

BERLIN ZONING COMMISSION

Regular Meeting

January 13, 2009, 7:00 PM

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

3
4 **CALL TO ORDER**

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

6
7 Meeting attendees recited the Pledge of Allegiance.

8
9 **BZC Members Present:** Rick Sedlacek, Jerry Valentine, Jim Hahn, Kristin Yorke, Rae
10 Ann Kerlin, Betty Bringardner- first alternate

11
12 **Meeting Attendees Who Signed In**

13 Elizabeth Kline, 5540 Bayside Ridge Drive, Galena, OH 43021

14 Joe Korleski, 3584 Greenville Drive, Galena, OH 43021

15 Toni Korleski, 3584 Greenville Drive, Galena, OH 43021

16 Jack Knapp, 938 Winding Creek Lane, Delaware, OH 43015

17 Mike Morrill, 883 Dunham Rd., Delaware, OH 43015

18 Dan Jacobs, 1983 Gregory Rd., Delaware, OH 43015

19 Don Sherman, 1469 Africa Road, Galena, OH 43021

20 Barbara Sherman, 1469 Africa Road, Galena, OH 43021

21 Brian Smith, 3410 Cheshire Road, Delaware, OH 43015

22 David Leahy, 1484 Dale Ford Road, Delaware, OH 43015

23 Scott Sanders, Delaware County Regional Planning Commission

24
25 Mr. Sedlacek read the adopted policy statement as printed in the agenda for the meeting.

26
27 **APPROVAL OF MINUTES**

28 Mr. Hahn made a motion to approve the minutes from the December 9, 2008 BZC
29 meeting, as presented. Ms. Yorke seconded the motion. All in favor say, "aye," all
30 opposed signify with same sign. No opposition, motion carried.

31
32 **Resolution 09-1-13-01 - Elect BZC Chairperson, 2009**

33 Mr. Hahn made a motion to nominate Rick Sedlacek as BZC chairperson for the calendar
34 year 2009.

35 There were no further nominations.

36 Mr. Valentine seconded the motion.

37 VOTE: Hahn, yes; Valentine, yes; Yorke, yes; Kerlin, yes; Sedlacek, yes. Motion
38 carried.

39
40 **Resolution 09-1-13-02 - Elect BZC Vice-Chairperson, 2009**

41 Mr. Hahn made a motion to nominate Mr. Valentine as BZC vice-chairperson for the
42 calendar year 2009.

43 There were no further nominations.

44 Mr. Sedlacek seconded the motion.

45 VOTE: Hahn, yes; Sedlacek, yes; Yorke, yes; Kerlin, yes; Valentine, yes. Motion
46 carried.

47
48 There was a discussion about continuing the practice holding regular BZC meetings on
49 the second Tuesday of each month. Mr. Sedlacek noted that he wouldn't be available for
50 a meeting on 2/10/09. After discussion, a motion was made as follows below.

51
52 **Resolution 09-1-13-03**

53 Mr. Hahn made a motion to hold 2009 BZC Regular Meetings on the second Tuesday of
54 each month, except for February, when the meeting will be held on the first Tuesday of
55 that month. July and August meetings will only be held as needed.

56 The following meeting dates were set:

- 57
58 ♦ February 3, 2009
59 ♦ March 10, 2009
60 ♦ April 14, 2009

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- 61 ♦ May 12, 2009
- 62 ♦ June 9, 2009
- 63 ♦ July and August, 2009: will be scheduled as needed
- 64 ♦ September 8, 2009
- 65 ♦ October 13, 2009
- 66 ♦ November 10, 2009
- 67 ♦ December 8, 2009

68
69 Mr. Valentine seconded the motion. All in favor say, “aye,” all opposed signify with
70 same sign. No opposition, motion carried.

71
72

PROOF OF PUBLICATION

73 Zoning Clerk Lisa Knapp provided proof of publication for the legal notice for this
74 meeting, which was published in the December 29, 2008 Delaware Gazette, providing
75 notification of the meeting date and time and items for discussion.

76
77

LEGAL NOTICE

78 BERLIN TOWNSHIP BOARD OF ZONING APPEALS AND BERLIN TOWNSHIP
79 ZONING COMMISSION NOTICE OF PUBLIC MEETING

80 The Berlin Township Board of Zoning Appeals (BZA) and the Berlin Township Zoning
81 Commission (BZC) will hold a joint public organizational meeting at 7:00 P.M.,
82 Tuesday, January 13, 2009 at the Berlin Township House, 3271 Cheshire Road,
83 Delaware, Ohio, 43015. The purpose of the joint meeting is to elect officers and conduct
84 such other organizational business as deemed necessary. After the conclusion of the BZC
85 organizational part the BZC will have a regular meeting with the purpose being to
86 continue discussion of the home occupation and signage issues from the Business
87 Community Forum. Additionally, discussions will start on the methods and procedures
88 for revising the text of the Berlin Township Comprehensive Land Use Plan (CLUP).
89 The person responsible for giving notice of the public meeting by publication is Cathy
90 Rippel. Questions concerning this matter should be directed to the Zoning Office at
91 740-548-5217. Township residents are encouraged to attend.

92
93

BERLIN TOWNSHIP BOARD OF ZONING APPEALS
Mike Morrill, Chairman

95
96

BERLIN TOWNSHIP ZONING COMMISSION
Rick Sedlacek, Vice-Chairman

98
99

**AGENDA ITEM – DISCUSSION OF
COMPREHENSIVE LAND USE PLAN UPDATE**

100
101

Mr. Sedlacek said that the BZC members were asked to bring a friend to this hearing, and
he hoped that these friends would become engaged with the following two projects: 1)
examining the summary of comments received from the Business Community Input
Forum (“Forum”) which was held on October 14, 2008, and 2) to begin the arduous task
of reviewing the Comprehensive Land Use Plan (CLUP) and its map.

106
107

Mr. Sedlacek said there were two maps which can be found in the zoning office. One is
called the “Zoning District Map,” which indicates the current zoning associated with 1
properties in the township. The other map is from the CLUP which indicates the vision
for the township, and this map has not been reviewed since 1999.

111
112

BRING-A-FRIEND RESULTS AND INTRODUCTIONS

113
114

Mr. Sedlacek said that BZC subcommittees have been working on various projects, and it
would like to recruit additional residents for help, as the projects are very important. The
five Commission members are not enough people to complete tasks that important – he
would like to have at least 20-30 residents to help with this very difficult task.

116
117

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118 Mr. Sedlacek said that he brought Jack Knapp to this meeting. Mr. Knapp, of Winding
119 Creek Estates, said he works for Chase Bank, has lived in the township since July 2001,
120 and he is very interested in what is going on.

121
122 Ms. Kerlin introduced her friend Elizabeth Cline, who lives in the Harbor Pointe
123 subdivision, and said she is an environmental consultant who does environmental
124 structural assessments for a bank, and she also teaches environmental science as an
125 adjunct instructor at a local community college. She is interested in zoning and land use.
126

127 Ms. Yorko brought Brian Smith who works with her at the City of Dublin and lives
128 across the street from the township hall. Mr. Smith said he has owned his property since
129 1986, and has lived in the township since 1974. He is here to help.

130 Mr. Sedlacek said that it is hoped that the interest of the additional attendees will increase
131 within a few meetings. He asked the other meeting attendees to introduce themselves.
132

133 Joe Korleski, on the township BZA for two years, said he is a retired auto worker who
134 has lived in Berlin Township for seven years. He is here because he wants to get
135 involved.
136

137 Toni Korleski said she lives on Greenville Drive in Shadow Creek and moved into the
138 township in 2001. She has a teaching degree and had a Realtor license in the past. She
139 has done many things in the interest of the community during her life. She has applied
140 for the open position of BZC alternate but has not heard back about it yet. Mr. Sedlacek
141 said he would be checking with the trustees on the progress of the alternate appointment
142 process, as one of the alternate positions has been open for a while. He noted that in the
143 meantime, she is welcome to attend all meetings and help in any way she wishes.
144

145 Ms. Korleski asked how she could be included in the review of the CLUP. Mr. Sedlacek
146 said she is now included, and he noted that a subcommittee of the BZC has come up with
147 ideas relating to getting more resident involvement, which will be discussed tonight.
148

149 Dave Leahy said he has a home occupation in the township and has been in contact with
150 many Commission members. He expressed his willingness to help out in any way he
151 can.
152

153 Barbara Sherman said she has lived in Berlin Township since 1962, and she serves on the
154 BZA. She brought her husband to this meeting.
155

156 Don Sherman said that he and his wife have attended many of these meetings in the past,
157 and is interested in everything going on in the township. He noted that he has lived in the
158 township for most of his 70-year lifetime, and his family has been in Berlin Township for
159 at least 150 years.
160

161 Dan Jacobs said he has lived in Berlin Township for over 30 years. He has served on the
162 BZA for several years, and he is here to make comments as a resident, not a BZA
163 member.
164

165 Mike Morrill said he has lived on Dunham Road for 24 years, and has served on the BZA
166 for about 18 years.
167

168 Betty Bringardner said she has been on the BZC, the BZA, and has served as zoning
169 inspector. She has been very involved in the past.
170

171 CLUP UPDATE DISCUSSION

172 Mr. Sedlacek said that before Berlin Township had its own zoning code, it was regulated
173 by Delaware County zoning requirements. However, as the township grew, the populace
174 decided it wanted its own zoning code, and that it may be a little different than other area
175 townships. The CLUP was created from that concept as well.
176

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177 Mr. Sedlacek said that many people at this meeting have historical knowledge which will
178 be very helpful during the process. The interests of the Berlin Township residents need to
179 be determined, not only those of the Commission members.

180

181 Mr. Sedlacek asked everybody to try to bring even more friends to the next BZC meeting.

182

183 Mr. Morrill said that the CLUP is more than a land use plan; it should guide the township
184 in the right direction. Before a land use plan is developed, a philosophy of what the
185 township should look like needs to be determined. Deciding how to use land piece-meal
186 doesn't provide a guide. The original CLUP stated that the township viewed itself as a
187 rural community, and that it wanted to maintain that rural character; however, this has
188 changed now. That concept should be revisited.

189

190 Mr. Sedlacek said that the CLUP is a document which includes about 14 chapters,
191 including Chapter 4, which includes the goals. This includes a vision statement regarding
192 what the township should look like in the future, and some of the items have changed
193 over the years. The most important part is the goals section, and after those areas have
194 been revisited, the group can continue working on the entire plan.

195

196 Mr. Sedlacek said the BZC desires guidance on the review of the CLUP, and it has asked
197 for assistance from the Delaware County Regional Planning Commission (DCRPC). He
198 asked how the DCRPC viewed its role in this process.

199

200 Scott Sanders, director of the DCRPC, said that the DCRPC and the township created the
201 original CLUP for Berlin Township, which took about 1.5 years and was complete in
202 1999. Numerous other township CLUP plans have been done over the years for other
203 townships, and each CLUP is tailored individually for that township. The process can be
204 lengthy because each chapter is presented individually, and time between meetings is
205 necessary to gather the data. During the last 10 years, there have been changes in various
206 townships, including townships, including Berlin Township. Since this is an update,
207 the process should not take as long, possibly less than a year.

208

209 MAILER/FLYER TO PROMOTE RESIDENT PARTICIPATION IN CLUP UPDATE

210 Mr. Sedlacek said a subcommittee has worked on a mailer/flyer which it hopes will be
211 sent to all residents in the township in an attempt to increase resident awareness of and
212 participation in the CLUP update.

213

214 Mr. Sedlacek said the subcommittee working on the mailer/flyer included Mr.
215 Armstrong, Mr. Leahy, Ms. Yoroko, Mr. Sedlacek, and Ms. Sherman. He distributed
216 information to the meeting attendees. Each member had an assignment, and Ms. Yoroko
217 had been selected to document the information and put it together.

218

219 Ms. Yoroko said the subcommittee met to discuss the appearance of the mailer/flyer, what
220 information it should include, and what options were available for mailing it out. She
221 said that Mr. Leahy had suggested having the mailer be folded and 2-sided, and include
222 information to be completed by the residents on one side, and mailing address
223 information on the other side, so residents could simply complete the information, fold it
224 up, and easily mail it back to Berlin Township.

225

226 Ms. Yoroko said residents' addresses would be included on one side of the flyer, with an
227 attention-getting statement "Berlin Township's Zoning Commission needs you!" on the
228 other side. An explanation of the CLUP and the help needed is explained on the flyer, as
229 well as township contact information. The inside of the flyer includes eight multiple
230 choice questions and a fill-in-the blank section with three questions.

231

232 Mr. Sedlacek noted that the survey could be called in, mailed, or dropped off at the
233 zoning office. Mr. Sedlacek noted that the intention was to generate some interest in the
234 process.

235

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236 Ms. Kerlin said that the flyer looks great, and she likes that the questions are simple and
237 the information will be easy to fill out – this will help get more responses. Mr. Sedlacek
238 said that the return rate on questionnaires is usually low, so the subcommittee tried to
239 make the survey as easy to complete and return as possible.

240
241 Mr. Leahy added that the flyer will also help make residents aware that something is
242 going on – even if they don't send the survey back in, it may help get more residents
243 interested in the township in general. Mr. Sedlacek said that the suggested flyer is the
244 sleekest and least expensive way to go.

245
246 Mr. Valentine suggested having the flyer have pre-paid postage to increase the number of
247 responses. Mr. Sedlacek said that he and Mr. Armstrong will present the information to
248 the trustees in a couple of weeks, and they will give the trustees both options.

249
250 Mr. Hahn noted that the last major revision of the CLUP was in 1999, but several minor
251 revisions have been made since that time, including increasing the density on the
252 properties adjacent to the City of Delaware to help preclude further annexation by the
253 city. Mr. Sedlacek said the minor revisions were to the map, not the CLUP. Mr. Hahn
254 said the map is part of the CLUP, so it has technically had some minor revisions. He
255 suggested indicating that the last “major” revision took place in 1999.

256
257 Mr. Hahn said that the question “Do you feel the goals of the township are
258 indicative....?” may need to be modified for the general residents, because they may not
259 be aware of what the goals of the township are. He said that the question “How do you
260 feel about annexation?” may be too vague for most residents, and he suggested that it be
261 worded to indicate that it does not refer to Berlin Township annexing to other places, but
262 instead to annexation of Berlin Township property by adjacent municipalities. He
263 suggested "How do you feel about annexation of township land by adjacent
264 municipalities?"

265
266 Mr. Sedlacek suggested that a “not applicable” or “don't know” response be included in
267 the answer selection for those questions for which residents may not be familiar with the
268 subject matter

269
270 Ms. Kerlin asked if the purpose of the flyer was to determine the wants and needs of the
271 residents, or if the township was seeking volunteers. Mr. Sedlacek said it was both. Ms.
272 Kerlin suggested including language asking if residents were willing to help, rather than
273 just asking for their contact information. It was agreed to add the information.

274
275 Mr. Morrill suggested that members take the flyer to a neighbor for their feedback before
276 finalizing it – this will provide a perspective from people not as familiar with zoning, etc.
277

278 Ms. Kerlin asked if the information could also be included on the township website so
279 residents could respond online if desired. There was an agreement that was a good idea.
280

281 Mr. Sanders suggested using “land use” instead of “zoning” on the first question. The
282 CLUP is more about land use than zoning, which comes later in the process, and people
283 are more familiar with the term “land use” than zoning. He also suggested instead of
284 choosing just one of the four items in that question that that residents are asked to rank
285 the four items.

286
287 An unidentified person asked if a question regarding sidewalks could be asked. He said
288 the lack of sidewalks is a serious concern in both existing and new neighborhoods.
289

290 Mr. Sedlacek said Mr. Valentine had suggested visiting neighbors in the township to
291 conduct informal surveys, in conjunction with the mailed survey. Ms. Yoroko said that the
292 flyer seemed to be more geared towards residents; however, there are some residents who
293 are also business owners in the township. She suggested including in the question “What
294 are your likes or dislikes about Berlin Township” the phrase “(sidewalks, lighting,
295 signage, etc.) to try to encourage a response.

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296

297 Mr. Hahn suggested allowing the Commission members four days to solicit input from
298 the neighbors. Ms. Yorke said she could revise the survey by tomorrow night and
299 provide the new draft to the Commission. This was fine with the Commission.

300

301 There was additional discussion. The mailer/flyer proposal will be presented to the
302 trustees at their next meeting for their approval.

303

304 **AGENDA ITEM - DISCUSSION OF SUMMARY REPORT OF THE BUSINESS**
305 **COMMUNITY INPUT FORUM**

306 Mr. Sedlacek said that another BZC subcommittee is working on the information
307 received from the Small Business Community Input Forum.

308

309 **VILLAGE OF CHESHIRE HISTORICAL AREA – SUBCOMMITTEE UPDATE**

310 Ms. Kerlin presented information regarding the Village of Cheshire historical area. She
311 suggested working with the merchants in that area. The comments from the Forum
312 indicated that the merchants would like permanent directional signage, and she said the
313 BZC needs to speak with them to determine their wishes to ensure that fits with the
314 township’s vision, and also that it is acceptable to the entire community.

315

316 Ms. Kerlin said she spoke with Doug Grote and Dave Fields, and she will be meeting
317 with business owners next week. Mr. Hahn said that the issue wasn’t just regarding
318 signage; it also included determining a character or community “flavor”, of which
319 signage would be a part. Ms. Kerlin said it is important to maintain a cohesive look in
320 the future in that area.

321

322 Mr. Sedlacek said business owners in that area were the most vocal during the forum.
323 Ms. Kerlin said that property owners in that area are interested, as it would make their
324 businesses more productive and easier to run. A big problem is that the businesses can’t
325 advertise effectively due to their setbacks. She will have a report available at the 2/3/09
326 meeting.

327

328 **EXPANDED HOME OCCUPATIONS – SUBCOMMITTEE UPDATE AND**
329 **DISCUSSION**

330 Mr. Hahn said he was asked to lead the subcommittee to examine how the township can
331 make it easier to operate a small business in the township. He noted that Mr. Leahy had
332 been particularly interested in increasing the number of non-resident employees allowed
333 for home-based businesses, as he operates a home-based business within the township
334 and was allowed to have only one “non-resident” employee who did not live on his
335 property. Mr. Hahn said he wanted 2-3 small business owners and 2-3 non-business
336 owners to meet to discuss ways the township zoning regulations could be changed to help
337 small businesses be more economically viable without detracting from or harming the
338 neighborhoods in which they reside.

339

340 Mr. Hahn presented a draft of ideas for revising the expanded home occupation
341 regulations, which included the following concepts:

342

- 343 ➤ Making it the responsibility of the business to meet all applicable state, county
344 and federal regulations and licensing.
- 345 ➤ The township fire department shall review the business’ plan to ensure that the
346 proposal doesn’t create additional fire hazards to that property or other properties.
- 347 ➤ The fire department will determine or recommend whether annual fire inspections
348 should be held at the location.
- 349 ➤ The business activities will not generate more trash than a normal household in
350 that neighborhood.
- 351 ➤ There will be no outside trash containers.
- 352 ➤ Allow up to three employees, including the business owner, with the condition
353 that all employees part off-street on the property.
- 354 ➤ The employees don’t leave the business more than once per day.
- 355 ➤ No more than a certain number of commercial deliveries can be made per day.

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- 356 ➤ No sign or other indication of a business would be posted on the property.
- 357 ➤ All on-site business activities involving non-resident employees shall be
- 358 conducted only during normal business hours, typically Monday-Friday from 8:00
- 359 AM to 5:30 PM.
- 360 ➤ The property doesn't provide more driveway or parking area off-street than
- 361 normal for a house in that neighborhood.
- 362 ➤ If more than two clients will be coming to the business site, the business owner
- 363 must apply for township approval, and opportunities will be given to the
- 364 neighbors to voice their concerns regarding the home occupation, and the overall
- 365 impact on the neighborhood will be considered before the use is approved or
- 366 denied.
- 367 ➤ If a business currently exists which was approved under prior regulations, that
- 368 business owner could request approval under the new regulations if desired, and
- 369 the township would consider potentially reducing the application fee.

370

371 Mr. Hahn said perhaps Mr. Sanders would be able to provide input on this matter as well.
372 Mr. Hahn said he will be setting a formal meeting up with Mr. Leahy and others, and he
373 asked for interested volunteers to attend this meeting. The results of this meeting will be
374 prepared for the 2/3/09 BZC meeting.

375

376 Mr. Morrill quoted that, "Laws that are not written clearly will lead to chaos." He said
377 that the township could not require businesses already in operation to re-apply. Mr. Hahn
378 said that reapplying would be optional, and the property owner probably wouldn't want
379 to reapply unless the change benefits them. Mr. Morrill said the property owner could
380 apply for a new conditional use permit, so that section is not necessary. Mr. Hahn said he
381 would check with the county prosecutor to see if that section was necessary.

382

383 Mr. Morrill said that a grandfathered use can be expanded by up to 50% if the regulations
384 change. Mr. Hahn asked what the 50% would be in regards to – if one employee was
385 allowed prior to the modified regulations, would 1 ½ employees be allowed? Mr. Morrill
386 was not sure.

387

388 Mr. Morrill said he was concerned about the proposal that opportunities will be given to
389 the business owner and neighbors to voice their concern, and the overall impact of the
390 neighborhood will be considered in approving or denying the application. He said that
391 was arbitrary and capricious and would be struck down by the courts. Mr. Hahn said the
392 county prosecutor would strike it down first. Mr. Morrill said he would consider
393 resigning from his position on the BZA if the changed was approved. The language
394 would allow the neighbors, instead of the zoning resolution, to decide what is granted by
395 the BZA. There have been few BZA applications submitted because former DCRPC
396 Director Phil Laurien and the Zoning Resolution Rewrite Committee spent a year
397 working on it and it is very clearly written.

398

399 Mr. Morrill said that some existing text regarding home occupations was left out of the
400 code. Mr. Hahn clarified that the proposed text was not intended to be all-inclusive, and
401 it is intended to be a draft. He said Mr. Morrill's comments were good. Mr. Morrill said
402 that from a BZA standpoint, he has a real problem with the proposed Section 10. Mr.
403 Hahn said that neighbors typically are invited to and attend hearings for typical variance
404 requests, so the spirit of the proposed language is being met with the proposed language.

405

406 Mr. Jacobs said that the BZA has to judge applications based on the zoning resolution.
407 Mr. Valentine said that he thought the proposed language meant that all business owners
408 within 200' would be notified about the hearing, but not that they would decide whether
409 the business was allowed or not. Mr. Jacobs said the BZA has to interpret and follow the
410 zoning resolution; the BZC makes the law.

411

412 Mr. Hahn said he almost didn't include the language because the current practice includes
413 notification of the public and their input on an application. The BZC is attempting to
414 modify or add to the zoning resolution to create a better business environment for home-
415 based businesses.

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417 Mr. Jacobs said the proposed language will create a real problem for existing business
418 owners. Mr. Hahn said the language indicates that the language was just a draft of his
419 thoughts and was intended to be discussed at this meeting. He asked people to “think
420 outside the box” and said that just because something has always been done a certain way
421 doesn’t mean that way may be applicable today.

422

423 Mr. Morrill said that an expanded home occupation is allowed in many districts, and it
424 would be possible to have one on a ¾ acre lot. He said perhaps a minimum lot size
425 should be established. Mr. Hahn said perhaps the use should be considered in light of the
426 zoning densities.

427

428 Mr. Armstrong said he found that the expanded home occupation is permitted in the R-2,
429 R-3, and R-4 districts; however, an expanded home occupation is not permitted if there is
430 a PRD overlay. There is only one subdivision which doesn’t have a PRD overlay. The
431 zoning resolution allows a minor home occupation in the PRD districts. Mr. Hahn said
432 that perhaps Mr. Morrill, Mr. Leahy and others would be interested in working on this
433 before the next meeting.

434

435 Mr. Sherman said it would not be possible to regulate the number of trucks stopping at
436 the house per day. He noted that typically, for example, FedEx could come up to two
437 times per day. Mr. Jacobs said that very long semi-truck deliveries could perhaps be
438 regulated, but mail, FedEx, UPS, etc. deliveries could not be regulated.

439

440 Ms. Korleski asked if this discussion was in reference to the summary of the Business
441 Community Forum. Mr. Hahn said it came from the Forum that was held. Ms. Korleski
442 asked if the proposed language would apply to existing businesses. Mr. Hahn said it
443 would apply to home-based businesses only. Ms. Korleski said she lives in Shadow
444 Creek, and she asked if she would be able to start a business in her home with three
445 employees.

446

447 Mr. Hahn said that home-based businesses are allowed in the township, but with a
448 maximum of just one employee. The BZC received input from business owners during
449 the Forum that allowing just one employee seemed to be too restrictive, and the limitation
450 prevented them from growing their revenue enough to be able to move from one
451 employee into a leased space. It was noted that some surrounding townships allow more
452 than one employee to work at a home occupation.

453

454 Mr. Sedlacek said there are probably more home occupations in the township than one
455 may realize, and they are not very apparent unless they generate a lot of traffic and other
456 noticeable situations. He thanked attendees for their comments and said that Mr. Hahn
457 would proceed with working on the language.

458

459 Mr. Morrill said that Mr. Hahn should consult Section 24.01 of the zoning resolution,
460 Non-Conforming Uses. If the zoning resolution is amended, a conditional use which
461 does not meet present requirements becomes a non-conforming use. If the zoning
462 resolution was modified to allow three employees, an existing use would become a non-
463 conforming use.

464

465 Mr. Sedlacek thanked the subcommittees for their hard work.

466

467 PRESS RELEASE RE: CLUP UPDATE - DISCUSSION

468 Mr. Sedlacek asked if the Commission would like him to write up some information
469 regarding the CLUP update and the zoning resolution changes being considered to be
470 provided to local newspapers as a press release. The Commission agreed that was a good
471 idea.

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473

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476 NEW ELEMENTARY PROPOSED FOR GREGORY ROAD - DISCUSSION

477 Mr. Armstrong said he met with the Olentangy Local School District school board last
478 Friday, and they provided him with informational plans for the district's 14th elementary
479 school, planned to be located on Gregory Road. He noted that the school district is
480 exempt from zoning since it is a governmental entity. He asked if the Commission was
481 interested in a short informational presentation about the school, or going before just the
482 trustees. The trustees have suggested holding the session at its last meeting in February.
483

484 Mr. Sedlacek said he would be interested in the district providing an informal
485 presentation to the Commission. Even though the district is a governmental entity and
486 doesn't have to file a formal application, the Commission can still make suggestions
487 which the district may consider. Mr. Hahn said he wouldn't object to the Commission
488 members attending the trustee meeting to save time, and the trustees and the Commission
489 could hear each other's comments. This may have to be advertised as a joint meeting.
490 There was a consensus that this was a good suggestion.
491

492 DCRPC CONTRACT FOR CLUP UPDATE

493 Mr. Armstrong said that he has provided the Commission with a template and
494 information regarding the DCRPC contract for the CLUP update to be taken to the
495 trustees. Mr. Sedlacek said that he will present the contract to the trustees at its next
496 meeting, and also request that a second alternate for the BZC is appointed.
497

498 Mr. Hahn said the township is entitled to a certain number of hours from the DCRPC, and
499 the proposed contract is to extend those hours to add to the number of hours to cover
500 excessive work on the CLUP update. He asked how many hours the township was
501 entitled to each year. Mr. Sanders said the number of hours varied per township based on
502 population, and Berlin Township is entitled to 25 hours per year. Mr. Sedlacek noted that
503 the township was assessed annual dues by the DCRPC so the hours can't necessarily be
504 considered "free."
505

506 MS. KERLIN'S BZC TERM EXPIRES MARCH 2009

507 Mr. Armstrong said that Ms. Kerlin's term expires in March 2009, and he noted that if
508 she was interested in reappointment she should provide a letter stating that to the trustees.
509 He noted that terms expire in March; Ms. Yorke's term expires in 2010, Mr. Hahn's term
510 expires in 2011, Mr. Valentine's term expires in 2012, and Mr. Sedlacek's term expires in
511 2013.
512

513 DISCUSSION ABOUT TOWNSHIP BOARDS AND REZONING PROCESS

514 There was a discussion about the various township boards and the rezoning process
515 which led to no conclusion.
516

517 **SYNOPSIS OF MEETING**

- 518 ➤ The mailer/flyer intended to help generate resident interest in current projects will
519 be revised and provided to the BZC members, and then presented to the trustees for
520 their opinion.
- 521 ➤ Continue BZC review of the CLUP update.
- 522 ➤ Continue BZC review of the information gleaned from the Business Community
523 Input Forum to determine whether corresponding changes should be made to the
524 zoning resolution.
- 525 ➤ Reports will be prepared from the subcommittees for the 2/3/09 BZC Regular
526 Meeting
- 527 ➤ Mr. Sedlacek will write up a news release regarding the CLUP update and the
528 zoning resolution changes being considered.
- 529 ➤ A short information presentation regarding the new elementary school to be built on
530 Gregory Road may be presented at a trustee meeting to be attended by BZC
531 members, possible at the trustees' last meeting in February 2009.
- 532 ➤ Mr. Sedlacek will request of the trustees at their next Regular Meeting approval of
533 the contract with DCRPC for the CLUP update, and also that a second alternate is
534 appointed to the BZC.

BERLIN ZONING COMMISSION

Regular Meeting

January 13, 2009, 7:00 PM

535 ➤ Ms. Kerlin will write a letter to the trustees requesting her reappointment to the
536 BZC, if she desires.
537

538 There was no further business to come before the Commission. The next BZC meeting
539 will be on Tuesday, February 3, 2009 at 7:00 PM. Motion to adjourn. Meeting
540 adjourned at 9:10 PM.
541

542 _____
543 Rick Sedlacek, Chairman
544

545 _____
546 Jerry Valentine, Vice-Chairman
547

548 _____
549 Jim Hahn, member
550

551 _____
552 Kristin Yorko, member
553

554 _____
555 Rae Ann Kerlin, member
556

557 _____
558 Betty Bringardner, first alternate, seated
559

560 Attest: _____
561 Lisa F. Knapp, Township Zoning Clerk
562