



## Ohio Administrative Code Rule 3701-82-03 Variances.

Effective: July 2, 2009

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(A) The director may grant a variance from the requirements set forth in rules 3701-82-01 to 3701-82-02 of the Administrative Code unless variance is requested to a statutory requirement. Before the director grants the variance, the party requesting the variance must show that:

- (1) Granting the variance will not jeopardize the health and safety of the public; and
- (2) Because of practical difficulties or other special conditions, strict application of the rule requirement, from which the variance is requested, will cause unusual and unnecessary hardship.

(B) The director shall not grant a variance that defeats the spirit and general intent of rules 3701-82-01 to 3701-82-02 of the Administrative Code or that is not in the public interest.

(C) The party requesting the variance from rules 3701-82-01 to 3701-82-02 of the Administrative Code shall make a request to the director on a form prescribed by the director. The written request shall specify the following:

- (1) How granting the variance will not jeopardize the health and safety of the public;
- (2) The rule requirement for which the variance is requested;
- (3) The practical difficulties or other special conditions that exist that will cause unusual or unnecessary hardship if the rule requirement is strictly enforced;
- (4) The time period for which the variance is requested; and
- (5) The specific alternative action the party requesting the variance proposes to take to meet the spirit and general intent of the rule.



(D) The director may request additional information from the party requesting the variance prior to making a determination regarding the request. The director may establish conditions that the party requesting the variance shall meet for the variance to be effective or, if the variance is in effect, to continue to be in effect.

(E) The director may revoke a variance if the director determines that:

(1) The variance adversely affects the health and safety of the general public;

(2) The party requesting the variance fails to comply with the variance as granted;

(3) The party requesting the variance notifies the director in writing that the licensee or other interested party wishes to relinquish the variance; or

(4) The variance conflicts with a statutory change that renders the variance invalid.

(F) The director shall notify the party requesting the variance, in writing, of the director's determination whether or not to grant the variance, or to revoke a previously granted variance. The director's decision regarding the denial or revocation of a variance shall be final and is not subject to Chapter 119. of the Revised Code.