

BERLIN TOWNSHIP ZONING COMMISSION (BZC)

OF DELAWARE COUNTY, OHIO 43015

REGULAR MEETING

TUESDAY, OCTOBER 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 Darcy Kaplan at 7:00 PM.

4

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

7

8 Also present: BZC 1st alternate Tara Shields; Zoning Inspector Jake Bon; Assistant
9 Zoning Inspector Jerry Valentine; Zoning Clerk Lisa Knapp; Scott Sanders, executive
10 director of the Delaware County Regional Planning Commission (DCRPC).

11

12 Ms. Kaplan read the BZC's adopted meeting rules.

13

AGENDA ITEM: PROOF OF PUBLICATION

14 Ms. Knapp said this hearing was advertised in the October 11, 2023 Delaware Gazette, as
15 follows:

16

*BERLIN TOWNSHIP ZONING COMMISSION
NOTICE OF PUBLIC HEARING*

17

18

19 *The Berlin Township Zoning Commission will hold a meeting for the purpose of public
20 hearing October 24, 2023, at 7:00 p.m. at the Berlin Township Hall located at 3271
21 Cheshire Road, Delaware, OH 43015 to consider an application, designated as BZC 18-
22 002, amendment #1 filed by AAT Properties Ltd, c/o Coughlin, P.O. Box 1474, Pataskala,
23 OH 43062. The applicant is asking for 2 minor deviations from the approved Final
24 Development Plan, Parcel's #41833001079000, 5600 Columbus Pike, Lewis Center,
25 OH 43035, & 41833001080000, 31 Hyatts Road, Delaware, OH 43015, 3 ± acres, for
26 the development of a commercial/office center known as Hyatts Plaza.*

27

28 *First, is to shift the building in the current space six feet (6) south. Second, shift the
29 parking on the west property line to have six feet (6) side yard per the code. The present
30 zoning is Planned Commercial District (PCD). For questions, call Jake Bon, Zoning
31 Inspector, 740.548.5217 x103. You can find the packet on the Berlin Township
32 website www.berlintwp.us under the agenda and meeting tab for Zoning
33 Commission. The person responsible for giving notice of the public hearing by
34 publication is Cathy Rippel. Township residents are encouraged to attend.*

35

36 *BERLIN TOWNSHIP ZONING COMMISSION*

37 *Darcy Kaplan, Chair*

38

AGENDA ITEM: APPROVAL OF MINUTES

39

40 Ms. Sloas made a motion to approve the minutes from the October 10, 2023 BZC
41 meeting, as presented. Mr. DeChristopher seconded the motion.

42

43 Vote: Sloas, yes; DeChristopher, yes; Goshia, abstain; Brown, yes; Kaplan, yes.

44

AGENDA ITEM: BZC 18-002, AMENDMENT 1, AAT PROPERTIES LTD.

45 Connie Klema, attorney for the applicant, presented the application and answered
46 questions from the Commission.

47

48 Ms. Klema said after final development approval was recently approved from the BZC,
49 she started looking at the turning radii at the north side of the property, at the rear of the
50 building. She distributed an exhibit and explained it. The turning radii is acceptable, but

BERLIN TOWNSHIP ZONING COMMISSION (BZC)

OF DELAWARE COUNTY, OHIO 43015

REGULAR MEETING

TUESDAY, OCTOBER 24, 2023: 7:00 PM

51 she looked at the zoning resolution and thought they could make it much safer. The
52 zoning resolution states that a final development plan can be approved, but minor
53 deviations can be considered later such as the location of a building and the location of a
54 parking area.

55
56 Ms. Klema said they are requesting two deviations from what was approved last month;
57 to move the building from the approved location to six feet to the south, and to move the
58 parking on the west property line to have a six feet side yard. She noted that the request
59 does not violate the zoning resolution and it would be a great change to the plan.

60
61 Mr. Goshia said he noticed that two feet of sidewalk was lost as a result of the change.
62 Ms. Klema said it is now three feet, and it is wide enough for what is needed back there.
63 The building size has not changed, she noted.

64
65 Ms. Brown said she liked that the minimum and maximums are shown, especially given
66 the size of vehicles these days. Ms. Klema said the client will own this property for a
67 long time and prefers to fix it now rather than later. Ms. Brown appreciated the applicant
68 bringing this forward.

69
70 Mr. DeChristopher said the main entrances are at the front. Ms. Klema said those are
71 service entrances and are not for pedestrian access.

72
73 Ms. Kaplan said the first order of business is that the BZC will make a determination as
74 to whether the amendment is a minor or major deviation. Section 11.13 of the zoning
75 resolution states that: "*Minor deviations include but are not limited to the changes in the*
76 *location of building, structures, streets, or parking areas. The zoning commission may*
77 *choose to impose conditions, safeguards or other restrictions to carry out the intent of*
78 *this district. The decision of the Zoning Commission shall represent final approval or*
79 *denial of such deviation.*"

80

81 **RESOLUTION 2023.10.24.#A DECLARE BZC 18-002, AMENDMENT 1,**
82 **AS A MINOR DEVIATION**

83

84 Ms. Brown made a motion to declare the request for an amendment as a minor deviation.
85 Ms. Sloas seconded the motion.

86

87 Vote: Brown, yes; Sloas, yes; DeChristopher, yes; Goshia, yes; Kaplan, yes.

88

89 **RESOLUTION 2023.10.24.#B APPROVE**
90 **BZC 18-002, AAT PROPERTIES, LTD., AMENDMENT 1**

91

92 Mr. DeChristopher made a motion to approve BZC 18-002, amendment 1, AAT
93 Properties Limited. Mr. Goshia seconded the motion.

94

95 Vote: DeChristopher, yes; Goshia, yes; Brown, yes; Sloas, yes; Kaplan, yes. Motion
96 carried, request was approved.

97

98 **AGENDA ITEM: BERLIN TOWNSHIP ZONING RESOLUTION REWRITE DISCUSSION**

99

100 Mr. Valentine said Mr. Sanders is here to provide guidance to the BZC. Once all of the
101 amendments have been reviewed, the BZC will pass a motion to initiate the amendment
102 process, hopefully at the November 14, 2023 BZC meeting. Many changes have been
103 made to the document, and he asked that any additional changes be submitted to him as
104 soon as possible. The draft document will go to the DCRPC for review. The changes will
105 eventually be approved by the trustees.

106

BERLIN TOWNSHIP ZONING COMMISSION (BZC)

OF DELAWARE COUNTY, OHIO 43015

REGULAR MEETING

TUESDAY, OCTOBER 24, 2023: 7:00 PM

107 Mr. Valentine said that priorities were discussed; Articles 15 and 19 are the most
108 important, as that is where most of the activities will be over the next 6-12 months. Old
109 Cheshire is next on the list, and so is landscaping. Mr. Valentine distributed the
110 following items for discussion.

111

112 LANDSCAPING

113 1. General Requirements:

114

115 A. Landscape Materials

116 - Earth Mounds

117 - Plants/Trees

118 - Prohibited/Overused List on Website

119 - Installation & Maintenance

120

121 B. Preservation & Violation

122

123 C. Right-of-Way

124

125 D. Minimum Requirements

126

127 E. Weed Ordinance

128

129 2. Interior Landscape Requirements:

130 A. Landscaping per sq ft of coverage

131 B. Minimum Trees

132 C. Vehicular Use Areas

133 D. Service Structures

134 E. Vehicular Use Areas

135 F. Tree Preservation

136 G. Buffer Between Uses

137

138 3. Perimeter Requirements

139 A. Flow Chart for Adjacent Properties

140 B. Landscape Buffer Zone

141 C. Fencing

142 D. Split Uses

143

144 4. Plan Submission and Approval

145 A. Plan Content

146 B. Zoning Permit & Certificate of Compliance

147 C. Posting of Bond & Irrevocable Letter of Credit D. Violations of Plan

148 Add Open Space and Multi-Use Paths to Landscaping Section?

149

150 Higher quality open space and amenities (possibly available to other
151 township residents) allows less requirements of green space? Developer creates/connects
152 Multi-Use paths to other communities by providing for current residents?

153

154 There was a lengthy discussion. No decisions were made.

155

156

157

AGENDA ITEM: OTHER BUSINESS

158 Ms. Kaplan said the next BZC meeting will be on Tues. November 14, 2023 at 7:00 PM.

159

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

BERLIN TOWNSHIP ZONING COMMISSION (BZC)

OF DELAWARE COUNTY, OHIO 43015

**REGULAR MEETING
TUESDAY, OCTOBER 24, 2023: 7:00 PM**

162
163
164
165
166
167
168
169
170
171
172
173
174
175
176
177
178
179
180
181
182
183
184
185
186
187
188
189
190
191

Darcy Kaplan, Chairperson

Angela Brown, Vice-chairperson

Jenny Sloas, member

Keith Goshia, member

Jasper DeChristopher, member

Tara Shields, 1st alternate member

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