

BERLIN TOWNSHIP ZONING COMMISSION (BZC)

OF DELAWARE COUNTY, OHIO 43015

REGULAR MEETING

TUESDAY, MAY 12, 2020 7:00 PM

1 This meeting was held virtually.

2

3

CALL TO ORDER

4

5 The meeting was called to order by Steve Flaherty at 7:00 PM.

6

7 Steve Flaherty led meeting attendees in the pledge of allegiance.

8

9 BZC members present: Chairperson Steve Flaherty, Vice-Chairman Jerry Valentine,
10 Darcy Kaplan, Martin Johnson, Mike Bardash.

11 Also present: Zoning Inspector David Loveless, Zoning Clerk Lisa Knapp, Zoning
12 Secretary Cathy Rippel, BZC alternate member Christina Littleton.

13

14 Mr. Flaherty read the BZC adopted meeting policy.

15

AGENDA ITEM: LEGAL NOTICE

16 Ms. Knapp said the hearing was advertised on 5/5/20 Delaware Gazette.

17

AGENDA ITEM: APPROVAL OF MINUTES

18 Mr. Valentine made a motion to approve the minutes from 2/11/20, as presented. Mr.
19 Johnson seconded the motion.

20 Vote: Valentine, yes; Johnson, yes; Kaplan, yes; Bardash, yes; Flaherty, yes.

21 Motion carried.

22

23 Mr. Johnson made a motion to approve the minutes from 3/10/20, as presented. Mr.
24 Bardash seconded the motion.

25 Vote: Johnson, yes; Bardash, yes; Valentine, yes; Kaplan, yes; Bardash, Flaherty, yes.

26 Motion carried.

27

28 Mr. Flaherty made a motion to approve the minutes from 4/14/20, as presented. Mr.
29 Bardash seconded the motion.

30 Vote: Flaherty, yes; Bardash, yes; Kaplan, yes; Bardash, yes; Valentine, yes; Johnson,
31 yes.

32 Motion carried.

33

**AGENDA ITEM: BZC 12-002, REQUEST FOR 3 YEAR EXTENSION OF FINAL
34 DEVELOPMENT PLAN FOR THE GREENERY**

35 *BZC 12-002, B & N, LLC., requesting a three year extension of the final development
36 plan for The Greenery, @ Route 23 & Shanahan Road*

37

38 Mr. Shade said that his clients have borne the financial responsibility to date for the
39 installation of a sewer in the southwest quadrant of Berlin Township from Shanahan
40 Road to Peachblow Road on both sides of Route 23 and extending to the railroad track.
41 He is requesting a 3 year extension for this application, but he is not sure he will need all
42 that time. The delays have been due to the Delaware County Engineer is engaged in a
43 major lane project that was supposed to begin in 2018. Two years and two months later,
44 it hasn't even started.

45

46 Mr. Shade said before starting, this project will need water, sanitary sewer to service the
47 entire area, two roadway projects, and a number of storm water drainage improvements
48 for the general corridor. Unfortunately, those items are out of everybody's control due to
49 these difficulties. They have requested additional easements for some of the work, which
50 his client has granted.

51

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52 Mr. Shade said he has been working with Delaware County Sanitary Engineer Tiffany
53 Maag as well as with the general contractor who is doing both projects, the road and the
54 sewer. Del-Co Water is constructing an 18” water line that will be brought down the
55 middle of Hyatts Road to Route 23, at which point it will go further to the east.

56
57 Mr. Shade said there will be a direct bore done under Route 23 for a sanitary sewer trunk
58 that will eventually be for the Don Kenney project. More importantly, there is a
59 commitment by him for putting in the sanitary sewer from Route 23 to the new
60 elementary school, which must be in place by next summer for the 2021 school year.

61
62 Mr. Shade said he hopes it all goes well and it has been a work in progress. Both of his
63 clients on both sides of Route 23 have not requested any money for the granting of the
64 easements or for the granting of the land except his client on the west side has requested
65 and received reimbursement for the movement of an expensive stone and wrought iron
66 metal fence.

67
68 Mr. Shade said he isn’t concerned about the sanitary sewer and water projects, but he is
69 somewhat concerned about the roadway projects; it was his understanding the projects
70 are less than a month away and they were to start construction on the Shanahan Road side
71 for widening US 23 for a series of dedicated turn lane. There will also be a similar
72 project on the west side at Hyatts Road. With the delays continuing on Home Road, that
73 may be a little bit longer than anticipated.

74
75 Mr. Shade said Shanahan Road is the most important part of that project because they
76 want it completed prior to school opening this fall. Everybody has been cooperating
77 together but it’s unfortunate these delays have occurred. They know these are important
78 series of projects for the greater good of Berlin Township and they are committed to
79 getting this done as soon as possible.

80
81 Mr. Shade said his client’s business has been shut down since February 2018. The sewer
82 line is being put in the ground, but the connection points remain to be seen as well as
83 when the crews hired by Mr. Kenney complete the work to extend the sewer over to the
84 school site. He is hoping this is the last extension he will need to request for this project,
85 and he appreciates the BZC being so accommodating.

86
87 Mr. Bardash said it seems that nothing has changed except Mr. Shade has not been able
88 to execute the plan due to the described circumstances. Mr. Shade said that is correct,
89 and he cannot even consider building the project, but nobody moves unless there is sewer
90 available.

91
92 Mr. Shade said they are awaiting the opportunity to get this started. He was told by
93 Delaware County Sanitary Engineer Tiffany Maag that they are in high hopes of being
94 under Route 23 sometime between June 15 and July 15. Once that is in place, they can
95 start looking at completing the pipe further to the school site and onto service the other
96 areas of Berlin Township. The project also services parts of Liberty and Orange
97 Townships. They are trying to get Shanahan Middle School disconnected from a forced
98 main to a gravity feed system, and his client has granted easements for that.

99
100 Mr. Johnson asked when it expires and when the 3 years would be extended to. Mr.
101 Johnson said he thought it had already been extended to 2021. Ms. Rippel confirmed that
102 was a different application.

103
104 Mr. Flaherty said the township has been working with Del-Co Water and the sanitary
105 sewer department on these projects.

106 **RESOLUTION 2020.05.13 #A: APPROVE 3 YEAR EXTENSION FOR BZC 12-002**

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107 Mr. Flaherty made a motion to approve a 3 year extension from the expiration date for
108 BZC 12-002. Mr. Bardash seconded the motion.
109 Vote: Flaherty, yes; Bardash, yes; Johnson, yes; Valentine, yes; Kaplan, yes.
110 Motion carried.

111 **AGENDA ITEM: 20-001 M/I HOMES/BERLIN FARM**

112 *BZC 20-001, M/I Homes of Central Ohio, LLC., requesting approval of a preliminary*
113 *development plan to rezone 62.7 acres on Berlin Station Road from FR-1 to PRD for a*
114 *development to be known as Berlin Farm.*

115
116 Josh Barkan, vice-president of land for M/I Homes, 3 Easton Oval, Columbus Ohio
117 43219, presented the application and answered questions from the BZC.

118
119 Mr. Barkan said the application has changed a lot since the informal meeting in February.
120 He has worked hard to incorporate the BZC's comments into the plan, and also worked
121 with the county to address their comments. This project is a follow-up to The Pines,
122 which is off to a great start and has received great feedback. The Pines will be completed
123 within a couple of years, and he would like to continue to see the same type of product in
124 this development, which is about half the size.

125
126 Mr. Barkan said the number of lots has been decreased from 92 to 91 to ensure the
127 application complies with the net density requirements. The south side has been realigned
128 a bit based upon some of the county requirements for how far the homes needed to be off
129 of Piatt Road. Significant buffering was added to the area. The net density has been
130 calculated and a tot lot and bike racks were added to the central green are. The peanut
131 roundabout plan at Piatt and Berlin Station Roads has been worked out, and a path has
132 been added along those roads. Per comments from the Delaware County Engineer, the
133 path on Berlin Station Road will be extended to the property line on the east.

134
135 Mr. Barkan said all trees will be located outside of the tree lawn and 30 of the 91 lots will
136 be side-load garage oriented, which is the same requirement as The Pines. He has also
137 added substantial buffering of 6-8' tall mounding with additional trees along the backs of
138 the homes along Berlin Station and Piatt Roads that will create a nice feel.

139
140 Mr. Barkan said there will be over 30% open space and that just 20% is required. The
141 lots will be 80' wide at the build line, and a handful will be larger than that.

142
143 Aaron Underhill, attorney representing M/I Homes, said he had received unanimous
144 approval from the Delaware County Regional Planning Commission (DCRPC). He has
145 also updated the architecture, and it will be very similar to The Pines.

146
147 Mr. Barkan explained where the property is located and explained that the peanut
148 roundabout would be built late next year or early 2022. He said his project does not get
149 built until the peanut and the first part of Piatt Road have been installed. He is not
150 planning to develop until later 2021 or early 2022.

151 .
152 Mr. Barkan said all access will be off of the future Piatt Road. He displayed significant
153 mounding. Mr. Flaherty said the front bikeway path along Piatt Road and a tot lot in the
154 center have been added.

155
156 Mr. Barkan said the overall site is 62.7 acres and there are 91 lots. The net density is
157 1.85 lots/acre, which is the same as The Pines and the development recently zoned to the
158 west of the subject property.

159
160 Commission Consideration

161

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162 Mr. Bardash said one of the divergences allows an encroachment of the 12.5' side yard
163 setback of eaves and overhangs, and he asked why as he has never seen that before. Mr.
164 Barkan said typically overhangs and structures aren't seen as structures and are not
165 encroachments.

166
167 Mr. Barkan said sometimes the homes are right up against the lot lines and may have
168 such an encroachment, but it still meets the spirit of the zoning resolution.

169
170 Mr. Bardash commended the applicant for having 33% side load garages. He asked
171 whether it could be ensured that the side load garage lots are scattered throughout the
172 development. Mr. Barkan said he was open to that but sometimes that happens later.

173
174 Mr. Bardash asked how many phases there were. Mr. Barkan said it would be one or
175 two. Mr. Bardash said the language could indicate that 33% of each phase would have
176 side load garages. Mr. Barkan said until the final engineering and programing is done,
177 that would be difficult. Mr. Flaherty said it was stated as 1 out of every 5 in other
178 applications. Mr. Barkan suggested perhaps 3-4 per 10 houses will have side load garages
179 to help even them out.

180
181 Mr. Underhill said perhaps there could be a condition of approval that the final
182 development plan will include an even distributing of side load garages throughout the
183 community.

184
185 Mr. Bardash said the DCRPC had comments regarding the paths. He asked that they be
186 pointed out on the map and that the map indicate whether they would extend and stub
187 into the neighborhood on Berlin Station Road and then be extended north and east along
188 the remaining west and north property frontage. Mr. Barkan pointed out the paths and
189 said the DCRPC wanted it to be continued east along the property line and dead-end into
190 the property. Then in the future if there is development, the county or township can
191 continue the path.

192
193 Mr. Barkan said there had also been a comment about the path continuing to the north.
194 Mr. Bardash said perhaps it was to the east. Mr. Barkan said it stops because it goes with
195 the proposed Piatt Road extension. He had not thought about extending from the cul-de-
196 sac out here because he would rather have traffic follow the sidewalks and come back
197 out.

198
199 Mr. Bardash said it sounded like they wanted the buffer to go along the north side to the
200 pond, but that didn't seem to make sense. Mr. Barkan said that is a large electric
201 easement and it runs along the backs of some homes, and people don't want paths that
202 close to their homes. Mr. Bardash agreed with that. He asked that the stub be added. Mr.
203 Barkan said he would add that to the plan.

204
205 Mr. Valentine asked whether the garage doors would be architecturally designed instead
206 of just plain white. Mr. Barkan said the same garage doors would be used as those in The
207 Pines, which have been popular there. He is currently in the process of developing a
208 wider, larger product that will be built early next year, and that product may be built here.
209 It would look even nicer, he said. The buying base has been happy with The Pines as it
210 stands.

211
212 Mr. Valentine asked whether there would be a clubhouse for this development. Mr.
213 Barkan said that typically a clubhouse or pool house isn't built unless there are at least
214 300 units for a single-family development or 120 units for an empty nester development.
215 There will be paths, a tot lot, and a bike rack. Mr. Underhill said clubhouses get turned
216 over to the community and the cost becomes burdensome because there are so few
217 owners. Mr. Valentine said the main amenities are green space and paths.

218

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219 Ms. Kaplan asked what the price point would be. Mr. Barkan said it would be similar to
220 The Pines at low to mid \$400,000's. Ms. Kaplan said regarding the green space and the
221 ponds, one pond doesn't appear to be accessible to the residents and she asked if it was
222 intended to be that way. Mr. Barkan said that pond was for retention and drainage, and
223 he didn't consider that to be an amenity other than for visual appearances for the
224 residents in that area. Ms. Kaplan said she thought all three were retention ponds. Mr.
225 Barkan said that is probably correct.

226
227 Ms. Kaplan said she did not see an indication that fountains/aeration would be included.
228 Mr. Barkan said fountains had not been programmed in as there are complaints about too
229 much noise. Mr. Bardash said the text indicates there will be fountains in all ponds.

230
231 Mr. Johnson asked when the HOA would be turned over to the residents. Mr. Barkan
232 said it's usually at 80-90%, although that varies. Mr. Bardash said the text indicated
233 90%. Mr. Johnson said the township prefers that the developer hold onto it no less than
234 90%. Mr. Barkan said M/I Homes isn't going anywhere and they are committed to
235 leaving the community in a good place. Mr. Underhill said he lived in an M/I Homes
236 community and they left some seed money when it was turned over, allowing them to get
237 off to a good start.

238
239 Mr. Johnson asked whether the intent was to mow and maintain the area on the north
240 side. Mr. Barkan said there will be little that is not maintained and allowed to go natural.
241 Mr. Johnson said this is dependent on the Piatt Road extension, and he asked when Piatt
242 Road would be extended up so the second entrance becomes available to the
243 homeowners. Mr. Barkan said he was not sure because the second part of the project
244 extends from that intersection up to the north. A traffic improvement district is part of
245 this as well as the Longhill project and each home will have a \$300/year assessment for
246 20 years on top of their real estate taxes to help fund that extension. He is hoping for
247 2023-2024 but he is not certain.

248
249 Mr. Johnson said he didn't think DCRPC was requesting that the path be taken due north
250 and then turned to the north to tie into the cul-de-sac, but he felt that would be less than
251 ideal. He would rather see it follow along Piatt Road extension. He asked whether phase
252 2 would be directly tied into when the Piatt road extension was built. Mr. Barkan said
253 that will be a part of it. The second part of the Piatt Road extension is so much later that
254 it's likely, especially if the Longhill project continues to develop, that he will be back at
255 the table with the county saying, at the very least, that they continue to build Piatt Road at
256 least up to the next entrance.

257
258 Mr. Johnson said the clustered mailboxes appeared to be at the same location as the tot
259 lot in the center. Mr. Barkan said three locations are being proposed. Mr. Johnson said
260 that would be inviting a lot of traffic in an area where small children are playing, and he
261 would like that to be changed. Mr. Barkan said he could divide it up.

262
263 Mr. Johnson said he was confused by the DCRPC's comments about the signage. It
264 appeared that they didn't see it as a divergence because it could be direction signage and
265 that isn't part of Article 25. However directional signage is included in Article 25. There
266 is signage for an information area as well as for a model home and the marketing
267 material. He asked whether all of that would be centralized at the model home.

268
269 Mr. Barkan said some would be, and others would be used for different things. Mr.
270 Barkan said there would be one lot for the model home and one lot for parking. Mr.
271 Johnson reviewed the signs and boxes and he asked whether they would all be at that one
272 model; it appeared to be a lot of signage for one area.

273
274 Mr. Underhill said the text states that except for home occupations, only for sale, for rent
275 or for lease signage would be allowed. He said the divergence encompassed everything

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276 for the model home that may not fit neatly into that signage. Mr. Johnson was concerned
277 that there was too much signage. Mr. Barkan said it will be the same as at The Pines and
278 this would mean they didn't have to come back for approval later. The model home ID
279 parking sign is just 2'. The model ID will go in the front landscaping. The information
280 center sign is further out in the yard, and the marketing sign would be out along Piatt
281 Road, closure to the intersection of Piatt and Berlin Station Roads, in order to direct
282 traffic.

283

284 Mr. Johnson wanted to know whether the signage meets the requirements of the code and
285 he wanted to ensure a maximum of two per vehicle entrance to prevent an unsightly
286 appearance. He said it appeared as though there was also a sign near the double
287 roundabout.

288

289 Mr. Johnson said the DCRPC had commented that having a lot of glaring light when
290 there is a double roundabout may be a distraction. He asked whether the carriage lamps
291 could be done as directional signage so as to stay out of drivers' eyes. He would like to
292 see that in the final development plan.

293

294 Mr. Johnson said regarding the overall site layout, on the east side there are properties
295 that should be buffered with additional mounding and plantings. He would like to see
296 something along the entirety of the northern property line as well, although he is aware
297 the utility easement complicates it and may prevent mounding. Mr. Barkan said the
298 easement is 150' and the houses will be another 150' away, so it's probably at least 100
299 yards from structure to structure. He said he would review the easement language to see
300 if there is something more he could work in there.

301

302 Mr. Flaherty said he understands the right to develop, and said this is in the rural core of
303 the township. He knows they are adhering to the PRD with the net developable acreage
304 with no divergence. There is a wide easement; he isn't sure what mounding could be
305 done but there should be some kind of buffering to shelter the 5 lots on Dale Ford Road
306 and the property to the north. He asked that the visual buffering be include as part of the
307 proposed plan.

308

309 Mr. Flaherty echoed Mr. Johnson and DCRPC regarding the lighting, which should not
310 be lantern style and should be pointed only at the sign. There are farm-style lamps that
311 illuminate down and that would fit better into that character. Down lighting is important
312 as that road gets extended. With the county's engineering plans for the Piatt peanut, there
313 will already be lights that go around the roundabout so the fewer, the better.

314

315 Mr. Flaherty said regarding the buffering in Piatt Road, he would like to see buffering on
316 the development side of the easement to preserve and protect that environment.

317

318 Mr. Flaherty said the setback divergence is for the easements for bay window alone;
319 nothing structural, sheds or air conditioners are included.

320

321 Mr. Flaherty said regarding the divergences, the signage appears to be more directional in
322 nature, which is not part of the zoning resolution, and he didn't know whether the
323 divergence was necessary.

324

325 Mr. Loveless said the signage going into The Pines was very tasteful as they identified
326 their model and their difference signage, as well as marketing signs that were spread out
327 as one enters the development. Other than the 12 feather flags that were added at the
328 beginning of the project and had to be removed, everything was fine.

329

330 Mr. Loveless said he agreed with uplighting because two lights from a certain angle will
331 look like a car coming straight at you. Mr. Barkan said the lighting could be approved by
332 Mr. Loveless and the BZC in the final development plan. Mr. Flaherty said it would be

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333 removed as a divergence and the applicant would conform to the zoning resolution, or it
334 could remain as a divergence but it will be a condition that it will be either uplighted or
335 downlighted, directionally only. Mr. Loveless said the parking lot lighting should also be
336 downlighting.

337

338 Ms. Littleton echoed the concerns about the buffering on the north and east property and
339 said there should be as many trees and mounding as possible in that area. She asked
340 whether the average lot size was slightly less than half an acre. Mr. Barkan said it was
341 less than that, and the average lot size is 10,890 SF and the minimum is 12,000 SF, which
342 is about 1/3 acre. Ms. Littleton asked what the largest lot was. Mr. Barkan said some
343 may be up to 20,000 SF and that is comparable to The Pines.

344

345 Ms. Littleton said the space between the homes won't include air conditioning units, etc.
346 Mr. Barkan said that was correct. Ms. Littleton agreed that they should be located away
347 from the tot lots in the alternate location. The cul-de-sac may be close to homes as well.
348 She asked whether off-street parking would be provided. Mr. Barkan said typically that is
349 not provided. He said he has not encountered an issue with backup by the residents.
350 Sometimes parking is restricted on both sides. If there are only 20-30 mailboxes in a
351 particular location, it hasn't been necessary. He said residents would rather keep it
352 simple for maintenance reasons.

353

354 Ms. Littleton asked whether a shelter could be provided to prevent the residents being
355 rained upon. Mr. Barkan said it would become a cost and maintenance issue and that has
356 not been a problem in the past. Ms. Littleton asked how long they have been provided.
357 Mr. Barkan said it had been about 2 years now.

358

359 Mr. Flaherty said the Facebook chat has been busy and he would address some of the
360 comments. He said this is the BZC and they are not elected officials. This is a
361 preliminary development plan, which means the applicant brings the application to the
362 township for approval. Ohio is a right-to-develop state, which means any property owner
363 has the right to develop their property under the township guidelines. PRD R-3 is an
364 overlay that allows 1.85 units/net developable acre.

365

366 Mr. Flaherty said this is a preliminary development plan; the applicant can request a vote
367 tonight or to table and continue the hearing. After the BZC makes its recommendation,
368 the application is turned over to the trustees for their final approval. The applicant will
369 then submit a final development plan later, which will have the final engineering plans.

370

371

Public Comment

372

373 Beverly Rodeheffer, 1360 Dale Ford Road, said she has the largest area along the
374 easement. She is very disappointed, because it boils down to about 91 homes on 49
375 acres, which seems to be very dense. She moved out of the high density area in Columbus
376 to live here, and she is not looking forward to looking at homes now. She would like to
377 see mounding and trees along the easement area. She does not want to look at 91 homes
378 behind her yard.

379

380 Jim Flannery, 1460 Dale Ford Road, said he is a neighbor of Dave Leahy. He doesn't like
381 this and he didn't move out here for this. He moved from Columbus into the county and
382 he doesn't want the city following him. He understands M/I Homes has to put meat on
383 their table, but not at the expense of the way he lives. He feels the community would be
384 better served if this development was in the city or just outside of it. He reminded
385 everybody that they shoot guns out here and they hunt and fish. They moved out here to
386 be free. He disagrees that it should be anything less than one home per acre. This is a
387 peaceful and quiet area with deer, foxes, and bald eagles, and he doesn't want to disrupt
388 any of that. He said nobody on Dale Ford Road wants a development back here.

389

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390 Jay Armstrong, 1390 Dale Ford Road, said he lives on the northernmost lot that abuts the
391 east side of this development. He appreciates the buffer, but he agrees that there should
392 be more of a buffer. His property will back up to the northernmost retention pond, and he
393 has concerns about the maintenance of that, as well as the potential for it to become a
394 mosquito breeding ground. He said there had been talk about putting a bike path around
395 that side of pond, but he objects.

396

397 Mr. Armstrong is disappointed that the property is being rezoned from FR-1 to the
398 highest density allowed by Berlin Township. He has known since he bought his house in
399 2003 that the property would eventually develop and that it has been considered 3-4
400 times. The last time it was for 30 homes, which is a much lower density than the 91
401 proposed for this development.

402

403 Mr. Armstrong said the density cannot be approved until there is a sanitary sewer in place
404 and he asked whether the plans were already in place for that and what the timeline was.
405 He asked what impact that would have to neighboring properties such as tying into the
406 sewer. Mr. Barkan said the sewer would come from The Pines subdivision to Piatt Road
407 up to the school and it will serve the Longhill project to the west. It must be there prior
408 to this development being completed. He is in discussions with the county regarding the
409 easements, etc. At the very least, public sewer will be much closer to the surrounding
410 properties than they were before.

411

412 Mr. Armstrong asked whether the BZC usually grants density based on future sewer. Mr.
413 Flaherty said the BZC's concern is the right of the property owner, who is not M/I Homes
414 at this point. The county engineer is responsible for the traffic for the project. They will
415 not be able to build prior to the sewer being completed. The letters in the proposal state
416 there is capacity and that the sanitary department has evaluated the plan and is fine with
417 the plan as proposed. This is the preliminary development plan; it must still go through
418 final engineering, where it will be ensured that there is adequate drainage as well and that
419 it doesn't negatively impact the surrounding property owners.

420

421 Mr. Flaherty asked Dennis Mowry to speak but there was no audio, so he read Mr.
422 Mowry's comment: "I own the land to the west of the proposed development. There is a
423 small forest; will that be torn down?" Mr. Flaherty said it appeared he was referring to
424 the area on the very edge of the property line on the other side of Piatt Road. It was his
425 impression that all of the existing trees along the outskirts of the property would remain.

426

427 Mr. Barkan asked if he was referring to the north side. Mr. Flaherty said he was referring
428 to the Piatt peanut area. Mr. Barkan said that would be within the scope of the county's
429 project and he was unsure, although he thought it was the intent that it stays. A person
430 said he was referring to the trees on the east. Mr. Flaherty said it would be the small
431 forest just to the north of the southernmost pond. Mr. Barkan said he was not sure
432 whether all of the trees would remain, but the ones on the plan will remain.

433

434 Mr. Flaherty said that Mr. Flannery asked on the chat: "Has the zoning board approved
435 the lots can be less than one home per acre?" Mr. Flaherty said that is why everybody is
436 here, and the procedure requires a resolution from the BZC to re-zoned from FR-1 to R-3.

437

438 Jay Neff, 1368 Dale Ford Road, said his home is located to the north. He moved to
439 Berlin Township to get away from the city as well, and he is in favor of one home per
440 acre. He said he would like more mounding and trees stretching from Piatt Road all the
441 way to Dale Ford Road and he speaks for all four homes in that area.

442

443 Mr. Flaherty read a question from "Matt:" "Will the peanut be taking any of our
444 property? We live at the property along the future Piatt Road. Mr. Flaherty said that
445 would be at the discretion of Delaware County. They will do the final engineering for

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446 that project; they have a right-of-way and they may need to acquire property. They
447 would work directly with the property owners for that.

448

449 Tom Webb said his home runs from the heavily treed area just above the south retention
450 pond and he has two drainage swales that run across his property; one is at the V on the
451 east side, and the other comes out of the tree line. He has already seen an increase in the
452 drainage over the last 2-3 years, and the drainage swale runs behind his house. It has
453 moved 2-3' closer to his house in the past 2-3 years and has become deeper, and he's
454 concerned that this development will cause even more issues.

455

456 Mr. Underhill said state law is very clear due to an Ohio Supreme Court case from
457 around 15 years ago that a new development cannot increase the amount or the rate of
458 flow onto their neighbor's property. The county will be making sure those calculations
459 have been made, and oftentimes they will find that the development does improve storm
460 water management, especially in previously rural areas.

461

462 Shadd Parker, 1362 Dale Ford Road, said many of his concerns have already been
463 addressed by others. He said he lives directly in the center to the north of the property.
464 The property in that area is 113' off of his property line and the property is flat. He
465 moved out here to get away from everybody and to have privacy. Simply stating there is
466 a power line as an excuse for not providing additional buffering is not acceptable. He
467 said perhaps the number of homes could be reduced to one per acre, although he would
468 prefer no homes at all.

469

470 Mr. Parker said building this at the expense of the existing residents is a mismanagement
471 of what this body should be doing. The BZC should be protecting the residents so their
472 property values are taken care of, and so he doesn't have to worry about kids walking
473 into his property or people walking down their shared driveway. Mr. Parker said he
474 would like to see some large trees and mounds installed so he doesn't see any of these
475 houses, which is what he moved up here for.

476

477 Mr. Parker asked what the cost would be to connect to the sewer and whether that could
478 be covered by this development as a stipulation for the homes that could be impacted
479 here. There are five on Dale Ford Road and four on the north.

480

481 Mr. Barkan said this is another county-related issue, not a land use issue. The pump
482 station was along South Old State Road was built by M/I Homes, and the sewer that is
483 being brought up is being built by M/I Homes and Longhill at their cost. The cost to
484 connect and who else it serves is a county decision based on their unit count.

485

486 Mr. Johnson said he did not believe there would be a requirement that existing property
487 owners with septic systems must tap into the new sewer. Mr. Barkan said that was
488 correct.

489

490 Mr. Parker said some of the neighbors may want to connect to the sewer. Since they are
491 getting "shafted" on a few things, that may be something the developer may want to
492 consider providing for the neighbors. Mr. Flaherty said the county reserves the option for
493 people to tap in at the owner's expense and the township has no jurisdiction over that.

494

495 John Gladden, 3361 Berlin Station Road, said that water flow is already an issue in the
496 area. Mr. Flaherty said the county engineer and the soil and water bureau are the entities
497 in charge of that, and he recommended advocating to them.

498

499 Mr. Flaherty read a chat question from Mr. Armstrong: "Delaware County does count
500 eaves as part of the building and setback requirements need to include them. I recently
501 had a building built and that was an issue." Mr. Flaherty said that is correct and the
502 applicant has requested a divergence for that for a 12.5' setback, meaning there is 25'

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503 between homes. They are not requesting a divergence for the foundations, just
504 easements.

505

506 Tony Centofanti said he owns the northwest property bordering this development. His
507 neighbors have voiced his concern. His house is by itself, but homes are being built right
508 up against his property. He does not want to see the backs of these houses. He demands a
509 mound and trees. If the easement is a problem, put trees and a mound on their side of the
510 easement. He is not happy with this at all. He would like to see no more than one house
511 per acre.

512

513 Mr. Flaherty said the developer could built one house per acre without even coming to
514 the BZC. However, planned developments must be approved by the township and the
515 residents also have a voice. There are requirements for planned developments such as
516 trees and green spaces. The plan allows for more of an overview design element, as
517 opposed to just a straight row of roads with homes.

518

519 Mr. Flaherty read Mr. Flannery’s chat comment: “Sounds like this is a done deal and
520 Dale Ford Road residents get the short end of the stick.” Mr. Flaherty said that is not the
521 case and this is just a proposal for an application and it goes to the trustees for final
522 approval and then back to the BZC for a final development plan.

523

524 Mr. Flaherty read a chat comment from Mr. Armstrong: “I do not want the bike path on
525 the east side of the property that abuts our property.” Mr. Flaherty said it has been
526 clarified that the path will be down on Berlin Station Road and Piatt Road, which is
527 required by the county for their main arteries, and that is driven by the Delaware County
528 Commissioners. Mr. Flaherty said the Commissioners heard from the residents that they
529 want more bike paths so the township has put those in their developments.

530

531 Amanda Bowling, 1232 Dale Ford Road, said she would like to point out to the BZC that
532 there is an equity issue that arises from hosting a strictly online meeting. She understands
533 the circumstances, but there are people in the neighborhood who do not have access to
534 the zoom and do not have the ability to be in this meeting in this capacity rather than in
535 person. She would like the BZC to consider what voices aren’t being heard today due to
536 the online format and what equity issues are arisen by a solely-zoom meeting.

537

538 Mr. Bowling said she would support one acre lots as well. This development will
539 diminish her home value when the high-density developments are built. As more high
540 density housing is built, the number of students in the schools are increased and there will
541 be additional costs and more levies. Ms. Bowling said she hoped the developers and the
542 BZC are really taking in their concerns.

543

544 Mr. Flaherty said the BZC is required by law to hold a hearing within a certain time
545 frame of when an application comes into the office. Virtual meetings are now allowed by
546 way of a recent law so they can continue with their duties and the rights of property
547 owners.

548

549 Mr. Flaherty said he appreciates the public for joining in and he tried to go above and
550 beyond participation. It may be easier for some to attend this way, and he apologized for
551 any inconvenience.

552

553 Sarah Ford, 1361 Dale Ford Road, said her parents own the property and she lives there
554 currently. They do not know how to do zoom meetings so she is listening in for them.
555 They are concerned with how this will affect future zoning and their agricultural
556 practices. They currently have an agricultural farm field which is taxed as such.

557

558 Mr. Flaherty said each property has its own application process. Each property and
559 location is unique and a general precedence is not set, which is why each property has to

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560 go through a rezoning process. Ohio is a right-to-develop state, which means at any time,
561 the property owner has the right to petition a zoning board to rezone their property.
562 However, if the plan doesn't meet the township's comprehensive land use plan, the
563 township can deny it. The subject property falls into the R-3 with a PRD overlay. It is
564 currently zoned FR-1 so it could be developed as one home per acre with no zoning
565 process.

566
567 Mr. Flaherty said development is primarily based on sewer and infrastructure, and school
568 district. This is a popular areas because good schools equates to good neighborhoods and
569 good homes. Olentangy is a desirable area. Access to sewer is also very important
570 because large developments cannot be done without sewer, which is why they front the
571 bill to add sewer.

572
573 Mr. Flaherty asked whether the applicant would like to request a vote or to table the
574 application. Mr. Underhill said he would like to request a vote tonight. He said many
575 developers are criticized for not making an effort to meet the underlying comprehensive
576 plan. However, he has provided a plan that does meet the CLUP, and there is a very small
577 list of minor divergences. He feels he has done all he can to meet the CLUP and the
578 zoning resolution, and he asked for their approval.

579
580 Mr. Flaherty requested a motion from the BZC to approve the application.

581
582 No motion was made. Mr. Flaherty asked how the BZC would like to proceed and
583 whether the applicant wished to table.

584
585 Mr. Underhill said he believes he has done his best to address the BZC's concerns and he
586 asked whether there was a concern he had not addressed, and he would reconsider his
587 request for a vote. He said much of what he has heard has to do with screening and
588 buffering. The two-step process allows for interaction between the BZC, the applicant
589 and the community.

590
591 Mr. Underhill said as part of the final development plan, the plans will include making
592 sure as the engineered plans gets further along that it is engineered in such a way to get
593 that buffer in at the north and improve that condition to meet the request of the residents.
594 The BZC has received his commitment to do most of what has been requested, and he
595 asked if there were items that have not been addressed.

596
597 Mr. Flaherty said the divergences were minor, but there was enough public comment and
598 concern that more options need to be evaluated for the screening and buffering for the
599 existing homeowners.

600
601 Ms. Kaplan said the neighbors are vehemently against this, and she understands. Her
602 sense is that part of what they are feeling is that this is going from the least dense type of
603 use in the township to the densest type of residential land use in the township. In the
604 past, the township has made an attempt to have more of a transition between such
605 developments. DCRPC mentioned in their comments that this did exceed the
606 recommended 1.25 units/acre in the CLUP, so she thinks people are feeling some shock
607 about that. She has unease with the fact that the neighbors have not had communications
608 from M/I Homes and she would like to know why not.

609
610 Mr. Underhill said he is open to tabling and meeting with the neighbors and that's the
611 right thing to do.

612 **RESOLUTION 2020.05.13 #B: TABLE BZC 20-001**

613
614 Mr. Flaherty made a motion to table BZC 20-001 to June 9, 2020 at 7:00 PM. This will
615 be a zoom virtual meeting. Mr. Bardash seconded the motion.

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616 Vote: Flaherty, yes; Bardash, yes; Johnson, yes; Kaplan, yes; Valentine, yes.

617 Motion carried.

618

619 Mr. Flaherty said he would export the chat window and send it to the developer. He said
620 the BZC is holding a meeting on 5/27/20 and he will leave the zoom session open so the
621 developer can hold a private meeting with the neighbors for their input.

622

623 Mr. Flaherty said the public can watch the meeting live on Facebook and the BZC will be
624 taking questions over Zoom.

625

626

627

628

Steve Flaherty, Chairperson

629

630

631

632

Jerry Valentine, Vice-Chairperson

633

634

635

636

Darcy Kaplan, member

637

638

639

640

Mike Bardash, member

641

642

643

644

Martin Johnson, member

645

646

647

Attest: _____

648

Lisa F. Knapp, Berlin Township Zoning Clerk