

**BERLIN TOWNSHIP ZONING COMMISSION (BZC)**

*OF DELAWARE COUNTY, OHIO 43015*

**REGULAR MEETING & HEARING  
TUESDAY, JANUARY 23, 2024: 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, Tara Shields.

7  
8 Also present: BZC 1<sup>st</sup> alternate member Keith Goshia, Zoning Secretary Cathy Rippel,  
9 Zoning Clerk Lisa Knapp, Zoning Inspector Jake Bon, Assistant Zoning Inspector Jerry  
10 Valentine, Director of the Delaware County Regional Planning Commission (DCRPC)  
11 Scott Sanders, Attorney Jennifer Huber (with Brosius, Johnson & Griggs LLC).

12  
13 Ms. Kaplan read the adopted policy of the BZC. She asked that public comments be  
14 limited to 3 minutes each.

15 **AGENDA ITEM: LEGAL NOTICE**

16 Ms. Knapp said the regular part of this meeting was advertised in the Delaware Gazette in  
17 December 2023. The zoning resolution amendment was advertised in the Delaware  
18 Gazette on December 23, 2023 as follows:

19  
20 **BERLIN TOWNSHIP ZONING COMMISSION NOTICE TO THE PUBLIC**

21  
22 The Berlin Township Zoning Commission intends to initiate, on January 23, 2024, a set  
23 of amendments to the Zoning Resolution. Prior to that meeting to initiate those changes,  
24 the amendments are being made available to the public for review on the township  
25 website [www.berlintwp.us](http://www.berlintwp.us) or in the Zoning Office located at 3271 Cheshire Road,  
26 Delaware, OH 43015. For questions, call Jake Bon, Zoning Inspector at 740.548.5217  
27 x103. The amendments will be available for public examination, excluding legal  
28 holidays; December 26-January 22, Monday-Friday from 8:00 a.m. to 4:30 p.m. The  
29 person responsible for giving notice to the public by publication is Cathy Rippel.

30  
31 **BERLIN TOWNSHIP ZONING COMMISSION**  
32 Darcy Kaplan, Chair

33  
34 **AGENDA ITEM: APPROVAL OF MINUTES**

35  
36 Mr. DeChristopher made a motion to approve the minutes from the 1/09/24 BZC  
37 meeting, as presented. Ms. Shields seconded the motion.

38  
39 Vote: DeChristopher yes; Shields, yes; Sloas, yes; Brown, yes; Kaplan, yes. Motion  
40 carried.

41  
42 **AGENDA ITEM: INITIATE PROCESS TO AMEND ZONING RESOLUTION**

43 Ms. Kaplan said much work has been done by Assistant zoning inspector Jerry Valentine.  
44 She said attorney Jennifer Huber is present and has assisted the township. The final  
45 document is around 350 pages and it is a big improvement. It will go to the Delaware  
46 County Regional Planning Commission (DCRPC), then back to the BZC, then to the  
47 trustees.

48  
49 Mr. Valentine said it has been four years since the last time an amendment was done. At  
50 that time, two new articles were done to add the business and industrial parks. However,  
51 it was determined after the first application that there was a need to update those sections.

52

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53 Mr. Sanders said the schedule was aggressive, and he briefly reviewed some of the  
54 changes, including converting the districts rezonings into single-step instead of having  
55 the preliminary and final development plans.

56  
57 Ms. Huber said she used her knowledge to verify that the revisions do what the township  
58 expects them to do to and she suggested changes. She said the BZC will now initiate the  
59 process with a motion that kicks off the timelines for the BZC to have a public hearing on  
60 the proposed changes. They will then make a recommendation to the trustees, who will  
61 hold a public hearing on the changes. BZC members are welcome to give their opinions  
62 to the trustees as well.

63  
64 It was agreed that the public hearing would be heard by the BZC at its regular meeting on  
65 February 27, 2024 at 7:00 p.m.

66 **RESOLUTION 2024.01.23.#A: INITIATE AMENDMENT TO**  
67 **BERLIN TOWNSHIP ZONING RESOLUTION**

68 Ms. Brown made a motion to initiate for consideration, pursuant to Ohio Revised. Code  
69 Section 519.12, a proposed amendment to Berlin Township Zoning Resolution which  
70 would, if adopted, revise certain text provisions of the Zoning Resolution, with all such  
71 proposed revisions being reflected in the Zoning Amendment Text dated January 23,  
72 2024 (a copy of which Text shall be appended to the minutes of this meeting).

73  
74 Furthermore and as part of this motion, the Zoning Commission hereby directs that a  
75 public hearing on this proposed amendment be held on February 27, 2024. At 7:00 p.m.  
76 at the Berlin Township Hall, located at 3271 Cheshire Road, Delaware, Ohio, and further  
77 authorizes and directs the Zoning Inspector to make the amendment available for public  
78 examination and to give notice of this public hearing by publication, all in accordance  
79 with applicable law.

80  
81 Ms. Sloas seconded the motion.

82  
83 Vote: Brown, yes; Sloas, yes; Shields, yes; DeChristopher, yes; Kaplan, yes. Motion  
84 carried.

85 **AGENDA ITEM: BZC 24-001, 24-002, 24-003 OAK PARK (PEACHBLOWROAD LTD)**

86 Ms. Kaplan said that it is required by law that public notice is given for zoning hearings.  
87 Regrettably, although such notice was requested of the Delaware Gazette and confirmed  
88 by staff, the legal notice was not published. So, the hearing will not proceed tonight, but  
89 instead there will be a high-level overview of the application. The BZC will need to set a  
90 time and date certain to proceed with the application on February 13, 2024 at 7:00 p.m.  
91 here at township hall.

92  
93 Ms. Kaplan said this is a large application and is three developments rolled into one.  
94 What is discussed tonight will need to be repeated, but it will give people an opportunity  
95 to see what is going on as well as to make some comments, but this is not how the BZC  
96 would normally proceed.

97  
98 Michael Shade, attorney representing the property owners, and land planner Todd Faris,  
99 presented the application and answered questions from the BZC. Engineer Mark Mann  
100 with Advanced Civil Design was also present to answer questions.

101  
102 Mr. Shade said everybody came out tonight and he would like the opportunity to present  
103 the plan and get feedback from the public in advance of the February 13, 2024 hearing.

104

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105 Mr. Faris distributed a PowerPoint presentation. He has been working with the property  
106 owner, Advanced Civil Design, Mr. Shade, the county engineer, the DCRPC, Del-Co  
107 Water, Sanitary Sewer Department, ODOT, etc. He said he would like to create a place  
108 people can go to, not just drive through.

109  
110 Mr. Faris reviewed the layout of the proposal. There is a fairly large road that goes north  
111 to south through the property, which helps create a backage road and keep traffic off of  
112 US 23, from Peachblow Road to Shanahan Road.

113  
114 Mr. Faris said sanitary sewer will be from a lift station that is further away than the closet  
115 lift station, and will service the region.

116  
117 Mr. Faris said there will be three to four different uses. Patio homes for ages 55+ will be  
118 located to the north, and that demographic likes to be close to retail and major  
119 thoroughfares, as well as schools because their grandchildren live in the area. The area  
120 mostly has single-family developments, so this is a needed product. The buildings will  
121 be 1500-2200 SF in size. There will be trails through the side, pickleball court, and other  
122 amenities.

123  
124 Mr. Faris said the main entry off of US 23 will be an extension of Greif Parkway and that  
125 traffic light may be eliminated. In the central area, a village hub will be created with a  
126 focus on green space with first floor commercial with apartments above. Some buildings  
127 will be three stories of apartments. There will be retail and small box boutique retailer.  
128 There can be concerts and other community events. There will be pedestrian sidewalks  
129 in the area as well and the area will be a village like Granville.

130  
131 Mr. Faris said between the retail and the more-intense uses in the single family area, he  
132 proposes a step-down townhouse use. They will range from 2-3 stories and they will need  
133 divergence since they are over 35' in height.

134  
135 Mr. Faris said the properties will be interconnected throughout and gives people a reason  
136 to be there. Decent buffers have been provided to the single-family area to the north and  
137 there will be mounding and landscaping.

138  
139 Mr. Faris said to the south there will be structures between this development and  
140 Worthington Arms in order to provide a buffer. This will include single-story parking  
141 garages.

142  
143 Mr. Faris said there were comments from the DCRPC. The first was regarding the  
144 TPUD, which is the cottages and the townhomes. *“Consider protecting additional*  
145 *acreage of wooded area.”* Mr. Faris said a portion of the side is a wooded area, and there  
146 is a potential to preserve more.

147  
148 *“Reduce proposed density to the permitted four dwelling units per acre.”* Mr. Faris said  
149 there are currently 234 units. Reducing the density as requested would eliminate 17  
150 units.

151 *“Road B (the east/that goes out to 23) should be connected to US 23 as part of this*  
152 *project to provide a second access point, while Road D should be connected to Connor*  
153 *Lane as a public street.”* Mr. Faris said he has an agreement with a property owner to  
154 build that roadway and provide sewer and water for that owner in exchange for that  
155 easement. The road will extend to Route 23, but they will not be extending to Connor  
156 Lane in this location. However, they will provide a roadway that stubs to the piece of  
157 ground just south of where Connor Lane dead-ends currently, as recommended by the  
158 county engineer.

159

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160 *“Consider reducing the heights of buildings three and four to a maximum height of 35’.*  
161 Mr. Faris said that there had been a concern that the scale is too great compared with the  
162 adjacent Worthington Arms development.

163  
164 *“Consider combining the PCD and NCD proposals into a unified PCD request to avoid*  
165 *the issue of residential being a conditional use approved by the BZA.”* Mr. Faris said he  
166 had not realized that that was a straight district, and he agreed with this request.

167  
168 *“A lighting plan to be submitted and reviewed by the township during final development*  
169 *plan.”* Mr. Faris said that he agreed and he wants to make sure that it is lighted  
170 appropriately, but not too much.

171  
172 *“Identify the total number of parking spaces provided for each use.”* Mr. Faris said this  
173 will be done once he is certain this will work for the users.”

174  
175 *“All signs should not exceed the maximum permitted size.”* Mr. Faris said that he did not  
176 think they would and there will be a variety of signage proposed that is rich in detail. He  
177 did not anticipate any divergences being requested.

178  
179 Mr. Faris said regarding the planned commercial district, it would have similar  
180 architecture and have more freestanding buildings near Route 23 such as banks. Mr.  
181 Goshia asked whether those would not be mixed-use buildings. Mr. Faris said that was  
182 correct and they would only be commercial.

183  
184 *“All planned sheets updated to reflect the correct open space calculations.”* Mr. Faris  
185 said that has been included.

186  
187 *“Protecting additional acreage of the wooded land.”* Mr. Faris said if the density in  
188 subarea A is reduced, more of the wooded area could be preserved.

189  
190 *“Consider allowing flexibility in final layout with large commercial building.”* Mr. Faris  
191 said the comments were appropriate, but it is hard to know right now without knowing  
192 the specific users, but he certainly agreed with that.

193  
194 Mr. Faris said this is a large development at 94 acres, and it is a mix of everything  
195 coming together in this area and how they deal with it. The way they have approached it  
196 makes sense. Including vehicular circulation and backage roads.

197  
198 Mr. Faris provided some flyovers based on models that showed the character of the  
199 development and the spaces, as well as the pedestrian systems.

200

201 Commission Consideration

202

203 Ms. Brown asked whether the garages that are along Worthington Arms would be single  
204 garages that would be rented. Mr. Faris said that was correct.

205

206 Ms. Brown said on page four, in the first section, they called out the density of four  
207 dwelling units per acre, she asked whether there was a breakout of patio homes versus  
208 town homes. Mr. Faris said he does not have that information, but can provide it. He  
209 said the density is around 8 units per acre down there, and around 2-3 at the top.

210 Ms. Brown said she would like to see the common open space in each area.

211

212 Ms. Brown said on Exhibit C-4, there is Phase 1 and Phase 1-C is at the bottom and  
213 would connect to Berlin Meadows. She asked them to make sure that was correct.

214

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215 Ms. Brown asked whether the patio homes would be fee-simple. Mr. Faris said they  
216 would be considered condo lots. Ms. Brown asked for the lot size. Mr. Faris said they  
217 would be 52' by 120'.  
218

219 Ms. Brown said she only saw landscaping along the sides that back to the existing  
220 residents on each side, in the patio home area, and she asked whether it would be more  
221 than just trees.  
222

223 Ms. Brown said regarding the connection of Road D, that is a separate entity and she had  
224 questions about whether they have an entry. Mr. Faris said he did not know whether they  
225 have approached them, but the county wanted to ensure they had access, as they are  
226 landlocked. They could go through Connor Lane. Mr. Shade said that can be cleared up  
227 when they have clarity on the US 23 project.  
228

229 Ms. Brown asked about the height of the commercial buildings.  
230

231 Ms. Sloas said she had questions about the mounding as well, as she would want to  
232 definitely see more mounding, especially in the northwest corner where it touches  
233 existing homes. She would like more explanation as to how the open space is being  
234 utilized for the community.  
235

236 Ms. Sloas said that on page 5, in the second section, there is a divergence requested for  
237 the building size for the leasing space. "Permitted structures in the district shall contain  
238 no more than 3,000 SF of gross leasable area" and "The second floor apartments, when  
239 there is a part of a neighborhood commercial structure exempted from the maximum  
240 square foot measurement." The language also states, "Proposed gross leasable square  
241 forage a maximum of 52000 SF total and 29,000," but it does not mention deducting the  
242 area of the apartments on the second floor. She asked what the divergence was.  
243

244 Mr. Faris said that the code wants smaller commercial buildings, 3000 SF, with  
245 apartments on top. They are requested a limit of 52,000 SF.  
246

247 Ms. Sloas asked about mailboxes. Mr. Faris said they would be provided later.  
248

249 Ms. Kaplan asked whether additional amenities such as a pool or workout facility were  
250 being considered. She would also like to see clarification on what divergences they were  
251 requesting. She has concerns about the density and would like to see it more in line with  
252 the zoning resolution.  
253

254 Mr. DeChristopher said regarding the open space, he understands the concept around the  
255 roundabout, but outside of that, there are many walking paths. Considering the number  
256 of total dwelling units, there is not a lot of other defined green space. He would also like  
257 to see the green more usable. Having to drive to the greenspace makes defeats the  
258 purpose of a walkable community. He would like to see additional usable open areas in  
259 other places. Also, everybody will be congregating in that area so it will become a haven  
260 that will create side issues around others' ability to use it.  
261

262 Mr. DeChristopher said he would like to see the density reduced as well. They are asking  
263 for a lot of divergences, but nothing is being added back in other than more commercial  
264 and residential development. Mr. DeChristopher regarding the height divergence in the  
265 TPUD, they can still meet the 3 story with the 35' maximum height, but the 42' is more  
266 to accommodate the roofs. He would like definition to be added so there is some variety,  
267 so that everything is not at the 42' height.  
268

269 Mr. DeChristopher asked whether the townhomes would be 3 stories. Mr. Faris said he  
270 would provide more information. Mr. DeChristopher would also like to know whether

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271 they would be purchased or rentals. Regarding the NCD, it appears to be more like PCD.  
272 In the PCD section, there was information regarding uses, and he asked them to revisit  
273 that.

274  
275 Ms. Shields said regarding the overall general statements in the first two pages, the  
276 language was vague including about the colors, and she asked that more specific details  
277 be provided. She suggested following the business park standards.

278  
279 Ms. Shields was concerned about giving access to new residents to existing resident  
280 areas. She would like to more green areas with more usable amenities. She wanted more  
281 information about the number of kids the empty nester homes would generate.

282  
283 Ms. Kaplan asked whether the cottages would be age-restricted. Mr. Faris said they were  
284 not. Mr. Shade said they cannot do that. They have done it, but it is difficult.

285  
286

Public Comment

287

288 Sharon Bussard, 305 Conner Lane, was concerned about sewer and drainage. She asked  
289 whether they would be forced to hook up to sewer. Mr. Shade said the developer will not  
290 be a part of that. There will be sewer available at some point off of US 23. They will  
291 bring it to the northern property line of the NCD.

292

293 Ms. Bussard said she has lived there for 47 years and there have been many drainage  
294 issues. Their builder felt there were farm drainage tiles in the subject property that was  
295 duping water onto their property. She asked whether the drainage issues would be fixed.  
296 Mr. Faris said there is a conceptual plan that has been provided to the county. They  
297 cannot legally increase water flow to adjacent properties.

298

299 Leonard Bussard, 305 Connor Lane, asked about the patio homes and he asked whether  
300 they were connected. Mr. Faris said “no,” and that they are all freestanding. Man asked  
301 what the price range would be. Mr. Faris said low \$400,000’s to \$500-600,000. Man  
302 asked what is being done adjacent to the residents. Mr. Faris asked what he would like to  
303 see there. He said he could do mounding and plantings, fencing and plantings, etc. He  
304 wants the neighbors to be happy.

305

306 Ms. Goshia asked that some detail be provided on the rear elections, for the benefit of the  
307 existing residents.

308

309 Scott Germin, 774 Peachblow Road, said he has a septic use agreement in the cottages at  
310 Oak Park under lots 61,62 and 63 and he said that would need to be addressed. Mr. Faris  
311 said he would take a look at it.

312

313

Commission Consideration (continued)

314

315 Mr. DeChristopher asked for details on the existing specimen tree. Mr. Faris said it is an  
316 oak tree that is probably 200 years old, is very large, and can be seen driving down the  
317 road. He can provide additional detail. He noted that tree is the namesake of Oak Park.  
318 Mr. DeChristopher said there was some language in the NCD and PCD that dealt with  
319 exterior architectural details. This is not a typical commercial development because there  
320 is residential nearby, and so this should have four-sided architecture. There is not really a  
321 place where a less-desirable part of the building can face.

322

323 Ms. Sloas asked regarding the divergence requested in section 1 for structure separation  
324 to be reduced from 25’ to 10’, is that in the patio home section? Mr. Faris said it was.

325

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326 Mr. Shade said this development provides connectivity to the mobile home park. In  
327 2003, ODOT division 6 said there would be a traffic light to the mobile home park, and  
328 they would have rights to full access. 20 years later, they have done nothing. This will  
329 help them get out to a traffic light.

330

331 Mr. Faris said he would like to do a PowerPoint presentation next time and he asked how  
332 he could do that. There were no answers. Ms. Kaplan said that an attorney said it would  
333 not be necessary to notify adjacent residents of the February 13, 2024 hearing that will be  
334 properly advertised for this application.

335

336 Mr. Bon noted that this is his last meeting with the BZC, as he has accepted a position  
337 with the City of Powell.

338

339 Ms. Huber said a motion should be made to continue this case to February 13.

340

**RESOLUTION 2024.01.23.#B: CONTINUE BZC 24-001, 24-002 & 23-003  
TO FEBRUARY 13, 2024 AT 7:00 P.M.**

341

342 Ms. Shields made a motion to continue BZC 24-001, 24-002 and 24-003 to February 13,  
343 2024 at 7:00 p.m. at Berlin Township Hall, 3271 Cheshire Road. Mr. DeChristopher  
344 seconded the motion.

345

346 Vote: Shields, yes; DeChristopher, yes; Brown, yes; Sloas, yes; Kaplan, yes. Motion  
347 carried.

348

349 Ms. Kaplan asked whether DCRPC would review the zoning text again. Mr. Valentine  
350 said they are done with their review. Ms. Brown said she thought at this meeting the  
351 BZC would be making a motion to amend the zoning resolution and send it to the  
352 trustees. Instead, it was a motion for the BZC to hold a hearing to discuss the changes.  
353 Ms. Huber said this is the formal starting point, and additional changes can be made prior  
354 to the document being recommended to the trustees. Ms. Brown said she had thought  
355 that the 30-day period advertised was the review period and that it was being sent to the  
356 trustees tonight.

357

**AGENDA ITEM: OTHER BUSINESS**

358 Ms. Shields said the March 26, 2024 BZC date is during Olentangy Schools' spring  
359 break. There was a discussion about changes being made if necessary.

360

361 Ms. Shields suggested possibly setting the time for zoning hearings at 7:30 p.m. in order  
362 to have discussions prior to the application being heard. Ms. Kaplan said there are  
363 sunshine laws that need to be adhered to. Ms. Shields said there would be nothing that  
364 the developer would not be able to hear as well. She said sometimes, she would like  
365 additional time to discuss things. There was additional discussion.

366

367 There was a discussion about the vacant zoning inspector position. Mr. Valentine  
368 suggested perhaps Orange Township could provide assistance like they did the last time  
369 there was a vacancy.

370

371 There was no further business to come before the BZC. Ms. Kaplan adjourned the  
372 meeting.

373

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Darcy Kaplan, Chairperson

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

\_\_\_\_\_  
Jenny Sloas, member

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

\_\_\_\_\_  
Tara Shields, member

\_\_\_\_\_  
Keith Goshia, 1st alternate member

Attest: \_\_\_\_\_  
Lisa F. Knapp, Berlin Township Zoning Clerk