

Berkshire Township Zoning Board
Meeting Minutes
May 7, 2020

Jon Kerr called the meeting to order at 7:00 p.m.

Roll Call: Jon Kerr, here; Damita Peery, here; Eric Johnson, here; and Austin Slattery, here. Not present: Andy Kerr and Matthew Allen.

Jon Kerr explained there will be 4 hearings tonight. Each hearing has a specified time allotment. If after the time is up, a decision has not been made, the hearing will be continued until the next meeting of June 4, 2020.

Jon Kerr asks for approval of the Zoning Commission meeting minutes of March 5, 2020. One correction to the minutes to correct a spelling of a word. Damita Peery made a motion to approve the minutes of March 5, 2020 with the correction of a spelling of a word. Second by Eric Johnson. Vote: Jon Kerr, yes; Damita Peery, yes; Eric Johnson, yes; and Austin Slattery, yes.
The minutes were not passed to sign by members of the Board, due to the current Covid-19 guidelines.

Jon Kerr advised first application:

Application #20-039 Glenn and Mary Morgan, Owner, 1930 Blayney Road, Sunbury Ohio 43074 to rezone from A-1 (Agriculture) to FR-1 (farm residential), 6.84 acres, Parcel # 147-110-01-060-000. Jon Kerr ask the applicant, Glenn Morgan to explain the application. Glenn explained this is to be a change in zoning so they can give their son property to build a house.

Jon Kerr ask for questions from the Board:

Eric Johnson – did letters go out to the neighbors. Dave Weade advised they did and one came back from Cathy Cooperider.

Austin Slattery has several questions:

1. Concerns over Driveway curbs cuts on Blayney Road. Dave Weade explained that would fall under Delaware County's authority and not Berkshire Township
2. Concerns over water issue and the lay of the land. Walked the property and sees water could be an issue. Glenn Morgan, Applicant explained he has lived there 30 years. He has taken great strides in correcting this issue with the natural water flow that flows through the back of his property to try to alleviate any issues. Dave Weade explained that this was also a County issue. Austin relayed he is not comfortable with the County making all these decisions.
3. Topical Map – could not locate one for this property. Dave Weade explained how to locate the map.

Jon Kerr ask for questions from the audience:

Steve Montemarano – neighboring property to the South on Blayney Road

1. Concerns over water issue flowing onto his property to the South
2. Concerns over lot size and the effect that will have on Sunbury
3. Concerns of notifications to neighboring properties.

Jon Kerr ask for any more questions from the Board:

Eric Johnson – commented on the Septic and the requirements for different size homes

Dave Weade advised Regional Planning approved this application.

Jon Kerr advised Glenn Morgan, applicant, he would have to be at least 90 feet back from the right of way or 130 feet back from the center line of the road, whichever is greater.

No more questions at this time.

Jon Kerr ask the Board for their decision.

Damita Peery made a motion to approve this Application #20-039, Glenn and Mary Morgan, to rezone 6.84 acres from A-1 to FR-1. Second by Jon Kerr. Vote: Jon Kerr, yes; Damita Peery, yes; Eric Johnson, no and Austin Slattery, no. Dave Weade advised denied due to lack of majority and that the Trustees will set a hearing date at the May 11, 2020 meeting. Mr. Morgan asks for a written statement from the two Board members that voted no on this application. He advised he has a right to that. Dave Weade will gather up the comments and get them over to the applicant.

Application #20-045 Plan 4 Land, LLC., Joe Clase, Principal, Owners: Gert R. and Anne M. Mueller, 326 Carter's Corner Road, Sunbury OH 43074, east side of Carters Corners Rd., north of St Rt. 37 and south of Rosecrans Road., Parcel 417-132-01001007 , 5.249 acres from vacant to PRCD.

Jon Kerr explained this zoning is approval for the final development plan. This property has already been zoned.

Joe Clase gave the details to the Board.

5.249 acres Archery facility

Landscaping is unchanged

Colors for the outside of building changed due to suggestions from Board

Additional detail added to South side of building to help with the looks of the building

Jon Kerr ask for questions from the Board:

Austin Slattery - question about paving lot. Owner – not at this time. Plans for in the future

Eric Johnson – what materials are you using for parking lot? Owner- gravel at this time

Damita – will you have to keep it graded? Owners maybe a couple times a year

Jon Kerr – ask about customers on site. Owner – visitors on site for less than an hour usually

Jon Kerr – ask about target shooting. Owner- shooting at targets inside the building

Jon Kerr- Monument signage – Owner- willing to put the stone at the bottom of the sign to match the building. Dave Weade advised the sign can be altered and included in motion to upgrade with stone at the bottom as required by code.

Dave Weade – read comments from Matthew Allen and he advised he thinks application should be approved.

Jon Kerr ask for questions from audience:

Ellen Ebe – Holley Woods Dr ask about competition at the building. Owner – no competitions at this location due to size of participants and not enough space.

Chris Guerra – Carters Corner Road – ask about lighting on the North side of building. Owner – no lights on that side as there is no egress.

Jon Kerr – questions back to Board:

Eric Johnson – questions about pond aeration and if fence is surrounding the pond Owner - planning on windmill or fountain aeration and no fencing will be put up.

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Damita made a motion to approve Application #20-045 Plan 4 Land, LLC owners, Gert and Anne Mueller final development plan with the following condition- the style of sign must be monumental style. The base must have stone put around the bottom. Second by Eric Johnson. Vote: Jon Kerr, yes; Damita Peery, yes; Eric Johnson, yes; and Austin Slattery, no. Motion passed. Trustees will set a hearing date at their meeting on Monday, May 11, 2020.

Application 20-046 NorthStar Residential Development, LLC
Property: South of Wilson Road and N. Galena Road intersection
Parcel: 417-210-010-01007

Jon Kerr advised this is an amendment to the final development plan.

Bart Barok – Representative explained the amendment requests

Wiltshire Development –

2005- went through Development Plan and 2008 went back to eliminate sidewalk

Bart explained that they discovered along with Dave Weade that the development Plan does not conform to Zoning so Bart brought back before the Zoning Board.

The development will consist of

52 lots on 21 acres 2.48 units per lot

Common area 42%

Lot Size- Range from 80-120 feet 2 cul-de-sac design with sidewalks on both sides of street, except over ravine and protected wetlands. Very Similar to Bluestem development; Home size 4300-4500 sq. ft.

425,000 to 500,000 price range. No vinyl will be used.

A central box for postal service will be in subdivision.

4 Divergencies are being requested:

1. Asking for 55 Ft. set back from build line – 5 lots impacted by this. (90 ft. is code)
2. Single lot at entrance off N. Galena asking for a side yard variance from 90ft. to 25 ft.
3. 1st cul-de-sac asking to eliminate front set back. Not required to be staggered.
4. 55 Ft. right away for landscaping buffer – fencing, columns, trees and light mounding

Jon Kerr asks for questions from the Board:

Austin Slattery – had several questions on what lots are effected by the divergencies and questions about mailbox receptacle on the street.

Eric Johnson – Direction of driveway on a specific lot, bike trail connection questions and run off questions.

Dave Weade read a statement from Matthew Allen – does not oppose development

Dave Weade read a statement from Andy Kerr – does not see any justification for divergencies and would not approve this request.

Jon Kerr ask for questions from the audience:

Mary Howard – South Galena Road Questions regarding size of home to fit lot and how much green space there will be.

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Austin Slattery made a motion to approve Application #20-046 Northstar Residential Development LLC, Bart Barok with the 4 divergencies that were requested by the applicant as stated on page 3 and 4. Second by Damita Peery. Vote: Jon Kerr, yes; Damita Peery, yes; Eric Johnson, yes and Austin Slattery, yes. Motion passed the amendment to the final development plan has been approved and the developer can go forward.

Application #20-071 Shannon D&B LLC., 9000 Memorial Dr., Plain City OH; Owner: Kathleen J. Wilkinson. Parcel 417-3100-203-9001 Rome Corner Road. From A-1 to FR-1 12.659 acres

Mike Shade, Attorney explained the request to rezone. He advised pretty straight forward rezone. Dave Weade reported Regional Planning recommended a CAD driveway to serve all 5 lots. The application is to rezone from A-1 to FR-1.

Jon Kerr ask for questions from the Board:

Eric Johnson – ask about encroaching driveway on survey. Jason McComas spoke to the fact that they located the pins about 3 feet away from that driveway as it is his driveway.

Jon Kerr ask for questions from the audience:

No questions.

Dave Weade read a statement from Matthew Allen that advised he thought it was a good project for the area.

Dave Weade read an email from a residence that lives near and it was to request denial of the application unless a CAD driveway was used, as per the Berkshire Township Zoning Code.

Jon Kerr ask for questions from the Board:

Eric Johnson asks Dave Weade about the required feet off the lot line. Dave advised from memory he thought it was 6 feet.

Jon Kerr made a motion to approve application #20-071 Shannon D&B, LLC to rezone 12.659 from A-1 to Fr-1. Second by Damita. Vote: Jon Kerr, yes; Damita Peery, yes; Eric Johnson, no and Austin Slattery, yes. Approved. Trustees will set a date for hearing at May 11, 2020, Trustee meeting.

Damita Peery made a motion to adjourn the meeting. Second by Eric Johnson. Vote: Unanimous.