

**BERLIN TOWNSHIP ZONING COMMISSION (BZC)**

*OF DELAWARE COUNTY, OHIO 43015*

**REGULAR MEETING  
TUESDAY, JULY 12, 2022: 7:00 PM**

**CALL TO ORDER**

The meeting was held at Berlin Township Hall, 3271 Cheshire Road, and was called to order by Chairperson Steve Flaherty at 7:00 PM.

BZC members present: Chairperson Steve Flaherty, Vice-Chairperson Christina Littleton, Jerry Valentine, Darcy Kaplan, Angela Brown.

Also present: Zoning Secretary Cathy Rippel, Zoning Clerk Lisa Knapp, 1<sup>st</sup> alternate member Jenny Sloas.

Not present: Assistant Zoning Inspector Sherry Graham;

**PROOF OF PUBLICATION**

Ms. Knapp stated that this meeting was advertised in the Delaware Gazette as a regular meeting in December 2021.

**AGENDA ITEM: APPROVAL OF MINUTES**

Mr. Valentine made a motion to approve the minutes from the 6/14/22 BZC meeting, as presented. Ms. Kaplan seconded the motion.

Vote: Valentine, yes; Kaplan, yes; Brown, yes; Littleton, yes; Flaherty, abstain.

Motion carried, the minutes were approved.

**AGENDA ITEM: OTHER BUSINESS**

Phil Talbott 5700 Roesland Drive, and Norm Seese, 5650 Roesland Drive, were present. Mr. Talbott said he has been a resident of this township for over 35 years in the same house on 5 acres. The 5 acres next to him just sold to an individual and there were litigation issues. Mr. Talbott said Franklin County ended up selling the property and it went to auction and sold to the individual. Mr. Talbott said some neighbors had been thinking about buying it and dividing it up amongst themselves so no additional residential development was built.

Mr. Talbott said the individual wants to develop the property with flag parcels off Roesland Drive. Mr. Talbott said it appears there is not much he can do about it, but he is here to plead. He is trying to turn over the piece of property with really no interest or concern about the local community and it goes against the layout of the original property, which had been a dairy farm that Mr. Ro broke up into 2.5-acre properties.

Mr. Talbott said it would be nice to get a continuance on the subdivision of the property until it can be determined within the deed whether that is permitted. Mr. Ro's intent was to keep Roesland Drive a rural development with 2.5- to 5-acre parcels with low density. He said all the current residents on Roesland Drive are against this. He said the community should be able to slow this down and that the new owner just wants to make a quick buck and get out. He needs to think twice about how many homes he wants to put on the parcel.

Mr. Talbott said he is concerned about the impact on the density, septic tanks, rural appearance, and drainage. He said he could choose to subdivide his own 5-acre parcel, but the neighbors would be upset.

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53 Mr. Seese said he is looking at reasonableness to maintain the continuity of the property.  
54 Putting five, one-acre lots does not match the existing conditions.

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56 Mr. Flaherty said he would pass along the information. When the township zoning was  
57 enacted, everything was zoned FR-1 unless otherwise noted. That gives the right to the  
58 property owner to develop their property without coming to this Commission to FR-1  
59 standards. It still needs to go to the Delaware County Regional Planning Commission  
60 (DCRPC) to determine whether it fits in this area. He said the residents may wish to  
61 voice their concerns to the trustees.

62  
63 Mr. Flaherty said the deed restrictions are a matter of public record with the county  
64 auditor. He noted that they could look into putting deed restrictions on their own  
65 properties to possibly avoid this kind of situation in the future.

66  
67 Mr. Flaherty noted that the BZC would most likely not have any decision- making  
68 authority regarding the future of the property being discussed.

69  
70 Kim Trackler, 5210 Finch Lane, said she was here regarding violations in the Village of  
71 Cheshire. This was brought to the attention of the trustees at their May 8, 2022 meeting.  
72 The trustees asked her to revise the submittal and categorize the violations by parcel, so  
73 she redid the paperwork, which took her a month, and she dropped them off at the zoning  
74 office around June 9 or 10, 2022.

75  
76 Ms. Trackler said during that 60 day period, just one item on the list has been corrected.  
77 The warehouses should not have been built and there are many violations all over the  
78 property. She and others have to live there with the problems. The roads are being  
79 blocked by trucks and there is no other way to access her neighborhood. Recently, they  
80 were blocked out of their neighborhood for half an hour due to broken down trucks.  
81 Emergency vehicles could not access the neighborhood and people could not go to work.

82  
83 Ms. Trackler said she would just like to document this and she asked how to expedite this  
84 and what party should be contacted to keep this moving forward. This was brought to the  
85 original zoning inspector's attention 3 years ago prior to the warehouses being built and  
86 nothing happened.

87  
88 Mr. Flaherty said this Commission does not have any authority with this info, but they  
89 will pass along the documents and flash drive to the trustees. He noted that the trustees  
90 have only one meeting per month during the summer so somethings things take a little bit  
91 longer than residents may want.

92  
93 Mr. Flaherty said it seems that there have been some conversations with the county  
94 prosecutor regarding this. Ms. Trackler said she heard that "Jeff" came into their  
95 neighborhood and spoke to Tanner, and told him he was going to tear down the blue  
96 warehouse and build another warehouse. There are other rumors of warehouses being  
97 torn down and offices being built.

98  
99 Ms. Trackler said this area is not meant for this type of business. There are 53' tractor  
100 trailers going down a 10' wide road, which is even less wide in some places. Per the  
101 township's rules, the lots are to be paved, which they are not.

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103 Mr. Flaherty said the township has the right to enforce the zoning code and the trustees  
104 can make the decision to enforce them. Ms. Trackler said the sheriff has been called at  
105 times. There was additional discussion.

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**AGENDA ITEM: DRAFT COPY OF COMPREHENSIVE LAND USE PLAN**

109 Mr. Flaherty said the BZC has worked with Scott Sanders, director of the DCRPC, for the  
110 updating and the suggested updating of the Comprehensive Land Use Plan to incorporate  
111 mainly the business park and business overlays and general updates. These were printed  
112 out for the BZC for their review. There was a discussion. Ms. Rippel noted it was a  
113 draft.

114

115 Mr. Flaherty said a tracked changes version of the old and revised document could be  
116 requested from Mr. Sanders for easier review.

117

118 The next steps were discussed. The BZC will review the text and determine suggested  
119 updates at the next meeting on July 26, 2022.

120 There was a discussion about the CLUP survey done a couple of years ago and adding it  
121 into the document as an amendment at the next meeting.

122

123 Ms. Kaplan was concerned about high density homes being built around low-density  
124 existing homes and asked whether there was a precedent for this here.

125

126 There was a discussion about warehouses and the Old Cheshire district.

127

128 Mr. Valentine asked about the halfway house for women that he had mentioned a few  
129 meetings ago that was potentially a zoning violation. There were no updates.

130

131 Ms. Brown asked about the zoning inspector position that remains unfilled. Ms. Rippel  
132 said the position had been advertised and some resumes have been received. Mr.  
133 Flaherty noted that there is also an opening in the roads department. There is also a  
134 zoning alternate position open.

135

136 Ms. Kaplan noted she will be absent at the August 12 meeting (*note: there is no August*  
137 *12 BZC meeting*). Ms. Rippel said Jeff Beard, who is acting as zoning inspector, is  
138 reviewing the final development plan for the Maeve rezoning. He reports back to Ms.  
139 Graham and lets her know whether she can sign off. She expects that will be completed  
140 in late August. There was additional discussion.

141

142 Ms. Rippel said she recently learned that the zoning extensions that have been approved  
143 by the BZC should have been going to the trustees after the BZC's recommendation of  
144 approval. For example, several extensions of the final development plan for The  
145 Greenery extensions have been approved over the years. Mr. Flaherty said he thought  
146 they were. Ms. Rippel said they have not been.

147

148 Ms. Rippel said the extension for the strip mall across the street was also not approved by  
149 the trustees after being recommended for approval by the BZC.

150

151 The next BZC meeting will be held on Tuesday, July 26, 2022 at 7:00 p.m.

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153 There was no further business to come before the BZC. Motion to adjourn and second.  
154 Meeting was adjourned.

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Steve Flaherty, Chairperson

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Christina Littleton, Vice-Chairperson

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Jerry Valentine, member

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Darcy Kaplan, member

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Angela Brown, member

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Jenny Sloas, 1<sup>st</sup> alternate member

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