

# APPEALS AND VARIANCE REQUESTS

---

## **Columbus City Health Code SECTION 209.05 ADMINISTRATIVE APPEAL HEARING; APPEAL TO BOARD**

(a) Unless a food service operation or retail food establishment, any person who is aggrieved by an order directing or requiring any action, forbearance or compliance may, prior to taking an appeal to the Board of Health, request and receive a prompt hearing before the Health Commissioner or any specifically designated representative, provided that such request for administrative hearing is made in writing within five days from receipt of such order. If the Health Commissioner holds an administrative hearing for reconsideration of the notice or order, the Health Commissioner shall prepare a summary of the hearing and shall state the decision reached. Such summary and statement shall become part of the public record.

(b) Unless a food service operation or retail food establishment, any person who is aggrieved by an order directing or requiring any action, forbearance or compliance may appeal to the Board of Health in accordance with the procedures prescribed by the Board. This appeal shall be filed with the Board within fifteen days of the receipt of such order as provided in Section 203.08.

The property owner can challenge the underlying facts that form the basis for the order by means of an administrative appeal as described above. In contrast, if a property owner seeks to claim hardship or other practical difficulties with connecting to a sanitary sewer, the owner is seeking a variance or exemption from the order. Section 225.25(A) of the Columbus City Health Code describes the variance process and standards for issuance:

## **Ohio Administrative Code 3701-29-22 Variances and more stringent standards.**

(A) A board of health may grant a variance from the requirements of this chapter when a person has made written application for a variance to the board requesting the variance from a specified rule or rules and the applicant shows that because of practical difficulties, or other special conditions, compliance with this chapter will cause unusual and unnecessary hardship. The board of health shall not grant a variance that would defeat the spirit and general intent of this chapter or is otherwise contrary to the public interest, adversely affect the public health, cause contamination of the environment, or not comply with the requirements of Chapter 3718. of the Revised Code. A board of health shall maintain a list of all variances to this chapter and shall provide the name and address of the person granted a variance, the reason for granting the variance, and a copy of the variance request to the department of health by the first day of April each year.

Before proceeding further, Columbus Public Health will require further clarification from you in writing as to whether you are seeking to challenge the issuance of the order or seeking an exemption from the order based on your specific situation. If your intent is the former, your case will be processed as an administrative appeal. If you intend the latter, Columbus Public Health will treat your correspondence as a variance request. Please notify the STEP program coordinator in writing upon receipt of this correspondence. If you have any questions or concerns, feel free to contact the STEP program coordinator at 614-645-6754.