

**BERLIN TOWNSHIP ZONING COMMISSION (BZC)**

*OF DELAWARE COUNTY, OHIO 43015*

**REGULAR MEETING**

**TUESDAY, OCTOBER 27, 2020 7:00 PM**

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This meeting was held virtually.

**CALL TO ORDER**

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

Mr. Flaherty led meeting attendees in the pledge of allegiance.

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

Also present: Zoning Inspector David Loveless, Zoning Secretary Cathy Rippel, Zoning Clerk Lisa Knapp, 1<sup>st</sup> alternate member Christina Littleton, BZC 2<sup>nd</sup> alternate member Angela Brown.

Mr. Flaherty reviewed the adopted policy of the BZC, and noted that public comments is limited to three minutes each. He reviewed the procedure for this hearing.

**AGENDA ITEM: VERIFICATION OF MEETING ADVERTISEMENT**

Ms. Knapp verified that this meeting was advertised in the 10/15/20 Delaware Gazette as follows:

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

The Berlin Township Zoning Commission will hold a virtual hearing October 27, 2020 at 7:00 p.m. in order to consider applications for amendments:

1. BZC-16-004, amendment #1, filed by Maeve Meadows (formally known as Southwoods), 470 Olde Worthington, Westerville, OH 43082. The applicant is requesting a modification to reduce the size of each lot and increase the number of lots on a preliminary development plan rezoned as R-3/Planned Residential District (PRD) overlay, ±23.838 acres, Parcel #41831001068000.
2. BZC-16-009, amendment #2, filed by Berlin Bluffs (formally known as Eaststone Crossing), 470 Olde Worthington, Westerville, OH 43082. The applicant is requesting a modification to reduce the size of each lot and increase the number of lots on a preliminary development plan rezoned as R-2/Planned Residential District (PRD) overlay, ±54.183 acres, Parcel #41831001043000; 41831001037000; & 41831001038000.

For questions call David Loveless, Zoning Inspector at 740.548.5217 x103. Also, you can find the text and map on the Berlin Township website [www.berlintwp.us](http://www.berlintwp.us). Please note, this meeting in its entirety will be conducted virtually. Public will have the right to comment by joining the meeting live with an invite link. The link for the meeting will be made available on the township website and the township Facebook page before the meeting date and time.

After the conclusion of the hearing, the matter will be submitted to the Board of Township Trustees for its action. The person responsible for giving notice of the public hearing by publication is Cathy Rippel. Township residents are encouraged to join us virtually.

Berlin Township Zoning Commission  
Steve Flaherty, Chairman

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113 buyers interested in developing the lots. He has had numerous discussions throughout  
114 the development community in Central Ohio, including Berlin Township and the Piatt  
115 and Cheshire Road areas, he has learned that developers are looking for more  
116 diversification of product and product styles.

117  
118 Mr. Faris said the developments under construction such as Howard Farms and Berlin  
119 Manor are two consistent developments with the larger lots and home sizes, which carry  
120 a much different price than what other homebuilders in this area are looking for as a  
121 consistent product that does not compete directly with the larger homes, but provides a  
122 better opportunity for marketing a more diverse home product in this corridor. They are  
123 looking for 57-62' wide lots that allow builders to build homes in the \$400,000 price  
124 range, with some ranches being priced lower. The home prices will be higher dependent  
125 on options selected by the buyers.

126  
127 Mr. Thomas said the consistent theme in this area is to the south is Howards Farms,  
128 which is a Trinity Homes subdivision, and there zoning was in place prior to #16-004  
129 approved. There is one spec or model home built, and just one additional new build  
130 going up although they have been at that particular location for a while.

131  
132 Mr. Thomas said Berlin Manor, directly across the street, is being built by Fischer  
133 Homes; they have two home builders, and they seem to have had more success than  
134 Trinity Homes. Glenmead is right up the street, just north of those two communities.  
135 Ryan Homes started building there but they no longer are and the lots are being  
136 developed by Rockford Homes. That development has been there longer than Berlin  
137 Manor and Howard Farms. The developments with larger lots are consistently not  
138 developing at a fast pace, and there is not a large market for homes on large lots.

139  
140 Mr. Thomas said he is trying to get more product diversity in the proposed product. In the  
141 Central Ohio area, the demographics of the homebuyer are changing quite a bit.  
142 Traditionally, households had two parents with children. However, that now comprises  
143 less than a quarter of the population and it is getting proportionally smaller. There are  
144 now more single-parent households, empty nesters, and couples without children, they  
145 make up the majority of area households, and they have different real estate needs.

146  
147 Mr. Thomas said these groups are more likely to choose higher density housing over  
148 larger homes and larger lots. The pattern he has seen over the past 40 years in  
149 homebuilding is to continue with the low-density developments, which create a lot of  
150 sprawl. He said that local officials have realized that paying for the basic infrastructure,  
151 roadways, police, schools, fire, libraries, and sewer service spread over a larger and  
152 sprawling distance is inefficient and expensive.

153  
154 Mr. Thomas said that most public leaders want to create vibrant, economically-strong  
155 communities where residents can enjoy a high quality of life in a fiscally- and  
156 environmentally-responsible manner, but may or may not know how to achieve it. He  
157 said most of these community leaders and land use professionals now agree that creating  
158 communities with a mix of density, housing types and uses could be an anecdote for this  
159 kind of sprawl.

160  
161 Mr. Thomas said that despite the growing awareness of the complexity of the issue and  
162 growing support for higher-density developments as an answer for the sprawl, many still  
163 have questions and fears related to higher density and development. He said residents  
164 typically have questions such as, how will this change our neighborhood? Will it make  
165 traffic worse? What will happen to our property values? What about crime?

166  
167 Mr. Thomas said that there is ample evidence that well-designed, higher density  
168 developments properly integrated into an existing community can become a significant  
169 community asset that add to the quality of life and property values for existing residents,  
170 while addressing the needs of a growing and changing population. He said that many

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229 Mr. Flaherty said members have put a great deal of effort into the Berlin Township  
230 Comprehensive Land Use Plan (CLUP). Everybody agreed on the original plan, but now  
231 the applicant is coming back and asking for more and that is atrocious. He said the  
232 residents will soon weigh in on the manner as well. He said the public should be able to  
233 see how a fields turns into a home and how their neighborhood was developed.  
234

235 Mr. Flaherty said the applicant had an agreement, and they are welcome to ask for it to be  
236 modified, but he sees absolutely no reason to provide any additional variances. He said  
237 to increase the density from 1.48 to 2.48 units per acre is absurd. The neighboring  
238 development is 1.49 units per acre and it feeds into the subject development. The  
239 applicant has the right to request that the application be modified, but there is no legal  
240 obligation for the township to approve it.  
241

242 Mr. Bardash said he agrees with everything Mr. Flaherty said. The plan approved in  
243 2016 is fantastic, and the BZC agreed to some variances to help it fit the developer's  
244 needs. Some of those developments were slow to start is because they do not have sewer  
245 and the elementary school was not built yet. As a result, they cannot build.  
246

247 Mr. Bardash said that during the past 4-5 years that he has served on this Commission, he  
248 has been amused when a resident would opine that a developer was simply wanting a  
249 money grab, but they are absolutely correct this time.  
250

251 Ms. Brown asked to speak next. She said she agrees with Mr. Flaherty and Mr. Bardash.  
252 She said that Mr. Thomas mentioned studies and she asked whether those studies were  
253 even within the Columbus market. Mr. Thomas responded that they were not; they are  
254 national studies put out by the Urban Land Institute, and they cite numerous studies  
255 throughout the United States in difference communities.  
256

257 Ms. Brown said that Mr. Thomas presented the studies as if they were the opinions of  
258 buyers and residents in this area, and that is not true. When referencing studies, one  
259 needs to be careful as to how the data is called out. She said that not all builders are slow  
260 in this area; some lots are going quickly. What needs to be consider is the way in which  
261 those builders and their products, including upgrades, floorplans, upgrades etc. are  
262 viewed. It is not fair to make an overall determination that the size of those lots is not  
263 desirable.  
264

265 Ms. Brown said the size of the approved lots is currently desirable to residents coming  
266 into this area. The residents are moving to Berlin Township because they want the larger  
267 lots. In fact, many of the letters received by residents state that, and that they wanted to  
268 move from the high-density city to have that community feel. Feelings of privacy and the  
269 room to breathe are important to them.  
270

271 Ms. Brown said she wanted to ensure that nobody is speaking in generalities about the  
272 entire nation. She said the Columbus Board of Realtors has wonderful reporting of what  
273 the stats are, and she would be very happy to direct the applicants to that for future  
274 reference.  
275

276 Ms. Brown said she is not happy with the proposal. This goes against what all the Berlin  
277 Township residents are fighting for in the residential areas being zoned. They do not  
278 want high-density housing, but reasonable lot sizes. She asked that the applicants make  
279 themselves more educated before coming before this Commission; the one-over is not  
280 going to happen.  
281

282 Ms. Kaplan said she had questions about the density calculations. She said this is a 23.83  
283 acre field and she asked what percentage of that is buildable. She asked for the  
284 calculations regarding roads and infrastructure, which reduces the developable acre. She  
285 asked for the net density, not the gross density.  
286

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345 Mr. Thomas thanked the BZC for their comments. He realizes that it is a tough decision  
346 and a tough ask for the applicant, but he did not intend to be offensive to anybody. He  
347 said he would like to hear the input from the residents. He would like to give a product  
348 that Berlin Township residents want. He said that \$400,000 is considered an affordable  
349 single-family house in Central Ohio. He said that even the 52' by 130' have home prices  
350 exceed \$450-500,000. The cost of development is high, he said. Mr. Thomas said he will  
351 take the comments under consideration.  
352

353 Mr. Flaherty said Columbus is booming and there is a lot of growth and a need at large  
354 for higher density lots Central Ohio. However, there is a place for everything  
355 everywhere. Diversity is good, but the CLUP was created in the 1980's and the tone and  
356 stride for where Berlin Township wants to be was set. It has been adjusted with updates  
357 along the way after gathering input from the residents. Residents don't want  
358 development, but there must be a balance.  
359

360 Mr. Flaherty said the claims and "the ask" by the applicant are offensive; many people  
361 have put a lot of time and effort into the CLUP over the years. At the time, this was a  
362 tough application to approve, but it fit in between the other developments. A 1.48  
363 units/acre density fit, but 2.41 does not, regardless of current market demands.  
364

365 Public Comment

366  
367 Kimberly McMaken, 2792 Voss Drive, said she is new to Berlin Manor. She lived in  
368 Grove City in Pinnacle at Creekside before that. She knows exactly what the developer  
369 wants to do because she lived next to one. She moved here because it has a country feel  
370 and she wanted to get out of the small homes right on top of each other. She loves it here  
371 so far. She heard about this development from a neighbor and she did not get notification  
372 about this meeting.  
373

374 Ms. McMaken said this application is discouraging, and she did not feel people would  
375 want to pay \$400,000 for a house on such a small lot.  
376

377 Mr. Flaherty said that by law, only adjacent property owners are notified of zoning  
378 hearings. He suggested that she follow the township's Facebook page and website for  
379 updates.  
380

381 Don Stuller, 2841 Cheshire Road, said he recently bought his home on Cheshire Road in  
382 2019 and it will be basically in the middle of what will become Berlin Bluffs. He will  
383 now be surrounded by homes if this is built. He purchased 2 acres because he wanted to  
384 be in the rural area. He did not see the original plan that was approved and he asked how  
385 he could get a copy of it.  
386

387 Mr. Faris said he would be planting trees to the north and west of Mr. Stuller's home.  
388 Mr. Stuller asked about the creek area. Mr. Faris said the trees would be preserved in the  
389 waterway. The county has that in ditch maintenance but he did not think it would go that  
390 far south to his house. He said this property was rezoned several years ago, and the  
391 person who sold his property to Metro Development lives in that house.  
392

393 Betty Cox, 2658 Russell Woods Drive, said there is a row of trees at her house. She just  
394 moved here from California, and they were looking forward to having a beautiful lot,  
395 trees and peace and quiet. She was surprised to learn homes would be built right behind  
396 her row of trees. She was concerned about the value of her home due to the smaller  
397 homes and the noise level.  
398

399 Mr. Flaherty said that homes being built next to another home do not necessarily decrease  
400 their value. Almost every home that is kept up and has good curbside appeal has  
401 historically gone up mainly due to with the great school systems and the rural charm and  
402 character here. Ms. Cox asked him if he thought building more homes on smaller lots

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460 She said the modifications for this development are ill-supported by the facts and it  
461 should not be recommended to be moved forward by the BZC.

462

463 Mr. Flaherty said that he believed the zoning commission fully agreed with her.

464

465 Mr. Flaherty said that he would provide copies of the letters from residents to the  
466 applicant for their review.

467

468 Mr. Bardash said many of those letters appeared to be in regards to Berlin Bluffs, which  
469 is next.

470

471 Mr. Thomas said he was not insisting on a vote for either application tonight and he  
472 asked whether he should proceed with the next application, Berlin Bluffs. Mr. Flaherty  
473 said he should. Mr. Thomas said that he would work together with all parties to see if a  
474 compromise could be reached and then go from there. This application will be tabled.

475

476 **AGENDA ITEM: BZC #16-009 AMENDMENT #2, BERLIN BLUFFS**

477

**(FORMERLY EASTSTONE CROSSING)**

478

479 *BZC 16-009 Amendment #2, Berlin Bluffs, formerly known as Eaststone Crossing,*  
480 *requesting a modification to reduce the size of each lot and to increase the number of lots*  
481 *on 54.183± acres on a preliminary development plan rezoned as R-2/Planned*  
482 *Residential District overlay.*

483

484

Applicant Presentation

485

486 Mr. Faris displayed the illustrative plan for Berlin Bluffs. The previously approved plan  
487 had a total of 57 lots that were 100' by 150' wide with a 15,000 SF minimum lot size. He  
488 is requesting that the lot size be reduced and the density increased throughout the site.  
489 Proposed is a mix of 57' and 62' wide lots that would be located along different  
490 roadways in this subdivision.

491

492 Mr. Faris said that Berlin Manor is under construction to the east and there are three  
493 access points that they need to tie into there. There are also planned entrance points to the  
494 subdivision to the west. The roadway network and the amount of open space is similar as  
495 well. The greatest change in addition to the lot size and number is that there will be a  
496 new access point to be located further east because when this was first approved, Piatt  
497 Road was not under construction yet. The county engineer will no longer allow the  
498 temporary curb cut in that location, so there is no way to access this portion of the  
499 subdivision for construction and changes had to be made.

500

501 Mr. Faris said some open space was lost in the revised plan, but the setbacks and the  
502 existing tree lines along the north and south property lines will be maintained, as well as  
503 the existing buffers within the stream corridors. At the main entry, he has proposed  
504 buffering along Cheshire Road and also against the houses and the central area. The  
505 applicant had committed to a horse fence to the east, but the new plan also proposes a 5-  
506 6' tall mound with evergreen trees on top, spaced 10' on center, and the applicant will  
507 make a similar commitment in this application.

508

509 Mr. Faris said the pond on the southwest corner is much larger due to the access being  
510 removed in that area. It is sized to not only take in their water but also portions of the  
511 Piatt Road extension by the request of the county engineers. There will still be a bike  
512 path located along the frontage and an interior pathway system throughout the site that  
513 meanders along the backs of the lots.

514

515 Mr. Faris said the density has been increased from 1.24 units/net developable acre to 2.6,  
516 so it was doubled. The open space in the approved plan was 24.51 acres and it has been  
517 reduced to 22.14 acres.

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575 Mr. Johnson asked whether Russell Woods Drive is the far western road that runs north  
576 and south. Mr. Thomas said that is correct.

577

578 Jason Lusk, 3266 Glenmead Drive, said that he appreciate the applicants' insights, but he  
579 does not feel they have taken the time to address the community's feelings about the  
580 situation. He said there are signs all Berlin Station and Dale Ford Roads opposing high  
581 density development. He moved here from Orange Township and he has enjoyed his one  
582 acre lot in Glenmead in a great community, but the proposed plan has six homes looking  
583 into his lot. He did not move here for that. This design is nice, but forest that was  
584 included in the plan will be gone now due to a road. He said he is looking forward to the  
585 BZC not wanting this.

586

587 Hun Yi, 3230 Glenmead Drive, said that this kind of density is highly undesirable; he  
588 moved here from Virginia for the great school system. Density like that proposed here  
589 will severely impact the schools. Larger lots will help slow development down and will  
590 be beneficial for the taxpayers. He said he is just north of lots 60 and 61. The setbacks  
591 are just 35' and that seems way too close.

592

593 Zach Tietjen, 3078 Glenmead Drive, having this many houses backing up to his backyard  
594 is highly undesirable. The pandemic has taught people that they need more space. This is  
595 not the place to increase density.

596

597 Gerald Gale, 3252 Glenmead Drive, said he moved back to this area two years ago from  
598 Washington, D.C. He and his wife looked for a long time for a large lot in a  
599 neighborhood, and they liked Glenmead because it was spacious, farm-like and still a  
600 neighborhood. The view was incredible. He was told that the density was low in the  
601 neighborhood that is planned for the subject property, and he hopes that the BZC does not  
602 approve this application.

603

604 "Chris," 3160 Glenmead Drive, said he is constructing a home on the north side of where  
605 this development will be built. He built his home here for many of same reasons as his  
606 neighbors. It was his understanding that this would be large, open lots with farmhouse-  
607 style developments. This development will have no more than a 6' side yard setback,  
608 which is less than half of what is required in Berlin Township. He is very concerned  
609 about this high density development and he thanked the BZC for their comments.

610

611 Mr. Thomas thanked the residents and BZC for their input. When the development  
612 process was started in 2016, they did get a lot of input from residents on Cheshire Road.  
613 He did not intend to request a vote this evening but to request a tabling.

614

615 Mr. Flaherty said he appreciated the comments from the BZC and the residents. There  
616 is an approved plan; he misses the days of "gentlemen's agreements" where a person's  
617 word was their word and they stuck by it. The applicants are welcome to ask for changes  
618 as always, but with the comments heard tonight from the BZC and the public, he sees  
619 absolute no reason to waste any time hearing anything that asks for a single foot of  
620 setback variance or a divergence of lot size, or anything further.

621

622 Mr. Flaherty stated that the applicant is welcome to table the applications and come back  
623 to request a compromise. However, there is no compromise in his mind; the BZC  
624 compromised back in 2016 to get that plan approved.

625

626 Mr. Flaherty said the statements from the residents helped to affirm the mindset of  
627 residents in Berlin Township. The township has a CLUP and zones in the township for a  
628 reason; there is a pending business park that allows for higher-density housing. They do  
629 want diversity in people and products; the world is a better place when all people can  
630 participate, and Berlin Township has always had open arms for everybody. The charm of  
631 this area does attract people.

632

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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

\_\_\_\_\_  
Martin Johnson, member

\_\_\_\_\_  
Christina Littleton, 1<sup>st</sup> alternate member

\_\_\_\_\_  
Angela Brown, 2nd alternate member

Attest: \_\_\_\_\_  
Lisa F. Knapp, Berlin Township Zoning Clerk