

BERLIN TOWNSHIP ZONING COMMISSION (BZC)

OF DELAWARE COUNTY, OHIO 43015

SPECIAL MEETING

TUESDAY, JUNE 30, 2020 7:00 PM

1 This meeting was held virtually.

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CALL TO ORDER

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

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7 Mr. 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, BZC 1st alternate member Christina Littleton (seated).

11 Also present: Zoning Inspector David Loveless, Zoning Clerk Lisa Knapp, Zoning

12 Secretary Cathy Rippel, BZC 2nd alternate member Angela Brown.

13 Not Present: BZC member Mike Bardash.

14

15 Mr. Flaherty reviewed the adopted policy of the BZC, and noted that public comments is
16 limited to three minutes each.

17

AGENDA ITEM: BZC 16-001, EVANS FARM

18 Mr. Flaherty said this meeting was set at the last meeting. He said Evans Farm submitted
19 a letter to the trustees as just a letter, not as an application for an amendment. Since then,
20 per the prosecutor's request, the applicant has removed the letter from the trustees and
21 submitted it as a deviation to the plan under Section 11.13 a) 1) of the Berlin Township
22 zoning resolution.

23

24 Mr. Flaherty said the applicant is requesting a deviation for the alteration of the plan due
25 to the North Road extension changes.

26

27 Tony Eyerman, with Evans Farm, said that back in 2016-2017, Evans Farm came before
28 the BZC and the trustees and received approval for the preliminary development plan and
29 zoning for their portion of Evans Farm that is located in Berlin Township. Following
30 that, in 2019-2020, Berlin Meadows went through the zoning process. Through the
31 course of the consideration and approval of that, there were changes made to a couple of
32 roads that caused Evans Farm to modify their plans.

33

34 Mr. Eyerman said this was done through the deviation process. He said the changes are
35 only as a result of the Berlin Meadows plan and the county engineer's change to the
36 streets, and the applicant did not want the change. He presented the landscape plan that
37 was approved as part of the zoning package. It clearly shows the open space and some of
38 the intended lakes that were required for storm water detention/retention. He said this is
39 all part of the township's record as far as the approved plans go.

40

41 Mr. Eyerman said that Shanahan Road is located along the south line and it comes across
42 from the southwest corner, crosses the railroad corridor, T's in from the south and ends at
43 a 4-way stop that only permits a left turn onto Piatt Road for eastbound traffic, then it
44 continues onto the north.

45

46 Mr. Eyerman said he worked with the county engineer's office prior to the zoning office
47 for two things: one is the North Road alignment, which was approved through zoning,
48 and the Shanahan to Hollenback Road connector and ties into Shanahan Road on the
49 Evans Farm property.

50

51 Mr. Eyerman said the plan was approved this way, but when Berlin Meadows came
52 through, they changed the North Road alignment to come up and connect along the west
53 line. He showed the approved and the proposed plan that has been adjusted. There was
54 more open space between North Road and a pond that is owned by Eleanor Loos.

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55 Somehow the drafting error happened. He said a street was pushed up into where the
56 basin would be so they had to be brought over to the other side.

57

58 Mr. Eyerman said he tried to honor the approved plan as much as possible but some
59 adjustments had to be made. The alignment change caused the loss of around 80 lots, and
60 they will have to be reassigned elsewhere. The second part of the adjustment for the
61 North Road alignment through the Berlin Meadows zoning process was the realignment
62 of the connection from Hollenback to Shanahan Road. That caused a little change in the
63 lot layout and also a change to the planned commercial area.

64

65 Mr. Eyerman said he worked with the township and legal counsel, he elected to go
66 through the deviation process in Section 11.13 a) 1). The letter dated June 16 outlines the
67 points of deviation that he is requesting for approval. The realignment of those two
68 streets really caused the changes that he was forced to make.

69

70 Mr. Eyerman said the proposed plan maintains the same number of lots that were
71 approved in 2016-2017 in the original development plan. It also maintains the same
72 number of lot width categories. For example, the 40' minimum lot width. 184 were
73 approved in the original plan, and the plan reflects 180 for the same sized lots. Mr.
74 Eyerman said it is that way all the way through all the different lot widths that were
75 approved in 2016-2017. This plan shows the exact same number of lots in the May 29,
76 2020 dated plan.

77

78 The planned commercial acreage shows 43.2 acres of planned commercial on the 2016-
79 2017 plan, and that same acreage is on this plan as well. The open space acreage showed
80 197.5 acres on the originally-approved plan, and the same 197.5 acres of open space is on
81 the revised plan as well. He is not requesting any changes to the standards or terms of the
82 previous development plan, other than what is shown here. The text that was approved in
83 2016-2017 is still being maintained and he is not asking for any variation or deviation to
84 any of text. He is here simply to request approval of the deviations and the changes that
85 were caused due to the Berlin Meadows zoning.

86

87 Mr. Eyerman said he is in the process of working on preliminary engineering for the first
88 sections in Berlin Township. He knows before final, the deviations have to be approved
89 so they can go before the zoning commission and get the final development plan
90 approved as well.

91

Commission Consideration

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93
94 Mr. Johnson said the township was aware that those details would be in flux before the
95 county engineers decided what they would do with those roads. The same ratio and
96 number of lots, the same ratio for the lot sizes, and the overall acreage have remained
97 consistent.

98

99 Mr. Johnson asked regarding the two retention ponds that were lost, did the pond along
100 the North Road extension get larger and he asked how that would be handled.

101

102 Mr. Eyerman said the prior plan showed three basins, with North Road shifting to the
103 north and to the east. He has increased the size of one open space area, and the space is
104 able to accommodate more detention/retention volume that is able to compensate for the
105 loss of volume in the two ponds that were removed.

106

107 Mr. Johnson asked whether Evans Farm plans to have some retention areas there even
108 though they are not shown on the drawing. Mr. Eyerman said that was correct.

109

110 Mr. Valentine said the pond down closer to Shanahan Road really looks close to the road
111 and he was concerned about drivers. He would like to see that moved so it's not so close

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112 to the road. Mr. Eyerman said he can accommodate that; that area is the ag-center area
113 and there is plenty of space to move the basin back away from the right-of-way, and he
114 will do that.

115
116 Ms. Kaplan said she appreciated that the applicant did not make extreme changes that
117 made this process difficult.

118
119 Ms. Littleton asked when Phase 1 will begin in Berlin Township. Mr. Eyerman said
120 preliminary engineering has started on one area, and that is the closest area for sanitary
121 sewer. During the zoning process for Berlin Meadows and the school, they promised they
122 would bring the sanitary sewer across and up. They are doing that and Evans Farm will
123 be capitalizing on that as well. He said it should be 2021 or 2022.

124
125 Mr. Flaherty said there are four outlined deviations, due to the realignment of North
126 Road, and the realignment of the Shanahan Road, the Hollenback Road connector as
127 requested by the Delaware County Engineer, the phasing plan, which is dictated by the
128 sanitary service, and the lot layout, which doesn't change the number of approved lot
129 widths, the total number of lots, the acreage, or the open spaces.

130
131 Mr. Flaherty said the township has also received a letter of support from the
132 superintendent of Olentangy Schools that mentions the adjustment of North Road to
133 accommodate the school lot in Berlin Meadows, as well as a letter of support from the
134 Delaware County Engineer, which discusses the changes that were made and why.

135
136 Mr. Flaherty said this is a unique situation. He is careful to not to set unwanted
137 precedents, but in this case, a separate zoning plan was approved that dictated a change to
138 an already-approved zoning plan. He does not believe this request will set a precedent
139 for anything else as this is a unique situation and he thanked the applicant for not
140 changing the plan very much.

141
142 Mr. Flaherty said that Section 11.13 a) 1) is designed more for a final development plan;
143 per the county prosecutor's advice, any ambiguity is always to the advantage of the
144 applicant and not the township. The text references a final development plan, but also a
145 development plan, which could be interpreted as a preliminary development plan.

146
147 With the applicant removing the letter to the trustees, the BZC is hearing this utilizing
148 11.13 a) 1).

149
150 Ms. Brown asked whether the same ratio of green space is being maintained as in the
151 approved application. Mr. Eyerman said, "exactly, yes." Ms. Brown asked about
152 resituating the very small pond near North Road and Shanahan Road and she was also
153 concerned about a heavy rainfall spilling from the pond into the roadway. Mr. Flaherty
154 said the details will be engineered and plotted for exactness, as opposed to the
155 preliminary plan.

156 **RESOLUTION 2020.06.30 #A: APPROVE DEVIATIONS TO BZC 16-001 EVANS FARM**

157 Mr. Flaherty made a motion to approve the deviations to BZC 16-001 for Evans Farm
158 Land Development, with the deviations and reasons as noted:

- 159 1) The realignment of North Road, located north of Shanahan Road.
160 2) The realignment of Shanahan Road and Hollenback Road connector.
161 3) The phasing plan for the development.
162 4) The lot layout of the Evans Farm community.

163 Mr. Johnson seconded the motion.

164 Vote: Flaherty, yes; Johnson, yes; Kaplan, yes; Valentine, yes; Littleton, yes.

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165 Motion carried.

166

OTHER BUSINESS

167 Mr. Loveless said that the Cheshire Road bridge is finally open, and Africa Road will be
168 closing on Monday. He noted there are some flooding issue along Anchors Aweigh and
169 Courtland Drive. He is learning about paper tiger easements, and he is trying to have an
170 old maintenance ditch maintained. The Courtland Drive area was developed before
171 Delaware County Soil and Water, and he is trying to get the ditch on the plan.

172

173 Mr. Flaherty said the next BZC meeting will be on Tuesday, July 14, 2020, and the
174 meetings will continue to be virtual through July.

175

176 Motion to adjourn. Meeting adjourned.

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Steve Flaherty, Chairperson

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Jerry Valentine, Vice-Chairperson

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Darcy Kaplan, member

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Mike Bardash, member

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Martin Johnson, member

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Christina Littleton, alternate member #1

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Angela Brown, alternate member #2

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Attest: _____

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Lisa F. Knapp, Berlin Township Zoning Clerk