



For Office Use Only
Application#: HTZC 25-04
Date Received: 3-3-25
Hearing Date: 4-7-25

Harlem Township Zoning Commission
3883 S St. Rt. 605, Galena, Ohio, 43021
www.harlemtwp.com

Application for Amendment of Township Zoning Map

Note: All information on Page 1 shall be completed by the applicant. Information is to be typed or printed with black ink.

Application will be received only at the regular monthly meeting of the Harlem Township Zoning Commission – held on the first Monday of every month – or as advertised in the Delaware Gazette or posted on the Harlem Township website.

Name of Owner(s): Derrick Neff and Lorraina Neff
Mailing Address: 7276 Walnut Street
City, State, Zip: New Albany, OH 43054
Telephone (Home): 614-604-5195
Telephone (Work): _____
Subdivision Name if applicable: _____
Parcel ID: 316 310 02 004 000; 12116 Center Village Road, Westerville, OH 43082
Current Zoning District: AR-1 Proposed Zoning District: PCD
Current Use: _____ Proposed Use: _____
Gross Acreage to be Rezoned: _____ Net Acreage to be Rezoned: _____

Property Legal Description: Applicant shall include a complete legal description and matching surveyor's rendition of the property. Such LEGAL DESCRIPTION shall include a copy of the deed and if the landowner(s) are not present a power of attorney for rezoning of said land. This data shall be submitted on additional sheets and attached to this application.

Property Owners: Names and addresses of all property owners on file at the Delaware County Treasurer or Auditor's Office that are ADJACENT, ADJOINING, CONTIGUOUS TO, OR ACROSS FROM the property that is to be rezoned. Use Neighboring Properties Worksheet if it is necessary to include more than four property owners.

- | | |
|--|--|
| <p>1. Name: <u>Rick L Garrabrant</u>
Address: <u>11990 Center Village Rd</u>
City, State, Zip: <u>Westerville, OH 43082</u>
Parcel ID: <u>316-310-02-002-000</u></p> | <p>3. Name: <u>Robert W. Hill</u>
Address: <u>12121 Center Village Rd.</u>
City, State, Zip: <u>Westerville, OH 43082</u>
Parcel ID: <u>316-240-02-015-000</u></p> |
| <p>2. Name: <u>Alan and Cecilia Garrabrant, Trustees</u>
Address: <u>12030 Center Village Rd</u>
City, State, Zip: <u>Westerville, OH 43082</u>
Parcel ID: <u>316-310-02-003-000</u></p> | <p>4. Name: <u>ATLR LLC</u>
Address: <u>12121 Center Village Rd</u>
City, State, Zip: <u>Westerville, OH 43082</u>
Parcel ID: <u>316-240-02-016-000</u></p> |

The undersigned certifies that this application and attachments thereto contain all information required by the Zoning Commission Procedural Guidelines and that all information contained herein is true and accurate and is submitted to induce the amendment of the zoning map. Applicant agrees to be bound by the provisions of Harlem Township Zoning Resolution, Delaware County.

Applicant Signature: Derrick Neff Applicant Signature: _____
Derrick Neff / Feb 26, 2025 11:52 EST

NOTE: A Rezoning Application shall include all applicable fees required at time of submittal. A nonrefundable Application Base Fee is \$1,200.00, and the Acreage Fee is based on the actual acreage proposed for rezoning. The Acreage Fee is \$165.00 per acre, with a prorated amount of \$165.00 on any fraction of an acre thereof. For example, the acreage fee for 2.25 acres is \$330.00 + \$41.25= \$371.25. **When the applicant submits payment by check, two checks are required. One check will cover the Application Base Fee; the second check will cover the Application Acreage Fee.**



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Neighboring Properties Worksheet

Use this page only if there are more than 4 property owners listed on the application.

Property Owners: Names and addresses of all property owners on file at the Delaware County Treasurer or Auditor's Office that are ADJACENT, ADJOINING, CONTIGUOUS TO, OR ACROSS FROM the property that is to be rezoned. Use this worksheet to continue listing the property owners from the application.

5. Name: Roger & CChristina Bearss
Address: 12201 Center Village Road
City, State, Zip: Galena, OH 43021
Parcel ID: 316-240-02-014-001

15. Name: _____
Address: _____
City, State, Zip: _____
Parcel ID: _____

6. Name: _____
Address: _____
City, State, Zip: _____
Parcel ID: _____

16. Name: _____
Address: _____
City, State, Zip: _____
Parcel ID: _____

7. Name: _____
Address: _____
City, State, Zip: _____
Parcel ID: _____

17. Name: _____
Address: _____
City, State, Zip: _____
Parcel ID: _____

8. Name: _____
Address: _____
City, State, Zip: _____
Parcel ID: _____

18. Name: _____
Address: _____
City, State, Zip: _____
Parcel ID: _____

9. Name: _____
Address: _____
City, State, Zip: _____
Parcel ID: _____

19. Name: _____
Address: _____
City, State, Zip: _____
Parcel ID: _____

10. Name: _____
Address: _____
City, State, Zip: _____
Parcel ID: _____

20. Name: _____
Address: _____
City, State, Zip: _____
Parcel ID: _____

11. Name: _____
Address: _____
City, State, Zip: _____
Parcel ID: _____

21. Name: _____
Address: _____
City, State, Zip: _____
Parcel ID: _____

12. Name: _____
Address: _____
City, State, Zip: _____
Parcel ID: _____

22. Name: _____
Address: _____
City, State, Zip: _____
Parcel ID: _____

13. Name: _____
Address: _____
City, State, Zip: _____
Parcel ID: _____

23. Name: _____
Address: _____
City, State, Zip: _____
Parcel ID: _____

14. Name: _____
Address: _____
City, State, Zip: _____
Parcel ID: _____

24. Name: _____
Address: _____
City, State, Zip: _____
Parcel ID: _____

**APPLICATION FOR REZONING
HARLEM TOWNSHIP**

Property: 12116 Center Village Road, Westerville, OH 43082

Parcel Number: 316 310 02 004 000

Owner: Derrick Neff and Lorraina Neff
7276 Walnut Street
New Albany, OH 43054
(614) 604-5195

Attorney: Nathan D. Painter
5029 Cemetery Road
Hilliard, OH 43026
T: 614-319-3306
nathan@painterandassociates.com

In accordance with Section 15 of the Harlem Township Zoning Resolution, the applicant is requesting to rezone 5.13 acres, known as Parcel No. 316 310 02 004 000, from AR-1 to PCD Planned Commercial and Office District. The information presented below, and in the exhibits attached hereto, establish the requirements for the development of this PCD zoning. The information provided below is presented in response to the requirements established in Section 15.05 of the Harlem Township Zoning Resolution. The restatement or summarizing of the text of the currently effective Harlem Township Zoning Resolution is presented in this application for format and informational purposes only; no change or modification of that text is intended or will occur as a result of the consideration or approval of this application. **Bolded text** following that zoning text indicates a response, explanation, clarification, divergence, or additional restriction, etc. related to that code provision.

Section 15.05 - Procedure

In addition to any other procedures set out in this Resolution, all applications for amendments to the zoning map to rezone lands to this district shall follow the procedures hereinafter set forth:

A. Application: The owner or owners of land within the township may request that the zoning map be amended to include such tracts in the Planned Commercial and Office District in accordance with the provisions of this Resolution.

The applicant is encouraged to engage in informal consultations with the Zoning Commission and Regional Planning Commission, prior to formal submission of development plan and request for an amendment of the zoning map, it being understood that no statement by Officials of the Township or the County shall be binding upon either.

The applicant hereby requests to amend the zoning map for Parcel No. 316 310 02 004 000 from AR1 to PCD - Planned Commercial and Office District. The applicant has engaged in informal conversations with the Harlem Township Zoning Inspector prior to filing this formal application.

Mr. Neff has been informed by the Harlem Township Zoning Inspector that his use of the property is in violation of Harlem Township zoning requirements. This rezoning is merely to make sure Mr. Neff's current use since May 13, 2021 is legal and approved. He is not asking for any new use or expansion of current use.

B. Development Plan: One original and thirteen (13) copies of the development plan shall be submitted to the Zoning Commission with the application, which plan shall include in text and map form the following:

1. The proposed size and location of the Planned Commercial and Office District.
 - a. **The subject Parcel 316 310 02 004 000 is located on the south side of Center Village Road, west of Miller-Paul Road as shown on the site context plan Exhibit 1. The site is approximately 5.13 acres as shown on the attached legal description, Exhibit 2.**
2. The general development character of the tract including the limitations or controls to be placed on all uses, with probable lot sizes, minimum setback requirements, and other development features including landscaping.

- a. **Use of Property:** The applicant is requesting to continue use of the property for operable vehicle storage pursuant to Section 15.03(H) and to continue current use of the facility for commercial ventures of providing hauling services in support of agricultural and construction companies pursuant to Section 15.03(G). No services or goods are sold on-site; nor are any building materials stored on site.

- b. **Hours of Operation:** The facility is not open to the general public. Normally, trucks leave after 6:00am and return after harvest/job is completed that day. There is little to no truck traffic during the day. During harvest season, trucks might leave the property at different times to accommodate farmers' schedules.

- c. **Setbacks:**
 - 1. **Front Yard Setback/Center Village Road:** The minimum building setback from Center Village Road shall be 90" from the current right-of-way line.

 - 2. **Western (side) property setback:** All buildings shall be set back a minimum of 15 feet from the western boundary of the property as shown on Exhibit 2.

 - 3. **Southern (rear) property setback:** All buildings shall be set back a minimum of 15 feet from the rear property line.

 - 4. **Eastern (side) property setback:** All building shall be set back a minimum of 15 feet from the eastern boundary as shown on Exhibit 2.

- d. **Parking:** An area behind the building is provided for workers. The driveway and parking areas are comprised of millings/gravel. The commercial activity is such that visitors/customers will never be on-site.

- e. **Landscaping and Buffering:**
 - 1. **Center Village Road Frontage:** The Center Village Road frontage will be landscaped with the existing trees and shrubs in front of the building as indicated on

Exhibit 2.

2. There is an existing landscaped mound at the rear of the property, which extends partially along both sides of the property.

3. There are established trees and shrubs currently scattered throughout the property especially along the eastern and western portions of the property.

f. Security:

Prohibitions on Storage of certain materials: The applicant prohibits the storage of any chemicals, drugs, explosives, or other dangerous ordinance on the property other than what is needed to maintain vehicles.

Property is gated. The property is mounded on the back and front of property to provide security and screening. On the sides, the property is also screened by trees and vegetation.

Cameras are on the property.

Access to the property is solely through the front gate.

Property is not lit at night.

3. Architectural design criteria for all structures and criteria for proposed signs with proposed control procedures.

a. Materials: Metal

b. Colors: White/Beige

c. Height: 23' to top peak/ 15' on the sides.

d. Signage: None

4. The proposed provisions for water, fire hydrants, sanitary sewer and surface drainage with engineering feasibility studies or other evidence of reasonableness.

a. **Water/Fire:** Del-Co water service is available onsite, but has not been tapped. Placement of all proposed hydrants shall meet the requirements and approval of the Harlem Township Fire Department.

b. **Sanitary Sewer:** None present on property. Portable/Mobile Toilets provided on site.

c. **Surface Drainage:** Existing Retention Pond on site. Existing surface drainage in place.

5. The proposed traffic patterns showing public and private streets and other transportation facilities, including their relationship to existing conditions, topographical and otherwise.

a. **Entrance and Circulation:** The site will have one entrance off of Center Village Road as indicated in Exhibit *. All circulation areas within the project are surfaced with gravel/millings.

6. The relationship of the proposed development to existing and probable uses of surrounding areas.

a. **Commercial Purposes:** The subject parcel is adjacent to, or nearby, commercial businesses in this section of the Township. These businesses are highlighted on Exhibit * and include:

Mario Capoccia - 12039 Center Village Road (storage trucks and equipment for concrete business.

Board of Education, Big Walnut Schools - 4121 Miller-Paul Road

Jay Richards - 12015 Center Village Road (SF with several other buildings and trucks/vehicles)

R. Garrabrant - 11990 and 12030 Center Village Road (SF with several other buildings and trucks/vehicles)

Given the location of the existing commercial properties

and the multiple vacant farm land near the subject site, the applicant proposes the intended use is compatible with the surrounding area.

7. Location of schools, parks and other facility sites, if any.

Big Walnut Soccer Fields are located nearby off of Miller-Paul Road.

8. The proposed time schedule for development of the site including streets, buildings, utilities and other facilities.

There is currently a building and utilities on the property, and all driveways/parking areas are in use. No additional construction on the site is planned at this time.

9. If the proposed timetable for development includes developing the and in phases, all phases to be developed after the first, which in no event shall be less than five (5) acres or the whole tract (whichever is smaller), shall be fully described in textual form in a manner calculated to give township officials definitive guidelines for approval of future phases.

Not applicable.

10. The ability of the applicant to carry forth its plan by control of the land and the engineering feasibility of the plan.

The owner/applicant has ownership and control of the land.

11. Specific statements of divergence from the development standards in Article XXI and/or XXII or existing county regulations or standards and the justification therefore. Unless a variation from these development standards is specifically approved the same shall be complied with.

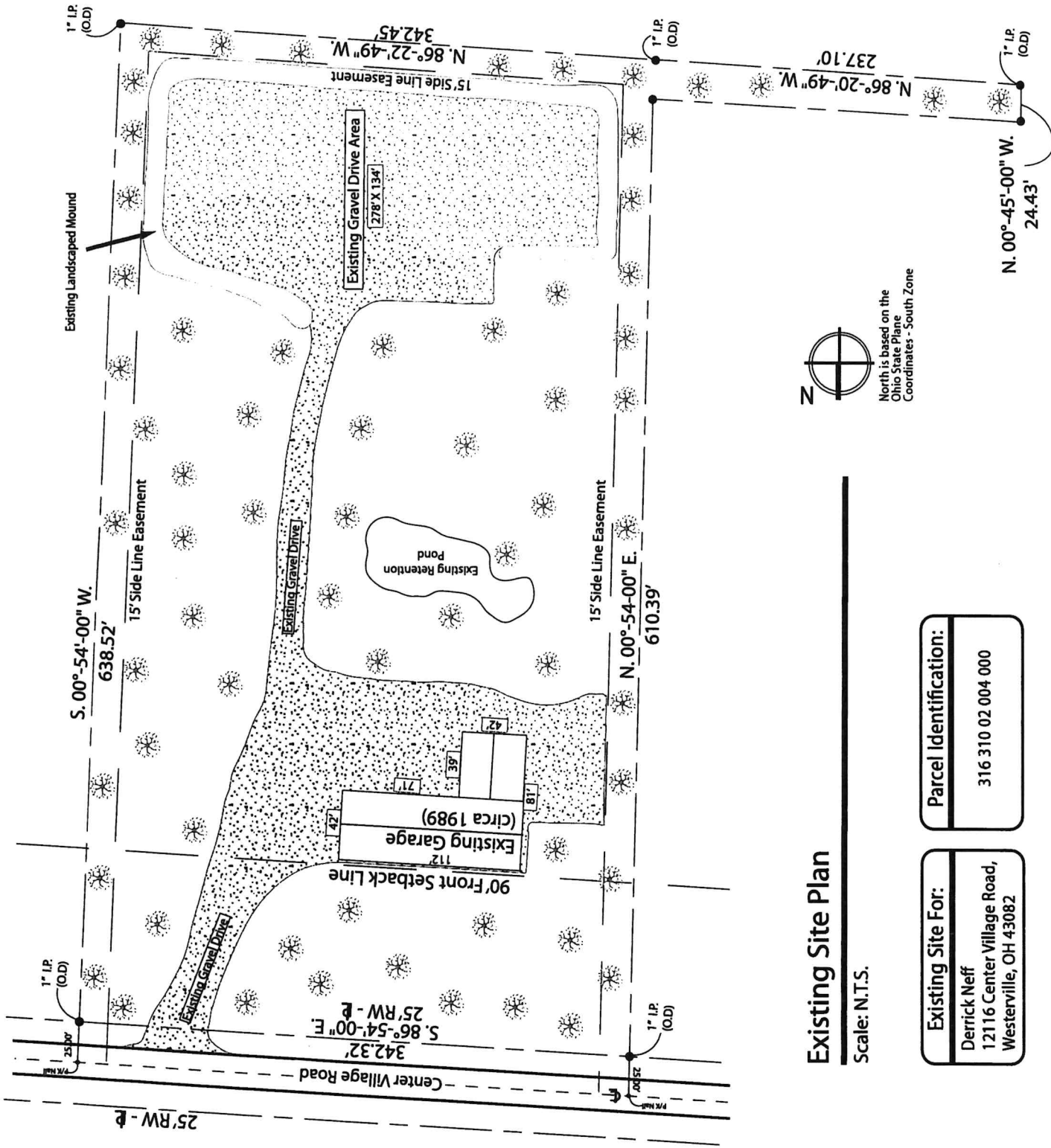
a. Divergence:

- 1) Parking shall be allowed on gravel/asphalt millings. (Section 21.02(B))**
- 2) 10 parking spots available for parking as there are no customers on site. (Section 21.02(E))**

- 3) **Portable toilets shall be permitted on site (Section 21.05)**
- 4) **Gravel/asphalt millings shall be permitted for the surface of the driveway. (Section 21.11(C))**
- 5) **No lighting necessary as site not open to the general public (Section 21.14)**

12. Evidence of the applicant's ability to post a bond if the plan is approved assuring completion of the public service facilities to be constructed with the project by the developer.

No public service facilities are planned to be constructed with this application and therefore, no bond is required.



North is based on the Ohio State Plane Coordinates - South Zone

Existing Site Plan

Scale: N.T.S.

Parcel Identification:
316 310 02 004 000

Existing Site For:
Derrick Neff
12116 Center Village Road,
Westerville, OH 43082

A

Delaware County
The Grantor Has Complied With
Section 319.202 Of The R.C. # 450.00
DATE 5/13/21 Transfer Tax Paid
TRANSFERRED OR TRANSFER NOT NECESSARY
Delaware County Auditor By [Signature]

Doc ID: 013971870004 Type: OFF
Kind: DEED
Recorded: 05/13/2021 at 01:35:36 PM
Fee Amt: \$50.00 Page 1 of 4
Workflow# 0000256728-0001
Delaware County, OH
Melissa Jordan County Recorder
File# 2021-00022556

DESCRIPTION APPROVED
FOR TRANSFER
Chris Bauserman
Delaware County Engineer
[Signature]

BK 1859 PG 2045-2048

CROWN SEARCH BOX

10563W03-O

GENERAL WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS, That

Alan Leroy Garrabrant and Cecilia A. F. Garrabrant, Husband and Wife, of the city of Westerville, County of Delaware, State of Ohio for valuable consideration paid, grants with general warranty covenants, to

Derrick Neff and Lorraina Neff, Husband and Wife, for their joint lives, remainder to the survivor of them

Whose tax-mailing address is: 7869 Peter Hoover Road
New Albany, OH 43054

The following REAL PROPERTY:

TRACT 1:

Situated in the Township of Harlem, County of Delaware, State of Ohio, bounded and described as follows:

Being a part of Farm Lot 1, East tier of Section 3, Township 3, Range 16, U.S. Military Lands:

Commencing at a railroad spike found at the southwest corner of Farm Lot 6 in the centerline of County Road 25 (Center Village Road);

Thence South 86 deg. 52' East along the centerline of County Road 25 a distance of 151.20 feet to a railroad spike found at an angle point in said road;

Thence South 86 deg. 54' East continuing along the centerline at said County road a distance of 724.57 feet to a railroad spike found at the northeast corner of a 3.315 acre tract, now or formerly owned by Alan L. and Lois Garrabrant, as described in Dead Book 388, page 110, said railroad spike also being THE TRUE PLACE OF BEGINNING of the herein described tract;

Thence South 86 deg. 54' East continuing along the centerline of said County Road 25 a distance of 342.32 feet to a mine spike set;

Said point being a distance of 412.49 feet from a railroad spike found at the intersection of the centerline of County Road 18 (Miller-Paul Road) and the centerline of County Road 25 (Center Village Road);

Thence South 00 deg. 54' 00" West leaving the Centerline of County Road 25, (passing a 5/8" solid iron pin set at 25.01) a total distance of 638.52 feet to a 5/8" solid iron pin set;

Thence North 86 deg. 22' 49" West a distance of 342.45 feet to a 3/4" iron pipe found, being South 00 deg. 54' 00" West a distance of 24.43 feet from the southeasterly corner of a 3.315 acre tract, now or formerly owned by Alan L. and Lois Garrabrant, as described in Deed Book 368, Page 110;

Thence North 00 deg. 54' 00" East passing the southeast corner of the aforementioned 3.315 acre tract at 24.43 feet and East (passing over a 3/4" iron pipe found at 610.39 feet) a total

B

distance of 635.40 feet to THE TRUE PLACE OF BEGINNING.

Containing 5.00 acres, me or less, but subject to all easements and rights-of-way, if any, of record.

For last conveyance refer to Deed Book 297, page 65, Delaware County Recorder's Office, Delaware. Ohio.

All iron pins are 5/8" solid iron pins with plastic yellow caps stamped Stults & Associates.

Bearing system based on centerline bearing of County Road 25 (Center Village Road) (South 86° 54' 00" East) from a plat of survey by Stults & Associates, for C. & W. Garrabrant 7-26—72.

TRACT 2:

Situated in the Township of Harlem, County of Delaware, State of Ohio, bounded and described as follows;

Being part of Farm Lot 1 in the East tier of Section 3, Township 3, Range 16. U.S.M. Lands;

Commencing at a railroad spike found at the southwest corner of Farm Lot 6 in Section 2 of said Township and Range, said point also being in the centerline of County Road 25 (Center Village Road);

Thence South 86 deg. 52' East along the centerline of County Road 25 a distance of 151.20 feet to a railroad spike found at an angle point in said road;

Thence South 86 deg. 54' East continuing along the centerline of said County Road a distance of 724.57 feet to a railroad spike found at the northeasterly corner of a 3.315 acre tract of land now or formerly owned by Alan Leroy Garrabrant and Lois Evelyn Garrabrant by Deed Book 368, page 110;

Thence South 00 deg. 54' 00" West along the easterly line of said 3.315 acre tract, passing an iron pipe at 25.01 feet a total distance of 610.39 feet to the southeasterly corner of said 3.315 acre tract at THE TRUE PLACE OF BEGINNING;

Thence South 00 deg. 54' 00" West along the extension of said line a distance of 24.43 feet to a 3/4" iron pipe found in an East-West fence;

Thence North 86 deg. 20' 49" West along or near an existing fence line 237.10 feet to a 3/4 inch iron pipe;

Thence North 00 deg. 45' 00" East a distance of 24.43 feet to the southwesterly corner of the 3.315 acre tract of land now or formerly owned by Alan Leroy Garrabrant & Lois Evelyn Garrabrant as described in Deed Book 368, Page 110;

Thence South 86 deg. 20' 49" East along the Southerly line of said 3.315 acre tract a distance of 237.10 feet to the TRUE PLACE OF BEGINNING.

Containing 0.132 of an acre more or less.

Subject to all easements and rights-of-way, if any, of record.

The last conveyance of record see Deed Book 297, page 65.

This 0.132 acre tract of land does not constitute a new building site.

Bearing system based on the centerline of County Road 25 (Center Village Road) South 86° 54' East taken from Deed Book 368, page 110.

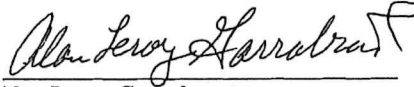
Parcel No: 316-310-20-004-000

Property Address: Center Village Road, Westerville, OH 43082

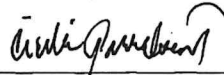
Subject to: a) Unpaid taxes and special assessments, if any, all of which the Grantee herein assumes and agrees to pay as a further consideration for this conveyance; b) Any liens or encumbrances created by or assumed by the Buyer; c) Liens and encumbrances specifically set forth in the purchase contract; d) Zoning ordinances; e) Legal highways; f) Covenants, restrictions, conditions and easements of record that do not unreasonably interfere with present lawful use; and g) All coal, oil, gas, and other mineral rights and interests previously transferred or reserved of record.

Prior Instrument Reference: Deed Book 588, Page 785

Executed this 7th day of May, 2021



Alan Leroy Garrabrant



Cecilia A. F. Garrabrant

STATE OF OHIO, COUNTY OF DELAWARE, ss:

The foregoing instrument was acknowledged before me this 7th day of May, 2021, by Alan Leroy Garrabrant and Cecilia A. F. Garrabrant.



MARY CATHERINE ECKLE
Notary Public, State of Ohio
My Comm. Expires Mar. 13, 2023


Notary Public

This instrument was prepared by:
Griffith Law Offices
522 North State Street, Westerville, Ohio 43082