

HEARING 24-006

September 10, 2024

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

FINDINGS AND ORDERS

WHEREAS, Wayne G. Dennis ("Applicant") owns 2305 Big Run Road East; Grove City, Ohio 43123 (Franklin Township); Tax District 140, Parcel ID #004108-00 ("Property"), has submitted an application for a Variance to Franklin County Public Health. The Applicant proposes to place a National Pollutant Discharge Elimination System ("NPDES") aeration system seven (7) feet from the house foundation instead of the required ten (10) feet;

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, 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, Wayne G. Dennis, applicant, was present virtually and answered questions presented to him by the Board. Mr. Dennis stated his need for a Variance to permit the NPDES System to be placed seven (7) feet instead of the required ten (10) feet from the foundation of the house. Mr. Dennis has applied for and received a permit from the OEPA for the use of the NPDES aeration system.

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 Wayne G. Dennis requests a variance from the requirement that would prohibit a NPDES aeration system closer than ten (10) feet from the foundation of the house. 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 3701-29, 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 NPDES aeration system must be ten (10) feet from the foundation of the house.
6. This Order shall be in full force and effect from and immediately upon its adoption.
7. Owner/Applicant must comply with all applicable legal requirements.

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IT IS SO ORDERED.

Franklin County Board of Health
Board Members
