

BERLIN TOWNSHIP ZONING COMMISSION (BZC)

OF DELAWARE COUNTY, OHIO 43015

REGULAR MEETING

TUESDAY, JANUARY 24, 2023: 7:00 PM

1

CALL TO ORDER

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

4

5 BZC members present: Chairperson Jerry Valentine, Angela Brown, Jenny Sloas, BZC
6 1st alternate Jasper DeChristopher (seated), BZC 2nd alternate Tara Shields (seated).

7

Not present: Members Darcy Kaplan and Keith Goshia.

8

9 Also present: Zoning Inspector Jake Bon, Zoning Clerk Lisa Knapp, Zoning Secretary
10 Cathy Rippel.

11

12 Mr. Valentine reviewed the BZC's adopted rules, including public comment rules.

13

14 Mr. Valentine welcomed the new alternate members, Ms. Shields and Mr. DeChristopher.

15

16

PROOF OF PUBLICATION

17

18 Ms. Knapp stated that this hearing was advertised on January 12, 2023 in the Delaware
19 Gazette as follows:

20

21

BERLIN TOWNSHIP ZONING COMMISSION NOTICE OF PUBLIC HEARING

22

23 *The Berlin Township Zoning Commission will hold a public hearing January 24, 2023, at*
24 *7:00 p.m. at the Berlin Township House located at 3271 Cheshire Road Delaware*
25 *OH 43015 to hear application, designated as BZC 23-001, filed by CBS Construction*
26 *LLC., 7864 Gateway Lane, Powell OH 43065. The applicant is requesting a rezone*
27 *Parcel# 41832001001005, Piatt Road, Delaware, OH 43015, ±15.20 acres from Farm*
28 *Residential (FR-1) to R-3/Planned Residential District (R-3/PRD) for 22 single family*
29 *homes.*

30

31 *Also, the applicant designated as BZC 23-002, requesting a rezone*
32 *Parcel#41832001001005, ±3.04, from Farm Residential (FR-1) to Planned Commercial*
33 *& Office (PCD) for a commercial building and parking lot. For questions, call Jake*
34 *Bon, Zoning Inspector at 740.548.5217 x103. You can find the packet on the Berlin*
35 *Township website www.berlintwp.us under the agenda and meeting tab for Zoning*
36 *Commission.*

37

38 *After the conclusion of the hearing, the rezoning matter will be submitted to the Board of*
39 *Township Trustees for its action. The person responsible for giving notice of the public*
40 *hearing by publication is Cathy Rippel. Township residents are encouraged to attend.*

41

42 *BERLIN TOWNSHIP ZONING COMMISSION*

43

Jerry Valentine, Chairman

44

45

AGENDA ITEM: APPROVAL OF MINUTES

46 Ms. Sloas made a motion to approve the minutes from the 1/10/23 BZC meeting, as
47 presented. Ms. Brown seconded the motion.

48

49 Vote: Sloas, yes; Brown, yes; Valentine, yes; DeChristopher, abstain; Shields, abstain.
50 Motion carried.

51

52

53

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54

AGENDA ITEM: BZC 23-001 & BZC 23-002

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

60

61

Applicant Presentation

62

63 Mr. Valentine noted that is the same parcel but they are dividing it into two different lots.
64 It is a total of 18 acres, but the application shows 15 acres and 3 acres.

65

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

69

70 Mr. Faris said there are two applications that have been filed, and he is here to present
71 them. One would rezone a portion of the property for residential use, and the other for
72 planned commercial and office. He said the frontage is right across the street from the
73 school and that portion would be rezoned planned commercial and office. The standards
74 in the application show just one use in that district which is a daycare, and he has
75 committed to adhering to the zoning resolution's requirements.

76

77 Mr. Faris said a 50' building setback from that portion of the residential area has been
78 requested. Neither of the portions are large enough to fit into the planned commercial
79 and office district, or the residential district because there is a minimum of 20 acres
80 required. One divergence has been requested for that. The parcel is not large enough to
81 be rezoned PCD, so if a divergence is not granted, it would need to remain FR-1 in
82 perpetuity.

83

84 Mr. Faris said there are no specific plans for a daycare center, and his client is going to
85 market that if the zoning is successful. There are really no facilities like that in this area,
86 which is why it was deemed a good use for this frontage. It also buffers the single family
87 residential from the power line along the side of the property. The shared retention is
88 also part of the planned residential district.

89

90 Mr. Faris said the planned residential would have R-3 standards. Not much creativity is
91 possible in this development because they are connecting an existing roadway to an
92 existing entrance. In the beginning stages of the planning, he met with the fire
93 department to review their requirements. They asked for an easy to access and easy to
94 use roadway. Thus, this will be a single road, but with curves.

95

96 Mr. Faris said the open spaces have been organized throughout so they are up against the
97 existing homes. All of the lots in one area back to an existing detention pond.
98 Comments received during the informal review including providing fencing to keep kids
99 from getting into the pond. Where the development backs onto single-family homes, he
100 has now incorporated green space in the back area as well as mounding and plantings to
101 help buffer that. There would also be a small play area and a shelter.

102

103 Mr. Faris said through the northern portion, which backs up to a soccer field, they wanted
104 to pull the homes away from that and have buffered along that edge. There is a pathway
105 that ties into the frontage. Mr. Faris noted that the layout is simple.

106

107 Mr. Faris said the divergences requested for the residential portion pertain to the acreage
108 being less than 20 acres, and a setback along the northern property line. A 50' setback is

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109 required adjacent to FR-1 properties but they are requesting a 15' setback on a lot along
110 the north side because it will be adjacent to a side yard. He is also requesting a
111 divergence on the lot widths at the right-of-way line. The zoning resolution requires a
112 50' minimum lot width at the right-of-way. Typically in other jurisdictions, lot widths
113 are measured at the building setback line, and the lot measures 80' at the building setback
114 line, but the lot is pie-shaped and does not meet the requirement at the right-of-way.
115

116 Mr. Faris said the development would meet the front, side and rear setback requirements,
117 as well as all of the other requirements. He distributed a fire letter as well as a letter from
118 the lender stating they have the ability financially to complete the project, as well as a
119 traffic study letter. It has not been approved yet by the county, but it has incorporated the
120 comments from Mike Love and will most likely be approved.
121

122 Mr. Faris said the traffic study states there is not much traffic generated by the residential
123 subdivision and that no turn lanes will be required. The open space meets the
124 requirements and there are comments from the Delaware County Regional Planning
125 Commission (DCRPC) that indicate that they would like the 80' minimum frontage
126 requirement to be met, as well as comments about density. During the preliminary
127 hearing, the BZC stated that if the enhancement of the open space were considered to be
128 a good amenity, that could justify an R-3 density in this area.
129

130 Mr. Valentine said DCRPC stated that this is an R-2 density at 1.25 units per net
131 developable acres. It is surrounded by R-2 including Glenmead, and the proposed
132 development has less frontage. He would prefer that be considered. DCRPC also
133 mentioned the lot width, but that can be corrected if he goes back to the R-2 instead of R-
134 3. He likes the idea of a daycare, and he asked that the new Berlin middle and high
135 schools be considered and this appear to be more like a campus area to make it a part of
136 the community.
137

138 Mr. Valentine said the R-2 would allow just 16 homes, which is greater than the 22
139 proposed. He does not support the R-3 due to the DCRPC comments and the surrounding
140 developments. He would also like to see a minimum of 25% sideload garages, for
141 aesthetic reasons. Mr. Faris asked whether that would include courtyard-style garages
142 where and auto-court is created. Mr. Valentine said he was thinking the garage would
143 not be visible from the street.
144

145 Ms. Brown asked whether there were any R-3 developments nearby. She believes some
146 lots are R-3. Rich Shearrow, 3560 Bislett Court, Delaware, said the lots on the east side
147 of the road are half-acre lots, and the lots on the west side are smaller. Ms. Brown asked
148 about what used to be Westport Homes. Mr. Shearrow said those are half-acre lots.
149

150 Ms. Brown said there is not much land here. She loves the idea of a daycare up at the
151 front, as there is a huge need for daycare centers in this area. She likes the curve to the
152 road. She is fine with the density because it is a smaller community. She likes the
153 walking path on the outside of the pond, and benches are provided on the north side. But
154 the language elsewhere at the northwest pond states the potential benches will be by the
155 owner. She would prefer 2-3 sets of benches there. She would also like to see a couple
156 sets of benches around the playground area as well.
157

158 Ms. Brown said she would like to see a larger shelter house, as the provided one reminds
159 her of a mailbox kiosk. She would like to see an area that would allow a gathering space.
160 She would be more amenable to R-3 if those types of amenities were provided. She asked
161 whether all the grass around the area in the back and around the pond will be consistently
162 mowed. Ms. Brown said reducing the number of lots would result in larger side yards,
163 but not provide additional space for the backyard, which is more usable.
164

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165 Ms. Sloas asked whether the fencing goes all the way around, or just the side with the
166 pond. Mr. Faris says it extends the whole way along the north.

167
168 Ms. Sloas said she agreed with Ms. Brown that this is a unique property in that it is small
169 and sandwiched between others. She is more inclined to allow the density in exchange
170 for the provided amenities. There is a huge electrical tower that limit the development of
171 this parcel, and she likes what has been done with it.

172
173 Mr. DeChristopher said he likes the idea of a daycare, and does think it is needed in the
174 community. He would like more information about it. He likes the green space, fencing,
175 and the landscaping between the development and Glenmead. He is concerned about the
176 northern side and he said it would be helpful to perhaps provided more of a buffer for the
177 soccer balls from the soccer field.

178
179 Mr. DeChristopher said he agreed with Ms. Brown and Ms. Sloas regarding the density,
180 and he agreed that removing lots would not result in much additional rear yard space.

181
182 Ms. Shields said the entrance to the daycare would be in the neighborhood, and as a
183 parent she would be concerned about the traffic generated and the houses located right at
184 that entrance. She said the plans indicate a possible location of a 150' -wide gas/electric
185 easement and she asked whether that had affected the location of the entrance to the
186 daycare. Mr. Faris said that it had not as parking lots, roadways etc. are permissible in
187 that area. He is not certain of the location of the access, but Ms. Shields made a good
188 point for the future preliminary plan, and he will ensure the curb cuts are not in conflict.

189
190 Ms. Shields asked whether it was correct that there is no buffer between lot 14 and house
191 behind it. Mr. Faris said that is correct, but it is a house against a house, and there are
192 usually no buffers in-between homes in the same development. He said this does not feel
193 like two different subdivisions. He did buffer the open space, he noted.

194
195 Public Comment

196
197 David Sturtz, 3047 Glenmead Drive, said he was concerned about the traffic, especially
198 with the high school and the middle school during certain times of day, and with Gregory
199 Road being shut down and traffic being funneled onto Piatt Road. He suggested
200 determining the full capacity of those schools and the arear and the resulting traffic.

201
202 Mr. Sturtz said he knows daycares are needed, but he questioned the wisdom of putting it
203 that close to powerlines. He has been zapped on his bike by overhead power lines in the
204 past, he explained. He said regarding master planning for the township, he moved from a
205 community that had a pool and parks, and Berlin Township is lacking in those area. He
206 would like to see more public use space for the township for parks, pools etc.

207
208 Ms. Brown said Berlin Township has a parks and trails committee and said he was
209 welcome to get involved with that. They are looking for land, and were just funded to
210 work with a master plan creator. Mr. Valentine noted that a pool was being built on
211 Peachblow Road. Ms. Brown noted that was a private pool and would be for swim
212 practices for Buckeye Swim Club.

213
214 Mr. Shearrow asked about building standards when compared to Glenmead, which
215 include hardi-plank, every third house having a sideload garage, and a lower density, as
216 this is the same type of development. He asked about merging the homeowners
217 association with Glenmead. He has no problem with the daycare use, although he is
218 concerned about one way in and out and also traffic stacking.

219

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220 Mr. Shearrow said the divergences allowed should be a benefit and not a detriment to
221 Glenmead, and he suggested eliminating some of the lots in the back to allow a transition
222 from the smaller lot size to the much larger lots. He would also like to see the same
223 building standards and building sizes as Glenmead does, so their property values are not
224 lowered. In 10 years, this will be considered one community, he opined.
225

226 Mr. Shearrow said the buffering at the bottom of the development is great, but it should
227 be incorporated into Glenmead. There are a lot of high-intensity uses in this area and if
228 the traffic is not figured out, the daycare center will have liability during the drop-off and
229 pick-up times. He suggested merging the homeowners associations in order to help pay
230 for the maintenance of the amenities and open space. Mr. Faris confirmed that the
231 developer would not operate the daycare.
232

233 Susan Wabear, 3560 Berlin Station Road, said she objected to all of it as it is too dense.
234 The minimum size for a daycare is 10 acres, but this is just three acres. She asked what it
235 would take for the BZC to say no, and she said it is getting to be just too much. She
236 encouraged native plantings and to not plant Kentucky bluegrass, which requires mowing
237 and maintenance, and to plant native clover that will not need to be mowed and will be
238 food for bees and insects.
239

240 Ron Wabear, 3560 Berlin Station Road, was concerned about setting precedence, as
241 every developer who comes in wants greater density. The traffic in front of his home is
242 awful and he can barely get his mail during rush hour. Ms. Brown said the BZC is
243 concerned about setting a precedent, and they do not grant divergences every day. They
244 are tough on everybody who comes through. However, this is a very different case. The
245 BZC is also appreciative of native grasses.
246

247 Will Alonso, 2271 Ringsend Road, said his street connects to where the main road will
248 be. Regarding the density and side/rear yards, that is not as much of an issue than
249 changing the feel that Glenmead currently has, which is more of an open feel, which is
250 why he moved here. When too many lots are put into a compacted space, they are
251 changing the feel of the area, and it will not look nice.
252

253 Mr. Alonso said if he were a BZC member, he would want to ensure this development
254 would keep the feel of the area what it is now.
255

256 Mr. Shearrow said he would like to see the types of homes that would be built. Mr. Faris
257 said they would meet the township requirements. That would include hardi-plank, four
258 sided architecture, enhanced landscaping, etc. Mr. Faris said he would take a look at it.
259

BZC Consideration (continued)

260
261
262 Ms. Brown said the front lots will be the hardest lots to sell. Glenmead is much larger
263 than this property, and trying to work with a developer who wants to realistically and
264 reasonably develop this piece of property is key. There has to be some give and take to
265 accomplish that sometimes.
266

267 Mr. Valentine said the DCRPC did ask that the density be lowered, and he did think some
268 improvements could be made. He said the BZC likes to see something in return for a
269 lower density. He does not support an R-3, but improvements could be made and an R-2
270 could be done such as protecting the lots against the soccer fields, etc.
271

272 Ms. Shields there is no true plan for the daycare yet, but she asked about the outdoor
273 space. Once it is built out, there will be residences and a walking path that goes around
274 the daycare that will add to safety issues. She asked whether there could be a shared

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275 space where the daycare could use the pond, and that would also help the daycare
276 maintain that area. She asked if there was a space for outdoor recreation at the daycare.

277
278 Mr. Faris said there is typically an outdoor space for students depending on the number of
279 students. He said the daycare will want to fence in their outdoor space to protect students
280 as they have their own liability.

281
282 Ms. Shields said there are differing opinions on the effects of powerlines on children.
283 Mr. Faris said they are outside of the 150' easement. The easements are created for
284 maintenance and also to ensure there are not negative effects. This is an uncommon
285 conversation, but the power lines are there. There are no definitive conclusive studies.

286
287 Ms. Shields said that since there is no plan for the daycare, she feels that they are being
288 asked to approve the neighborhood on that basis. Mr. Faris said this would set the zoning
289 and setbacks, and the final development plan would require the approval of the BZC,
290 including the parking, outdoor space, etc. He does not have that detail now as no buyer is
291 available because the zoning is not approved.

292
293 Ms. Brown asked whether more detail could be provided for the daycare. Mr. Valentine
294 said the use is being limited to just a daycare. He asked that the appearance be like the
295 high school and middle school in order to be consistent. He was not sure how the
296 playground and size could be guaranteed. Mr. Faris said the requirements are included in
297 the zoning resolution and he would commit to that, but the details are unknown at this
298 time.

299
300 There was a brief recess. Meeting was returned to session.

301
302 Mr. Faris said he would like to continue this hearing and bring back a revised plan to the
303 BZC. Mr. Valentine said he would like to suggest that he consider the lots near the
304 soccer field.

305
306 **RESOLUTION 2023.01.24.A: TABLE & CONTINUE BZC 23-001**

307
308 Mr. Valentine made a motion to table and continue BZC 23-001 to March 14, 2023 at
309 7:00 p.m. at the Berlin Township Hall. Ms. Sloas seconded the motion.

310
311 Vote: Valentine, yes; Sloas, yes; Brown, yes; Shields, yes; DeChristopher, yes.

312
313 Motion carried.

314
315 **AGENDA ITEM: OTHER BUSINESS**

316
317 Mr. Valentine said regarding the meeting on Tuesday, if any member has a question
318 regarding a conflict of interest or ethics, they can call the county prosecutor for advice.

319
320 Mr. Valentine said regarding the architectural review board, in order to use the cloud, the
321 applicant must meet the architectural requirements.

322
323 Mr. Valentine discussed training of the BZC members on the livestream system.

324
325 Mr. Valentine said there is a zoning training available. on the county prosecutor's page.
326 Also, that office has offered to provide a zoning training for Berlin Township as well.

327
328 The next BZC meeting will be on Tuesday, February 14, 2023 at 7:00 PM.

329

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330 There was no further business to come before the BZC. Mr. Valentine adjourned the
331 meeting.

332

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334

Jerry Valentine, Chairperson

335

336

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338

Darcy Kaplan, Vice-Chairperson

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Angela Brown, member

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Jenny Sloas, member

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Keith Goshia, member

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Jasper DeChristopher, 1st alternate member

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Tara Shields, 2nd alternate member

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361

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

362

363