

## **Violet Township Board of Trustees**

**January 19, 2011**

Public Hearing Case Number 03-ZC-2010 – continued from January 12, 2011

Mr. Dunlap made a motion to reopen the continued public hearing of the Zoning Amendment for Case Number 03-ZC-2010. Seconded by Mr. Myers. Roll call vote: Mr. Dunlap, yes; Mr. Myers, yes; Mr. Weltlich, yes. Motion carried. 3-0.

Also present was William Yapple, Director of Operations; Kelly Sarko, Zoning Inspector and Bill Loveland, Township Legal Counsel.

Ms. Sarko said this case is a set of proposed amendments to the Violet Township Zoning Resolution as it pertains to swimming pools. These amendments are based upon fact that the 2006 Residential Code of Ohio does not have any pool barrier requirements, whereas the 2003 International Residential Code did. The technical aspects proposed for the pool barriers are taken from the 2003 International Residential Code. The proposed pool definition will be the same as that in the 2006 Residential Code of Ohio. A better explanation of decking around above ground pools, placing restrictions on temporary swimming pools and to prohibit air domes or covers or temporary structures and a requirement to maintain pools in a sanitary condition has been proposed.

Ms. Sarko provided a revised memo correcting the noted typos. She said that she had contacted the City of Pickerington and swimming pools are covered in Chapter 1480 of their ordinances. She said in review of their code, it appears that their code was adopted in May of 1980 and their definition is virtually the same as ours except that our current code is 75 square feet of surface area and theirs is 150 square feet of surface area. They require fences around pools. Their drainage is the same as our current code. Ms. Sarko said that she checked with Chad Lucht regarding the discharge of chlorinated water. He provided her a name of a de-chlorination tablet you can add to the water. It was also noted that sunlight will naturally break down chlorine in 7 to 10 days.

Mr. Loveland said the language regarding the drainage is also in the City of Pickerington's code. He thinks property owners having pools should be responsible for obtaining approval of and utilizing drainage methods and locations that are lawful and harm no other personal property or property owner or the environment. This language would make it clear to the property owners. He thinks language needs to be required for drainage and make them responsible for the quality and requirements for any facility. Mr. Weltlich's concern was the quality of the water that is being drained and he recommended adding the word "compliant" with EPA standards.

Mr. Loveland explained that the remaining issues are decisions that are appropriate for the Township officials to make. The issue of air domes can be in or can be out or can be changed. The other area of concern is with the temporary blue pools. He understands that Ms. Sarko has received about 30 some calls on these in a year complaining about these blue pools. He feels these pools should be subject to the safety requirements as any other pools.

Mr. Loveland said that our current pool regulations are about 20 years old or more and blue pools did not exist back then, nor did the air domes.

Mr. Weltlich asked if Ms. Sarko had shared the data he asked her to get. Mr. Loveland had not received any yet. Ms. Sarko said these were violation letters that she has sent. Mr. Weltlich said from the data he received, he could see the number of violations is either declining or stabilizing. He is not sure what the data is supposed to tell. Mr. Weltlich asked if Ms. Sarko tracked phone calls (complaints). Ms. Sarko said she did not. If she gets a complaint it is

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investigated. Mr. Yapple explained that it may even be a Violet Township staff employee that sees the violation and reports it to Ms. Sarko.

Mr. Weltlich brought up Mr. Myers' issue about algae and cattails. Ms. Sarko said a lot of times she will just call the Health Department and has neighboring owners call them.

Mr. Weltlich commented that the cost of the barriers can far outweigh the cost of the pool.

Mr. Dunlap asked if the word 'sturdy' was defined anywhere else. Ms. Sarko said that Merriam Webster's online said firmly built or constituted stout or hardy. Mr. Weltlich commented that 'sturdy' is an attribute. It cannot be measured; therefore it should have a standard. Mr. Weltlich said you need to develop a standard. He said we have a Zoning Commission and that he can help as well.

Since the last meeting, Mr. Dunlap did not feel that counsel has had appropriate time to get together the things the Trustees had asked for such as the definition of "sturdy" and the drainage issues and so forth. He felt this hearing needed to be continued. Mr. Weltlich asked how to do this when we have an amendment in front of them. Mr. Loveland explained that the hearing can be continued, or they can accept the recommendations or modify them.

Mr. Myers wanted the domes to be taken out. So did Mr. Weltlich. Mr. Dunlap had an issue with this and wanted to know what the difference of putting in a 20' by 20' dome and a 20' by 20' garage going in the back of someone's yard. Mr. Weltlich felt we should address domes separately.

Mr. Loveland said another way you could address the domes would be to make them part of the main zoning text and make it a conditional use in the residential zoning districts.

Mr. Weltlich said he was uncomfortable with taking this packet, "word smithing" it and then resubmitting it. Mr. Loveland said they can certainly request revisions or whatever. There is no time limit.

Mr. Weltlich would much rather the Zoning Commission take their time and resubmit this amendment.

The options available are: the Trustees can approve, modify or reject the amendments.

Mr. Loveland recommended any of the issues that the Trustees did not agree with to have them changed and not to go through sending it back to the Commission.

**Mr. Dunlap made the motion to continue this hearing to the next regularly scheduled Trustee meeting of February 2, 2011 to give staff and legal counsel the opportunity to research issues identified during the hearings to date, and to propose changes to accommodate comments and preferences that the Trustees have disclosed. Seconded by Mr. Myers. Discussion: Mr. Weltlich asked if Mr. Loveland and Ms. Sarko and Mr. Yapple have enough information to make the changes that the Trustees discussed. Mr. Loveland said he had some of the information needed, and initiated additional discussion with respect to the pools referred to as the Blue Pools. Roll call vote up the motion to continue: Mr. Dunlap, yes; Mr. Myers, yes; Mr. Weltlich, yes. Motion carried 3-0. Zoning Amendment for**

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**Case No. 03-ZC-2010 will be continued to the next regularly scheduled meeting of February 2, 2011 at 8:00 p.m.**

**Mr. Dunlap made a motion to resume the regular Trustee meeting. Seconded by Mr. Myers. Roll call vote: Mr. Dunlap, yes; Mr. Myers, yes; Mr. Weltlich, yes. Meeting adjourned at 8:55 p.m.**

Respectfully submitted,

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Christopher H. Smith, Fiscal Officer

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Joniann Goldberg, Admin. Assistant

Approved By:

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Terry J. Dunlap, Sr., Trustee

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Date

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Harry W. Myers, Jr., Trustee

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Gary P. Weltlich, Trustee