cheshire.  
589 -----  
590

591  
592 I am for the trustees to protect and support the Meadows at Cheshire community.  
593

594 I do not support in any fashion the development in the multi-family housing complex  
595 Cheshire Mills for the following reasons:  
596  
597 1) The potential decreasing property values due to high density housing bordering  
598 our community.  
599 2) Increased traffic at the Cheshire Road and Africa Road intersection will increase  
600 the potential for traffic accidents of our community. Additionally, the increased  
601 noise potential for theft property destruction and overall safety of our children is a  
602 negative impact on our community that cannot be overstated.  
603 3) The proximity of the proposed development to the Alum Creek State Park raises  
604 alarming concerns regarding the negative environmental impact on wildlife and  
605 recreational activities for our community.

606 I am fiercely opposed to the allocation of taxpayer funds to subsidize any of the  
607 developer's cost or civil engineering projects associated with the post-  
608 development. Taxpayer funds should only be used to benefit the existing community.  
609 Thank you for your time and attention to this matter.  
610

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611 Peter and Melody Chrapkiewicz, 5728 Steward Road, Galena:  
612 -----

613  
614 Ms. Kaplan asked that residents wishing to speak direct their comments to the BZC and  
615 that they try to avoid repetitious comments.  
616

617 Amy Rinehart, 5256 Finch Lane, said she has a background in wildlife and environment  
618 conservation. This project is a travesty in regards to that because it is close to the state  
619 park. The stand of woods that would be turned into a commercial area is the only  
620 remaining corridor for wildlife crossing over through Cheshire. As these habitats are  
621 fragmented, these animals have nowhere to go and they will be hit by cars. That is an  
622 important corridor for deer and fox, and also a habitat for several frog species.  
623

624 Ms. Rinehart said she is the local Frog Watch USA for Central Ohio, and she has  
625 recorded at least three species who live there. Their home will be destroyed. There are at  
626 least five different species of katydids, which are a very beneficial insect. The  
627 development will prevent the movement of animals and insects and for populations to  
628 reconnect. It will kill diversity.  
629

630 Ms. Rinehart also had concerns about density, and said the impervious areas add to  
631 stormwater runoff and chemicals to the area and bodies of water, including at Alum  
632 Creek. She is opposed to the development.  
633

634 Erica Redman, 2345 Steward Drive, asked where the idea of placing a village in their  
635 community came from, and she asked what makes the township think the community  
636 wants. This is the first she has heard of this going right next to her home. An audience  
637 member asked what data it was based on. Ms. Kaplan said that typically the BZC does  
638 not respond to public comments. Ms. Redman said this affects their community.  
639

640 An audience member said she was not the only person who hasn't heard of it, and many  
641 have not.  
642

643 Ms. Kaplan said historically, there was a village in that area, and it was determined that  
644 they wanted to perpetuate that. The audience asked who "they" was. Ms. Kaplan said  
645 this zoning has been in place for almost 20 years and is one of the older districts. This  
646 property has sat empty for many years, and this developer has an interest in putting  
647 something there, which is the purpose of this hearing. She said the BZC wants to hear  
648 their concerns, but this is not new.  
649

650 Ms. Redman said it is news to the residents in the area. The community that they have  
651 built is not built on that development. Mr. Valentine said in 2009, he walked nine  
652 developments within the township and did surveys asking what the residents wanted. In  
653 2019, the CLUP was redone, and it was published a month ago. The township is  
654 currently working on revising the zoning resolution. Nobody has wanted to develop the  
655 property. It is called the Village of Cheshire and the history of the area has been  
656 included, and it is 350 pages. The township voted on this, and the residents will be  
657 invited to review the revised zoning resolution. However, the residents only show when  
658 the proposed development is in their back yard.  
659

660 Mr. Valentine said they would like to keep the community rural and low density. This  
661 area has been earmarked by the Delaware County Regional Planning Commission, and  
662 they drew the map. The applicant would like to do something commercial and close to  
663 the residents, but not affect it negatively. The applicant has some unique ideas, he noted.  
664

665 Ms. Kaplan said they appreciate the questions and input, but they cannot get into the  
666 weeds. There is a different forum for those kinds of things.

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667 William Kavage, 5229 Cheshire Road, asked about purchasing offsets for runoff or  
668 wetlands. He said the property drains across Cheshire Road onto the north side, and there  
669 is severe flooding there. The decrease in ground that can absorb runoff is going to be felt,  
670 he said. He said the area north of Cheshire Road floods during severe rains.

671  
672 Beatrice Vanloon, 2417 East St., said she severely rejects this development. The existing  
673 community is small, and she would like to keep it that way. It has always been just the  
674 neighbors, and she would hate to see it go to a city.

675  
676 Julie Roddy, 5639 Greenfield Drive, said her property backs up to this whole mess. She  
677 built her home in 1997 and was one of the first homes there. She knew eventually  
678 something would come in, but everything so far has been denied. She said the 30'  
679 setback from the property line is not enough. She has a mound with trees on top, and  
680 they are now 25-30' tall pine trees. She would like to see the number of houses adjacent  
681 to her neighborhood reduced, more trees added, and the density reduced.

682  
683 Kim Trackler, 5210 Finch Lane, Arbors of Cheshire, said she has a list of comments and  
684 questions. She asked if anything was required for the common area, and she asked why  
685 the parcels were being combined. She said the maximum height of the buildings is not  
686 stated at 35' or less. None of the dimensions for the commercial buildings are shown and  
687 she would like to see that, as well as the size of the dwelling units. She would like to see  
688 fewer than 30 homes, and homes are preferable to apartments, condos and duplexes.

689  
690 Ms. Trackler said mixed uses are not shown anywhere in the zoning resolution except for  
691 the BCO (Berlin Commercial Overlay), and one small comment under Article 14 for the  
692 planned age-restricted residential. Ms. Brown said this is the OCPUD area referenced in  
693 Article 18 of the zoning resolution, and mixed uses are included there.

694  
695 Ms. Trackler asked whether there would be a patio upstairs for the restaurant. Mr. Burke  
696 said the rooftop patio was no longer a part of the application. Ms. Trackler said in the  
697 BCO, mixed-use developments must be 550' from residential development.

698  
699 Ms. Trackler said Section 18.04 of the zoning resolution, OCPUD development, item F.)  
700 indicates that there must be 5' of landscaping between the paved surface and sidewalk.  
701 The parallel parking that is right next to the sidewalk and the parking that backs does not  
702 include the 5' strip.

703  
704 Ms. Trackler said drawing A-2 states that this development will be part of the community  
705 redevelopment area, which provides a tax rebate for up to 15 years.

706  
707 Ms. Trackler said if there are 30 homes and the other 15 are in commercial buildings, she  
708 did not understand how it went from 5 residences in the commercial building to 15,  
709 including garages. The footprint has not changed. She was concerned about the "flux" in  
710 units above commercial buildings.

711  
712 Ms. Trackler asked whether mixed use buildings would be retail on the first floor and  
713 residential on the second floor, as it appears that some may be townhomes.

714  
715 Ms. Trackler said 10,000 SF of commercial building was discussed, but the first floors  
716 are shown as also having 5500 SF and 1100 SF for garages, with living space above the  
717 garages. This would seem to be more like 13,000 SF. Mr. Burke said that was correct,  
718 but 10,000 SF was dedicated to the commercial use; the residential does not count towards  
719 that 10,000 SF. Ms. Trackler said all of his calculations were based upon the first-floor  
720 density, not the second floor.

721 Mr. Burke said the traffic study was based upon 46 dwelling units and 10,000 SF of  
722 commercial, regardless of where the dwelling units would be located. If the hotel option

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723 was used and all the dwelling units were used up, the traffic study would need to be  
724 redone.

725

726 Ms. Trackler said the applicant stated that if he got the requested residential units on the  
727 east parcel, there would only be five homes above the commercial buildings. He also  
728 stated that if he did not get the requested residential units on the east side, he would put  
729 15 units above the retail buildings. Mr. Burke said it may not be physically possible. Mr.  
730 Burke said he is permitted to have 45-46 dwelling units. The parking would drop to 2 for  
731 every 250 SF of retail area. That may be what is allowed, but it is not workable and  
732 sustainable. The homes will be larger than the minimum requirement, and would  
733 probably average around 3000 SF. He would be limited to 11 that would be rentable.

734

735 Ms. Trackler asked whether he planned to have three story buildings as long as they are  
736 35' or less. Mr. Burke said he was not sure, but when he starts drawing, he gets a little  
737 creative, but he stays within the lines.

738

739 Ms. Trackler asked about the buildings labeled Millhouse, Nettingham, and Constantia  
740 and she asked what those were. The first two have garages and there would be no access  
741 beneath. Mr. Burke said Constantia is named after the post office that used to be here. It  
742 would be a garage with residential above. He said he does not have tenants yet. All  
743 names, including street names, harken back to landowners in this area in the 1800s and  
744 early 1900's in order to reflect the past and move into the future.

745

746 Ms. Trackler said traffic will increase on Fourth and East Streets. Fourth Street has  
747 always been 10; wide, and East Street is 18'. People bypass the intersection of Cheshire  
748 and Africa by cutting down Fourth Street now due to traffic backing up on Africa Road  
749 south of Fourth Street. The new warehouses in the area also have added trucks to the  
750 traffic. With the entrance off of East Street into the back, delivery trucks will down  
751 Fourth Street and up East Street.

752

753 Ron Vogel, 5658 Summer Boulevard, said he did not think high density housing is a  
754 good idea and they will start something that will just expand. Infrastructure, police, fire  
755 and schools will be overloaded. The residents do have a voice and other developments  
756 have been shut down in the past. He likes the concept of a variety of restaurants. He  
757 wants to ensure that the new development will look nice.

758

759 Tom Born, 5737 Burnett Drive North, said his main issue is that there is nothing like this  
760 in the area. Condos and apartments do not fit here, and he is surprised this is being  
761 considered. 12 homes would make perfect sense. This is the wrong area, it is too dense,  
762 and he hates it.

763

764 Frank Metcalf, 3616 Africa Road, said he not against controlled development as it is the  
765 American way. However, taking 11 acres and trying to cram as much as possible into it  
766 makes no sense. He said it is impossible to predict the impact on cute little old Cheshire  
767 Village with this development, but Lewis Center will find out what the effect of Evans  
768 Farm is. Old Lewis Center will disappear.

769

770 Mr. Metcalf said a roundabout cannot be built at Africa and Cheshire Roads because the  
771 substation was put in there, unless Cheshire Market is torn down.

772

773 Mara Luka, 5658 Summer Boulevard, said she is married to Ron Vogel, said that she is  
774 concerned about the rentals, whether they be seasonal or apartments. She was concerned  
775 about services including the schools, infrastructure, police and fire.

776

777 Jacob Rinehart, 5256 Finch Lane, in Arbors of Cheshire, said two of the links on the  
778 zoning page of the Berlin Township website were not working and gave 404 errors,

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779 including the financials and the presentations documents. Also, the divergence  
780 information was not posted online so he was not able to check those to see whether there  
781 may be something they should be concerned about.

782

783 Mr. Rinehart said when he was a kid, his bus stop was at Fourth and East Roads, and at  
784 East and Cheshire Roads and he felt comfortable at the time because it was quiet then.  
785 The new commercial buildings could be open at 7:00 a.m. The rental units may cause  
786 children to not feel safe at the bus stop anymore with cars pulling into the businesses.

787

788 Mr. Rinehart said the plan indicates that the commercial buildings would be large  
789 businesses rather than the small uses that currently exist such as Cheshire Market. That  
790 does not fit in this area and this plan does not maintain the rural and agricultural character  
791 of Berlin Township as referenced in the CLUP.

792

793 Mr. Rinehart said the design of the building mimics a modern traditional style such as  
794 what is seen at Evans Farm and he does not like that look as it sticks out like a sore  
795 thumb. He compared this with plans for The Shire and those developers did try to appeal  
796 to the rural character of this area. They ensured that everything would be hidden behind  
797 the trees. He said the density of this is even worse than the original Villas at Cheshire  
798 Ridge plan, which was denied.

799

800 Ryan Wiemer, 5675 Greenfield, said his property is the first property adjacent to the lot  
801 where the condos are proposed. There are trees in their backyard, he counts the number  
802 of buses and cars on Cheshire Road. Nothing will block the view from his home to the  
803 condos. He works in condo complexes and has seen builders pull out due to lack of sales,  
804 abandoning the development half finished. He hopes there are plans in place should  
805 something like that happen.

806

807 Ben Hartson, 5779 Cloverdale Drive said he is new to the area. He searched all over and  
808 found this area and loves the look, the feel, the home, the architecture and the  
809 community. The proposed development does not fit this area. He did not choose this and  
810 did not know about this, and probably would not have moved here had he known about  
811 this. It is really tight and buildings are too close together. Rentals will destroy this  
812 community; there are no rentals in the area and he asked why all these rentals need to be  
813 placed on 11 acres.

814

815 Mike Hasson, 5210 Finch Lane, said Article 16 of the condominium bylaws included  
816 with the application states they can expand the property for up to seven years if 14 of the  
817 property owners agree. Also, Article 3, Section A states there is no limit to the number of  
818 dwellings that can be leased. Mr. Hasson said that nothing prevents a developer from  
819 purchasing those condos and renting them out. He said there is no information regarding  
820 liability insurance for people who get injured using the bocce ball and basketball courts.

821

822 Lori McCoy, 5843 Burnett Drive North, said regarding the condos, the roads are very  
823 narrow with adjacent parking on the sides. She asked how the sanitation trucks would get  
824 by, and also how would fire trucks get to a restaurant on fire? She said that 11 acres is  
825 too small for 46 dwellings and a huge commercial building, and that it is insanity and  
826 unsafe.

827

828 Patti Marcum, 2428 Lora Court, said she agrees with everybody here. She moved here  
829 22 years ago. She has never heard of this and never wants this. High density  
830 development is not appropriate in this area, and if she wanted high density, she would  
831 move to Evans Farm. This is not Dublin, Sunbury or Delaware, she said. The animals  
832 are being pushed out of the area and all of the trees are being torn down. It doesn't seem  
833 that anybody cares, and she is surprised how much the BZC loves this plan. Tall  
834 retention walls will be built around retention ponds which will mean animals can fall in

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835 and not get back out. This does not benefit the residents who moved up here to be away  
836 from this.

837

838 Jesse Downey, 5581 Greenfield Drive, said he moved here in 2018. He agrees with  
839 everything said here by the community. Regarding Mr. Valentines's comment that it has  
840 been 15 years of looking at options for the property, he hoped that the BZC will not look  
841 at his as the option to solve this problem and "check the box." Time should be taken to  
842 review the proposal, especially the density.

843 Mr. Downey said the residents would not be here at this hearing if this was single-family  
844 homes. The density is too high, and nobody likes the rentals. He said the developer had  
845 stated they were restoring a village from people who had been here in the 1800's, the real  
846 community is here now and this is who has come out to voice their opinion. Regarding  
847 Mr. Valentine's comment about people coming out when a proposed development is in  
848 their backyard, he just discovered that this is in their backyards. It is not possible to keep  
849 up with all the zoning activities that come to the township every day.

850

851 Mr. Downey said he has not heard any positive comments presented tonight and he  
852 would like to hear benefits about how this community from the residents. Regarding the  
853 survey taken that determined this was a desirable development in this area, he would like  
854 to know whether those respondents have seen this plan and would agree to the density.

855

856 Holly Hardin, 5611 Greenfield Drive, said this development is in her backyard. She has  
857 never been to one of these meetings before, but it seems like there are many unknowns.  
858 Questions are being asked and there are no answers. She hopes all of the questions are  
859 answered before final decisions are made.

860

861 Matt Wallace, 5812 Steward Road, said regarding who this will benefit, it was indicated  
862 that spots for boaters, etc. will be provided, but here is no mention that this development  
863 will be for the community. It is actually for all of the people they are trying to draw into  
864 this community, the same people that the current residents moved out here to get away  
865 from.

866

867 Mike Renz, 5677 Steward Road, said the presentation discussed affected homes. His  
868 home was not included in that, and he can see this field from his home. The thought of  
869 high-density housing is the worst feeling, versus the existing state of the property, which  
870 is a field with deer and wildflowers. The noise, including car alarms, will be a nuisance.  
871 The surrounding community will be very much negatively impacted by this plan, and he  
872 asked that it be voted down.

873

874 Tom Hebert, 5250 and 5260 Cheshire Road, and 2412 East Street, said he loves the  
875 Cheshire area and is a small business owner. He is careful around the school buses each  
876 day. He purchased his properties because they are commercial. He recently tore down a  
877 house that had been vacant for 2.5 years and he is going to build a small warehouse with  
878 a lawn and trees and the township will like it. He said the density is too high and single-  
879 family homes are more of what this community needs. He has seen a lot of bad accidents  
880 in the area. He does not oppose commercial development and it is good to have some  
881 growth, but the density proposed is too high.

882

883 Barry Baney, 5650 Greenfield Drive, said the residents were accused of not worrying  
884 about this until it is in their backyard, but now that it is, what is the next step? Is there a  
885 vote? More meetings? Ms. Kaplan said that remains to be seen and this is all part of the  
886 process. The applicant gets to decide how he would like to proceed. Mr. Baney asked  
887 whether it was correct that there is no vote. Ms. Kaplan said if the applicant decides he  
888 would like to have a vote, then there is a vote.

889



**BERLIN TOWNSHIP ZONING COMMISSION (BZC)**

*OF DELAWARE COUNTY, OHIO 43015*

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890 Mr. Baney asked whether it was true that it was already approved by the township. Ms.  
891 Kaplan said it has not been, and this is a hearing to determine all the questions the BZC  
892 and the residents have.

893

894 Ms. Kaplan closed the public comment portion of the township.

895

896

BZC Consideration (Continued)

897

898 Ms. Brown said she understands that there are a lot of very negative feelings in the room,  
899 and she asked everybody to stay composed. She explained that the township cannot turn  
900 down an applicant if they want to apply and have a hearing. They have the right to  
901 present their case before the township. The BZC is happy that the residents came out to  
902 voice their concerns. She asked the residents to remove the “you” comments and to stop  
903 acting as though the BZC was doing this to them, as they are not doing anything to them.  
904 This is the way the process works.

905

906 Mr. Burke asked his civil engineer to address the flooding engineer. Garrett Baker, the  
907 site civil engineer for the project, said Delaware County has extremely strict runoff  
908 regulations that the applicant needs to provide detailed calculations for. Regarding the  
909 flooding on Cheshire Road, the project will be required to retrain and release stormwater  
910 at a much-reduced rate than presently exists in the area. Any flooding in the area should  
911 be drastically improved.

912

913 Mr. Baker said he has had conversations with the fire department regarding access to the  
914 site. The development will not be built unless the fire department signs off on it and says  
915 it is safe to be built for fire and other emergency access. Del-Co Water has informed  
916 them that they can adequately provide waterline service throughout the area, including  
917 for fire hydrants. He has had talks with Delaware County Regional Sewer District to  
918 ensure there are no sanitary capacity issues with the proposed development area.

919

920 Ms. Kaplan asked how the applicant would like to proceed. Mr. Burke said he found the  
921 paragraph that references landscaping. He agreed that he needs an exhibit that illustrates  
922 this better. The language in the draft text indicates that at the time of plan submission,  
923 each single-family attached and detached unit shall provide intermittent landscaping beds  
924 along both front and any side elevations facing public or private streets, unless the  
925 landscape buffer has already been provided. Typically, the development text reflects the  
926 framework for what is allowed and what is not allowed to be done.

927

928 Mr. Burke said that exhibits help, but most subdivisions are not designed with specific  
929 houses in mind. They have the same framework provided in their architectural review,  
930 and there may be some sample styles provided, but each plan is supposed to be designed  
931 to adhere to those rules and it is evaluated by an architectural review board or the HOA,  
932 as well as the zoning officer, so ensure that it meets what was promised for that area.

933

934 Mr. Burke said he did not know how to present the exact buildings that would be built.  
935 The buildings shown are based on ones that he had in the past. He is not opposed to only  
936 building single-family homes if he can still get 30-34 units in that corner.

937

938 Mr. Burke said he did not know how to address the rental issues that were brought up; it  
939 would not be a halfway house and he is not trolling the prisons to see if anybody wants to  
940 live up in this area. The Meadows at Cheshire does not have a background check prior to  
941 purchasing homes there, so why somebody would want him to have a background check  
942 doesn't make any sense.

943

944 Mr. Burke said his rentals are \$2,400 per month and he has rented homes in this area for  
945 years with no issues. The rules state that a developer can only hold 25% out for himself

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946 as rentals. He can understand how the neighbors missed that part of the zoning resolution  
947 and didn't know these options were available, but at that time in 2005-2008, Delaware  
948 County dies at Home Road and there was no growth. Now, it is exploding. He has not  
949 deviated from the stated objective in the plan. There are things in the OCPUD that the  
950 plan does not match, but they lean in favor of what was stated in the CLUP. This is not  
951 something new from 2023; it was 2010.

952

953 Mr. Burke said the code has specific ideas in mind for what it wanted for the area, and he  
954 tried his best to fit this development to that concept. The density is higher, but it is not  
955 illegal and it is within what the land calls for. He is fine with requesting a maximum of  
956 36 units and even placing a restriction that only - homes 40' wide would be placed along  
957 the shared property lines and he could place a denser product in the center.

958

959 Mr. Burke said the commercial development is very minimal compared to everything else  
960 that is there.

961

962 Ms. Shields said there is a drastic difference between the information presented at the  
963 informal meeting and the information in the application presented here in the application.  
964 During the informal meeting, the applicant had stated the commercial is minimal that  
965 there were three shelter houses and it would be a place for retail shops such as bakeries  
966 to come in. Much less residential was shown in the informal presentation as well. Mr.  
967 Burke said there were 15,000 SF of two-story commercial in those earlier drawings. He  
968 attempted to place the commercial development as close to the right as possible, closer to  
969 downtown Cheshire.

970

971 Ms. Shields said trees around the playground area for shade is a good idea. He said the  
972 shelter house could be separated out and put in a different section. Regarding liability, he  
973 did not think about that, but the township asked for a park and basketball court, and he  
974 provided that. He would provide insurance. Mr. Hunt said that would be insured by the  
975 condo association.

976

977 Ms. Kaplan asked if Mr. Burke would like the BZC to proceed with a vote tonight. She  
978 said some of things expressed by the BZC that they would like to be specifically  
979 addressed such as how many homes would be built, where they would be placed, would  
980 they be single-family homes, what the landscaping would look like. She would also like  
981 to see dialogue between the applicant and the neighbors.

982

983 Mr. Burke asked her to imagine driving in a school zone at 19 MPH and somebody walks  
984 up and tells her she needs to drive 10 MPH. What is she doing wrong? He said anybody  
985 here would tell that person to step off. He is not sure why people are telling him he can't  
986 do what the rules specifically say are permitted for this area. He did not know what kind  
987 of dialogue could be had when the neighbors want 12 houses, which is not doable. There  
988 is supposed to be a mix of commercial and residential.

989

990 Mr. Burke said he does not know a bunch of convicts who are running out to the country  
991 to live, but it is easy to paint that in broad strokes. What he hears is that the neighbors  
992 don't want anything here. He has a piece of land that the rules permit him to do certain  
993 things. He did not see how he could be denied to have rentals.

994

995 Mr. Burke said he would like to request a vote with conditions that need to be met. Ms.  
996 Kaplan said that any conditions would need to come from him. She said there were  
997 discussions about density, setbacks, the multi-use path, etc. Mr. Burke asked if the  
998 setbacks needed to be altered if they meet the shallow/zero setbacks requirements. Ms.  
999 Kaplan asked whether they are divergences. Mr. Burke said they are requested  
1000 divergences. Ms. Kaplan said the calculation becomes, is that an acceptable divergence?  
1001 That may not be favorable to him.

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1002

1003 Mr. Burke said he could reduce the density now. The 30-unit plan is all single-family  
1004 homes and he can do that. He did not see him building the other 15 on the other side but  
1005 may want nine. He said he could exclude the hotel use because that is more transient in  
1006 nature than residential condominiums. He said he did not need to get too specific  
1007 regarding some details since the development text in the OCPUD defines what is allowed  
1008 to be there.

1009

1010 Ms. Sloas asked whether decreasing the number of homes to 30 would increase the  
1011 setbacks. Mr. Burke said it would give 10' between every house with wrap-around  
1012 landscaping, but it does not make the setbacks match those of people who do not live in  
1013 his subdivision.

1014

1015 Ms. Brown said Mr. Burke had mentioned that the elimination of an egress road caused  
1016 him to decrease the commercial development, and she asked whether he could bring back  
1017 some of that commercial to make up for the fact that homes had to be added in to make  
1018 the equation work. He said he may be able to put the ponds underground and put  
1019 commercial buildings in their place. He needs the ponds for capacity, not for show,  
1020 although the current traffic study would probably not support that.

1021

1022 Mr. Burke said the problem with the setbacks for Cheshire Road is that the proposed  
1023 angled parking pushes the building closer to the residential development. He also does  
1024 not want to see a sea of parking. He would like to see the parking in the rear and the 0'  
1025 setback. If he had to go 30' from the new 20' that he would have to give up, he would  
1026 have no room for parking behind.

1027

1028 Mr. Burke said the residential area would not have many children and the 40' wide home  
1029 design would work fine for that. There could also be 35' wide homes. He was fine with  
1030 removing the twin singles. He mentioned the paths. There was additional discussion.

1031

1032 It was agreed that the application would be tabled to December 12, 2023, with the  
1033 expectation that materials would be turned into this office by November 28, 2023 for  
1034 review. Mr. Burke said he feels like he has his hand over his eyes and he's throwing  
1035 darts at the wall. Ms. Kaplan said Mr. Bon and Mr. Valentine can help answer questions.

1036

1037 Ms. Kaplan said the BZC would like specificity on the landscaping, the single-family  
1038 homes with transition between the Meadows at Cheshire, with higher density at the front.  
1039 Evergreen trees, and mounding where applicable, would be added to the landscaping plan  
1040 along the rear as buffer between Meadows at Cheshire and this development. There  
1041 would be no twin singles that abut Meadows at Cheshire. Vinyl siding will be eliminated  
1042 and replaced by cementitious siding. There will be shade trees within the green space for  
1043 the playground and basketball courts. Regarding bike paths, Mr. Bon and Mr. Valentine  
1044 will be contacted to get an answer. There will be a 5' strip of landscaping between the  
1045 parking lot and the sidewalk along East Street.

1046

1047 Mr. Burke said because he is moving the garages, so everybody has four spaces for  
1048 parking, he does not really need all the off-street parking and he can get rid of the parallel  
1049 parking. Ms. Kaplan said that is a calculation he will have to make. Ms. Kaplan said the  
1050 BZC is not fond of divergences. She said detail regarding the housing should be  
1051 provided, as well as detail regarding landscaping in Subareas B and A. The applicant  
1052 should also provide the acreage for the subareas.

1052

1053 An audience member said the residents did not have a say in the CLUP. She has been  
1054 here for 20 years and has never heard about it. Ms. Kaplan said she would love to have  
1055 these conversations, but the meeting needs to wrap up. The BZC loves community  
1056 engagement.

1057

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1058 Ms. Kaplan said development happens. The BZC’s job is to make sure they get the best  
1059 possible deal. The applicant is following the regulations, and Ohio is a right-to-building  
1060 state and requires that if he follows the regulations, that they let him build what he wants  
1061 to build. Everybody cares about the wildlife and the trees. It will never be perfect, but  
1062 there may be some benefits, and they are all doing the best they can. She said the BZC  
1063 appreciates that the residents are here, and said that the applicant is going to make  
1064 changes.

1065  
1066 Scott Malenky, 3660 S. Three B’s & K Road, sitting with the applicant and the  
1067 applicant’s attorney at the podium table, said he has lived here for 25 years, and there is a  
1068 hodge podge of development on Cheshire Road. He said the proposed development is  
1069 beautiful, and that another developer could come in and slaughter the area easily while  
1070 still following the rules.

1071  
1072 Ms. Shields said Section 18.04 of the zoning resolution discusses many specific  
1073 requirements for the OCPUD, but these details are not shown on the plan. For example, a  
1074 final development plan is required that includes many items that are required such as a  
1075 landscape plan drawn by a landscape architect to the overall scale of at least 1:100 with a  
1076 larger scale elevations and cross-sections. A landscaping plan was provided, but all of the  
1077 landscaping ideas that are supposed to go on the houses are missing.

1078  
1079 Ms. Shields said also required are items such as exact location of utility easements,  
1080 dimensions of building units, lighting, etc. For example, the drawing indicates “proposed  
1081 mix-use commercial/residential west building 5509 SF.” However, the requirements of  
1082 the OCPUD are that the exact dimensions be provided. Mr. Burke said he does not have  
1083 a building specifically designed for that area. Somebody could take the entire piece and  
1084 adjust the shape later, but it is within the development text requirements of 10,000 with a  
1085 certain number of parking spaces, it would meet the code. It is not supposed to be exact,  
1086 he said. It would not require a certain kind of house or condominium to be built. Ms.  
1087 Shields said the exact location of the homes must be shown per the OCPUD  
1088 requirements.

1089  
1090 Ms. Kaplan noted that this is the initial and final development plan. Mr. Valentine said  
1091 everything needs to be put in black and white so the township can enforce it.

1092  
1093 Mr. DeChristopher said the applicant must specify where the homes will be. Mr. Hunt  
1094 said the code states that the exact location of building footprints or envelopes within  
1095 which dwelling units are to be constructed shall be provided. It does not state that  
1096 specific building locations need to be delineated. Mr. Hunt said they could specify a  
1097 certain number of homes but could build fewer if desired.

1098  
1099 Ms. Shields said Section 18.03 D.) 5.) of the zoning resolution states that “The  
1100 Development Plan shall be to a scale of at least 1"=100' and shall show the proposed uses  
1101 of the site, location of buildings and structures, streets and roadways, and parking areas,  
1102 all required design features, including the following” and that there is an extensive list of  
1103 specific items that are required to be answered with certainty. She reviewed several other  
1104 parts of the zoning resolution’s requirements. She said all of those items must be  
1105 included in the development plan in order to be approved by the BZC, so there is no  
1106 deviation.

1107  
1108 Mr. Burke asked to table the application to 12/12/23.

1109 **MOTION TO TABLE**

1110 Ms. Kaplan made a motion to table BZC 22-005 to December 12, 2023 at 7:00 p.m. Ms.  
1111 Sloas seconded the motion.

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1112 Vote: Kaplan, yes; Sloas, yes; DeChristopher, yes; Brown, yes. Motion carried.

1113

1114 Ms. Brown noted that the township is seeking a BZC alternate member.

1115 **AGENDA ITEM: BERLIN TOWNSHIP ZONING RESOLUTION REVISIONS DISCUSSION**

1116 Mr. Valentine provided the BZC with an updated draft zoning resolution that has been  
1117 updated by Scott Sanders. Mr. Valentine requested that the BZC review it for discussion  
1118 at their next meeting on November 28.

1119

1120

1121

**AGENDA ITEM: OTHER BUSINESS**

1122 Ms. Kaplan said the next regular BZC meeting will be on November 28, 2023 at 7:00  
1123 p.m.

1124

1125 There was no further business to come before the BZC. Ms. Kaplan adjourned the  
1126 meeting.

1127

1128

1129

1130

\_\_\_\_\_  
Darcy Kaplan, Chairperson

1131

1132

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1134

\_\_\_\_\_  
Angela Brown, Vice-Chairperson

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1136

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Jenny Sloas, member

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Keith Goshia, member

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\_\_\_\_\_  
Jasper DeChristopher, member

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\_\_\_\_\_  
Tara Shields, 1st alternate member

1151

1152

1153

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

1154

Lisa F. Knapp, Berlin Township Zoning Clerk

1155