

**BERLIN TOWNSHIP ZONING COMMISSION (BZC)**

*OF DELAWARE COUNTY, OHIO 43015*

**REGULAR MEETING  
TUESDAY JUNE 8, 2021 7:00 PM**

1 This meeting was held virtually.  
2

3 **CALL TO ORDER**  
4

5 The meeting was called to order by Chairperson Steve Flaherty at 7:00 PM.  
6

7 Mr. Flaherty led meeting attendees in the pledge of allegiance.  
8

9 BZC members present: Chairperson Steve Flaherty, Vice-Chairperson Jerry Valentine,  
10 Darcy Kaplan, 1<sup>st</sup> alternate Christina Littleton (seated), 2<sup>nd</sup> alternate Angela Brown  
11 (seated).

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

15 Mr. Flaherty reviewed the adopted policy of the BZC, and noted that public comments  
16 are limited to three minutes per person. He reviewed the procedures for this hearing. He  
17 noted that public comment can be taken via the zoom link on the township website.

18 **AGENDA ITEM: PROOF OF PUBLICATION**

19 Ms. Knapp confirmed that the meeting was advertised as a regular meeting in the  
20 Delaware Gazette at the end of 2020.

21 **AGENDA ITEM: APPROVAL OF MINUTES**

22 Mr. Flaherty made a motion to approve the minutes from the 5/25/21 BZC meeting as  
23 presented. Ms. Kaplan seconded the motion.

24 Vote: Flaherty, yes; Kaplan, yes; Littleton, yes; Valentine, yes; Brown, yes.

25 Motion carried, minutes were approved.

26 **AGENDA ITEM: INFORMAL DISCUSSION REGARDING USE AT 124 N. 3 B'S & K ROAD**

27 Mr. Flaherty said this is an informal meeting and the BZC will not be approving anything  
28 or making any decisions.  
29

30 Attorney Bryan Hunt said the property on Three B's and K Road is a 4328 SF 4 bedroom,  
31 3 bathroom house that sits on about 1.34 acres, and is currently zoned as FR-1. It appears  
32 as though there are residential uses across the street to the west, a residential development  
33 planned to the north, vacant land and a church to the east, and commercial uses to the  
34 south.  
35

36 Mr. Hunt showed an aerial view and explained the area. He said the subject home sits far  
37 off the road and is screened from neighboring properties with woods. He also pointed out  
38 36/37.  
39

40 Mr. Hunt said Coastal Services Sober Living (CSSL) is leasing the property and proposes  
41 to use the property as a sober living home, where up to 10 unrelated females would live.  
42 Remaining sober would be a condition of the females living in the home. The residents  
43 would not receive treatment on the property and it will be a residential home. There will  
44 be a non-residential manager there 24 hours per day, and no modification to the land or  
45 structure would occur.  
46

47 Mr. Hunt said permitted uses in the Berlin Township R-1 district include single family  
48 dwellings and adult family homes. The zoning resolution defines "family" as up to 5  
49 unrelated individuals living in one housekeeping unit, and "adult family home" under  
50 ORC 3722.01 as "a residence or facility that provides accommodation for three to five  
51 unrelated adults and supervision and personal care services to at least three adults." He

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52 noted that ORC 3722.01 has been repealed, and he was unable to find any other  
53 definitions in ORC for an adult family home.

54  
55 Mr. Hunt asked whether the township may consider this use a permitted use under the  
56 FR-1 district under specific circumstances, and said it may be a matter for the BZA.

57  
58 Mr. Hunt said also other options include rezoning to another zoning district such as R-2,  
59 R-3 or R-4, which provide for single-family residential structure or adult family homes,  
60 or adult groups homes as a conditional use. He reviewed additional residential uses  
61 including planned office district, which permits nursing care facilities, assisted living and  
62 homes for the elderly, all of which are somewhat analogous to what is being proposed  
63 here, and planned commercial and office district, which has the same permitted uses as  
64 the planned office district. He said applicants can apply for deviations as permitted by  
65 the zoning resolution.

66  
67 Mr. Hunt said Jared Silver is associated with CSSL and he will be able to answer  
68 questions about the proposed use.

69  
70 Mr. Flaherty asked Mr. Loveless to share the prosecutors' advice regarding this. Mr.  
71 Loveless said Delaware County assistant prosecutor Chris Ballard's question was, what  
72 exactly does "rehab" mean? Mr. Loveless said the presentation has more defined what  
73 the unit would be used for now.

74  
75 Mr. Flaherty asked what the timeframe would be. Candace Darman, 11 N. 3 B's & K  
76 Road, said it has already been done and that she lives across the street. Mr. Flaherty said  
77 he would have public comment soon.

78  
79 Jared Silver said he is thinking about using this property to house 8-10 female individuals  
80 who are in treatment for substance and alcohol related issues. There is no treatment at the  
81 house, and the females are supervised by house managers 24 hours per day. They focus  
82 on life skills that people who suffer from drug addiction can lose track on such as  
83 cooking, cleaning and making their beds. This serves as a place for them to live while  
84 they are getting treatment elsewhere.

85  
86 Mr. Hunt said the treatment center is an outpatient center on Busch Boulevard in  
87 Columbus. Mr. Flaherty asked when the subject property would be used as specified.  
88 Mr. Loveless said they have already started using it. Mr. Flaherty said it appears they are  
89 currently operating without the zoning requirements and approvals. Mr. Silver said that  
90 was correct.

91  
92 Mr. Flaherty said that would not be an approved use as it currently stands. The applicant  
93 would need to go to the BZA as a conditional use permit, or through the rezoning  
94 process. The organization is operating outside of the zoning jurisdiction and there are  
95 ramifications to that which can be explained by the county prosecutor. They are not  
96 permitted to be operating pre-approved zoning.

97  
98 Mr. Flaherty said the definition of single-family needs to be determined. Sometimes  
99 people live together who are unrelated., but single-family is not designed to be multi-  
100 family. He asked whether it was for-profit or non-profit. Mr. Silver said it is for-profit.  
101 Mr. Flaherty said that is a commercial use taking place in an FR-1 district, which is only  
102 permitted in certain circumstances.

103  
104 Mr. Hunt said he is here to come into compliance with the applicable laws. The property  
105 has been purchased and is being used, and he wants to fix any issues that are currently  
106 present. Mr. Silver said he has no intention of violating any zoning laws in place in  
107 Berlin Township. His mission is to help people. Mr. Flaherty said there is a procedure  
108 for that; otherwise, everybody could run a business out of their homes. Some  
109 commercial uses are allowed in FR-1, such as a farmer's market.

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110 Mr. Hunt asked whether, if an LLC owned the property and rented it to a single family,  
111 that would be considered a commercial use? He said the distinction as a for-profit entity  
112 really does not make a difference and the township needs to look at the underlying use  
113 and the number of people living there. One of the conditions of remaining at the home is  
114 to remain sober, he noted. Mr. Flaherty said people are paying to stay at the home and  
115 somebody is profiting off of that, which is the definition of a for-profit business.

116  
117 Mr. Hunt said they are paying themselves. Mr. Flaherty asked whether it was correct that  
118 there was no commercial activity taking place there. Mr. Hunt asked whether making  
119 money by renting a property is a commercial activity. Mr. Flaherty said it was not, but  
120 that it was a single family living there. There are 8 people living there and it is a multi-  
121 family use.

122  
123 Mr. Hunt said the zoning resolution states that a single-family includes up to 5 unrelated  
124 persons acting as a single housekeeping unit. Mr. Hunt asked whether it would be  
125 considered single-family if just 5 unrelated people lived there. Mr. Flaherty said that  
126 would be up to the zoning inspector to determine. Mr. Loveless said whether the legal  
127 definition is 5 occupants or 5 different occupants total including staff members would  
128 require a prosecutor's office opinion.

129  
130 Mr. Loveless said the best thing to do may be to rezone the property. However, the  
131 concerns of the neighbors are when there are cars, or a mini-bus as was there on Sunday,  
132 it does not look like a residence when there are multiple vehicles. He said 5 people living  
133 there plus two taking care of them may result in too many vehicles, and that parking  
134 situation may require a rezoning.

135  
136 Mr. Silver said he was not aware that there would be any more than the van and the  
137 employee there. The landlord came by this weekend with his work truck to do work on  
138 the yard. There should be no more than 1 or 2 vehicles. Ms. Darman said that is not true.

139  
140 Mr. Loveless said on Sunday, he saw three vehicles including one that hauled 6 or more  
141 people and was a nice traveling van. Mr. Loveless said this is a residential area, so if  
142 there is a business there it needs to be zoned correctly or get everybody's permission. He  
143 has received many complaints because nobody knows what is going on.

144  
145 Mr. Valentine said he did not agree with it being rezoned commercially, and he would  
146 think it should be a conditional use permit due to the area being residential. He applauds  
147 the use, but was concerned about the number of people and the traffic. Once the property  
148 is rezoned commercially, it's permanent.

149  
150 Ms. Kaplan asked how many bedrooms there are, and whether it was staffed 24 hours a  
151 day. Mr. Silver said there are 4 bedrooms and it was staffed 24 hours/day. Ms. Kaplan  
152 asked whether the individuals have their own transportation or dependent on them. Mr.  
153 Silver said they are dependent on them to transport them. Ms. Kaplan asked how often  
154 treatment occurs. Mr. Silver said the majority are in treatment 6 days a week and they  
155 travel together as a group.

156  
157 Ms. Kaplan asked whether any physical renovations to the structure are planned. Mr.  
158 Silver said he would leave it the way it is.

159  
160 Ms. Littleton asked whether the treatment was detox or psychological. Mr. Silver said  
161 the residents usually come to them after they get out of a detox program, and they are a  
162 minimum of 30 days sober. They have individual counseling with a licensed clinician 2-  
163 3 times per week. They also do group therapy and holistic things such as yoga, art and  
164 music.

165  
166 Ms. Littleton asked whether they leave the home to work, etc. Mr. Silver said there are  
167 different phases of the program and some are permitted to leave to work, visit family, go

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168 to AA or NA meetings, etc. Ms. Littleton asked whether that transportation is provided  
169 by the bus. Mr. Silver said it is via a Ford 12-passenger transit van. They are taken to  
170 medical appointments and grocery stores, or to court or probation officers if they have to.

171

172 Ms. Littleton asked whether the residents have been criminally prosecuted. Mr. Silver  
173 said he does not take in violent or sex offenders. There are offenses such as drug/alcohol  
174 charges, but they do a thorough screening into their history and situation before they  
175 decide to take them. Many of the times it is anxiety, depression, trauma or unresolved  
176 childhood issues.

177

178 Ms. Littleton asked what the supervisors do while they are at the home. Mr. Silver said  
179 they are there to ensure the safety to the residents and also the house, and checking in on  
180 the patients. Many of them are in recovery themselves and have a minimum of 1 year to  
181 18 months up to many years of being clean, and they are there for emotional guidance  
182 and support as well.

183

184 Ms. Littleton said she has not seen the van, but there is a van that picks up a disabled lady  
185 near her for work, and she and her neighbors have not been affected by that. She noted  
186 that is just 2 times per day, and this situation may be different.

187

188 Mr. Silver said he operates 20 of these houses around the country for the past 6 years, and  
189 during that time they have never had an incidence with law enforcement, and he can  
190 provide letters of reference from landlords, police entities, etc. He is in recovery himself  
191 and has been sober for 11 years, and so he can relate to the residents. The people who are  
192 there are there 100% by their own will; they are not mandated by a court order or  
193 mandate, and they are just trying to get their lives back and do the right thing. CSSL is  
194 trying to provide them with a safe and healthy environment to do it in. There are not  
195 many places like this for women to live, which is unfortunate.

196

197 Mr. Flaherty asked whether a similar process for approval needed to be undertaken in the  
198 other areas. Mr. Silver said “no.”

199

200 Ms. Brown said her biggest concern is whether it will bring additional traffic, and  
201 possible safety concerns. She is not concerned about the bus. As long as the driving is  
202 controlled and there is not a massive influx of traffic, it would not affect her.

203

204 Ms. Brown said the women leave and she asked whether there are visitors at the home.

205 Mr. Silver said that typically there are no people allowed except patients and staff,

206 although there may be somebody picking up a resident such as a family member.

207 Nobody who doesn't live in the home is permitted to visit.

208

209 Ms. Brown asked whether the residents could be flight risks and whether the police could  
210 be involved in searching for women. Mr. Silver said during the intake process, each  
211 individual signs a document that states they have to give 72 hours notice before leaving  
212 the program. They cannot hold them against their will, but with that document, they are  
213 able to get them to the facility at Busch Boulevard the next day so they can meet with the  
214 clinical team to discuss and get them to a safe place. Nobody is ever discharged to the  
215 street.

216

217 Ms. Brown asked whether residents should be concerned about ambulances, etc. Mr.  
218 Silver said police cars or ambulances have never come to the homes. He noted that the  
219 residents have a foundation and are already somewhat stabilized when they get to the  
220 home. Ms. Brown said residents get concerned about things going on and she wanted to  
221 make sure everybody is aware of what is going on there. She thought that as long as the  
222 use is as described, right will prevail.

223

224 Mr. Silver said he is open to discussing and answering any questions. He said in some  
225 other states, there are licensing requirements, such as in New Jersey, where all 4 have

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226 gone through that process. In Florida there is the Florida Association of Recovery  
227 Residences, whose rules must be followed to operate such a use. In the State of Ohio,  
228 there are no such requirements, so typically they are run the same way as New Jersey,  
229 which is very strict. He said he was surprised to hear there were 3-4 vehicles on Sunday  
230 and he would like to look into the circumstances to see what happened. He said he can  
231 personally agree to control that and that there would be no more than 3 vehicles,  
232 including 2 for staff and the van.

233

234 Mr. Valentine said there are places that do this kind of work. He is on the board of  
235 Family Promise, the shelter for the homeless in Delaware, and Andrews House is just a  
236 block away. They work with women who have substance abuse issues. He wants to  
237 ensure that residents around the property have the opportunity to guide this. This is a  
238 good cause and the applicant has good motives, but the procedures and rules in Berlin  
239 Township need to be followed. If the property ceased to be used as specified, a  
240 commercial zoning would be permanent and other businesses could be housed there.

241

242 Mr. Hunt said regarding parking this is a zoning issues, and Section 24.01 of the Berlin  
243 Township zoning resolution states that there is a required minimum of 4 parking spaces  
244 for single-family residential home. He did not think parking would be an issue here and  
245 he wanted to ensure the correct law was applied.

246

247 Mr. Hunt said he agreed that a conditional use permit is the more appropriate because the  
248 use is temporary and can be revoked if the use ceases. However, he was unsure as to  
249 whether the use would qualify for any of the condition use permits in FR-1.

250

251 Mr. Flaherty said most parking, vehicle type and traffic issues are non-zoning issues and  
252 cannot be taken into account for the zoning decision. He said as an example, his family  
253 has 5 kids and the next step up is a church van. Although these issues can be discussed,  
254 they are not part of the decision-making process. Dormant vehicles are prohibited in front  
255 of the property, and there are setback requirements for parking.

256

257 Mr. Flaherty said CUP makes sense although it does appear that there is not a category  
258 for this, although the argument could be made, and that would be decided at a public  
259 BZA hearing. The BZC is concerned with setting a commercial precedent for activity in  
260 a residential area.

261

262 Mr. Hunt asked whether the BZA has an informal process or whether he could meet with  
263 anybody. Mr. Flaherty was not sure and suggested he contact the zoning office. He  
264 could also contact the county prosecutor to see whether it perhaps fits into another use.

265

266

Public Comment

267

268 Jeff Graham, 187 N. 3 B's and K Road, said Mr. Silver claimed to be transparent, yet he  
269 chose to disregard the local zoning rules and misrepresented it as a proposal at this  
270 hearing several times. Things may be different in New York, but half truths here are lies  
271 and the potential applicants should be ashamed of themselves.

272

273 Mr. Graham said he was concerned that Mr. Silver was unaware of his business  
274 operations, as he sees daily many vehicles coming and going. He has also seen females  
275 waiting at the end of the street to be picked up. He is also unclear as to which business is  
276 operating here; is it Seacrest Recovery Center, or Coastal Services Sober Living. He is  
277 concerned about the potential impact of the resale value of his home and the public  
278 becomes aware of a rehab facility being located here. One big selling point of this area is  
279 family and environment, and not too many people would want to buy a home across from  
280 a rehab center. He said the other businesses have been following the ordinances and are  
281 not hiding their operations.

282

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283 Ms. Dorman asked how long the facility has been in violation of the zoning, and she  
284 thought it was 8 months. Mr. Silver said the home was unoccupied for the first 6 months  
285 of the lease. Ms. Dorman said the zoning rules have protected the neighbors in this area,  
286 and it has been a joy to live here for the past 40 years. She is treated with respect by the  
287 zoning office, and she is involved. If a change is to be proposed, she would want to  
288 ensure the neighbors are notified. She wants to make sure zoning is enforced.  
289

290 Ms. Dorman said Mr. Silver called the women “patients” tonight, but she would like  
291 them to be neighbors who support each other, and this does not fit the current situation.  
292 She said she hopes the BZC makes a decision based upon the existing zoning. Mr. Silver  
293 said he would love to be good neighbors.  
294

295 Ms. Dorman said she has seen girls crying in the street, waiting to be picked up, and  
296 people transported to and from work. There are always 6-7 cars there, and if they want to  
297 be good neighbors, they should have given notice of the use. Mr. Silver asked how she  
298 knew the girls were from the house. Ms. Dorman said she did not want to go into that  
299 right now.  
300

301 Mr. Flaherty clarified that no decisions would be made at this meeting and this is just an  
302 informal review and discussion.  
303

304 Mike Dinwiddie, 151 Three B’s & K Road, said he is located directly across the street  
305 from the subject property. He commends the effort of the organization, but he is  
306 concerned about the situations going on that he is not aware of. Right now, he can look  
307 out his window and see four cars and a van. The vehicles are not really the issue as he  
308 could have five kids with cars and they could fit in his driveway. However, it is a  
309 residential property and it needs to appear that way. For example, in the beginning the  
310 trash cans were not brought in for weeks, the grass went knee high twice, etc. He would  
311 like to see it look like an occupied residential home, as he lives across the street and sees  
312 it every day.  
313

314 Mr. Silver said he will look into the situation immediately and do the best he can to  
315 eliminate the issue. He wants to be a good neighbor and not a problem. Part of the  
316 confusion is that his specific use was written into the lease, and the landlord at the time  
317 was fine with the use. He is not trying to be sneaky. He noted that the property has since  
318 been sold. Since the lease was signed on September 1, 2020, nobody resided there for the  
319 first 6 months because there was no need at the time. The garbage cans probably stayed  
320 out too long because of that.  
321

322 Mr. Silver said the landlords at his other properties say they are better than a single  
323 family home and they are kept clean and safe.  
324

325 Mr. Graham asked why Mr. Silver asked Ms. Dorman whether she knew those people  
326 came from the house, as that seemed combative. Mr. Silver said he seemed combative as  
327 well.  
328

329 Chris Stephens, senior leader at Northgate Church, 51 Northwinds Drive, said the church  
330 owns properties in Berlin and Berkshire Townships, and they own property on the north  
331 and east side of this property. He agrees with the work Mr. Silver is doing and his own  
332 church has helped people become productive members of society. However, the question  
333 becomes the transparency and cooperation as a community, and that is crucial. There are  
334 processes in place that need to be followed.  
335

336 Mr. Stephens said the lease was signed in September, and the first activity he saw was on  
337 December 3, 2020. He walked over to introduce himself and welcome them to the  
338 neighborhood, and met Glen Freytag, director of housing, who was putting together  
339 furniture. They discussed easement issues and property boundary issues and the prior

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340 owner had not conveyed those things. It was a good conversation and Mr. Freytag was a  
341 good guy.

342  
343 Mr. Stephens said he told Mr. Freytag that zoning does not allow this use, and asked  
344 whether he had filed for a CUP. He said Mr. Freytag was unaware of that, and he said,  
345 “typically we like to move into a neighborhood and keep a low profile so we don’t have  
346 to deal with these kinds of issues from residents.”

347  
348 Mr. Stephens said the potential applicants are operating in four states and are aware that  
349 they need to comply with regulations. He said a letter was sent from the township, and  
350 the matter was elevated to more than Mr. Freytag. They moved residents in on April 8.  
351 For organizations who move in and don’t cooperate or don’t go through the process, it’s  
352 as though they are asking for forgiveness later. They cannot say they didn’t know. He  
353 did not think rezoning is an option as they do not own the property.

354  
355 Mr. Stephens said there is a lot of traffic going in and out of the property, and he sees six  
356 vehicles on a regular basis, not including the ones parking in the garage. He has a camera  
357 on his property and it catches a lot of activity in the driveway. The church owns part of  
358 the driveway here where the new residences are being built, and he sees cars going in and  
359 out of the garage often, as well as into and out of the garage, as well as families visiting.

360  
361 Mr. Stephens said he is not concerned about the mission, but how the organization is  
362 handing their operations. He did not feel it was appropriate to move in and start  
363 operating, even after knowing they were in violation. He said it robs the neighbors and  
364 the elected officials due process and the ability to work together, and it puts everybody on  
365 edge. He said everybody else in the community has had to go through the processes and  
366 abide by the rules, but they have not.

367  
368 Jared Pruzan, owner of Seacrest/Coastal Services Sober Living, 6555 Busch Boulevard,  
369 Columbus, Ohio, said he was not aware of any zoning or land use requirements, as the  
370 landlord told him everything was fine. The use was stated in the lease itself as well. He  
371 is not a person who asks for forgiveness later. If there was an issue with zoning, they  
372 would have addressed it immediately. If there was an issue that the residents could not  
373 be there, he would not have leased the property.

374  
375 Mr. Pruzan said he would welcome videos and photos of alleged violations. That should  
376 not be happening, he does not run like that, and he would address them immediately. The  
377 photos and videos would help him talk to the staff and put an end to it. He wants to work  
378 with the township. He grew up in a small town himself. He said he assumed that Mr.  
379 Freytag meant that they want a low profile because they do not want to bother or upset  
380 the neighbors. They get along at other homes and even visit the neighbors socially  
381 sometimes. He wants to abide by the rules.

382  
383 Mr. Stephens said he does not have an issue with the company or the mission, just the  
384 process. They have been notified multiple times and knew there was an issue. It would  
385 be easy for anybody to sign a lease on something and then say the landlord didn’t inform  
386 them. It is not the landlord’s responsibility to inform him whether it is a permitted use.  
387 There is probably a stipulation in the contract about being in compliance. The onus is  
388 upon the organization to verify that. He was intrigued that they would sign a lease  
389 without verifying that.

390  
391 Mr. Pruzan said he was not sure what happened. He said he only received one  
392 notification and he provided it to Mr. Hunt who contacted the township immediately. He  
393 knows the church understands the business’ goal. He knows this needs to be done the  
394 correct way.

395  
396 Mr. Stephens said that many of the other organizations mentioned tonight knew to look  
397 into ahead of time and they went through the process first, and it wasn’t easy, including

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398 dealing with the residents, but that is why there is due process in every city and township.  
399 The process is here to enable communication. Residents have invested a lot of time and  
400 money into their properties. The church had to go through the process as well.

401  
402 Mr. Flaherty said that the operating entity of a leasehold is responsible for ensuring their  
403 use meets the zoning requirements.

404  
405 Ms. Kaplan asked whether zoning changes had to be initiated by the property owner. Mr.  
406 Flaherty said that was correct. Mr. Hunt said that sometimes, lessees can initiate but they  
407 would get the permission of the property owner first.

408  
409 Ms. Rippel said an agent can apply, but a letter from the property owner approving of the  
410 rezoning request must be included in the rezoning packet.

411  
412 Mr. Valentine suggested the organization get cameras in order to ensure the business is  
413 operating as it should, rather than relying upon the neighbors, as it is being managed  
414 remotely. Mr. Silver said they usually do, and he took responsibility for not having the  
415 cameras up yet. He would work on it.

416  
417 Ms. Kaplan said she understands parking and traffic are not under their purview, but this  
418 is double the five unrelated persons permitted, so certainly there is a need for  
419 transportation and traffic will be increased. How this would change the neighborhood is  
420 part of the thought process by the BZC, and they would want to keep the rural/family  
421 type environment. The question is, is this really different from how the neighborhood is  
422 supposed to be constructed? Mr. Silver said it is just supposed to be the one van, and the  
423 employees work tirelessly to coordinate the transportation and activities.

424  
425 Mike Milosh, 6925 E. State Route 37, the commercial property just to the south of the  
426 subject property. He does not have a problem with the organization's mission, although  
427 he was surprised to find what the use was, and he has noticed an increase in traffic. He  
428 said it was the organization's job to keep track of the vehicles, not the neighbors. There  
429 are at least six cars there at night and they come and go, and he has not seen the van  
430 move for a week or so. One night he thought there were 8 vehicles.

431  
432 Mr. Milosh said during the winter, the van ended up getting stuck in the yard. He said  
433 when the sewer lines were being run, they parked in his driveway and lot and dumped  
434 clay on his gravel, and he made them clean it up. They pushed the gravel up into his  
435 grass. He did not realize the property owner had changed. They are dumping brush on  
436 his property and he would like to get that cleaned up.

437  
438 Mr. Silver asked what he did for his business. Mr. Milosh said he has an engineering  
439 consulting business. Mr. Silver asked how what he was doing would affect his business.  
440 Mr. Milosh said he did not say it did, but the cars are there. He supports his neighbors.  
441 He is concerned about the trash and the brush issues. Mr. Silver said he was not aware of  
442 those issues yet.

443  
444 Mr. Silver said the van leaves every day at 8:00 AM each day for the Busch Boulevard  
445 facility and comes back at 3:30 or 4:00 PM Monday through Saturday. Mr. Milosh said  
446 he has only seen the van come and go a couple of times.

447  
448 Mr. Pruzan said the van leaves every single day to take patients to the facility and stays  
449 there until the patients are done with their treatment and then back. Taking the people to  
450 different places during the day back and forth does not exist and is impossible. 6 or 8  
451 vehicles would be impossible as the majority do not have cars.

452  
453 Mr. Pruzan said a single-family residence with multiple drivers would generate more  
454 traffic, although he realizes that is not the only factor in this. Mr. Milosh said he sees



**BERLIN TOWNSHIP ZONING COMMISSION (BZC)**

*OF DELAWARE COUNTY, OHIO 43015*

**REGULAR MEETING**

**TUESDAY JUNE 8, 2021 7:00 PM**

455 multiple vehicles on the property. He had assumed that the owner had rented the  
456 property out for multiple people.

457

458 Mr. Loveless said he thanked the organization's representatives for providing so much  
459 information that nobody knew prior to this, which is very helpful. Left to assume, people  
460 will assume the worst. If the applicant wishes to apply for a CUP, they should provide as  
461 much information as possible. He appreciated the information provided tonight.

462

463 Mr. Pruzan said communication is important to finding a resolution. He wants to have a  
464 good relationship with the township and the neighbors. He has small children himself  
465 and he understands the neighbors' concerns. He would like to rectify the situation.

466

467 Mr. Milosh asked with whom the organization originally signed the lease with. Mr.  
468 Silver said it was Clint Anthony, the original owner. Somebody has purchased the  
469 property since.

470

471 Mr. Hunt said he will contact the county prosecutor's office to see what the best way to  
472 proceed would be, such as a CUP or a rezoning.

473

474 Mr. Flaherty noted that adjoining property owners would all be notified of a zoning  
475 hearing. Ms. Rippel noted that there are no informal meetings for the BZA, and people  
476 who live within 300' of the property are notified. For BZC applications, it is just 200'.

477

478 Mr. Valentine said the organization is out of compliance, and the best thing for the  
479 organization to do right now may be to address the neighbor's comments and concerns.

480

481 Mr. Silver said that would begin immediately. Mr. Flaherty thanked all meeting  
482 attendees. Mr. Milosh asked that somebody contact him about the issues with the mess  
483 made on the property. His is the property between the subject property and 36/37. Mr.  
484 Silver and Mr. Milosh said they would exchange phone numbers.

485

**AGENDA ITEM: OTHER BUSINESS**

486 Mr. Loveless said he has pulled many signs this weekend.

487

488 Mr. Flaherty said he met with the group who came in to discuss the data center, and they  
489 are continuing conversations with other entities.

490

491 Mr. Flaherty said there is nothing on the June 22, 2021 BZC agenda, and he asked for an  
492 informal vote to cancel the meeting. The two open BZC positions remain to be filled, he  
493 noted. All members voted to cancel the meeting.

494

495 Mr. Valentine said he spoke with Pam O'Brien, owner of Hugs & Hearts, and she is  
496 interested in a possible daycare at the property discussed for the pool at the last meeting.

497

498 Ms. Rippel noted that the Karrs are submitting their application for the rezoning  
499 tomorrow. It will first go to the Delaware County Regional Planning Commission, and  
500 will be held on the July 13, 2021 BZA meeting.

501

502 Ms. Brown asked what the BZC meeting dates were for the rest of the year. Ms. Rippel  
503 said they are always the second and fourth Tuesday of the month, except for just the first  
504 Tuesday in December.

504

505 Ms. Kaplan said there was a discussion about payroll and using personal email a few  
506 weeks ago on April 26. Mr. Flaherty said Berlin Township Fiscal Officer Claudia Smith  
507 had sent out an email explaining that the information is personal. He suggested that  
508 individuals contact Ms. Smith. Ms. Kaplan said she thought a meeting was going to be  
509 set up and she still had questions. Mr. Valentine said he has received an education  
510 recently about it.

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511

512 Ms. Knapp explained that she spoke to Ms. Smith about it recently. She said the email  
513 goes to the personal emails so that if one resigns, they still have access to their emails and  
514 information regarding their payroll. Otherwise, their access would be wiped out.

515

516 Mr. Valentine said he was concerned about his personal equipment being confiscated if  
517 he uses it for public business. Ms. Knapp said that would only be applicable for public  
518 records. The personal payroll information is not a public record and would not be subject  
519 to a records request or a search. If one was conducting other types of public business,  
520 one could simply provide the records, although if it was suspected that somebody was  
521 hiding public records there could possibly be a court order. However, the personal  
522 payroll information is not subject to a public records request.

523

524 Mr. Flaherty said the next BZC meeting will be on July 13, 2021 at 7:00 PM and it will  
525 be virtual. Ms. Kaplan asked whether meetings would be held in person soon as she  
526 believed virtual meetings were expiring at the end of July. Mr. Flaherty said the trustees  
527 have not decided to open up the township hall for business. Ms. Kaplan said she thought  
528 the legislative had set a timeframe of the end of July. Mr. Flaherty said that may be  
529 correct.

530

531 There was no further business to come before the BZC.

532

533 Motion to adjourn. Meeting adjourned.

534

535

536

\_\_\_\_\_  
Steve Flaherty, Chairperson

537

538

539

\_\_\_\_\_  
Jerry Valentine, Vice-Chairperson

540

541

542

\_\_\_\_\_  
Darcy Kaplan, member

543

544

545

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

546

547

548

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

549

550

Attest: \_\_\_\_\_

551

Lisa F. Knapp, Berlin Township Zoning Clerk

552

553