

BERLIN TOWNSHIP ZONING COMMISSION (BZC)

OF DELAWARE COUNTY, OHIO

REGULAR MEETING

TUESDAY, SEPTEMBER 24, 2019 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 Pledge of allegiance.

9
10 BZC members present: Chairman Toni Korleski, Vice-Chairman Jerry Valentine, Darcy
11 Kaplan, Mike Bardash.

12 Also present: Zoning Inspector David Loveless; Zoning Clerk Lisa Knapp; Zoning
13 Secretary Cathy Rippel.

14 Not present: BZC member Martin Johnson; Steve Flaherty, 1st BZC alternate member;
15 2nd BZC alternate member Ray Armstrong.

16
17 Ms. Korleski dispensed with reading the adopted BZC policy statement as printed in the
18 agenda.

19 **AGENDA ITEM: LEGAL NOTICE**

20 Ms. Knapp said this meeting was advertised at the beginning of the year as a regular
21 meeting, BZC 19-006 was tabled from a prior hearing, and this hearing was advertised in
22 the September 12, 2019 Delaware Gazette as follows:

23 **BERLIN TOWNSHIP ZONING COMMISSION NOTICE OF PUBLIC HEARING**

24
25 The Berlin Township Zoning Commission will hold a public hearing Sept. 24, 2019 at
26 7:00 p.m. at the Berlin Township Hall located at 3271 Cheshire Road, Delaware, OH
27 43015. The purpose of the hearing, initiated by the Berlin Township Zoning
28 Commission, contains proposed revisions to the Berlin Township Zoning Resolution and
29 would, if adopted revise certain textual provisions, designated Case BZC 19-008;
30 requirement for foundation certificate into Article 24, General Development.

31
32 The text and map of this application will be available for public examination from, Sept.
33 13, - Sept. 24, 2019, Monday-Friday from 8:00 a.m. to 4:30 p.m. at the Berlin Township
34 Zoning Office located at 3271 Cheshire Rd., Delaware, OH 43015. Also, you can find
35 the text and map on the Berlin Township website www.berlintwp.us. Questions
36 concerning this matter should be directed to the Zoning Office at 740-548-5217 x103.

37
38 After the conclusion of the hearing, the matter of BZC 19-008 will be submitted to the
39 Board of Township Trustees for its action. The person responsible for giving notice of
40 the public meeting by publication is Cathy Rippel. Township residents are encouraged to
41 attend.

42
43 **BERLIN TOWNSHIP ZONING COMMISSION**
44 Toni Korleski, Chairwoman

45
46 **AGENDA ITEM: INTRODUCTION OF MEETING ATTENDEES**

- 47 • Herb Kaiser, 3712 Curve Road
48 • Barb Sherman, 1469 Africa Road
49 • Joe Korleski, 3584 Greenville Drive
50 • Molly Gwinn, Attorney with Isaac Wiles, representing Valerie Rowe

51 **AGENDA ITEM: BZC 19-006**

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52 *BZC 19-006, filed by Valerie Rowe, Trustee, requesting approval of a preliminary*
53 *development plan to rezone 2591 Cheshire Road, Delaware, OH 43015 from Farm*
54 *Residential District (FR-1) to R-3 Planned Residential District (R-3/PRD), 22.129 ±*
55 *acres, 30 single family lot subdivision that will be part of Piatt Preserve West.*
56

57 Ms. Gwinn requested a tabling to the October 22, 2019 BZC meeting. She said that
58 based upon the feedback received about a related property and feedback from the BZC
59 regarding some of the issues with the prior presentation, the engineers are reworking the
60 plans to comply with those requests.

61 **RESOLUTION 2019.09.24 #A: TABLE & CONTINUE BZC 19-006 TO OCTOBER 22, 2019**
62 **AT 7:00 PM AT THE BERLIN TOWNSHIP HALL**

63 Ms. Korleski made a motion to table and continue BZC 19-006 to October 22, 2019 at
64 7:00 PM at the Berlin Township Hall. Mr. Bardash seconded the motion.
65 Vote: Korleski, yes; Bardash, yes; Valentine, yes; Kaplan, yes.
66 Motion carried.

67 **AGENDA ITEM: BZC 19-008**

68 Ms. Korleski said this application is for the foundation certificate that was to be added to
69 Article 24 of the Berlin Township zoning resolution. She said Mr. Loveless attended the
70 Delaware County Regional Planning Commission (DCRPC) meeting and has a lot of
71 feedback to provide to the BZC.
72

73 Mr. Loveless said that many builders attended the DCRPC meeting and were strongly
74 against the proposal because of the duplication of effort and the time it would take. Once
75 the foundation digging begins, their interest clock starts. They said that everybody is
76 insured, so if a house is built wrong, they would be covered if they had to tear it down.
77 They said everybody shouldn't be penalized for one bad apple that can't put their
78 foundation in the right place and then tries to scam the township by changing the
79 numbers. Mr. Loveless said at the DCRPC, the only members who voted yes on the
80 proposal were those who didn't understand that they were voting the wrong way.
81

82 Mr. Bardash said if that's the way they feel about it, he would be in agreement.
83

84 Ms. Kaplan said the change was proposed in response to a situation where somebody
85 built a house but they were not in the correct space, and they tried to change the numbers.
86 Ms. Korleski said the trustees requested the change. Ms. Kaplan asked whether it is
87 genuinely a duplication of effort; it was her understanding that this was proposed because
88 it wasn't being done already.
89

90 Mr. Loveless said the situation was where a builder had already built the foundation for a
91 house, and he suspects that the buyer wanted a three-car garage and the builder tried to
92 squeeze it in. When the builder was provided evidence of where the foundation was, they
93 used the original drawing and changed the numbers, and they did not add up properly, so
94 it was caught. It required a 6" variance. The lot was pie-shaped and the home could have
95 been pushed back 2' and met the requirements.
96

97 Ms. Korleski said that never would have come up if they had not wanted to add the third
98 car garage. Ms. Kaplan said even if the resolution was adopted, it wouldn't have changed
99 this situation anyway. Mr. Loveless said yes and people will continue to lie and scam.
100

101 Ms. Kaplan opined that it did seem to be a moot point. She said the trustees
102 recommended the change, and she asked how the BZC heard about it. Ms. Korleski said
103 the trustees requested that the foundation certificate be included in the general
104 development plan, and also in the general development plan amenities.

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105

RESOLUTION 2019.09.24 #B: APPROVE BZC 19-008

106 Ms. Korleski made a motion to approve BZC 19-008, the requirement for a foundation
107 certificate in Article 24. Mr. Valentine seconded the vote.

108 Vote: Korleski, no; Valentine, no; Bardash, no; Kaplan, no.

109 Motion did not carry.

110

AGENDA ITEM: OTHER BUSINESS

111 Dialogue on Development: Let's Talk about Zoning

112 Ms. Rippel said she had mentioned the Dialogue on Development: Let's Talk about
113 Zoning meeting in Orange Township on Saturday October 12, 2019 from 10:00 AM to
114 noon, at the Nationwide Hotel & Conference Center, and she sent it to all the BZC and
115 BZA members. Last night, the trustees approved paying for members to attend at
116 \$13.97/hour.

117

118 Public Comment

119 Mr. Kaiser said he has been attending the industrial overlay hearings, and they seem to be
120 confrontational. He hopes he and other residents get enough information about it. He was
121 concerned that the economic development department employees are doing all of the
122 talking at the hearings, and from that he infers that they are pushing for the industrial
123 corridor.

124

125 Mr. Kaiser asked how the 14 houses per acre density fits in with green space
126 requirements. Ms. Korleski said it was 14 apartments per acre. Mr. Kaiser said he would
127 like to see more information get out to the public so their questions are answered.

128 Proposed is residential development between his house and the proposed complex. He
129 asked whether there was any history of that high of density other than in the slums.

130

131 Mr. Valentine said the economic development department is trying to come up with an
132 alternative to the property being annexed. The density is similar to what it would be if
133 the City of Delaware were to annex the property. The 14 units/acre is a suggestion from
134 the economic development department; the meetings are being held to get feedback from
135 public.

136

137 Mr. Kaiser said it seems that the Delaware County economic development department is
138 telling Berlin Township what is best for them; it is not Berlin Township telling Delaware
139 County what is best for Berlin Township. Mr. Valentine said if Berlin Township doesn't
140 do something on that property, the city of Delaware or the village of Sunbury will annex
141 36/37 once sewer is available. However, he is not disagreeing with Mr. Kaiser.

142

143 Mr. Kaiser said he moved up here 3 years ago and he asked how the homeowners can
144 help the township help them. Industry provides the best tax base and is a win for
145 Delaware County. Mr. Kaiser said an acre is 208' by 208' in size, and 14 units per acre is
146 a lot of housing. Mr. Valentine said it is not housing, but apartment complexes. Ms.
147 Korleski said the way to provide input is to continue attending the meetings, because the
148 Delaware County economic development department staff has been making changes to
149 the plan and text.

150

151 Ms. Korleski suggested that Mr. Kaiser continue to attend the meetings because the staff
152 will adjust the plan and text to satisfy as many people as possible. Mr. Kaiser asked
153 about the long term effects of giving away tax money, and the possibility of people
154 moving away. Ms. Korleski said they just need to work through it. She suggested Mr.
155 Kaiser attend the overlay meeting next week.

156

157 Ms. Korleski said the next meeting will be the special meeting on Thursday October 3,
158 2019 at 7:30 PM at Gracepoint Church, and a regular meeting on Tuesday October 8,

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159 2019 at 7:00 PM at the Berlin Township Hall, when the BZC will consider BZC # 19-
160 001.

161
162 There was no further business to come before the Commission. Motion to adjourn.
163 Meeting adjourned.

164
165
166 _____
167 Toni Korleski, Chairperson

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169
170 _____
171 Jerry Valentine, Vice-Chairperson

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174 _____
175 Darcy Kaplan, member

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177
178 _____
179 Mike Bardash, member

180
181
182 _____
183 Martin Johnson, member

184
185
186 _____
187 Steve Flaherty, 1st alternate member

188
189
190 _____
191 Ray Armstrong, 2nd alternate member

192
193
194 Attest: _____
195 Lisa F. Knapp, Berlin Township Zoning Clerk