

## CHAPTER 880

### Variances

- 880.01 Authority of Board of Health.
- 880.02 Variance application.
- 880.03 Terms and conditions of variance.
- 880.04 Circumstances not requiring a variance.

#### CROSS REFERENCES

Orders and regulations of Board of Health - see ORC 3709.21  
Private sewer systems - see ORC 6112  
Private sewers - see OAC 4101:2-51-411

**EHC** Environmental Health Code      **ORC** Ohio Revised Code      **OAC** Ohio Administrative Code

---

#### **880.01 AUTHORITY OF BOARD OF HEALTH.**

The Board of Health may grant a hearing to a person and authorize, in specific cases, such variance from the requirements of this Household Sewage Treatment System (HSTS) Code as will not be contrary to the public interest, where the person shows that because of practical difficulties or other special conditions, the application of such requirements will cause unusual and unnecessary hardship. However, no variance shall be granted that will defeat the spirit and general intent of this HSTS Code, or otherwise not be in the public interest.

#### **880.02 VARIANCE APPLICATION.**

- (a) Application for a variance shall be made on forms provided by the Health Commissioner and shall accompany the application fee as set in Chapter 220 of the EHC.
- (b) Complete site plan which at minimum includes the information required in EHC 824.02 and other relevant information as required by the Health Commissioner.
- (c) The Health Commissioner will notify each adjacent property owner and the political subdivision, by regular mail, of the application for variance and process for the neighboring property owner to make comments in support or objection to the variance request.
- (d) If the variance is approved by the Board of Health, the variance resolution is to be recorded by the applicant with the Summit County Recorder as a miscellaneous document cross referenced to the deed of the property which is the subject of the variance.

#### **880.03 TERMS AND CONDITIONS OF VARIANCE.**

- (a) The applicant agrees to permit periodic inspections of the HSTS which are subject to the operation inspection fee set forth in Chapter 220 of the EHC.

- (b) That the owner(s) notify any prospective purchaser that a variance was granted by the Board of Health for the installation of a HSTS.
- (c) That the owner(s) shall record the variance resolution with the Summit County Recorder and shall submit the Recorder's receipt to the Health District prior to release of permit approvals by the Health District.
- (d) The Health Commissioner and Board of Health may impose other restrictions as is necessary to protect public health and the public interest.
- (e) Variance approval is void one year from approval if construction has not commenced within one year of the date of issuance.
- (f) Variance approval is void if construction and/or site plan changes are made without prior approval of the Health Commissioner.

**880.04 CIRCUMSTANCES NOT REQUIRING A VARIANCE.**

- (a) An existing lot that has previously received approval from the Health Commissioner but does not meet the minimum acreage requirements established on April 14, 2005 is not required to obtain a variance if all other aspects of the Environmental Health Code can be met and the parcel is of sufficient area to permit the construction of a non-discharging HSTS and replacement HSTS.
- (b) Repair or replacement of a HSTS accordance with EHC Chapter 848.

*(Resolution 165-07, July 12, 2007)*