

**BOARD OF BUILDING CODE APPEALS  
CITY OF NORTH OLMSTED  
MINUTES FOR JULY 21, 2011**

**ROLL CALL**

Chair Sabo called the meeting to order at 5:42 p.m. in Council Chambers.

Present: Donna Sabo, Julianne Nader, BJ Meder, Bob Papotto

Absent: Dan Jarachovic

Staff: Building Commissioner Dale Mitchell, Clerk of Commissions Donna Rote

**REVIEW AND CORRECTION OF MINUTES**

**Mr. Meder moved, seconded by Ms. Nader, to approve the Board of Building Code Appeals minutes of May 19, 2011 which passed 3-0; Mr. Papotto abstained.**

**NEW BUSINESS**

**Ronald Klesh; 29540 Huntington Drive:**

Proposal consists of burying an in-ground swimming pool.

The following variance is requested: a variance to bury debris from swimming pool demolition, Section 1365.01. Code does not permit burying tree stumps, limbs, brush, scrap building materials, scrap pipe or other refuse which is generated through construction, reconstruction or development of land or buildings. Such substances shall be hauled away from the site and disposed of in any and all methods allowed by law.

Mr. Klesh and Mr. Ullrich of Ullrich Excavating were sworn in. Mr. Klesh passed out photos of his pool and surrounding area, the photos showed the distance of the pool to the three season enclosure. He is concerned that removing the concrete walls will cause the three season room to collapse. He requests the variance to ensure the three season room is not adversely affected by removing the pool. If the variance is denied he requests something in writing from the city stating the three season room would not be affected complying with code.

Mr. Mitchell reviewed two other locations which had pools removed and backfilled as well as two residential homes that were scheduled for demolition all of which will follow code requirements. Code requires all building material and site refuse be removed from the site; granting such a variance would set precedence. He reviewed the requirements of Chapter 1365.01 and said the homeowner and or contractor is responsible to determine if the three season room would be affected removing the pool and to take measures to ensure the room's safety and stability is not compromised, not the City.

Mr. Meder questioned the type of infill which would be used and whether or not the infill material would require a permit to use and Mr. Ullrich said it would be suitable material and would be compacted once every foot of infill. Mr. Meder questioned the owner's intent for the area once it is backfilled and Mr. Klesh said grass would be planted and he had no intent to build any structure. Mr. Meder asked where the fill dirt would be stored and how long it would take to

backfill the space. Mr. Ullrich said it would be stored in the owners' apron and it will take approximately three days to complete. Mr. Meder said if the pool materials are properly broken up, reused and compacted properly it is exempt material in accordance to state laws. The proposal states that only 2 feet below grade along the top of the pool wall be broken up dropped to the bottom of the pool. Mr. Ullrich said once the material is pushed to either end of the pool it is crushed and a 4 foot square hole is jack hammered at each end. Ms. Sabo noted the additional contract which states the pool and all building materials could be removed in accordance to code for additional funds. Mr. Meder asked if the concrete patio around the pool would be removed and what would be done with the materials. Mr. Ullrich said the patio slab and wooden deck would be removed and taken off site and grass planted in its place.

Mr. Mitchell said he is concerned for the stability of the work proposed and future land use. Any future work would require soil borings and other expensive costs trying to find the footers and making sure the sunroom was and would not be adversely affected. Mr. Mitchell said if the variance is granted he requested a condition to have detailed engineer drawings submitted clearly stating all work to be done and a listing of all materials to be removed. Mr. Meder noted that the top 2 feet around the pool was minimal compared to the concrete and wood decking which must be removed from the site. He would like the condition to have the Building Official request a representative from the County Health department present several times to ensure the backfill is clean exempt materials and does not fall into the category of hazardous waste. Mr. O'Malley said it would be the contractor's responsibilities to have the county verify the conditions of the approval. Ms. Nader asked if once the backfill is completed would it accommodate future structures or if something would be recorded with the County Recorder so all future owners would be aware of the conditions of the site. Mr. Ullrich said he did not believe it was necessary to have the County inspect the backfill. Mr. Klesh said he did not think the county should be involved nor should there have to be anything recorded or the health department involved. Mr. O'Malley said he would discourage the members from requiring any recordings of deeds or easements as it is a private property matter.

Mr. Pappotto said he is concerned over the proximity of the pool and house walls to each other and the backfill content not being clear for any future owner. He would agree that if all the walls and reusable materials of the pool were crushed to make reusable and used as backfill then he would not object. However, only if the area is buildable once backfill is completed. Ms. Nader advised the homeowner that due to the proximity of the pool to the home a construction engineer should be consulted. She noted that it was the owner's responsibility to ensure the structural stability of the home and surrounding structures. If approved there should be 3 rows of holes drilled along the bottom of the pool to ensure drainage. Mr. Meder said there is a hole in the ground now that is not filled and is hazardous. He would like to see the pool backfilled with clean fill and something in writing from the county health department pertaining to the backfill. If the work is done accurately as submitted and amended with the material being approved by the county he has no objections. Ms. Sabo is concerned that there was not enough evidence presented to justify the request and did not want to see such precedent set without justification.

**Mr. Meder moved, seconded by Ms. Nader, to grant Ronald Klesh of 29540 Huntington Drive a variance as amended to bury debris from swimming pool demolition, Section 1365.01 with the following conditions:**

1. Clean fill material brought in to be approved by a member of the County Board of Health, to determine it meets exempt materials in accordance to State regulations.
2. Backfill is to be filled to grade adequately compacted using skid loader making 2 to 3 passes per one foot of lift.
3. To equalize hydro static pressure in the 16' x 32' pool there is to be 3 rows of holes consisting of 5 holes 6 inches minimum for a total of 15 holes jack hammered into the bottom of the pool.
4. All evergreens, concrete and wood decking currently surrounding the pool will be excavated and removed off site as stated in the hearing application and written proposal following all building codes.

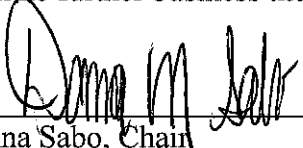
Roll call on the motion: Meder, Nader – yes; Papotto, Sabo – no; motion failed to pass 2-2.

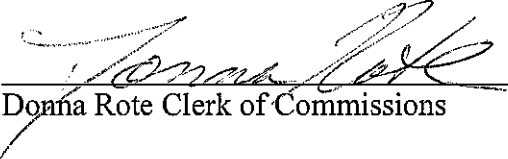
### CORRESPONDENCE

Ms. Sabo advised that the board's application was revised and asked Mr. O'Malley to review the changes. Mr. O'Malley said the change on the application includes owner's approval for board members to be on their premises to view the site as required by code. The board briefly discussed designing something in house which can be left at homes showing they viewed the premises.

### ADJOURNMENT

With no further business the meeting was adjourned at 7:00 p.m.

  
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Donna Sabo, Chair

  
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Donna Rote Clerk of Commissions

Approved:

11/19/12  
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