

**Richfield Township Board of Zoning Appeals**  
**April 18, 2022**

The meeting was opened at 6:30 p.m. on April 18, 2022, with the following members in attendance:

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

Also in attendance:

Patricia Ryan, Zoning Inspector  
Don Faulhaber  
Paul Thurston, Becknell Industrial  
Jim Vocaire  
Paul Caruso  
Attorney Marvin Evans  
Attorney Darren Harrington representing  
Becknell Industrial via Teams

William Leas  
David and Vicki Neal  
Resident at 2813 Columbia (not signed in  
name not heard)  
Neighbor to Kocins, (not signed in, name  
not heard)

This meeting was held in a hybrid mode on Teams as well as in person.

**OLD BUSINESS:**

**Continued Case 659-22** was introduced by Ms. Ryan. The case is for Mark and Angela Kyei of 3649 W. Galloway Dr. PPN # 48-02119 in Richfield Township. The applicant is applying for a 49' rear yard setback variance to construct an inground pool in their rear yard. This case was continued until the Summit County Planning Commission decided on the riparian variance.

Ms. Ryan received an email from Mr. Kyei requesting the case be continued due to the SCPC continuance of their riparian variance on March 31, 2022 until April 28, 2022.

Mr. Smola made the motion to continue the case 659-22 until May 16, 2022 at 6:30 p.m. Ms. Grubb seconded. All members present voted to approve. Motion passed 3-0-0.

**Continued Case 660-22** was introduced by Ms. Ryan. This is an appeal of the Zoning Inspector's decisions on 5 complaints filed by Mr. Don Faulhaber of 5145 Hecker Dr.

Mr. Smola asked if there was any additional information since the last meeting.

Ms. Ryan submitted the cut sheet for the wall lighting. It shows the lumens and a BUG rating. The rates are 1-5 with 5 being the highest. The B stands for backlight and this light is rated as a 2, U stands for uplight and has a rating of 0, and G is for glare rated at a 1. Also submitted was information related to the BUG rating and information from the Illuminating Engineering Society as well as a picture depicting uplight vs. full cutoff.

There is no new information from the applicant.

Ms. Grubb inquired about the cleanup.

Ms. Ryan stated Paul Thurston from Becknell Industrial was present and could speak to that.

Mr. Thurston came forward and was administered the oath by Mr. Smola.

Mr. Thurston submitted a copy of the contract for the bufferyard cleanup. He stated they would start as soon as the weather allowed.

Mr. Smola was assured they would do the best they can.

Mr. Graham addressed the glare issue and contacted a major lighting supplier. There are 2 classifications for glare, disability and discomfort. All the pictures show some discomfort glare. The lights are rated at a 1 which is the lowest, no way you can get zero.

Mr. Smola spoke to the upper windows and the lights inside. He suggested a louver could be installed allowing outside light in but shielding the light cast outward.

Mr. Faulhaber was administered the oath. He stated the flashing is from boxes and does not all the time and not all the windows. He feels the wall lights should be held to the same height as pole lights. They could be turned off, they do not light the parking area.

Mr. Thurston asked if he could stop and park in the driveway to observe. Mr. Faulhaber said he is about 600 feet from the building so he would not see them, the house would block the light but he was welcome. The video was shown of the upper windows.

Mr. Smola stated it was a fan obscuring the light.

Mr. Volcaire was administered the oath. He stated he did not care what photometric plans or cut sheets say, they mean nothing. Light should be turned off.

Mr. Ryan addressed the request to review past variances for this property. She said there were 5 and they were not related to the complaints. They were for the guard house, outdoor break area, retaining wall height on north side, jog in bufferwall and landscaping at west end.

Mr. Smola suggested this be continued because he does not see where they are not in compliance with our code.

Mr. Caruso came forward and was administered the oath. He disagreed, glare is in the code and is not allowed.

Ms. Ryan stated that statement is unenforceable.

Mr. Graham said the code calls for 90-degree cutoff so the higher the light the less glare. No one has determined how to measure glare. No business puts up lighting if not needed -expensive. These lights may be necessary for safety reasons.

Ms. Grubb asked if the wall lights are decorative.

Mr. Thurston said they install lighting per code.

Ms. Ryan commented a photometric plan would show no transfer of light at the property line.

Mr. Faulhaber asked why he then sees light.

Mr. Graham said you will always see light.

Mr. Smola explained Becknell representative has offered to come out to observe the issues and he requested they come back to the next meeting and state what they see.

Mr. (name not intelligible) of 2813 Columbia stated he appreciated Becknell for coming stated light were a problem for neighbors.

Mr. Smola made a motion to continue the hearing to the May 16, 2022 meeting at 6:30 p.m. and asked what was left to address.

Mr. Faulhaber said loading/unloading and parking lot lights in the northwest parking area.

The board discussed the parking lot lighting, wall lights, glare and the need for these lights.

Mr. Graham seconded the motion on the floor. All members present voted to approve. Motion passed 3-0-0.

Discussion ensued regarding where loading/unloading occurs.

Mr. Smola asked Mr. Faulhaber if the building could be moved 30' what would change.

Mr. Faulhaber stated absolutely nothing. It was concluded the sound of the backup beepers was the issue.

Ms. Ryan stated for the record the beepers were not one of the complaints or appeal items and she had not addressed this in her review.

**NEW BUSINESS:**

**Case 662-22** was introduced by Ms. Ryan. The request is a variance of 30' to place an accessory building in the side yard setback 10' from the property line.

Mr. Leas, the applicant came forward and was administered the oath. He explained the 40' setback would place the garden shed in the middle of his yard and he wanted to shield the gas well tanks on the north side.

Ms. Grubb asked if the shed had footers.

Mr. Leas said no it will be on skids.

Ms. Grubb stated he did not need anything.

Ms. Ryan stated it was still an accessory building.

Mr. Smola motioned to go into executive session at 7:03 p.m. Ms. Grubb seconded. All members voted to approve.

The meeting was reconvened at 7:45 p.m.

Mr. Smola made a motion to dismiss the case for lack of jurisdiction, no permit is needed. Ms. Grubb seconded. All members present voted to approve. Motion passed 3-0-0.

Mr. Leas asked what that meant.

Mr. Smola stated he was free to put the shed anywhere he wants.

**Case 663-22** was introduced by Mr. Smola. This is for property at 2789 Columbia Road for a front yard variance of 40'-1" from the required 85' setback.

Ms. Ryan gave an overview of the variance request.

Mr. Scott Strayer of Helen Scott custom Homes and Mr. Matt Kocin, property owner came forward and both were administered the oath.

Mr. Strayer explained the issues with the riparian and stated that given this they only have the one place to locate the house and septic.

Mr. Ryan stated they have approvals from Summit Soil and Water Conservation District and Summit County Public Health.

Mr. Smola opened the meeting to the public. Neighbors David and Vicki Neal stated they were fine with the plans.

Another adjacent neighbor also expressed approval, but his name and address were not heard on the recorder.


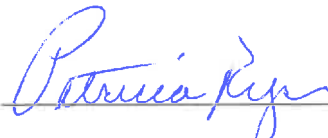
Ms. Grubb asked about future improvements and forewarned them of the constraints the riparian will have on them.

Mr. Kocin stated the only thing they may do is an accessory building in the future.

Mr. Smola read the resolution and made a motion to approve the variance. Ms. Grubb seconded. All members present voted to approve. Motion passed 3-0-0.

There were no minutes to approve.

Chairman Smola, noting there was no additional business, made a motion to adjourn. Ms. Grubb seconded. All members voted to approve. Motion passed 3-0-0. The meeting was adjourned at 8:03 p.m.

Chairperson  Secretary  Date 6-20-22

