

BERLIN ZONING COMMISSION

Regular Meeting

November 11, 2008, 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 Chairman Rick Sedlacek at 7:00 PM.

6
7 Mr. Sedlacek asked that since today is veteran’s day, a veteran should lead the meeting
8 attendees in reciting the Pledge of Allegiance. Mr. Hahn and Don Sherman led meeting
9 attendees in reciting the Pledge of Allegiance.

10
11 **BZC Members Present:** Rick Sedlacek, Jerry Valentine, Jim Hahn, Kristin Yorke, Rae
12 Ann Kerlin, Betty Bringardner (first alternate)

13
14 **Meeting Attendees Who Signed In**

15 Rick Gemienhardt, 881 Africa Road, Galena, OH 43021
16 Don and Barbara Sherman, 1469 Africa Road, Galena, OH 43021

17
18 Mr. Sedlacek read the adopted policy statement as printed in the agenda for the meeting.

19
20 Mr. Sedlacek commended Ms. Knapp on the outstanding minutes and synopsis from the
21 10/14/08 minutes, and the attachment which included all stated concerns.

22
23 **APPROVAL OF MINUTES**

24 Mr. Valentine made a motion to approve the minutes from the October 14, 2008 BZC
25 meeting, as presented. Ms. Yorke seconded the motion. All in favor say, “aye,” all
26 opposed signify with same sign. No opposition, motion carried.

27
28 **PROOF OF PUBLICATION**

29 Zoning Clerk Lisa Knapp provided proof of publication for the legal notice for this
30 meeting, which was published in the October 30, 2008 Delaware Gazette, providing
31 notification of the meeting date and time and items for discussion.

32
33 **LEGAL NOTICE**

34 Berlin Township Zoning Commission Notice of Public Meeting

35
36 The Berlin Township Zoning Commission will hold a meeting at 7:00 p.m. Tuesday,
37 November 11, 2008. The meeting will be held at the Berlin Township House, 3271
38 Cheshire Rd., Delaware, OH. The purpose of the meeting is to begin discussion regarding
39 the text of the Berlin Township Comprehensive Land Use Plan (CLUP) and to review
40 comments made at the Business Community Input Forum. The person responsible for
41 giving notice of the public meeting by publication is Cathy Rippel. Questions concerning
42 this matter should be directed to the Zoning Office at (740)548-5217. Township
43 residents are encouraged to attend.

44
45 Berlin Township Zoning Commission
46 Rick Sedlacek, Chairman

47
48 **AGENDA ITEM – DISCUSSION OF**
49 **“SUMMARY REPORT OF BUSINESS COMMUNITY**
50 **INPUT FORUM COMMENTS”**

51 Mr. Sedlacek said that the discussion of last month’s Business Community Input Forum
52 (“Forum”) was included in the document entitled “Summary Report of 10/14/08 BZC
53 Business Forum Comments” (“Summary”) provided by the Clerk. The Summary was
54 distributed to the Commission and meeting attendees.

55
56 Mr. Sedlacek asked what should be done next with the information from the meeting,
57 such as:

- 58
59 ♦ Hold a follow-up meeting?
60 ♦ Send out a flyer including the summary information?

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- 61 ♦ Send out letters including the summary to the meeting attendees?
- 62 ♦ Post the information on the township website?
- 63 ♦ Determine whether there are any issues which the township could act on
- 64 immediately?

65

66 Mr. Valentine asked what the proper procedure was for considering the
67 suggestions/issues. He recommended sending the Summary to the attendees of the
68 Forum, and also to those who had received an invitation to that meeting. This would help
69 with “marketing” and may encourage comments from others in the future. Mr. Sedlacek
70 said the Summary should also be sent to the township trustees. Ms. Kerlin recommended
71 including information with the Summary regarding the township’s course of action. Mr.
72 Sedlacek added that the information should be sent out quickly.

73

74 Ms. Kerlin said that changing many of the issues would require a lengthy process, and so
75 the township cannot provide instant feedback at this time. She said that perhaps the issue
76 mentioned by Steve Cross at the last meeting, regarding the sign permit fees he must pay
77 for the Fantasy of Lights, could be resolved quickly. Mr. Cross had mentioned that he
78 felt the fee should be waived because the proceeds of the event go to charitable
79 organizations.

80

81 Mr. Hahn said that he spoke with township trustee Phil Panzarella regarding the issue,
82 who said that the trustees have requested several times that Mr. Cross submit his budget
83 information for the Fantasy of Lights event, including expenses and revenue, to the
84 trustees, and they could consider the issue. However, Mr. Cross has not done that yet.
85 Ms. Kerlin said that Mr. Cross should be advised of this.

86

87 Mr. Sedlacek said that when he was the township zoning inspector, he had discussed the
88 issue with Mr. Cross and informed him that although he must pay the sign permit fees, he
89 could then request a refund from the trustees, and that nobody else is authorized to issue a
90 refund. Ms. Knapp said perhaps Mr. Cross was concerned about the information then
91 becoming a public record if he provided it to the trustees.

92

93 Mr. Hahn suggested having a process in place where a person can request a refund and
94 present their case to the trustees, including proper documentation, for consideration.

95

96 Mr. Sedlacek asked Ms. Kerlin if she had any suggestions regarding which issue should
97 be considered first. Ms. Kerlin suggested including dates in the letter for public input
98 and brainstorming in the future. Mr. Sedlacek suggested including a summary in the
99 letter, stating that the Commission will be considering the issues in the future, and
100 specifying which issues may be addressed and implemented quickly.

101

102 Ms. Kerlin asked about the comments regarding the expanded home occupation.

103

104 Mr. Hahn said it will take a while to complete the process of reviewing the list of issues,
105 and some of the items, such as the right-of-way issues, may require additional work,
106 including by the county prosecutor’s office. A good point for examining the existing
107 rights-of-way is that the current right-of-way allows some business signs to be closer to
108 the road, while signs for other businesses located just next door must be further set back.
109 In reality, it is not reasonable to state that a driver could hit one of the signs and not the
110 other. He said it should be possible to have the rights-of-way aligned more consistently
111 with the road, especially since the rights-of-way are so far back. This would take a long
112 time to do, but the prosecutor’s office could look into that while the township is working
113 on other issues.

114

115 Mr. Sedlacek said that logically, it could seem to meeting attendees who have not
116 attended many township meetings that a business owner should be able to install a sign so
117 it can be seen.

118

119 Ms. Yorke asked if public comment could be heard again after the information has been
120 distributed.

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121

122 Mr. Sedlacek suggested including the comments from the Forum in the mailing, as well
123 as a planned course of action. He said perhaps a few of the issues which have been raised
124 could be discussed first and perhaps resolved. The letter could also provide a way for
125 additional comments to be provided to the township.

126

127 Mr. Hahn suggested including the information on the township website so that the current
128 status of each item could be easily updated and accessed. Ms. Kerlin said the letter
129 should be sent out quickly, but it should refer to the township website. Mr. Valentine
130 said that some businesses probably do not have easy access to the township website.

131

132 Mr. Sedlacek said that the two issues the Commission is working on, the Forum and the
133 township Comprehensive Land Use Plan (CLUP) update, on could be included in the
134 information sent to the public, perhaps in a newsletter-type document from the
135 Commission. Both issues are important, but the CLUP update may be more important to
136 everybody. Mr. Armstrong said information regarding the CLUP had been included in
137 the last newsletter. Mr. Sedlacek said that the information wasn't as specific as it could
138 have been, and although input was requested, the township did not ask for contact
139 information for volunteers to work on committees.

140

141 Mr. Sedlacek asked how expensive it would cost to mail the information to each resident.
142 Mr. Armstrong guessed that it would be \$1,500.00-2,000.00, and he commented that a
143 one-page township newsletter will be sent out in December. Mr. Sedlacek asked if the
144 information could be included on the back of the newsletter to save money. Mr.
145 Armstrong said he was not sure.

146

147 Ms. Bringardner said she would also like to get a lot of input from a great variety of
148 township residents, not just business owners, and the township has done a lot of working
149 rewriting the zoning resolution. Ms. Kerlin said that if the information is included in a
150 township newsletter, the township will get input from many others, not just business
151 owners. Ms. Bringardner agreed that some changes should be made, but carefully.

152

153 Mrs. Sherman, resident and also BZA member, said that the comments at the Forum were
154 primarily in regard to the historic Cheshire area, and either the scope should be
155 broadened to include other areas, or that area should be considered separately from the
156 rest of the township. She said that it is very desirable to get a lot of input for the CLUP
157 update, particularly because of the changes coming to the township and surrounding area
158 in the near future.

159

160 Mr. Sedlacek noted that the historic Cheshire area has its own article in the zoning
161 resolution, but it is bound, like all other districts, by the general development standards of
162 the zoning resolution, including signage, lighting, etc.

163

164 Mr. Gemienhardt said the Commission is on task. He agreed with the concept of sending
165 out a follow-up letter, which was promised at the meeting and documented in the
166 minutes, not just to the Forum meeting attendees, but to all residents. He said including
167 the information in the township newsletter is a great idea. He commented that visiting
168 the website can be cumbersome, and tangible information may be more convenient.

169

170 Mr. Gemienhardt said the process should be deliberative and not rushed, and it could take
171 some time. He suggested setting a tentative schedule so people would know when to
172 attend meetings on their item(s) of interest; time is precious for many. Also, a priority
173 list could be created. He said the issues discussed at the last meeting are very important,
174 should be addressed, and input should be encouraged. Looking out for the needs and the
175 wants of the township residents will be a good guide for the Commission; for example, if
176 90% of comments, including from residents, state they wish to see A-frame signs in the
177 historic Cheshire area, and/or setting different standards for that area than the rest of the
178 township, that could be done. Considering the input would help document the reasoning
179 behind any changes to zoning resolution and/or the CLUP, and would be defensible.

180

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181 Mr. Sedlacek reviewed the course of action:

182

183 A letter should be prepared which include the following information:

184

- ◆ A course of action and dates for action, if possible, in response to the issues brought up at the Forum

185

186

- ◆ Tentative timelines/priority list for when the different issues will be discussed to, encourage public input.

187

188

- ◆ Documentation of what the township has done so far regarding the issues, and a request for additional input/comments on the CLUP and the Forum issues, from business owners and a great variety of residents.

189

190

- ◆ A reference to the township website for more information.

191

192

193

The letter should be sent to:

194

- ◆ All people/business owners who received an invitation to the Business Community Input Forum, to include the Summary of the Business Community Input Forum.

195

196

- ◆ The township trustees.

197

198

199

Mr. Sedlacek reviewed the following discussion points brought up at this meeting:

200

- ◆ The Commission should consider signage permits for non-profit events.

201

- ◆ Updating the CLUP and working on the issues brought forth at the Forum will be a lengthy process.

202

203

- ◆ The county prosecutor's office could be contacted to answer questions about the inconsistent location of rights-of-way on some township roads.

204

205

- ◆ The criteria for a Conditional Use Permit for an expanded home occupation should be considered by the Commission.

206

207

- ◆ The updates/answers to issues brought forth at the Forum should be posted on the township website as they become available.

208

209

- ◆ The scope of the issues discussed at the Forum should either be broadened to consider the rest of the township, or the historic Cheshire area could be considered as a separate district from the rest of the township.

210

211

- ◆ Ask the SNP/ThisWeek newspapers to write an article regarding the Forum issues and the CLUP update.

212

213

- ◆ A newsletter should be sent to residents including information on the Forum and the CLUP.

214

215

216

217

There was a discussion about the upcoming newsletter. Mr. Sedlacek asked if there

218

would be enough time to insert the discussed information into it, if desired by the

219

Commission and the trustees. Mr. Armstrong said it would have to be done quickly. Mr.

220

Sedlacek asked if Mr. Hahn could discuss the issue with trustee Phil Panzarella. Mr.

221

Sedlacek suggested including an insert in the newsletter which included details on the

222

Forum and the CLUP update. There was a discussion regarding who would write the

223

articles and also how it could be included.

224

225

Ms. Kerlin suggested including information as an article in the local newspaper to help

226

obtain more input from residents. Mr. Sedlacek said that in the past, the township has

227

received criticism from those who do not get the Delaware Gazette or the Sunbury News.

228

Ms. Kerlin asked about an article in the local SNP or ThisWeek newspaper, and she said

229

that those papers are typically dominated by news about Orange or Liberty Townships.

230

Ms. Knapp said that especially during slow news times, those papers typically are willing

231

to publish such articles. Mr. Sedlacek was concerned that people do not read those

232

newspapers. He said that perhaps the document which is created for dissemination to the

233

residents could also be sent to the local newspapers, as a supplement to the other

234

notification method(s).

235

236

Ms. Yorko provided a draft paragraph she wrote for possible inclusion with the next

237

township newsletter regarding the Forum results, and it was discussed.

238

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239 **Resolution 08-11-11-01 – Mail “Summary Report of 10/14/08 BZC Business Forum**
240 **Comments” to Berlin Township Business Owners**

241 Ms. Kerlin made a motion to mail the “Summary Report of 10/14/08 BZC Business
242 Forum Comments” to all business owners who received the letter of invitation to the BZC
243 Business Community Input Forum. Mr. Hahn seconded the motion. All in favor say,
244 “aye,” all opposed signify with same sign. No opposition, motion carried.

245
246 Mr. Sedlacek said a letter should be included with the summary, stating
247 that the forum was held, that the summary of comments has been included in the mailing,
248 that the summary and actions by the township will be included on the township website,
249 and also requesting additional comments, which can be submitted via email, letter,
250 personal visit to the zoning office, etc. The letter will state that the township will
251 disseminate more information when available, and that the township is in the process of
252 prioritizing the issues which it may act on first.

253
254 Mr. Valentine suggested including on the Commission agenda a few items from the
255 Forum to be discussed, so the community is aware of them. Ms. Kerlin suggested
256 deciding at this meeting what items will be discussed next, so that information can be
257 included in the letter.

258
259 Ms. Knapp asked how residents would be made aware of when the follow-up meetings
260 would be held. Mr. Sedlacek said the letter could state that the Commission usually
261 meets on the second Tuesday of each month. Ms. Knapp suggested that residents can
262 request to be added to the township information dissemination list for upcoming meeting
263 notification.

264
265 Ms. Kerlin agreed to write a letter including the above information, and she will
266 disseminate it to the Commission for review.

267
268 Mr. Sedlacek asked if the expanded home occupation should be considered at the next
269 meeting. Mr. Hahn agreed, and said that there may be additional issues could be
270 discussed initially as well. Mr. Armstrong said that the revised zoning resolution will be
271 effective on 11/27/08, so he recommended against recommending any additional changes
272 to the zoning resolution until then. Mr. Sedlacek changes could be made at the next
273 meeting, after the revised zoning resolution has been approved.

274
275 **SECTION 21.16 2) EXPANDED HOME OCCUPATION (BUSINESS) - DISCUSSION**

276 Section 21.16 2) Expanded Home Occupation (business) of the zoning resolution was
277 discussed. Mr. Sedlacek said the language states that there shall be no more than one
278 non-resident employee at a home occupation. Mr. Valentine said allowing only one
279 seems low, but if there are too many employees it could cause parking problems because
280 there are several vehicles in the driveway all day. Ms. Kerlin said that item h) of this
281 section states that “all parking demands created by the conduct of a home occupation
282 shall be met off the street and other than in a front yard.” She said that this provision
283 would limit the parking situation.

284
285 Mr. Hahn said allowing more non-resident employees may create problems for
286 neighboring residences, including employees and clients parking their cars on the street,
287 which could present a safety issue. He suggested that the number of cars visiting the
288 property be limited to 2-3 cars per week in the requirements, and that all employees must
289 park off-street. For example, in a recent BZA hearing for an expanded home occupation
290 permit for David Leahy, Mr. Leahy’s neighbors appeared at the meeting to support him,
291 so Mr. Leahy must not have created a parking nuisance with his business.

292
293 Ms. Kerlin asked if the language would be included under item k) which currently states,
294 “No activity shall be conducted or permitted which creates a nuisance to neighboring
295 properties.”

296
297 Mr. Hahn said the language doesn’t define a “nuisance” and he suggested modifying the
298 language to state that that 1) up to three non-resident employees are allowed, as long as

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299 parking is provided for all of them, 2) that the business will operate during hours which
300 will not provide traffic or lighting issues which would be a distraction to residents and 3)
301 that there would only be a maximum of 1-2 clients which could visit the establishment in
302 a residential neighborhood. Mr. Hahn said those changes would be acceptable to him.

303
304 Mr. Sedlacek said that the following existing parts of that section are very specific and
305 help to limit the nuisance:

- 306
307 m. Maximum of five (5) commercial parcel deliveries per week.
308 n. No more than two (2) truck deliveries per year when the delivery truck exceeds
309 10,000 pounds Gross Vehicle Weight.
310

311 Mr. Sedlacek agreed that the maximum number of employees, clients, etc. need to be
312 defined.

313
314 Mr. Armstrong asked the Commission to consider that the zoning resolution has
315 provisions for Expanded Home Occupations in districts FR-1, R-2, R-3, and R-4. It is
316 also permitted in any PRD district, which would include any subdivision. Mr. Hahn said
317 he is aware of at least two home-based businesses in the Meadows of Cheshire, including
318 a CPA, and the neighbors are probably not even aware of these businesses. He noted that
319 his daughter is an in-home physical therapist, and because she visits her clients in their
320 homes, there are no business-related visits to her home.

321
322 Mr. Armstrong said that in Berlin Township, it is legal to have a home occupation with
323 up to one non-resident employee. However, Mr. Leahy's business has more than one
324 non-resident employee working on the premises, and that is what caused an issue.
325 Requiring off-street parking would be more difficult in a residential subdivision than in
326 another residential district. Mr. Sedlacek said it may be possible to solve one small
327 problem, while creating another. Mr. Hahn said that the issue would sit for a month so it
328 could be considered; action to change the code would not occur quickly.

329
330 Mr. Sedlacek asked if the Commission wished to change the language in just the FR-1
331 districts, and he asked if there had been any problems in those districts with this type of
332 use. Mr. Armstrong said there have been few conflicts, but there are more limited home
333 occupations in many areas which do not create a problem. The expanded home
334 occupations allow signage, non-resident employees, etc. and that has been the only
335 concern he has seen over the last few years.

336
337 Ms. Kerlin said that section e) discusses organized classes, and allows up to 6 pupils at
338 once, which could result in up to six cars dropping of children for music lessons, for
339 example. In her opinion, that is not a very different situation than allowing additional
340 non-resident employees at a home occupation, although the cars used for transportation to
341 lessons are transient. Mr. Armstrong said there have been some complaints about drop-
342 off and pick-up of children at in-home daycare facilities in the township, which is an
343 allowed use. Allowing employees to work all day at the business could provide issues
344 with parking of their vehicles.

345
346 Mr. Sedlacek asked the Commission to individually consider the regulations for
347 Expanded Home Occupations and to express their recommendations at the next meeting
348 on 12/9/08, and at that time it would be possible to recommend a change to the Zoning
349 Resolution Section 21.06. He said the Commission should keep in mind that the
350 modified language would apply to all districts within the township.

351
352 Mr. Gemienhardt asked how many non-resident employees other townships allow. Mr.
353 Sedlacek said that Orange, Troy and Brown Townships allow up to 3 non-residential
354 employees; Genoa Township allows up to 2, and the rest of the townships, including
355 Liberty, allow a maximum of one. Mr. Gemienhardt suggested that the zoning inspectors
356 of those townships be contacted to see if there have been issues with allowing up to 3
357 non-resident employees at a home occupation, and whether changes to that have been

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358 considered because of problems. This would help provide comparison information for
359 the Commission. Mr. Gemienhardt said that allowing three non-resident employees to
360 work at a home occupation on a 5-acre lot would probably not be a major concern,
361 compared with allowing three non-resident employees to work at a home occupation in a
362 subdivision with small lots.

363
364 Mr. Hahn said that for example, most houses in the Meadows at Cheshire have 2-car
365 garages, and three additional cars could fit in the driveway, off the street. Mr.
366 Gemienhardt said that the business owner would probably object to that because s/he
367 would not be able to easily exit and enter the property during the day.

368
369 Mr. Hahn said that the restrictions could require off-street parking. Ms. Knapp noted that
370 at Orange Township, notification letters are sent out to properties within 200' of the
371 property where the home occupation is to be located, and if neighbors have concerns
372 about the business, they appear at the hearing to express those concerns. Typically, if
373 there is neighbor objection, the application is turned down or withdrawn from
374 consideration. However, if nobody shows up to the hearing, the board is more likely to
375 approve the request.

376
377 Mr. Gemienhardt asked if the requirements could be different for different types of
378 districts. Mr. Sedlacek said that is possible, but the zoning resolution was changed to
379 include a home occupation section, which applies to all districts, which was intended to
380 make changes easier. However, it may be possible to have different regulations for
381 different districts.

382
383 Mr. Armstrong agreed to contact the zoning inspectors at Orange, Brown, Genoa,
384 Trenton, and Troy Townships, to determine whether allowing additional non-residential
385 employees has caused any problems or concerns for those townships, and also whether it
386 applies in all districts.

387
388 Mr. Armstrong noted that the zoning resolution allows a home based business without a
389 permit, as long as only the resident works in the home.

390
391 Mr. Valentine suggested allowing more non-residential employees to work at a home
392 occupation, but allowing only up to one additional non-resident car. Mr. Armstrong said
393 that could create a situation where, for example, there is only one vehicle, but many more
394 than three employees are transported to and work in the house. Mr. Valentine said he
395 would not be concerned as long as the employees stay in the home, and he was more
396 concerned with the clutter and congestion that three additional cars would create.

397
398 Mr. Sedlacek said that in his opinion, the regulations should be changed, but any changes
399 should be carefully thought out so they do not create additional issues in the future.

400
401 Mr. Armstrong said that by law, only the sheriff's office can enforce parking on the
402 street, and zoning cannot enforce that.

403
404 Mr. Sedlacek asked if there were any additional items on the summary which the
405 Commission should attempt to tackle in the letter to business owners, and he suggested
406 adding a few items to the letter. Ms. Kerlin advised against including the right-of-way
407 issues in the letter because that issue may take a long time to resolve.

408
409 Ms. Yorko asked about the item on the summary stating "Highlight businesses in the
410 township newsletter," suggested by Adam Kimmerling. Mr. Sedlacek asked if other
411 townships currently allow that. Mr. Armstrong suggested obtaining advice from the
412 county prosecutor's office on that issue. Ms. Kerlin said it was a great idea but there may
413 be pressure regarding which businesses are selected for the newsletter.

414
415 Mr. Sedlacek suggested stating that two of the issues the Commission will consider first
416 will be home occupations and signage.

417

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418 Mr. Armstrong will contact the zoning inspectors at Orange, Brown, Genoa, Trenton, and
419 Troy Townships, to determine whether allowing additional non-residential employees has
420 caused any problems or concerns for those townships, and also whether it applies in all
421 districts.

422
423 The Commission will consider the suggestions given at this hearing and have further
424 discussion at the next meeting on 12/9/08.

425
426 Ms. Kerlin will add to the letter that two of the issues the Commission will consider first
427 will be home occupations and signage. The letter will accompany the summary and will
428 be sent to the 60 township businesses who received the invitation to the forum. She will
429 email a draft of the letter for review by the Commission.

430
431 Ms. Yorke provided a draft paragraph she wrote for possible inclusion with the next
432 township newsletter regarding the CLUP, and it was discussed.

433
434 Mr. Gemienhardt asked if the article would draw enough people into the process. Mr.
435 Sedlacek said that he would like to send a specific letter to each individual resident;
436 however, the newsletter does go out to everybody. Ms. Sherman asked if the meeting
437 date would be included in the article. Mr. Sedlacek said he was reluctant to do so as
438 people may attend the December meeting and expect to hear discussion on the CLUP,
439 which probably won't be discussed until 2009.

440
441 Mr. Gemienhardt said that the more publicity generated, the better. He said that more
442 than just the small article in the newsletter should be published in the future. He asked
443 how many residents would sense that there is urgency for them to get involved with the
444 community, based on the small article being placed in the newsletter. The process should
445 be one of education for example, "Are you concerned about what is going on around you,
446 across the street? What do you fear? It's not too late to have input in your community."
447 That technique was used the last time the CLUP was updated.

448
449 Mr. Valentine suggested stating that the CLUP is only revisited every 10 years, and that
450 now is the time for residents to get involved.

451
452 Ms. Kerlin said that a provision was included in the CLUP which states that the CLUP
453 would be revised every 5 years. Mr. Gemienhardt said that the map has been updated
454 several times since 1999. Ms. Kerlin said that fact should be included with the
455 information to the residents. Mr. Sedlacek said the zoning resolution has been modified
456 3-4 times as well. Mr. Gemienhardt noted that during the writing of the CLUP ten years
457 ago, the fear of annexation, overcrowding in schools, the need to develop a commercial
458 tax base along SR 36/37, the location of sewer service and utilities were all discussed,
459 and those issues are still valid now.

460
461 Mr. Kerlin said that not only the issues which need to be discussed should be included,
462 but also the township's accomplishments, including the fire department. Mr. Sedlacek
463 said it may be necessary next year to have a separate newsletter with just information
464 relating to the CLUP.

465
466 Mr. Armstrong said that it should be ensured that the residents are aware that the text and
467 goals of the CLUP is what will be updated, as many residents are more familiar with the
468 CLUP map and there may be some confusion. Mr. Sedlacek agreed that many residents
469 aren't aware that if the CLUP is changed, that doesn't result in the rezoning of the revised
470 properties. It only means that an applicant requesting a rezoning which is a good plan
471 and matches the CLUP will probably be approved. The CLUP is proposed zoning. Mr.
472 Gemienhardt asked if the map could possibly be changed, and if so, that should be
473 reflected. Mr. Armstrong said it is part of the process and is included.

474
475 Mr. Valentine said that the objective of the update is the text, but another word such as
476 "vision" should be included. Ms. Kerlin suggested stating, "The text of the CLUP, which
477 is the vision for our community."

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479 The paragraphs were revised as follows:

480

481 “Are you interested in your township’s vision for the future? The Berlin Zoning
482 Commission wants your input on updating the 1999 Comprehensive Land Use Plan
483 (CLUP) text and goals. We are looking for volunteers to assist us with this important and
484 monumental task in 2009. The CLUP is available on the Berlin Township website, or a
485 copy can be reviewed and/or purchased in our zoning office. If you are interested in
486 helping us re-evaluation the CLUP, contact the zoning office.”

487

488 “On October 14, 2008, the BZC held a business forum to get feedback from business
489 owners within the township. We greatly appreciate the feedback we received, and intend
490 to follow up with issues proposed at future meetings. Please keep an eye on our website
491 for agendas of our meetings the second Tuesday of every month, or contact the zoning
492 office for information. If you have not already made your concerns known, please
493 provide them to the zoning office.”

494

495 There was a discussion about the cost of mailings to the residents and updating the
496 CLUP. Mr. Gemienhardt said the process will cost some money, but it is well worth it,
497 and he doesn’t object to spending the money, as it helps increase property values, etc.

498

499 **Resolution 08-11-11-02 – Submit Informational Paragraphs Regarding Forum and**
500 **CLUP to Phil Panzarella for Possible Inclusion in Newsletter**

501

502 Mr. Hahn made a motion requesting that Mr. Armstrong submit the informational
503 paragraphs regarding the Forum and CLUP to trustee Phil Panzarella for possible
504 inclusion in the next township newsletter. Mr. Valentine seconded the motion. All in
505 favor say, “aye,” all opposed signify with same sign. No opposition, motion carried.

506

507 **AGENDA ITEM – DISCUSSION OF COMPREHENSIVE LAND USE PLAN**
508 **SYNOPSIS OF MEETING**

509

510 Mr. Armstrong asked that prior to the next BZC meeting, he and Mr. Sedlacek meet with
511 DCRPC Executive Director Scott Sanders in regards to that agency’s involvement in the
512 CLUP update. Mr. Sedlacek said the purpose of the meeting would be to let Mr. Sanders
513 know that the Commission wants him to coordinate the CLUP, and the Commission will
514 direct him as to what their thoughts and visions are, and how to go about it. He suggested
515 beginning the process in January 2009.

516

517 Ms. Kerlin asked if there was any information regarding the contract. Mr. Armstrong
518 said that currently the township has only received minimal contract information, but more
519 information will be provided in the future. The contract would have to be recommended
520 by the Commission to the township trustees.

521

522 **SYNOPSIS OF MEETING**

523

- 524 ➤ All people/business owners who received an invitation to the BZC Business
525 Community Input Forum will receive the Summary of the Forum. A letter will be
526 prepared by Ms. Kerlin to be reviewed by the Commission and provided to Mr.
527 Armstrong, to include the following information:
 - 528 ○ The date the Forum was held.
 - 529 ○ That the Summary of the Forum is being included with the letter.
 - 530 ○ That the summary and future actions by the township will be included on the
531 township website.
 - 532 ○ A request for additional comments, which can be submitted to the township via
533 email, letter, personal visit to the zoning office, etc.
 - 534 ○ That the township will disseminate more information when available.
 - 535 ○ That the township is in the process of prioritizing the issues which it may act on
536 first and that home occupations and signage will be discussed first.
 - 537 ○ The dates for upcoming BZC meetings.

538

- 539 ➤ Ms. Yorke will provide language for residents regarding the Forum and the CLUP
540 to Mr. Armstrong, with a recommendation for inclusion in the township newsletter.
541 Mr. Armstrong will give the language to Trustee Panzarella tomorrow.

542

BERLIN ZONING COMMISSION

Regular Meeting

November 11, 2008, 7:00 PM

- 538 ➤ Future BZC agendas will include items to be discussed regarding issues brought up
- 539 at the Forum.
- 540 ➤ The Commission will consider the suggestions given at this hearing regarding home
- 541 occupations and have further discussion regarding specifics such as number of
- 542 clients, employees, etc. at the next meeting on 12/9/08.
- 543 ➤ Mr. Armstrong will contact the zoning inspectors at Orange, Brown, Genoa,
- 544 Trenton, and Troy Townships, to determine whether allowing additional non-
- 545 residential employees has caused any problems or concerns for those townships,
- 546 and also whether it applies in all districts.
- 547 ➤ A meeting will be set up between Mr. Armstrong, Mr. Sedlacek, and Mr. Sanders to
- 548 discuss the procedure for updating the CLUP.
- 549 ➤ The township will request additional input/comments on the CLUP update from a
- 550 great variety of residents.
- 551 ➤ Discussion points brought up at this meeting:
 - 552 ○ The Commission should consider signage permits for non-profit events.
 - 553 ○ Updating the CLUP and working on the issues brought forth at the Forum will
 - 554 be a lengthy process.
 - 555 ○ The county prosecutor’s office could be contacted to answer questions about the
 - 556 inconsistent location of rights-of-way on some township roads.
 - 557 ○ The criteria for a Conditional Use Permit for an expanded home occupation
 - 558 should be considered by the Commission.
 - 559 ○ The updates/answers to issues brought forth at the Forum should be posted on
 - 560 the township website as they become available.
 - 561 ○ The scope of the issues discussed at the Forum should either be broadened to
 - 562 consider the rest of the township, or the historic Cheshire area could be
 - 563 considered as a separate district from the rest of the township.
 - 564 ○ Ask the SNP/ThisWeek newspapers to write an article regarding the Forum
 - 565 issues and the CLUP update.

566
567 There was no further business to come before the Commission. Motion to adjourn.
568 Hearing adjourned at 9:50 PM.

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Rick Sedlacek, Chairman

Jerry Valentine, Vice-Chairman

Jim Hahn, member

Kristin Yorko, member

Rae Ann Kerlin, member

585 Attest: _____
586 Township Zoning Clerk Lisa F. Knapp