

**BERLIN TOWNSHIP ZONING COMMISSION (BZC)**

*OF DELAWARE COUNTY, OHIO 43015*

**REGULAR MEETING  
TUESDAY, MAY 25, 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, 1<sup>st</sup> alternate Christina Littleton (seated), 2<sup>nd</sup> alternate Angela Brown  
11 (seated).

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

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

18 **AGENDA ITEM: PROOF OF PUBLICATION**

19 Ms. Knapp confirmed that the meeting was advertised as a regular meeting in the  
20 Delaware Gazette at the end of 2020.

21 **AGENDA ITEM: APPROVAL OF MINUTES**

22 Mr. Flaherty made a motion to approve the minutes from the 5/11/21 BZC meeting as  
23 presented. Mr. Valentine seconded the motion.

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

25 Motion carried, minutes were approved.

26 **AGENDA ITEM: INFORMAL DISCUSSION WITH RICK & LAURIE KARR**  
27 **REGARDING 1895 PEACHBLOW ROAD FOR A SWIMMING FACILITY**

28 Mr. Flaherty said Rick and Laurie Karr are here to present informal information  
29 regarding a swimming facility at 1895 Peachblow Road. This was part of the Buckeye  
30 Swim Club; it was approved as a conditional use permit (CUP) for a temporary structure  
31 by the BZA in 2014.  
32

33 Mr. Flaherty said there were market condition changes and other situations that may  
34 justify a change in the current situation. He noted that no actions will be taken and no  
35 decisions will be made at this meeting.  
36

37 Mr. Karr said he and Ms. Karr want to provide an update on the two parcels at 1895  
38 Peachblow Road, and they would like to get feedback from the BZC in the process. He  
39 displayed a rendering of the proposed Peachblow Crossing Community Aquatics and  
40 Commerce Center. He said Ms. Karr worked very hard to get the Conditional Use Permit  
41 from the BZA in 2014 but as the area has grown, the needs for swim schools and  
42 competitive swimming have increased and they are looking to move to a permanent  
43 structure and facility.  
44

45 Mr. Karr said the CUP was granted for a competitive swim school and a connected  
46 building with offices, locker room and fitness space. The pool was to be enclosed with a  
47 54' tall bubble from Brown University. They would now like to build a permanent  
48 structure for the swim school and also to maximize the space between the competitive  
49 pool, the swim school, and Peachblow Road with additional professional flex space for  
50 physicians, dentists, or whatever uses the community may need.  
51

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52 Ms. Karr said Buckeye Swim Club has operated in Central Ohio for over 25 years, and  
53 has spent the past dozen years at Columbus North Athletic Club, which was older and  
54 built in the 1960s. They have about 140 swimmers at that facility now. The covid-19  
55 situation had a huge impact on swimming and helped bring to the forefront how much  
56 swim facilities are needed in Columbus. There were thousands of kids with no place to  
57 swim due to the restrictions and shut downs; that included two major pools in Delaware  
58 County, and the Ohio State University pools.

59  
60 Ms. Karr said she was able to take in 50-60 displaced swimmers and operate during covid  
61 safely. She would like to provide something better in the future. The current facility has  
62 a leaky roof and is not so great. However, there is a huge need for facilities and training  
63 in the Olentangy School district and in southern Delaware County.

64  
65 Ms. Karr said she has taken on a fulltime job with SafeSplash swim schools since 2014,  
66 which was established in the area in 2015 and currently has over 1500 students. She  
67 would like to add that business and also SwimLabs to this facility. It would be able to  
68 service about 2500 students. Drowning is a huge cause of death in children, especially in  
69 ages 4 and under, and these facilities would help teach children to be safe in the water.

70  
71 Ms. Karr said she believes the proposed plan is the best way to get these facilities built  
72 and to serve the community and the area around them.

73  
74 Mr. Karr said he has a letter from Olentangy Superintendent Mark Raiff that emphasizes  
75 the needs of his school district and the four swim teams they operate. There are zero  
76 pools controlled by the schools, and they have limited access to only two pools in the  
77 area, including the Liberty/Powell YMCA and MC Fitness off Route 23. There is just  
78 not enough space in the community.

79  
80 Mr. Karr said Superintendent Raiff also expressed support for professional and  
81 commercial space to help bring balanced and smart development into the area.

82  
83 Mr. Karr said this development will result in fewer school children than if single family  
84 homes were built. He said the district cannot build these facilities itself, and they are  
85 looking for public-private partnerships to get it done.

86  
87 Mr. Karr said the two subject parcels are on the north side of Peachblow Road, against  
88 the CSX/Norfolk railroad tracks. He said the property falls into the City of Delaware  
89 sewer overlay. He said the Delaware County Health District had approved a septic  
90 system for the facility. However, he believes that actual sewer is important now and that  
91 will be installed in the area soon, and he will tap in via the Oldfield Estates development  
92 and under the railroad tracks. There are only a few residential properties that abut the  
93 subject property. To the north is a commercial horse farm/training facility, to the south is  
94 Evans Farm, and the property to the west will be developed as well. To the east will be  
95 development. He has also purchased property near the site of the new elementary school.

96  
97 Mr. Karr said the properties are 10 acres total and about 1.75 miles from Route 23. He  
98 displayed photos of the property. He noted that there are substantial buffers between the  
99 subject property and the proposed residential properties.

100  
101 Mr. Karr said he is proposing to move the swim school and the competitive pool into a  
102 20,000 SF building that would be about 20-21' tall, versus the 55' tall bubble structure  
103 originally approved by the BZA. The internal environment will be much easier to  
104 maintain and will be more energy efficient. Between the swim school and the  
105 competitive pool would be professional flex space, and that could house daycare,  
106 physicians offices, dental office, and other professional businesses.

107  
108 Mr. Karr said he has worked with the designers to include play areas for a use such as a  
109 preschool, which will be needed in that area as it grows. The buildings were designed to

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110 meet the 100' lot line setback and the parking lot will have a 25' setback. A landscape  
111 plan that includes a further buffer between the parking lot and the lot line with a 2'  
112 landscape berm, and 5-6' tall mixed pines spaced 8' apart.

113

114 Mr. Karr said along the northern part of the property would be a couple cluster of pine  
115 trees around the water retention area. The eastern border is the railroad tracks, which are  
116 elevated about 8' so there is not much buffering possible in that area. There is a gravel  
117 drive that provides access to the horse farm to the north in that area as well.

118

119 Mr. Karr showed a list of proposed possible uses such as medical and dental offices,  
120 pharmacy, general business, minor warehousing, gymnastics, indoor sports, martial arts,  
121 climbing walls, daycare, Montessori, dance academy, automotive service, remote  
122 personal office and meeting spaces, and cellular tower for wireless broadband service up  
123 to 110' tall in-between the buildings and the railroad tracks.

124

125 Mr. Karr said the existing zoning for the property is farm residential and the approved  
126 CUP. The proposed building heights are below the 35' maximum. He said he would  
127 request a change to planned commercial. The parking calculations have been done for  
128 the swimming and professional flex space. Utilities available are natural gas, which was  
129 run under the tracks, electrical service, Del-Co Water has a 5" water line available,  
130 Delaware City sewer is supporting a connection to Delaware County with a pump station,  
131 there are two optional gravity pathways to Delaware City sewer in the future, and there is  
132 significant infrastructure along the CS tracks for data/telco fiber. He has been  
133 approached by Verizon and others that are interested in connecting with them for a cell  
134 tower.

135

136 Mr. Karr displayed a plan to bring the sewer from his site down to Peachblow Road  
137 below the tracks and connect into the Oldfield Estates site. He would connect to City  
138 sewer at Peachblow and Piatt Roads. He displayed a letter from Tiffany Maag of  
139 Delaware County Sewer indicating that, and a letter of support from the city of Delaware.

140

141 Mr. Karr said he has worked with Berlin Township fire prevention on the buildings, and  
142 they have indicated they can support it. He will have final calculations for the onsite  
143 pools. As long as the pools are filled and they have access to the pool water, the  
144 department feels they have adequate water to support a fire at one or both of the  
145 structures. The building structure will primarily be masonry concrete, which will  
146 minimize the risk. Fire watch will be required if maintenance is done on the larger pool,  
147 and he has agreed to do that.

148

149 Mr. Flaherty said his understanding is that both the sewer and water agreement are  
150 considered by the City when they look at services. He asked whether this is to the east of  
151 that, or whether Del-Co has the rights to service the property. Mr. Karr said the former is  
152 correct.

153

154 Mr. Flaherty said the City has agreed to allow the County to handle the sewer He asked  
155 what the future potential for annexation was. Mr. Karr said he would prefer to stay in  
156 Berlin Township and not be annexed. He said they do not want to give up the right to  
157 proposed annexation should they decide to run the sewer all the way to the property. The  
158 property is currently landlocked. Mr. Flaherty said it would still be possible to annex the  
159 property. He reminded Mr. Karr that it is to his advantage to stay in the township as there  
160 is no income tax like there is in the City.

161

162 Mr. Flaherty said the letter states that should gravity sewer be brought to the property's  
163 frontage, sewer connection is required and not optional, and that the City is not waiving  
164 annexation. Once the property is contiguous to City municipal boundaries, annexation  
165 will be initiated. Mr. Karr said they will look at the economics of it, and the cost of  
166 extending sewer to this site would not be a good return on their investment. Mr. Flaherty

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167 said they could increase the income taxes of the businesses on the property. Mr. Karr  
168 said he did not think they would see a lot of income tax from the site.

169  
170 Mr. Flaherty asked whether the surrounding properties are residential. Mr. Karr said they  
171 are farm residential, and one is the equestrian facility. Mr. Flaherty asked about the  
172 additional property that he mentioned Mr. Karr had purchased. Mr. Karr said there is no  
173 additional property. He asked whether he has spoken with Tony Eyerman of Evans  
174 Farm. Mr. Karr said he has, but he believes that developer Michael Zenios is now the  
175 primary for Evans Farm.

176  
177 Mr. Flaherty said Mr. Zenios is doing the construction, but Eyerman is still the developer.  
178 Mr. Karr said that may have changed in the last two weeks. Mr. Flaherty said he knew  
179 there was partial buyout, but was not aware that it was a full buyout.

180  
181 Mr. Valentine said he has concerns about the buffering around the residential properties  
182 around the property. He asked whether mounding would be added, as all he has seen  
183 were trees on the plan. Mr. Karr said proposed is 2' tall broken mounding that would  
184 prevent a drainage problem. The plantings will include 3 different kinds of pine trees.  
185 Mr. Valentine recommended 4' tall mounding to help conceal the parking lot lighting, as  
186 there are 150 parking spaces. Mr. Karr said that was not a problem and he would  
187 increase that to 4'.

188  
189 Mr. Valentine asked whether a traffic study was done, as this is different than the plan  
190 approved in 2014 and there will be more traffic. Mr. Karr said he has not done a traffic  
191 study yet. Originally there was just an in and out, with a total of two lanes. The fire  
192 department has requested 3 lanes, including a left and right turn lane out of the facility,  
193 and one lane in.

194  
195 Mr. Valentine said the plans are gorgeous and he is interested in seeing the development.

196  
197 Ms. Kaplan said the property remained FR-1 at the time the CUP was issued for a  
198 commercial use. She had concerns about the change to commercial zoning in that area.  
199

200 Mr. Flaherty said that the original design for the property was a club with private lessons.  
201 The proposal has shifted more to a commercial operation. There is commercial proposed  
202 in the area. He did not think it was completely out of place, but definitely not a place for  
203 a gas station or other similar commercial development, but he would be open the  
204 discussion.

205  
206 Ms. Brown agreed and said she agreed with the 4' high buffer, which is being  
207 recommended for most neighborhoods. She said the proposed development is a  
208 wonderful addition, and there is a need for the potential businesses. There is so much  
209 residential development already in this area, and she loves that proposed uses include  
210 doctors, daycare and preschools, as there are few available in the immediate area,  
211 especially for daycare and preschool.

212  
213 Ms. Brown suggested Mr. Karr consider the potential for an outdoor pool, as there is a  
214 high desire for more pools in the area although she is aware there are associated  
215 expenses. Many pools have limited their memberships due to covid-19. She would like  
216 to see additional input from the neighbors.

217  
218 Ms. Brown said she would like to see a traffic study although much of the traffic that will  
219 be here in 5 years is not there yet.

220  
221 Ms. Littleton asked to review the site map with the buildings and asked Mr. Karr to  
222 discuss the original pool bubble. Ms. Karr said it was just the bubble and the front 5  
223 acres. The front retention pond had been included. The neighbors had asked that the  
224 bubble be moved back as far as possible, so that had been done, in order to not block the

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225 view of the sunrise. This brings the height down to about 22' so that solves much of the  
226 problem.

227

228 Ms. Littleton asked whether the buffer would be on the west and south sides. Mr. Karr  
229 said that the west parcel lines would be buffered with 4' high mounding with pines. At  
230 the rear of the building there is a retention pond and scattered pines will be planted. The  
231 two buildings will help block the train noise from the residents as well.

232

233 Ms. Littleton said the horse farm is to the north, residences to the west, and she asked  
234 whether there were two residences to the south. Mr. Karr said there are 5 parcels that  
235 border the west and the south; two parcels are wedged in on the south parcel, and three  
236 property owners to the west. Ms. Littleton asked whether it was correct that the buffering  
237 bends around to the south for the two on Peachblow Road. Mr. Karr said "yes."

238

239 Ms. Littleton asked whether trees were planned on the southern retention pond. Mr. Karr  
240 said he will plant them up to the point where trees do not restrict the visibility of  
241 incoming or outgoing traffic, so not from 30-50' from the road. Ms. Littleton said this  
242 would be a good addition to the area.

243

244 Mr. Loveless suggested flipping the parking lot design to put more parking on the  
245 railroad side and more buffering on the residential side to protect the residents. Mr. Karr  
246 said he would talk to his designer about that. The major requirement is to have enough  
247 parking and radius for the fire engines, including ladder trucks and engine trucks. He was  
248 also trying this design so the cars could come in and drop the kids off then leave. The  
249 drop off area is between the tracks because it is noisier.

250

251 Mr. Flaherty asked whether the parcels would be combined. Mr. Karr said he could work  
252 with the auditor's office to combine the two. He confirmed that the buildings sit on two  
253 different parcels, but with shared driveway and parking. Mr. Flaherty said there was no  
254 preference.

255

256 Mr. Loveless said a white, metal structure is shown on the rendering, and the design  
257 would be a contrast to the area. However, across the street is a very big red farm building.  
258 The applicant may wish to blend in with the existing farm structure.

259

260 Ms. Littleton said regarding the combining of parcels, she was at the trustee meeting  
261 regarding the model home on 36/37, where there was a discussion about two entrances to  
262 the separate parcels, and she asked whether that was a concern here as well. Mr. Flaherty  
263 said that may be a concern of the trustees and they may want a separate entrance in case  
264 future property owners choose to split. That is something to consider.

265

266 Mr. Loveless said it was a legality issue, and they just had to have it defined. Mr.  
267 Flaherty suggested Mr. Karr take a look at it and determine whether it serves as an  
268 advantage to him. Minimally, it is a paper move at the auditor's office and it may  
269 provide an easier path at DCRPC or at the trustee level.

270

271 There were no comments from the public.

272

273 Mr. Flaherty reiterated that this was an informal process. If the Karrs file a rezoning  
274 application, public hearings would be held by the BZC and the trustees and the public  
275 would be notified of the time and date of the meeting. He commented that the BZC sees  
276 a fit for a need for this type of use in the area, both from the school system and the nice  
277 touch of having local professional services. Although the BZC does not like to set  
278 precedence such as the entire area developing commercially, the location of this is  
279 landlocked with existing residential, the Evans property is coming in, and there is the  
280 mixed use already to the south.

281

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282 Mr. Flaherty said the railroad tracks provide a buffer and a good separation from the rural  
283 core of the township He did not think this request to change from an FR-1 to a  
284 commercial property was “too far out of that ask.” The BZC likes working with people  
285 who bring assets to the community, and they appreciate that. He suggested asking  
286 residents what they think. He suggested reaching out to local business Hugs ‘N Hearts,  
287 whose owner had been seeking additional property for daycare facilities in the past.  
288

289 Ms. Rippel said the township has suggested potential applicants meet with local residents  
290 to get their input prior to submitting, which can help get issues worked out and resolved  
291 prior to coming before the BZC and the hearing notification letters going out to the  
292 neighbors.  
293

294 Mr. Flaherty said some cell towers look like trees. There may be an additional cost, but  
295 the tower may be more palatable to the neighbors.  
296

297 Mr. Karr and Ms. Karr thanked the BZC for their time and said they would probably be  
298 back with a zoning application soon.

299 **AGENDA ITEM: OTHER BUSINESS**

300 Ms. Brown said she has received questions about a sign at 912 Old State Road that  
301 indicates a board of zoning appeals meeting. She said nobody has been able to find out  
302 what it is for, and there is nothing on the township website. Ms. Rippel said it is a  
303 variance from a resident who is requesting a 10’ variance from the required 25’ side yard  
304 setback, for a detached garage. He is showing a hardship with a pool and the way his  
305 land sits. She said a copy of the application is available at the township office. She noted  
306 that she may start posting the BZA information on the website.  
307

308 Ms. Rippel said the meeting would not be on Zoom or Facebook and that it would be held  
309 at the township hall. Ms. Brown said people get nervous now when they see zoning  
310 signs. Mr. Loveless said the applicant has a legitimate hardship as there is terrain on both  
311 sides and there is just one place where a garage could be located. They are trying to put it  
312 as best as they can, but that is why they are requesting the variance.  
313

314 Ms. Brown said the trustees discussed coming back to the building last night, and she  
315 asked where the BZC was on that yet. Mr. Flaherty said they have not approved anybody  
316 coming back yet so the BZC would still be virtual for the foreseeable future. Ms. Brown  
317 said it seemed that they were considering eliminating Zoom when they come back. Mr.  
318 Flaherty said they can make that decision for their board, but he plans to continue  
319 broadcasting the BZC meetings even after they are in person.  
320

321 Mr. Flaherty said his goal even before covid was to become transparent and go online,  
322 and he created the township’s Facebook page. Transparency is critical in government  
323 operations, and one cannot expect everybody to come where they are, so one must go to  
324 where they are. The zoning signs are placed on properties that are being zoned etc.  
325

326 Ms. Littleton asked whether it was a trustee or state decision. Mr. Flaherty said other  
327 entities are meeting in person. The trustees have decided that they will not open the  
328 building yet and the BZC will have to remain virtual until they change their mind.  
329

330 Ms. Rippel said there are typically just 2-3 BZA hearings every year, and they are rarely  
331 attended by the public. The BZA has been meeting at the township hall and are socially  
332 distanced. 12 people are allowed in, but typically there are just 10, and that includes the  
333 Board, staff and the court reporter.  
334

335 Mr. Flaherty said the next BZC meeting will be on June 8, 2021, when there will be an  
336 informal meeting.  
337

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

339

340 Motion to adjourn. Meeting adjourned.

341

342

343

\_\_\_\_\_  
Steve Flaherty, Chairperson

344

345

346

\_\_\_\_\_  
Jerry Valentine, Vice-Chairperson

347

348

349

\_\_\_\_\_  
Darcy Kaplan, member

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351

352

\_\_\_\_\_  
Mike Bardash, member

353

354

355

\_\_\_\_\_  
Martin Johnson, member

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357

358

\_\_\_\_\_  
Christina Littleton, 1<sup>st</sup> alternate member

359

360

361

\_\_\_\_\_  
Angela Brown, 2nd alternate member

362

363

Attest: \_\_\_\_\_

364

Lisa F. Knapp, Berlin Township Zoning Clerk

365

366

367