



Berkshire Township Zoning Commission Meeting

August 4, 2022, AMENDED

Call to Order: Chairman Jon Kerr called the meeting to order at 7:01 p.m.

Determination of a Quorum/Roll Call: Members present were Jon Kerr, Damita Peery, Austin Slattery, Andy Kerr, Matt Allen and Phil Pifer. Also present were Zoning Inspector David Weade and Meeting Secretary Chris Sharlike.

Motion to approve the minutes: A motion to approve the amended July 7, 2022, minutes was made by Jon Kerr and seconded by Matt Allen. The motion was approved 5-0, with Phil Pifer abstaining.

Next Zoning Commission Meeting: September 1, 2022, at 7:00 p.m. at the Berkshire Township Hall, 1454 Rome Corners Road, Galena Ohio.

Announcements:

- Chairman Kerr announced that if business was not completed by 9:30 p.m., it would be continued to the September meeting.

New Business: None

Rezone to Planned Residential Development (PRD) – Application #22-104 Highland Realty Development, Plumb Creek, tabled from the June 9, 2022, meeting

- Motion made by Matt Allen to remove the application from the table and seconded by Jon Kerr. Motion passed 5-0.
- Gary Smith of G2 Planning and Design was asked to decide who would be the voting member on this agenda item since Andy Kerr was not present at the June 9, 2022, meeting. It was determined that Phil Pifer would be the voting member.
- Gary Smith, 7137 Parsons Road Croton, stated that the applicants had listened to the feedback from the June meeting and had made substantial changes to the plan. Amendments include eliminating patio homes, changing the plan so that all lots meet the requirements of the zoning code, removing divergences for side yard and rear yard setbacks, decreasing density, leaving space in the cul-de-sac as an area to push snow, and eliminating all but one divergence.
- The only divergence requested is regarding the front yard setbacks, but applicant stated it is not a divergence they need in order to move the project forward. They believe it will make the project better, but if the Board disagrees, they will strike the divergence.
- Applicant has a letter from Scott Sanders from the Regional Planning Commission stating he supports the project with the changes made to the plan, and pointed out that their project is consistent with other projects that the Township has approved in the past.
- The divergence requested is to reduce the front yard setback to 25 feet in order to keep houses further away from the exterior property lines. This will spread houses out and preserve more common space. However, the divergence is not necessary in order to complete the project.

- Applicant has a letter from the Sheriff Department with the correct township named. A fire truck turning radius study was submitted to the fire department. The fire department responded that they had no issue with the turning radius, but a T turnaround is needed at the end of the two stub streets. This will be accommodated in the final development plan.
- Since the updated plan has shortened the cul-de-sac and created an opening, the walking trail has been extended around the loop and connects to the sidewalk system.
- The landscape plan has not changed.
- All natural materials will be used on homes; stone, brick, hardy panels will be used in combinations. No vinyl siding permitted.
- The number of lots has been reduced from 141 to 91, resulting in a 1.24 units per net acre density. The setbacks and the lot sizes have been increased in order to comply with the code.
- Chairman Kerr opened questions from the Board.
 - Clarifications were made on the reason for the divergence, materials used on the picnic shelter, and the location of mailboxes.
 - It was pointed out to the applicant that the text of the application and drawings did not match. On the drawings, several lots did not meet the minimum lot size. Applicant states those items will be corrected and the text and plans will match.
 - In response to questions from the board, applicant stated that streetlights will be removed from the plan. Lighting for the sign will be low voltage, up light that will be hidden by the landscaping.
 - The sewer line will start at Maple Lane in Berlin Township.
- Chairman Kerr opened questions and comments from the public
 - Damita Peery entered Dianna Dawley's written statement from the previous meeting into the record
 - Comments and questions from the public included a concern about the quality of the project, the negative impact of the project on the complexion of the neighborhood and on property values, setting a precedent for future developments, flooding from water runoff, and dangerous traffic conditions. Other concerns were whether the power grid could handle the additional houses, and the strain on the school system. It was asked if the board could turn down a project if it meets the zoning code, and what the benefit of this development would be to the township.
- The Board, Zoning Inspector and Applicant responded and answered questions
 - The builder has not been chosen yet, but a final development plan will be submitted for review that will detail specifics.
 - There will be no non-conforming corner lots on Dustin Road where the right of way goes through, due to the distance of the homes from the entrance. They will abide by the 130-foot setback both directions.
 - Zoning Inspector Weade explained that each application stands on its own merit. The Board must follow the established zoning code approved by the township.
 - Andy Kerr explained that the Board must stick to the legal process as it pertains to the zoning code.

- Zoning Inspector Weade and Andy Kerr explained the two-step process for rezoning. First is the preliminary process which is the legislative act. The applicant files his preliminary plan and the Board acts upon that plan based on the zoning code requirements. The second part of the process is the administrative act which is the process of rezoning. It is the responsibility of the Board to make sure they are adhering to the code established by the township. The opinions or feelings of board members is irrelevant. If the plan meets the code, the board must approve. The plan then goes to the Board of Trustees for final approval. Following approval there is a 30 day waiting period. During that time, there is an option for a referendum.
 - The developer will be required by the County Engineer's office to control the water on and off the property. If that can't be satisfied, the project will not move forward.
 - Current residents will not be required to tap into the new sewer system if they have a working septic system.
 - The County Engineer will determine what road improvements are required and is responsible for ensuring the developer make those improvements.
 - The question as to the benefit of the project to the township would need to be answered by the Board of Trustees.
 - The U.S. Post Office determines the location of the mailboxes.
 - Changing the zoning code is a legal process that takes a minimum of 120 days. Applications must follow the code that is in effect as of the date they file. Therefore, any changes to the code would not affect applications that have already been submitted.
 - Parking will be allowed on both sides of the street at the main entrance. Inside the development, parking will only be allowed on one side of the street, opposite the fire hydrants.
 - AEP is responsible for determining power needs and has submitted a letter that they service the area.
- The Board had additional questions and comments
 - Confirmed that streetlights will be removed.
 - Confirmed that there would be 4 parking spaces per unit including inside the garage, and that the requested divergence would allow for that to meet code.
 - Discussed the option for detached garage, which would be part of the final plan and would also be before the board at the time of permitting. The Board ultimately requested removal of the option of a detached garage.
 - Requested the verbiage "4 spaces per unit" be added to the text of the application
 - Stated roof pitch should be a minimum of 6/12, but higher roof pitches are recommended
 - Confirmed BST & G Fire Department did not find any issues with the conceptual plans
 - Confirmed updated letter from Sheriff's Department
 - Discussed floorplan and layout
 - After further discussion of the pros and cons, most Board members recommended removing the divergence for the reduced front setback
 - Told the applicant that lot sizes must be established in the application.

- Board members expressed concern that the depth of the yards would not allow homeowners to build a deck or patio. Applicant stated they would make the lot deeper. Board suggested adding 20 feet to the depth of the lot. Lot coverage will be under 45%. Applicant declined to commit to a minimum square footage for the homes but will provide those details in the final development plan.
 - Jon Kerr moved that the application be tabled until the September 1 meeting of the Zoning Commission pending the submission of revised text and revised drawings. Matt Allen seconded, and the motion carried 5-0.
- **Update on Champion Project:** Zoning Inspector Weade has received all documents and the book is complete for that project.
- **Adjournment:** Motion to adjourn made by Jon Kerr; seconded by Damita Peery. Motion passed 6-0.

Chris Skallick
Meeting Secretary

Date 10/6/22

DAVID WEADE
ZONING INSPECTOR

Jon Kerr
Damita Peery
Matthew D. Allen
Chris Skallick
Jon Kerr
Zoning Commission Members