

BERLIN TOWNSHIP ZONING COMMISSION (BZC)

OF DELAWARE COUNTY, OHIO

**ORGANIZATIONAL MEETING
TUESDAY, DECEMBER 9, 2014, 7:00 PM**

1 This meeting was held at the Berlin Township Hall, 3271 Cheshire Road, Delaware, Ohio
2 43015.

3 **CALL TO ORDER**

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5 The meeting was called to order by Chairperson Toni Korleski at 7:00 PM.

6
7 **BZC Members Present:** Toni Korleski, Jerry Valentine, Steve Spangler, Ray Armstrong,
8 Tom D'Amico (2nd BZC alternate, seated).

9 **Also present:** Rick Sedlacek (acting zoning inspector, recused from BZC), Betty
10 Bringardner (1st alternate BZC member), Zoning Clerk Lisa Knapp, Zoning Secretary
11 Cathy Rippel.

12
13 Ms. Korleski read the adopted BZC policy statement for the meeting, as printed in the
14 agenda.

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16 **AGENDA ITEM: APPROVAL OF MINUTES**

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18 Mr. Valentine made a motion to approve the minutes from the November 11, 2014 BZC
19 meeting, as presented. Mr. Spangler seconded the motion. Vote: Valentine, yes; Spangler,
20 yes; Armstrong, yes; D'Amico, yes; Korleski, yes. Motion carried minutes approved.

21
22 **AGENDA ITEM: LEGAL NOTICE**

23
24 Zoning Clerk Lisa Knapp said the meeting had been advertised in the November 28, 2014
25 Delaware Gazette, as follows:

26
27 *BERLIN TOWNSHIP BOARD OF ZONING APPEALS AND BERLIN TOWNSHIP*
28 *ZONING COMMISSION NOTICE OF PUBLIC MEETING*

29
30 *The Berlin Township Board of Zoning Appeals (BZA) and the Berlin Township Zoning*
31 *Commission (BZC) will hold a joint public organizational meeting at 7:00 P.M., Tuesday,*
32 *December 9, 2014 at the Berlin Township Hall, 3271 Cheshire Road, Delaware, Ohio,*
33 *43015. The purpose of the joint meeting is to elect officers and conduct such other*
34 *organizational business as deemed necessary. After the conclusion of the organizational*
35 *part the BZC will have a regular meeting addressing any other business brought before*
36 *the Commission. The person responsible for giving notice of the public meeting by*
37 *publication is Cathy Rippel. Questions concerning this matter should be directed to the*
38 *Zoning Office at 740-548-5217. Township residents are encouraged to attend.*

39
40 *BERLIN TOWNSHIP BOARD OF ZONING APPEALS*

41 *Mike Morrill, Chairman*

42
43 *BERLIN TOWNSHIP ZONING COMMISSION*

44 *Toni Korleski, Chairman*

45
46 **AGENDA ITEM: ELECTION OF BZC CHAIRPERSON & VICE-CHAIRPERSON FOR 2015**

47
48 Ms. Korleski asked for nominations for BZC Chairperson for 2015.

49
50 Mr. Valentine made a motion to nominate Ms. Korleski for BZC chairperson for 2015.
51 Mr. Armstrong seconded the motion. There were no further nominations.

52
53 Vote: Valentine, yes; Armstrong, yes; D'Amico, yes; Spangler, yes; Korleski, yes.
54 Motion carried, Ms. Korleski elected BZC Chairperson for 2015.

55
56 Ms. Korleski asked for nominations for BZC vice-chairperson for 2015. Ms. Korleski
57 nominated Mr. Valentine. Mr. D'Amico seconded the motion. There were no further
58 nominations.

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60 Vote: Korleski, yes; D'Amico, yes; Spangler, yes; Armstrong, yes; Valentine, yes.
61 Motion carried, Mr. Valentine elected BZC Vice-Chairperson for 2015.

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AGENDA ITEM: SET BZC MEETING DATES FOR 2015

64

65 The 2015 BZC meeting schedule was discussed by the Commission.

66

67

RESOLUTION 14.12.09#A ADOPT 2015 BZC MEETING SCHEDULE

68

69 Mr. Valentine made a motion to adopt the following BZC meeting schedule for 2015.

70 All meetings will start at 7:00 p.m.:

71

❖ 1/13/15

72

❖ 2/10/15

73

❖ 3/10/15

74

❖ 4/14/15

75

❖ 5/12/15

76

❖ 6/9/15 (if needed)

77

❖ 7/14/15 (if needed)

78

❖ 8/11/15 (if needed)

79

❖ 9/15/15

80

❖ 10/13/15

81

❖ 11/10/15

82

❖ 12/8/15

83 Mr. Spangler seconded the motion.

84 Vote: Valentine, yes; Spangler, yes; Armstrong, yes; D'Amico, yes; Korleski, yes.

85 Motion carried, meeting agenda approved.

86

87

**AGENDA ITEM: ANY OTHER BUSINESS BEFORE THE ZONING COMMISSION
OR ZONING INSPECTOR**

88

89

90 Mr. Armstrong said that Trustee Ron Bullard sent out some information today regarding
91 the widening of Africa Road due to a new subdivision, as well as the ODOT (Ohio
92 Department of Transportation) summary of how the intersection of I-71 and U.S. 36/S.R.
93 37 will be fixed. He explained that it reverts back to option 10 for the I-70 "through
94 project." He said that distributed this evening was a map, which includes pages 14 and
95 15 of the 50+ page document from ODOT.

96

97 Mr. Armstrong noted that Trustee Bullard sent this to several people today. He said this is
98 worth looking at because the plans are to realign US 36 and take it down across Africa
99 Road, across Three B's and K Road, then down south of the pond and bring it in at
100 approximately the weigh station on I-71. He said that it was likely that this plan was done
101 in anticipation of the developments which are known to be coming in, including in
102 Berkshire Township as well as the mall and other developments.

103

104 Mr. Armstrong said that the main issue is in regards to other information that Mr.
105 Sedlacek will be distributing at this meeting. He said the emails need to be sent to all of
106 Commission members so they can examine the plans that are coming. Mr. Thompson
107 asked whether this was a tentative plan. Mr. Armstrong said it is ODOT's
108 recommendation for how to fix the intersection and he added that ODOT is being
109 pressured to fix the intersection because the mall and other developments are coming in
110 soon. Mr. Armstrong said that he was unsure as to how quickly the improvements will
111 occur. He said that the Commission should be aware of this because the public will know
112 about it very soon.

113

114 Mr. Sedlacek distributed copies of two emails to the BZC. Mr. Armstrong said that there
115 are two documents on ODOT's website that were included in the email regarding the I-

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116 71 interchange fix. One of them is the study document, which is about 260 pages long.
117 The other one is the recommendation, which is over 50 pages long.

118
119 Mr. Armstrong said that there is a website and that the zoning office can probably
120 provide more information. Ms. Rippel said perhaps Trustee Bullard will want her to post
121 all of the information on the Berlin Township website.

122
123 Mr. Armstrong said that was a great idea and he suggested posting the two emails on the
124 township website. Those emails have these links which can then be easily accessed, he
125 said.

126
127 Mr. D'Amico said that at the last BZC meeting, there was much discussion about the
128 CLUP and the potential alternative for subdivisions. He said that from everything that he
129 has heard from the attorneys that provide the township with advice, the CLUP is a
130 vision/guide, but the zoning resolution are the actual rules. The FR-1 section of the Berlin
131 Township zoning resolution indicates that the maximum density is one unit per acre.
132 However, many of the audience members at the last BZC meeting were discussing one
133 unit per two acres. He asked whether it was correct that nothing in the zoning resolution
134 indicates one unit per two acres.

135
136 Mr. Armstrong said it does not say one unit per two acres, but it does state that it is at the
137 discretion of the Health Department when septic systems are involved. This is because of
138 the lack of percolation in the soil in Delaware County. It would be subject to the health
139 department putting that kind of restriction on the property, because if they deem that a
140 septic system cannot be installed on a one-acre lot, the density problem is solved.

141
142 Ms. Korleski said that she surmised that the property the BZC discussed for the
143 Sycamore Trail development is possibly the last piece of property where there would be
144 any question regarding the 1 unit per 2 acre density. She asked whether there are any
145 other properties like that. Several people commented that there were some others,
146 including the Archer property, and the 30-acre Sherman property on Africa Road.

147
148 Ms. Korleski said that she spoke with DCRPC (Delaware County Regional Planning
149 Commission) director Scott Sanders briefly on the phone last month prior to the BZC
150 meeting, and she told him that the section 6 of the CLUP states one unit per two acres
151 and that it does not mention the septic system criteria. She said Mr. Sanders told her that
152 it was a general consensus that the density would be one unit per acre unless there are
153 septic problems involved. She commented that is just a verbal statement and it isn't
154 written anywhere.

155
156 Ms. Korleski said that the map in the zoning office states one unit per acre, but the CLUP
157 states one unit per two acres. Mr. Valentine said that Mr. D'Amico is stating that the
158 CLUP was the vision when that document came out, whereas the zoning resolution
159 includes the rules which builders and developers must follow.

160
161 Mr. Sedlacek said that the prior zoning inspector was working on a number of issues
162 which he has now been working on. He said that some businesses had been doing things
163 around Berlin Township that are not permitted per the zoning resolution. He explained
164 that one of the zoning inspector's jobs is to get out there and enforce the zoning
165 resolution, which includes taking pictures of the violations and speaking with the
166 business owners, and he said that typically a simple discussion will resolve the issue. If
167 that doesn't work, photos of the violation are sent along with a warning letter to the
168 business owner. If there is no response to that, the county prosecutor is contacted.

169
170 Mr. Sedlacek said that he and Ms. Rippel are currently working with three such
171 situations. He said that the zoning inspector needs to patrol the township periodically to
172 look for violations. For example, a developer is approved for 5 parking spots but 12
173 vehicles are actually parked at the site. There is such a situation that currently exists and a
174 meeting has been set up with one of those business owners for this Thursday. He suspects

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175 that the business owner will probably develop a modification of the existing approved
176 plan, which the BZC may consider in the future.

177

178 Mr. Roll asked whether signs for developments are now being allowed in the township.
179 Mr. Sedlacek said they shouldn't be. Mr. Roll said that the prior zoning inspector told
180 him that those signs are never out there. Mr. Roll said that his response was that the
181 zoning inspector never gets out on the weekends to drive around Berlin Township. He
182 said the signs are being posted in the township on the weekends and that every corner in
183 Berlin Township is loaded with them. He said that he had had numerous conversations
184 with the prior zoning inspector regarding this.

185

186 Mr. Sedlacek said that he cannot speak for the prior zoning inspector and that he can only
187 speak for himself. He said that he has only gotten out 2 or 3 times so far and they were
188 for specific issues; he was not aware of more than one such existing situations. He had
189 thought that the new zoning inspector would have been named by now, and he would like
190 to share with him or her a plan where the entire Township can be covered every two
191 weeks.

192

193 Tom Roll, BZA member and resident, said that the observations of the township must be
194 done on the weekends, which is after 5:00 p.m. Friday night because the perpetrators
195 install the signs during those times and then take them down in time for the start of the
196 business week. Mr. Sedlacek said that is why it is so important for the zoning inspector to
197 live in the township. That way, he or she can observe those situations on the weekend
198 and handle them at that point.

199

200 Mr. Roll said that this has been a problem for 2 or 3 years. Mr. Sedlacek said that it is his
201 intent to take the new zoning inspector on a tour of the township and point out the issues
202 that need to be taken care of. Frequently, the signs are placed in the right-of-way and
203 there are multiple signs. He said that he is only working part time but he will ensure that
204 the new person is trained regarding that. He noted that he is aware of the issue.

205

206 Ms. Korleski asked whether Mr. Sedlacek was saying that developers/builders are not
207 permitted to have signage. She said she was not aware of that. Mr. Sedlacek said they are
208 referring to illegal signs, which includes all signage in the right of way. He believed that
209 Mr. Roll was referring to real estate signs. Mr. Roll said he is referring to Glenross and
210 other similar signage. He said that on the corner of Gregory and Cheshire Roads, there
211 are 4 or 5 signs each and every weekend. Most of the signs are "open house" signs.

212

213 Mr. Sedlacek promised that he would take the new zoning inspector out on the very first
214 day they work. Mr. Roll said that wasn't going to help anything unless they tour the
215 township on the weekend.

216

217 Mr. Sedlacek reminded the meeting attendees that only the zoning inspector should be
218 removing illegal signs from those areas.

219

ADJOURNMENT

220

221
222 Ms. Korleski said that the next BZC meeting will be on 01/13/15, and that the Sycamore
223 Trail hearing was continued to that date.

224

225 Motion to adjourn. Meeting adjourned.

226

SYNOPSIS

227

228

Accomplished

229

230

231 ♦ Toni Korleski was elected as BZC Chairperson for 2015.

232 ♦ Jerry Valentine was elected as BZC Vice-Chairperson for 2015.

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- ◆ The following resolution was passed:
 - Resolution 14.12.09#A Adopt 2015 BZC Meeting Schedule.

Toni Korleski, Chairperson

Jerry Valentine, Vice-Chairperson

Steve Spangler, member

Ray Armstrong, member

Tom D'Amico, BZC 2nd alternate (seated)

Attest: _____
Lisa F. Knapp, Berlin Township Zoning Clerk