

BERLIN TOWNSHIP ZONING COMMISSION (BZC)

OF DELAWARE COUNTY, OHIO 43015

**REGULAR MEETING
TUESDAY, APRIL 27, 2021 7:00 PM**

1 This meeting was held virtually.
2

3 **CALL TO ORDER**
4

5 The meeting was called to order by Chairperson Steve Flaherty at 7:00 PM.
6

7 Mr. Flaherty led meeting attendees in the pledge of allegiance.
8

9 BZC members present: Chairperson Steve Flaherty, Vice-Chairperson Jerry Valentine,
10 Darcy Kaplan, Martin Johnson, 1st alternate Christina Littleton (seated), 2nd alternate
11 Angela Brown.

12 Not present: BZC member Mike Bardash

13 Also present: Zoning Inspector David Loveless, Zoning Clerk Lisa Knapp, Zoning
14 Secretary Cathy Rippel.
15

16 Mr. Flaherty reviewed the adopted policy of the BZC, and noted that public comments
17 are limited to three minutes per person. He reviewed the procedures for this hearing. He
18 noted that public comment can be taken via the zoom link on the township website.

19 **AGENDA ITEM: APPROVAL OF MINUTES**

20 Mr. Flaherty made a motion to approve the minutes from the 4/13/21 BZC meeting as
21 presented. Mr. Valentine seconded the motion.

22 Vote: Flaherty, yes; Valentine, yes; Kaplan, yes; Johnson, yes; Littleton, yes.

23 Motion carried, minutes were approved.

24 **AGENDA ITEM:**

25 Mr. Flaherty stated this was an informal meeting with Metro Development. Metro had an
26 approved plan for a subdivision now known as Berlin Village and then came back last
27 year requesting amendments to the plan. The BZC requested clarification of several
28 items. Since then, Metro has met with community organizations in the township and
29 received feedback from the community. This is just an informal discussion, and no
30 decisions will be made at this meeting.
31

32 Todd Faris, with Faris Planning and Design, and Joe Thomas, with Metro Development,
33 presented the information. Mr. Faris said Metro had a couple of meetings with one of the
34 township groups and got feedback based on plans Metro had presented several months
35 ago. They asked what the township residents would see as being a positive in order to
36 move forward with changes in these developments. #1 was fewer lots, #2 was a variety
37 of lots to have a transition from smaller to larger, and #3 to provide true community
38 amenities.

39 Mr. Faris said the residents told him they could see what the developers were doing for
40 themselves, but wanted to know what they would do for the township as a whole. The
41 organized, active exterior spaces were seen as desirable amenities for the residents.
42

43 Mr. Faris said he did not know how many comments were actually received from
44 surrounding residents, but there were some that stated, if he remembers correctly, that
45 “this looks like it’s headed in the right direction, we appreciate that.”
46

47 Mr. Faris said he sent the plans to Ms. Rippel and he believed they were received by the
48 BZC last week. He wants to get valuable input from the BZC. He would review Berlin
49 Bluffs first, as that is the most complicated and has the most impact on the surrounding
50 residential properties. He said he has reviewed verification from the county that they
51 would allow a full-service curb cut from the south, as long as it was a certain distance
52 east of the roundabout, so he has moved that to a location that is feasible and further
53 away from Mary Brown’s house, which should make her “ecstatic.”
54

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55 Mr. Faris said what happens in the open spaces was discussed. He discussed an active,
56 organized space, as well as a centralized open space that is accessible to the entire
57 township population. He pointed out an area in the center where there had been a road
58 connection to Berlin Manor. There are plenty of connections to Berlin Manor, so he
59 omitted that connection and made it the focus of a green space, which was more useful to
60 the township than another road. It would also allow Berlin Manor to have access to the
61 park; the roadway would be extended across the ditch and a parking area would be
62 created. There would be a seating area and tot lot, and the pathways would be organized
63 around the pond.

64
65 Mr. Faris said lots were reduced in that area as well. This will be a centralized place
66 where people can congregate. South of that is a ditch that goes through the development,
67 which he pointed out on the rendering. There were originally lots in that area, but there
68 were so few lots that it didn't make sense for that roadway connection to go across. It
69 was changed to a meadow preserve area, and the connection to the south becomes more a
70 formalized open space where people could get together for a soccer game, etc. Fencing
71 and mounding would be provided so it would not visually impact the neighbors and
72 people would not wander that way.

73
74 Mr. Faris said the number of lots was reduced from the last time to 94, although that still
75 exceeds the zoned plan and CLUP (Comprehensive Land Use Plan), with the gross
76 density at 1.73 units/acre and net density at 2.04. However, there is a considerable
77 amount of open space, and the open space will be activated so it is an amenity for all.
78 This will create amenities that the township residents have requested.

79
80 Mr. Faris reviewed Maeve Meadows. Larger lots are backed up towards the existing
81 residences, and there are varied lot sizes. The pond area has been organized with
82 pathways, as well as an open space along Piatt Road, which would have a tot lot and
83 fencing. It would be more of a public open space in that location, and would then
84 become a community asset with enhanced amenities.

85
86 Mr. Faris said the lot count was reduced from the last time, but is more than what was
87 approved in the plan in order to accommodate the amenities, with 1.8 units/acre gross
88 density with a net density of 2.12 acres/unit. The open space would be 45%, which is
89 greater than the required 20%.

90
91 Mr. Faris said the themes of these two subdivisions is similar, with community open
92 space, varied lot sizes, and more lots than approved in the existing zoning. He believes
93 the community activity area and the programming of those help offset the increase in lots,
94 and these community areas can be installed and maintained within the subdivisions
95 because there is enough critical mass to do that.

96
97 Mr. Faris said he went over several items regarding sales in this area that are interesting
98 and should play into these conversations.

99
100 Mr. Valentine asked how many lots there were before they were increased in this
101 proposal. Mr. Faris said Berlin Bluffs is currently zoned for 57 lots, and 94 lots are
102 proposed. Maeve Meadows is currently zoned for 30 lots, and 43 are proposed in this
103 plan.

104
105 Mr. Valentine asked whether that is substantial. Mr. Faris said it is not just an additional
106 couple of lots, and he agreed with that.

107
108 Mr. Thomas said he has had these lots zoned for some time, and has made every attempt
109 to sell these lots to homeowners including M/I Homes, Schottenstein Homes and Virginia
110 Homes. These builders have informed him that the lot sizes equate to too high of a price
111 for this area. He met with Ms. Littleton and Ms. Brown to discuss the issues, who had
112 also discussed it with the residents.

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113 Mr. Thomas said they are trying to achieve a median sales price of \$400,000. The
114 neighborhoods surrounding these include Howard Farms, which has two sections platted
115 and zero closings to date. They have one section with 19 lots and another with 26 lots.
116 He does not want to duplicate that.

117

118 Mr. Thomas said Berlin Manor Section 1 is 34 lots and they have closed 23 to date since
119 October 2018, which is 1.5 closings per month with an average sales price of \$561,000.
120 They skipped Section 2 and are developing Section 3, plotted in Feb. 2021, which has 40
121 lots with zero closings to date.

122

123 Mr. Thomas said in Glenmead, the oldest subdivision north of this, the first phase was
124 platted in March 2017 with 9 lots, and they have only sold 4 to date with an average price
125 of \$490,000. Glenmead section 1B has 31 lots that were platted in December 2017; they
126 have sold 20 lots to date with an average sales price of \$481,979 per lot.

127

128 Mr. Thomas said he spoke with M/I Homes recently regarding their success with The
129 Pines subdivision, and they tried to achieve an average sales price of \$400,000. With the
130 help of Ms. Brown and Ms. Littleton, he started looking at these lots from a holistic view.
131 Glenmead is to the north of Berlin Bluffs, so the largest lots with greater setbacks in
132 Berlin Bluffs were located there. That respects the value and features of Glenmead and
133 there will be a higher sales price with larger lots. Towards the center would be smaller
134 homes with lower prices.

135

136 Mr. Thomas said many of the developments around here do not have much active open
137 space, which is an amenity for current and new residents in Berlin Township. The
138 density would be a tradeoff for the type of environment he is trying to create. These will
139 be young, first-time homebuyers with young children who want the amenities being
140 proposed. All of these amenities will be accessible by multi-use paths throughout, so the
141 homeowners can walk to the parks.

142

143 Mr. Thomas said Ms. Brown had expressed concerns about a driveway too close to her
144 property. The Delaware County engineer's office was able to work with them to get the
145 street connection onto Cheshire Road to be located further to the west from Ms. Brown's
146 house, which also moved homes and backyards away from her.

147

148 Mr. Thomas said he is trying to achieve a certain sales price for the home. He
149 understands there is a strata in the real estate environment where just a small percentage
150 of buyers can buy homes \$500,000 and above. A larger percentage can afford homes
151 with an average sales price of \$400,000. There would also be empty-nesters as ranch
152 homes are available.

153

154 Mr. Thomas said this would be a progressive site with larger lots adjacent to exterior
155 parcels, and the smaller lots would be adjacent to active and open areas.

156

Commission Consideration

157

158
159 Mr. Flaherty said a path is shown along Cheshire Road on the rendering that connects
160 into the oval and crosses an existing property. He asked whether that is something that is
161 agreed upon by the current property owner and the developer would construct or whether
162 it was just there for illustration purposes. Mr. Faris said it was probably just for
163 illustrative purpose. During the original zoning, he had planned to approach the owner
164 for an easement across there, but the owner has since moved, and he did not know
165 whether an easement has been provided.

166

167 Mr. Thomas said his intent was to build the path if that property owner would provide an
168 easement. He said it can be difficult to obtain easements for multi-use trails along road
169 frontages due to existing lots and no future development planned for those lots. He

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170 would make every effort to obtain an easement and build that path that at some point
171 would hopefully connect throughout Berlin Township.

172
173 Mr. Flaherty asked how large the parking lot near the shelter would be. Mr. Faris said it
174 would be 10-15 cars with 5-6 on each side.

175
176 Ms. Kaplan asked whether Berlin Village was known prior as Berlin Bluffs. Mr. Faris
177 said Berlin Bluffs was Eaststone Crossing, and Maeve Meadows was Southwoods. Ms.
178 Kaplan said it was approved originally for 57 lots, and she asked whether that was R-2 or
179 R-3. Mr. Faris was not certain. Ms. Kaplan said she thought it was R-2.

180
181 Ms. Kaplan asked what the net density of the original approval was. Mr. Faris said it was
182 1.24. Ms. Kaplan said this request is substantial. It concerns her because this property
183 went through the original zoning property with input from residents and neighbors, and
184 that has lost its momentum. She did not think the BZC could change an R-2 without the
185 development starting over with a new application. She did not like that precedent.

186
187 Mr. Faris said if that is the direction that needs to be taken, he was not opposed to doing
188 that, and he could have a conversation with the county prosecutor and his zoning
189 attorney. Mr. Flaherty said he would need to get clarification on that. He believed it
190 would be considered a major deviation by the trustees, and then be sent to the BZC.

191
192 Ms. Kaplan said she likes the layout, but the plan is a major deviation, in her opinion.

193
194 Mr. Johnson did not have additional comments.

195
196 Mr. Faris asked whether the concern was density or lot sizes, or both. Mr. Johnson and
197 Ms. Kaplan said it was both. Ms. Kaplan said it does not comply with the R-2 or R-3.
198 Mr. Faris said she was correct, and divergences had been requested. Ms. Kaplan said the
199 property is in the heart of the township, where the BZC is attempting to keep the density
200 lower.

201
202 Ms. Littleton asked what the densities were for the surrounding developments, which
203 were provided with the initial zoning change. Mr. Faris said divergences were requested
204 for lot sizes from the required 20,000+ SF minimum, lot frontage, and side and rear yard
205 setbacks, but a divergence for density was not requested. It was probably 1.25 units/acre
206 net density.

207
208 Mr. Valentine said some of those lots are under 8,000 SF versus the approved lots, which
209 were more in the 15,000-16,000 SF range. They would essentially be city-sized lots.
210 The surrounding area is one acre. The original zoning was a reasonable step-down, but
211 the proposal does not match anything that is close.

212
213 Ms. Littleton said she was asking about the densities of other areas such as Berlin Manor,
214 Glenmead, Howard Farms, Piatt Preserve, etc. Ms. Brown said the lots in Glenmead are
215 closer to half to $\frac{3}{4}$ of an acre, so substantially less. Mr. Faris said Glenmead and Berlin
216 Manor are probably in same zoning category as the R-2. Mr. Thomas said proposed are
217 the same as Berlin Manor and Glenmead, as far as lot sizes before. Maeve Meadows was
218 the same at R-3, so they all compiled with the R-2 and R-3 standards as the surrounding
219 developments.

220
221 Mr. Thomas said his concern is more of the same. He knows the BZC is concerned about
222 city lots, more density, and smaller lot sizes. The larger lot sizes are not in demand in
223 this area per the status of the surrounding development. He is trying to bring a product to
224 Berlin Township that has all the amenities residents want. The average home size
225 averages 2,200 SF, regardless of the lot size. He is trying to achieve something that does
226 not exist.

227

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228 Mr. Thomas said this is a constant challenge in the market in Southern Delaware County,
229 as he cannot achieve many of the density and lot sizes that he used to achieve in the past.
230 The dynamics of the market have changed tremendously. There are just 1,500 homes on
231 the market in Central Ohio in 10 counties, which is the lowest in recent history, as there
232 are usually 3,500-5,000 homes on the market at any given time.
233

234 Mr. Thomas said there has been an increase in population in Central Ohio, and a demand
235 for more housing in Central Ohio. That is one of the challenges they have as builders,
236 and new home buyers are also suffering the same consequences because the list price is
237 typically increased ultimately by 10-20% due to the lack of inventory. He as a
238 homebuilder is trying to adjust to it and is consistently looking at ways to not give away
239 quality, but going more toward the type of homes new homebuyers are looking for. They
240 are looking for manageable home and lot sizes as well as amenities, and he was trying to
241 achieve both here, including trying to achieve more lots to at a lower sales price, and also
242 provide more open space and more amenities.
243

244 Ms. Brown said she wants to compare this with what she is seeing across 36/37 in
245 Berkshire Township. Those are small lots; she just did a measurement on an M/I Homes
246 lot, and it is 40' by 82', which is .19 acres. That is a fairly consistent lot size, and the
247 homes are from 1800-2400 SF. She asked what the dimensions of the smaller lots in the
248 Berlin Bluffs development, shown in lighter green.
249

250 Mr. Faris said the smallest lot size was 57' by 130', next up is 62' which accommodates
251 the same as the smallest lot but allows for a third car garage, and the next sizes up are 75'
252 and 80'. He said the 40' lot is a newer lot size by M/I Homes, and they are doing that
253 over in Liberty Township as well. Ms. Brown said they are good, but they are smaller
254 floor plans and one cannot have a three-car garage. She is happy that they are deeper
255 lots, because one of the biggest complaints that she is hearing from the market is that
256 once a house is put on the smaller lots, there is no backyard. The depths of the existing
257 lots are 80' versus the proposed 130' long deep lots, and the 130' is a benefit.
258

259 Ms. Brown said she is not happy either with the increase in lots from 57 to 97, but she
260 does like the green space. She wishes the lot sizes were larger, but the large lots
261 proposed are close to 1/3 and 1/4 acre. She did not want homes of bad quality to be built
262 here or to be barely started and sit empty because the homes are not selling. That does
263 not look good for anybody. She would be fine with the proposed lot sizes with smaller
264 homes, but not 2,800-3,000 SF. She said that overall, this is a major deviation and it
265 would probably be best to go through that process so people are not upset.
266

267 Mr. Faris said it was sent back as a major deviation already, and they are working
268 through that.
269

270 Mr. Valentine said Mr. Johnson worked for a year on the CLUP and major changes to the
271 zoning resolution, which is what governs Berlin Township. With this proposal, why even
272 bother to have the CLUP and zoning resolution, because this is at best Evans Farm,
273 which is not what any of the current Berlin Township residents have stated they want for
274 the township? The existing zoning was stretching it, but what is proposed is city living.
275 Every day he sees a development on the right side of Curve Road with similar-sized lots,
276 and they don't have yards. They could use weed whackers instead of lawn mowers. He
277 would prefer that the lots remain larger as approved.
278

279 Mr. Johnson said he appreciates that the developers are in a tough spot with financial
280 concerns and that the market may be changing per their statements, but the issue is that
281 the proposal is so far away from the existing zoning options. He does not want to set a
282 precedent. When the zoning resolution was voted on and passed, the citizenry of Berlin
283 Township made their wishes known regarding what they found acceptable. He did not
284 want to open the floodgates and hamstring the townships because they allowed the

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285 deviations on lot sizes and densities to be approved, and future developers will demand
286 the same thing.

287

288 Mr. Flaherty said the BZC tries to find a balance and it is willing to compromise when
289 there are extenuating circumstances such as providing amenities, etc. This level of
290 divergence would be very hard to approve unless the BZC is willing to allow that for all
291 developments in the future. The BZC needs to be a steward of the community and it is
292 really tough for them to accommodate this kind of divergence.

293

294 Mr. Flaherty asked Mr. Faris to display the original plan, and he drew attention to lots 5,
295 6 and 7. Mr. Faris then displayed the proposed rendering, which shows 7 lots in the same
296 area. That is representative of what is being asked here, which is over double what was
297 approved. He noted the developer's predicament, but also the precedent of throwing out
298 the book. So they get a property rezoned with few if any divergences with the approval of
299 the residents, go through the referendum period, and then 1.5 years later, come back and
300 request double density.

301

302 Mr. Flaherty said residents would still be concerned, but they may not have the same
303 interest. The plan that was presented was approved, and the developer is requesting a
304 development that is way outside of the characteristics for not only the township, but the
305 area. He likes the amenities and it is a pretty plan, but it is a pretty plan for a different
306 area in Central Ohio. The applicant made a financial decision to get the options on the
307 land to develop it, and the application went through the zoning board, trustees and the
308 public. If they no longer wish to pursue that development, that is their right, but acting as
309 citizens and steward of all township residents, it is also the BZC's right to reject it so it
310 does not set a precedent in Berlin Township for that area.

311

312 Ms. Littleton said she shares the BZCs concerns with wanting to keep the density more in
313 line with the surrounding areas. The township only requires 20% greenspace, and Metro
314 would provide 50.9% green space. She is not saying she wants this kind of density here,
315 but the first plan was just ponds and grass with fewer homes. She likes having this
316 amount of functional and amazing green space for the community, but she did not know
317 how the BZC could come up with a good compromise.

318

319

Public Comment

320

321 There were no comments from the public.

322

323 Mr. Loveless said the width of the lot is based on the township's zoning; they do not
324 allow people to store boats, RV's etc., in the front yard, but they are permitted on the side
325 of the home. If there is no side yard, everything ends up in the driveway or on the curb,
326 and the neighborhood ends up being "junky."

327

328 Mr. Thomas said deed restrictions could be put in place in order to prevent those items
329 from being stored, either in the front or the rear of the lots. He has been developing lots
330 of this nature over the past 3 years, and he has seen a substantial decrease in lot size over
331 that time. He lives in Orange Township, and his neighborhood does not allow storage of
332 any kind including boats or RVs, sheds, fencing, or trash cans to be stored outside. Those
333 concerns can be addressed in the deed restrictions.

334

335 Mr. Thomas said he and Mr. Faris have work to do if they plan to bring changes going
336 forward. He thanked everybody for their comments, and said he understands the
337 hesitancy from the existing zoning resolutions to allow these types of developments. He
338 foresees that this will be a trend going forward as people do not want to spend their
339 resources on a larger lot and instead spend it on the home and the interior of the homes.

340

341 Mr. Flaherty said the last time this was brought before the BZC, it was done via the
342 trustee as a major deviation, the BZC discussed it, and the developers tabled it. They

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343 have an active, tabled, date and time to be determined out there. There next steps would
344 be to contact the zoning office to schedule that.

345

346 Ms. Rippel said it was originally Eaststone Crossing, then Berlin Village, and now Berlin
347 Bluffs. She asked what the final name would be. Mr. Thomas said it may be Berlin
348 Bluffs.

349

AGENDA ITEM: OTHER BUSINESS

350 Zoning Inspector's Report

351 Mr. Loveless said he has been inspecting boats in subdivisions. He also noted that the
352 zoning office received something in the office for the 27-acre Katter Farm property on
353 the east side of Piatt Road. He noted that Martin Realty may be interested in developing
354 the property for an outdoor soccer complex, across the street from the school that is going
355 to be built between Berlin High School and the elementary on Glenmead. They may be
356 interested in an informal meeting with the BZC to discuss.

357

358 Mr. Johnson said his circumstances had changed at home and work, including a new
359 position, and he is no longer able to dedicate the same amount of time to the position, so
360 he would be resigning his BZC position. He had been considering requesting an alternate
361 position. There was a brief discussion.

362

363 Ms. Rippel said she just realized that Mr. Johnson's term expired on March 1, 2021. Mr.
364 Johnson said he would resign, and that he may reapply in the future. He said it has been
365 an honor and a privilege to serve on the BZC, and they have been great to work with. He
366 knows the township is in good hands. Ms. Rippel said it has been a pleasure working
367 with him. Ms. Kaplan said she hates to lose him. Mr. Loveless offered congratulations
368 on the new position. Mr. Flaherty said he appreciated Mr. Johnson's service over the past
369 year, especially his enthusiasm and detail that he brought to the position. Mr. Valentine
370 thanked Mr. Johnson and said he would miss him.

371

372 Mr. Flaherty noted that there would be an open BZC alternate position that residents
373 could apply for.

374

375 Mr. Flaherty said the next BZC meeting will be held virtually on 5/11/21 at 7:00 pm, and
376 there will be an informal discussion about an interest in land for development of a data
377 center in the 36/37 business park area. The public is welcome to attend via Zoom.

378

379 There was no further business to come before the BZC.

380 Motion to adjourn. Meeting adjourned.

381

382

Steve Flaherty, Chairperson

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384

385

Jerry Valentine, Vice-Chairperson

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387

388

Darcy Kaplan, member

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391

Mike Bardash, member

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Martin Johnson, member

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Christina Littleton, 1st alternate member

Angela Brown, 2nd alternate member

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