



DEVELOPMENT DEPARTMENT
PO Box 280
Clayton, OH 45315
P:(937) 836-3500 F:(937) 836-6773

BZA Case#	<u>VAR22-10</u>	Date Received:	<u>7/11/2022</u>	Reviewed By:	<u>AP</u>
BZA Meeting Date:	<u>8/2/2022</u>	Date of Legal Publication:	<u>7/20/2022</u>		
Fee: \$	<u>250.00</u>	<input checked="" type="checkbox"/> Cash	<input type="checkbox"/> Credit Card	<input type="checkbox"/> Check #	

Board of Zoning Appeals Application

Applicant: Darren + Dawn Smith Phone Number: 937-313-2450

Mailing Address: 6040 Garber Rd. Dayton, OH 45415

Request:

Administrative Appeal Conditional Use Variance

Property Address: 6040 Garber Rd. Dayton, OH 45415

Subdivision Name: _____ Lot#: _____

Parcel ID#: M60032100312 Zoning District: Res.

Nature of Request: Uses a Auto Pool Cover Instead of using a fence.
Safety Cover

Code 1121.02 D d

I hereby authorize and grant to the City of Clayton Officials and employees, members of the Board of Zoning Appeals the right to come onto the above described property for the purpose of inspecting and evaluating the premises regarding this application. I further release said Board members, and City employees and officials from any and all liability during said inspection and related matters.

I swear that the above information and attached exhibits, to my knowledge, are true and correct. I understand that if the information on this application is not correct or complete, the result may be the invalidation of the approval and all subsequent permits issued in conjunction with this approval.



Applicant's Signature

6-28-22

Date



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Affidavit

State of Ohio
County of Montgomery

I (We) Darren Smith after being first duly sworn, depose and say:

- 1. That I (We) are the owner(s) of the above described real estate;
- 2. That I (We) have read and examined the Application for Conditional Use, Variance or Administrative Appeal of the City of Clayton Codified Ordinance, and are familiar with its contents; and
- 3. That I (We) have no objections to, and consent to such request as set forth in the application.

[Signature]

Property Owner(s) Signature(s)

6040 Garber Rd. Dayton, Ohio 45415
Mailing Address

937-313-2450
Phone Number

Subscribed and sworn to be before me this 28 day of June 2022

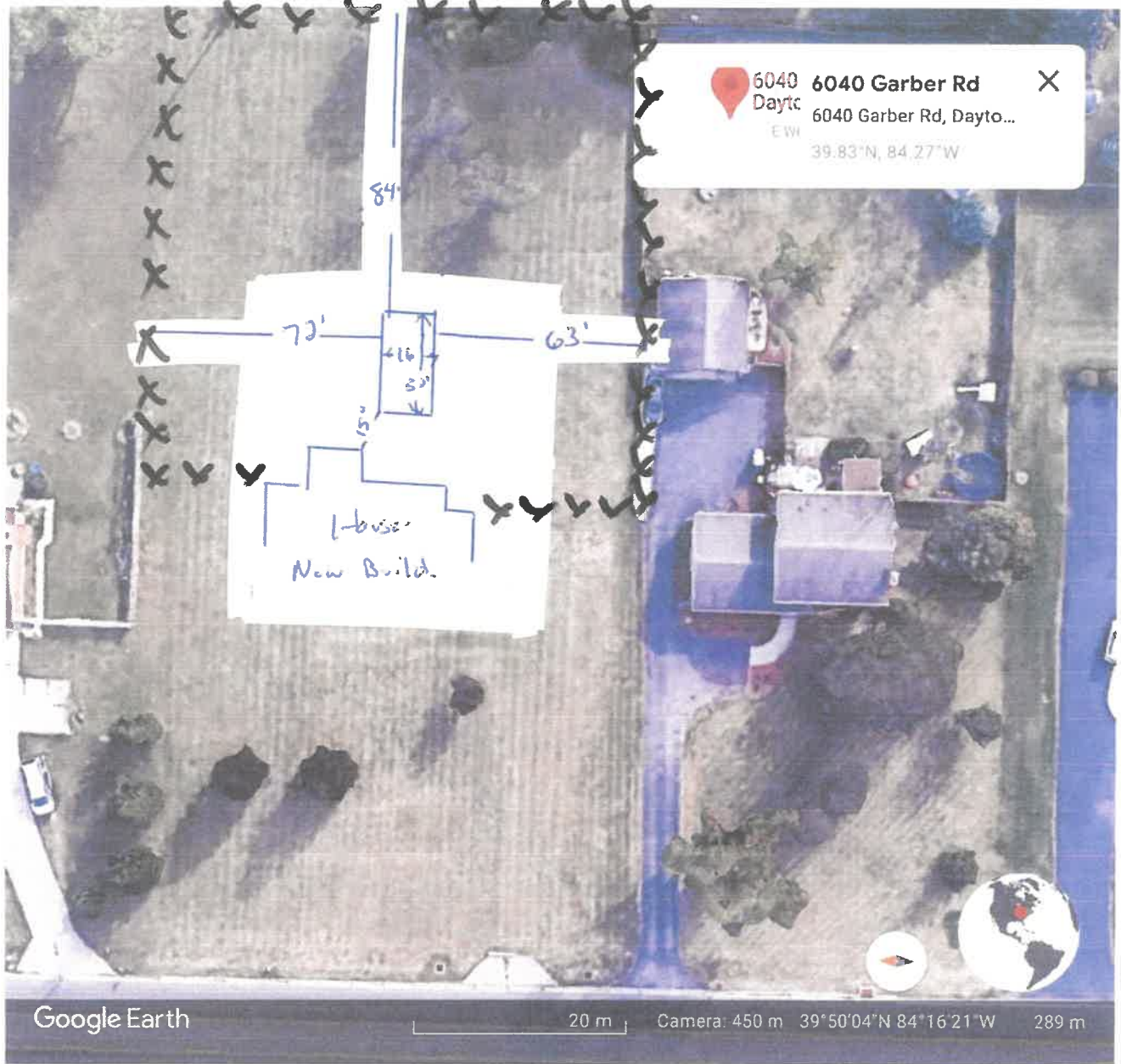
[Signature]
Notary Public Signature

Name (Person to be contacted for details, if other than above signatory)

Mailing Address



Phone Number
Barbara Seim
Notary Public State of Ohio
My Commission Expires
September 9, 2024



"X X X" Proposed 5' Fence to meet code.

Customer is also Applying for a variance to use a cover instead of fence. If variance passes they will not fence the yard as the horizontal fence of the cover will meet the fence requirements. Customer understands if the variance does not pass they must proceed w/ the 5' fence to meet code.

July 10, 2022

To Whom It May Concern,

We are writing this letter for the variance we are requesting regarding an automatic pool cover. We would like to be approved for the variance of an automated pool cover in lieu of a 5 foot fence.

Per the Clayton code for Swimming Pools (Section 1121.02 (D))

d. The swimming pool shall be surrounded by a wall or fence no less than five (5) feet high with a locked gate to prevent uncontrolled access.

We believe, and it also has been shown that an automated pool cover is much safer than a fence. An automated cover locks and completely seals the pool making it inaccessible to any intruders. The cover can only be opened by a keypad that would be located on our house that only we would have the ability to open. We would always have the pool cover closed when it is not being used.

Please see attached documentation regarding the safety of an automatic pool cover.

Thank you,



Darren Smith



Dawn Smith



AUTOMATIC SAFETY COVERS · COVERS

What Are the Top 5 Reasons to Get An Automatic Pool Cover?

December 7th, 2021 by Mark Smith



Let's be honest, if you're looking for a way to make your pool safer, the best way to do so is to get an automatic pool cover. There are many types of covers available, but the most popular and most effective is the automatic pool cover. It's a cover that can be deployed over the pool in just a few minutes, and it can be retracted when you're ready to use the pool. Here are the top 5 reasons to get an automatic pool cover:

5. Aesthetics

One of the biggest reasons to get an automatic pool cover is for aesthetics. Automatic pool covers can now be designed to fit any shape pool and look like a pool cover that you would expect to see on a pool. You can even get a cover that looks like a pool cover that you would expect to see on a pool. You can even get a cover that looks like a pool cover that you would expect to see on a pool. You can even get a cover that looks like a pool cover that you would expect to see on a pool.

For example, you can get an automatic pool cover that looks like a pool cover that you would expect to see on a pool. You can even get a cover that looks like a pool cover that you would expect to see on a pool.

4. Durability and Warranty

Automatic pool covers are made of high-quality materials, and they are designed to last for many years. They are made of high-quality materials, and they are designed to last for many years. They are made of high-quality materials, and they are designed to last for many years. They are made of high-quality materials, and they are designed to last for many years.

3. Ease of Use

Automatic pool covers are easy to use. They are designed to be easy to use, and they are designed to be easy to use. They are designed to be easy to use, and they are designed to be easy to use. They are designed to be easy to use, and they are designed to be easy to use.

2. Savings

Automatic pool covers can save you a lot of money. They can save you a lot of money, and they can save you a lot of money. They can save you a lot of money, and they can save you a lot of money.

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1. Safety

Automatic pool covers are the best way to keep your pool safe. They are designed to be safe, and they are designed to be safe. They are designed to be safe, and they are designed to be safe.



When you invest in a pool cover, you want to ensure you're getting the best quality product that meets all of the necessary safety standards. While every state has its own mandatory pool barrier codes, pool covers must meet safety standards set by the American Society for Testing and Materials (ASTM).

Coverstar automatic cover systems have been tested and meet the [safety standards](#) outlined in ASTM F1346-91. These guidelines were created to reduce the risk of drowning by inhibiting pool access to children under five years of age.

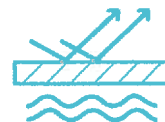
SAFETY BENEFITS

ASTM Pool Cover Safety Specifications



Weight Support

The cover must be able to hold a minimum weight of 485 lbs (the approximate average weight of two adults and one child)



Perimeter Deflection Test

All openings must be strong enough to prevent a test object from passing through





Surface Drainage Test

Prevents a dangerous amount of water collecting on top of the cover



Control-Switch Requirements

Any device used to control the automatic pool cover has to be permanently mounted in full view of the entire pool

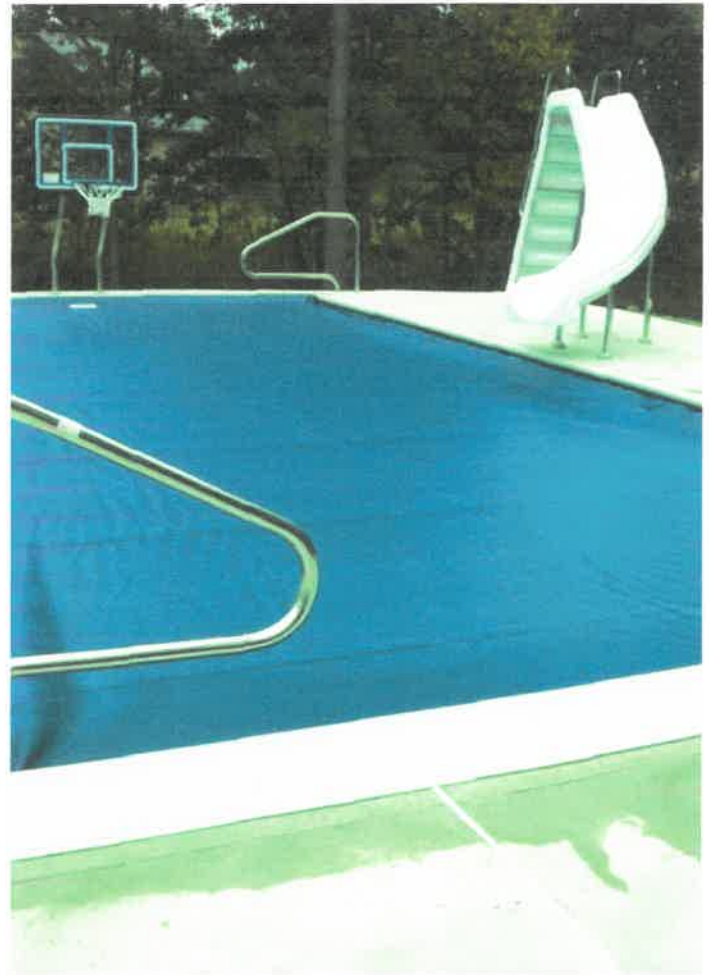
Coverstar automatic pool covers are also **UL listed and certified** to meet industry-wide standards.

How Safe Are Automatic Pool Covers?

Coverstar automatic pool covers create an impenetrable barrier to prevent children, pets, or any other unwanted animals or guests from entering your pool unattended. While pool covers are the best way to add an additional layer of protection around your swimming pool, they are not a substitute for proper pool safety or adult supervision.

Pool covers are often more reliable than other safety equipment, like fences, because they create a barrier that directly seals your pool off. Even with a fence, if someone is able to get in the pool area, a pool cover will prevent them from entering the pool without your permission.

There's no need to worry about unwanted access to your pool because the control switch requires a key to unlock the cover plate or a four-digit code to gain access. Coverstar offers the best protection available to keep your loved ones safe.



Reasons Why Automatic Safety Covers Are A Viable Alternative To Fencing

(All references to "Covers" means Automatic Covers that comply with A.S.T.M. F 1346-91 Standard)

Safety Advantages:

- ✿ Covers have an unblemished record. Since 1960 when covers were first introduced, there has never been a drowning in a pool or spa that was equipped with a cover.
- ✿ Covers are the equivalent of a "horizontal" fence. Covers are the only barriers that prevent access to the pool water. Fences or "vertical" barriers, at best, prevent access to the pool area. Once inside the fence you have unrestricted access to the water.
- ✿ Covers not only seal the pool but also eliminate visibility of the pool water, preventing children from being drawn toward the pool as a result of their natural attraction to the water.
- ✿ Covers eliminate the danger posed by the fascination children have with floating objects in the pool. Claims have been made that toys floating in the pool attract children and contribute to the rate at which small children drown in residential pools.
- ✿ Covers do not restrict view of the pool area. Fences and walls may inhibit the view from the home or other areas in the yard to the pool area.
- ✿ Covers can be monitored from a distance as to their closed and secured position. when viewed from the house, it is difficult, at best, to determine if the pool is covered or uncovered.
- ✿ Covers have a standard in place that assures their proper installation and adherence to rigid safety requirements. A.S.T.M. F 1346-91, is a standard that mandates specific warning labels and very explicit performance criteria, among which are requirements that prevent small children from being able to operate the cover or access to the pool water.



Lets talk pool safety... Automatic Covers

Automatic Covers, sometimes referred to as "horizontal fences", provide the best level of protection in that they:

1. Isolate the water,
2. Support the weight of several adults,
3. Can be extended in seconds.

In addition, unlike a partially closed gate, from a considerable distance, it is possible to observe whether or not the cover has been fully extended over a pool. And since an automatic cover isolates (hides) the water from view, the natural attraction that water poses to most children is eliminated. **How effective is an automatic cover?** To our knowledge, although hundreds of thousands of automatic covers have been installed, there has been no recorded incident of a child drowning in a pool protected by an A.S.T.M. certified, functional automatic cover system. That's a perfect safety record!

Essentially, there are four types of safety equipment worth considering:

1. A perimeter safety fence,
2. A sophisticated pool-alarm system,
3. A winter safety cover (mesh cover),
4. An an automatic safety cover.

Fences provide a substantial degree of protection in that they, at least, slow down an inquisitive five-year-old who has made up his mind to access the pool by stacking furniture, using a device to "flip" a gate latch, or finding some other creative way to get back to a pool, but the two biggest problems associated with this type of barrier are that a fence isolates the pool deck, not the water itself and, from a distance, it may be impossible to tell whether a partially closed gate is actually latched.

Sophisticated Pool Alarms that utilize infra-red technology and sound a warning when an object disturbs the surface of the water certainly help, but false alarms are common and drowning statistics reveal a couple of frightening facts:

1. It only takes seconds for a child to drown.
2. In the majority of instances, the time in which drowning victims five years of age and under were away from adult supervision less than five minutes.

Winter safety covers may provide excellent barrier protection during the winter because they isolate the water, not just the pool area. Unfortunately, the time it takes to put a winter safety cover in place makes this option very inconvenient for daily, in-season use. Consequently, during the swim season, they are not a practical solution to securing a pool.

Children Drowning Study - Barriers

(Reprinted from a 1998 Northern California NSPI Chapter Newsletter)

Over the past dozen or more years we have found ourselves debating the value of four-sided isolation fencing around swimming pools before city councils, county boards of supervisors and the State Legislature. At all of these political fights we were opposed by a coalition of "child drowning prevention" advocates. Perhaps the most prestigious of these organizations demanding four-sided fencing legislation has been the National Academy of Pediatrics. They have appeared in every hearing from the first one before the Contra Costa County Board of Supervisors.

At every occasion, the pediatricians have staked their professional reputations on their "certain knowledge" that such isolation fencing would have saved all of the children who have drowned and who have been injured in near-drowning accidents. SPEC has always argued that this assertion was false. Isolation fences create a false sense of security, "allowing" those responsible for supervising toddlers playing in yards with fenced pools to drop their guards for "just a moment or two" to answer phones, front doors, make bathroom trips, etc., etc.

This past June the journal of the American Academy of Pediatrics published the accompanying study, "Childhood Drowning and Fencing of Outdoor Pools in the United States, 1994." The scientific study perhaps the only thorough study on this subject in the U.S., was designed to determine the effectiveness of four-sided isolation fencing in preventing child pool accidents. The study came to the same conclusion as did Dr. Lay's study in Australia nearly a decade ago.

"Our research suggests that even if all residential pools in the United States were properly fenced, most drowning among children 5 years of age would not be prevented."

What child do you know that cannot climb a vertical fence?

