

**BERLIN TOWNSHIP ZONING COMMISSION (BZC)**

*OF DELAWARE COUNTY, OHIO*

**REGULAR MEETING  
SEPTEMBER 14, 2010**

1 This meeting was held at the Berlin Township Hall, 3271 Cheshire Road, Delaware, Ohio  
2 43015.

3  
4 **CALL TO ORDER**

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

7  
8 Mr. Hahn led the meeting attendees in the recitation of the Pledge of Allegiance.

9  
10 **BZC Members Present:** Rick Sedlacek; Jerry Valentine; Jim Hahn; Rae Ann Kerlin;  
11 Kristin Yoriko;

12 **Also present:** Betty Bringardner (1<sup>st</sup> alternate); Toni Korleski (2<sup>nd</sup> alternate)

13  
14 Mr. Sedlacek read the adopted BZC policy statement for the meeting, as printed in the  
15 agenda.

16  
17 **LEGAL NOTICE AND PROOF OF LEGAL NOTICE PUBLICATION**

18  
19 Zoning Clerk Lisa Knapp provided proof of publication for the legal notice for this  
20 meeting, which was published on September 1, 2010 in the Delaware Gazette, providing  
21 notification of the meeting date, time, and items for discussion as follows:

22  
23 *The Berlin Township Zoning Commission will hold a public meeting on September 14,*  
24 *2010 at 7:00 p.m. at the Berlin Township House located at 3271 Cheshire Road,*  
25 *Delaware, Ohio 43015 to review and discuss all revisions made to the text and map*  
26 *associated with the Comprehensive Land Use Plan (CLUP). Discussions will continue*  
27 *on potential changes as a result of the Business Community Forum, as well as wind*  
28 *turbines, signage, and the neighborhood design center proposal associated with Historic*  
29 *Village of Cheshire. The person responsible for giving notice of the public hearing by*  
30 *publication is Cathy Rippel. Questions concerning this matter should be directed to the*  
31 *Zoning Office at 740-548-5217. Township residents are encouraged to attend.*

32  
33 **BERLIN TOWNSHIP ZONING COMMISSION**

34 *Rick Sedlacek, Chairman*

35  
36 **APPROVAL OF MINUTES**

37  
38 Mr. Valentine made a motion to approve the minutes from the July 13, 2010 BZC  
39 meeting as presented. Ms. Yoriko seconded the motion. All in favor say, "aye," all  
40 opposed signify with same sign. No opposition, motion carried, minutes approved.

41  
42 **AGENDA ITEM: INTRODUCTION OF MEETING ATTENDEES**

43  
44 Mr. Sedlacek thanked Mr. Valentine for his meeting reminder calls last night and he  
45 asked the meeting attendees to introduce themselves.

- 46  
47 ○ Dave Davis, with Flyaway Farms, a Christmas tree farm, 1950 Lackey Old State Rd.  
48 ○ Scott Sanders, director of the Delaware County Regional Planning Commission  
49 (DCRPC)  
50 ○ Jim Lubinsky, 2798 Cannon Circle, in Orange Township, said he was here to do a  
51 preliminary presentation for a rezoning.  
52 ○ Nancy DeMarchi, 85898 Shelbyville Place, Dublin, Ohio 43017, part property owner  
53 of the Hollenback Road property to be informally reviewed at this meeting.  
54 ○ Jim Simpson, 5242 Finch Lane, said he was a member of the general public.  
55 ○ Dave Leahy, Dale Ford Road  
56 ○ Jeff Baumann, 1224 Dale Ford Road  
57 ○ Dave Armbruster, 477 Dunham Road  
58 ○ Elizabeth Kline, 5540 Bayside Ridge Drive  
59 ○ Joe Korleski, Berlin Township BZA member

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- 60 ○ Rick Gemienhardt, 881 Africa Road
- 61 ○ Don Sherman, 1469 Africa Road
- 62 ○ Barbara Sherman, Berlin Township BZA member, 1469 Africa Road

**AGENDA ITEM: INFORMAL REVIEW WITH JIM LUBINSKY**  
**REGARDING THE DEMARCHI PROPERTY**

63  
64  
65  
66  
67 Mr. Sedlacek said that Mr. Lubinsky has asked for an informal review, and when that is  
68 requested, the Commission agrees to have the applicant come before it and state their  
69 case in about 10 minutes. No vote is taken during said informal review, but the  
70 Commission will hear what Mr. Lubinsky has to say and may have some suggestions  
71 and/or recommendations for him.

72  
73 Mr. Sedlacek said that he and Mr. Armstrong met with Mr. Lubinsky a while ago and that  
74 was another informal part of the process where they provided Mr. Lubinsky with some  
75 suggestions.

76  
77 Mr. Lubinsky said has lived in Orange Township for 15 years and his daughter has lived  
78 in Berlin Township for 3 years. He has been a Realtor with Re/Max Affiliates for 17  
79 years and has been in real estate for 21 years. He helps people develop pieces of property  
80 and to rezone them.

81  
82 Mr. Lubinsky said that Ms. DeMarchi is the owner of the property on Hollenback Road,  
83 and she lives in a community similar to what he is considering proposing on Hollenback  
84 Road. It is a patio-home community with clustered homes and open green space, etc.

85  
86 Mr. Lubinsky said that Ms. DeMarchi lives in a development called Cherrington Place on  
87 Summit View Road off of Sawmill Road near Powell. There are 62 homes on about 13  
88 acres and there is a pond and a walking path around the pond; the lots are fairly small but  
89 they are detached separate homes, not condominiums with a shared common area. The  
90 entrance is gated to provide some privacy and the roads are private and thus maintained  
91 by the homeowners association.

92  
93 Mr. Lubinsky said that about 12-13 years ago he envisioned the site and decided to  
94 undergo development on the site off of Summit View Road about 10 years ago. He went  
95 through the rezoning process with the city of Columbus and the homes were built.

96  
97 Mr. Lubinsky said the community is very nice and people enjoy it; most of the residents  
98 are empty-nesters and few residents have children, perhaps 1 or 2. There is a monthly  
99 condo fee paid to the homeowners association which pays to plow the streets and  
100 sidewalks, maintains the lawn areas and entry feature, etc. He noted that the association  
101 has about a \$50,000.00 reserve for future capital improvements.

102  
103 Mr. Lubinsky said his vision was realized and it went quite well. He noted that he lives in  
104 the Bryn Mawr development with his wife and they would like to retire in this area. They  
105 started to look at sites where a similar development could be built, as his wife didn't want  
106 to move all the way over to the existing Cherrington Place development, despite his  
107 several attempts to convince her.

108  
109 Mr. Lubinsky said he has known Ms. DeMarchi for 5-6 years now; he first met her when  
110 Ms. DeMarchi purchased her home in Cherrington Place. He has been discussing Ms.  
111 DeMarchi's property on Hollenback Road, which is just over 16 acres, and they thought  
112 it might make a good site for this type of development and that is why he is here today.

113  
114 Mr. Lubinsky provided additional documents which indicate the location of the site to  
115 help the Commission see more site details. He said the property is on the north side of  
116 Hollenback Road, which is adjacent to the Alum Creek State Park. He didn't recall the  
117 exact frontage, but it does widen as it goes towards the rear, the area that is shaded with a  
118 dark black pen on the document.

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119

120 Mr. Lubinsky said that to the east of the property is the state park land owned by the  
121 United States government. To the west there is a small single-family home located on  
122 about a 1-acre property. There is another piece nearby which is 5 acres in size, and  
123 another property to the north which is 18 acres.

124

125 Mr. Lubinsky said the DeMarchi property is currently surrounded by only large parcels of  
126 land, and the area itself is currently zoned FR-1. Across the street on the south side of  
127 Hollenback Road is the Marina at Alum Creek subdivision, although it was originally  
128 named Mariner's Watch; some still refer to it that way. The homes along Hollenback in  
129 that development each have over 1 acre of property.

130

131 Mr. Lubinsky said that some of the characteristics of the site include two ravines which  
132 run through it, as well as a lot of woods with some very mature trees and others which are  
133 not and are bushier. He noted that he worked on the layout with Karen Hoffman of  
134 Scioto Land Survey in Delaware.

135

136 Mr. Lubinsky said that his intention is to take advantage of the areas which are already  
137 open, cleared field areas to be used as cul-de-sacs, and to protect the wooded ravine areas  
138 without disturbing them. The provided documents indicate open green areas on the east  
139 side to the right.

140

141 Mr. Lubinsky said that a sewer line runs along the eastern border of the property through  
142 the government land and he has already met with a representative of the US Army Corp  
143 of Engineers who didn't see any issue with providing the property with an easement to  
144 tap into that sewer line in order to service the property. He noted that there are water  
145 lines along Hollenback Road so the property will have full public services.

146

147 Mr. Lubinsky said that the site layout indicates 51 lots and he said not much engineering  
148 on the site yet because the plan is still in its preliminary stage. In Cherrington Place, the  
149 lots were basic and the minimum size was 50' by 100' which is a 5,000 SF lot and that is  
150 about the same size as the lots on the west side, although these are actually deeper than  
151 100'.

152

153 Mr. Lubinsky said that the proposed lots are slightly bigger overall than what exists in  
154 Cherrington Place, but a similar approach was used. The lots are fairly small and that  
155 makes it convenient and economical for maintenance purposes including mowing, etc.  
156 and also allows more lots to be built in the community. This is advantageous to the  
157 residents because ultimately the maintenance of the roads, lawn cutting, etc. needs to be  
158 paid for and that will help keep the monthly condo fee reasonable.

159

160 Mr. Lubinsky said he would expect to have 45-50 units in this development once the site  
161 has been engineered as there are a few lots which are awkward and will probably be lost.  
162 The Cherrington Place community has 62 lots on 13 acres, and the proposed site in Berlin  
163 Township would have 51 lots on 16 acres, so the density is much lower at about 3  
164 units/acre.

165

166 Mr. Lubinsky said that the drainage areas on the site have been examined and there are  
167 some nice creek areas that run down through the ravine, particularly the ravine that is  
168 halfway through the property. The concept is to clear some of the scrubby vegetation out  
169 and line the creek with river stone and that will add a nice effect; he has them in his own  
170 backyard.

171

172 Mr. Lubinsky said that the community will also be gated so there wouldn't be much  
173 traffic coming in from the adjacent parkland. There will probably be a single-lane gate in  
174 order to be less obtrusive, although there are 2 gates at Cherrington Place. The front of  
175 the development would be heavily landscaped to match the area and also to provide  
176 screening.

177

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178 Mr. Lubinsky said that it is necessary to make this development work in terms of the  
179 township's zoning requirements. He distributed a page from the Berlin Township zoning  
180 resolution from Article 13, Transitional Planned Unit Development. He said the  
181 transition in this case would be going from the adjacent US government parkland to  
182 residential development on the other side.

183  
184 Mr. Lubinsky said that most of the zoning resolution provides for larger lots with less  
185 density, but the Transitional Planned Unit Development (TPUD) article refers to  
186 developments like this, and states that within the TPUD the following uses, when  
187 approved by the development plan process, and developed in strict compliance with  
188 approved development plan standards shall be permitted. Item "c" cluster housing is  
189 probably applicable to his proposal and it is indicated as being residential where an  
190 overall density is consistent with the TPUD standards and modifications are permitted in  
191 lot size and shape to concentrate residential development in a portion of the overall tract,  
192 thereby retaining the remainder of the tract as permanent common open space.

193  
194 Mr. Lubinsky said that this is a modification of what is typically used for lot sizes but  
195 common open space would be retained. He is in attendance at this meeting to request of  
196 the BZC that it consider his proposal, although he is aware there will be no vote tonight;  
197 he would like to get a sense of how he can make the development work in Berlin  
198 Township.

199  
200 Mr. Lubinsky said that there are people who would like to continue living in the  
201 community including himself, and typically people consider condominiums as an  
202 alternative to maintaining a larger home and larger lot. However, many people don't  
203 really want to be in a condominium which is attached to another unit, and the proposed  
204 development provides a nice alternative as it will have detached homes on nice lots where  
205 residents can plant their flowers and other vegetation but have somebody else maintain  
206 the general landscaping, lawn mowing and snow plowing.

207  
208 Mr. Lubinsky distributed maps of the Cherrington Place community and he invited the  
209 BZC to visit the site to see what it's like. The submitted package shows pictures of the  
210 streetscape and entry feature of that development which provides an idea of what it is like  
211 but it's not quite the same as driving through and seeing it firsthand.

212  
213 Mr. Sedlacek asked BZC members to provide any comments. Ms. Kerlin said that much  
214 of the plan indicates open space, much of which is wooded, and she asked if there were  
215 plans to make it active open space with walking paths or to somehow integrate it so there  
216 are community options for using the space.

217  
218 Mr. Lubinsky said that the locations where there are waterways will be lined with river  
219 creek stone, typically geotextile first then stone on the top so it doesn't sink in the mud.  
220 The green areas will be open to the community. He would also like to have a walking  
221 path which leads to the adjacent parkland for access to that park. There is a 10' wide  
222 path in the grass for a trail that goes through the woods, runs up the east side of the  
223 property and weaves around.

224  
225 Mr. Lubinsky said that ideally, he would like to tie-in the proposed development to the  
226 park so one could walk towards the marina or walk back further in where it goes back to  
227 the woods, although he wasn't sure whether that would be permitted. There is no fence  
228 there currently and one can walk right through.

229  
230 Ms. Kerlin asked if the area in Cherrington Place which was lined with river rock was a  
231 watershed of some kind. She was worried that removing natural, existing vegetation  
232 might change the erosion or habitat for animals and putting the foreign river rock could  
233 do long-term damage.

234  
235 Mr. Lubinsky said that the pond at Cherrington Place was an existing pond which was  
236 drained and scooped larger to be used as a retention basin for runoff. The one he was

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237 referring to earlier in this meeting was the one at his residence, where he has drainage  
238 that comes off the property to the south where there is a 3-acre lake. The drainage from  
239 that lake runs through his property via a small creek. He asked the township and others  
240 whether he could place river rock in the creek, and he was told that he could do whatever  
241 he wanted as long as he didn't block it.

242

243 Mr. Lubinsky said that he rerouted the creek to run better and lined it with river rock in  
244 the front yard, and he left the rear portion of it more natural. It was an existing drainage  
245 way and he simply placed rock in there.

246

247 Ms. Kerlin said that Alum Creek is different; she lives on the east side of Africa Road  
248 and there are creeks and watersheds, and there are many animals like foxes, beavers, and  
249 others who utilize the water space. She was concerned about the concept of changing the  
250 area so that, for example, the beavers couldn't build dams there. She asked Mr. Lubinsky  
251 to consider taking a closer look at the impact that changing the natural habitat could have.

252

253 Mr. Lubinsky said he didn't think there was a lot of water on the property now as there is  
254 an existing culvert pipe which is only 1.5' wide, and it is probably dry most of the year.  
255 He felt that the river rock would make it look nicer and cleaner, although he understood  
256 Ms. Kerlin's point.

257

258 Ms. Kerlin said that landscaping around a culvert pipe is different than what she had been  
259 thinking, which was placing river rock in a watershed which would change the  
260 dimensions of the creek. Mr. Lubinsky said that some of the drainage off the land to the  
261 west comes down and goes into the park and then into the Alum Creek reservoir and it is  
262 typically just from a heavy rain. The river rock would then provide a better base for the  
263 drainage instead of the water just going through mud and washing out what is already  
264 there.

265

266 Mr. Valentine expressed concerns about traffic flow. The development would add about  
267 50 homes but there was only one way in and out of the development. Mr. Lubinsky said  
268 he questioned that also but he didn't have an answer yet. There is a lot of traffic in  
269 certain seasons on that road. There are currently only 8 homes on the street now, but the  
270 development would add traffic to that road.

271

272 Mr. Lubinsky said it may be necessary to have a traffic study done to determine the  
273 impact of the proposed development. Another twist to the situation is that there is a 5-  
274 acre property abutting the property which is for sale and it extends to Old State Road.  
275 Although he hasn't looked into it, there could be a future potential to expand the  
276 development; one or 2 lots could be lost to bring a road out that way, but he could see the  
277 potential there.

278

279 Ms. Yorke said that it will be required that the open space area incorporate ponds and  
280 water quality and she didn't see how that could be done with the currently proposed  
281 configuration. Mr. Lubinsky said there will be some challenges on the site that he will  
282 have to work through.

283

284 Mr. Hahn asked what the maximum number of bedrooms each of the homes would have.  
285 Mr. Lubinsky said they are typically 3-4 bedroom homes with first floor master bedrooms  
286 and empty-nesters were encouraged to purchase at Cherrington Place; that is hopefully  
287 what would be seen in the Berlin Township site. Most would have 3 bedrooms.

288

289 Mr. Hahn said that regarding transitional development, typically a transitional  
290 development is between commercial developments and single-family developments. A  
291 transition area isn't necessary between natural woods and single-family homes; in fact,  
292 the transition area should typically be larger lots with lower density.

293

294 Mr. Hahn said he was even concerned about 3-bedroom homes in a place like this  
295 because the head count would be high. Mr. Lubinsky said it would probably ultimately

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296 go back to traffic issues, and he noted that there would be public sewers. At one time,  
297 Ms. DeMarchi's husband did a layout of large lots with septic systems, but he and the  
298 parks officials feel the proposed type of development would be more amenable to this  
299 area.

300  
301 Mr. Hahn said that the large green space indicated on the east side of the development  
302 would be better if it was on the west side instead; however, he understands that Mr.  
303 Lubinsky is buying into the ecology of the land. He noted that there would be very high-  
304 density housing along an FR-1 development, and the fact that it is even higher density  
305 than what is in other areas of the township is bothersome to him. Generally a transitional  
306 area would be buffering commercial development on one side, such as along Route 23 or  
307 36/37, from larger-lot development.

308  
309 Mr. Hahn said that isn't the case in this proposal; in fact, the highest-density lots are  
310 indicated as being on the side where there is FR-1 development. Mr. Lubinsky noted that  
311 next on the agenda is a long-range planning session. Mr. Sedlacek noted that the process  
312 is wrapping up now.

313  
314 Mr. Sedlacek said that the density of the proposed development seems extremely high.  
315 Mr. Hahn said that a density of 5 units per net developable acre is high. Mr. Sedlacek  
316 said that the adjacent property owners in the FR-1 district to the west need to be  
317 considered as well as the transitional designation, as he wasn't sure if it qualified as that.

318  
319 Mr. Sedlacek asked if they would all be single-unit homes and there would be 51 units on  
320 16 acres. Mr. Lubinsky said that was correct and that they would be detached. Mr.  
321 Sedlacek asked what the open space percentage would be and said that was very  
322 important. Mr. Lubinsky said he hadn't done that calculation.

323  
324 Mr. Sedlacek asked Mr. Lubinsky if he had a sense of some of the BZC's concerns. Mr.  
325 Lubinsky said, "Yes," and that he had anticipated some of the concerns. Mr. Sedlacek  
326 asked if the audience had any comments or questions of Mr. Lubinsky.

327  
328 Mr. Gemienhardt said he was perplexed and he asked whether Article 13, TPUD, being  
329 referred to was even permitted for single-family homes. He looked through the uses and  
330 said it was multi-family. He asked whether the proposal was for single-family  
331 development, not multi-family development. Mr. Lubinsky said that was correct. Mr.  
332 Sedlacek said it is supposed to have a maximum density of 2 units/acre.

333  
334 Mr. Gemienhardt said the uses didn't seem to correlate to the proposal. Mr. Sedlacek  
335 said there are to be a maximum of 2 units/structure and it seemed that other BZC  
336 members had the same question. Mr. Sedlacek said that there are two issues; is the  
337 development really transitional in the sense of the actual word, and does it match the  
338 requirements of Article 13?

339  
340 Mr. Gemienhardt said that the document Mr. Lubinsky distributed of Article 13 indicated  
341 circles around modification such as lot size and the overall tract details. That is fine, but  
342 he felt that refers to multi-family lot size modifications.

343  
344 Mr. Lubinsky said that if it was necessary to reduce the density to 2 units/building so the  
345 development fit the requirements of the zoning resolution, certainly he could modify the  
346 plan. However, he didn't know whether that would be the best approach because people  
347 really enjoy having detached homes.

348  
349 Mr. Sedlacek said that he understood, but Mr. Lubinsky should keep in mind that there is  
350 concern regarding whether or not the development even qualifies as a TPUD, and that is  
351 the biggest issue that should be addressed before any of the other points.

352  
353 Ms. Korleski said that regarding Mr. Lubinsky's interpretation of item "c," cluster  
354 housing, her understanding was that if cluster housing is to be done and the existing

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355 topography is used for open areas, the housing density still must be maintained within  
356 that area. With 3 units per acre there wouldn't be enough open space.

357

358 Mr. Hahn said that "net developable acres" actually is 15-20% less.

359

360 Mr. Simpson asked whether the creeks to be supplemented with river rock was for  
361 surface water and typically would be used during March, April and May each year,  
362 versus an actual active creek. Mr. Lubinsky said that was correct.

363

364 Mr. Simpson said that seemed like a good idea to him. He agreed that many people seek  
365 individual, free-standing buildings to live in. Also, homeowners are free to plant things  
366 such as flowers, etc. because there would be no common walls. He said that he has lived  
367 in both types of units, and not having a common wall is much more preferable to having  
368 one.

369

370 Mr. Lubinsky said the issue is economics; building fewer homes will increase the cost to  
371 be borne by all the homeowners.

372

373 Mr. Korleski said that 51 homes on 16 acres with a watershed would be completely  
374 against everything the township has discussed and allowed. He appreciates the concept,  
375 but Mr. Lubinsky is proposing, "packing them in there like sardines."

376

377 Ms. Bringardner said that the size of any cul-de-sacs must be provided and approved. Mr.  
378 Lubinsky agreed and said that it will be necessary also that the cul-de-sacs be approved  
379 by the fire department. Ms. Bringardner asked whether the residents or the township  
380 would be responsible for snowplowing. Mr. Lubinsky explained that the homeowners  
381 association would plow the roads as they are private.

382

383 Mr. Hahn said that typically when private roads are provided, later the residents request  
384 that the township take over the roads but they are frequently not built to township  
385 standards, which should be required.

386

387 Mr. Lubinsky said he didn't foresee the township taking over the roads, as this would be  
388 a gated, private community.

389

390 Mr. Sedlacek said it's helpful for the BZC to review the proposal but it is difficult to  
391 comment intelligently on it because no dimensions have been provided for it, including  
392 for the cul-de-sacs, etc.

393

394 Ms. Sherman said she didn't know whether having only one access to the development  
395 would be acceptable by the fire department, given the number of units being built. Mr.  
396 Hahn agrees.

397

398 Mr. Hahn said he would be less concerned if the bedroom count was just 2 per unit,  
399 which would be more conducive to empty-nesters. Having 3-4 bedrooms will invite  
400 children into the development, and none of the homes would support themselves on a tax  
401 base to cover the children generated by the development. Even just one child generates a  
402 cost of about \$10,000.00 in educational costs and the taxes generated wouldn't be more  
403 than \$2,000.00.

404

405 Mr. Hahn said thus the school density would be increased by the proposed development  
406 so every else's taxes will increase. Currently each home built in the school district costs  
407 each other household in the same district 40-50 cents more per year in educational costs.

408

409 Mr. Lubinsky noted that he does live in this school district. Mr. Hahn went on to say  
410 that building another 1000 homes in the school district would increase each resident's  
411 cost because those homes aren't self-supporting. Thus he would feel much more  
412 amenable to considering such a proposal if the bedroom counts were truly low enough  
413 that they were aimed at empty-nesters.

413

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414 Mr. Hahn said that Orange Township has one of the highest densities in the Olentangy  
415 Local School District and the taxes just keep going up and up.

416  
417 Mr. Armstrong questioned whether or not the development would even qualify as a  
418 TPUD.

419  
420 Mr. Sedlacek asked Mr. Lubinsky whether he obtained a general feel of how the BZC  
421 feels about the development, based on comments from the BZC and the residents. Mr.  
422 Lubinsky said, "Yes, very much."

423  
424 Mr. Lubinsky said that some lots may need to be enlarged or removed if it ends up that  
425 there are drainage issues on the property. He thanked the BZC for its time.

426  
427 **AGENDA ITEM: JOHN STAMBAUGH - REQUEST FOR A 1 YEAR EXTENSION OF THE**  
428 **PRELIMINARY PLAN, BZC 08-005 FOR PID AT 390 S. 3B'S & K RD.**

429  
430 Mr. Sedlacek read a letter provided to him by Mr. Armstrong earlier today, dated 8/23/10  
431 from John Stambaugh, received stamped by zoning office on 8/24/10, as follows:

432  
433 *"This letter is to renew 390 S. 3 B's and K, Sunbury, Ohio, #08-005, due to*  
434 *recession. Thank you very much, John Stambaugh."*

435  
436 Mr. Sedlacek asked Mr. Armstrong to clarify the request if possible. Mr. Armstrong said  
437 he is requesting a 1-year extension of the preliminary plan for the property. He spoke  
438 with Mr. Stambaugh regarding this, and he noted that the BZC case number is correct but  
439 that was just the BZC case, which was approved at the given address, where Mr.  
440 Stambaugh are planning the auto/racing parts building and storage units.

441  
442 Mr. Sedlacek asked when the preliminary plan is set to expire. Mr. Armstrong said Mr.  
443 Stambaugh was granted an extension on 9/10/09.

444  
445 Mr. Hahn said the request seemed reasonable to him, and Ms. Yorke, Mr. Valentine, and  
446 Ms. Kerlin agreed. There were no comments from the audience.

447  
448 **Resolution 10.09.14.#1: Grant 1-year Extension**  
449 **of the Preliminary Plan for 390 3 B's and K Road**

450  
451 Ms. Kerlin made a motion to accept John Stambaugh's request to grant a 1-year  
452 extension of the preliminary plan at 390 S. 3B's & K Road to 9/10/11. Mr. Hahn  
453 seconded the motion. Vote: Kerlin, yes; Hahn, yes; Valentine, yes; Yorke, yes; Sedlacek,  
454 yes. Motion carried, 1-year extension of preliminary plan granted to 9/10/11.

455  
456 **AGENDA ITEM: REVIEW OF ENTIRE COMPREHENSIVE LAND USE PLAN (CLUP)**

457  
458 Mr. Sedlacek noted that the entire CLUP has been reviewed and Mr. Sanders has now  
459 sent out the final draft of the CLUP which the BZC is able to review. However, the BZC  
460 has been very busy this month. The intention tonight is to either review the document or  
461 to come up with another way to complete this process.

462  
463 Mr. Sedlacek asked the BZC where it stood and what it felt would be the best possible  
464 way to move on this. Ms. Kerlin said there were some typos which were found but she  
465 didn't think it was necessary to review all the typos during a meeting.

466  
467 Mr. Sedlacek said his thought was that, if the BZC is comfortable with the content after  
468 reviewing the CLUP and it thinks it is where it should be, and only primarily typos  
469 remain, perhaps a committee of 1 or 2 could take care of the typos. However, that is only  
470 if the BZC is comfortable where it is at.

471

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472 Mr. Sedlacek said that some BZC members may have been more diligent than others in  
473 marking the typos and he would like to hear from the BZC.

474

475 Mr. Valentine opined that Mr. Sedlacek did a great job capturing what was reviewed by  
476 the BZC. He found a few typos, but other than that, the only issue he had was that he  
477 didn't see trails indicated in the summary. Other than that, it seems like the spirit of  
478 everything else the BZC discussed has been included in the revised CLUP.

479

480 Mr. Hahn agrees with Mr. Valentine. Ms. Yoroko said she found many formatting issues,  
481 including that some things were referenced in some places while some are not. However,  
482 regarding content, the revised CLUP is wonderful.

483

484 Mr. Sedlacek said he had reviewed a copy of Ms. Yoroko's comments and he asked  
485 whether those comments meant that there were suggestions on many pages. Ms. Yoroko  
486 said, "Yes." Mr. Sedlacek asked whether they could primarily be categorized as  
487 typographical errors. Ms. Yoroko said that many are references; some figures are  
488 referenced, others are not. There is a description of the map, but the map itself being  
489 described is not called out.

490

491 Mr. Sedlacek asked whether anybody had any major issues with the content of the  
492 revised document. Ms. Yoroko said she did not.

493

494 Mr. Gemienhardt said that with his past township experience, as well as his involvement  
495 in the community and his familiarity with attorneys and developers, all the chapters are  
496 very important, but the map needs to be 100% correct. The recommendations section  
497 needs to correlate to the map because if it doesn't it will cause problems during the  
498 rezoning process when somebody will attempt to pierce words or something that doesn't  
499 look right. The map is very important.

500

501 Ms. Korleski commented that she felt that the BZC has exhausted the review of the  
502 CLUP and that Mr. Sanders did a great job.

503

504 Mr. Sedlacek asked the BZC whether it wished to request that Ms. Yoroko work directly  
505 with Mr. Sanders to make the suggested changes. He suggested getting a committee  
506 together to review the comments, and perhaps since Ms. Yoroko seemed to be the most  
507 diligent in finding things, perhaps she would volunteer to work directly with Mr. Sanders.

508

509 Mr. Sedlacek said regarding Mr. Gemienhardt's comment, the map appears to be correct  
510 at first glance, and he hoped it was correct. It seems like it was based on what the BZC  
511 went through. He asked how Mr. Gemienhardt would suggest ensuring the accuracy of  
512 the map. Mr. Gemienhardt said it appeared that the BZC took good notes throughout the  
513 entire review process and he said another meeting would be necessary anyway.

514

515 Mr. Gemienhardt suggested assigning a sub area to each BZC member so their notes can  
516 be compared to ensure they are accurate, rather than burden one person with reviewing  
517 the entire CLUP. Mr. Sedlacek said that sometimes when one reviews a document for  
518 typos, one starts to think that the entire document is not as good as s/he would like it to be  
519 and that is not an accurate or fair judgment.

520

521 Mr. Sedlacek said he thinks that the content is there and the math is good, and he would  
522 prefer to ask Ms. Yoroko to work with Mr. Sanders to clean up the typos and to bring one  
523 final copy to the BZC meeting next month so the Commission can vote on it and send it  
524 to the trustees.

525

526 Ms. Yoroko said that she noticed a few bigger issues as she reviewed the document; every  
527 once in a while she would see something that needed to be changed in the zoning  
528 resolution because it is being put in the CLUP. She suggested reviewing the CLUP to  
529 ensure there is a list of what needs to be done for zoning resolution changes.

530

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531 Ms. Yorko said that the list of reasons to not rezone a property caught her eye. One thing  
532 was sanitary sewer on page 74, for example. She suggested having a “cheat sheet”  
533 indicating reasons why a property shouldn’t be rezoned for a certain use, to be referenced  
534 when applicants come in to rezone their property. One question would be whether or not  
535 they apply to a site, and they may not.

536  
537 Mr. Sedlacek clarified that Ms. Yorko didn’t mean putting all that in the zoning  
538 resolution and she agreed that it would be for the zoning inspector and the BZC. He  
539 noted that a list like that could be provided to potential ZC applicants. Ms. Yorko agreed  
540 and said it could be explained by stating that it is a list of items which have been put into  
541 the CLUP indicating why the BZC would not want to rezone a property.

542  
543 Mr. Sedlacek said the list could include items like the density being incorrect, sewer isn’t  
544 available, etc. Ms. Yorko said it would be helpful to prevent violating the items which  
545 the BZC spent so much time working on.

546  
547 Mr. Sanders said that regarding those references, some people think a zoning can be  
548 denied just because of factors such as school numbers, roads, or other items, but actually  
549 it is not just one item. He said it would be good to have a separate guide or list which  
550 would be explained by indicating that it includes factors that shapes the BZC’s decisions.

551  
552 Mr. Hahn said that for example, buffering to him is a transitional property from a  
553 business or commercial use to a single-family use. Instead, Mr. Lubinsky proposed a  
554 condominium development as a buffer transfer between single-family development and  
555 state park property. Thus it may be a good idea to define somewhere that a transitional  
556 buffer is intended to transition from a high-density or commercial/business/industrial  
557 aspect to single-family house.

558  
559 Mr. Sedlacek said the BZC was able to make that point to Mr. Lubinsky. Mr. Hahn  
560 agreed but said that the information isn’t included in the zoning resolution and that would  
561 be a good idea.

562  
563 Ms. Kerlin said that being able to view the property on a map that is in proportion would  
564 be helpful during the rezoning process, and she suggested requiring any applicant or  
565 potential applicant use the maps to show what they intend in that space. Mr. Sedlacek  
566 said that should be done when the plan ultimately comes to the zoning inspector, and it’s  
567 his responsibility to ensure that the package includes everything the BZC will need.

568  
569 Ms. Kerlin said she liked Ms. Yorko’s idea of having reasons why the BZC wouldn’t  
570 want to rezone.

571  
572 Mr. Gemienhardt asked whether that was already included in the zoning resolution text;  
573 for example, the PRD portion of the zoning resolution includes the 7 criteria for approval  
574 after the DCRPC has reviewed an application. If new or different lists of requirements  
575 are added, items in various places could be mixed up and there could be discrepancies  
576 which an applicant’s attorney could potentially take advantage of.

577  
578 Mr. Gemienhardt said the more information that is put in, the more the BZC will be  
579 “hamstrung.” Creating a cheat sheet would be acceptable, but putting things in print  
580 could result in problems if a sharp attorney notices the discrepancies.

581  
582 Mr. Sedlacek said that it seemed that Ms. Yorko was not trying to be specific per article  
583 but rather just a list of general things that are issues which an applicant must ensure that it  
584 provides prior to applying for a rezoning. Ms. Yorko said it would be more of a guidance  
585 document for the BZC, a synopsis of things which were specifically said in the CLUP.

586  
587 Ms. Yorko said that for example, page 74 of the CLUP states that, “If the township  
588 wishes to exceed the average density for a parcel of land they either must reduce another

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589 parcel's land use for sewer or there will be holes in the sewer service area without sewer  
590 capacity.”

591

592 Ms. Yorke said there must be a place in the CLUP where there was a recommendation  
593 that the BZC consider that. Mr. Sanders said there are comments in the roads and schools  
594 sections. When a potential applicant approaches the sanitary office, it is careful not to  
595 state that capacity will be lost if a certain plan is done because they don't want to be the  
596 arbiter of that. For example, a property owner could ask whether there is enough  
597 capacity to develop patio homes with a density of 5 units/acre, and the sanitary office  
598 may state that there is plenty of capacity for that.

599

600 Ms. Yorke said if that is developed, then the property owner next door may not have the  
601 same sewer rights in the future.

602

603 Mr. Gemienhardt asked whether that was already being addressed in the zoning  
604 resolution requirements. Mr. Sanders said that the criteria used in the CLUP come  
605 directly from the zoning resolution; there are 3 sources, including the CLUP and that is  
606 why the density has been included on the map. The other items are whether the plan  
607 meets the requirements of the zoning resolution and also the health, safety and welfare of  
608 the township. As a rule of thumb, he felt it was good to have.

609

610 Mr. Sedlacek asked whether he would suggest publishing such a document and refer to it.  
611 He said he would prefer to keep it as a cheat sheet for the BZC to use, and he has  
612 changed his mind about providing it to potential applicants. Mr. Sanders agreed and said  
613 that the applicants will use the zoning resolution to prepare their applications. Mr.  
614 Gemienhardt said that the zoning resolution is the law.

615

616 Mr. Sedlacek agreed and said that a smart attorney may attempt to play the cheat sheet  
617 against the zoning resolution against the CLUP against verbal statements, etc.

618

619 Mr. Sanders said that typically there is an implementation sheet which indicates the  
620 recommended changes to the zoning resolution although it was not included in the CLUP.  
621 Mr. Sedlacek said that would cover the second concern that Ms. Yorke had and that  
622 would be a reminder to the BZC that it needs to look at the zoning resolution and address  
623 some of those items.

624

625 Mr. Sedlacek summarized by stating that the CLUP draft has several typos, and some  
626 references and an implementation page to be added. Ms. Yorke added that the informal  
627 guide which was just discussed should also be created. Mr. Sedlacek asked what Mr.  
628 Sander's opinion on the issues was, as he has gone through similar situations with other  
629 townships, some of whom have reviewed their CLUP's word for word.

630

631 Mr. Sedlacek asked whether, if Mr. Sanders and Ms. Yorke are willing to work together  
632 and if the BZC agrees, Mr. Sanders would be able to find the time to work with Ms.  
633 Yorke? Ms. Yorke asked that the BZC members provide a list of typos and she asked  
634 Mr. Sanders to provide her with a Microsoft Word document of the plan. She would  
635 create a version of the document with the revisions indicated via the, "track changes,"  
636 feature to be reviewed by Mr. Sanders. If he would then want to discuss the changes he  
637 could then contact her.

638

639 Mr. Sedlacek asked the BZC to provide its suggestions within a week to Ms. Yorke, who  
640 would then work with Mr. Sanders within 2 weeks, and that would provide Mr. Sanders  
641 one week to print the document and provide 20 copies to the BZC and township. Mr.  
642 Kerlin agreed, and Mr. Valentine asked whether it would be treated like the BZC treats  
643 modifications to its meeting minutes. The changes would all be sent to Ms. Yorke and  
644 she would provide a revised draft copy to be reviewed by the BZC. Mr. Hahn and Ms.  
645 Yorke also agreed with that procedure, as well as Mr. Sanders.

646

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647 Mr. Sanders said that item 4 makes him nervous because it was discussed a few times and  
648 the last map had an A and a B, and even though some changes were made, he got the map  
649 back and realized there are still problems.

650

651 Mr. Sedlacek asked that within the next week the BZC provide typos to Ms. Yoroko and  
652 also review the map to ensure that the descriptions match the boundaries on the map.

653

654

**AGENDA ITEM: NEIGHBORHOOD DESIGN CENTER PROPOSAL STATUS**

655

656 Mr. Sedlacek said that Mr. Valentine and Mr. Armstrong did not meet with the  
657 Neighborhood Design Center (NDC) staff recently and he has asked Mr. Armstrong to  
658 update the BZC regarding as of yesterday what has transpired. He said that the NDC is a  
659 group which has offered to do work for the township, but given the current economic  
660 climate, the BZC doesn't want to suggest spending money that the township may not  
661 have right now.

662

663 Mr. Sedlacek said the BZC was seeking an opportunity to pick up a grant to pay for the  
664 work by the NDC. He asked Mr. Armstrong to update the BZC regarding what has  
665 happened in the last two months regarding the proposal, and he noted that mainly the  
666 work to be done was for the Village of Cheshire.

667

668 Mr. Armstrong said that Mr. Sanders has been working with the NDC and they will come  
669 back to Mr. Sanders with a proposal and a cost estimate. He said that Mr. Sanders has  
670 done most of the work and he has worked with Gus Comstock, Delaware County  
671 Economical Development director, and they have tried several sources of funding.

672

673 Mr. Armstrong said that currently there is a proposal which Mr. Sanders and Mr.  
674 Comstock have put together to try to use some of the funds through the Economic  
675 Development and the Ohio Department of Development to obtain funds to have the work  
676 done. That came to him this week and he provided it to the trustees and explained it to  
677 them. During the trustee meeting last night, the trustee chairperson was asked to  
678 collaborate with Mr. Comstock to get some additional information regarding the extent to  
679 which an agreement would commit the township.

680

681 Mr. Armstrong said that the township is just asking for a commitment to see whether the  
682 funds can be used, and those funds would not come out of the township; it would be  
683 development funds. The trustees would like to obtain assurances, and if they are  
684 obtained, the trustees would probably decide to proceed with that project.

685

686 Mr. Sedlacek said that he asked Mr. Armstrong to comment on the issue because the last  
687 document Mr. Armstrong sent to the trustees suggested that Mr. Sedlacek be authorized  
688 to sign it. However, he was not comfortable with that and Mr. Armstrong sent an email  
689 to the trustees asking who the appropriate person would be to sign the agreement; if it is  
690 him, then he will sign it.

691

692 Mr. Sanders said he was originally told by somebody who works with Franklin County  
693 that the process was simple, but he has since found out that Franklin County follows a  
694 different path to get funding than Delaware County, because it has Columbus; Delaware  
695 County must go directly to the State of Ohio.

696

697 Mr. Sedlacek said that trustee chairperson Tom D'Amico will contact Mr. Comstock and  
698 Mr. Armstrong will keep the BZC informed regarding those developments. He hoped the  
699 trustees understood his reluctance to sign unless authorized in advance. Mr. Sanders  
700 noted that it was he who put his name on there because he didn't know who else to put on  
701 the form. He will send the agreement in Microsoft Word so it can be changed to  
702 whomever.

703

704

705

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**AGENDA ITEM: CHESHIRE BUSINESS UPDATE AND SIGNAGE, ARTICLE 22**

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763

Ms. Kerlin said that since the last time the BZC met, she has incorporated the changes requested by audience members and the BZC, which included changing some wording in the purpose. There was a statement in 22.01 Purpose which had indicated, “To promote and protect the public health,” but it was difficult to determine how that would be done and how the public health could be protected. Thus, “public health” was changed to, “welfare.”

Ms. Kerlin said that she standardized the references to the Village of Cheshire throughout the document to, “Historic Village of Cheshire.” She also standardized some numbering which referred to the different sections and lines to ensure that the periods were all in the right place.

Ms. Kerlin said it was decided to word one line under Section 22.02 Permitted Signs – No Permit Required, item B. Signs for Expanded Home Occupations, 3. as follows, “The sign and all associated materials should be placed outside of the right-of-way.” She explained that this wording was created for expanded home occupations but it will be added throughout the entire document so that any sign would be placed outside the road right-of-way, including political signs, etc.

Ms. Kerlin said the entire document was not reviewed at the last meeting so work remains to be done. There was a statement under Political Signs indicating that they are not to interfere with the clear sight triangle of vehicular traffic entering or leaving a public street. The BZC asked her to add that statement throughout the document but she didn’t so that; instead she added that to the section where restrictions on signs in general are discussed. That was done in lieu of adding it multiple times to different parts of the zoning resolution.

Ms. Kerlin said that in Section 22.06, General Regulations, under Location, she added, “No sign shall interfere with the clear sight triangle of vehicular traffic entering or leaving a public street.”

Mr. Hahn suggested adding, “The sign and all associated materials shall be placed outside of the road right-of-way,” to this section as it is a general regulation. Ms. Kerlin said she could easily do that, and she noted that originally it was there because it referred to the message board signs which are portable and thus easily moved. She suggested inserting the language under General Regulations but also leaving it under Message Boards so it will be emphasized.

Ms. Kerlin said that she can also email a copy of the document to any member of the audience upon their request.

Ms. Kerlin said that originally 22.02 I. stated, “opened” signs and that was changed to, “Open/Closed” signs. Mr. Sedlacek noted that refers to the neon signs placed in windows.

Ms. Kerlin said that in item N., Ribbons and Streamers, the maintenance of those items and how they are worn out was discussed, and she said she would add a comment regarding keeping such items in good condition.

Ms. Kerlin said standardization of numbering was added as well. Mr. Hahn said that there is one phrase in item u. that challenges one’s grammar. “Historic features upon entering and exiting the area outside of the right-of-way,” and he didn’t think that was in reference to exiting the area outside of the right-of-way. Ms. Kerlin said that the BZC asked at the last meeting that she change the wording. She thought perhaps it should reference being next to the right-of-way.

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764 Mr. Hahn suggested, “Historic Village of Cheshire informational and/or directional  
765 signage: All signs shall be placed outside the right-of-way. Provisions will be made to...”  
766 At first reading, it appeared that it was referring to entering or exiting the area outside of  
767 the right-of-way.

768  
769 Mr. Sedlacek said that the document which was sent today via email is a different  
770 version. Ms. Kerlin said the update was not from her but was from the document that she  
771 got from the township and she emailed it to the BZC with the date indicated in the subject  
772 line.

773  
774 Ms. Kerlin said that regarding page 6, item 22.03 C. Monument style freestanding signs  
775 identifying commercial or office complexes, the BZC had discussed the two tables  
776 regarding the total display area of signs and the correlating required setback , and it had  
777 been suggested during past meetings that a column indicating a maximum allowable  
778 height be added. Perhaps taller signs could be permitted if the setback is further from the  
779 road because there are many businesses, especially on Route 23, where the signs are so  
780 far back they can’t be seen, and those businesses receive no advertising from the signage  
781 because it is so far back from the road.

782  
783 Ms. Kerlin asked for input regarding the height and setbacks on a gradual scale. She said  
784 criterion which should be considered includes providing enough to help businesses  
785 advertise while not being too intrusive to the community. Mr. Sedlacek said that an 8’  
786 high sign located 32’ from the right-of-way is different than the same sign 120’ away.

787  
788 Ms. Kerlin said that on page 7, item E. Model Home Signs indicates, “Maximum  
789 advertising area of sixteen (16) square feet.” This was changed to insert the spelling of  
790 sixteen, and she felt that it made the dimension clearer. In item 2., “Maximum height of  
791 four (4) feet...” was also modified based on Ms. Yorke’s recommendation.

792  
793 Ms. Kerlin said that letter F. indicates that, “The sign does not exceed thirty two (32)  
794 square feet....”

795  
796 Ms. Kerlin reviewed the language in item G., “A-frame signs, provided the following  
797 conditions are met...” and said that the only change was to the formatting.

798  
799 Ms. Kerlin said that the BZC had discussed allowing A-frame signs at prior meetings, to  
800 help (particularly in the Cheshire area) prevent them from being a hazard or being located  
801 in the right-of-way. 1. “The sign is located on the property to which it refers.” She noted  
802 that this meant that, for example, an A-frame sign could not be placed for Cheshire  
803 Market down at Waters Edge Pizza, and vice-versa.

804  
805 Ms. Kerlin asked whether the text should state that, or would it be neighborly for one  
806 property to be able to help advertise other people’s businesses. In her opinion, the  
807 signage should be on the subject property and should be maintained by the subject  
808 property’s owner. Mr. Sedlacek and Ms. Korleski agreed.

809  
810 Ms. Kerlin read, item 2. “The construction of the sign is in keeping with the nature of the  
811 establishment, the sign itself may not be illuminated and is made of sturdy materials such  
812 that it cannot be blown easily by the wind.” Ms. Bringardner said that all signs will be  
813 blown by the wind, and she suggested stating, “blown over,” or, “blown down,” “blown  
814 easily by the wind,” or even, “relocated by the wind.”

815  
816 Mr. Hahn suggested, “Displaced by the wind.” Ms. Kerlin said that the intention of the  
817 language was that the sign needs to be heavy enough that an average gust of wind would  
818 not blow it down. Mr. Sedlacek suggested, “blown down by the wind.” Ms. Korleski  
819 suggested, “Should be anchored...”

820  
821 Ms. Kerlin noted that most such signs don’t have an anchor. Mr. Sedlacek said that if  
822 they are spread out far enough they usually work but the text should be explicit.

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823

824 Ms. Kerlin read item 3. "The sign may not be located in the right-of-way and must not  
825 impede any flow of traffic into or out of the property." Mr. Sedlacek suggested adding  
826 something regarding a line of visions as well. Ms. Kerlin said that was why the sight  
827 triangle language was placed in the general regulations, and she asked if she should add it  
828 here as well. Mr. Sedlacek agreed that it should be.

829

830 Mr. Hahn said that the language was placed in 22.02 but not in 22.03. Ms. Kerlin asked  
831 how the language should be standardized. Mr. Hahn said it should be added at the front  
832 end of 22.03.

833

834 Mr. Simpson suggested using the word, "positioned," out of the right-of-way rather than,  
835 "located," because the signs are being moved around and they are not really located.

836

837 Ms. Kerlin reviewed item 4. "The sign must be removed nightly at the close of business  
838 and replaced in the morning," item 5. "The sign must be kept in good repair and  
839 appearance," 6. "The sign must only be used to reflect the events, specials or goods and  
840 services of the business upon which said sign is located;" and, "7. The size will not  
841 exceed 6 square feet on either side."

842

843 Ms. Kerlin said that regarding item H. Temporary Business Signs, some wording and  
844 formatting was changed through most of the text and she reviewed the changes. In item  
845 2, the word, "pennants," was added and the word "sixteen" was added to "16."

846

847 Ms. Kerlin reviewed item H. "3. Ribbons, streamers and other moving devices are  
848 prohibited as signs but may be used as decoration in outdoor seating areas or gardens as  
849 permitted in section 22.02." She noted that this language was changed to indicate that  
850 such items may be used as decorations but they cannot be used for advertising.

851

852 Ms. Kerlin reviewed Section 22.05 Prohibited Signs, item B. "Portable signs, portable  
853 billboards, pennants, streamers, flashing lights, moving string of lights, inflatable devices,  
854 moving computer driven LED signs (running ticker) air-activated attraction devices."  
855 This was modified to exclude moving strings of lights as well as moving, computer-  
856 driven LED signs, and anything that would be distracting, especially at night, would  
857 detract from the rural nature of the township and they would be intrusive.

858

859 Ms. Kerlin reviewed 22.05, O. "Billboards or signs for advertising purposes on any water  
860 tower, wind turbine or landmark." Ms. Kerlin said that the township has in the past  
861 prohibited advertising of signs on benches, but Ms. Yorko felt that somebody may want  
862 to sponsor a bench.

863

864 Ms. Korleski asked if the benches would be used for bus stops. Ms. Yorko said she  
865 didn't have a firm opinion of what it should be, but she thought that it should be possible  
866 that something could be there on a bench to give it a homey-type of feel.

867

868 Ms. Yorko said she had been thinking along the lines of a statement on the bench such as,  
869 "This Bench Donated by Cheshire Market." Ms. Kerlin said it could be used to mark a  
870 donation, and if it happens to be a donation by a local business that is fine, but not for  
871 advertising purposes.

872

873 Ms. Korleski said that the text already says that the advertising signs on these items are  
874 prohibited. Ms. Kerlin said that perhaps an exception could be added which indicates  
875 that benches that are donated by a local business can have their name on it.

876

877 Mr. Simpson said that basically it would be a wooden bench with one board 6-8" wide  
878 with the name of the business on it. Ms. Korleski asked about bus shelters for kids. Mr.  
879 Sedlacek said that there are some on S.R. 36/37 which have been in existence for a long  
880 time.

881

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882 Mr. Sherman said that there are some that are very close to where he lives and there have  
883 been no kids there since possibly about 1975 and they were placed there simply for  
884 advertising purposes.

885

886 Ms. Sedlacek asked whether there were any phone booths in the township. Ms. Kerlin  
887 asked whether phone booths should be struck from the text. Mr. Sedlacek said it should  
888 be. Mr. Sherman said that many children will be walking to school soon and they may  
889 need somewhere to sit along the way. Ms. Kerlin said she would amend Section L. and  
890 bring it back to the BZC.

891

892 “O. Billboards or signs for advertising purposes on any water tower, wind turbine or  
893 landmark.” Ms. Kerlin said that she added wind turbines to this section. Ms.  
894 Bringardner asked whether Del-Co Water or the City of Delaware, for example, could put  
895 their name on it. Ms. Kerlin said she wasn’t sure if they were owned by someone and she  
896 wasn’t sure if that was the same thing as advertising.

897

898 Ms. Sherman noted that Del-Co Water advertises on their water tower.

899

900 Mr. Sherman said that he took an exception with the agricultural signs because there used  
901 to be signs painted on barns, and recently a barn near I-71 was painted to celebrate  
902 Ohio’s 100<sup>th</sup> anniversary, and it is a good-looking sign and has agricultural flavor and it  
903 shouldn’t be restricted. Mr. Hahn said that was why barns were eliminated, and he  
904 brought that question up before when barns were excluded.

905

906 Ms. Kerlin said she wasn’t sure of Del-Co’s rights, and she asked about somebody  
907 putting Mail Pouch advertisement on a wind turbine or Max and Erma’s or whatever.  
908 Mr. Sedlacek liked the proposed language as written. Ms. Bringardner asked whether the  
909 water tower actually served to announce Del-Co Water ownership.

910

911 Ms. Kerlin read item P. “Revolving signs (excepting barber poles), and animated signs  
912 (includes mechanical or electronic changeable copy signs, flashing signs, moving signs  
913 and any animation of signs). No sign shall contain or consist of, ribbons, streamers or  
914 similar moving devices.” She said that the text was changed to allow barber poles. She  
915 noted that it is a revolving sign which is permitted elsewhere so the revised language  
916 simply delineates that. Mr. Sedlacek said he didn’t want to be the only township in the  
917 world that doesn’t allow barber pole signs.

918

919 Ms. Kerlin said that page 13 was changed so that the text was standardized. In Section  
920 22.07, the language was modified to indicate that the zoning office can direct that a sign  
921 be removed at the owner’s expense, as follows:

922

923 “Section 22.07 Abandoned Signs: If any sign or billboard shall become abandoned, in the  
924 manner defined herein, such a sign or billboard is declared to be a public nuisance by  
925 reason that continued lack of use results in lack of reasonable and adequate maintenance,  
926 thereby causing deterioration and blighting influence on nearby properties.”

927

928 Ms. Kerlin asked how Mr. Sedlacek felt about the change, and she asked whether the  
929 township zoning office was allowed to give direction like that. Mr. Sedlacek said that he  
930 thought it could; like anything else, if there is signage which violates the regulations in  
931 the zoning resolution, the township zoning inspector would call the offending property  
932 owner to inform them of the violation and follow up with a letter.

933

934 Ms. Kerlin said the intention was to let property owners know that it is in there and if one  
935 lets things go one is more aware. Mr. Sedlacek said he thought the language could be  
936 added. Mr. Armstrong said that the count prosecutor’s office would review the language  
937 and will inform the township whether the language is permitted.

938

**BERLIN TOWNSHIP ZONING COMMISSION (BZC)**

*OF DELAWARE COUNTY, OHIO*

**REGULAR MEETING  
SEPTEMBER 14, 2010**

939 The language continued as follows: “Such sign shall be removed by owner at owner’s  
940 expense at the direction of the Township Zoning Office. An abandoned sign or billboard  
941 is defined as any sign or billboard that meets any one of the following criteria:

942 ....

943 D. Any sign that is structurally defective, in need of repair, or is otherwise a hazard to  
944 public safety or esthetically incompatible with the surrounding property.

945

946 Ms. Kerlin said that the above item D. was added as a delineation of what an abandoned  
947 sign would be, in order to drive the point home.

948

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

950

951 Mr. Sedlacek noted that the next BZC meeting will be held on Tuesday, October 12, 2010  
952 at 7:00 PM.

953

954

**SYNOPSIS**

955

**Accomplished**

957 ➤ An informal review of a proposal for the DeMarchi property on Hollenback Road was  
958 conducted by the BZC, providing input to the potential applicant.

959 ➤ The following resolution was passed:

960 *“Resolution 10.09.14.#1: Grant 1-year Extension of the Preliminary Plan for 390 3*  
961 *B’s and K Road.”*

962 ➤ Proposed modified language for Article 22 of the zoning resolution was reviewed.

963

**Homework**

965 ➤ BZC members will review the CLUP draft language and map (including to ensure  
966 that the descriptions match the boundaries), and provide their suggestions regarding  
967 any issues within a week to Ms. Yorke, who will then work with Mr. Sanders to make  
968 the changes within two weeks, and Mr. Sanders will then provide 20 copies of the  
969 revised CLUP to the BZC and zoning office for review.

970 ➤ Work will continue with the Neighborhood Design Center Proposal. Trustee  
971 Chairperson Tom D’Amico will contact Gus Comstock, Delaware County Economic  
972 Developer, to obtain additional information regarding how an agreement would  
973 commit the township, and Mr. Armstrong will keep the BZC apprised regarding this  
974 matter.

975 ➤ BZC members will review and provide input regarding adding a maximum allowable  
976 height column to be added to the text indicated on page 6 of the document provided  
977 by Ms. Kerlin, item 22.03 C. regarding the two tables which indicate the total display  
978 area of a sign and corresponding setbacks for commercial/office monument style  
979 signage. Ms. Kerlin will make the suggested revisions to the proposed modified  
980 language in Article 22 for BZC review.

981

**Future Work**

983 ➤ The BZC is considering creating a list, for internal use only, which would be a “Cheat  
984 sheet”/informal guidance document to include a list of items which should be  
985 reviewed for re-zonings, including reasons why a property shouldn’t be rezoned in a  
986 certain classification per information included in the CLUP, such as incorrect density,  
987 lack of sewer service; clarification regarding what is intended by Transitional Planned  
988 Unit Developments; etc.

989

990 There was no further business to come before the Commission. Motion to adjourn.  
991 Meeting adjourned.

992

993

994

\_\_\_\_\_  
Rick Sedlacek, Chairperson

995

996

\_\_\_\_\_  
Kristin Yorke, Vice Chairperson

997 |

**BERLIN TOWNSHIP ZONING COMMISSION (BZC)**

*OF DELAWARE COUNTY, OHIO*

**REGULAR MEETING  
SEPTEMBER 14, 2010**

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\_\_\_\_\_  
Jerry Valentine, member

\_\_\_\_\_  
Rae Kerlin, member

\_\_\_\_\_  
Jim Hahn, member

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