

Violet Township Board of Trustees
Public Hearing
January 12, 2011

Mr. Weltlich called the Public Hearing to order at 7:30 p.m.

Mr. Smith called roll. Mr. Dunlap and Mr. Myers and Mr. Weltlich were present. Also present was William Yapple, Director of Operations; Kelly Sarko, Zoning Inspector and Bill Loveland, Township Legal Counsel.

Mr. Weltlich asked the audience to join with him in the Pledge of Allegiance and to remain standing for a moment of silence in honor of those who safeguard our freedoms around the world and for our public safety officers here at home.

Mr. Weltlich asked Ms. Sarko to present the case before them. Ms. Sarko stated that this case consists of amendments to the Zoning Resolution as it pertains to swimming pools. They are in response to the lack of pool barrier requirements in the 2006 Residential Code of Ohio. She noted previous code, the 2003 International Code did contain pool barrier requirements and that code is the basis for many of the technical requirements. Additionally, with the number of blue pools, the Zoning Board thought it would be best to incorporate some regulations regarding those issues.

Ms. Sarko explained that in the definitions a pool will not be defined with a diameter but with a depth of over 24 inches. Spas and hot tubs will be excluded from the definition. Temporary swimming pools are defined as are swimming pool barriers.

Within the regulations Ms. Sarko explained that swimming pools were to be located at the rear of the dwelling, at least 15 feet from the side and rear property lines and noted this setback requirement remains unchanged. She said that a deck surrounding an above ground pool would have to be 15 feet from the side and rear property lines. Ms. Sarko noted that this is how setbacks for decks around above ground swimming pools are currently addressed and that this is just put into the code.

In addition to a barrier being a fence of sturdy construction and we have added minimum vertical clearance between grade and the bottom of the barrier. Openings in the barrier cannot allow the passage of a 4" sphere. The amendments still require that gates be kept locked at all times when the pool is not in use. For an above ground pool they require ladders that swing up and can be locked or be removed to prevent access to the pool.

Guardrails will be required around decks that surround swimming pools, Ms. Sarko noted that this is a standard when a deck is 30 inches or greater in height. A gate will be required at the bottom of steps (permanent steps) leading to a deck for an above ground pool. The guardrail at top of steps must be 48" extending 3 feet in each direction.

If a home is to be part of the barrier – the door on that wall has to be equipped with an audible alarm or the pool must be equipped with a powered safety cover.

Temporary pools are allowed between May 15 and September 15 and must be enclosed with a sturdy barrier.

All pools must be maintained in a sanitary condition free of algae, vegetation and debris.

Air domes, covers or other temporary structures will be prohibited. All swimming pools that currently have air dome covers will be grandfathered, and will continue to be grandfathered until such time that they cease to exist for a period of two years.

**Public Hearing
January 12, 2011**

Ms. Sarko reported that the Zoning Commission held a public hearing on these amendments on and recommended approval of the amendments on November 16, 2010.

Fairfield Regional Planning Commission also recommended approval with the following modifications during its November 2, 2010 meeting:

- 1) A local governing authority can adopt additional regulations to the state building code per the requirements of the Ohio Administrative Code. RPC staff recommends that Township legal counsel confirm there will be no conflict with incorporating the proposed amendments into its zoning code rather than the building code per the process outlined in the OAC especially provisions such as audible warning alarm requirements for doors accessing pools.
- 2) RPC Staff recommends that in Section 3Y2-05 the acronym ASTM be spelled out and the Zoning Commission did change this.
- 3) RPC Staff had concerns with the administrative burden that may be created with the enforcement of the proposed regulations for temporary pools (Section 3Y2-07). Ms. Sarko explained that there was no greater administrative burden if these amendments were adopted.
- 4) RPC Staff would recommend that the term "sturdy" be better defined. The term "sturdy" used throughout the proposed code could be arbitrarily interpreted if not properly defined. Ms. Sarko said that the Zoning Commission determined that a definition for "sturdy" was not necessary.

Mr. Weltlich went on the record to correct Ms. Sarko's cover letter dated December 30th under proposed amendments, second paragraph, last sentence where it says "Spas and Hot Tubs are included" and it should read "they are not included".

Clark Newell, 13436 Hardwick Court stated that after hearing the reading of the amendment it seemed like it applies only to above ground swimming pools. Ms. Sarko stated that this applies to all pools. All pools are required to have a barrier. If someone were to come in for a pool permit this summer they would have to comply with the fence provisions. He asked if he needed to install a door alarm. Ms. Sarko said that his existing pool would be considered to be grandfathered or non-conforming.

Estellene Newell, 13436 Hardwick Court was present. Mrs. Newell said she does not have a dome yet. Ms. Sarko told her that should this amendment be passed, she would have 30 days to obtain a dome. Ms. Newell asked how the domes got into the revision as she did not see this part as 'safety' but she feels it is controlling what everyone does in their yard and in their lot.

Mr. Weltlich briefly explained the role of the Trustees and the Board of Zoning Appeals and Zoning Commission with regards to township zoning. Mr. Weltlich also explained to Mrs. Newell that the purpose of the Ohio Revised Code is to protect property rights.

Mr. Dunlap wanted to clarify that anything that is in place can stay in place. Ms. Sarko said they could leave it up all year round if they wanted to.

Mr. Weltlich wanted to know what exactly it is that we are "grandfathering". Mr. Loveland explained that "grandfathering" is a matter of statute. It says that any lawful non-conforming use that was initiated prior to an amendment can continue unless it is abandoned. Mr. Weltlich wanted to know how we are going to

**Public Hearing
January 12, 2011**

enforce this. Ms. Sarko said a form is placed in a file or that it is noted for the record of the meeting that this is a non-conforming structure.

Mr. Dunlap wanted to know about the plastic blue pool that you blow up. When we pass the amendment if it is already up in the back yard is it non-conforming? Ms. Sarko said unless it is less than 15 feet in diameter. Anything under the 15 feet is non-conforming. If it was 15 feet or greater before it needed the fencing so any blue pool bigger than 15 feet could not have been legal.

Mr. Weltlich wanted to know how many complaints we have filed on residents that have illegal pools? Ms. Sarko and Mr. Yapple agreed this number was probably close to 50 a year. They agreed that usually when a letter is issued notifying them they were non-compliant the pool usually disappears.

Mr. Myers pointed out the first paragraph and the last sentence where it says that this case is an amendment to the Violet Township Zoning Resolution as it pertains to agricultural uses and farm markets. He said this needs to be corrected.

Mr. Myers stated that in June or July of this year Mr. Yapple had come to the Trustees saying that Ms. Sarko was having troubles with the blue pools. There were health issues and we had no enforcement ability and no way of controlling them. Mr. Myers said they told Mr. Yapple to look into some ways of controlling the pools as far as health issues, and sanitation and somehow they received a booklet on fences, domes, and things he does not feel we need or even asked for. Mr. Yapple stated that we have no mechanism except for the Zoning Code to do anything with the pools. All that we can do is send them a letter telling them they are in violation of the law. Mr. Myers wanted to know how we were going to keep these pools clean through the Zoning Code and Mr. Yapple stated that we really cannot do that. Mr. Yapple stated that most of the problem is on vacant homes that have pools where no one lives there. There are complaints about mosquitoes in the summer. Mr. Myers wanted to know what this has to do with locked gates, fences and domes. Mr. Yapple said that there has always been a fence requirement on pools but not blue pools. Mr. Yapple also said there were some pools in the township that do not have fences.

Mr. Myers wanted to know if the above ground pools had to have a fence around it. Ms. Sarko said the old building code used to allow a pool to serve as its own barrier. Ms. Sarko explained the way the Zoning Code currently reads it requires a fence around a pool regardless of whether it is above ground or an in-ground pool. Mr. Yapple stated we had talked about the steps in this new revision to allow it to be protected and lock gates on them.

Mr. Weltlich stated he was a bit startled at the language being proposed in the amendments about drainage. Ms. Sarko said they did not change that because it was existing. Mr. Weltlich was startled that they did not change this. Mr. Weltlich went on to say that Mr. Yapple had been cautioning them about EPA requirements and water drainage issues being established and now here we are continuing to allow highly chlorinated water be put into a ditch that is not characterized in any way. He said he was not happy with section 3Y2-06.

Mr. Yapple reported that it should probably be changed. He said there is a product can be put in the pool to de-chlorinate the water before it is drained. Mr. Yapple thought maybe we could mandate this be done before it is dumped into a storm sewer.

Mr. Weltlich asked Ms. Sarko what the rationale was with the Zoning Commission used to say that sturdy did not include a definition as 'sturdy' is an attribute, not a characteristic. It cannot be measured. Ms. Sarko said that they determined in the discussion that one knows what sturdy is when you see it.

Public Hearing
January 12, 2011

Mr. Weltlich asked if Don Day and Greg Butcher were on board with this. Ms. Sarko said that Greg Butcher did not review this but Mr. Day had. She noted that Mr. Asebrook had reviewed it and there was a letter regarding the amendments from him. Mr. Weltlich also asked if we had looked at the City of Pickerington's regulations. Mr. Weltlich stated he wanted to try and get us in a regionalization position where we are using common approaches. Ms. Sarko said that she will obtain their regulations.

Mr. Myers asked if we could amend this as far as the domes go. Ms. Sarko stated that could be done.

Mr. Weltlich wanted to know how we would report this – by driving around? Ms. Sarko said we do drive around and with the construction portion of it, Ms. Sarko and Mr. Day would inspect at the same time. She noted that Mr. Day does perform multiple inspections for swimming pools.

Mr. Weltlich feels that this needs to be re-thought. He was speaking about the whole package. The drainage issue needs to be addressed. He feels we need to better use our existing resources in a more effective manner. He said he gets concerned when we have "pool police" and could use resources another way.

Mr. Dunlap made the motion to continue this hearing to the next regularly scheduled Trustee meeting of January 19, 2011 at 8:00 pm. Seconded by Mr. Myers. Roll call vote: Mr. Dunlap, yes; Mr. Myers, yes; Mr. Weltlich, yes.

Mr. Dunlap made a motion to adjourn. Seconded by Mr. Myers. Roll call vote: Mr. Dunlap, yes; Mr. Myers, yes; Mr. Weltlich, yes. Meeting adjourned at 8:23 p.m.

Respectfully submitted,

Christopher H. Smith, Fiscal Officer

Joniann Goldberg, Admin. Assistant

Approved By:

Terry J. Dunlap, Sr., Trustee

Date

Harry W. Myers, Jr., Trustee

Gary P. Weltlich, Trustee