

**Richfield Township Board of Zoning Appeals**  
**January 17, 2022**

The meeting was opened at 6:53 p.m. on January 17, 2022, with the following members in attendance:

Jeffrey Smola, Chair  
Natalie Grubb, Vice Chair  
Geoffrey Graham, Member

Also in attendance:

Patricia Ryan, Zoning Inspector  
John Allega/JJJ Properties, Applicant  
John Slagter, Attorney for Mr. Allega

Mr. Smola re-introduced Case 658-21 for JJJ Properties located at 3020 Columbia Road, continued from the November meeting. Attorney John Slagter came forward and stated he reviewed the recording from the November meeting and proceeded to review the facts of the case, the relevance of the JEDD to this case, and his client's statement pertaining to the burden of proof for the variance request.

The Board reviewed Exhibit A, the aerial view of the property Mr. Allega had emailed to Ms. Ryan. This showed several elevation points including where the building is being constructed, the Turnpike ramp and on residential properties to the southeast. This reflected the building was at a lower elevation than the ramp and the residential parcels were at an even lower elevation so the ramp and trees would make the building very hard to see.

Mr. Slagter also reviewed the history of the zoning and the creation of the JEDD District in this industrial area where this new construction is taking place. He stated originally Mr. Allega thought he would need a 10-foot variance but due to First Energy wanting an extra setback they are now coming for a 23'-10" variance. Mr. Slagter provided emails between JJJ Properties and First Energy related to this request for a larger setback from the First Energy overhead lines, Exhibit B.

Mr. Allega was administered the oath and provided a photometric plan, Exhibit C, of the property in question showing the future lighting on his property. He stated he would not need much exterior lighting due to the lights from the turnpike off/on ramp. He feels that will be more visible to residents than any light he may have.

Throughout the discussion the variance was stated to be 25'. Ms. Ryan noted the variance was advertised as 23'-10" and to go over that amount would require the notice to be readvertised and reheard. Mr. Allega agreed the lesser amount was on the drawings and was correct. The project statement was amended, and Mr. Allega initialed the change. He stated he would stay within the advertised distance since no one knew where his property line is located.

Having no other questions, Mr. Smola read and the Board reviewed the 7 factors. There was discussion on the factor of if the variance was substantial. The Board concluded the variance, from a mathematical viewpoint alone was substantial at 50%, but there were other mitigating factors to consider in their decision. They stated the power lines being so close, the request from First Energy to extend the setback

20' (negotiated down to 10') for safety reasons, the location of the property being bordered by the turnpike on 2 sides and the elevation should also be considered.

Ms. Grubb made a motion to approve the 23'-10" rear setback variance for JJJ Properties. Mr. Smola seconded. All members present voted to approve. Motion passed 3-0-0.

A motion was made by Mr. Smola to approve the minutes from June 21, 2021, September 20, 2021, October 18, 2021, and November 15, 2021. Ms. Grubb seconded. All present approved, the motion passed 3-0-0.

Ms. Grubb made a motion to elect Mr. Smola Chair for the remainder of 2022. Mr. Graham seconded. All members present approved. Motion passed 3-0-0.

Ms. Grubb made a motion to elect Mr. Graham Vice Chair for the remainder of 2022. Mr. Smola seconded. All members present approved. Motion passed 3-0-0.

With no other business before the Board Mr. Smola motioned to adjourn at 9:02p.m., Ms. Grubb seconded. All voted in favor, 3-0-0.

Chairperson \_\_\_\_\_ Secretary \_\_\_\_\_ Date \_\_\_\_\_