

**BERLIN TOWNSHIP ZONING COMMISSION (BZC)**

*OF DELAWARE COUNTY, OHIO 43015*

**REGULAR MEETING  
TUESDAY, JUNE 27, 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 *Notice: A video recording of this meeting can be found on Berlin Township's YouTube*  
6 *channel and Facebook page.*

7

8 **BZC members present:** Chairperson Jerry Valentine, Vice-Chairperson Darcy Kaplan,  
9 Angela Brown, Keith Goshia 1<sup>st</sup> alternate Jasper DeChristopher (seated).

10

11 **Also present:** BZC BZC 2<sup>nd</sup> alternate Tara Shields, Zoning Inspector Jake Bon, Zoning  
12 Clerk Lisa Knapp.

13

14 **Not present:** BZC member Jenny Sloas.

15

**PROOF OF PUBLICATION**

16

17 Ms. Knapp stated that this hearing was advertised in the June 14, 2023 Delaware Gazette.

18

19

**AGENDA ITEM: APPROVAL OF MINUTES**

20

21 Mr. DeChristopher made a motion to approve the minutes from the 6/13/23 BZC meeting  
22 as presented. Ms. Brown seconded the motion.

23

24 Vote: DeChristopher, yes; Brown, yes; Kaplan, yes; Goshia, yes; Valentine, yes.

25

26

**AGENDA ITEM: BBP 23-002 METRO DEVELOPMENT**

27

28 *BBP 23-002, filed by Metro Development, requesting an administrative review for a*  
29 *Residential Hotel Development, Parcel #41814001005000, ±6.369 acres, from Planned*  
30 *Commercial District (PCD) to Berlin Commercial Overlay (BCO), using the North*  
31 *American Industry Classification System (NAICS), code # 721110, at S.R. 37 E., Sunbury,*  
32 *OH 43074.*

33

34 Todd Faris, with Faris Planning and Design, 4876 Cemetery Road, and Joe Thomas, with  
35 Metro Development, 470 Olde Worthington Road, presented the application and  
36 answered questions from the BZC.

37

38 Mr. Thomas distributed a revised plan based upon comments from the Architectural  
39 Review Board (ARB). He said he has gone before the ARB, the Delaware County  
40 Regional Planning Commission (DCRPC), the county engineer, and others already. After  
41 this administrative review has been completed, the project will proceed quickly. The  
42 project is on 36/37 and is adjacent to the RCD RV development, which is to the west.  
43 There are model homes on the other side, and it is surrounded by businesses. He has  
44 spoken to all adjacent land owners.

45

46 Mr. Thomas said ODOT, Sunbury and Delaware County are working on an interchange  
47 project to the south of the existing 36/37 interchange, and to the south of the Tanger  
48 Outlet Mall, a project being discussed since the 1990s. There will be an express route  
49 that goes from 36/37 to this interchange to eliminate traffic on the surrounding roads. He  
50 was asked to participate in the engineering and financing of the interchange and other  
51 roadways. He has worked with the entities on the project. The cost is about \$55 million  
52 and is funded by an NCA (New Community Authority) and a TIF (Tax Increment  
53 Financing).

54

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55 Mr. Thomas said there is an adjacent property to the north in Berlin Township, which is  
56 the subject property. This is attractive to them because of the residential hotel project.  
57 The hotel lobby would be located in the northeast corner as well as suites, and a  
58 swimming pool with guest amenities such as a fire pit and outdoor kitchen. There will be  
59 5 hotel guest buildings, and a walking trail in the 1 acre of open space, as well as a dog  
60 park.

61  
62 Mr. Thomas said the stormwater retention is located on the southwest portion of the  
63 property. To the north are two garage buildings. A wetland area will be maintained, and  
64 a retaining wall built around it. The stormwater will be directed to the basin and outlet to  
65 the ravine.

66  
67 Mr. Faris said the lobby building and the hotel building front on 36/37, and are aligned  
68 with the future realignment of 36/37. Hotel 3 will front on the new parkway. The code  
69 requires interior green space of around 15% of the space. There is landscaping, a dog  
70 park, and a mail kiosk. The garages have moved to the southern property line. An  
71 extensive amount of landscaping is required along with buffering and street trees along  
72 the road, which has been provided. There is screening between the parking lots.

73  
74 Mr. Thomas said modifications were made after feedback from the ARB. He presented  
75 elevations of the buildings. Blue was not permissible, so they have gone with gray. The  
76 buildings' exteriors will be a mixture of all natural materials. There will be decks and  
77 patios. The breezeway railing and exterior patio railings will be all black. There are two  
78 garage buildings with 6 garage bays and will have a mixture of brick and horizontal  
79 siding, as well as a mail kiosk with the same material.

80 Mr. Thomas said the trash compactor will have stone on three sides and a gate to shield it  
81 from view. The roofs will be dimensional shingles. He displayed a sunset view of the  
82 buildings.

83  
84 Mr. Thomas said there would be a one-bedroom suite with full appliances and a kitchen,  
85 a linen area, bedroom, large closet, living area, etc. The two-bedroom suite has larger  
86 living and kitchen areas, and two bedrooms.

87  
88 Mr. Thomas displayed internal renderings of the hotel lobby that includes a coffee bar,  
89 game room area, exercise room, and a small office area with features guests can use. The  
90 suites are furnished, he said.

91  
92 Mr. Thomas said the plan meets the requirements of the ARB including minimum lot  
93 size, tract size, setbacks, etc. Exhibit C shows the minimum rear setback of 36.5'.

94  
95 Mr. Thomas said exhibits F1 and F3 show that hotel 6, facing 36/37, has been revised.  
96 There was a discussion at the ARB meeting that any building that faces 36/37 has to look  
97 like the front of a building. The ARB had been concerned about blank wall spaces.  
98 Elements have been added including shutters.

99  
100 Mr. Thomas said they are extending the water lines to this site, as there current is no  
101 service to the site.

102  
103 BZC Consideration

104  
105 Mr. Goshia asked whether this application had been before the township in the past. It  
106 was verified that this was the first time. He asked whether the proposal met the mission  
107 statement of Berlin Township for being a rural area. Mr. Goshia said many trees would  
108 be removed. He asked when development would begin. Mr. Thomas said it would begin  
109 immediately upon approval.

110

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111 Mr. Thomas said the development has been moved away from the right-of-way and  
112 fronted the buildings on the new rights-of-way. They are staying outside the work limits  
113 of the future parkway.

114

115 Mr. Goshia asked whether the stormwater provisions were created to handle a 99-year  
116 flood. Mr. Thomas said the design engineer has submitted the specifications to the  
117 Delaware County Engineer, via a stormwater manual that will contain all of the necessary  
118 requirements and calculations. That has all been approved, he said.

119

120 Mr. Faris said this is a permitted use on this property. Mr. Thomas said a rezoning is not  
121 being requested; this is requested under the Berlin Business Park (Berlin Business Park)  
122 overlay, and this is an administrative review process. All requirements have been met and  
123 no variances requested. They have worked with the Delaware County Prosecutor's office  
124 to ensure that the residential hotel qualifies for the BBP. They did this prior to  
125 purchasing the property.

126

127 Mr. Goshia asked what a residential hotel is. Mr. Thomas said a license must be obtained  
128 from the State of Ohio. It is built to the standards of a commercial structure and must  
129 have extra inspections by the state fire marshal, and there are additional requirements.  
130 There are higher standards for the construction of the building itself including firewalls  
131 and ceilings, fire-rated exits, fire alarms, exterior fire extinguishers, exterior connections  
132 to the buildings for fire suppression, etc. This meets the same standards as any other  
133 residential hotel. The minimum stay is 30 days at this hotel, he noted.

134

135 Mr. Thomas said they market their hotels to people on short-term work assignments.  
136 This comes with amenities apartments do not have, including linen services, furnished  
137 suites, concierge services, etc. They have been developing in Central Ohio since 1964,  
138 and have been doing residential hotels since the early 1990's.

139

140 Mr. Goshia asked what the difference between this and an apartment. Mr. Thomas said  
141 they try to make it more "homey," with a residential feel. There are more residential  
142 amenities for clients such as a pool, lobby, dog park, etc.

143

144 Ms. Kaplan asked about amenities. Mr. Thomas said each amenity is available at a cost.  
145 All units are ADA-accessible. There are twice the number of fire exits as a hotel would  
146 have. There is no food or restaurant service available.

147

148 Ms. Kaplan asked what the monthly cost would be. Mr. Thomas said it would range  
149 from \$1,400 to 3,500, with an average of \$2,200 per month. Utilities are not included  
150 and are established with the utility provider.

151

152 Ms. Kaplan asked if there would be any impact on the school district. Mr. Thomas said  
153 that there is sometimes, while people are building their homes. He works with the school  
154 districts in advance of the request.

155

156 Ms. Kaplan said the data for the traffic study came from 2018, and the county has grown  
157 a lot since then. Mr. Thomas said they work with the growth rates from MORPC, which  
158 are standardized. That ensures the infrastructure, roadways, accesses etc. are built to the  
159 10-year growth rate. Ms. Kaplan said she was concerned about there not being a right  
160 turn lane, and about buses. Mr. Thomas said the parents would be responsible for  
161 providing transportation for any students to a bus stop.

162

163 Ms. Brown said she is very familiar with this type of product, which some people use  
164 when building homes. They are responsible for transporting their children.

165

166 Ms. Kaplan was concerned about the high density of the project. Mr. Thomas said there  
167 are 130 units.

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168 Steve Cuckler, an attorney with Taft, Stettinius, & Hollister, 94 Sandusky Street, said this  
169 falls under the commercial application under the BBP overlay, and any residential criteria  
170 does not apply. Ms. Kaplan asked whether the commercial development was not subject  
171 to a density calculation. Mr. Cuckler said that was correct.

172  
173 Mr. Thomas said the challenge with the overlay is the large open space requirement,  
174 although it is a nice amenity for their guests.

175  
176 Mr. DeChristopher said he is concerned with the timeline of development versus the  
177 timeline of Sunbury Parkway developing. He is concerned with the left out going  
178 westerly, which will back up as well. He would like to see restrictions on the left turns.  
179 Mr. Thomas said he is not permitted to change that, per ODOT.

180  
181 Mr. DeChristopher said he does like the new multi-use paths.

182  
183 Mr. Goshia asked whether they would be allowed to access the RCD property in the  
184 future. Mr. Thomas said they would not.

185  
186 Mr. Thomas said they are dedicating 5 acres to Sunbury.

187  
188 Mr. DeChristopher asked about the leasing terms. Mr. Thomas said guests chose their  
189 terms. Mr. DeChristopher asked whether there are amenities other than the dog park.  
190 Mr. Faris said Exhibit D2 indicates the park benches in the green space. Ms. Brown said  
191 this is indicated in D1 as well.

192  
193 Mr. DeChristopher said he likes the design and natural materials, and the fact that they  
194 over-landscaped, because it will help block the view in the future.

195  
196 Ms. Brown thanked the applicant for the updated application. She thanked them for  
197 updating building 6 to make it look more like the front of a building. She asked about the  
198 bollards for emergency access and whether the fire trucks could get around them. Mr.  
199 Thomas said they have a key to remove the bollards.

200 Ms. Brown asked about the proposed outlet onto the parkway towards the bottom. Mr.  
201 Thomas said that was just a multi-use trail, which has been added. They are not  
202 permitted access to the parkway.

203  
204 Ms. Brown said there are five wetland areas and a pond. The applicant had mentioned  
205 the 6' parking setback with a retaining wall. She asked whether it was allowing lower  
206 land. Mr. Thomas said there is a large collection of ponding with cattails and standing  
207 water in that location. He is required to preserve that area. They had to get permits to fill  
208 the pond and the other isolated wetlands from the Army Corp of Engineers and the State  
209 of Ohio EPA. They also had to purchase wetlands credits.

210  
211 Mr. Thomas explained the piping of the water offsite. The stormwater collection will be  
212 collected in a basin. The water must be filtered prior to it leaving the property. The plan  
213 meets all of the local and state requirements, he said. A silt fence is required around the  
214 community, he noted, and outlets to streams must be protected.

215  
216 Ms. Brown said there is a need for this type of development as there is no similar use in  
217 the area. Many people such as consultants in long-term projects really need housing like  
218 this, as well as people building homes. She is very comfortable with the proposal, and it  
219 meets the requirements of the BBP.

220  
221 Mr. Valentine said the speed limit is 60 MPH and anything that can be done to minimize  
222 that would be appreciated. He was concerned that the pool's location right off 36/37 was  
223 dangerous. Mr. Thomas said that was due to the open space requirement of the overlay;  
224 structures take away from that area being counted as open space.

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225 Mr. Thomas said the oversight of the pool is important as well, and that location provides  
226 for that.

227

228 Mr. Valentine said the DCRPC comments included the density of 10 units/acre, and this  
229 is 20. He understands this is a residential hotel and there are no restrictions, but it was  
230 hard to get from R-4 to R-10. They recently denied apartments that were higher than the  
231 10 units/acre density.

232

233 Mr. Thomas said he thinks the DCRPC review process is flawed, as they will not meet  
234 with the applicant prior to their meeting. There is always something that creates  
235 questions or problems that could have been addressed prior to the application. Clearly,  
236 R-10 and R-4 are permitted uses in the BBP commercial area, and there is not a  
237 residential density question here. There are other requirements such as square-footage,  
238 setbacks, open space, architectural elements, etc. There are elements that can be  
239 improved upon.

240

241 Mr. Valentine said that goes for both sides. He learned today that they submitted a letter  
242 today at 11:00 AM about this from the Delaware County Prosecutor that he was not able  
243 to review. Mr. Thomas said that information was provided to the DCRPC prior to that.



February 11, 2022

Jill Tangeman, Esq.  
52 East Gay Street  
P.O. Box 1008  
Columbus, Ohio 43216

Re: Letter of January 28, 2022 – Berlin Commercial Overlay

Dear Ms. Tangeman:

I received your letter dated January 28, 2022 regarding the Berlin Commercial Overlay zoning district ("BCO") in Berlin Township, and a proposed use of a "residential hotel" in the BCO. In your letter, you posit that a residential hotel is a permitted use in the BCO. I agree with that opinion.

As you point out, Berlin Township Zoning Resolution Section 15.03 includes hotels as a permitted use in the BCO. As you further point out, the Ohio Revised Code includes "residential hotel" under its definition of a hotel. If the proposed hotel is developed as you describe, *i.e.* meeting all of the parameters and legal requirements of a residential hotel, it appears that such a project would be a permitted use in the BCO.

I should mention that Berlin Township has not yet reached out to this office regarding such a development. I will, however, let them know of our correspondence.

Feel free to reach out if you wish to further discuss the matter.

Sincerely,

Mark W. Fowler  
Assistant Prosecuting Attorney

145 NORTH UNION STREET • P.O. BOX 9006 • DELAWARE, OHIO 43015  
(740) 833-2690 • FAX (740) 833-2689

**VORYS**

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Founded 1909

Jill S. Tangeman  
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Email jtangeman@vorys.com

January 28, 2022

Mark Fowler, Esq.  
Delaware County Prosecutor  
117 North Union Street  
Delaware, OH 43015

Re: Berlin Commercial Overlay

Dear Mr. Fowler:

I am writing to you on behalf of Land Five Ltd. to obtain confirmation of a proposed use in the recently-enacted Berlin Commercial Overlay zoning district in Berlin Township.

The proposed site is Delaware County Parcel No. 41814001005000 ("Site"), located in the Berlin Commercial Overlay zoning district. The owner seeks to develop the Site with a hotel, which is a permitted use in Section 15.03 of the Zoning Resolution. More specifically, this development will be licensed as a residential hotel, which constitutes a "hotel" or "motel" as a matter of law. *See* R.C. 3731.01(A) ("Hotel" means a . . . residential hotel."); *Golf Village N. LLC v. City of Powell*, 826 F.App'x 426, 435 (6th Cir. 2020) (concluding that a "residential hotel" constitutes a "motel" permitted within a planned commercial zoning district). Here, Section 15.03 of the Zoning Resolution broadly permits "hotels" and "motels" as a permitted use of properties within the Commercial Overlay District's PROC and COM subareas. The only exception is that casino hotels are not permitted, which is inapplicable here. It is also worth noting that the Zoning Resolution defines "hotels," "motels," and "apartment hotels" the same –to broadly include "building[s] in which lodging, or boarding and lodging, are provided and offered to the public for compensation." Zoning Resolution 4.01. A residential hotel therefore is a permitted use of the Site.

To provide you with more context about the proposed residential hotel development, the residential hotel will have guestrooms that meet "all of the transient residential occupancy features of a transient hotel in accordance with the . . . occupancy classification adopted by the board of building standards pursuant to Chapter 3781 of the Revised Code." R.C. 3731.01(A)(4). Thus, the rooms and building will be constructed in accordance with the R-1 requirements for a hotel per the Ohio Building Code. The development will also be inspected by the State Fire Marshal both

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initially and on an annual basis to ensure its construction as a hotel and that it has a sprinkler system, provides multiple points of ingress and egress, and maintains common area fire extinguishers in accordance with state law requirements for hotels. See R.C. 3731.05(A)(1). In keeping with the development's licensure as a hotel, the owner must also provide furnishings upon a guest's request (see R.C. 3731.12(D)) and will post conspicuously the price per day for a room in each such room (see R.C. 3731.16). Finally, the proposed building will also contain a lobby with a front desk for the guests' convenience, and only interior doorways will be provided to the dwelling units.

As interim lodging, the expected clientele for this residential hotel include, but are not limited to, persons on temporary work assignments or who are in need of temporary housing as a result of job relocation. Consistent with its classification under state law as a residential hotel, occupants will enter into an occupancy agreement for stays that last more than thirty days, with twelve (12) month terms being standard. It is expected that a typical occupant may well consider his or her unit to serve as a primary address. Occupants will be responsible for their own utilities as well as cable and telephone services. It is also expected that the residential hotel will be advertised in local apartment guides to market the development. None of these operational choices in any way alter the development's use or licensure under state law as a residential hotel.

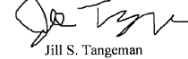
Given its proposed use and its strict adherence to all state standards applicable to its classification as a hotel (including that it have all of the transient residential occupancy features of a transient hotel in accordance with Ohio law), the proposed development is plainly permitted within the Berlin Commercial Overlay zoning district. Zoning Resolution 15.03 (expressly permitting NAICS Code 721110 "Hotels" and "Motels"). While the plain terms of the Zoning Resolution permit this use, to the extent any ambiguity exists in the Zoning Resolution, such an ambiguity must be resolved in favor of the property owner and the use of its property. *In re University Circle, Inc.*, 56 Ohio St.2d 180,184, 383 N.E.2d 139 (1978). See also, e.g., *Viviano v. City of Sandusky*, 2013-Ohio-2813 (6th Dist. Ct. App.), at ¶¶ 20-22 (use of term "transient" in zoning ordinance found to be unconstitutional restriction upon private property under void for vagueness doctrine). "Restrictions on the use of real property by ordinance, resolution or statute must be strictly construed, and the scope of the restrictions cannot be extended to include limitations not clearly prescribed." *Saunders v. Clark Cty. Zoning Dept.*, 66 Ohio St.2d 259, 261, 421 N.E.2d 152 (1981). Property limitations that are not clearly proscribed cannot stand because they "are in derogation of the common law and deprive a property owner of certain uses of his land to which he would otherwise be lawfully entitled." *Id.*

We trust this explanation resolves any questions concerning the landowners' right to develop a residential hotel on the Site as a permitted use. We would therefore appreciate you providing written confirmation that the proposed residential hotel is a permitted use in the Berlin Commercial Overlay district. Among other things, this will assist the parties in applying the correct zoning procedure throughout the course of this development's review and approval. We

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are very familiar with residential hotels and can provide you with additional detail regarding their construction, licensure, and use in the event you have any questions. Please do not hesitate to contact me if you would like to discuss this matter in greater detail.

Very truly yours,



Jill S. Tangeman

JST/jst

248 Ms. Shields said the Ravines at Meadow Ridge at apartment complex was mentioned,  
249 and she asked whether those students will attend Olentangy Schools. It was confirmed  
250 that it was. Mr. Thomas said that has been discussed by the school board and  
251 superintendent. This development will have a minimal impact on the schools. Both  
252 developments will provide property taxes in extreme measures to the local school district.  
253

254 Ms. Shields said that the speed limit is supposed to be 60 MPH between Africa Road and  
255 3 B's and K Road, which she feels is very high.  
256

257 Ms. Brown asked whether the dates are the most up to date, as she thinks they have been  
258 updated.  
259

Public Comment

260  
261  
262 Ron Sabatino, a local developer of apartments, said the applicants did not pay him to  
263 come to this meeting and speak. He said he supports this project. He said the units are  
264 smaller than the code permits, but that doesn't mean the applicant is wrong; it means the  
265 code is wrong and outdated because everybody is building apartments of the size being  
266 suggested here.  
267

268 Mr. Sabatino said regarding 10 units per acre, he has spoken with DCRPC that assessing  
269 a penalty of 15% for net density is inappropriate and they have recommended getting rid  
270 of it. In most areas, he said, 10 units to the acre means 10 units per acre. In Berlin  
271 Township, 10 means 8.5 units per acre in residential areas.  
272

273 Mr. Sabatino said most apartment communities are built at 20 units per acre, which  
274 would be 17 in this township.  
275

276 Mr. Valentine said a motion to recommend could be entertained, or they can wait for a  
277 recommendation from the county prosecutor. Mr. Thomas said the process has already  
278 been vetted with the prosecutor in January 2022. Even with the update, they still meet  
279 the criteria. Mr. Valentine said they did not see the letter prior to an hour ago and he  
280 cannot include the letter. Mr. Thomas asked whether the application could be approved

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281 with the condition that if the letter says no, it is not an approval, but if it says yes, it is an  
282 approval.  
283  
284 Ms. Kaplan said she would prefer to leave that up to the trustees. Mr. Thomas said he has  
285 spent a lot of money, over \$750,000, prior to submitting this application, and he would  
286 like to see it approved. Mr. Thomas asked whether the vote would be changed if there is  
287 more time.  
288  
289 Mr. Valentine said he did not realize that the R-10 does not mean anything in this, and it  
290 would depend on what the county prosecutor comes back and says, based upon how the  
291 request was submitted, which was new as of two weeks ago, with additional documents  
292 tonight.  
293  
294 Mr. Valentine said his biggest concerns are the parking spaces and traffic and he does not  
295 feel positive about it. Ms. Brown said in her opinion, all requirements have been met.  
296 Mr. Thomas said in February 2022, it was indicated that the letter would be provided to  
297 the township.  
298  
299 Mr. Cuckler said he reached out to assistant county prosecutor Tony Stocco because he  
300 knew this question would come up tonight, and gave him a heads up about the letter. Mr.  
301 Stocco said he was unable to attend tonight's meeting. Mr. Thomas asked to table the  
302 hearing.  
303  
304 Ms. Kaplan said that one sentence from DCRPC that caused chaos for her was regarding  
305 density: "Residential is allowed in this subarea, in many formats, qualifying as  
306 commercial/residential." She realizes this is a commercial request, not residential.  
307 However, it is a residential hotel, so that is murky. Mr. Sabatino said it was in the law.  
308 Ms. Kaplan said she understands that.  
309  
310 Mr. Thomas said they had the same discussion in Berkshire Township, including the  
311 county prosecutor and Scott Sanders, director of the DCPRC. However, "he" has an ax  
312 to grind. Mr. Thomas said that he has followed the law to a T and have met every  
313 requirement in the overlay for that reason; he did not ask for variances because that  
314 comes with different oversight. Mr. Valentine said variances cannot be granted.  
315  
316 Mr. Valentine said the zoning resolution states that the BZC can deny the application and  
317 send it to the trustees for their decision.  
318  
319 Ms. Brown said the letter from February 2022 states, "As you point out, Berlin Township  
320 Zoning Resolution section 15.03 includes hotels as permitted use in the BCO. The Ohio  
321 Revised Code includes residential hotels under its definition of a hotel. If the proposed  
322 hotel is developed as you described, i.e. meeting all the parameters and legal  
323 requirements of a residential hotel, it appears that such a project would be a permitted use  
324 in the BCO."  
325  
326 Ms. Kaplan said the density for residential got murky for her, but she understands this is  
327 not a residential zoning.  
328  
329 Mr. Thomas said the code is clear on the residential portion. Ms. Brown said that ORC  
330 calls out three types of hotels: residential, transient, and extended stay. This is not a  
331 residential use and is better described as a "long-stay hotel." She did not want the  
332 applicant to have to wait another 1.5 months.  
333  
334  
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336  
337

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**RESOLUTION 2023.06.27.A: RECOMMEND APPROVAL OF BBP 23-003**

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Ms. Brown made a motion to recommend approval to the board of township trustees of Application BBP 23-003. Mr. DeChristopher seconded the motion.  
Vote: Ms. Brown, yes; Mr. DeChristopher, yes; Goshia, no; Kaplan, no; Valentine, no.  
Motion was not carried.

Mr. Valentine said the recommendation of the BZC will go to the trustees for final consideration, with the BZC’s comments. The vote here does not mean it won’t be approved, but rather that the BZC has concerns and questions. His concerns are safety, which he said the BZC cannot use, just like they cannot use the “residential” portion of the title.

Ms. Brown said it’s not that the application does not meet the criteria; it’s that there are still questions. Mr. Valentine said issues like the location of the pool, the number of parking spaces, and safety can be considered by the trustees. He would like it to be out to Africa Road, not to 36/37, because that solves a lot of his problems. He said the applicant has done a good job.

Mr. Thomas said he had hoped for better results and he thought they had done their homework prior to submittal. Mr. Valentine and Ms. Brown said they had. Mr. Thomas said he missed the ball on some answers and would do better next time.

**AGENDA ITEM: OTHER BUSINESS**

Mr. Valentine said a master document draft of the CLUP has been provided with all changes requested made. He thanked everybody involved in the process.

Ms. Brown asked where the nursing home/rehabilitation is located. There was a brief discussion.

Mr. Valentine said the next regular BZC meeting will be on Tues., July 11, 2023 at 7:00 PM.

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

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Jerry Valentine, Chairperson

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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



**BERLIN TOWNSHIP ZONING COMMISSION (BZC)**

*OF DELAWARE COUNTY, OHIO 43015*

**REGULAR MEETING**

**TUESDAY, JUNE 27, 2023: 7:00 PM**

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

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

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