



The applicant for a Request for Variance must:

- 1) Complete the application form
- 2) Pay the required fee upon filing
- 3) Provide a total of eight (8) copies of the application and all supporting evidence and documentation supporting the request for variance.

Ohio law grants authority to the Board of Health to review and grant variances as follows:

(A) The board of health may grant a variance from the requirements of [rules 3701-29-01 to 3701-29-21 of the Administrative Code](#) (Ohio Sanitary Code) as will not be contrary to the public interest, where a person shows that because of practical difficulties or other special conditions their strict application will cause unusual and unnecessary hardship. However, no variance shall be granted that will defeat the spirit and general intent of said rules, or be otherwise contrary to the public interest.

In making the application for a variance, the applicant shall keep in mind the above statutory authority. The applicant shall provide with this application an explanation of the facts and/or circumstances that meet the criteria set forth in the law listed above. In order for the Board to have a full understanding of the application, it is recommended that the applicant provide the following information in support the application:

- (a) an explanation of the particular rule or rules from which the applicant seeks relief;
- (b) such other drawings or plats that will show the subject of the request for variance such as location of property boundaries; location of right of way; location of foundation wall of the building, dwelling or other structure; location of the subject of the notice;
- (c) copies of any photographs or other documents in support of the application.

Upon filing, the submitted application and supporting documents will be reviewed for completeness and compliance with Board Rules and all pertinent state and local rules and regulations. If incomplete, the applicant will be notified. If the request for variance and supporting documents are received in the offices of the Board of Health at least two (2) weeks prior to the next regularly scheduled meeting of the Board, the Board may seek to schedule the hearing at that next Board meeting. Otherwise, the Board will set the matter for hearing at a later meeting. Notice of the hearing will be provided by regular mail to the applicant at the address provided in the application.

The hearing will be conducted by the Board in the Board room used for the regular meetings of the Cuyahoga County Board of Health unless another location is specified in advance by the Board. The hearing will be open to the public. The applicant may appear with or without counsel, may present witnesses and exhibits in support of the variance and may cross examine witnesses who present testimony against the applicant. Failure of the applicant to appear at a hearing scheduled on the applicant's request may result in denial of the application. The applicant may request one extension of time or re-scheduling of the hearing but must submit a request in writing to the Board more than seven (7) days prior to the date of the hearing.