



Ohio Administrative Code Rule 1501:22-1-05 Criteria for variances.

Effective: July 26, 1990

Resolutions or ordinances adopted by counties or municipal corporations governing coastal flood hazard areas may include provisions for issuing variances from the floodplain management criteria of rule 1501:22-1-04 of the Administrative Code provided such variances are consistent with the following provisions:

(A) Variances shall not be issued within any designated regulatory floodway if any increase in flood levels during the base flood discharge would result;

(B) Variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, in conformance with the procedures of paragraphs (C), (D), and (E) of this rule;

(C) Variances shall only be issued upon (1) a showing of good and sufficient cause, (2) a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local resolutions or ordinances;

(D) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief;

(E) A county or municipal corporation shall maintain a record of all variance actions, including justification for their issuance, and upon request, submit such information to the chief of the division of water in the department of natural resources.

(F) Variances may be issued by a county or municipal corporation for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use provided that (1) the criteria of paragraphs (A) to (D) of this rule are met, and (2) the



structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.

(G) Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and that the variance is the minimum necessary to preserve the historic character and design of the structure.