

BERLIN TOWNSHIP ZONING COMMISSION (BZC)

OF DELAWARE COUNTY, OHIO

REGULAR MEETING

TUESDAY, OCTOBER 9, 2018 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
6 The meeting was called to order by Toni Korleski at 7:00 PM.

7
8
9 Ms. Kaplan led meeting attendees in the pledge of allegiance.

10
11 BZC members present: Chairman Toni Korleski, Darcy Kaplan, Martin Johnson, Steve
12 Flaherty (1st alternate member, seated), Ray Armstrong (2nd alternate, seated).

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

15 Not Present: BZC members Vice-Chairman Jerry Valentine, Mike Bardash.

16
17 Ms. Korleski read the adopted BZC policy statement.
18

19 **AGENDA ITEM: LEGAL NOTICE**

20 Ms. Knapp said this meeting was advertised in the September 14, 2018 Delaware
21 Gazette, as follows:

22
23 **BERLIN TOWNSHIP ZONING COMMISSION**
24 **NOTICE OF PUBLIC HEARING**
25

26 The Berlin Township Zoning Commission will hold a meeting for the purpose of a public
27 hearing October 9, 2018, at 7:00 p.m. at the Berlin Township Hall located at 3271
28 Cheshire Road, Delaware, OH 43015 in order to consider an application to amend the
29 Berlin Zoning Resolution, designated as BZC 12-004 amendment #1, Planned Industrial
30 District (PID), filed by Michael D. Milosh, MITECH Systems, Ltd, 925 N 3 B's & K
31 Rd., Sunbury, OH 43074.

32 The applicant is requesting approval to allow a change of use at Jason Hatfield
33 Automotive Sales & Service, Parcels #41811001042000 & #41811001043000, 2.419 ±,
34 acres, 6925 E. S.R. 37, Sunbury, OH 43074 to MITECH Systems and/or its subsidiaries
35 to do engineering consulting, design, building, sales, and repair of custom equipment,
36 products and services.

37 The text and map of this application will be available for public examination,
38 excluding legal holidays; September 27-October 9, 2018, Monday-Friday from 8:00 a.m.
39 to 4:30 p.m. at the Berlin Township Zoning Office located at 3271 Cheshire Rd.,
40 Delaware, OH 43015.

41 Questions should be directed to David Loveless, Zoning Inspector, at 740-548-5217
42 x103. The person responsible for giving notice of the public hearing by publication is
43 Cathy Rippel. Township residents are encouraged to attend.
44

45 **BERLIN TOWNSHIP ZONING COMMISSION**
46 Toni Korleski, Chairperson

47 **AGENDA ITEM: APPROVAL OF MINUTES**

48 The 9/25/18 BZC meeting minutes will be approved at the next meeting.

49 **AGENDA ITEM: INTRODUCTION OF MEETING ATTENDEES**

- 50 ♦ John Guthrie, 873 N. 3 B's and K Road
51 ♦ Bill Hayes, S. 3 B's and K Road, here for Jane Beverly of 6999 SR 37 East, a
52 property located two doors down
53 ♦ Candace Norman, 111 3 B's and K Road

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110 Mr. Milosh said there is a lot of gravel, trash, propane, etc. on the property and he plans
111 to clean it up. Ms. Korleski asked whether the proposed building had been built by
112 Hatfield. Mr. Milosh said that it had, and he pointed it out on the plan.

113
114 Mr. Milosh pointed out a proposed parking area, said that there is gravel pushed all the
115 way up to the ditch, and noted that he would be working with the county to pull that
116 gravel back, regrade it, and reseed it to make it look more presentable. At this point he
117 would probably not be pulling up gravel to the rear of the property. He has some ISO
118 storage vans that are used periodically for projects and also equipment is built in those
119 vans. Mr. Milosh said he will designate an area back behind the buildings where the vans
120 could be stored and would not be visible from US 36.

121
122 Mr. Milosh said he was not planning to pave much of the property at this point and the
123 parking and driveway areas would probably remain gravel. There are many dead trees,
124 and those will be removed. Regarding the drainage, he did meet with representatives
125 from the Delaware County Bureau of Soil and Water Conservation on the property and it
126 appears that everything is workable as is, although some cleanup of cattails and the like
127 may be done.

128
129 Mr. Milosh said he does some work in alternative energies including solar reflectors and
130 portable tank systems, so he may install a solar array in the rear of the property to do
131 some testing.

132
133 Mr. Flaherty said an area is marked on the plans as "future office addition," and he asked
134 whether that was definite or speculative. Mr. Milosh said he has been making many
135 contacts for many years and business is going well, so he is hoping to add several
136 employees after he moves to the new location. There may be 10 employees working
137 there by the end of this year and possibly 20 by the end of next year. He expected to add
138 space sooner rather than later. Ms. Korleski said he would need to come back before the
139 township to have those plans approved and Mr. Milosh said he was aware of that.

140
141 Mr. Flaherty asked whether it was correct that there would be no entrances to the
142 property off of US 36/SR 37. Mr. Milosh said that was correct, and that there currently is
143 no direct entrance from there; the current entrance is through the neighboring property.

144
145 Mr. Flaherty asked whether Mr. Milosh was aware of the future plans for the rerouting of
146 US 36/SR 37. Mr. Milosh said he is aware of some of that but he did not think any of it
147 would directly affect this property. Mr. Flaherty said it would not directly affect the
148 subject property but in essence the property would become a side street off of US 36/SR
149 37. ODOT will direct traffic down a seven lane highway being proposed that will extend
150 through the existing RCD building and continue on to I-71 and beyond. US 36/SR 37 will
151 still have access to I-71, but the intersection will not be as major.

152
153 Mr. Milosh said there is not a great deal of traffic to the building and that occasionally, a
154 semi truck may deliver steel and the like. There will be signage that indicates visitor and
155 general parking, as well as indicating the truck entrance. He noted that the trucks would
156 turn around on the property and then exit the property to US 36 so they do not need to go
157 on 3 B's and K Road.

158
159 Mr. Johnson asked whether this property was on a septic system. Mr. Milosh said it has
160 now been hooked up to sewer. Mr. Johnson said that an area indicated on the plan is the
161 back up septic area and he wanted to make sure the applicant was aware of that in case he
162 plan to build on that part of the property. Mr. Milosh said sewer was installed along 3 B's
163 and K Road and an easement was provided for that purpose.

164
165 Mr. Johnson asked what the applicant's plans were for hazardous materials, cutting oils,
166 chips, and the like. He asked whether that would be inside storage or whether there would
167 be chip bins outside. Mr. Milosh said it would be normal handling and that there would
168 be nothing unusual. Mr. Johnson asks whether the plan was to store the items inside or

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169 outside. Mr. Milosh said there would not be much to be stored as he is not a machine
170 shop and that the business would not be generating drums of materials.
171
172 Mr. Johnson asked how many different machines he was planning to have at the facility.
173 Mr. Milosh said he has a mill and a lathe at this time. If business continues to prosper, he
174 may end up with a few more machines, but if the amount of waste increases, he would
175 make sure it was handled correctly. He noted that those activities would all occur inside
176 the building.
177
178 Mr. Johnson asked what the operating hours for the business would be. Mr. Milosh said
179 sometimes he does run the business for long hours, but he would be respectful of the
180 neighboring property owners. Currently he works late at his business, but does not
181 believe his neighbors were aware of that due to so little noise being generated. If he is
182 working late, typically it is because he is finishing up a project and he will be inside.
183 Occasionally he will be working outdoors due to the large scale of the equipment such as
184 cranes that mount on ships, winch stems and the like. He added that it would not be like a
185 junkyard; the projects may be there for a couple months and then they leave.
186
187 Mr. Johnson asked what the general duration of the project was. Mr. Milosh said most of
188 the projects are two to four months total including design time and fabrication
189 time. Sometimes he just does the design work and another business builds the machines
190 elsewhere.
191
192 Ms. Korleski ask whether it was correct that the business does not engage in heavy
193 production type work, such as 20,000 pieces at a time. Mr. Milosh said that kind of work
194 would not be typical, although some of his customers ask them to do much of the
195 development in house. For example, he has another six to eight customers who would
196 like to purchase the aforementioned fishing worm packaging machine. He would then
197 design and build the machine and sell it to a customer.
198
199 Mr. Milosh said he is not looking at building a large facility where trucks are entering the
200 property every five minutes; the business will be small volume. Ms. Korleski asked
201 whether the portable sheds would be removed from the property. Mr. Milosh said they
202 would be removed and that is part of the condition of the purchase. He learned that there
203 is an existing two-year lease with the current tenant that he was not aware of, so he is
204 working through that. The tenant is currently looking for another space.
205
206 Mr. Milosh said the existing lease requires a six-month notice if the tenants are forced to
207 move. He asked whether he would be permitted to have a couple of months to get them
208 out. He was concerned that the zoning inspector would find a violation during that time.
209
210 Ms. Korleski asked whether he was planning to plant shrubbery or other buffering at the
211 perimeter of the property. Mr. Milosh said he needs to determine what he can do in that
212 area due to easements and setbacks, but he is working with the county on that.
213
214 Ms. Korleski asked about the east perimeter. Mr. Milosh said that is Pat Paykoff's
215 property and his understanding is that he is seeking to put in equipment rental business
216 there. He said Mr. Paykoff has been hauling away trash and cleaning out the area. If he
217 puts a fence there, there would not be a lot of reason for Mr. Milosh to install a buffer.
218 There is also a county drainage easement along that side along with a buried pipe and a
219 tile and he pointed out catch basins in various locations.
220
221 Mr. Armstrong said that regarding the sign in front of the building, it is not in the correct
222 place as it has been moved from the location where it had been originally approved. That
223 sign was supposed to be closer to 3 B's and K Road than it currently is. He explained that
224 a divergence was granted when it was installed. Mr. Armstrong said if the Mitech sign is
225 planned to be used where it is currently located, it must meet the current setback unless
226 the applicant is requesting a divergence. The sign is required to be a certain minimum

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227 setback from US 36/SR 37 but part of the sign is actually located in the current right-of-
228 way.

229

230 Mr. Milosh said he was not aware of that. Mr. Armstrong suggested that either the
231 applicant requests a divergence and moves the sign out of the right away, or that he
232 moves it back to the location which was originally approved. Mr. Loveless added that
233 the sign is located partially in the right-of-way and it is closer to the corner than it is
234 supposed to be.

235

236 Ms. Korleski asked that the correct location of the sign be pointed out on the map. Mr.
237 Milosh said it is likely that he will install a new sign because the existing sign is not very
238 attractive. Mr. Armstrong said if a divergence is granted, it needs to meet the front and
239 back setback requirements of US 36/SR 37 and be located closer to 3 B's and K Road
240 because that is where it was originally granted. If the applicant wants the sign to be
241 located more towards the center of the building, it will have to be moved back closer to
242 the building to meet the setback requirements.

243

244 Mr. Armstrong said because that divergence had already been granted, the applicant
245 could choose to use it, but he will have to work it out with zoning inspector, and the sign
246 would need to either conform to the divergence that was originally granted, or it must
247 meet the current setback requirements. Mr. Milosh said it is likely he will have a new
248 sign but that he did not have time to take that on prior to submitting this application. He
249 said he would probably cut the posts off and put a new placard on the sign.

250

251 Mr. Loveless said if Mr. Milosh intended to use the existing sign temporarily, he would
252 need to take out the front post and use a different post. He said Mr. Armstrong is
253 recommending using the original position that was granted because it is closer to the
254 roadway, but it is closer to 3 B's and K Road. Thus, it would not be centered on the
255 building.

256

257 Mr. Milosh asked whether he could leave the sign temporarily where it is currently
258 located if he removes the posts and moves it from the right of way. Mr. Milosh asked
259 whether it was correct that he needs to get a new approval to move the sign back out of
260 the right away prior to building a new sign. Mr. Armstrong said he simply needed to get
261 this sign out of the right-of-way temporarily, and the new sign must meet the current
262 location requirements, or he could use the approved one. As long as the requirements are
263 met, the applicant would not need to get permission for that from the BZC, but instead
264 would request it from the Berlin Township zoning inspector.

265

266 Mr. Loveless said that the existing sign has three posts; if he removes the front post and
267 sets the back post so it is in the correct area, that would allow him to move the sign far
268 enough back. However, he feels that the old location would benefit the applicant more
269 than moving it back even further. Mr. Milosh said it is difficult to visualize that right
270 now due to the location of the existing sheds as well as a lot of brush and trees growing
271 on the side of the house.

272

273 Mr. Loveless said the shed has been blocking the sign for so long he forgot it was there.
274 Mr. Milosh said the sign is located a couple of feet in front of the shed. Mr. Milosh
275 committed to moving the sign up on his priority list and ensuring that it would meet the
276 code.

277

278 Mr. Armstrong said at one point the property owner had uplighting on the side of the
279 house, which the Berlin Township zoning resolution does not permit. All signs must
280 conform to the zoning resolution, which requires downlighting, and this includes signage
281 which is internally or externally illuminated. He asked for a commitment that the lighting
282 will meet the requirements of the zoning resolution as well. Mr. Milosh said he would
283 commit to that.

284

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285 Mr. Armstrong asked whether there would be odors, loud noises or the like created by the
286 business. Mr. Milosh said those activities would not occur during off hours or when it
287 would be a problem with any of the neighbors. Mr. Armstrong asked whether there was
288 machine noise that would travel off of the property. Mr. Milosh said there should not be,
289 except if there is a door open and grinding is being done during the day, but that will not
290 be done during the evenings or off hours.

291 Ms. Kaplan stated that the applicant had indicated there would be no walk in traffic. She
292 asked whether it was correct that it would not be a retail type business. Mr. Milosh said
293 there will not be any kind of store where people walk in to buy products. He said he
294 included sales in the application because he does work for residential construction
295 customers, who may visit the business to pick up and take it. However, that is different
296 than a typical retail operation.

297
298 Ms. Kaplan asked how large the fabrication area was. Mr. Milosh said the new building
299 was around 3,000 SF and the existing buildings are around a total of 3,000 SF, so the
300 total would be just under 6,000 SF.

301
302 Ms. Kaplan asked how many semi-trucks per day would visit the property. Mr. Milosh
303 said it would be around once per week but as the business grows it may be one to two per
304 week. Much of the materials are delivered daily via UPS or FedEx. The trucks do not
305 remain on the property after they are unloaded.

306
307 Ms. Kaplan said regarding traffic to and from the site, the applicant had mentioned there
308 would be ten to 20 employees and it seemed that typical traffic would consist of basic
309 deliveries, mail, UPS and the employees. Mr. Milosh said that was correct.

310
311 Mr. Armstrong said a setback would need to be set for the possible solar array because
312 that is considered a structure and he wanted to ensure that the arrays would be far enough
313 back from the property line. Mr. Milosh said they would be off the road. Much of the
314 work he is doing is proprietary and he would not want it to be seen from the street. He
315 added that at some point he may look into security services to keep people off the
316 property.

317
318 Mr. Armstrong said if the fence is higher than 6', a permit must be obtained by Delaware
319 County.

320
321 Mr. Armstrong said he would not want anything to be located right at the northern
322 property either and he proposed a setback there as well. He also suggested a setback of at
323 least 50' back from the 3 B's and K Road right-of-way. Mr. Milosh said everything would
324 be located to the south of the existing trees. Mr. Loveless noted that the buffer of trees
325 almost forces the activity away from the neighboring properties.

326
327 Mr. Johnson said that the solar panels were not included in this application and he asked
328 whether the applicant would need to submit a new application to the township for those
329 uses. Mr. Armstrong said he wanted to save the applicant a trip back to the township
330 because the solar panels were already included on this proposal. If Mr. Milosh sets the
331 location of those uses at this time, he would not need to come back before the
332 BZC. However, because the details such as dimensions, setbacks and other details have
333 not been provided for the building addition, Mr. Milosh would need to come back before
334 the BZC for that.

335
336 Mr. Johnson said he thought that was just an idea that perhaps down the road the solar
337 panels could be installed. However, it is part of the application. Ms. Korleski asked
338 whether the solar panels are included in the zoning resolution. Mr. Loveless said they are
339 not and that he has been treating them as a structure and requiring the same setbacks for
340 those.

341

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342 Mr. Milosh asked what setbacks Mr. Armstrong was requesting and he said there were
343 different types of panels he was considering. After further discussion, Mr. Milosh agreed
344 to a 30' setback along the north side of the property.

345

346 Mr. Loveless said that he is not familiar with the far part of the subject L-shaped
347 lot, which is all wooded past the drainage area. Mr. Milosh said there is a natural
348 drainage swale there.

349

350

PUBLIC COMMENT

351

352 John Guthrie, 873 North 3 B's and K Road, said he has been a neighbor of Mr. Milosh for
353 25-30 years and stated that he has been a "good and quiet neighbor." He said Mr. Milosh
354 has been involved in neighborhood groups including when developments have been
355 proposed in the area. Mr. Guthrie said that anything that Mr. Milosh does on this
356 property would be a huge improvement, and he is very comfortable with Mr. Milosh's
357 proposal.

358

359 Chris Stephens, with Northgate Church, said he is pleased with the cleanup
360 improvements being done to the property and also that it will be owned by a local
361 resident. He stated that the church owns around 9.3 acres and he wanted to make sure the
362 wooded area in the northeast quadrant of the subject property remains as a buffer. Mr.
363 Milosh said he had no plans to do anything in there anytime soon. Mr. Stephens said in
364 one of the drawings that were submitted, a perpetual drainage easement was indicated
365 that runs through the subject property and the church property, and he would like to
366 ensure that drainage easement is maintained but also that it stays open and functional.

367

368 Mr. Milosh said he spoke with the Delaware County Bureau of Soil and Water
369 Conservation in case he would like to build back further, because that easement is right
370 through a buildable part of the lot. It could be rerouted and that process takes around a
371 year. If anything were to change, he would go through the proper channels.

372

373 Mr. Stephens said the church has a pond to the east of the wooded lot which has been
374 developed into a park that includes a fountain and a pond, as well as trails through the
375 woods. He would like to ensure that natural buffer is maintained.

376

377 Mr. Stephens was concerned about the semi trucks. There were issues with the prior use
378 including RVs parked on 3 B's and K Road and it was difficult to get around them. There
379 is an adequate radius to get the semi-trucks into the property and off the road as quickly
380 as possible. He wanted to make sure it will not be an issue with cars trying to turn down
381 3 B's and K Road. Other than that, he is pleased with the possibility of the property being
382 owned by a local person and being cleaned up.

383

384 Mr. Milosh said there is enough room on the property for the trucks to enter and then turn
385 around prior to exiting the property. Mr. Loveless said Mr. Stephens is concerned that
386 when semis come in the long way and come out closer to the intersection, it could create
387 a problem. It may be easier to have the trucks come in close to the building and unload
388 and then come out where they have room to turn farther away from the intersection. That
389 way when a regular driver comes around the corner, they have 100' or more to avoid the
390 semi-trucks.

391

392 Mr. Milosh said the semis would come in at the north end of the property. Trucks who
393 come to the property do not know where to pull in, and they become concerned about
394 getting stuck and not being able to turn around. He would install signage that indicates
395 where the trucks should enter the property.

396

397 Mr. Johnson asked whether there was enough room at the northern entrance of the
398 property to also exit the property. Mr. Milosh said the semis would need to be able to
399 back up. There was additional discussion. Mr. Loveless said he did not see it as being a
400 major problem because there would be little truck traffic into the property

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401 A person in the audience asked what the plans were for 3 B's and K Road and US 36/SR
402 37. Mr. Armstrong said eventually there will be a right-in/right-out only, and if one wants
403 to go east, they will have to go out at the light at Four Winds Drive.

404
405 Ms. Korleski said this is a request for minor changes to the approved final development
406 plan and reviewed the following section of the zoning resolution:

407
408 SECTION 21.10: ADMINISTRATION OF THE DEVELOPMENT PLAN A.)

409 Extension of Time or Modification

410
411 3.) In the case of a request for a modification or amendment to the approved final
412 development plan that represents a substantial departure from the intent of the original
413 proposal, said modification or amendment shall be subject to the same procedure and
414 conditions of preliminary and final development plan approval as the original
415 application, including the right of referendum. The following shall be considered
416 substantial departures from the original application;

417
418 a.) A change in the use or character of the development;

419
420 b.) An increase in overall lot coverage of structures and off-street parking;

421 Ms. Korleski said this was not applicable.

422
423 c.) An increase in the density;

424 Ms. Korleski said this was not applicable.

425
426 d.) An increase in traffic circulation;

427
428 Ms. Korleski said this was not applicable.

429
430 e.) A reduction in approved open space;

431 Ms. Korleski said this was not applicable.

432
433 f.) A reduction of off street parking and loading space;

434 Ms. Korleski said this was not applicable.

435
436 g.) A reduction in required pavement widths;

437 Ms. Korleski said this was not applicable.

438
439 h.) A reduction of the acreage in the planned development;

440 Ms. Korleski said this was not applicable.

441
442 i.) Any other departure from the approved development plan which is deemed

443 substantial under a.) – h.) above by the Zoning Commission.

444
445 Ms. Korleski asked whether the BZC considers the requested change of use to be a minor

446 change, and she said it is listed as a major change. Mr. Armstrong said he considered it a

447 minor change. Mr. Johnson said he also considered it a minor change because a machine

448 shop is an approved use under the Planned Industrial District.

449
450 Ms. Korleski said the BZC may use its discretion to decide that this is a change in use but

451 not a change in the character of the development. She said the BZC should be able to

452 consider it a minor change.

453
454 **RESOLUTION 2018.10.09 .#A: BZC 12-004 AMENDMENT #1**

455 **IS CONSIDERED A MINOR CHANGE**

456
457 Ms. Korleski made a motion that the requested amendment to BZC 12-004 is considered

458 a minor change to the final development plan. Mr. Johnson second the motion.

459 Korleski, yes; Johnson, yes; Flaherty, yes; Armstrong, yes; Kaplan, yes. Motion carried.

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RESOLUTION 2018.10.09 .#B: APPROVE BZC 12-004 AMENDMENT #1

460

461

462 Ms. Korleski made a motion to approve BZC12-004, amendment #1, with the following
463 stipulation:

464

- The solar structure would be located 50' from the right-of-way of 3 B's and K
465 Road, and 30' from the northern boundary line.

466

467 Mr. Flaherty second the motion.

468

Vote: Korleski, yes; Flaherty, yes; Kaplan, yes; Armstrong, yes; Johnson, yes.

469

470

AGENDA ITEM: OTHER BUSINESS

471

CLUP Survey

472

473 Ms. Korleski asked whether any feedback has been received from the Survey Monkey
474 survey regarding the Comprehensive Land Use Plan.

475

476 Mr. Johnson said that he last checked on Sunday and there were a few responses at that
477 time. He noted that the survey has not been published for very long. Ms. Rippel said the
478 newsletter has been published on the township's website, and she would verify whether
479 the link was on the homepage. She said the newsletter is still at the printers and has not
480 been mailed out yet. Mr. Flaherty added that the survey would also be posted on
481 Nextdoor and Facebook.

482

Miscellaneous

483

484 Mr. Armstrong said at the trustee meeting last night, a zoning cloud for the planned
485 mixed use development was discussed. He said the trustees indicated that they want to
486 proceed with that and that they want to bring in Scott Sanders, director of the Delaware
487 County Regional Planning Commission, to assist with that.

488

489 Mr. Armstrong said he attended a zoning commission meeting in Berkshire Township
490 last week. He said their code is set up differently as they do not always reference their
491 general development standards, their lighting standards, their signs etc. in all cases. They
492 have a planned mixed-use development (PMUD) in their code but they did not reference
493 the setbacks in that section. He said that at the meeting, he learned that a developer
494 applied to build housing and initially requested a 5-foot side yard setback. However,
495 when the PMUD section was written, side yard setbacks were not referenced, so a zoning
496 commission member suggested that they should use the side yard setback that is
497 generally used because it was inferred.

498

499 Mr. Armstrong said the language cannot be inferred and in fact, doing so is absolutely
500 forbidden. An agreement was then reached that there would be 10' between buildings,
501 not counting the building eaves, which means there will only be around 7' between
502 buildings. This is all a result of that criterion not being included when the PMUD section
503 was written. However, Berkshire Township does not plan to rewrite the zoning resolution
504 to include the setbacks at this time because that would be subject to referendum, and the
505 builders are pushing back on it because they want other restrictions to be removed as
506 well.

507

508 Mr. Armstrong said the Berlin Township trustees would like to have Mr. Sanders work
509 on the planned mixed use district using the research he will provide to him from other
510 townships. That may help Berlin Township avoid the pitfalls other townships have
511 experienced. Mr. Armstrong asked whether the BZC would like him to work on that, or
512 whether another BZC member would like to work on it.

513

514 Mr. Armstrong said Berlin Township has always tried to maintain 25' between buildings
515 per the state fire marshal's recommendation. Ms. Rippel asked whether the Berkshire fire
516 department had concerns. Mr. Armstrong said the fire department was not there and they
517 had not been consulted yet.

518

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519 Ms. Korleski said Mr. Sanders was asked to review and provide wording for the US
520 36/SR 37 corridor but that was delayed because the township did not have a zoning
521 inspector for a while. She said Mr. Sanders is familiar with what Berlin Township wants
522 to do and she noted that they want to get ahead of what the county is doing,
523

524 Mr. Armstrong said the planned mixed use district is not in the Berlin Township zoning
525 resolution, but it was approved for the Evans Farm development. He noted that this
526 process should occur as quickly as possible because it takes six months to get zoning
527 requests approved. He said this needs to be in place prior to the development of the US
528 36/SR 37 corridor because the township would like to control its own destiny.
529

530 Mr. Armstrong said the trustees are discussing initiating the change to the zoning
531 resolution unless the BZC decides to initiate it. Ms. Rippel asked whether that would be
532 the part of the 36/SR 37 corridor that extends from the city of Delaware to I-71. Mr.
533 Armstrong said it would be only the portion of the corridor located in Berlin Township.
534

535 Mr. Armstrong explained that the cloud involves placing zoning over an area that can be
536 pulled down without a rezoning hearing. A hearing would still be required for the plan to
537 ensure that it meets all the requirements of that zoning in order to be used. There was
538 additional discussion.
539

540 Mr. Johnson asked whether this would only apply to a specific corridor along US 36/SR
541 37 or anywhere in the township. Mr. Armstrong said it would be for the US 36/SR 37
542 corridor, but it could also apply to US 23; it would be dependent on what is designated in
543 the zoning resolution by the BZC.
544

545 Mr. Armstrong said Berlin Township has set aside an area at the west end of the US 36
546 corridor for future planned industrial, and the rest of it is future planned
547 commercial. There was additional discussion.
548

549 Mr. Johnson asked whether developers who pull down the cloud would still need to come
550 in to the BZC for preliminary plan approval. Mr. Armstrong said that was correct and
551 they would also need to come in for a final plan approval. However, the zoning would
552 not need to be approved because it was already approved via the cloud. He said the
553 differences in the two processes is around 6 months.
554

555 Mr. Flaherty asked whether the applicant would still need to pay the zoning fee. Mr.
556 Armstrong confirmed that they would.
557

558 Mr. Flaherty asked whether such applicants could request divergences from the approved
559 zoning cloud. Mr. Armstrong said there could be no deviations for uses, but deviations
560 could be requested for minor situations. Applicants who wished a different use would
561 need to file for rezoning of the property and follow the process.
562

563 Mr. Johnson said applicants would still need to come in to have their preliminary plan
564 approved, as well as divergences, and he asked how it would save time. Mr. Armstrong
565 said the typical process for zoning is six months. However, under the cloud process, there
566 may be just two meetings because the zoning portion has already been done and there can
567 be no referendum once the cloud has been put in place.
568

569 Ms. Rippel asked how it would be affected by the township's comprehensive land use
570 plan. Mr. Armstrong said it would be strictly based on the CLUP. Ms. Korleski asked
571 whether an applicant could request a different zoning other than specified in the cloud.
572 Mr. Armstrong said an applicant could file for a standard rezoning in that case.
573

574 Ms. Korleski asked why the BZC would give them approval if they did not want to stay
575 under the cloud. Mr. Armstrong said that was their choice. Mr. Flaherty said floating the
576 cloud involves approving particular uses. Mr. Johnson said it was a pre-approved zoning
577 change as long as the applicant meets the specified use.

BERLIN TOWNSHIP ZONING COMMISSION (BZC)

OF DELAWARE COUNTY, OHIO

REGULAR MEETING

TUESDAY, OCTOBER 9, 2018 7:00 PM

578 Mr. Armstrong said the setbacks, landscaping and other standards could still be
579 referenced to the general section, but the other conditions such as architectural standards
580 would be put into place just in that section. There was additional discussion.

581
582 Mr. Flaherty felt it was best for the changes to be initiated by the BZC rather than by the
583 trustees, due to the BZC being experienced at such things. There was additional
584 discussion.

585
586 Ms. Kaplan asked whether it was possible to concurrently indicate parameters at the same
587 time the cloud is placed. Several people stated that it was.

588
589 Mr. Armstrong said that another issue that came up at Berkshire Township is height. One
590 of the PMUD districts has a 40' height limit, and another one has an 85' height limit.

591 Mr. Johnson asked whether this could be an opportunity to get together a punch list of
592 other changes that need to be made to the zoning resolution. Ms. Korleski said that it can
593 be a lengthy process. Mr. Armstrong said there isn't a lot of time to make the suggested
594 changes and he suggested getting started on it.

595
596 Mr. Loveless said that trustee Ron Bullard wants to make sure that the Piatt Road
597 widening is discussed. Ms. Rippel said the next trustee meeting is being suspended in
598 order to hold a special meeting on either October 24th or 25th for the purposes of an open
599 house with the residents regarding the Piatt Road widening between Peachblow Road and
600 Cheshire Road. She noted that the BZC is invited. Mr. Johnson asked whether that would
601 include the extension. Mr. Flaherty said the extension is a county project.

602
603 Ms. Korleski asked what the purpose of the special meeting would be. Mr. Flaherty said
604 the township does not own enough right-of-way to expand the road without purchasing
605 additional property from the residents. Ms. Rippel said that she would notify the BZC of
606 the exact date when it has been set.

607
608 Ms. Korleski said the next BZC meeting will be on 10/23/18 at 7:00 p.m., BZC 18-001,
609 Villas at Old Harbor, with John Wicks.

610
611 There was no further business to come before the Commission. Motion to adjourn.
612 Meeting adjourned.

613
614
615
616 _____
617 Toni Korleski, Chairperson

618
619
620 _____
621 Jerry Valentine, Vice-Chairperson

622
623
624 _____
625 Darcy Kaplan, member

626
627
628 _____
629 Mike Bardash, member

630
631
632 _____
633 Martin Johnson

634
635
636 _____
Steve Flaherty, 1st alternate member

BERLIN TOWNSHIP ZONING COMMISSION (BZC)

OF DELAWARE COUNTY, OHIO

REGULAR MEETING

TUESDAY, OCTOBER 9, 2018 7:00 PM

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645

Ray Armstrong, 2nd alternate member

Attest: _____
Lisa F. Knapp, Berlin Township Zoning Clerk