

VARIANCE REQUEST APPLICATION

Water Quality Program

Ohio Administrative Code 3701-29

Household Sewage Treatment Systems

Matthew & Brenda Boring

8465 Hayden Run Road

April 11, 2023

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Franklin County Public Health
280 East Broad Street
Columbus, Ohio 43215-4562
(614) 525-3160
www.myfcph.org

Variance Application

Water Quality Program

Directions:

1. Complete all sections of the attached application. Please either type or neatly print.
2. Attach a drawing (to scale) or a plot plan showing lot lines, easements, house and other structures; well, septic tank and leach field or aeration system where applicable.
3. If you have questions regarding the variance request form, please call the Water Quality program.
4. Mail the completed variance request to:

Franklin County Public Health
Director of Environmental Health
280 E. Broad Street, 2nd Floor
Columbus, OH 43215-4562

PLEASE NOTE:

All variance requests must be heard by the Franklin County Board of Health which meets on the second Tuesday of every month at 9:30 a.m. If you are requesting a variance you are strongly urged to attend the Board meeting.

All completed variance request forms must be received by Franklin County Public Health before the close of business (5:00 p.m.) on the Friday three (3) weeks prior to the Board meeting, in order to be included on the Board agenda.

Requests received after the deadline will be held over until the next available Board of Health meeting.

A variance request is heard by the Franklin County Board of Health. This hearing is considered a legal proceeding; therefore, only the property owner or those individuals licensed to practice law in the State of Ohio may represent the applicant during this hearing.



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Variance Application

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Information required for a variance request must be completed by the property owner(s) or designated representative.

Property owner information (Email: mboring24@netscape.net)

Property Owner's Name: Matthew A. Boring & Brenda V. Boring			Date 03/10/2023
Mailing Address 5247 Franklin Street	City: Hilliard	State OH	Zip Code 43026
Daytime phone(s): Residence (614) 678-9927	Business	Cell (614) 678-9927	

Name of person(s) making request and their title & relationship to owner (if other than owner)

Requestor's Name As above	Title/Relationship		
Mailing Address	City	State	Zip Code
Daytime phone(s): Residence	Business	Cell	

Address of property where the variance request is applicable

Mailing Address 8465 Hayden Run Road	City Plain City	State OH	Zip Code 43064
Township Brown	Tax District: 120	Parcel Number: 001314	

Type of construction

New Construction <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Alteration <input type="checkbox"/> Yes <input type="checkbox"/> No REPLACEMENT
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Variance Application Water Quality Program

Variance request

OAC 3701-29 (Household Sewage Treatment Systems).

A newly constructed home at 8465 Hayden Run Road; Brown Township is nearing completion. Property owners must take occupancy in the near future. Because of inclement weather, soil conditions are not suitable to complete the home sewage treatment system (HSTS). However, a 500-gallon aeration tank and 1000-gallon lift station were installed, inspected, and approved by FCPH on February 9, 2023. Property owners propose to use the aeration and lift station tanks as temporary holding tanks until the soil-based component of the HSTS can be completed—roughly in 2 months.

OAC 3701-29 (Household Sewage Treatment Systems) prohibits the use of holding tanks as home sewage treatment systems (HSTS).

However, OAC 3701-29-18(C) does permit the use of holding tanks “On a temporary basis during inclement weather and/or during the non-installation season when the property owner must take occupancy until soil conditions are suitable for complete system installation” when a variance has been granted by the Board of Health.

Property owners request a variance by the Franklin County Board of Health from OAC-3701-29 to permit the temporary use of hold tanks as a HSTS. This variance will allow occupancy of the residence until the soil-based component of the HSTS can be completed.

Variance justification

Sewage treatment systems –

The application shall show just cause for the variance by demonstrating that:

1. Due to practical difficulties, or other special conditions, compliance with this chapter will cause unusual and unnecessary hardship.
2. The variance would not defeat the spirit and general intent of OAC 3701-29 or be otherwise contrary to the public interest, adversely affect the public health, cause contamination of the environment, or not comply with the requirements of Chapter 3718. of the Revised Code.

Comments:

A provision in OAC 3701-29-18(C) allows for a variance permitting the use of temporary holding tanks under the circumstances described.

Homeowners were hoping to occupy their new home at the end of March, 2023. Because of inclement weather, the HSTS cannot be completed for another few months. However, an aeration tank and lift station have been installed, inspected, and approved by FCPH. Property owners propose utilizing the aeration and lift station tanks as holding tanks TEMPORARILY until the HSTS can be completed. Unless this variance request is granted, homeowners will be forced to delay occupancy for another few months and incur significant additional costs.

Homeowners have installed an alarm system warning when the tanks need to be pumped and have signed a contract with a registered sanitary waste hauler. Sanitary waste will be pumped from the holding tanks as needed and taken to a wastewater treatment facility.

This variance would not be contrary to the public’s best interest or to the spirit or intent of OAC 3701-29. It would not cause any type of contamination to the environment. This variance request is supported by FCPH’s Water Quality Department and is permitted according of OAC 3701-19-18(C).



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Variance Application

Water Quality Program

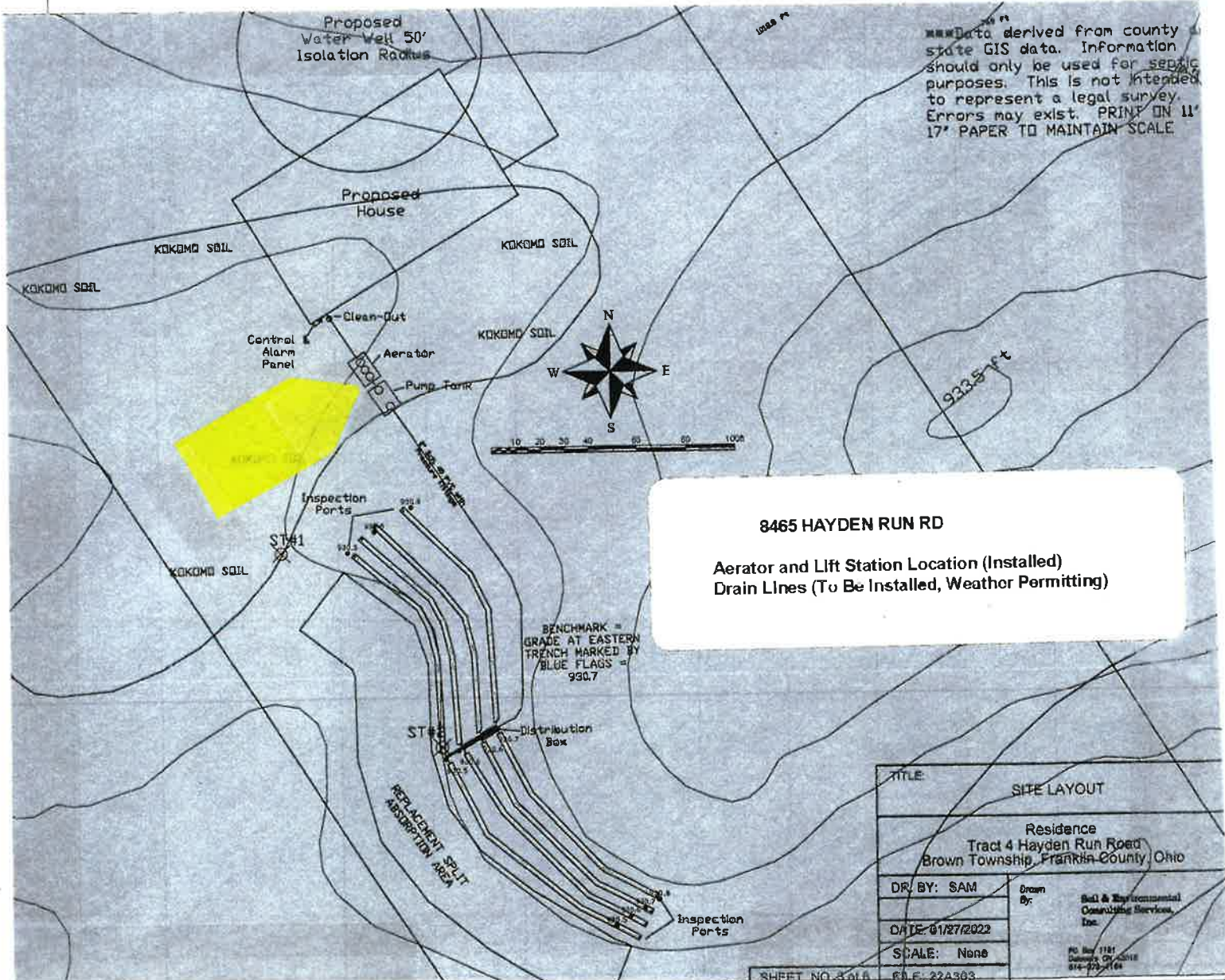
Description

Enclose a to-scale drawing or plot plan showing lot lines, easements, house and other structures (well, septic tank and leach field, or aeration system where applicable).

Notes:

Aerator and Lift Station have been installed and were approved on 2/9/2023. Drain lines will be installed when area has dried out sufficiently.

Please see schematic for location of aerator, lift station, and drain lines.



5247 Franklin Street
Apartment # 207
Hilliard, Ohio 43026

Franklin County Board of Health
280 East Broad Street
Columbus, Ohio 43125-4562

RE: Variance Request from OAC 3701-29 for
8465 Hayden Run Road, 9.9 acres, Brown Township, Tax ID #: 120-001314

Dear Franklin County Board of Health Members:

We are the process of completing a new home on Hayden Run Road. Construction was during COVID-19. Unfortunately, there were many unexpected delays caused by supply chain issues and labor shortages.

Our latest challenge has been weather related. Although our septic system has been partially completed (the tanks are now installed), our contractor cannot complete our installation (the drain field lines) because soil conditions are simply too wet.

We were supposed to take occupancy of new home at the end of March. And we are anxious to move in. However, because our septic system has not been completed, we cannot take occupancy. We would like to use the existing tanks that have already been installed as "holding tanks" until the rest of our septic system can be installed.

This would be temporary: only for a few months until soil conditions improved. An alarm system is installed and will alert us when the tanks need to be pumped. We will also have a contract with a registered sewage hauler to pump our tanks whenever needed.

We respectfully request a variance from OAC 3701-29 that will allow us to use holding tanks—on a temporary basis only—so we can take occupancy of our new home. Many thanks for considering our request.

Regards,



Matthew A. Boring

CHUCK'S SEPTIC TANK, SEWER & DRAIN CLEANING, INC.

2136 HARDY PARKWAY STREET
GROVE CITY OHIO 43123
(614) 875-9508

Matt Boring
8465 Hayden Run Road
Hilliard, OH 43026
Mboring24@netscape.net

March 8, 2023

Dear Mr. Boring,

This letter is to verify that Chuck's Septic Tank, Sewer & Drain Cleaning Inc. will be available to pump the septic tank located on the property 8465 Hayden Run Road Hilliard, Ohio. We will put you on a schedule to pump the tank every thirty (30) days. You may call to have it done more often if it becomes necessary to do so.

The cost to pump 1,500-gallon tank will be \$315.00 per pumping
The cost to pump a 2,000- gallon tank will be \$375.00 per pumping

The pricing above is given with the assumption that we will be able to complete the work during normally scheduled working hours (between 7:30am – 4:00pm, Monday through Friday); and not on overtime or weekend scheduling. Please feel free to contact me at (614) 875-9508 if you have any questions.

Sincerely,

Heather Henry
Chuck's Septic Tank, Sewer & Drain Cleaning, Inc.

By signing below, customer agrees to all pricing and conditions listed above:



Signature



Date

Sewage Treatment Systems Permit to Install or Alter
ADMINISTRATIVE SUMMARY

Permit #
 2022-023

Health Department Use Only

I. Soil Evaluation

Date of Evaluation 1/19/22	Soil Evaluator Steve Miller
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II. Design

Worksheet Attached Yes No

Designed by Steve Miller	Reviewed by James May	Date Reviewed 2/24/2022
Comments:		

III. On-site Evaluation

Date of Evaluation 2/18/22	Performed by James May
Comments:	

IV. Site Review Application

<input checked="" type="checkbox"/> Approved <input type="checkbox"/> Disapproved	Date of Approval/Disapproval 2/24/22	Date Site Review Approval Expires 2/24/27
Comments (if disapproved)		

V. Inspection(s)

1	<input checked="" type="checkbox"/> Rough <input type="checkbox"/> Final	Date of Inspection 2/9/23	Performed by James May	Worksheet Attached <input type="checkbox"/> Yes <input type="checkbox"/> No
2	<input type="checkbox"/> Rough <input type="checkbox"/> Final	Date of Inspection	Performed by	Worksheet Attached <input type="checkbox"/> Yes <input type="checkbox"/> No
Comments 500g RW installed - trenches later approved 1000g LS approved				

VI. Variance(s) Attach the variance request and the Board of Health decision letter. All variances must comply with the requirements in rule 3701-29-22 of the Administrative Code.

1	<input type="checkbox"/> Pre-installation <input checked="" type="checkbox"/> Post installation	OAC Rule(s): 3701-29	BOH Review Date 4/11/23	Decision <input type="checkbox"/> Approved <input type="checkbox"/> Denied
2	<input type="checkbox"/> Pre-Installation <input type="checkbox"/> Post installation	OAC Rule(s):	BOH Review Date	Decision <input type="checkbox"/> Approved <input type="checkbox"/> Denied
Comments				

VII. Approval/Disapproval of Installation, Replacement, Alteration, or Abandonment

<input type="checkbox"/> Approved	Date of Approval	Sanitarian Signature
<input type="checkbox"/> Disapproved	Date of Disapproval	Sanitarian Signature
Reason for Disapproval		
Enforcement action taken		

VIII. 12 Month Inspection

Date of assessment	Performed by	<input type="checkbox"/> Operating properly <input type="checkbox"/> Not operating properly <input type="checkbox"/> Creating a Public Health Nuisance
List the conditions and actions taken for systems not operating properly or creating a public health nuisance.		



Certified Mail: #7007-3020-0000-5478-5363

March 28, 2023

Matthew A. Boring & Brenda V. Boring
5247 Franklin Street
Hilliard, Ohio 43026

Re: Notice of Hearing

Dear Matthew A. Boring & Brenda V. Boring,

The Franklin County District Board of Health will hear your appeal pursuant to Ohio Administrative Code Chapter 3701-29-18 (C), for 8465 Hayden Run Road, Brown Township, OH 43064 (tax district 120, parcel #001314) at their next regularly scheduled meeting.

This meeting will be held on Tuesday, April 11th, 2023 at Memorial Hall, 280 East Broad Street, South conference room, Columbus, Ohio, and will begin promptly at 8:00 am. You and/or your legal representative are invited and encouraged to attend.

If you have any questions, please contact Nathan Ralph at (614) 525-3909.

Sincerely,

Sarah Jensen

Sarah Jensen MPA, REHS, CP-FS
Assistant Health Commissioner
Environmental Health Director

cc: Nathan Ralph, RS