

BERLIN TOWNSHIP ZONING COMMISSION (BZC)

OF DELAWARE COUNTY, OHIO 43015

REGULAR MEETING

TUESDAY, FEBRUARY 22, 2022: 7:00 PM

CALL TO ORDER

The meeting was held at Berlin Township Hall, 3271 Cheshire Road, and was called to order by Vice-Chairperson Christina Littleton at 7:00 PM.

BZC members present: Vice-Chairperson Christina Littleton, Darcy Kaplan, Angela Brown, 1st BZC alternate BZC member Jenny Sloas (seated), 2nd BZC alternate Sherry Graham (seated).

Also present: Zoning Inspector David Loveless, Zoning Secretary Cathy Rippel, Zoning Clerk Lisa Knapp.

Not present: BZC members Jerry Valentine and Chairperson Steve Flaherty

PROOF OF PUBLICATION

Ms. Knapp stated that the meeting was advertised on February 2, 2022 in the Delaware Gazette.

AGENDA ITEM: APPROVAL OF MINUTES

Ms. Kaplan made a motion to approve the minutes from the 2/8/22 BZC meeting, as presented with the deletion of Mr. Valentine as being present on line 7. Ms. Sloas seconded the motion.

Vote: Kaplan, yes; Sloas, yes; Graham, yes; Brown, abstain; Littleton, yes.

Motion carried, minutes were approved.

AGENDA ITEM: BZC 22-001 OPTEK, INC., THE VILLAS AT CHESHIRE RIDGE

BZC 22-001 filed by OPTEK, Inc. request to rezone ±12.75 acres from Planned Commercial District to Transitional Planned Unit Development at 5229 Cheshire Road, Galena, for 32 units of detached condominiums in an age restricted residential community known as The Villas at Cheshire Ridge.

Charles Driscoll, with The Edwards Land Company, and an assistant, presented the application and answered questions.

Mr. Driscoll said his company has been building thousands of homes in Central Ohio for the past 60 years. He is requesting approval for 32 patio homes on Cheshire Road in between Africa Road and Double Eagle Golf Club. The plan is similar to that shown during the informal hearing meeting on October 26, 202.

Mr. Driscoll said there are a few houses and apartments on the north side of Cheshire Road, and one retail building beside the site. The retail building is part of the 12.75 acres, but he is only requesting to rezone 11 acres. On the south side is some small retail businesses, and farm fields across Cheshire Road, and Double Eagle is to the east. To the north of the site is Alum Creek reservoir.

The site is open in the middle. The preliminary development plan shows 32 lots on 11 acres, which is a density of 2.98 units per acre with 28% open space. He is requesting a patio home neighborhood for ages 55+ buyers and age restriction language will be added to the deed restrictions.

Mr. Driscoll said the lots are around 55' by 110' with private courtyards on the sides of the homes, with a price range of over \$500,000. Each unit will have a first floor master bedroom with an option for a second story with a bed and bath. He said the buyers will like having a restaurant across the street.

BERLIN TOWNSHIP ZONING COMMISSION (BZC)

OF DELAWARE COUNTY, OHIO 43015

REGULAR MEETING

TUESDAY, FEBRUARY 22, 2022: 7:00 PM

55 Mr. Driscoll said there are a large number of young families moving into the township,
56 but not many homes for parents and grandparents. This will fit that gap and provide new
57 home amenities. There is an entrance off of Cheshire Road and a fire access on the east
58 end.

59

60 Mr. Driscoll said there will be a neighborhood gathering building and a fire pit, and most
61 of the trees along Cheshire Road will be preserved in order to reduce the road noise. The
62 larger open spaces around the commercial building on the southwest corner of the site
63 have many trees. The fire department has asked that the leisure path to the north to
64 facilitate access to the mountain bike trail at Alum Creek as they get calls for injured
65 bikers frequently.

66

67 Mr. Driscoll said section 4 of the application includes the development text, and there are
68 only 2 divergences requested shown on page 10. The first is to request a reduction of the
69 required separation of structures to be 14' rather than 24', which is still larger than the
70 10' minimum required by the Ohio Residential Fire Code. He said the Berlin Township
71 fire department does not have a problem with the request. This allows the open space to
72 be maximized.

73

74 Mr. Driscoll said the second divergence request allows the sidewalk to be 3' behind the
75 curb instead of 5'. The street trees will continue to between the sidewalk and the house.

76

77 Mr. Driscoll said section 6 of the application includes the site plan, utility plan, and
78 landscaping plans. The landscaping plan shows a model home next to the pavilion, and
79 also shows how the sidewalk and leisure trail form a loop around the community. The
80 leisure trail will be extended to the east and west boundaries along Cheshire Road.

81

82 Mr. Driscoll said this section shows the landscaping at the entrance, and the last page
83 shows a typical unit landscaping. The outdoor living area is on the side of the units and
84 would be fenced in for privacy.

85

86 Mr. Driscoll said section 7 includes the design guidelines and the pavilion. Section 11
87 includes letters from utilities that shows they can provide service, and section 12 includes
88 the stream and wetlands report, and section 13 has the traffic study that was approved by
89 Delaware County. He said the Delaware County Regional Planning Commission has
90 recommended conditional approval of the plan, with three comments.

91

92 Mr. Driscoll said they were concerned about how street trees would live in a 3' tree lawn
93 between the streets and the sidewalks. However, the trees would not be located there.
94 They also asked that the houses be moved closer to Cheshire Road in order to have a
95 village center concept. He objects to this because most walkable building centers have a
96 25 MPH speed. Cheshire Road is 45 MPH and is planned to be 5 lanes in the future. He
97 did not think a walkable community that can cross Cheshire Road is feasible.

98

99 Mr. Driscoll said his customers would rather be next to the woods rather than out on
100 Cheshire Road. The third comment was that the Delaware County Engineer would like
101 to have the fire access on the east end of the project with full second access to Cheshire
102 Road. However, the Delaware County Engineer responded that they are not requiring a
103 second full access point.

104

105 Mr. Driscoll said the density of 2.9 units/acre is higher than allowed, but the density for
106 empty-nester neighborhoods is entirely different than single-family neighborhoods.
107 These homes typically have 1-2 people living in them instead of 3-5 in a family home.
108 His buyers generally do not drive during peak hours, which results in less stress on the
109 roads. Also, the lack of school children reduces the impact of the development on the
110 school system.

BERLIN TOWNSHIP ZONING COMMISSION (BZC)

OF DELAWARE COUNTY, OHIO 43015

REGULAR MEETING

TUESDAY, FEBRUARY 22, 2022: 7:00 PM

111 Mr. Driscoll said this site is shown as neighborhood commercial on the townships
112 comprehensive Land Use Plan. He believes that patio homes are needed much more than
113 commercial development at this location and will generate much more taxes for the
114 township and schools. At buildout, the expected tax valuation is \$16 million, which
115 would generate \$472,000 per year for the schools and township.

116
117 Mr. Driscoll said by contrast, the existing eight commercial properties paid a total of
118 \$53,000 in taxes in 2021. The patio homes would generate nearly 9 times more taxes
119 than the commercial properties do. He believes the development will help solve a need
120 within the township and is in a location that makes sense for this type of development.

121
122 BZC Consideration

123
124 Ms. Kaplan asked to clarify what the applicant meant by stating the property sits on 12
125 acres but he is only seeking rezoning of 11 acres. Mr. Driscoll said the developer is
126 purchasing 11 of the 12 acres. Ms. Kaplan said there is an existing building. Mr.
127 Driscoll said it will stay as it is not part of the purchase.

128
129 Ms. Brown said the map shows a retention pond in the back. The auditor's site shows a
130 parking pad as well. She tried to determine the actual acreage, and it seems that the
131 additional acre was included in the site, but she was not sure whether that was truly
132 developable. She wondered whether the acre was included in the density calculations,
133 and if it was, the acreage would be closer to 10, from a density perspective.

134
135 Mr. Driscoll said there is a formula for the gross and net density calculations, which are
136 2.9 and 3.94, respectively. Ms. Brown said that technically, it is just below 4 units per
137 acre, and when all 11 acres are considered, there is a green space issue that needs to be
138 discussed. Ms. Kaplan said she is not comfortable with the density calculations from the
139 developer, as they did not add up for her.

140
141 Ms. Kaplan asked whether the roads would be private and whether it would be gated.
142 Mr. Driscoll said the roads would be private and it would not be gated. Ms. Kaplan asked
143 about the age-restricted statement, which stated that a minimum of one person aged 55+
144 would need to live in each residence. However, there is no restriction on younger ages.
145 She has seen some that exclude people under the age of 20, for example.

146
147 Mr. Driscoll said he used a federal agency's definition of age-restriction.

148
149 Ms. Kaplan said that in section 7, second page regarding variances and appeals, she has
150 never seen that before and she asked what it meant. Mr. Driscoll said it was a catch-all
151 because development is not always precise. Ms. Kaplan asked for more precise density
152 calculations.

153
154 Ms. Sloas said a 10' wide trail across Cheshire Road is shown, and the applicant
155 mentioned residents liking the convenience to the restaurants across the street. She asked
156 if residents could cross over or whether they would drive over. Mr. Driscoll said the
157 speed limit is high and it may be difficult to cross.

158
159 Ms. Sloas asked whether all would be front loading garages. Mr. Driscoll said they
160 would be. Ms. Sloas said she would not move the homes closer to Cheshire Road, and
161 she does like the natural tree line and she did not want that to be disturbed.

162
163 Ms. Littleton asked why the applicant was requesting a TPUD rather than the commercial
164 that is indicated on the CLUP. Mr. Driscoll said that has been used in the township in the
165 past.

166

BERLIN TOWNSHIP ZONING COMMISSION (BZC)

OF DELAWARE COUNTY, OHIO 43015

REGULAR MEETING

TUESDAY, FEBRUARY 22, 2022: 7:00 PM

167 Ms. Littleton asked whether the property would be managed by one company, or
168 whether they would have individual owners. Mr. Driscoll said there would be individual
169 owners and a management company to manage it. There would be common areas that
170 the company maintains.

171

172 Ms. Littleton asked about the landscaping at the individual homes. The submitted photo
173 shows the patios on the side and a flower bed across, but adjacent to a neighboring
174 building. She asked whether all of that landscaping and the flowerbeds would be
175 maintained by the condo association. Mr. Driscoll said the condo association would take
176 care of all of that, with an option for residents to take care of their own flower beds. The
177 white lines shown are fences for privacy in the courtyards.

178

179 Ms. Littleton asked whether the person in the Bradbury would maintain the flowerbed
180 adjacent to next door. Mr. Driscoll said that was correct, if they want to maintain it.

181

182 Ms. Littleton asked why the applicant wanted to reduce the treelawn between the road
183 and sidewalks. Mr. Driscoll said the open space is around the outsides of the rear and
184 that would push the houses too far to the back so there was less trees, and there was no
185 reason for it because nothing is being planted between the sidewalk and the street. It
186 would provide more lawn area.

187

188 Ms. Littleton asked about the existing streams. The one on the west side seems fine, but the
189 one that comes into the northern edge at the cluster of the trees appears to have a steep
190 decline where the stream is. She asked whether that would be maintained as part of the
191 yards. Mr. Driscoll said the streams are small and dry. Ms. Littleton said they will have
192 water in them. Ms. Brown agreed.

193

194 Mr. Driscoll said that stream is at the bottom of a hill, and the cliff comes into the lots.

195 Ms. Littleton said she is worried about yards eroding down into that and she asked how
196 that would be addressed. Mr. Driscoll said that is a challenge and that they are living
197 there and it stops at the end of the houses. The fence goes between the houses.

198

199 Ms. Littleton was concerned about erosion and whether the soil would be amended. Mr.
200 Driscoll said there are heavy woods there and any issues would be resolved. Ms.
201 Littleton said there are houses near the streams. Mr. Driscoll said those lots were made to
202 be 50' deeper than the other lots to allow for the ravines.

203

204 Ms. Littleton asked whether there would be chairs provided for the fire pit at the pavilion.
205 Mr. Driscoll said he has not decided, but his most recent development did not provide
206 chairs as they tend to walk away. Ms. Littleton said she likes the concept but did not
207 think older people would want to haul camping chairs there. Mr. Driscoll said the
208 parking lot is adjacent to it.

209

210 Ms. Littleton asked what the parking spots near lot 6 were for. Mr. Driscoll said those
211 are for visitors so they don't have to park on the street. Street parking is permitted on one
212 side, he noted, as the roads are 27' wide.

213

214 Ms. Littleton asked about the landscaping along Cheshire Road. She was glad to see the
215 existing wooded areas would be maintained. The plan indicates additional plantings of
216 only shade trees. She suggested adding some evergreens and other varieties of trees for
217 more buffer and protection. She asked whether, in areas where evergreens are shown,
218 there would be a mixture of evergreens in case of disease. Mr. Driscoll said they would
219 be.

220

221 Ms. Littleton said the applicant had stated there would not be windows on the sides that
222 look onto others' patios. Mr. Driscoll said that was correct. Ms. Littleton said another

BERLIN TOWNSHIP ZONING COMMISSION (BZC)

OF DELAWARE COUNTY, OHIO 43015

REGULAR MEETING

TUESDAY, FEBRUARY 22, 2022: 7:00 PM

223 part of the text indicates that patios may encroach into the setbacks, but in another area, it
224 states it encourages that patios are screened. Mr. Driscoll said patios are between the
225 houses so he did not know what setbacks would be encroached, so that was bad wording.
226

227 Ms. Brown said the applicant is requesting a reduction from 25' to 14' between houses,
228 but the patio actually extends from the house a few feet. In reality, the distance may be
229 less than 14' and if it is screened in, it could catch on fire and spread. Mr. Driscoll said he
230 didn't know how that was different than bushes in front of or next to a home. Ms.
231 Littleton said the regulations are for houses and structures, not bushes.
232

233 Ms. Kaplan said that a screened-in porch would be a structure. Mr. Driscoll said it would
234 be considered a structure for that purpose. Ms. Littleton said Section 4, page 6 indicates
235 that patios may encroach the setbacks. Section 7, exhibit A states that screened porches
236 are encouraged on the rear or sides of the home.
237

238 Mr. Driscoll said the front porches are on the side. Ms. Littleton was concerned that the
239 screened porches could come out 10' further than the house and be screened in. Mr.
240 Driscoll said they would count as structure and would not encroach within the 14'
241 setback. Ms. Littleton asked that be clarified in the text. Ms. Brown said the wording
242 appears that the patio can receive a variance from the building setback.
243

244 Ms. Littleton asked whether the existing building that is not part of the rezoning would be
245 owned by somebody else. Mr. Driscoll said that was correct.
246

247 Ms. Littleton said the rooflines and front elevations look very similar, and of the
248 examples provided, only one looks different. Variation is important. Mr. Driscoll said
249 the initial plans indicated a certain style of gable and that was amended and hipped roofs
250 were added as well. Ms. Littleton asked for additional variation.
251

252 Ms. Brown was concerned about the overall plan and usable green space. The township
253 likes to incorporate truly usable green space. She appreciates the walking trail, but much
254 of the green space is grouped away into an area that would not really benefit the
255 residents. The point is to truly be able to utilize and the green space rather than simply
256 using it as a visual. That was discussed at the informal meeting and it has not changed.
257

258 Ms. Brown said there will be a fence that goes against the back of the structures, and that
259 is more green space behind that is not easily accessible. It does not feel as though the
260 green space has actually been incorporated through the community. It feels as though it
261 has been lumped into a few areas where it may or may not be usable. It has been bumped
262 to the side and the community has been placed on the brown area of the auditor's map.
263 She is very concerned about the erosion that could occur along the back of the homes, as
264 the topography shows a 9/20 that drops off to 9/100 at the back, which is a significant
265 drop. A large portion of the green space is located in the back and it does not benefit the
266 community.
267

268 Ms. Brown said she does like the fact that the neighborhood is protected by the trees and
269 adjacent to the state park, but the green space is not incorporated for the residents' use.
270 The residents will want to be active and doing things. The paths are not enough, and
271 residents will not want to risk crossing Cheshire Road.
272

273 Mr. Driscoll asked what she would like to add. Ms. Brown said more green space needs
274 to be pulled in, and there are too many units. The units are on top of each other. The
275 space referred to as the pavilion is actually also the mail kiosk. The pavilion was
276 suggested as a gathering space for the community, as there will not be a pool or
277 pickleball courts, unlike other communities that have space that can truly be enjoyed by
278 residents.

BERLIN TOWNSHIP ZONING COMMISSION (BZC)

OF DELAWARE COUNTY, OHIO 43015

REGULAR MEETING

TUESDAY, FEBRUARY 22, 2022: 7:00 PM

279 Ms. Brown said no dimensions were provided for the pavilion, and that will be necessary.
280 She requested a plan be provided with the dimensions and details for the pavilion area,
281 fire pit, etc. She would like to see usable green space with activity areas and places to
282 meet. Mr. Driscoll said there is a 100+ acres of woods adjacent. Ms. Brown said that is
283 not a gathering space. She would like to have a community feel within this area.
284

285 Mr. Driscoll asked whether this type of product had been approved in the past in the
286 township with more amenities than this one has, and he asked what kind of common
287 areas and amenities those had. Ms. Littleton said there were large pavilions, parks and
288 usable green space for recreation and dog walking. It was not just a path through a
289 wooded area. Ms. Brown said many of the patio home communities are so popular
290 because they have common areas.
291

292 Ms. Brown said the wording for the 14' side yard setback and screened porches needs to
293 be defined.
294

295 Ms. Brown said there is a desire for this kind of product to keep grandparents close.
296 However, there are few amenities with this development.
297

298 Ms. Graham asked about benches to relax near the walking areas. Mr. Driscoll said there
299 will be some benches. Ms. Graham said she understands the desire for the open space
300 and preserving the trees, but the houses are too densely packed in. She is also concerned
301 about the pavilion. She suggested a retaining wall around the fire pit area for natural
302 seating. She suggested removing lot 31 in order to provide more space for people to
303 move around.
304

305 Ms. Graham said she loves the fact that this is a different type of community that allows
306 for grandparents to be close to their grandchildren, and she likes the tax benefits. She
307 would like the plan to be tweaked to better accommodate the needs. She did not think the
308 fencing being in between the homes was a good idea, given that they are so densely
309 packed. Mr. Driscoll said it was for safety as well for older residents, to keep people off
310 the patios from the park and trail behind them.
311

312 Ms. Graham said regarding the mountain bike trail, that is not conducive for walking.
313 She asked whether there would there be signage warning that it is a mountain bike trail.

314 Mr. Driscoll said that signage could be provided. Ms. Brown said EMS trails are
315 typically marked as such and there is one on Sherman Road.
316

317 Ms. Graham asked whether the developer will require a certain percentage of homes will
318 be required to have the two stories with bed and bath upstairs elevation in order to
319 provide variety. Mr. Driscoll said it typically works out that way anyway, with about
320 half and half.

321 Ms. Graham asked what the timeline would be. Mr. Driscoll said it would be started in
322 the late summer.
323

324 Ms. Rippel asked whether the erosion issue would be addressed during the final
325 development plan, as well as the signage.
326

Public Comment

327
328
329 Todd Voss, 6209 Cheshire Road, representing Double Eagle Golf Club, said that in
330 theory, somebody who is 55+ could get married and have a child, and the proposed
331 homes would fit him perfectly fine. Only one person needs to be 55+, but it could be
332 younger families. He does want to be a great neighbor, but the tax numbers are off a little
333 bit, and he doesn't think the \$53,000 quoted is correct.
334

BERLIN TOWNSHIP ZONING COMMISSION (BZC)

OF DELAWARE COUNTY, OHIO 43015

REGULAR MEETING

TUESDAY, FEBRUARY 22, 2022: 7:00 PM

335 James Zaiser, 5205 Cheshire Road, said there is a flood zone that will put the water into
336 his backyard, eroding his driveway. There is a flood zone all the way to the lake. The
337 developers need to be held to the standards. He said there is no way the flooding will be
338 stopped, and he already has an issue with ponding.

339

340 Mr. Driscoll said the water would be controlled by engineering.

341

342 Ms. Littleton said regarding the dry creek bed, during large storm events, they can flood
343 and become dangerous. She said the Army Corp of Engineers controls most of those
344 ravines, and they are allowed to back them up to Alum Creek, and they get full very fast.
345 Dan said he has never seen that creek bed dry.

346

347 Susan Boisvert, 3560 Berlin Station, asked whether there had been an environmental
348 impact study done on the effect on Alum Creek and the associated stress for the
349 construction phase of the project. Mr. Driscoll said the engineering has not been done yet
350 as this is the zoning phase.

351

352 Ms. Boisvert asked whether there would be an emphasis on using native trees, bushes and
353 shrubs, as opposed to non-native species. Ms. Littleton said there is a list of acceptable
354 trees.

355

356 Jacob Rinehart, 5256 Finch Lane, said she did not see a need for this high-density
357 housing in this area. This whole area is getting developed. That is one of the only areas
358 left for commercial business to expand into and she sees this area as more of a use for
359 investment for small businesses because this is a prime tourist area. She would like to
360 see the area used for shops, cafes or family entertainment uses.

361

362 Don Mann, 5110 Cheshire Road, asked how traffic would be handled outside of the
363 residents who don't drive much.

364

365 Mr. Driscoll said they are anticipating 70 ins and outs during rush hour.

366

367 Kim Trackler, 5210 Finch Lane, said kids will live at the development, regardless of age
368 restrictions. 55 is not too old to have children. Her neighborhood is 21 homes on around
369 9-10 acres with sidewalks. It has a gathering area and everybody walks their dogs and
370 meet and they all know each other by name, so it is a nice neighborhood. The
371 commercial area has been taken over by warehouses that should not have been put in.
372 Now there is no place for any other businesses in that area.

373

374 Ms. Trackler said her neighborhood does meet the 25' separation between houses. She
375 asked whether a variance was necessary to get the 14' feet. Ms. Littleton said that was
376 correct. Ms. Trackler asked why they would grant that exception. That rule is in place
377 for a reason. Ms. Brown said a decision has not been made yet.'

378

379 Ms. Trackler asked how large the homes would be. Mr. Driscoll said it was a 1850 SF
380 for a single-story, and 2570 SF for a two-story. Ms. Trackler said that was the size of a
381 standard house for a half-million dollar home. Out of the 21 homes, the residents are
382 aged 55+ and the rest have kids and a couple are single people. The smallest house is
383 1564 SF, and hers is 2200 SF, so the proposed units are larger than that. Her house is the
384 largest in the neighborhood.

385

386 Mr. Rinehart said that there's been a lot of residential development being built, but there
387 is not an area for the residents of Berlin Township to interact with each other. Everybody
388 is going to be isolated.

389

BERLIN TOWNSHIP ZONING COMMISSION (BZC)

OF DELAWARE COUNTY, OHIO 43015

REGULAR MEETING

TUESDAY, FEBRUARY 22, 2022: 7:00 PM

390 Don Zeiser, 5190 Cheshire Road, said the density is way too high. He is over 55 years
391 old but when he downsizes he would like a place that has a community house he could
392 rent for a gathering. When he's 60 or 70 he is not going to be walking a mile but plans to
393 socialize.

394

395 Jamie Boudinot, 3686 Messing Court, said she owns property at 2526 Curve Road as
396 well. She asked whether the developer has any existing communities in the area that are
397 similar to this. Mr. Driscoll said there is one on Avery Road called Villas at Castleton.
398 Ms. Boudinot asked how many miles of road the community would have. Mr. Driscoll
399 said it was about half a mile.

400

401 Ms. Boudinot said if each home was 1800 SF, that would be 57,000 SF and the road
402 would be another 71,000 SF, which was about 128,000 SF of area that would have runoff
403 and she was concerned that it would not be absorbed and redirected properly. She asked
404 whether the retention pond had been engineered to handle all of that runoff, and whether
405 chemicals from the surfaces would be handled.

406

407 Ms. Boudinot asked how many units would be built if the development adhered to the 25'
408 required separation between structures, and asked that be taken into consideration.

409

410 Ms. Weber asked how the private road would be maintained and who would do the snow
411 removal. Mr. Driscoll said it would be a management company.

412

413 Mike Hasson, 5210 Finch Lane, said Cheshire Road will be expanded in the future, and
414 he asked who would be giving up the right-of-way. He suspected it would be the people
415 on the south side of Cheshire Road, as this was being built up alongside the road. \

416

417 Mr. Hasson was concerned that the 55+ designation would not prevent younger people
418 from living there, and also about the requested divergences. The residents are tired of it,
419 the area is becoming overpopulated, and there is no rural charm. The traffic is terrible in
420 the area and the traffic speed is dangerous.

421

422 Ms. Littleton said that she was also concerned about variances, and that was one of the
423 reasons why she joined the BZC. Typically, a developer will add amenities to help make
424 up for such requests. She asked the applicant to consider that. There are also density
425 concerns, and the side yard setbacks are small. She suggested that the applicant take a
426 second look at this.

427

428 Ms. Sloas said even with the extra parking spaces, it would be tight with 14' in between
429 homes.

430

431 Mr. Voss asked whether the site has all of its utilities. Mr. Driscoll said water and gas
432 would need to be brought in from the Double Eagle Golf Club site.

433

434 Ms. Trackler said it is her understanding that another person is interested in building 6-7
435 homes on the site. Ms. Littleton said there was an informal meeting with another group.

436

437 Tara Shield, 5222 Finch Lane, said the mentioned amenities in exchange for the
438 divergences would not benefit the other residents in the area. Ms. Littleton said that was
439 a good point as the two recent developments that were approved had parks that were
440 accessible by the community. Ms. Sloas noted that there was a lot of negotiation for
441 those variances, and what was requested was not what was approved. The BZC did not
442 just cave to the original request.

443

444 Ms. Shield said her home is 1500 SF and she has two kids living with her. Now there
445 will be more impact to the school system. Ms. Sloas said zoning does not address the

BERLIN TOWNSHIP ZONING COMMISSION (BZC)

OF DELAWARE COUNTY, OHIO 43015

REGULAR MEETING

TUESDAY, FEBRUARY 22, 2022: 7:00 PM

446 number of kids in a home. Ms. Littleton said the age restriction language is set by Ohio
447 Revised Code. Ms. Shield said there is no guarantee there will not kids there. Mr.
448 Driscoll said it is easily observable that there is maybe one kid at the most at these types
449 of communities. Ms. Shield said that is not guaranteed.

450

451 Mr. Hasson said he was told Johnnycake Corners was to be an empty-nester
452 development, but that is not true at all as they are huge homes with many kids. The
453 impact could be severe. Ms. Rippel said that development was applied for as a regular
454 single-family development.

455

456 The assistant said it is a requirement that the development has to provide proof of age
457 every year to HUD to maintain the age restrictions. That will assure that it meets the
458 standard, and it will be in the deed restrictions.

459

460 Mr. Zeiser asked what the age restrictions would be. The assistant said the language is
461 that one person over age 55 in 80% of the development, and it would be marketed as an
462 age-restricted community. Mr. Z said 15 kids could live in one of the unites.

463

464 Ms. Trackler asked what the point of advertising this as an age-restricted community and
465 how it benefits the developer. Mr. Driscoll said it is a different kind of development and
466 there will be fewer trips in and out so no turn lane will be required. Mr. Driscoll said he
467 has done this before, and there might be one child out of 40 homes, and that was not age-
468 restricted. It is not a development that's designed for children.

469

470 Steve Flaherty commented via Zoom, said there is a benefit for this product in the
471 township, and it comes down to location location location. He did not feel that this is the
472 best fit for the product in this location. The Cheshire area is designed to be old-town and
473 the rural core of the area with small businesses and housing.

474

475 Mr. Flaherty said there are empty-nester neighborhoods that were not age-restricted but
476 they included amenities. This is an attempt to cram a bunch of properties into a small
477 area that is not set up for this product. TPUD may be appropriate here, but this may not
478 be the appropriate place for this kind of project. The purpose of TPUD is to transition
479 from other buffers of zoning to the rural core. This is throwing TPUD right into the rural
480 core, and this is more of the single-family home, small businesses, or perhaps a mixed up
481 design product, but not a cluster neighborhood.

482 Mr. Flaherty said the Village of Cheshire is designed to be a small, walkable community.
483 He sees this as a fit here but most likely in the business park, in the transition area,
484 buffering the large commercial and high densities before the rural core.

485

486 Ms. Kaplan said the applicant is requesting transitional zoning, but they are all struggling
487 with the question of, where is the transition? She is having difficulty envisioning that in
488 that space because there is a huge park to the north, the Village of Cheshire is across the
489 street with small businesses and a community feel, and this is a rural area.

490

491 Mr. Driscoll asked what she expected to be built across the street where the big fields are.
492 Ms. Kaplan said that was zoned commercial and it will provide community gathering
493 space and to improve the tax based. Mr. Driscoll said the property across the street is 100
494 acres and this could be transitional for that use, which could be residential. Ms. Kaplan
495 said it could be broken up or a multi-use. To place a high-density environment in this
496 space is very jarring to her. She appreciates the extra green space, but the homes are
497 jammed together. The green space does not appear to benefit anybody. She does not like
498 the 14' separation of structures. There also are not enough amenities.

499

500 Ms. Sloas said 14' separation is too dense for her, and she suggested taking out some of
501 the units and putting some usable green space in.

BERLIN TOWNSHIP ZONING COMMISSION (BZC)

OF DELAWARE COUNTY, OHIO 43015

REGULAR MEETING

TUESDAY, FEBRUARY 22, 2022: 7:00 PM

502 Ms. Littleton said she supports all of the comments so far.
503
504 Ms. Brown said the majority off the green space is not usable, and no amenities have
505 been provided.
506
507 This development does not reflect the rural core of the township.
508
509 Mr. Driscoll asked that the application be tabled. There was a discussion about the
510 timing of the meeting.
511
512 Amy Torrey-Rinehart, 5256 Finch Lane, asked whether the citizens can vote on a
513 rezoning. Ms. Brown said after the trustees approve an application, it is subject to a
514 referendum by the residents.
515
516 Mr. Voss asked what the densest development was in this area. Ms. Kaplan said it was
517 Evans Farm.
518
519 Ms. Trackler asked whether the township was still considering the developer who came
520 in a few months ago to discuss 6 homes with a community garden and farmland. Ms.
521 Sloas said the BZC is not here to decide who gets the land. They are here to discuss
522 applications that are filed.
523
524 Ms. Littleton said only informal meetings were held regarding the other possible
525 developer.
526
527 Ms. Littleton made a motion to table BZC 22-001 to April 12, 2022 at 7:00 P.M. Ms.
528 Brown seconded the motion.
529 Vote: Littleton, yes; Brown, yes; Sloas, yes; Graham, yes; Kaplan, yes. Motion carried.
530
531 Ms. Rippel asked that the revised application be provided two weeks in advance of the
532 meeting.
533
534 Ms. Littleton said the next regular BZC meeting would be on Tuesday, March 8, 2022 at
535 7:00 PM. Discussions will be held with Scott Sanders, executive director of the
536 Delaware County Regional Planning Commission to discuss updating the CLUP.
537
538 There was no further business to come before the BZC. Motion to adjourn and second.
539 Meeting was adjourned.
540
541
542
543 _____
Steve Flaherty, Chairperson
544
545
546 _____
Christina Littleton, Vice-Chairperson
547
548
549
550 _____
Jerry Valentine, member
551
552
553
554 _____
Darcy Kaplan, member
555
556
557

BERLIN TOWNSHIP ZONING COMMISSION (BZC)

OF DELAWARE COUNTY, OHIO 43015

REGULAR MEETING

TUESDAY, FEBRUARY 22, 2022: 7:00 PM

558
559
560
561
562
563
564
565
566
567
568
569
570
571
572
573
574
575
576

Angela Brown, member

Jenny Sloas, 1st alternate member

Sherry Graham, 2nd alternate member

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