

February 12, 2024

VIA HAND DELIVERY

Nathan A. Ralph REHS
Supervisor, Water Quality Program
Franklin County Public Health
280 East Broad Street
Columbus, Ohio 43215-4562

VIA HAND DELIVERY

MaryBeth Brown
Supervisor, Water Quality Section
Franklin County Public Health
280 East Broad Street
Columbus, Ohio 43215-4562

Re: 527 Rosslyn Avenue, Columbus, Ohio 43214
Variance Application

Dear Mr. Ralph & Ms. Brown:

Enclosed is a Variance Application relating to the Household Sewage Treatment System at 527 Rosslyn Avenue, Columbus, Ohio 43214. We are hand delivering this Variance Application to you so it can be included in the Board agenda for the March 12, 2024 Board meeting.

If you have any questions or need additional information, please contact us.

Sincerely,



Anthony Crump
TLC Design & Home Repair LLC
5548 Benpatrick Court
Westerville, Ohio 43081
614-206-7108



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

Variance Application

Water Quality Program

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

Property owner information

Property Owner's Name TLC DESIGN & HOME REPAIR LLC			Date 2/5/2024
Mailing Address 5548 BENPATRICK COURT	City WESTERVILLE	State OH	Zip Code 43081
Daytime phone(s): Residence (614) 206-7108	Business (614) 206-7108	Cell (614) 206-7108	

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

Requestor's Name ANTHONY CRUMP		Title/Relationship OWNER OF TLC DESIGN & HOME REPAIR LLC	
Mailing Address 5548 BENPATRICK COURT	City WESTERVILLE	State OH	Zip Code 43081
Daytime phone(s): Residence (614) 206-7108	Business (614) 206-7108	Cell (614) 206-7108	

Address of property where the variance request is applicable

Mailing Address 527 ROSSLYN AVENUE	City COLUMBUS	State OH	Zip Code 43214
Township SHARON	Tax District 254 – SHARON TWP-COLUMBUS CSD	Parcel Number 254-151910-00	

Type of construction

New Construction <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Alteration <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
--	--



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

Variance Application
 Water Quality Program

Variance request

Insert specific reason for variance request from OAC 3701-28 (Private Water Systems) or OAC 3701-29 (Household Sewage Treatment Systems).

SEE ATTACHED EXHIBIT A

Variance justification

Private water systems –
 The application shall show just cause for the variance by demonstrating that:

1. There will be unusual and unnecessary hardship in complying with the rules;
2. Contamination of the private water system or the water supply will not occur as a result of construction and operation of the system;
3. The health of persons using water from the private water system will not be endangered thereby; and,
4. No other technically feasible and economically reasonable means of obtaining water from the proposed type of water source exists.

No variance or waiver shall be granted that will defeat the spirit and general intent of these rules (OAC 3701-28), or otherwise be contrary to the public interest or adversely impact the public health.

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:

SEE ATTACHED EXHIBIT A



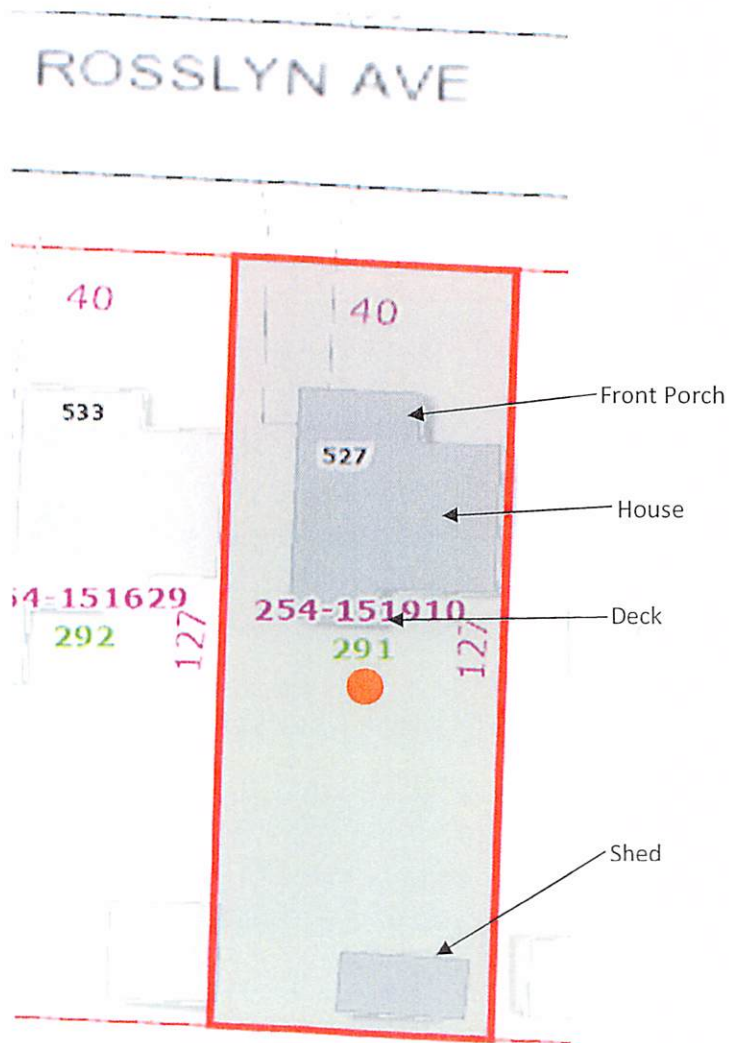
Description

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

Notes:

SEE ATTACHED EXHIBIT A

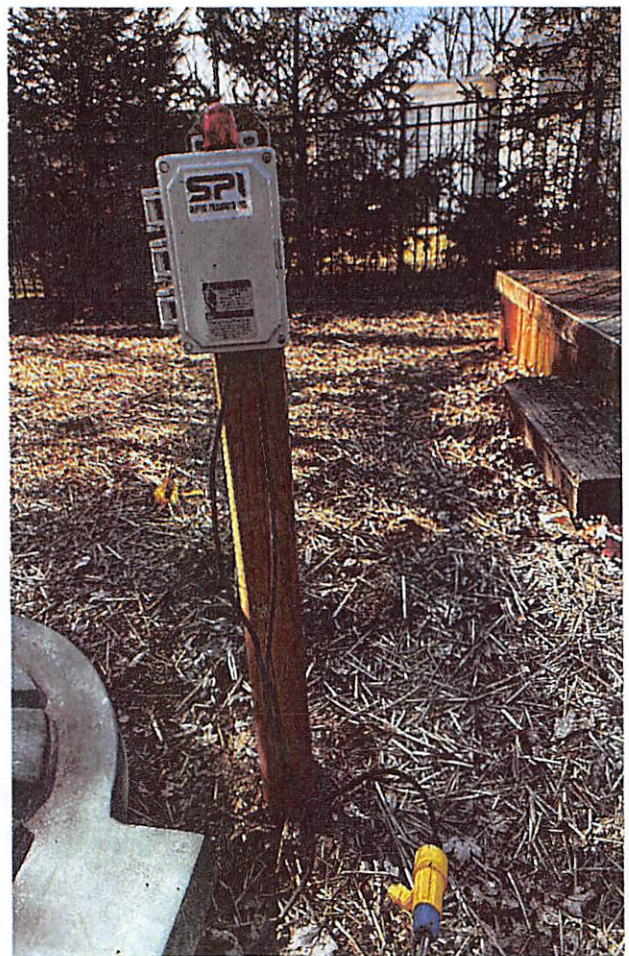
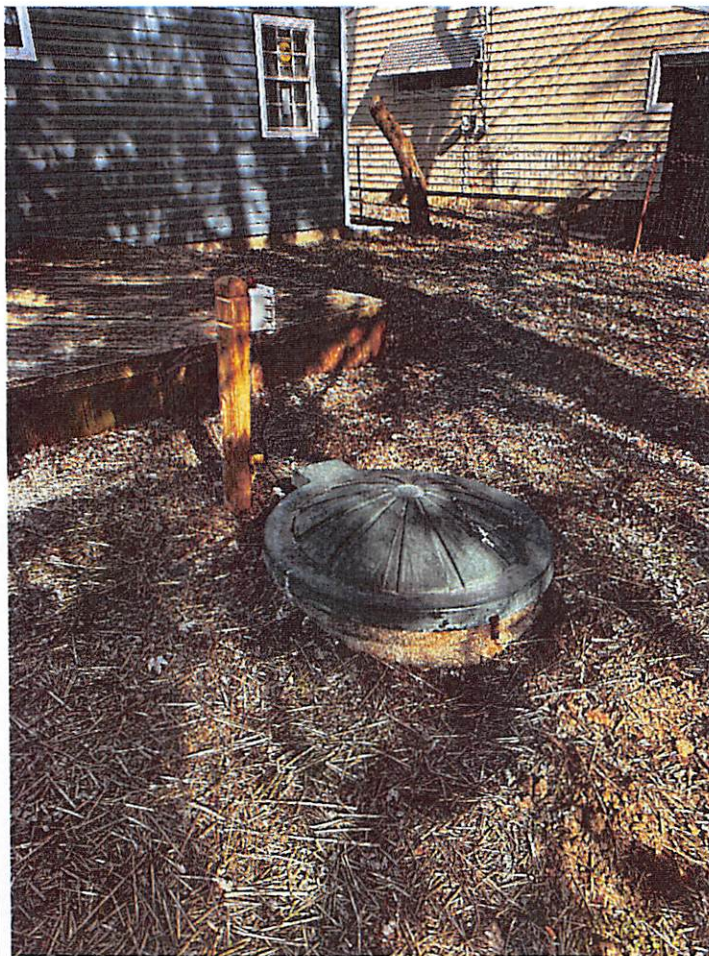
● = HSTS System converted to Holding Tank with High Water Alarm





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

Variance Application Water Quality Program





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

Variance Application

Water Quality Program



EXHIBIT A

TLC Design & Home Repair LLC (“TLC Design”) purchased 527 Rosslyn Avenue, Columbus, Ohio 43214 (“The Property”) on November 3, 2023. At the time of the purchase, TLC Design was informed that The Property was part of an environmental action pending in the Franklin County Municipal Court (Case #2023 EVH 060079). Part of the pending environmental action involves The Property’s Household Sewage Treatment System (“HSTS”) that was discharging to the storm drain creating a public nuisance and polluting surface water. TLC Design learned that the HSTS discharge line would need to be capped off and a high water alarm installed to prevent the HSTS from discharging to the storm drain until sanitary sewer was available.

On February 8, 2024, an Agreed Entry substituting TLC Design as a Party Defendant to the Environmental Action was filed. The Agreed Entry states:

1. Defendants waive service of Plaintiff’s Motion to Substitute Party Defendants.
2. TLC Design & Home Repair, LLC is substituted a the Defendant in this matter, as owner of the real property located at 527 Rosslyn Avenue, Columbus, Ohio by virtue of a General Warranty deed, recorded November 6, 2023. The case caption shall be updated accordingly.
3. In the event that the Defendant wishes to occupy the property prior to sanitary sewer becoming available, Defendant shall apply for and obtain a variance from the Franklin County Public Health.
4. On or about December 20, 2023, under the direction of Defendants, A and B Sanitation capped the outlet discharge line and installed a high-water alarm at the property. Electrical wiring is scheduled to be installed to connect the alarm.
5. The Defendants shall allow representatives of FCPH to enter the Property at reasonable times and upon proper identification to inspect the Property for compliance.

On or about December 20, 2023, TLC Design hired A&B Sanitation to cap off the HSTS discharge line and install a high water alarm to notify when the tank needs emptied to prevent the HSTS from discharging to the storm drain. (See attached Sales Receipt from A&B Sanitation) On February 6, 2024, the electrical wiring for the high water alarm was installed and the alarm is working properly. (See photos in Variance Application)

Also, in January 2024, the Franklin County Board of Commissioners commenced the Kanawha Rosslyn Sanitary Sewer Project. Public sanitary sewer lines are being installed on Rosslyn Avenue where the property is located. Construction is expected to be completed by the end of February 2025.

TLC Design has performed substantial repairs and renovations to The Property in an effort to bring the property up to code, to stop the HSTS from discharging to the storm drain and polluting surface water, to improve the appearance and to make The Property a habitable dwelling. Granting this variance will 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.

TLC Design respectfully requests the FCPH grant this variance so the property may be occupied prior to sanitary sewer, which construction is expected to be completed within the next 12 months.

A & B Sanitation, Inc.

PO Box 358
Sunbury, Ohio 43074

Sales Receipt

Date	Sale No.
12/28/2023	11130

Sold To
Dawn Minturn 527 Rosslyn Ave Columbus Ohio 43214

Check No.	Payment Method	Project
386160	MasterCard	

Description	Qty	Rate	Amount
Installed Highwater alarm Capped off outlet line. Female plug Installed post for highwater alarm. Tech: Brandon and Tom		1,500.00	1,500.00
Thank You for your business! Have a great day!			Total \$1,500.00



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.



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

Variance Application

Water Quality Program

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

Property owner information

Property Owner's Name			Date
Mailing Address	City	State	Zip Code
Daytime phone(s): Residence ()	Business ()	Cell ()	

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

Requestor's Name	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	City	State	Zip Code
Township	Tax District	Parcel Number	

Type of construction

New Construction <input type="checkbox"/> Yes <input type="checkbox"/> No	Alteration <input type="checkbox"/> Yes <input type="checkbox"/> No
---	---



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

Variance Application

Water Quality Program

Variance request

Insert specific reason for variance request from OAC 3701-28 (Private Water Systems) or OAC 3701-29 (Household Sewage Treatment Systems).

Variance justification

Private water systems –

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

1. There will be unusual and unnecessary hardship in complying with the rules;
2. Contamination of the private water system or the water supply will not occur as a result of construction and operation of the system;
3. The health of persons using water from the private water system will not be endangered thereby; and,
4. No other technically feasible and economically reasonable means of obtaining water from the proposed type of water source exists.

No variance or waiver shall be granted that will defeat the spirit and general intent of these rules (OAC 3701-28), or otherwise be contrary to the public interest or adversely impact the public health.

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:

From Water Quality O/M Supervisor Nathan A. Ralph REHS



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

Variance Application

Water Quality Program



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

Variance Application

Water Quality Program

Description

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

Notes:

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:

From Water Quality O/M Supervisor Nathan A. Ralph REHS

This property was acquired as the result of a mitigation of a public health nuisance that pertained to the aeration treatment unit. This ATU discharges to the Franklin County MS4 (storm drain) and was not being properly maintained. A sanitary sewerage project is under way in this neighborhood, with an estimated completion date of the beginning of 2025. An Agreed Entry in Franklin County Environmental Court specified that the property may be occupied, prior to connection to the new sanitary sewer, if the Franklin County Board of Health approves a variance to OAC section 3701-29-18, allowing for the conversion of the aeration tank to a holding tank that is emptied at regular intervals.

It is my recommendation that the Franklin County Board of Health approves this variance request with the following criteria being required or already met:

1. Audio and visual alarms have been installed on the aeration tank, and the outlet line has been capped, preventing the discharge of sewage to the storm drain.
2. The contents of the tank will be pumped as needed by a Septage Hauler that is registered with FCPH.
3. FCPH representatives shall be allowed to enter the property at reasonable times and upon proper identification inspect the property for compliance.
4. Within 30 days of the time the sanitary sewer is completed, the property will be connected, and the holding tank properly abandoned, including the submittal to FCPH of the septic tank abandonment form and associated fee.



February 27, 2024

TLC Design & Home Repair, LLC
c/o Anthony Crump
5548 Benpatrick Court
Westerville, Ohio 43081

RE: Notice of Hearing Real Property Located at 527 Rosslyn Avenue; Columbus, Ohio 43214 - Tax District #254, Parcel #151910 – Sharon Township

Dear Anthony Crump:

A Variance Hearing will be held on **Tuesday, March 12th, 2024, at Memorial Hall; 280 East Broad Street; Columbus, Ohio, 1st Floor in the Alpha Conference Room and will begin promptly at 8:00 a.m.** pursuant to Ohio Revised Code Chapter 3718. The Variance is from the Household Sewage System Rules, to inhabit the dwelling while being served by a holding tank until sanitary sewer is available at the above-referenced property.

You may be represented by your attorney to present your position, evidence, arguments or contentions as well as examine witnesses appearing for or against you. Additionally, you may request a copy of the information to be presented to the Board by contacting Mary Beth Brown at Franklin County Public Health, phone number (614) 361-3719 prior to the hearing.

Sincerely,

Sarah Jensen

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

c: Sharon Township