

**BERLIN TOWNSHIP ZONING COMMISSION (BZC)**

*OF DELAWARE COUNTY, OHIO 43015*

**REGULAR MEETING**

**TUESDAY, FEBRUARY 14, 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 Vice-Chairperson Darcy Kaplan at 7:00 PM.

4

5 BZC members present: Vice-Chairperson Darcy Kaplan, Angela Brown, Jenny Sloas,  
6 BZC 1<sup>st</sup> alternate Jasper DeChristopher (seated), BZC 2<sup>nd</sup> alternate Tara Shields (seated).

7

8 Not present: Chairperson Jerry Valentine and member Keith Goshia.

9

10 Also present: Zoning Inspector Jake Bon, Zoning Clerk Lisa Knapp, Asst Zoning  
11 Inspector Sherry Graham.

12

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

14

15

**AGENDA ITEM: APPROVAL OF MINUTES**

16 Ms. Sloas made a motion to approve the minutes from the 1/24/23 BZC meeting, as  
17 presented. Mr. DeChristopher seconded the motion.

18

19 Vote: Sloas, yes; DeChristopher, yes; Shields, yes; Brown, yes; Kaplan, abstain. Motion  
20 carried.

21

**PROOF OF PUBLICATION**

22

23 Ms. Knapp stated that this hearing was advertised on February 1, 2023 in the Delaware  
24 Gazette as follows:

25

*BERLIN TOWNSHIP ZONING COMMISSION NOTICE OF PUBLIC HEARING*

26

27  
28 *The Berlin Township Zoning Commission will hold a public hearing February 14, 2023,*  
29 *at 7:00 p.m. at the Berlin Township House located at 3271 Cheshire Road Delaware*  
30 *OH 43015 to hear application, designated as BZC 18-003, filed by M/I Homes of*  
31 *Central OH, 4131 Worth Ave., Suite 260, Columbus, OH 43219 The applicant is*  
32 *submitting an application for a Final Development Plan, Berlin Farms West, Section 1*  
33 *(formally Longhill), Parcels #41823001001000, 41823001002000, 41824001056000,*  
34 *41824001057000, 41824001058000, & 41824001058001, ±40.53 acres, Berlin Station*  
35 *Road, Delaware, OH 43015. Present zoning is an R-3/Planned Residential District to*  
36 *develop 52 lots per plan for Section 1.*

37

38 *Also, application designated as BZC 23-003, filed by Patty Lynn Chapman, David John*  
39 *Reed, and William Patrick Reed, 5609 Champion Creek Blvd., Medina, OH 44256*  
40 *requesting a rezone Parcel#41821002002000 ±26.631 acres &*  
41 *Parcel#41821002005000, ±17.545 acres, from Farm Residential (FR-1) to Planned*  
42 *Residential District (PRD) for a residential multi-family development, State Route 37, E.*  
43 *Delaware, OH 43015.*

44

45 *For questions, call Jake Bon, Zoning Inspector at 740.548.5217 x103. You can find the*  
46 *packets on the Berlin Township website [www.berlintwp.us](http://www.berlintwp.us) under the agenda and meeting*  
47 *tab for Zoning Commission. After the conclusion of the hearing, the rezoning matter will*  
48 *be submitted to the Board of Township Trustees for its action. The person responsible*  
49 *for giving notice of the public hearing by publication is Cathy Rippel. Township residents*  
50 *are encouraged to attend.*

51

52 *BERLIN TOWNSHIP ZONING COMMISSION*

53 *Jerry Valentine, Chairman*

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54

55

**AGENDA ITEM: BZC 18-003, FINAL DEVELOPMENT PLAN FOR BERLIN FARMS WEST**

56

*BZC 18-003, M/I Homes of Central OH, request for approval of a final development plan for ±40.53 acres on Berlin Station Road to be known as Berlin Farms West, Section 1 (formally Longhill) to develop 52 lots per plan for Section 1.*

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Applicant Presentation

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Andy Gottesman, with M/I Homes, 4131 Worth Ave., Columbus, Ohio 43219, presented the application for the first section of the Berlin Farm West subdivision.

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65

Mr. Gottesman said the first section of Berlin Farm East will be opened for sale next month, and the peanut roundabout is looking really good. If this application is approved, site development will begin this spring and summer and it will be opened for sale towards the end of the year. He said the plan is consistent with the approved preliminary plan.

66

67

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69

70

Commission Consideration

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Ms. Brown said she has no problem with it, as long as it is the same as what was approved in the preliminary development plan. Mr. Gottesman said it is even more detailed than some, including specific species of plants, etc.

73

74

75

76

Ms. Brown asked when this portion of the development would be started. Mr. Gottesman said it would be this spring in approximately April, depending on the weather.

77

78

Ms. Sloas had no questions, as long as there were no changes from the approved preliminary plan.

79

80

81

Ms. Kaplan agreed and said the development appears to be consistent with what was approved, and it is very thorough. Mr. Gottesman said he has verified that the plan has not changed from the preliminary plan.

82

83

84

85

Public Comment

86

87

Roy Cottrill, 1227 Belle Meade Place, Westerville, said he has been a member of the presbyterian church since 1958. He said the plan shows a 10' asphalt path that dead ends at the property and also at the other end of it. All of a sudden, there will be kids and bicycles that dead-end into the properties. He asked whether there would be a sidewalk for that purpose.

88

89

90

91

92

93

Mr. Cottrill said the county will widen the road, and at some point a crosswalk will be necessary to get kids to the school, and it would be nice to have someplace where bikes can go without having to go through peoples' yards. The 10' perimeter path would be better routed around the backside of the homes on Berlin Station Road so they would go between the property line and the retention pond for easier access, and it would help re-route traffic.

94

95

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100

Mr. Cottrill said that sewer service will be required by the county for properties on Berlin Station Road, and he asked what it would take to get it tapped to the area, including the church at this point, rather than wait until everything is done and it is too late.

101

102

103

104

The BZC had questions about the 10' wide bike path. Mr. Cottrill said it stops and the bikes and people will have to go somewhere and also cross the road.

105

106

107

Mr. Gottesman said this is an issue his company deals with in Central Ohio, as paths connection is a long-term game, so he puts the path in and by increments, the paths will

108

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109 all eventually connect. He believes the paths were at the request of this Commission  
110 and/or the trustees. He believes the paths are good planning, with the understanding that  
111 the paths will not be connected immediately until funding is available.

112

113 Mr. Gottesman was not certain regarding the Delaware County Sanitary Sewer  
114 department's plans to provide sewer service to individual residences. M/I Homes will put  
115 it where they are told to put it, and if it is accessible to private property, that is an option.

116

117 Ms. Kaplan said as sewer becomes available in an area, residents can contact the  
118 Delaware County Sewer District, who can assist in connecting to the sewer, at the cost to  
119 the landowners. Mr. Cottrill said that the fact that it is available means the District will  
120 force a connection in the future. He said it would be nice to have the taps built for the  
121 properties. Ms. Kaplan suggested they contact the District, as that is outside the purview  
122 of zoning.

123

124 Ms. Brown said this will be part of the long-range plan for paths that the Parks and Trails  
125 Committee is currently creating a Master Plan. Even though the paths are not all  
126 connected, residents will be able to go down Longhill Drive and Patricia Ann Way to  
127 access the path near the peanut roundabout. Ms. Brown said that the connection of all of  
128 the paths is part of the township's Master Plan.

129

130 Brad Cook, 2820 Berlin Station Road, asked about the road widening and turn lanes into  
131 and out of the entrance to the development. He cannot find anything on the county  
132 website about that, and the drawing is not clear. He is aware the road will be widened in  
133 the future, but he wanted to know where the turn lanes, if any, would be located, and his  
134 property is located across the road.

135

136 Mr. Gottesman said the county will account for all of that, and a traffic study was  
137 included with the application. However, he does not have a timeline for the county's  
138 plans for the future.

139

140 Stan Myers, 2945 Berlin Station Road, asked about the retention pond east of the church.  
141 He asked whether there would be a hill in-between his property and the pond. Mr.  
142 Gottesman asked whether that was a commitment during the zoning process. Mr. Myers  
143 said he thought it was.

144

145 Kathy Myers, 2945 Berlin Station Road, said a retention pond was shown between her  
146 residence and Mr. Culbertson's property.

147

148 Mr. Gottesman said the final engineering plan will account for that and he is happy to  
149 incorporate that into the plan. Ms. Brown asked whether the feedback was that the same  
150 mounding promised in the preliminary development plan is truly in the final engineering  
151 plan. Mr. Myers said that was correct.

152

153 Mr. Gottesman asked whether it was correct that their property would not be negatively  
154 impacted by the mounding. Mr. Myers said that was correct.

155

156 Mrs. Myers asked how close the homes would be from the property line. Mr. Gottesman  
157 said there would be no home directly behind her home. Ms. Brown said there is a 50'  
158 perimeter setback. Mr. Gottesman said that it was probably 200' beyond that to the  
159 nearest home.

160

161

**RESOLUTION 2023.02.14.#A: APPROVE BZC 18-003**

162

163 Ms. Brown made a motion to approve BZC 18-003. Ms. Kaplan seconded the motion.

164

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165 Vote: Brown, yes; Kaplan, yes; DeChristopher, yes; Shields, yes; Sloas, yes.

166

167

**AGENDA ITEM: BZC 23-003, MULTI-FAMILY DEVELOPMENT ON S.R. 37**

168

169 *BZC 23-003, filed by Chapman and Reed, requesting a rezoning of ±26.631 acres &*  
170 *±17.545 acres from Farm Residential (FR-1) to Planned Residential District (PRD) for a*  
171 *residential multi-family development on State Route 37.*

172

173 Mr. DeChristopher said he is a contiguous property owner and was recusing himself from  
174 the hearing.

175

176 RJ Sabatino, with T & R Properties, 3895 Stoneridge Lane, Dublin, Ohio 43017, and  
177 Randal Woodings, with Kontogiannis & Associates, 400 S 5th St, Columbus, OH 43215,  
178 presented the application and answered questions from the Commission.

179

180 Mr. Sabatino said this is a mixed-use development, and multi-family and industrial uses  
181 are proposed. He is here because of what began as the Berlin Industrial Overlay District  
182 (BIO). He knows that the township wants good economic development, good growth,  
183 good new commercial and good housing. He noted that this property is able to follow the  
184 BIO's requirements for the industrial portion.

185

186 Mr. Sabatino said proposed is a rezoning to PRD for the multi-family. The reason for  
187 this is that there are certain requirements in the BIO that do not work for successful  
188 multi-family developments, not just for the subject developer, but for any developer that  
189 may come before the township for approval.

190

191 Mr. Sabatino explained the general location of the development. He said this project  
192 requires substantial public improvements, including to 36/37, Lackey Old State Road and  
193 the most substantial, which is the extension of Reed Parkway. The extension will service  
194 the multifamily as well as the industrial developments.

195

196 Mr. Sabatino said to the west, there would be two story garden-style flat apartment  
197 building and two-story townhome buildings. Berlin Township is seeking good  
198 developments, while maintaining rural feel. This has been kept in mind, and with the  
199 spirit of the BIO in mind. By spirit, he means that the multi-family development would  
200 maintain the substantial 250' buffer between the existing homes and the proposed  
201 development.

202

202 Mr. Sabatino said within that buffer is an 8' tall landscaped mound with evergreen trees.  
203 To keep this a rural development, he has proposed a rural density of 368 market-rate  
204 multi-family units, which is a density of around 7.2 units per acre.

205

206 Mr. Sabatino said the nearby multi-family properties have the following densities:

207

- 208 • Northlake Summit: 11.5 unit per acre.
- 209 • Seattle House: 13.7 units per acre.
- 210 • Fourwinds: 28.8 units per acre.

211

212 Mr. Sabatino said in addition to the rural density proposed in the application, he believes  
213 the buildings are very beautiful and aesthetically pleasing. He provided renderings of the  
214 townhomes, which he said include good, natural material with farm style colors, which  
215 will fit in nicely to the community. He is requesting for this rezoning what any developer  
216 will also request in order to proceed with a successful, good multi-family development.

217

218 Mr. Sabatino said this development will provide housing for the commercial development  
219 that is proposed, as well as for anybody who wants to move to Berlin Township, all while  
220 maintaining a rural feel. The substantial public improvements that go into this project will

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221 not only serve this property, but will also serve to access the remainder of the 100's of  
222 acres of the BIO for more good, needed township commercial and residential  
223 developments.

224

225 Mr. Sabatino said the applicant is really excited about the projects, and he thanked the  
226 BZC for their time.

227

228

Commission Consideration

229

230 Ms. Sloas asked him to review the requested divergences. Mr. Sabatino said he sent a  
231 letter that clearly outlays the requested variances and divergences. He reviewed the  
232 divergences.

233

234 1) Density. The 7 units per acre are proposed with the reasoning that by comparison  
235 to nearby developments, this density is very rural. Some of the nearby  
236 communities have nearly double the density.

237

238 2) Setback. Requested is a divergence from 50' to 40.' The portion north of Reed  
239 Parkway would have a 40' setback instead of 50'. There is an area marked  
240 "future industrial," and nothing is planned yet. Buildings one and two would be  
241 the first phase of the project, and three and four are dependent on market  
242 conditions. There is substantial interest and demand for those buildings.

243

244 Mr. Sabatino said that after he fully absorbs the approximately 480,000 SF of  
245 industrial, he will come back to the township through the BIO path for approval.  
246 He is comfortable with the 40' setback because they are neighbors.

247

248 3) Parking. The PRD requires 3 per dwelling unit. The industry standard for parking  
249 is 1.5 spaces for a one-bedroom unit, 2 spaces for a two-bedroom unit, and 2  
250 spaces for a 3-bedroom unit. The requirement of 3 spaces per unit is not a truly  
251 optimal land use and seems to be perhaps for a single-family home. They are  
252 confident there will be sufficient parking.

253

254 4) Structure separation. 25' is required, and requested is 21', which is still an  
255 extreme distance between buildings.

256

257 5) One-bedroom unit size minimum. 800 SF is required per the zoning resolution,  
258 and requested is 750 SF. Units nearby are Seattle House at 681 SF, Fourwinds at  
259 681 SF, and Northlake Summit at 751 SF.

260

261 Ms. Sloas said the applicant did not mention the exterior materials that would be used.  
262 Mr. Woodings said there would be brick, siding and shakes. The BIO standards include  
263 architectural features for the windows, and the windows for these units would be in that  
264 spirit.

265

266 Mr. Woodings said the units would have individual entries, and the backs and the fronts  
267 are the same so there will be four-sided architecture. Ms. Kaplan asked what kind of  
268 siding would be used. Mr. Woodings said it would be vinyl siding.

269

270 Ms. Kaplan asked whether the materials correlate with the BIO architectural review  
271 board. Mr. Woodings said there was no such review board prior to this meeting, and so it  
272 has not gone to that board because there were no members. Ms. Kaplan asked whether  
273 the plan met the materials set forth for the BIO. Mr. Woodings said he looked at them.  
274 Ms. Kaplan said the BZC would be interested in this kind of project being comparable  
275 with those standards.

276

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277 Ms. Graham said she could provide the standards for comparison, although the residential  
278 portion is not required to adhere to the BIO standards. Ms. Kaplan noted that it would be  
279 nice for the first project in that area to meet the standards.

280

281 Ms. Shields asked whether the school district has been contacted regarding how this will  
282 affect population growth in the schools. The Olentangy school district is growing  
283 tremendously and adding 368 units to the area will add more children. The predicted  
284 growth for the next school year is about 1,000 more elementary students than they had  
285 projected.

286

287 Mr. Sabatino said that the projected mix of units in the community will help provide  
288 peace of mind, 87% of the units will be one or two bedroom apartments. 48 units will be  
289 3-bedroom townhomes, and those units would be more likely to have children.

290

291 Ms. Shields said many people at her childrens' schools are looking for places to rent, and  
292 the draw is that this is in the Olentangy school district. She asked if there was any  
293 limitation on the number of children. Mr. Sabatino said they cannot discriminate on the  
294 basis of children. Ms. Shields asked what the youth population growth would be. Mr.  
295 Sabatino said that relatively few children are generated from apartments. He said this  
296 project will bring substantial tax revenue, with a minimal load on the schools.

297

298 Ms. Shields said the application had mentioned the development had a farmhouse feel,  
299 but vinyl siding and tan and red brick have been proposed. She asked what about that  
300 proposed design evoked a farmhouse feel. Mr. Woodings said they looked at a lot of  
301 farmhouses that were white, and some had brick trim, so they tried to follow that stick  
302 style of architects. Some could be Victorian or Italianate.

303

304 Ms. Kaplan asked whether T & R Properties would manage this. Ms. Shields said they  
305 would. Ms. Kaplan said it is customary for apartments to state that so many people can  
306 live in each unit, based upon bedrooms, and she asked whether that would occur here.

307

Mr. Woodings said there are limitations within the rental agreements.

308

309 Mr. Woodings said there is a similar T & R Properties development on the west side of  
310 town near the airport, in Delaware, called the Flats on Houk. Mr. Sabatino said they are  
311 similar plans with similar amenities, including planked flooring, stainless steel  
312 appliances, granite countertops, pickleball, fitness facility, swimming pool, co-work area,  
313 etc. Mr. Sabatino said is a nice project. His company has been in business since 1983  
314 and owns everything they manage which includes over 4500 apartment units. Many of  
315 the units in Central Ohio are in Dublin.

316

317 Ms. Kaplan asked to clarify that the totality of the project was shown, but the part being  
318 discussed tonight is strictly for multi-family. The application is for 44.176 acres, the  
319 email stated 50.266 acres, the book says 63 acres, and the natural gas letter states 118  
320 acres. She would like to get the specifics nailed down. Mr. Sabatino said much of the  
321 confusion stems from the Delaware County Regional Planning Commission (DCRPC).  
322 The 63 is the sum of the parcels as they exist currently, and there have been some lot  
323 changes. The correct acreage is 50.266 acres.

324

325 Ms. Kaplan said the application needs to be corrected. Mr. Sabatino apologized for the  
326 issue.

327

328 Ms. Kaplan asked who owns and controls the properties being considered for rezoning.

329

Mr. Sabatino said the applicant controls those properties, meaning they are in contract to  
330 purchase those properties. The application is on behalf of the Reed family. The  
331 applicant is acting as their agent and they are in contract to purchase the multi-family

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332 parcels and the industrial parcel, contingent on the approval of the apartments and the  
333 industrial area. Ms. Kaplan said the application needs to reflect those additional acreages.

334

335 Ms. Kaplan said that for the 50.266 acres, 15% must be removed for roads and the like  
336 and the density maximum is then calculated from that. The applicant has calculated the  
337 density as 7.32 units per acre, and she has calculated it at 8.61 units per acre. The Delco  
338 Water letter states 898 units.

339

340 Ms. Kaplan asked what uses the clubhouse would have and asked whether there was a  
341 floorplan layout for that. Mr. Sabatino said there would be a property manager and  
342 maintenance on site, as well as leasing staff. There will be co-working space where  
343 people can congregate to work and there will be quality internet. There will be a party  
344 space for events, a full kitchen, fitness facility with free weights and machines. They will  
345 also offer mail and package services.

346

347 Ms. Kaplan asked how trash and mail would be handled. Mr. Sabatino said mail would  
348 be centralized in the clubhouse, and trash compacters would be located on two parcels.

349

350 Ms. Kaplan said that fountains would be required for the retention ponds as well as  
351 decorative headers etc. made of stone, pressed concrete, etc. Mr. Sabatino said he would  
352 install those, as they want the community to look nice. Ms. Kaplan said a central square  
353 was provided, but details were not provided. Mr. Woodings pointed out the location.

354

355 Ms. Kaplan asked whether there would be anything in there. Mr. Sabatino said the BIO  
356 included a central square where people can congregate and walk, so there are paths here.  
357 The final design for the central square has not been finalized, but he envisioned spaces to  
358 sit, grill and gather. Ms. Kaplan said many places are installing amenities such as a tot  
359 lot, covered picnic area, etc. and she would like to see those considered.

360

361 Mr. Woodings said he wanted to get feedback form the Commission on that. Ms. Kaplan  
362 said in reviewing the DCRPC notes, they point out that the density exceeds the  
363 maximum. It indicates that PRD does not really include a multi-family use allowance,  
364 and it is outside of the use. Mr. Woodings said they met with staff in August, who told  
365 them to go through the PRD, so they stayed with it. DCRPC said they should not be  
366 doing that, but they wanted to stay with what the township requested.

367

368 Ms. Kaplan said that was an informal meeting that included guidance that may seem to  
369 make the most sense, but she did not think that this falls into the PRD zoning text. She  
370 noted that she was not at that meeting.

371

372 Ms. Kaplan said a maximum 25' height has been proposed. Mr. Woodings said it was  
373 35'. Ms. Kaplan said that the DCRPC pointed out that the applicant has indicated that a  
374 one-bedroom units requires a minimum of 800 SF, and they had an issue with the  
375 divergence requested for that. She said she agrees, as this will be one of the first projects  
376 in this area, and she is uncomfortable with this many substantial divergences. Mr.  
377 Woodings asked for direction on what the township would like to do, as direction was  
378 provided earlier by some representatives of the township, and he followed that.

379

380 Mr. Sabatino said regarding the TPUD versus the PRD, the reason the PRD was selected  
381 in addition to following the staff recommendation is because the PRD does allow multi-  
382 family, while the TPUD does but it allows for just 25% of the units to be rental. A  
383 divergence to allow all of the units to be rented would seem to be a substantial  
384 divergence. Also, if this was TPUD, the same number of divergences would be  
385 requested, including the substantial one. Ms. Kaplan said it is the BZCs job to ensure  
386 what is being applied for fits in with the zoning.

387

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388 Ms. Kaplan said that many of the parking spaces are within the garages instead of being  
389 on the street. Mr. Sabatino was not sure but said he could provide the information.

390

391 Ms. Kaplan said Tab 11 was the letter of credit, which states that “T & R Properties will  
392 comply with Item 9 of the application.” She asked what that meant. Mr. Sabatino said  
393 that was in reference to the bond letter and he would check into it. It is difficult to know  
394 the total cost of the public improvements.

395

396 Ms. Kaplan said the application states that the internal roads would be private, but Reed  
397 Parkway is not private. Mr. Sabatino said that is a public road. The internal roads refers  
398 to the roads inside the development, which he pointed out. Ms. Kaplan asked whether  
399 those would be part of the improvements that would be undertaken to make this happen.  
400 Mr. Sabatino said that was correct.

401

402 Ms. Brown said the application had stated that all of the mail kiosks would be in the main  
403 building. Mr. Sabatino said yes. Ms. Brown said there was not substantial parking for  
404 that. She likes the way it is laid out because it gives more of a green space feel, but they  
405 feel like two different areas to have everything centralized in one. She suggested that the  
406 area be divided out.

407

408 Mr. Woodings said it was provided at the clubhouse because sometimes shipping  
409 containers are provided so people can drop off and pick up in the same place. There had  
410 been concerns about packages being stolen. Ms. Brown said perhaps the shipping and  
411 receiving could be at the clubhouse.

412

413 Ms. Brown said the upper detention pond was mentioned to be 250’, and she asked  
414 whether that was the width from the property line and not the length. Mr. Sabatino said  
415 the distance from the eastern property line back 250’ would also include the 8’ mound  
416 with trees. He has a rendering that shows the view from that property line, which is just  
417 trees. Ms. Brown asked whether it was the same for the retention pond at the bottom.  
418 Mr. Sabatino said that was correct and that this is in line in maintaining the spirit of the  
419 BIO, including maintain that buffer space from neighbors.

420

421 Ms. Sloas asked for a rendering of that. Mr. Sabatino provided one and it was explained.  
422 Mr. Woodings said there is a nice tree line prior to the mound and pond.

423

424 Ms. Shields asked whether the trees on the mound would be evergreen trees. Mr.  
425 Woodings said that was correct. He said the units would be 250’ from the property line,  
426 and about 500’ back from the adjacent homes themselves.

427

428 Ms. Brown asked whether the trash location could be changed so dumpsters are not  
429 backing up to the neighboring properties. She asked for something like a pavilion near  
430 the square. She said items such as grills, etc. need to be in the drawing.

431

432 Ms. Brown said the exteriors are very different than those in the BIO, which call for  
433 pulling back some of the stone or blank look and natural earth tones. She said when they  
434 looked at the lang and the residents around it, it had been all farm field and residents that  
435 were already there. Now there will be an industrial park and that needs to be buffered  
436 property. There is a lot of value in the existing homes. An R-4 was suggested for the  
437 overlay, but the applicants have doubled that. There are different areas laid out that they  
438 wanted rentals etc. at. This does not feel like the area for the apartments. Even though  
439 apartments may fit best against an industrial area, but also considered is what fits the best  
440 against the existing homes.

441

442 Ms. Brown said perhaps an R-4 would have more of a condominium feel, with  
443 homeowners instead of renters. She said this is a lot for this area. It was put into the



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444 overlay so it would be an easier buffer. The BZC looked at where this would fit. From a  
445 timing perspective, where would the people work who live in these apartments, as the rest  
446 of the pieces of the overlay have not been developed. The township does want the tax  
447 revenue from the apartments, she noted. Perhaps some could be owner-occupied  
448 townhomes and a mix of townhomes with more of an R-4 feel.

449  
450 Mr. Sabatino said there are townhomes lining the buffer zone, which he pointed out, and  
451 he said they were lining the buffer zone. Regarding condos, these are effectively laid out  
452 the same way as although they are rentals, they are single-access with no shared area.  
453 Many have attached garages, and these are high-end apartments. Ms. Brown said if they  
454 are rented, it is all shared area. Mr. Sabatino said the units are direct-access, meaning  
455 they are not accessed by a shared corridor.

456  
457 Mr. Sabatino said regarding density, even using the new calculation at 8+ units per acre,  
458 that is still truly a rural density, and this is a rural process. This maintains the spirit of the  
459 BIO, with 4-unit buildings lining the boarder. Beyond that is the retention pond and  
460 fountain, ad the 8' high mound with evergreen trees, and the existing buffer. Many of the  
461 neighbors will not be able to see anything.

462  
463 Mr. Sabatino said Seattle House has a density of 12 units per acre, and that is rural. The  
464 subject apartment are sub-rural. Ms. Brown said Seattle House is not located near very  
465 expensive, existing homes.

466  
467 Ms. Shields said the corner property is a daycare, and there is a direct line of vision and  
468 access from that field right to the daycare from the apartments. Mr. Woodings asked  
469 whether she would like to see the mound extended. Ms. Shields said she would. There is  
470 also a farmhouse that she is not sure is occupied and there is also a 5-acre farm. Mr.  
471 Sabatino said that was not occupied.

472  
473 Mr. Sabatino said he has been working with Cliff Jackson, that landowner, who runs his  
474 plumbing business as a satellite office out of that location. Ms. Shields said he had stated  
475 they were not 100% about the middle section, and then the setback was narrowed to just  
476 40' in between. She asked whether there would be industrial buildings right next to the  
477 apartment on that edge. Mr. Sabatino pointed out the apartment complex and the  
478 industrial area, and said that those uses were in fact planned in the BIO. He has not gone  
479 through the BIO process yet for the industrial area. Ms. Shields said she was concerned  
480 about apartments with families in them directly adjacent to industrial development.

481  
482 Ms. Kaplan asked about the connectivity and walkability of the community. Mr.  
483 Sabatino said all of the public improvements, including Reed Parkway, will have a 5'  
484 sidewalk on one side, and a 10' multi-use path on the other side. South Plunkett Road  
485 will be a future public road and will have the same connectivity. Ms. Kaplan asked about  
486 the interior of the development where the buildings are, and she asked whether there were  
487 pathways and sidewalks through the community. Mr. Sabatino said there were.

488  
489 Ms. Kaplan said she read the traffic study, and the traffic is pretty intense in that area.  
490 She asked whether there would be a crosswalk there. She asked whether people would  
491 walk to the pool, as there is not much parking near the pool. Mr. Sabatino said he is  
492 confident in the parking provided in the plan, but he could re-investigate that as this is the  
493 preliminary plan.

494  
495 Mr. Sabatino said his company has been in business for over 40 years, and they are long-  
496 term owners and holders, and he wants it to look good for the same reasons the township  
497 does. Ms. Kaplan said Mr. Sabatino had mentioned that the buildings would look the  
498 same at the front and back. The largest units have 16 units per building, and she said she  
499 did not see 16 doorways on the portion of the property on the far edge. She asked where

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500 they were located. Mr. Woodings pointed out attached garages and the paths to them, and  
501 the accesses.

502

503 Ms. Sloas said regarding what has been outlined for R-4 and R-10 vinyl is prohibited, so  
504 she does not want to see that, especially when this development will set the tone for the  
505 entire area. The township wants this to be a good example going forward, so they would  
506 like to see all-natural elements. Brick is a natural material, for example, that would be an  
507 accent material.

508

509

Public Comment

510

511 Anne Marchiondo, 444 Lackey Old State Road, said she lives right next to the bottom  
512 portion of this. She asked what this is currently zoned. Ms. Kaplan said it is all Farm  
513 Residential 1. Ms. Marchiondo said she had come to the overlay meetings and this area  
514 was to be R-4, which was at least a step-down from her property to perhaps condos, and  
515 then perhaps apartments beyond that. She asked how such an extensive change is being  
516 considered.

517

518 Ms. Kaplan said she assumed Ms. Marchiondo was referring to the very lengthy meetings  
519 that involved creating the industrial and business parkways. This applicant is not  
520 applying within that cloud, and applicants are permitted to request a regular rezoning.  
521 Ms. Marchiondo asked how the residents can request a step-down zoning. When she  
522 purchased her lot, there was a step-down from single-family homes to condos, and the  
523 proposal is upsetting. This development will add many children to the school district  
524 which will increase her property taxes. Her taxes go up with each new subdivision.

525

526 Ms. Marchiondo said the applicant keeps comparing this development to other  
527 developments, and she asked what was next door to those high-density developments.

528 Ms. Kaplan said they are all located in cities of Delaware or Sunbury, and this is a  
529 township. Mr. Sabatino said the BIO was created some years ago, and it has sat vacant  
530 for years for a variety of reasons, including that the zoning does not work, in his opinion,  
531 as it stands, but the presented plan does.

532

533 Ms. Marchiondo asked whether the traffic from 368 units had been considered. Mr.  
534 Sabatino said a traffic study is currently under review by the Delaware County  
535 Engineer's office, and he said concern about the truck traffic from the industrial portion  
536 of the project is normal. There are many public improvements planned, including on  
537 36/37, where an RCUT (Restricted Crossing U-Turn Intersection) is proposed that will  
538 allow left-traffic into the road to access the industrial area. The RCUT will mitigate that  
539 substantially. The traffic study states that, he said.

540

541 Ms. Marchiondo said she heard there will be a water tower, which she had not heard of  
542 before tonight. Mr. Sabatino said that was correct. Ms. Marchiondo asked how tall it  
543 was, and whether it could be located elsewhere. Mr. Sabatino was not sure how tall it  
544 was. He said Del-Co Water acquired a piece of property where they are planning to build  
545 a water tower, and that is unrelated to this application. Mr. Woodings said he has not  
546 seen the plans for it, and he is unsure of the size.

547

548 Mr. Sabatino said the intent of the water tower and the sanitary lift station is to serve the  
549 Berlin Industrial Overlay park, including the housing.

550

551 Eric Rickabaugh, 244 Lackey Old State Road, said he is one of the homes that will be  
552 affected by this. He said he and his neighbors would like anything with a density beyond  
553 R-4 to be denied by the BZC, as that is an imposition upon their homes and their property  
554 values. They are also very worried about traffic. He said that what is planned on 36/37  
555 to help access to the industrial parkway does not matter to them.

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556 Mr. Rickabaugh said what concerns them is that they will use Reed Parkway to exit and  
557 enter, and Lackey Old State Road is a residential road that is already terribly busy. An R-  
558 8 development will create a lot of industrial traffic on Old State Road. Mr. Rickabaugh is  
559 concerned about water runoff down Lackey Old State, as many properties have been  
560 adversely affected by developments like this, as well as noise and light pollution. He  
561 asked the BZC to protect the neighbors from this.

562  
563 Mr. Sabatino said the BIO laid out spine roads through the property. The Chapman piece  
564 before the BZC as well as 100's of other acres were included, and that includes Reed  
565 Parkway and another east/west public road for service of the industrial, commercial and  
566 residential areas. What Mr. Rickabaugh is saying has already been contemplated through  
567 the BIO approval process. The township already decided it wants those roads and they  
568 want this development when they approved the BIO. Regarding this development, a  
569 traffic study is being reviewed, and there will be additional improvements including the  
570 Lackey Old State Road, which will have additional lanes added. There will also be a stop  
571 sign and perhaps a traffic light, and Reed Parkway will be a 35 MPH street.

572  
573 Mr. Sabatino said regarding storm runoff, it is required that any new developments near  
574 an existing parcel must not adversely affect the existing off-site drainage. He said this  
575 would improve the storm water quality. Regarding the lighting from the industrial, it was  
576 discussed during the architectural review board meeting, and it would all be  
577 downlighting, and uplighting with very minimal light pollution, and no light flowing  
578 offsite. Any industrial development will still be a substantial distance from the existing  
579 homes, and even the apartments will be a football-field length away.

580  
581 Monica Conners, director of economic development for Delaware County, 4551 Larimer  
582 St. Dublin, Ohio, expressed gratitude to the township for their dedication to this project.  
583 Economic development in Central Ohio has been very busy with the Intel and other  
584 projects. There is a generational opportunity here in Delaware County with the Berlin  
585 business park to attract new, advanced scientific jobs to our area that will bring in young  
586 professionals, high wages, and help diversify the tax base for the community, which will  
587 have a positive impact on the schools as well. The multi-family development can help  
588 diversify the tax base as well.

589  
590 Ms. Conners said the BIA (Building Industry Association) presented to her last week that  
591 there are over 80 people moving in to the Columbus metro area per day. This area is in  
592 the top 10 areas for growth in the nation, and there are a lot of young people moving in  
593 that area looking for opportunities like this to live in. This is a great community, and she  
594 thinks it would be attractive to a variety of people.

595  
596 Ms. Conners said that Delaware County has invested almost \$10 million to the  
597 infrastructure in this park, and T & R Properties will be committing nearly that much if  
598 not more to the infrastructure itself. The first project is very important in order to kick  
599 off the momentum. She is fielding daily calls for the commercial and industrial portions  
600 of this park. This is a once-in-a-lifetime opportunity for Berlin Township.

601  
602 Jeff Parker, 220 Lackey Old State Road, said he and his neighbors were confused about  
603 where the 250' mark that starts and the property line ends. Mr. Sabatino said it is the  
604 building setback line. Mr. Parker asked whether he can plant trees along his property line  
605 or whether there was a setback that prevented that. It was confirmed that there was no  
606 setback for trees.

607 Mr. Parker said he has gone through a lot personally to buy this home, and he moved to  
608 get away from all of that. He is going to miss the wildlife and view of the stars. He is  
609 not naïve enough to think he can control what somebody does on land he does not own,  
610 but he came out here to get away from that stuff. He is fine with homes that people can  
611 buy such as duplexes are fine. But 368 apartment buildings will mean 800 additional

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612 cars. He already gets nearly blown off the road trying to get into his driveway as people  
613 are impatient.

614

615 Susan Wabear, 3560 Berlin Station Road, asked what the date of the traffic study was.  
616 Mr. Sabatino said it was submitted a couple of months ago. Ms. Wabear asked what the  
617 date the traffic study was actually performed was. Ms. Shields read that the traffic data  
618 was collected on 10/18/2022 at the 36/37/Lackey Old state intersection, including the u-  
619 turn data for the RCUT

620

621 Edie Parker, 220 Lackey Old State, said she does not hate T & R Properties and she  
622 thinks they have done a good job of representing their company. However, it is different  
623 for those who live adjacent to the property than people who represent the company or Ms.  
624 Conners, who lives in Dublin. This may be a great opportunity for some, but not for the  
625 neighbors. She thanked Ms. Brown for the recommendation of condominiums versus  
626 apartments.

627

628 Ms. Parker said regardless of whether they will be condos or apartments, she suggested  
629 that the applicant look at the homes up the road by Romanelli & Hughes, whose buildings  
630 are very classy and dignified. This is Delaware County, and she moved here for a reason  
631 and pays higher taxes than some areas for a reason. She agrees with the BZC members  
632 regarding the materials and the brick.

633

634 Ms. Parker asked that this meeting room be set up better so residents can see the plans  
635 projected on a whiteboard during meetings, rather than old-fashioned paper plan sets.

636

637 Jasper DeChristopher, 436 Lackey Old State, said regarding the density, the applicant  
638 does not think the 8 units per acre density is high, but the density of the homes on Lackey  
639 Old State is less than half. Those other developments are in cities. There is no step-  
640 down here from .5 units per acre to 8. There are multiple other places in the overlay  
641 areas that provide that, including in the commercial areas and closer to 36/37. The  
642 project could be developed as R-10 and industrial, without even having to rezone the  
643 property.

644

645 Mr. DeChristopher said regarding the applicant's statement that they are adopting the  
646 spirit of the overlay, the maximum height is single story. The applicant did not even try  
647 other than the buffer, which is a non-negotiable item. At a minimum, they could have a  
648 single-story height on the outside and put the taller buildings in the middle.

649

650 Mr. DeChristopher said regarding the R-4, it was a lot of work from the township, the  
651 trustees, the BZC, and the Delaware County Economic Development department when  
652 Bob Lamb was the director. The overlay was not just a whim. There are other areas  
653 where this would work in the plan.

654

655 Mr. DeChristopher said regarding the traffic and the U-turn on 36/37, there will be no  
656 westerly exit so it all has to go to 36 east, where it will all go to Reed Parkway and  
657 Lackey Old State. The U-turn will get backed up, and it is only a matter of time before  
658 somebody is rear-ended. There needs to be westerly access getting out.

659

660 Mr. DeChristopher said T & R Properties owns Dooley's Orchard apartments. Those are  
661 older, but if that's what these apartments will look like in 10-15 years, they don't want  
662 them. There is also a TPUD with condos and apartments next door, which look better  
663 than what is proposed here. There is work to be done here.

664

665 Mr. Sabatino said he is here to request a rezoning because the BIO does not work for any  
666 multi-family developer. A resident stated earlier that there are other opportunities for R-  
667 10 developments, which is correct. However, they cannot get there without extending

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668 Reed Parkway. Nobody will ever be able to get there without these projects going  
669 through. The remainder of the park cannot be accessed before the initial pieces being  
670 rezoned.

671

672 Mr. Sabatino said there has been substantial financial analysis done as it relates to tax  
673 revenue and a variety of factors. The density being requested is necessary for this project  
674 to work financially. The public improvements are 8 figures to open up the reminder of  
675 the industrial park, and in order to create the businesses and tax revenue that the township  
676 wanted and wants from the industrial overlay.

677

678 Mr. DeChristopher said he is stating that he needs Reed Road, but the R-10 abuts  
679 Rollison Road directly, as does the industrial area. The property to the west has access  
680 off of another road and they do not need to build a Reed Parkway connector to it.

681

682 Mr. Sabatino said the traffic impact study that is currently at Delaware County and the  
683 analysis of the RCUT asks to provide the easiest and best accesses into the industrial off  
684 Plunkett Road. There is only a right-in/right-out for those trucks. Those are items for the  
685 traffic engineers to figure out, and for the Delaware County traffic engineer to determine  
686 if that is safe. He has spoken to the Delaware County Engineer and he knows that it will  
687 be safe.

688 Mr. Sabatino said he has provided an example of the building elevation from a recent  
689 project, which is similar to that proposed here. He is open to color changes. It is a new  
690 and beautiful product that lasts. When he hears insults as it relates to some of their  
691 apartment facilities, he takes offense to that. He takes pride in what they build, and he  
692 knows them to be good-looking buildings and places where people need to live, and he  
693 knows that's what the township needs to.

694

695 Mr. Myers said the statement was made about people from Intel living here, but he does  
696 not think many people would be making that commute to live in these apartments. There  
697 will be so many other developers vying for those people. Condos would be more  
698 attractive to people.

699

700 Joe Mitchell, 3491 Mariner's Way, said he has been a resident since 2008 and his family  
701 has suffered due to a lack of infrastructure, including a lack of a pool, a community  
702 center or parks. There is not going to be any money unless buildings are built and tax  
703 revenue created. Like Ms. Connors said, Berlin Township is going to grow. It is on a  
704 main thoroughfare across 36/37, a natural artery for commercial development, and it  
705 seems natural that this should be approved.

706

707 Josh McDaniels, 428 Lackey Old State Road, said he agrees there needs to be growth in  
708 Berlin Township. However, as Mr. DeChristopher stated, there are plenty of other  
709 opportunities for the developer to do what they want to do, with the type of housing being  
710 offered here. It was mentioned that this park will bring high-paying, scientific jobs, and  
711 he asked whether they would want the housing that actually matches the types of jobs  
712 that are alleged to be brought in.

713

714 Mr. McDaniels said he did not think that this housing would accomplish that.  
715 Condominiums would seem to be more attractive to those people who are allegedly  
716 coming in and taking these high-paying scientific jobs. To go from multi-million dollar  
717 properties to this right next door just does not align with what Berlin Township is trying  
718 to accomplish.

719

720 Mr. Sabatino said he is somewhat correct about the users and employees of the future  
721 industrial building. Not everyone who works next to apartments will live at those  
722 apartments. These are high-quality apartments, he said, and many people rent even when

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723 they can afford to buy, and people are renters more and more by choice, especially with  
724 today's higher interest rates, when it is more difficult to afford a house.

725

726 Debbie Rickabaugh, 244 Lackey Old State Road, asked whether any of these apartments  
727 would be subsidized by the government. Mr. Sabatino said "absolutely not" and they will  
728 all be paid by the renter.

729 Scott Winberry, 420 Lackey Old State Road, the address of the white farmhouse that was  
730 mentioned earlier, said the R-4 is more in the spirit of the overlay, and the transition is  
731 too great. The traffic will increase as the water tower etc. are being built and it is backed  
732 up already a 6:15 a.m. Adding 368 units will vastly increase the traffic.

733

734 Ms. Kaplan said much input has been provided, and she asked how the applicant would  
735 like to proceed. Mr. Sabatino said a lot of input has been received by the BZC and the  
736 neighbors, whom they had met with prior to this, and he is confident in the density that is  
737 being requested because it is necessary to kick off the park. Regarding meeting the spirit  
738 of the BIO as regards the colors, etc., that is a condition that he could perhaps ask that the  
739 BZC recommend for approval with those conditions, and that is how he would like to  
740 proceed.

741

742 Ms. Kaplan asked whether he is requesting that the BZC vote on the application this  
743 evening. Mr. Sabatino said "that is correct." Ms. Brown asked whether he does not want  
744 to table the application, go back and look at the recommendations. Mr. Sabatino asked  
745 whether it was her recommendation to table the application. Ms. Brown said that is up to  
746 the applicant.

747

748 Mr. Woodings said he would like to table the application. Ms. Kaplan suggested a brief  
749 recess.

750

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

752

753 Mr. Sabatino thanked the BZC and the meeting attendees for their input. He respectfully  
754 requested a tabling to the next available BZC hearing. The industrial portion of this is  
755 scheduled for 2/28/23. Ms. Kaplan suggested hearing the applications on separate nights,  
756 as these is a lot of detail and they deserve specific attention. Also, revised materials are  
757 due 2 weeks prior to the hearing, which is today. There was additional discussion.

758

759 It was agreed to reschedule the 3/28/23 BZC meeting to 3/21/23.

760

761

**RESOLUTION 2023.02.14.#B: RESCHEDULE  
MARCH 28, 2023 BZC MEETING TO MARCH 21, 2023**

762

763

764 Ms. Brown made a motion to reschedule the regularly scheduled BZC meeting from  
765 March 28, 2023 from March 21, 2023 at 7:00 p.m. at Berlin Township Hall. Ms. Kaplan  
766 seconded the motion.

767

768 Vote: Brown, yes; Kaplan, yes; Sloas, yes; Shields, yes. Motion carried.

769

770

**RESOLUTION 2023.02.14.#C: TABLE & CONTINUE BZC 23-003**

771

772 Ms. Kaplan made a motion to table and continue BZC 23-003 to March 21, 2023 at 7:00  
773 p.m. Ms. Shields seconded the motion.

774

775 Vote: Kaplan, yes; Shields, yes; Brown, yes; Sloas, yes. Motion carried.

776

777

778

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**AGENDA ITEM: OTHER BUSINESS**

Ms. Brown asked about the Cheshire issue. Mr. Bonn said there are no current updates other than meeting with the owner. Ms. Brown asked whether there have been additional issues. Mr. Bon said there have not been and they are moving through the process.

Ms. Brown said a house on 3 B's and K Road had been a huge issue that had been discussed and she asked for an update. She drove by it recently. The house has been used as a step-down house for addiction issues. Ms. Graham said there are now new owners and they are working on addressing the issues.

Ms. Kaplan said the next regularly scheduled BZC meeting is on February 28, 2023 at 7:00 p.m. when BPB 23-001 will be heard.

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

---

Jerry Valentine, Chairperson

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Darcy Kaplan, Vice-Chairperson

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Angela Brown, member

---

Jenny Sloas, member

---

Keith Goshia, member

---

Jasper DeChristopher, 1<sup>st</sup> alternate member

---

Tara Shields, 2<sup>nd</sup> alternate member

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