

**BERLIN TOWNSHIP BOARD OF ZONING APPEALS (BZA)**

*OF DELAWARE COUNTY, OHIO*

**HEARING**

**NOVEMBER 23, 2021: 7:00 PM**

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**CALL TO ORDER**

The meeting was held at the Berlin Township Hall, 3271 Cheshire Road, Delaware, Ohio 43015.

The meeting was called to order by Chairperson Don Sutton at 7:00 PM.

Pledge of Allegiance.

BZA members present: Chairperson Don Sutton, Vice-Chairperson Jason Acevedo, Brad Cook, Michelle Cook, Larry Harmon.

Also present: Zoning Inspector David Loveless; Zoning Clerk Lisa Knapp; Zoning Secretary Cathy Rippel, Quinn Machan, BZA first alternate member.

Not present: Jessica Kuenzli, BZA second alternate member.

Those wishing to speak were sworn in by Court Reporter Sandy Kin from Runfola Reporters.

**AGENDA ITEM: LEGAL NOTICE**

**NOTICE OF PUBLIC HEARING BERLIN TOWNSHIP BOARD OF ZONING APPEALS**

The Berlin Township Board of Zoning Appeals will hold a public hearing November 23, 2021 at 7:00 p.m. at the Berlin Township House 3271 Cheshire Rd., Delaware, OH 43015 for the purpose of hearing the following applications:

BZA 21-002, request by The Katter Family Trust, 2379 Gregory Road, Delaware, OH 43015, ±11.08 acres out of ±28.961, Parcel #41832001001002. The applicant is requesting a conditional use permit for outdoor soccer field's w/parking known as Blast Soccer Academy.

BZA 21-003 request by Rockford Homes, 999 Polaris Parkway, Ste 200, Columbus, OH 43240, for a conditional use permit in Glenmead Subdivision, for a model home and parking lot, Parcel #41831009002000, & Parcel #41831009003000, 2895 & 2911 Glenmead Drive, Lot 2199 & 2200, each lot ±.459 acres, Delaware, OH 43015.

These applications are available for public examination by appointment only from November 10 – November 23, 2021 inclusive; Monday through Friday, excluding legal holidays, from 8:00 a.m. – 4:30 p.m. at the Berlin Township Zoning Office located at 3271 Cheshire Road, Delaware, OH 43015. Call David Loveless, Zoning Inspector at 740.548.5217 x103 for questions or appointment. The person responsible for giving notice of the public hearing by publication is Cathy Rippel.

**BOARD OF ZONING APPEALS OF BERLIN TOWNSHIP**

Don Sutton, Chairman

**AGENDA ITEM: BZA 21-002 KATTER FAMILY TRUST**

*BZA 21-002, request by The Katter Family Trust, 2379 Gregory Road, Delaware, OH 43015, ±11.08 acres out of ±28.961, Parcel #41832001001002. The applicant is requesting a conditional use permit for outdoor soccer field's w/parking known as Blast Soccer Academy.*

**Applicant Presentation**

Joe Clase, with Plan 4 Land, and Martin Forman presented the application and answered questions from the Board.

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Exhibits

Ms. Knapp read the list of exhibits into the record as follows:

1. Application for Conditional Use Permit, Model Home/Parking Lot Parcel 418-310-09-002-000& 418-310-09-003-000, 1-page, dated 11/01/2021, submitted 11/01/2021.
  2. Legal Description of 0.459 acre Lot 2199 & 0.459 acre Lot 2200 1-page, submitted with application filed 11/01/2021.
  3. Addresses of applicant, property owner, & surrounding property, 1-page, submitted with application filed 11/01/2021.
  4. Signage at model home, 1-page, submitted with application filed 11/01/2021
  5. 11 x 17 (5-pages) Landscaping Plan, dated, 04.22.2021, Plat Plan 2895 Glenmead Drive, dated, 04.16.2009, Plat Plan of Lot 2199 & Lot 220 side by side, dated, 04.16.2009, Exterior Elevations of the Redwood Model, dated, 01.14.2021, first floor plan of the Redwood Model, dated, 01.14.2021, submitted with application filed 11/01/2021
- ZONING OFFICE EXHIBITS
6. Ariel view of 418-310-09-002-000, & 418-310-09-003-000 and surrounding property owners within 300 feet, from Delaware County Auditor's GIS Office, dated, 11/05/2021, & list of owner's addresses.
  7. Request of publication in the Delaware Gazette 11/10/2021 via email, dated 11/05/2021.
  8. Notice of Hearing to applicant dated 11/12/2021.
  9. Certified mail receipts, dated 11/12/2021 and landowner letter dated 11/12/2021.
  10. Proof of publication in the Delaware Gazette dated 11/10/2021.

Mr. Sutton said there is also a letter from the Berlin Township Fire Department that just came in and was not included in the list of exhibits.

Applicant Presentation

Mr. Clase said he has requested a conditional use request for the business, and a packet has been provided that lays out the conditions and development plans. The property currently is an open field and the plan is straightforward. The applicant plans to use the field for soccer. Proposed is parking at the entrance. There are overhead power lines that cross the property, but there are no structures proposed under them, including the dumpster unit and the landscaping.

Mr. Clase said there is landscaping proposed to supplement where existing screening does not exist. There would be two regulation-sized fields and two practice fields, one of which may have an opportunity for a future building. That situation has been left open in the application so that can be a condition of approval, but he would like to see that as a possible future opportunity.

Mr. Clase said the required criteria for a conditional use permit and the development standards are referenced in the text. The use is identified as a sportsmen's club, which has been discussed with township staff as being the path that fit this use the best. He said he has reviewed the design criteria relevant to the neighborhood and it is compatible with the surrounding uses including the school.

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119 Mr. Clase said regarding hazards, there are none within, and he has maintained 25'  
120 and 35' setbacks from regulation play to the property lines, which is useful for  
121 keeping the use internalized to the site, and also to provide adequate circulation for  
122 fire safety within the parking area.

123

124 Mr. Clase said that traffic will be monitored through scheduled events, and there  
125 should be regulation peak flow through event scheduling, and noise would be  
126 controlled via facility rules posted on site. Any noise issue would be addressed by the  
127 club.

128

129 Mr. Clase said the Comprehensive Land Use Plan (CLUP) recommends 1.25  
130 units/acre, which could be 13 single family residential homes on the site being used  
131 for soccer. He felt that the objectives of the CLUP and the zoning resolution would  
132 be better met by this proposal, which complements existing residents and does not  
133 create additional residents.

134

135 Mr. Clase said the site was selected primarily due to the accessibility of the roadway  
136 across from the school and some of the neighboring uses.

137

138 Mr. Clase said there has been concern regarding what happens to conditional uses in  
139 the future. They can be revoked if the use does not continue, he noted.

140

141 Mr. Forman said this is exciting for him and the community. He said that Blast is the  
142 oldest private soccer club in Columbus, and he actually played with them in the early  
143 1990's. It was founded in the early 1980's, and was located primarily south of 161  
144 off SR 3C in Westerville. He started working with Blast around 4 years ago, and they  
145 wanted to come up to Delaware County. He has worked diligently for a couple of  
146 years to identify some sites that could work. He noted that he lives in Sunbury and he  
147 coaches with Blast.

148

149 Mr. Clase the location is in proximity to the elementary, soon to be built middle  
150 school, and the high school, which was an important part of the decision. Blast is a  
151 soccer academy for ages U-8 through U19. He noted it is a private club, so kids try  
152 out and are selected and the parents pay fees for the training. Piatt Road has been  
153 improved with a turn lane, and the anticipated traffic count pales in comparison with  
154 that from the high school and middle school across the street.

155

156 Mr. Clase said the bulk of the site will be used for training. It is only around 11 acres,  
157 and it not a site that is large enough to host large soccer tournaments, which are  
158 hosted on large sites with multiple fields. The bulk of this facility will be used in the  
159 evenings from around 5:00 PM to dark, during late spring, summer and fall. Some  
160 training may occur starting at 4:00 pm and would end around 8:00 pm. There will  
161 be some games, but the most would be two 11 v 11 games at the same time.

162

163 Mr. Clase said U13 to U19 clubs play in a league that requires games to be played on  
164 artificial turf. The club must lease a turf field from a local high school for those  
165 league games. He would like to see turf field installed here eventually, but there is  
166 only so much money available right now.

167

168 Mr. Clase said to the north of the site is about 7.5 acres of dedicated green space  
169 owned by The Pines HOA, so that is a nice buffer to the homes to the north. Directly  
170 to the east is 2 acres of green space also owned by The Pines.

171

172 Mr. Sutton reminded the Board that they are a quasi-judicial board and they are not  
173 here to try to determine meeting new building development specifications. He said  
174 this is a very unique case, and noted that due to the growing community, there is a  
175 desperate need for more athletic fields, so it is exciting to see something like this  
176 going into the community.

177

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178 Mr. Sutton said the following part of the zoning resolution applies to this request:  
179 “Section 7.04: Conditional Uses, N.) Public or private hunt clubs, sportsmen’s clubs,  
180 fishing lakes, campgrounds, or similar recreational uses with buildings and club  
181 houses incidental thereto including a restaurant, to serve members and/or users of the  
182 facility. All buildings are to be clearly defined by the conditional use.”  
183

184 Mr. Sutton said that the plans show that soccer fields are proposed. There is a middle  
185 school being built across the road. He said the plans do not show the existing  
186 surrounding residential properties, including the green space that Mr. Forman  
187 mentioned. He asked whether houses are located in that area.  
188

189 Mr. Clase said Exhibit 9 better illustrates the setbacks mentioned. Page 2 of the site  
190 plan includes the surrounding properties highlighted, although it does not include the  
191 current state of development but it does show the areas cleared for the roadways, and  
192 generally the areas that were preserved as green space.  
193

194 Mr. Sutton said item D.) in the zoning resolution reads as follows:  
195

196 Decision: The Board shall make its decision within a reasonable time after the  
197 hearing. If the Board, in its discretion, approves the Conditional Use permit, it may  
198 impose such conditions, safeguards and restrictions as it deems necessary to ensure  
199 that the use will be conducted in the best interest of the zoning district.  
200

201 In addition to the specific requirements for conditional uses specified in the district  
202 regulations, a proposed conditional use shall meet all of the following requirements:  
203

204 1.) The use is in fact a conditional use as established under the district regulations.  
205

206 2.) The use is of such nature and will be designed, constructed, operated and  
207 maintained so as to be harmonious and appropriate with the existing or intended  
208 character of the general vicinity and that such use will not change the essential  
209 character of the same area.  
210

211 Mr. Sutton asked that Mr. Clase read his response into the record. Mr. Clase said  
212 there is an existing school across the road from the proposed development and it is  
213 surrounded by residential development that will be well-buffered and compatible with  
214 the proposed use. The development does not include any initial buildings, and will be  
215 maintained in a similar nature to a park, which is found to be harmonious and  
216 appropriate to be located next to the neighboring uses.  
217

218 3.) The use will not pose a discernible hazard to existing adjacent uses.  
219

220 Mr. Clase said there are no hazards that will be generated by the proposed use, and all  
221 field play will be at least 25’ from neighboring properties, and at least 50’ from  
222 residential house lots. He said the 50’ is to the east where the lots actually abut this  
223 property in a small portion. It will be 25’ to the south, and a fence is proposed where  
224 it goes from 25-35’ across the southern property line. The property is not square.  
225

226 Mr. Sutton asked about the fence. Mr. Clase said the fence location was included in  
227 Exhibit 8, page A-3. He noted that adjoins to the open space to the south. Mr. Sutton  
228 asked how far off the property line that was. Mr. Clase said it was 25’ from  
229 regulation play. A fence will be proposed in that corner to provide additional buffer  
230 and also a clear divide between the subject property and the adjoining residential  
231 open space.  
232

233 Mr. Clase said a fence will also be provided partially on the east side where trees do  
234 not exist. It would be a two-board fence that mirrors that of the school across the  
235 road. Additional detail was provided on Exhibit 8, page A-6. It will be white.  
236

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237 Mr. Sutton asked whether there was a gate on the driveway. Mr. Clase said he has  
238 proposed it as being gated, although he was not sure whether it would be. Mr. Sutton  
239 asked whether that would be to ensure there would be no community activity on it.

240

241 Mr. Clase said in reality, there are no gates in every other location where Blast plays  
242 and practices. The biggest concern is somebody driving out on the field. The fence  
243 at the front of the property is more for aesthetics than anything else; it could be  
244 moved east of the parking lot, between the parking lot and the fields, so there would  
245 be no direct vehicular access from the parking lot to the fields.

246

247 .Mr. Acevedo asked whether there would be handicapped accessible parking spaces,  
248 as he did not see any. Mr. Clase said the site itself is not accessible, but with the  
249 construction of the building, it would be required. He would meet all necessary  
250 standards but he does not believe they are required without an actual structure there.

251

252 Mr. Harmon asked whether Blast would lease this property from the Katter Family  
253 Trust. Mr. Clase said the Trust currently owns it, and Blast Soccer Academy would  
254 purchase it, assuming they are approved for the Conditional Use Permit. The Trust  
255 would keep the property to the south at this time. Mr. Harmon asked whether there  
256 had been any pushback from neighbors. Mr. Clase said there has not been, and this  
257 would be already located here prior to those homes being built. Mr. Harmon asked  
258 where the 25' setback would be located. Mr. Clase said it would be on the southwest  
259 corner of the field play. The property is adjacent to the Trust's residual piece.

260

261 Mr. Acevedo asked about emergency access for vehicles. Mr. Clase said that what is  
262 depicted allows for that. Mr. Forman said the driveway lines up with the middle  
263 school entrance cross the street.

264

265 Mr. Sutton asked whether he had consulted with Delaware County regarding the  
266 driveway access and curb cut. Mr. Clase said there is an existing access that needs to  
267 be updated. He has not directly consulted with the County as this is step one, but he  
268 did not foresee any issue with access. Mr. Sutton said the Conditional Use Permit  
269 would not override the county's requirements.

270

271 Boyd Katter, 2379 Gregory Road, said the county put in a driveway on the property  
272 when they improved Piatt Road, and it was their specs. Mr. Sutton said he wanted to  
273 make sure it was clear that the Board was not approving the driveway.

274

275 4.) The use will be served adequately by essential public facilities and services such  
276 as highways, streets, police and fire protection, drainage structures, refuse disposal,  
277 water and sewers, and schools.

278

279 Mr. Clase said the site has access to public water and sewer, which may be utilized in  
280 the future when the building facilities are proposed. The nature of the open fields has  
281 limited impact on police, fire and drainage facilities.

282

283 Mr. Sutton asked about the location of restrooms. Mr. Clase said possible portable  
284 restroom units are itemized on sheet A-03 of Exhibit 8, Site Plan, and they would be  
285 in the area northwest of the proposed future indoor building area.

286

287 Mr. Harmon asked about the letter from the fire chief, and how that would impact the  
288 site. Since it would be just fields, there is not much of a fire hazard at this time. Mr.  
289 Loveless said he wants to know what is planned so perhaps a larger circle could be  
290 created at that end of the parking lot. He said it is not approved due to lack of detail  
291 and there are question marks.

292

293 Mr. Acevedo said one question was regarding driveway regulations: "All curves in  
294 the driveway shall be of sufficient radius (not less than fifty (50) feet centerline)  
295 to permit unhindered passage of public safety vehicles fire vehicles and all other

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296 vehicles reasonably expected to utilize the same.” That was not indicated in the plan,  
297 so he wants to see that.

298

299 Mr. Loveless said access was also important to the fields in case of an emergency  
300 situation.

301

302 Mr. Harmon said there could also be a vehicle fire in the parking lot.

303

304 The fire letter was marked as Exhibit 18.

305

306 Mr. Sutton asked about fire hydrants and what side they would be on. Mr. Clase was  
307 not sure yet.

308

309 Mr. Katter said that a Del-Co Water line comes up along the east side of Piatt Road,  
310 extends just north of the school line, then crosses underneath the road.

311

312 Mr. Clase said he has not received the fire department letter, but if there are items that  
313 need to be addressed, he is happy to do so. He asked for a copy of it. He said he did  
314 meet the 50’ turning radius requirement, and that could be included as a condition.

315 The parking lot was designed as it was laid out was for access, whether it be coaches  
316 dropping of equipment, etc. They would not need to drive through parking spots.

317 Emergency vehicles would also have directed access to the entrance.

318

319 5.) The use will not involve uses activities, processes, materials, equipment, and  
320 conditions of operation that will be detrimental to any persons, property, or the  
321 general welfare by reason of excessive production of traffic, noise, smoke, fumes,  
322 glare or odors.

323

324 Mr. Clase said traffic would be monitored through the scheduling to ensure that it  
325 does not generate excessive amounts of peak hour traffic. Noise and other potential  
326 nuisance activities will be controlled through facility rules and regulations that will be  
327 posted and maintained in cooperation with township and county officials.

328 :

329 6.) The use will be consistent with the objectives of this Zoning Resolution and the  
330 Comprehensive Land Use Plan.

331 Mr. Clase said the site is recommended for single-family residential development at  
332 1.25 units/net developable acre with centralized sewer, which would result in 13  
333 single-family residential homes on the property. The proposed use was not  
334 contemplated in the recommendations of the Berlin Township CLUP, and is in  
335 keeping with the objectives of the Berlin Township Zoning Resolution. It will  
336 complement the surrounding land uses such as the school and the open spaces.

337

338 Mr. Sutton asked whether the land to the north has been sold for development. Mr.  
339 Clase said that property is The Pines, which has been developed. There are around  
340 7.5 acres of deeded open space owned by The Pines HOA.

341

342 Mr. Clase based on the property labels that were included in the application in Exhibit  
343 7 shows the lots are still in the process of being developed. They were all platted at  
344 the time he pulled the address, and all of those property owners were notified of this  
345 hearing.

346

347 Mr. Sutton said it is possible that a person purchased one of those lots and thought  
348 there would be homes built there, so that needs to be considered. Mr. Clase said the  
349 southeast corner of th property does abut to residential lots. There is one single-family  
350 lot in the Glenmead subdivision phase 2 that would be directly adjacent to the  
351 southeast corner. A-3 shows a natural landscape buffer feature that would be added.  
352 There is also a stub street that is planned.

353

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354 Mr. Sutton asked whether there could be spectators located in that area. Mr. Forman  
355 did not think so, as the spectators would be located on the west side of the property.  
356 The players and coaches would be on the east side of the field.

357  
358 Mr. Sutton asked about the potential building, and what the timeline would be. Mr.  
359 Forman said there are about 240 kids in the club and it would take at least a couple of  
360 years to get things rolling. The main purpose for a future building would be for  
361 training purposes only; it would not be like SuperKick on Route 23. It would not be  
362 for adult or kids' leagues, but due to the rain and cold weather that is present for at  
363 least ¼ of the year. They would replace the outdoor fields in December, January and  
364 February and during other times when the outdoor fields could not be used.

365  
366 Mr. Cook asked whether there would be a need for a building to hold service and  
367 field equipment maintenance items. Mr. Forman said the fields would be maintained  
368 by a professional landscaping company. Mr. Cook asked whether it was correct that  
369 no equipment would be kept on site. Mr. Forman said that was correct, and that the  
370 port-a-potties would be there during when the fields are in use.

371  
372 Mrs. Cook asked whether there would be portable lighting. Mr. Clase said there  
373 would not be. He said that ideally in the future, restrooms would be housed in the  
374 buildings.

375  
376 Mr. Sutton noted that if the use was approved tonight, the applicant would need to  
377 come back in the future for approval for a building. Mr. Clase said page 3 indicates  
378 that it would have to be towards the front of the facility near the parking lot, and to  
379 the north. That is the furthest away from any residential lot.

380  
381 Mr. Acevedo asked whether he anticipated having any signage. Mr. Clase said no, but  
382 if that were to be desired, they could come back and get approval.

383  
384 Mr. Sutton asked whether there were any specifications regarding the type of field  
385 being installed. Mr. Clase said some of it is called out in the landscaping plan. The  
386 site is very flat and there will dirt work done and engineered after approval. He noted  
387 that the fence will match the white vinyl fence across the street. The majority of the  
388 year, one will see green grass, even if artificial turf is installed.

389  
390 Mr. Sutton said the plan indicates a dumpster area but he does not see trash cans  
391 called out on the fields. Mr. Clase said trash cans on an open soccer field are a  
392 problem due to blowing. Currently at The Vineyard Church, they use the dumpster.  
393 The teams pick up trash as part of their responsibilities.

394  
395 Mr. Machan said the complex has a fence in some areas, but it does not encompass  
396 the entire perimeter. The applicant has stated several times that the site adjoins to the  
397 common area of the HOA. Kids are curious and they like to play soccer; this is a  
398 private use facility. He asked how it would be handled if kids use the fields, or if  
399 somebody gets hurt, and who would be liable.

400  
401 Mr. Clase said the soccer academy carries liability insurance. Ultimately, if the gates  
402 are open, which they usually will be, and a family wants to play when they aren't  
403 being used, he is not going to call the police. The signs will specify that the property  
404 is private. If its time for training, they will just ask people to leave. He sees this as  
405 an asset to the community.

406  
407 Mr. Sutton said there are no signs or buildings being considered for the application.  
408 The applicant will need to meet the county's specifications for driveways. He is  
409 concerned about the letter from the fire chief that came in before the applicant could  
410 address it. The Board will have to decide whether they want to approve them with  
411 the pending items, or to table it.

412



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413 Mr. Clase said that he has indicated he will meet all requirements of the letter. Mr.  
414 Sutton said he is concerned about the parking lot and ensuring that the radius meets  
415 the requirements that are required. Mr. Clase said regarding the drive aisles, if he  
416 continued another line of parallel parking with the drive aisle, it would put it adjacent  
417 to the indoor building. If there was a required fire lane for a future building, that  
418 would set it up for fire access as well.

419 Mr. Cook said the fire department would like to see a one lane in/two lanes out  
420 driveway split as well. Mr. Clase said he could look at that with the county during  
421 the permitting process.

422

423 Mr. Sutton said he felt the items from the fire department should be addressed prior to  
424 consideration of the application so a complete conditional use can be granted. Mr.  
425 Acevedo said most of what is needed has been provided except for a little more detail.  
426 Mr. Forman said it could be tabled, or the Board could approve the plan tonight with  
427 the fire department's conditions met per the attached exhibit, which would allow  
428 them to move forward with the next steps with the Katter family. He would prefer  
429 sooner rather than later due to various delays.

430

431 Mr. Sutton said additional plans would be for the driveway and for the parking lot,  
432 and would include the turning radii and the driveway widths and other specifications,  
433 and that they have been approved by the fire chief. He suggested including signage if  
434 the applicant would like to have that approved, and also including any other  
435 requirements from Delaware County such as for traffic.

436

437 Mr. Forman said he is here to get approval for the use; he is not submitting a set of  
438 construction plans for approval so they can start digging tomorrow; that would be the  
439 next step. The fire department would have to sign off before they can do anything.  
440 Mr. Clase said the purchase would be completed based upon the approved use.

441

442 Mr. Sutton said this Board cannot do that; they would either need to vote tonight to  
443 accept or deny it, or vote to table it to a future date so the applicant can provide the  
444 information needed. The Board must follow its zoning code, and Section 32-07 4)  
445 requires that "The use will be served adequately by essential public facilities and  
446 services such as highways, streets, police and fire protection, drainage structures,  
447 refuse disposal, water and sewers, and schools."

448

449 Mr. Sutton said the Board was provided with a letter from the fire chief, stating he has  
450 concerns and is not approving it. There was a discussion about the next date that was  
451 available, which was December 7, 2021.

452

453 Mr. Clase noted that Delaware County does not review traffic permits within such a  
454 short time period, but he could indicate at least a preliminary review at the location  
455 via email.

456

**RESOLUTION 2021.11.23.#A: TABLE BZA 21-002**

457 Mr. Acevedo made a motion to table BZA 21-002 to Tuesday, December 7, 2021 at  
458 7:00 PM. Mr. Harmon seconded the motion.

459 Vote: Acevedo, yes; Harmon, yes; Michelle Cook, yes; Brad Cook, yes; Sutton, yes.

460

461 Motion carried, hearing was tabled.

462

**AGENDA ITEM: BZA 21-003 ROCKFORD HOMES REQUEST FOR CONDITIONAL USE**  
**PERMIT FOR A MODEL HOME**

463

464 Corey Theuerkauf, Vice-President of Land with Rockford Homes, presented the  
465 application and answered questions from the Board.

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470



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*OF DELAWARE COUNTY, OHIO*

**HEARING**

**NOVEMBER 23, 2021: 7:00 PM**

471

Exhibits

472

473 Ms. Knapp read the list of exhibits into the record as follows:

474

475 Original File Exhibits –

476

477 1. Application for Conditional Use Permit, Model Home/Parking Lot Parcel 418-310-  
478 09-002-000& 418-310-09-003-000, 1-page, dated 11/01/2021, submitted 11/01/2021.

479

480 2. Legal Description of 0.459 acre Lot 2199 & 0.459 acre Lot 2200 1-page, submitted  
481 with application filed 11/01/2021.

482

483 3. Addresses of applicant, property owner, & surrounding property, 1-page, submitted  
484 with application filed 11/01/2021.

485

486 4. Signage at model home, 1-page, submitted with application filed 11/01/2021

487

488 5. 11 x 17 (5-pages) Landscaping Plan, dated, 04.22.2021, Plat Plan 2895 Glenmead  
489 Drive, dated, 04.16.2009, Plat Plan of Lot 2199 & Lot 220 side by side, dated,  
490 04.16.2009, Exterior Elevations of the Redwood Model, dated, 01.14.2021, first floor  
491 plan of the Redwood Model, dated, 01.14.2021, submitted with application filed  
492 11/01/2021

493

494 **ZONING OFFICE EXHIBITS**

495

496 6. Ariel view of 418-310-09-002-000, & 418-310-09-003-000 and surrounding  
497 property owners within 300 feet, from Delaware County Auditor's GIS Office, dated,  
498 11/05/2021, & list of owner's addresses.

499

500 7. Request of publication in the Delaware Gazette 11/10/2021 via email,  
501 dated 11/05/2021.

502

503 8. Notice of Hearing to applicant dated 11/12/2021.

504

505 9. Certified mail receipts, dated 11/12/2021 and landowner letter dated 11/12/2021.

506

507 10. Proof of publication in the Delaware Gazette dated 11/10/2021.

508

509 Applicant Presentation

510

511 Mr. Theuerkauf said he was here to request a Conditional Use Permit for the use of a  
512 model home. This is not a typical model home application as he is not requesting a  
513 full commercial garage renovation for the model setting and will operate out of the  
514 den. He is only purchasing 26-28 lots in Glen Mead from Romanelli & Hughes, so he  
515 did not see them operating in this facility for very long.

516

517 Mr. Theuerkauf said he is also requesting approval for a parking lot.

518

519 Mr. Sutton reviewed Section 11.06 Conditional Uses from the Berlin Township  
520 zoning resolution, criteria that must be met to approve the application.

521 11.06 Conditional Uses

522

523 A. Model Homes in Subdivisions, the same being defined as residential type  
524 structures used as sales offices by builders/developers and to display the  
525 builder's/developer's product. The same may be furnished within, since its purpose is  
526 to display to prospective buyer the builder's/developer's features (such as exterior  
527 siding treatment, roofing materials, interior trim, moldings, floor coverings, etc.), in  
528 the environment of a completed home. Model homes may be staged by the

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529 builder's/developer's sales force. Model homes shall be subject to the  
530 following restrictions:

531

532 1. Lighting: All exterior lighting, except for security lighting, must be down-lighting,  
533 so that no light shall be cast onto adjoining residential properties. All off-street  
534 parking areas must be illuminated. All exterior lighting, except for security lighting,  
535 shall be extinguished at the closing time of the model home.

536

537 Mr. Sutton asked whether this was included in the application. Mr. Theuerkauf said  
538 he did not include lighting because this home is not located at the entry of the  
539 development and he wanted to be courteous to the neighbors.

540

541 Mr. Theuerkauf said he would do coach lights on the garage and at the model home  
542 entrance.

543

544 Mr. Sutton asked whether the parking area lighting was shown. Mr. Theuerkauf said  
545 he did not. He said he could put a light on the service wall that would also illuminate  
546 the parking area, and he would provide a trashcan.

547

548 2. Parking: All model homes shall provide off-street paved parking for the public.  
549 Such off-street paved parking shall be located as directed by the Board of Zoning  
550 Appeals. The number of required parking spaces shall be six (6) per model home. The  
551 driveway of the model home may be utilized for not more than two (2) parking  
552 spaces.

553

554 Mr. Theuerkauf said there are seven parking spaces, including a handi-cap can  
555 accessible spot. Mr. Acevedo asked which exhibit that was. Mr. Theuerkauf said it  
556 was Exhibit 17 and shows lots 2199 and 2200 together and how the parking lot is in  
557 relationship to the side load garage and driveway with a walkway in-between the two  
558 that leads to the front door.

559

560 Mr. Theuerkauf said he has identified a curb cut so it can be re-used in the future.

561

562 3. Screening and Trash Receptacles: Landscape drawing shall be required and show  
563 adequate landscaping and screening from adjoining residential lots, together with the  
564 clear marking of the boundaries of the model home lot. Trash receptacles shall be  
565 provided around the model home for use by visitors to the home.

566

567 Mr. Theuerkauf said this was not shown on the plan.

568

569 Mr. Cook said he did not see the landscaping plan for the parking lot. Mr. Theuerkauf  
570 said that was not indicated in the zoning resolution text. Mr. Cook said that it is  
571 required for the parking lot as well.

572

573 4. Termination of Use: The use of model homes within a residential subdivision, or  
574 within any single phase of a multi-phase subdivision, shall terminate after five (5)  
575 years from its opening date, or when building permits have been issued for ninety  
576 percent (90%) of the lots, whichever comes first.

577

578 Mr. Theuerkauf said the model home would not still be used in 5 years.

579

580 5. No building equipment or materials may be stored at the model home.

581

582 Mr. Theuerkauf agreed to this, and said it would not operate as a design center as  
583 there is a corporate headquarters and design center located at Polaris.

584

585 6. Model Home Signs: Model home signs may be approved by the Board of Zoning  
586 Appeals provided the following conditions are met:

587

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588 a. the sign shall not exceed 16 (sixteen) square feet per side with 32 (thirty two)  
589 square feet maximum total display area;

590  
591 b. the overall height of the sign shall be no more than four (4) feet above grade.

592  
593 c. model home sign shall be located on the same lot as the model home.

594  
595 6. If sign information is not presented at the time the development is submitted and  
596 approved, the applicant will apply for a conditional use permit to the Board of  
597 Zoning Appeals, which will rule on additional sign conditions.

598 Mr. Sutton said the signage is shown in Exhibit 7. Mr. Theuerkauf said the sign face  
599 is 2' by 3' and it has chunkier posts that is capped with a multi-tiered post. Mr. Shear  
600 said this was included in Exhibit 7. Mr. Sutton said it appears that the sign is greater  
601 than 4' tall above grade. It was clarified that 4' is the maximum overall height.

602  
603 Mr. Theuerkauf asked whether the zoning resolution states that conditions can be  
604 placed on approval. Mr. Cook said it has to be as presented.

605  
606 Mr. Loveless said one of the requirements is downlighting in the parking lots.  
607 However, there are no street lights anywhere in Berlin Township, and he asked if that  
608 was really necessary. Mr. Sutton said the Board is required to follow the zoning  
609 resolution as written.

610 **RESOLUTION 2021.11.23.#B: TABLE BZA 21-003**

611 Mr. Acevedo made a motion to table BZA 21-003 to Tuesday, December 7, 2021 at  
612 7:00 PM. Mr. Cook seconded the motion.

613 Vote: Acevedo, yes; Brad Cook, yes; Michell Cook, yes; Harmon, yes; Sutton, yes.

614  
615 BZA 21-003 will be heard first on December 7. The next BZA meeting after that will  
616 be held on Tuesday, December 14, 2021 at 7:00 PM, and it will be a combined  
617 organizational meeting with the BZC.

618  
619 There was a discussion about the next BZA hearing for a new application, which will  
620 most likely be on Tuesday, January 4, 2021.

621  
622 There was no further business. Meeting was adjourned.

623  
624 \_\_\_\_\_  
625 Don Sutton, Chairperson

626  
627 \_\_\_\_\_  
628 Jason Acevedo, Vice-Chairperson

629  
630 \_\_\_\_\_  
631 Bradley Cook, member

632  
633 \_\_\_\_\_  
634 Michelle Cook, member

635  
636 \_\_\_\_\_  
637 Larry Harmon, member

638  
639 \_\_\_\_\_  
640 Quinn Machan, 1<sup>st</sup> alternate member

641  
642 \_\_\_\_\_  
643 Jessica Kuenzli, 2nd alternate member

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

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