

3701-26-06 Variances; waivers.

- (A) The director may grant a variance or waiver from any requirement established by Chapter 3701-26 of the Administrative Code or Chapter 3729. of the Revised Code.
- (B) A campground seeking a variance or waiver from any of the requirements established by this Chapter must submit a written request to the director as follows:
 - (1) As part of a campground plan review package required by rule 3701-26-05 of the Administrative Code, to construct, substantially alter, or operate a new or existing campground as required for licensure under rule 3701-26-04 of the Administrative Code;
 - (2) A variance or waiver request for a temporary event must be:
 - (a) Submitted with the plan review package required by rule 3701-26-05 of the Administrative Code; and
 - (b) Be received by the director at least ninety days prior to the event.
 - (3) As part of an application for renewal of an existing campground license at least ninety days prior to the license renewal period; or
 - (4) At any other time of the year provided the request is received ninety days prior to the requested implementation date for the variance or waiver.
- (C) The written request for a variance or waiver must include the following information:
 - (1) The specific rule requirement for which the variance or waiver is requested, with a reference to the relevant Administrative Code provision;
 - (2) The specific nature of the request, and the rationale for the request;
 - (3) The time period for which the variance or waiver is requested;
 - (4) If the request is for a variance, a statement of how the campground will meet the intent of the requirement in an alternative manner; and
 - (5) If the request is for a waiver, a statement regarding why application of the requirement will cause undue hardship to the campground and why granting the waiver will not jeopardize the health and safety of the public.
- (D) The decision regarding a variance or waiver is a discretionary act by the director and an informal procedure not subject to Chapter 119. of the Revised Code. Upon written request by a campground, the director may grant:
 - (1) A variance if the director determines that the requirement has been met in an alternative manner; or
 - (2) A waiver if the director determines that the strict application of the license requirement would cause an undue hardship to the campground and that granting the waiver would not jeopardize the health and safety of the public.
- (E) Any approval for a variance or waiver for a temporary campground shall remain in

effect for two years, provided that the site plan for the temporary campground does not change.

- (F) Any approval for a variance or waiver for a permanent campground shall remain in effect until:
 - (1) There is a change in ownership;
 - (2) The campground is substantially altered;
 - (3) The campground is found to be in non-compliance with the conditions of the approved variance or waiver;
 - (4) A situation occurs within the campground that is determined to pose a negative impact on public health or safety; or
 - (5) For a time period approved by the director.
- (G) The granting of a variance or waiver by the director shall not be construed as constituting precedence for the granting of any other variance or waiver. All variance and waiver requests shall be considered on a case-by-case basis.

Effective: 04/01/2016

Five Year Review (FYR) Dates: 04/01/2021

CERTIFIED ELECTRONICALLY

Certification

01/14/2016

Date

Promulgated Under: 119.03
Statutory Authority: 3729.02, 3729.05
Rule Amplifies: 3729.05