



**Berkshire Township Zoning Commission
Regular Meeting Minutes
December 7, 2023**

Call to Order: Chairman Damita Peery called the meeting to order at 7:05 p.m.

Determination of a Quorum/Roll Call: Members present were Jon Kerr, Damita Peery, Philip Pifer and Andy Kerr. Also, present was Zoning Inspector David Weade.

Motion to approve the minutes:

A motion to approve the October 5, 2023, Meeting Minutes was made by Jon Kerr and seconded by Damita Peery *with the correction of including Andy Kerr as attending the meeting and page 3, paragraph 6 last sentence dropping OF COMPLETION AND ADDING TO COMPLETE. Motion approved 5-0.*

Chairman, Damita Peery announced the following Statement of Policy:

Statement of Policy

As is adopted policy of the Berkshire Township Zoning Commission, all applicants will be granted an opportunity to make their formal presentation. Following the applicant's presentation preliminary questions or points of clarification from the commission will be allowed. The audience will then be granted an opportunity to comment. Each individual will be granted three minutes. We ask that you be brief and to the point. The Chairperson may limit repetitive comments and close public comments after a reasonable time. The commission will ask questions and take action if needed.

Announcements:

Next Zoning Commission Meeting: **January 4, 2023**, at 7:00pm at the Berkshire Township Hall located at 1454 Rome Corners Road, Galena, OH.

Continuance from prior meeting: NONE

New Business

Application 23-169, Rental Stop presented by Chris Winkle. Final Development plan for property located at 51 Domigan Road, Sunbury Ohio. The application is filed under Article 15 of the Berkshire Township Resolution.

Mr. Winkle handed out a colored drawing showing the property layout to explain the challenges the property creates with the road and electrical easements. The drawing also showed landscape plans. Mr.

Winkle additionally discussed points made in the staff report on the application. He noted that the applicant is requesting an additional divergence under Article 21.05, detention pond setbacks. With the limited area available for the dry detention pond the divergence requested is from 50 feet from the right of way to 10 feet from the right of way on both roads. The applicant stated this divergence would still be within the County and State requirements.

Andy Kerr asked for clarification on the parking areas.

Jon Kerr reviewed the landscaping layout and materials to be used.

Phil Pifer and Austin Slattery asked for additional discussion on the Architectural looks of the building.

The applicant agreed to adding shutters, cupolas, 30-inch cultured stone on the 2 sides that face the roads, wraps on the support posts for the porch, and color change to the roof and doors.

Austin Slattery asked for verification of the driveway location and the letter with the application stating the applicant would be willing to split the cost of future screening with the neighbor to the south.

Public Comment - John Yost, Yost Buildings spoke about the structure they plan on building. He defined the Perma columns he will use to wrap the posts on the porch with. All posts below ground will be steel not wood.

After further discussion Andy Kerr made the motion to approve application # 33-169, Rental Stop, with the additional divergence request for detention pond setback of 10 feet, and the final building design, drawings, and updated language delivered to the township office on or before December 18, 2023.

Jon Kerr seconded the motion. The vote to approve was 5-0.

Application 23-077 Guider Winkle Partners Inc. Chris Winkle speaking on behalf of Sunscapes Landscaping and Ground Maintenance. The application is filed under Article 15 asking for preliminary and final approval.

The property was rezoned in February of 2019 (Application # 19-006) from Ag (A-1) to Planned Commercial Development (PCD) as a preliminary plan. The preliminary plan expired after one year. The current application was originally filed June 13, 2023. Before the scheduled July 6, 2023, meeting the applicant requested the commission to table their application to a future date. The commission did vote to approve the table.

Damita Peery made the motion to remove from the table Application # 23-077.

Jon Kerr seconded. Motion approved 5-0.

David Weade explained because of the table to a future date the meeting needed to be re-advertised. Notice was placed in the paper and neighbors were informed.

Zoning Inspector David Weade explained a few issues with the current application before the applicant presented. The board was informed of the NAICS code numbers included in the motion to approve the original application in 2019. The noted changes in the end use were to drop NAICS classifications 55, 811, and 1114. Classification # 444, Building Material and Garden Equipment and Supply Dealers should be kept and #561730, Landscape Services, should be added. The new application lists # 1114, and #444.

Point of discussion. Mr. Weade further explained that the applicant updated their application for the December meeting. They included a change to the name of the business, SUNSCAPES LANDSCAPING AND BUCKEYE DUMPSTER RENTALS. The approved end uses do not include the dumpster business.

Chris Winkle presented the application. He handed out a response letter to Mr. Weade's staff report. He addressed the need to add the dumpster business on this site. He explained the new elevations proposed and the change from two buildings to just one at this time. He addressed drainage, landscaping, and signage. The applicant is asking for two divergences. A reduction in landscaping because of the large power line easements and the requirement of asphalt parking in the rear of the building. They are asking for a stone reclaimed asphalt base due to heavy equipment damage in the rear parking area.

Members of the board addressed several issues such as building looks, numbers and size of dumpsters, screening, drainage plans, fire department letter, and traffic study numbers. The board also pointed out differences in the text versus the drawings presented.

Public Participation – none

General discussion followed between the board and applicant. Concerns were voiced by the commission that the application was lacking needed information.

The applicant requested a continuance to the February 1, 2024, meeting. Motion to approve the continuance was made by Damita Peery and seconded by Phil Pifer. Motion approved 5-0.

Other business. Mr. Weade passed out to the commission the updates to the Zoning Resolution that went into effect November 15, 2023.

Adjournment: Motion to adjourn made by Andy Kerr at 8:30 p.m.

Seconded by Phil Pifer. Motion passed unanimously 5-0.

Zoning Inspector

Meeting Secretary

Date

3-4-24

Zoning Commission Members

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