

BERLIN TOWNSHIP ZONING COMMISSION (BZC)

OF DELAWARE COUNTY, OHIO

REGULAR MEETING

TUESDAY, SEPTEMBER 12, 2017, 7:00 PM

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

3 **CALL TO ORDER**

4
5 The meeting was called to order by Chairperson Toni Korleski at 7:00 PM.

6
7 Mr. Valentine led the pledge of Allegiance.

8
9 BZC Members present: BZC chairperson Toni Korleski, BZC Vice-chairperson Jerry
10 Valentine, Darcy Kaplan, Steve Spangler, Ken O'Brien.

11 BZC alternate members present: BZC 1st alternate member Mike Bardash, BZC 2nd
12 alternate member Martin Johnson.

13 Also present: Zoning Clerk Lisa Knapp, Zoning Inspector Chet Heid, Zoning Secretary
14 Cathy Rippel.

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16 Ms. Korleski dispensed with the adopted BZC policy statement for the meeting, as
17 printed in the agenda, due to the minimal number of meeting attendees.

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19 **AGENDA ITEM: LEGAL NOTICE**

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21 Ms. Korleski said the amendment requesting being heard tonight did not need to be
22 advertised.

23
24 **AGENDA ITEM: APPROVAL OF MINUTES**

25
26 Mr. Valentine made a motion to approve the minutes from the August 22, 2017 BZC
27 meeting, as presented. Mr. O'Brien seconded the motion.

28 Vote: Valentine, yes; O'Brien yes; Spangler, yes; Kaplan, yes; Korleski, yes. Motion
29 carried, minutes approved.

30
31 **AGENDA ITEM: INTRODUCTION OF MEETING ATTENDEES**

- 32
33 ♦ Joe Korleski, Greenville Drive
34 ♦ Barbara Sherman, Africa Road
35 ♦ Rita Armstrong, Africa Road
36 ♦ Ray Armstrong, Africa Road
37 ♦ Matt Gerkin, Wayside Ave
38 ♦ Tom Rees, Morningside Drive

39
40 **AGENDA ITEM: BZC #14-012 AMENDMENT # 1, SYCAMORE TRAIL**
41 **FILED BY CHARLES VINCE**

42
43 *BZC 14-012, Amendment #1, filed by Charles Vince, 110 Polaris Parkway, Suite 301,*
44 *Westerville, OH 43082. The applicant is requesting amendments to the final development*
45 *plan known as Sycamore Trail, 21.34 ± acres, Parcel #41814001022000 and Parcel*
46 *#41814001021000 Africa Road, Galena, OH 43021*

47
48 Tom Rees presented the request and answered questions. Mr. Rees said he is requesting
49 two minor amendments to the final development plan that was approved in February
50 2017. The first amendment is per comments from the Delaware County Engineer, who
51 wants the applicant to rotate the alignment of the proposed roadway so it is closer to
52 perpendicular to Africa Road. That created a slight shift in the roadway; the record right-
53 of-way stayed the same so the area stayed the same. A highway easement was added
54 along the north side, but the county engineer required the applicant to rotate the
55 intersection so it would align more with the Brookview Manor roadway across the road.

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56 Mr. Rees said that originally the applicant planned to utilize what they thought was an
57 existing pond in the northwest corner of the property in the side yards of lots 11 and 12.
58 However, through further environmental investigation, it was determined that it was a
59 wetland. In order to preserve the wetland the applicant had to design a dry basin for storm
60 water management to handle the discharge before it goes into Alum Creek. Per the
61 regulations, the location of that is considered to be in the front yard. Given the limited
62 area he has because of the wetlands, it is 5' closer to the right-of-way than is designated in
63 the zoning resolution.

64
65 Mr. Rees said that other than that, the final development plan is exactly as what was
66 approved originally.

67
68 Ms. Korleski said these are all deviations under one amendment and she spelled them out
69 as three deviations because the applicant wants to move the dry retention pond from the
70 rear side yards on lots 11 and 12 and move it to the front side yards. Mr. Rees said that
71 was correct. Ms. Korleski said it should be 25' from the nearest right-of-way and 55'
72 from the center of the adjacent approved road, but the applicant is requesting 20' from the
73 nearest right-of-way and 50' from the centerline of the adjacent approve road, so that is
74 deviation #2.

75
76 Ms. Korleski said deviation #3 is that the entrance road intersecting Africa Road was
77 approved at a 75 degree angle and the Delaware County Engineer is requesting that the
78 angle of the entrance road at the intersection is 85 degrees.

79 Ms. Korleski said when the BZC considers deviations for a final development plan, they
80 must decide whether the requested deviations are considered minor or major amendments.
81 If they are deemed to be minor deviations, the decision to approve the request will be
82 made by the BZC. If they are deemed to be major deviations, the BZC's recommendation
83 will be sent to the trustees for approval.

84
85 Ms. Korleski said that Section 11.13 of the zoning resolution indicates what minor and
86 major deviations are. *"Minor deviations include but are not limited to changes in the*
87 *location of buildings, structure, streets or parking areas. The zoning commission may*
88 *choose to impose conditions, safeguards or other restrictions to carry out the intent of this*
89 *district. The decision of the Zoning Commission shall represent final approval or denial*
90 *of said deviation."*

91
92 Ms. Korleski said she has a list of major deviations that includes;

- 93 a) A change in the use or character of the development.
94 b) An increase in overall lot coverage of structures and off-street parking.
95 c) An increase in the density.
96 d) A change in traffic circulation or usage of public utilities.
97 e) A reduction in approved open space.
98 f) A reduction of off-street parking and loading space.
99 g) A reduction in required pavement widths.
100 h) A change of the acreage in the planned development.
101 i) Any other department from the approved development plan which is deemed
102 substantial by the zoning commission.

103 Ms. Korleski said her opinion is that the applicant had no knowledge that these deviations
104 would be necessary when they came in for the final development plan, which was
105 approved without delay. She said the applicant cannot argue with the county engineer,
106 the EPA, or the Army Corp of Engineers so she considered the requests to be minor.

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RESOLUTION 2017.09.12.#A: CONSIDER DEVIATIONS REQUESTED IN #BZC 14-012, AMENDMENT #1, AS MINOR DEVIATIONS

Ms. Korleski made a motion that the three deviations indicated on BZC #14-012, Amendment #1 be considered minor deviations. Mr. O'Brien seconded the motion. Vote: Korleski, yes; O'Brien, yes; Spangler, yes; Kaplan, yes; Valentine, yes. Motion carried.

RESOLUTION 2017.09.12.#B: APPROVE #BZC 14-012, AMENDMENT #1

Ms. Korleski made a motion to approve BZC #14-012, Amendment #1, including the three indicated deviations. Mr. Spangler seconded the motion.

Mr. O'Brien said the last time the applicant was before the BZC there was a discussion about the trails. He asked whether the realignment would affect the trails, and how. Mr. Rees said it would not affect the trails; the minor shift in the roadway will only impact the alignment of the sidewalk, which is along the roadway. The trail may shift by a couple feet.

Mr. O'Brien said there had been discussion about the trail going to the terminus to the north, but he was not sure whether the discussion was that it would depend on what the county engineer said and he asked whether he had discussed it with the county engineer.

Mr. Rees said he did and they do not require that the path be continued because there is no destination beyond at this point. The loop would be maintained as previously planned.

Vote: Korleski, yes; Spangler, yes; O'Brien, yes; Valentine, yes; Kaplan, yes. Motion carried, application approved.

OTHER BUSINESS

Mr. Valentine said there is construction in Old Cheshire; there is a two-story building being built and he asked whether the BZC would have anything to do with that. Mr. Heid said there is not. Mr. Valentine said the house was torn down and now a 2-story barn was being built. Mr. Heid said that is a storage facility for the caterer in Cheshire. There was a house and barn and they tore the house down. Mr. Valentine said it was a car repair place. Mr. Heid said it was not. Mr. Valentine said the person's name was Francis White. Ms. Sherman said it was auto painting.

Mr. Valentine said the barn was where cars were painted. Mr. Heid said they acquired that property and they had the other property. He received some complaints that the building was too high, but it is 34.5' tall.

Mr. O'Brien said a model home on the south side of US 36/SR 37 was recently torn down. He thought that was the model home that had a 10-15 year limit but he could be wrong. Mr. O'Brien said the house had been built too close to the road and the BZA gave them 10-15 years to tear it down.

Mr. Armstrong said he was the zoning inspector at the time who put the stop order on that house at the time it was being built. The model home that was torn down was not the one that was supposed to be torn down, which is the one closer to the road. It was built 3' into the no-build area. Mr. O'Brien said that may be coming up soon. Mr. Armstrong said it was 10 years and they did not appeal it to the court of common pleas within 60 days of when it was issued. He thought it was sometime after 2006.

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165 Mr. Armstrong said when the case was filed they had requested to locate the home 3' into
166 the no-build area but the BZC turned it down. However, they built it there anyway and he
167 put a stop order on it and the applicant went to the BZA to resolve it. The BZA
168 determined they would allow them to have it for 10 years and then must remove it.

169
170 Mr. O'Brien said he did not see any reason to build the home there except to block the
171 other model home so when one comes around the curve they see that home and not the
172 other one. They should have followed the zoning resolution.

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174 Mr. Johnson asked what would happen if they refuse to tear the house down. Nobody was
175 certain and Mr. Heid said he would need to look into that.

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177 Ms. Korleski said the next BZC meeting would be held on Tuesday 9/26/17.

178
179 Motion to adjourn. Meeting adjourned.

180

181 **SYNOPSIS**

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183 The following resolution was passed:

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185 ♦ Resolution 2017.09.12.#A: Consider Deviations Requested in #BZC 14-012,
186 Amendment #1, as Minor Deviations

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188 ♦ Resolution 2017.09.12.#B: Approve #BZC 14-012 , Amendment #1

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Toni Korleski, Chairperson

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Jerry Valentine, Vice-Chairperson

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Darcy Kaplan, Member

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Steve Spangler, Member

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Ken O'Brien, Member

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214 Attest: _____

215 Lisa F. Knapp, Berlin Township Zoning Clerk