

**Village of Commercial Point  
Public Hearing-Schuh Pool Variance  
September 11, 2017**

Mayor Joiner called the meeting to order. Fiscal Officer Hastings took roll call with the following members present: Mr. Geiger, Mr. Townsend, Mr. Sadler, Ms. Blevins and Mr. Laxton. Mr. O'Neil was not present. Solicitor Hess, Village Administrator Crego and Zoning Inspector McCoskey were also present.

Ms. Amy Schuh addressed council. She said they are looking into putting in a pool that does exceed the village zoning requirements. She said with her existing landscape and patio they currently have, they prefer this pool which does exceed the current zoning requirements. She said it would need to be 10 feet from one property line and 8 feet from another property line. She said she did take papers to each neighbor that touches the property to obtain their acceptance and approval for the larger pool. Mr. Sadler said he and other council members did go out to the property and looked at the layout and he for one plans to vote yes on it. Solicitor Hess said he would like to hear from the Zoning Inspector prior to any formal discussion. Zoning Inspector McCoskey said in June of this year he received a zoning application from the Schuh's via the contractor. He said as she mentioned, the drawings submitted to him indicated the difference of distance to the property line on all sides of the property. He said in looking at the drawing and speaking with the contractor, he reminded council of the ordinance we currently use, Ordinance 1266.01 section B. He said with this ordinance, he denied the request. He said there was additional information brought to him by the Village Engineer. He distributed plat drawings to council showing the Schuh's location. He said it also displays a catch basin at the corner of their lot. He said the natural flow of rain water is front to rear and north to south and drains into the catch basin. He said if we approve the construction of the pool there should be instruction to the builder about the water not flowing in the neighbor's yard. Ms. Schuh said she understands the concern as it is one of hers also. She said she asked the pool company about it. She said the pool will not affect the elevation of their yard. She said they will use a turn down slab in the back of the pool which will maintain the grading of their yard. She said the pool will not be level to the ground, it is being sunk down to be level with their patio. Mayor Joiner asked Zoning Inspector McCoskey if he or Village Engineer Grosse have had any additional contact with the pool company. Mr. McCoskey said no, not since the application came in. Ms. Schuh said she has the understanding the reason she had to apply for the variance is due to the property line and not the flow of the water. She said that was not a concern of hers because the pool company assured her it would not be a problem. Mayor Joiner said his thoughts are we have a Zoning Inspector and an Engineer who have a concern there will be pooling. He said Commercial Point is known for its high water tables. Ms. Schuh said their concern is the installing is done properly. She said if it is done properly then there will be no issues. Mayor Joiner said the problem is if it is not installed properly then we have the issues. Ms. Schuh said then they will fix it because she does not want her yard or her neighbor's yard to flood. Mayor Joiner asked what kind of assurance do we have if there is an issue that they will fix it. Ms. Schuh said she can give her word or sign something to this effect. Solicitor Hess said if this is a condition of the variance, if there is some pooling of the water we would work with the homeowner to fix it at their expense or they would hire a contractor and we would have oversight of that. Mayor Joiner asked if this is something Solicitor Hess would draw up. Solicitor Hess said yes it is something he can draw up as a part of the zoning application or it could be put in the minutes. Mayor Joiner asked if Zoning Inspector McCoskey would be ok with

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this option. Zoning Inspector McCoskey said because of the one neighbors complaint in the office we are still within our bounds to get this assurance to make sure this does not happen. Mayor Joiner explained the situation to Village Engineer Grosse who joined the meeting. Engineer Grosse said it is nice to have those warranties or statements but the problem is after the pool is built and it does not work, it is very difficult to come back and correct it. He said he discussed it with Village Administrator Crego that they put information on how they plan to grade before the pool is built. Solicitor Hess said they can make that a condition where they can have their contractor submit this information prior. Mayor Joiner asked if we had to vote on it tonight. Solicitor Hess said they have 30 days to decide but they can have a special meeting prior to next week's COW meeting. Solicitor Hess asked Ms. Schuh if she thought they would be able to submit that information. She said she is sure they can. Solicitor Hess said to put the request on hold until prior to the COW meeting next week until someone from our office contacts the pool company. Fiscal Officer Hastings confirmed we will have a Special Meeting prior to the COW at 6:30.

Mr. Sadler made a motion, seconded by Mr. Townsend to adjourn. All in favor. Meeting adjourned.



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Gary Joiner, Mayor



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Wendy Hastings, Fiscal Officer

\*\*Minutes provided by Paula Baldwin, Administrative Assistant.