

BERLIN TOWNSHIP ZONING COMMISSION (BZC)

OF DELAWARE COUNTY, OHIO 43015

**REGULAR MEETING
MARCH 14, 2023: 7:00 PM**

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CALL TO ORDER

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

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5 BZC members present: Vice-Chairperson Darcy Kaplan, Angela Brown, member Keith
6 Goshia, BZC 1st alternate Jasper DeChristopher (seated), BZC 2nd alternate Tara Shields
7 (seated).

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9 Not present: Chairperson Jerry Valentine, member Jenny Sloas.

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11 Also present: Zoning Inspector Jake Bon, Zoning Clerk Lisa Knapp, Assistant Zoning
12 Inspector Sherry Graham.

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14 Ms. Kaplan reviewed the BZC's adopted rules, including public comment rules.

15

16 **PROOF OF PUBLICATION**

17

18 Ms. Knapp stated that this hearing was tabled and continued from the January 24, 2023
19 BZC meeting. The regular meeting was advertised in December 2022 in the Delaware
20 Gazette.

21

22 **AGENDA ITEM: APPROVAL OF MINUTES**

23 Ms. Brown made a motion to approve the minutes from the February 28, 2023 BZC
24 meeting, as presented. Ms. Shields seconded the motion.

25

26 Vote: Brown, yes; Shields, yes; Goshia, abstain, DeChristopher, yes; Kaplan, yes.

27

Motion carried.

28

AGENDA ITEM: BZC 23-001

29 *BZC 23-001 request to rezone ±15.20 acres on Piatt Road, Delaware, OH 43015 from*
30 *Farm Residential (FR-1) to R-3/Planned Residential District (R-3/PRD) for 22 single*
31 *family homes and BZC 23-002, request to rezone ±3.04 acres from Farm Residential*
32 *(FR-1) to Planned Commercial & Office (PCD) for a commercial building and parking*
33 *lot.*

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Applicant Presentation

38

39 Todd Faris, with Faris Planning & Design, 4876 Cemetery Road, presented the
40 application and answered questions from the BZC. He noted that Chandra Rajoo with
41 CBS Construction is here as well.

42

43 Mr. Faris said at the last hearing, suggestions were made to change the plan, and it was
44 revised. He provided documentation that showed the traffic study had been approved by
45 the Delaware County Engineer's office earlier this week.

46

47 Mr. Faris said about 9 changes were made to the application; some were requested by the
48 BZC and some by the public.

49

50 - Vinyl has been removed from the plan. The prior plan had indicated that the
51 sides and rear can have vinyl, but now there will be all-natural materials on all 4
52 sides of the buildings, including Hardiplank.

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- 53 - Minimum of 25% of lots will have side load garages, although there may be
54 additional lots.
- 55
- 56 - Shelter was increased to 20' by 20'. Previously, there was a small octagon.
57
- 58 - Benches. There are two at the top and four around the playground area at the
59 bottom.
- 60
- 61 - The request for a reduction in the 50' required setback for the adjacent FR-1
62 property to the north has been removed. The revised plan indicates that the plan
63 meets the zoning resolution, which required the removal of a lot.
- 64
- 65 - The open space has been increased slightly by about 1/10 of an acre.
66
- 67 - The lots have been reorganized so that the minimum lot size, even on the radii, is
68 80' at the road right-of-way, as required by the zoning resolution.
- 69
- 70 - The minimum building square footage has been increased to 2300 SF, and that
71 has been included in the text.
- 72
- 73 - The text indicates there will be 21 units, which reflects the loss of the single unit.
74
- 75 - Mounding and a buffer with evergreen trees have been provided to the north in
76 the landscaping plan, to address concerns about soccer balls coming over. The
77 buffer along the back of a lot has now been extended along the back of lot 46 in
78 Glenmead.
- 79
- 80 - The tot lot has been reorganized.

81
82 Mr. Faris said only one divergence remains, which is for the lot size.

83
84 Mr. Faris said regarding the second application, the materials and composition were
85 changed to mimic the nearby school building, and pictures have been included in the
86 plan.

87 BZC Consideration

88
89 Ms. Brown said the mailboxes are located along the walkway. She thought the placement
90 may be better near the playground. Mr. Faris agreed and said it would be determined
91 based on where the fire hydrants are located. She asked whether it would be a two-lane
92 road. Mr. Faris said it would be, with parking on one side.

93
94 Ms. Brown asked about the fence. Mr. Faris said it would extend along the entire
95 southern border.

96
97 Ms. Brown said she would like to see one more lot removed to get closer to the 1.85
98 units/net acre. Removing a lot between #2 and 6 would make the lots 100' wide. Lots 2,
99 3, 4, 5 and 6 are at .28 and that would get them up to .35 acres. She is not as concerned
100 about lots 20 and 21 because they do have a lot of green space behind them.

101
102 Ms. Brown asked whether the multi-use pathway was on both sides of the street along the
103 front of the commercial space and to the end. Mr. Faris said that was correct.

104
105 Ms. Shields asked whether the side load garages are on specific lots. Mr. Faris said they
106 are not. Ms. Shields asked, regarding lots 10 and 11, which have the walkway between
107 them, whether there is a plan for those two houses for privacy. Mr. Faris said there will
108 be trees on both sides to help delineate it. It is about 12'-15' wide so there is some space

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109 on both sides. In prior projects, fencing has been added, and that could be done here to
110 help define it. Ms. Shields liked that idea.

111

112 Ms. Shields said she is concerned about the use between the pond and the commercial
113 area as there is a gap in the privacy. She asked whether there were any discussions
114 regarding that. Mr. Faris said he had been envisioning kids waiting for their older sibling
115 to finish playing soccer down there and nobody would like that.

116

117 Ms. Shields liked the increase in the shelter size as well.

118 Mr. DeChristopher said the front setback shows a minimum 55' from the center line. The
119 zoning resolution seems to call for 80' setback. Mr. Faris said it depends on the width of
120 the roadway. Mr. Goshia said 24.05 indicates it is a Class B road and needs an 80'
121 setback. Mr. Faris said it is also as approved in the plan per the planned R-3 district.

122

123 Mr. DeChristopher said he is concerned about that because everything around it is 80'.
124 The 55' means 25' is taken off either side of the road, and the distance between the
125 houses would be 50' closer than any other road in that area. Mr. Faris said Glenmead's
126 homes are not 50' back from the sidewalk, and that they are measured from the center
127 line of the road. The front of the homes would be 55' from the road center line.

128

129 Mr. DeChristopher said he was thinking that a lot could be removed from the plan as
130 well, from a different section, perhaps 9-13 as one is driving in. It would help create a
131 feel of larger frontage.

132

133 Ms. Brown said the lots behind the pond at Glenmead are 100' by 194'.

134

135 Mr. Goshia asked whether there was a multi-use trail that loops around the trees on the
136 right side. Mr. Faris said there was not and that is representative mounding. Each line
137 represents a foot of height. Mr. Goshia said that would be nice to have a trail there that
138 loops around. Mr. Goshia asked that the sidewalks be 4' wide instead of 3'. Mr. Faris
139 said the county makes them be 5' wide.

140

141 Mr. Goshia said the commercial development should look as nice from all angles as it
142 does from the front. Mr. Faris said that is part of the zoning resolution's requirements.
143 Mr. Goshia said the plan looks much nicer than it did last time.

144

145 Ms. Kaplan asked whether the sidewalk on public and private roads would all be 5' wide.
146 Mr. Faris said they would be. Ms. Kaplan asked how wide the multi-use paths are. Mr.
147 Faris said he was not sure whether they are multi-use paths and he has not told him what
148 needs to be done. It would be at least 5' wide asphalt and 8' if required.

149

150 Ms. Brown said she would defer to the trustees because they are in tune with the parks
151 and trails committee. She would think because the school is on the other side of the
152 streets, they would want as few crossings as possible.

153

154 Ms. Kaplan asked whether the trees along the public walkways are between the street and
155 the sidewalk, or on the other side of the walk. Mr. Faris said they are outside of the right-
156 of-way. Mr. Goshia asked whether they are the right kind of trees. Mr. Faris said there
157 are no specific trees but they will be 50' on center.

158 Ms. Kaplan said she knows they do not know where the fire hydrants will be but it would
159 make sense to have parallel parking so people do not need to cross the streets to pick up
160 their mail. Mr. Faris said they have a preliminary idea of where the fire hydrants are, and
161 they could go along either side. There is parking there.

162

163 Ms. Kaplan asked whether the surrounding homes in Glenmead are all R-2. Ms. Brown
164 said they are all just below .5 acres. Ms. Kaplan said they are asking for R-3, while this

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165 area is designated as R-2, with a recommended density of 1.25 units per net developable
166 acre, and she asked whether they consider that.

167

168 Mr. Faris said during the informal meetings with township officials they thought a
169 slightly higher density made sense since they have more usable open space, compared
170 with other developments. He also got similar feedback from the last meeting. Ms.
171 Kaplan said she would feel comfortable with lower density.

172

173 Mr. Goshia asked how large the pond would be and where it would release to. Mr. Faris
174 was not sure and said it was pending engineering. There is a 12' storm line along Piatt
175 Road it would tie into.

176

177 Ms. Shields asked what the distance was between the sidewalk and the walkway that
178 leads to the playground. Mr. Faris was not certain, but said the path is 5', the opening
179 between the two lots is 12' total. A small two-rail fence would help people wander off.
180 Ms. Kaplan asked whether it was shown on the landscaping plan. Mr. Faris said it was
181 not. Ms. Shields said the text states ornamental or deciduous trees, and there is not room
182 for both. Mr. Faris said there probably would be if they were planted on the property
183 line.

184

185 There was a brief recess. Hearing was returned to session.

186

187 Mr. Faris asked the BZC to approve the plan, with some amendments.

188

- 189 - Remove one lot and reorganize the lots.
- 190 - Move the mailboxes to an appropriate location at the cross walk.
- 191 - A two-rail fence will be added to both sides of the access path between the two
- 192 lots as discussed. It will be stopped at the front building line.

193

RESOLUTION 2023.03.14.#A APPROVE BZC 23-001

194

195
196 Mr. Goshia made a motion to approve BZC 23-001 with the following conditions:

197

- 198 - One lot will be removed from the south side of the development; the total number
- 199 of homes will be 20.
- 200 - The mailboxes will be moved to the crosswalks.
- 201 - A two-rail fence will be added to both sides of the pedestrian walkway leading to
- 202 the playground.

203

204 Ms. Kaplan seconded the motion.

205

206 Vote: Goshia, yes; Kaplan, yes; DeChristopher, yes; Shields, yes; Brown, yes. Motion
207 carried.

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AGENDA ITEM: BZC 23-002

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211 Mr. Faris requested that the commercial application be approved.

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213 There were no comments from the public.

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RESOLUTION 2023.03.14.#B APPROVE BZC 23-002

Ms. Shields made a motion to approve BZC 23-002. Mr. DeChristopher seconded the motion.

Vote: Shields, yes; DeChristopher, yes; Brown, yes; Goshia, yes; Kaplan, yes. Motion carried.

Ms. Kaplan asked if everybody was getting updates about zoning applications from trustee Megan Raehll. Ms. Kaplan said after the discussion with T & R Properties regarding their allegation that the parking lot requirements in the overlay district are incorrect, she spoke with the Delaware County Regional Planning Commission executive director Scott Sanders to see whether that was an error. Mr. Sanders was not sure. There may be a joint meeting between the trustees and the BZC to discuss the issue. The thought is that there is a typo, but nobody knows what the intent was.

Ms. Kaplan asked whether there were other items that need to be addressed in the future and asked the BZC to be thinking about that. Ms. Brown said the overall process may need to be defined.

AGENDA ITEM: OTHER BUSINESS

Ms. Kaplan said the next meeting will be a special meeting/hearing on March 21, 2023, which is being held in lieu of the March 28, 2023 meeting, which has been canceled. There was no further business to come before the BZC. Ms. Kaplan made a motion to adjourned. Motion was seconded. Meeting was adjourned.

Jerry Valentine, Chairperson

Darcy Kaplan, Vice-Chairperson

Angela Brown, member

Jenny Sloas, member

Keith Goshia, member

Jasper DeChristopher, 1st alternate member

Tara Shields, 2nd alternate member

Attest: _____
Lisa F. Knapp, Berlin Township Zoning Clerk