

HEARING 24-002

March 12, 2024

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

**FINDINGS AND ORDERS**

**WHEREAS**, TLC Design & Home Repair, LLC ("Applicant") own 527 Rosslyn Avenue; Columbus, Ohio 43214 (Sharon Township, Tax District 254, Parcel ID #151910-00) ("Property"), have submitted an application for a Variance to Franklin County Public Health for the use of a holding tank as a Home Sewage Treatment System ("HSTS") to serve the Property ("Application"). The Applicant proposes to temporarily use a holding tank with an alarm as a HSTS. The Applicant has applied for a Variance to allow the dwelling to be inhabited until sanitary sewer is installed and available in February 2025;

**WHEREAS**, the Franklin County Board of Health has adopted Franklin County Public Health Regulation 106 "Sewage Treatment Systems", which incorporates by reference relevant portions of Ohio Administrative Code ("OAC") Chapter 3701-29 "Sewage Treatment System Rules";

**WHEREAS**, OAC 3701-29-18(C)(6) states: "A holding tank permitted as a HSTS shall meet the following specifications when a variance has been granted by the board of health: 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.";

**WHEREAS**, pursuant to OAC Chapter 3701-29-22(A), the Board of Health may grant a variance from the requirements of Chapter 3718 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 3718;

**WHEREAS**, the Applicant indicates 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**, TLC Design & Home Repair, LLC, applicant, was represented by legal counsel, who presented the case to the Board stating their need for a Variance to permit the dwelling to be inhabited until they can connect to sanitary sewer.

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. Applicant TLC Design & Home Repair, LLC request a variance from the requirement that would prohibit the dwelling from being inhabited with a holding tank as the Household Sewage Treatment System; the Application documenting such request is admitted into the record.
2. The household sewage treatment system will not create a public nuisance/potential health hazard and allow 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) 3701-29 requirement that a household sewage treatment system shall be a permanent system.
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 owner/applicant connecting to sanitary sewer when it is available in February 2025. Owner/Applicant must comply with all applicable legal requirements.

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IT IS SO ORDERED.

Franklin County Board of Health  
Board Members

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