



Ohio Administrative Code Rule 3745-11-03 Connection ban variances.

Effective: April 21, 2014

(A) Any person desiring a variance from a ban imposed under this chapter must apply in writing to the director. Applications for variances shall be in a form and contain such information as the director may require. The application shall include at least:

(1) A signed statement from the appropriate public official that, but for the ban, the facility for which a variance is sought would be a permitted structure under all applicable local laws and regulations;

(2) A request from the person upon whom the connection ban has been imposed that it be permitted to allow the connection or other necessary action; and

(3) Additional information the director may consider in deciding whether to grant or deny a variance request as outlined by paragraph (C) of this rule.

(B) An incomplete application will not be considered. Any applicant who submits an incomplete application will be notified within thirty days of receipt of the application of the nature of the insufficiency and of the director's refusal to consider the application until the insufficiency is rectified.

(C) The director may grant a variance from a connection ban whenever, in the director's judgment, compelling public need, extreme individual hardship, or other extraordinary circumstances require that the variance be granted. In deciding whether to grant a variance the director may take into consideration the following factors:

(1) The proposed facility will replace a facility in the area of the ban that has been condemned;

(2) The proposed facility will be used primarily as the dwelling place of a person whose physical or mental health requires that person to live within the area of the ban;



(3) The variance will allow the construction of a school or hospital, or fire or police department facilities;

(4) The proposed facility will replace one or more existing facilities with a resulting decrease in the quantity of pollutants discharged into waters of the state; and

(5) Other special facts indicate that the public interest will be served by the immediate availability of the proposed facility.

(D) The director shall grant or deny the variance by letter within sixty days of the date on which a complete application for a variance is received. Upon granting or denying a variance, the director shall promptly notify the appropriate local official of the director's action.

(E) Variance applications shall be acted upon and challenged in accordance with provisions of Chapters 3745. and 119. of the Revised Code and Chapters 3745-47 and 3745-49 of the Administrative Code.