

Violet Township Board of Trustees

February 2, 2011

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

Mr. Dunlap made a motion to open the continued public hearing for the zoning amendment known as Case Number 03-ZC-2010. Seconded by Mr. Weltlich. Roll call vote: Mr. Dunlap, yes; Mr. Weltlich, yes; Mr. Myers, yes. Motion carried. 3-0.

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

Mr. Weltlich reported that at the last meeting Mr. Loveland agreed to submit the revised language and all had a chance to review. Mr. Dunlap felt the changes that were made were what were asked for. Mr. Myers asked how we were going to prosecute this. Mr. Loveland said that all of the proposals have been founded solidly on things that are accepted such as the 24" on the 2003 International Code and almost everyone's zoning code. The standard for sturdiness is that none of the fence regulations anywhere have a standard for sturdiness but the Commercial Building Code (for Ohio) for commercial has a standard for guardrails and handrails which provides this 200 pound man standard. The Zoning or Building Inspector could push against a fence, or - shake it and see if it is solid without any expense or testing mechanism. If there is suspicion that the fence does not comply then the Zoning Officer or Building Inspector will have the ability to ask the homeowner to verify construction in accordance with the code standard. This would require the homeowner to have an engineer verify that it meets the single point standard. The main reason you want sturdy is so if a fence fails and someone falls through. The homeowner will have responsibility for these injuries if they don't build in accordance with the code. Mr. Loveland explained we are trying to require the fences to be effective and give the Trustees a tool to utilize if someone tries to get by without doing it right. Mr. Loveland said they have eliminated any permanent requirement for containers (pools) with the ability to retain less than 24" depth water or liquid. The sturdiness has come out of the guardrail definition established in the commercial building code.

The provision to dechlorinate pool water before it is discharged has been added. Mr. Weltlich was concerned with how we were going to enforce the de-chlorination, the balancing of it and asked if we will we have to go through the civil process? Mr. Loveland said you don't prosecute every case. We are trying to administratively give the tools to use to enforce the requirements. There is the ability to use the nuisance laws as well. The beauty of the 'civil process' is that if the homeowner doesn't comply with the courts they can go to jail, and they have gone to jail.

The second issue Mr. Weltlich had was that the practical side of this was that we are opposing 25" pools in the Township because it costs too much to protect them. This is the 'backwards' way of coming into it as he sees it.

Mr. Weltlich suggested continuing the hearing because there is no ability for the public to see the changes that were made tonight so as to offer any opinion. Ms. Sarko had a comment before anyone made any recommendations: In Section 3Y-206 the last sentence is doubled up. It should read: in no case shall pool, spa or hot tub or similar installation be drained directly or indirectly into any street, road or storm sewer.

Mr. Myers made the motion to continue this hearing to the next regularly scheduled Trustee meeting of February 16, 2011 at 8:00 p.m. Seconded by Mr. Weltlich. Roll call vote: Mr. Myers, yes; Mr. Weltlich, yes; Mr. Dunlap, yes. Motion carried 3-0.

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

Mr. Dunlap made a motion to return to the regular Trustee meeting. Seconded by Mr. Myers. Roll call vote: Mr. Dunlap, yes; Mr. Myers, yes; Mr. Weltlich, yes. Meeting returned to the regular Trustee meeting at 8:13p.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