

BERLIN TOWNSHIP ZONING COMMISSION (BZC)

OF DELAWARE COUNTY, OHIO 43015

**REGULAR MEETING & HEARING
TUESDAY, MARCH 12, 2024: 7:00 PM**

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CALL TO ORDER

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

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

Also present: Zoning Secretary Cathy Rippel, Zoning Clerk Lisa Knapp.

Not present: BZC member Tara Shields, BZC alternate member Keith Goshia.

Ms. Kaplan read the adopted policy of the BZC.

AGENDA ITEM: APPROVAL OF MINUTES

Mr. DeChristopher made a motion to approve the minutes from the 2/28/24 BZC meeting, as presented. Ms. Sloas seconded the motion.

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

AGENDA ITEM: LEGAL NOTICE

Ms. Knapp the hearing was advertised in the Delaware Gazette on February 28, 2024, as follows:

BERLIN TOWNSHIP ZONING COMMISSION NOTICE OF PUBLIC HEARING

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

The Berlin Township Zoning Commission will hold a public hearing March 12, 2024, at 7:00 p.m. at the Berlin Township House located at 3271 Cheshire Road Delaware OH 43015 to hear application, designated as BZC 23-001, filed by CBS Construction LLC., 7864 Gateway Lane, Powell OH 43065 The applicant is submitting a final development plan for 20 single family lots on Parcel# 41832001001005, Piatt Road, Delaware, OH 43015, ±15.20 acres zoned R-3/Planned Residential District (R-3/PRD) known as The Oaks at Berlin. For questions, email Jerry Valentine, Interim Zoning Inspector at jvalentine@berlintwp.us

You can find the packet on the Berlin Township website www.berlintwp.us under the agenda and meeting tab for the Zoning Commission. The person responsible for giving notice of the public hearing by publication is Cathy Rippel. Township residents are encouraged to attend.

**BERLIN TOWNSHIP ZONING COMMISSION
Darcy Kaplan, Chair**

*BERLIN TOWNSHIP ZONING COMMISSION
Darcy Kaplan, Chair*

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AGENDA ITEM: 23-001 FINAL DEVELOPMENT PLAN

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Todd Faris and Anna Vagas, with Faris Planning and Design, 4876 Cemetery Road, Hilliard, Ohio presented the application and answered questions.

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Ms. Vagas said they are here with the final development plan for the Oaks at Berlin. She distributed information to the Commission and also presented a Powerpoint presentation. The site is located to the north and across Piatt Road from Olentangy Berlin Middle School, and next door to Glenmead.

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Ms. Vagas said this is a 20-unit residential development and she is coming in with the residential portion of the site. The commercial development is not a part of this. The subject site contains a basin, and amenities including a playground and shelter, along with buffering along the consisting of plantings and mounding on the north and east, and fencing along the south to delineate the space between the units and the retention basis.

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Ms. Vagas said one change approved by the trustees in the preliminary plan was the location of the CBU (Cluster Box Unit) location. The entry intersection will have a 36' width and it will taper down to be 27' the rest of the way. A crosswalk was added to the south side of the intersection to connect the multi-use path to the schools. The landscaping plan has been slightly modified; the number of trees are the same, but the spacing and size has changed due to the final species selection, and shrub plantings have been added around the seeding areas and the entry feature.

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Ms. Vagas said some of the plantings are inside of the right-of-way, and that was corrected in an exhibit that she distributed at this meeting.

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Mr. DeChristopher said he reviewed the plan, and it seems that everything has been covered.

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Ms. Sloas said 20% of the garages are to be sideload, and she asked whether they knew which lots would have those. Ms. Vagas said the five specific lots have not been called out.

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Ms. Sloas asked whether the parking on both sides of the streets would end around lot 19 where the road is narrower. Ms. Vagas pointed it out on the map and said it ended around where the lots start.

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Mr. Faris said the trustees requested an easement on the daycare site so people can park there and get their mail there. The 36' standard width in front of CBUs is to accommodate ADA requirements for parking on both sides. They also needed three lanes to help with traffic coming out of the daycare center.

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Ms. Sloas asked how the parking spaces would be designated around the CBUs. Ms. Vagas said they meet the county engineer's standards. Exhibit D-3 shows the details: there will be three spaces and one will be an ADA space.

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Ms. Sloas said the HOA rules do not show a maximum annual assessment and she asked whether there would be one. Mr. Faris said there was not, and there was a relatively small amount of common area.

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Ms. Brown asked whether there would be a fence along the front. Ms. Vagas said there is a decorative fence proposed. Ms. Brown asked whether there was a way to designate the on-street parking spaces for the CBU on both sides. Mr. Faris said they will install a sign, but it is not enforceable.

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107 Ms. Brown asked why they could not be back closer to the trail. Ms. Vagas said the
108 trustees were concerned about people not being able to see past the curve and that
109 causing safety issues. Ms. Brown said further in would seem to make sense versus
110 walking towards the main road.

111

112 Ms. Faris said there will be a daycare and parking lot there.

113

114 Ms. Kaplan asked whether the basin would be a detention pond. Ms. Kaplan said that
115 was correct. Ms. Kaplan asked the size of the shelter. Ms. Brown said it was 20' by 20'
116 and it was shown in D-3. Ms. Kaplan said she had no further questions and the applicant
117 did a good job.

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119 Ms. Kaplan asked whether Piatt Road was 45 MPH or 55 MPH and she asked about
120 flashing lights. Ms. Kaplan said it was 45 MPH, and the county would make a decision
121 about that.

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Public Comment

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125 Roger Allen, 3369 Whispering Pines Loops North, said he just moved here in March. He
126 asked whether this development took into consideration the challenges the Olentangy
127 Local School District has had in providing schooling for the children in the area. The
128 schools are overcrowded and there is no end in sight. He does not want to set a precedent
129 for this kind of small lot size in the area. He was also concerned about the traffic. He
130 asked about the traffic analysis, which was done in March. He requested that it be done
131 in the fall instead, when the traffic is heavier.

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133 Scott Karr, 3027 Glenmead, asked whether the BZC has any interaction with the school
134 board when making these kinds of decisions. Ms. Kaplan said the BZC only has purview
135 over zoning. Some members do make the choice to have dialogue with that Board, but it
136 is not something the BZC officially considers.

137

138 Mr. Karr asked whether there was any dialogue on this. Ms. Brown said that Board and
139 the superintendent will take into account all of the developments that are in process as
140 well as everything that is planned, and they use that information to project future
141 enrollment numbers. It is already accounted for.

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143 Mr. Karr asked whether it was this Commission's responsibility to make sure zoning laws
144 are enforced. Ms. Kaplan said it was. Mr. Karr said the school district is funded by
145 property taxes, so when there are three families in one home, that leaves two families
146 unaccounted for when it comes to funding. High-density housing brings more families in
147 and he asked whether that was considered. Ms. Kaplan said it is a long process and if a
148 developer brings in a plan that complies with the zoning resolution, negotiations can be
149 had, but they are obligated to approve it.

150

151 Ms. Sloas said that while they understand the concerns the BZC cannot consider things
152 like that. The school district has to react after the homes are built. Mr. Karr asked when
153 the philosophy changed to allow more R-3 developments. Ms. Brown said larger lots
154 were proposed for Glenmead, but for years there has been a mix of one acre, half and
155 quarter acre lots.

156

157 Mr. Karr said the surrounding developments have half acre lots, and the subject property
158 is one of the first R-3 developments in this area. The proposed smallest lot in this
159 development is 41% smaller than the smallest lot in Glenmead, and there is a 23%
160 average reduction in lot side.

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162 Ms. Brown noted that this is a very small area. Mr. Karr said he moved out here to get
163 away from high-density development and the city into a more-rural area with larger lots.
164 He is disappointed to see this change in philosophy and he hopes this does not set a
165 precedent and change the character of the area. Ms. Brown said that is a priority.
166

167 Ms. Rippel said that across the street, Howard farms is an R-4, Maeve Meadows is an R-
168 3, Berlin Bluffs is an R-3, Piatt Preserve West is an R-4, and Piatt Preserve East is an R-
169 4. The Pines, Berlin Manor and Glenmead are R-2. There are a variety of densities in
170 this area. Ms. Brown said the R-2 developments are intended to have higher-priced estate
171 lots.
172

173 Jagadish Yarraguntla, 2252 Glenvale Drive, had some questions. Ms. Kaplan said the
174 roadway will be built in one phase and all of the lots will be built at that point in time.
175 The lots will be built on as they are sold. He did not believe spec homes would be built.
176 Regarding landscaping and buffering, there is a proposed mound along the east portion of
177 the property that backs up along the existing lots on Glenmead. It has a combination of
178 evergreen, ornamental and shade trees, but there is no fence. They were asked to do a
179 fence along the southern property line to keep the children from running into the
180 detention basis to the south. Ms. Vagas said the mound would be 3-4' tall.
181

182 Ganesh Kumar, 3127 Glenmead asked whether additional trees could be planted or other
183 screening. Mr. Faris said the buffering that was requested during the zoning process has
184 been shown. Ms. Brown said the plant list is shown and that includes a mound and trees.
185

186 Mr. Allen asked whether the daycare property could become a gas station in the future.
187 Mr. Faris said deed restrictions have been put in place to limit that to the single use, and
188 the township trustees are signatories to that.
189

**RESOLUTION 2024.03.12.#A: APPROVE BZC 23-001 OAKS AT BERLIN,
FINAL DEVELOPMENT PLAN**

193 Mr. DeChristopher made a motion to approve BZC 23-001 Final Development Plan Oaks
194 at Berlin. Ms. Sloas seconded the motion.
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196 Vote: DeChristopher, yes; Sloas, yes; Brown, yes; Kaplan, yes.
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198 Motion carried.
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200 Ms. Brown suggested that the meeting attendees may be interested in the open zoning
201 commission positions.
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AGENDA ITEM: INFORMAL DISCUSSION WITH TONY EYERMAN AND ARCHIE FOOR

205 Tony Eyerman and Archie Foor were present to discuss.
206

207 Mr. Eyerman said he met with Ms. Kaplan and Mr. Valentine a few months ago and they
208 are nearly ready to apply for a rezoning project. He said around 20 years ago, he started
209 the zoning process for his property up on SR 37. However, nobody can remember why
210 they only zoned half the property, and they should have requested that the entire property
211 be rezoned.
212

213 Mr. Eyerman said that Mr. Foor owns a concrete business that has operated there for 20
214 years. Prior to that, it was in Powell. Mr. Eyerman said few people know the business
215 exists as there is very little impact to the area. He said about 12 years ago, Mr. Foor
216 wanted to open the garage base of his warehouse for a local gymnastics club, and that
217 was approved in 2012.

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218 Mr. Eyerman said the property was PCD (Planned Commercial District), and the zoning
219 text was simpler in 2003 and was not nearly as concise as it is today, nor should it have
220 been. He noticed that the permitted uses for PCD in 2003 are closer to those for planned
221 industrial district in 2023. He said he agreed to abandon the cross turn in the island. The
222 septic system is on the north side of his office and the warehouse is shown by a dashed
223 line. For 20 years, Mr. Foor has stored most of his equipment offsite. He would like to
224 build some storage units so he can store the equipment out of th weather. He would also
225 like to move the gymnastics use to a different part of the property. The property being
226 discussed to the north is zoned FR-1 and the CLUP shows it as residential, but there is no
227 access to a residential use there.

228

229 Mr. Eyerman said the private drive could be extended to service the area. The property
230 drains to the east and the health district has signed off on an on-site septic system. The
231 proposal would not add any more people to the site; it is simply to move the gymnastics
232 use to a different area, and build some garages to store equipment. He asked how to go
233 about this. They could come in with a PCD and restrict the permitted uses, or they could
234 request a PID (Planned Industrial District) and identify the uses, which would include
235 warehouses.

236

237 Ms. Brown said she would be concerned with the PID as they are trying hard to keep PID
238 where it currently is, and she would prefer the PCD.

239

240 Ms. Kaplan asked whether there were plans to use the acreage to the north. Mr. Eyerman
241 said that was always intended to be used as commercial development to be oriented
242 towards the 36/37 corridor. Mr. Foor said he had to give up the easement, so he had to
243 push his uses to the rear as well. Mr. DeChristopher said he would prefer that it be PCD.

244

245 Ms. Kaplan asked whether there were use codes in the PCD districts that would fit this
246 use. Mr. Eyerman said he believed there is. There is language that is not as clear as it is
247 in the PCD, but they can describe it and work with the BZC to ensure it is designed.

248

249 Mr. Eyerman said the equipment typically moves from job site to job site and is gone for
250 months, unless there is a maintenance issue. It's not as though the trucks come and go all
251 day. Mr. DeChristopher asked whether he runs his business from the office on the
252 property. Mr. Foor said he did. Mr. DeChristopher asked whether it was correct that he
253 was not seeking a use to build a building and lease it out, but to use it himself. He asked
254 whether this was more of an accessory structure for the existing use, instead of rezoning
255 the property.

256

257 Ms. Rippel said that may require just a zoning permit for a commercial storage accessory
258 building. Mr. Eyerman said that the north property would be rezoned. Mr.
259 DeChristopher said the gymnastics use could be moved farther back as it would still be
260 the same use, as long as the offices are there.

261

262 Mr. Eyerman said the PCD requires setbacks along a single family planned residential
263 district may be 100'. The property is so narrow that giving up 100' on each side would
264 render half the site useless.

265

266 Ms. Kaplan asked whether the property was buildable. Mr. Eyerman said it was. Part of
267 it is farmed, and part is wooded. The hydrology is good and the soil is fine. Ms. Kaplan
268 said the BZC looks forward to their submission.

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AGENDA ITEM: OTHER BUSINESS

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Ms. Kaplan said applications indicate net and gross density, and she always wonders what the buildable area is. She said it would be useful to discuss these types of topics at a public meeting as time allows.

The next BZC meeting will be on Tuesday, April 9, 2024 at 7:00 PM.

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

Darcy Kaplan, Chairperson

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