

**BEFORE THE
FRANKLIN COUNTY DISTRICT BOARD OF HEALTH
COLUMBUS, OHIO**

FINDINGS AND ORDERS

WHEREAS, Ronald Mills and Lori J. Hawkins ("Applicants") own 6878 Rings Road; Dublin, Ohio 43016 (Washington Township, Tax District 272, Parcel ID #000155-00) ("Property"), have applied for a Variance to install a replacement private water system (PWS) that will be less than the required ten (10) feet from the foundation of a building or dwelling;

WHEREAS, the Franklin County Board of Health is the local health department for Washington Township and has authority to administer the Ohio Administrative Code ("OAC") Chapter 3701-28 "Private Water Systems Rules";

WHEREAS, OAC 3701-28-07(K)(5) states: "For replacement of a private water system at an existing home or building, be within ten percent of the minimum required distance without the requirement for a variance when the maximum practical isolation distance from all potential sources of contamination and existing structures is maintained;

WHEREAS, the Applicants wish to obtain a variance from Franklin County Public Health, specifically OAC 3701-28-07(K)(5), to allow the replacement of a private water system (PWS) less than the required ten feet (10') the foundation of a building or dwelling;

WHEREAS, pursuant to OAC Chapter 3701-28-19, the Board of Health may grant a variance from the requirements of Chapter 3701.345 of the Ohio Revised Code ("R.C.") when a person has made written application for a variance to the board requesting the variance from a specified rule or rules and the applicant shows that because of practical difficulties, or other special conditions, compliance with this chapter will cause unusual and unnecessary hardship. The board of health shall not grant a variance that would defeat the spirit and general intent of this chapter or is otherwise contrary to the public interest, adversely affect the public health, cause contamination of the environment, or not comply with the requirements of R.C. Chapter 3701;

WHEREAS, the Applicants indicate that it will create a hardship if the requested variance is not approved;

WHEREAS, the Board heard testimony from Jeff Gibbs, Environmental Health Division Manager. Jeff Gibbs presented the matter to the Board and recommended approval of the variance; and

WHEREAS, Ronald Mills and Lori J. Hawkins, applicants, presented their case to the Board stating their need for a Variance in order to place the Private Water System 7 feet from a dwelling, instead of the required 10 feet. Currently, they do not have running water in the home.

Now, therefore, upon motion of Board Member _____, second by Board Member _____;

THE FINDINGS AND ORDERS OF THE FRANKLIN COUNTY BOARD OF HEALTH, BOARD MEMBERS ARE AS FOLLOWS:

1. Applicants Ronald Mills and Lori J. Hawkins request a variance from the ten feet (10') distance requirement to allow the replacement of their private water system (PWS) where it will be less than ten feet (10') from the foundation of a building or dwelling; the Application documenting such request is admitted into the record.

2. The private water system will not create a public nuisance/potential health hazard and allow continued use of the Property.
3. Applicant has demonstrated that the strict application of this rule will cause unusual or unnecessary hardship.
4. The requested variance will not defeat the spirit and general intent of OAC Chapter 3701-28, or be otherwise contrary to the public interest or adversely affect the public health, or cause contamination of the environment, or not comply with the requirements of R.C. Chapter 3701.
5. The Board of Health approves the request for a variance from the Ohio Administrative Code (OAC) 3701-28-07(D) requirement that a private water system shall be at least ten feet (10') from the foundation of a building or dwelling.
6. This Order shall be in full force and effect from and immediately upon its adoption.
7. The scope of this Order is strictly limited to the ten feet (10') distance requirement from the foundation of a building or dwelling. as contained in OAC 3701-28-07(D), and does not address any of the other legal requirements that may apply to the private water system (PWS) installation proposed by Applicant, specifically including but not limited to other requirements contained in OAC Chapter 3701-28 and R.C. Chapter 3701. Applicant must comply with all applicable legal requirements.

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IT IS SO ORDERED.

Franklin County Board of Health
Board Members
