



ARTICLE 7: REVISIONS, ENFORCEMENT AND VARIANCES

Section 700

Recording of Plats and/or Conveyances

No plat of any Subdivision shall be recorded by the Recorder of Portage County or have any validity until said plat has received approval in the manner prescribed in these Regulations. No conveyance of any parcel by metes and bounds, not previously a lot of record, shall not be recorded by the Recorder of Portage County unless such Subdivision has been approved in the manner prescribed by these Regulations.

Section 701

Revision of Plat after Approval

No changes, erasures, modifications, or revisions shall be made in any plat of a Subdivision after approval has been given by the Regional Planning Commission, and endorsed in writing on the plat, unless said plat is first resubmitted to the Commission.

Section 702

Sale of Land within Subdivisions

No owner or agent of the owner of any land located within a Subdivision shall transfer or sell any land by reference to, exhibition of, or by the use of a plat of the Subdivision before such plat has been approved and recorded in the manner prescribed in these Regulations. The description of such lot or parcel by metes and bounds in the instrument of transfer or other documents used in the process of selling or transferring shall not exempt the transaction from the provisions of these Regulations. (*Ohio Revised Code Section 711.13*)

Section 703

Schedule of Fees, Charges and Expenses

The Portage County Regional Planning Commission shall establish a schedule of fees, charges and expenses, and a collection procedure for same, and other matters pertaining to these Regulations. The schedule of fees shall be posted in the Regional Planning Commission office, and may be altered or amended only by the Planning Commission. Until all applicable fees, charges, and expenses have been paid in full, no action shall be taken on any application or appeal.

Section 704

Penalties

The following penalties shall apply to the violations of these Regulations:

- A. Whoever violates any rule or Regulations adopted by the Portage County Board of Commissioners and/or the Portage County Regional Planning Commission for the purpose of setting standards and requiring and securing the construction of Improvements within a Subdivision or fails to comply with any order pursuant thereto is creating a public nuisance and the creation thereof may be enjoined and maintenance thereof may be abated by action at suit of the County or any citizen thereof.

Whoever violates these Regulations shall forfeit and pay not less than one hundred (\$100) dollars or more than one thousand (\$1,000) dollars. Such sum may be recovered with costs in a civil action brought in the Court of Common Pleas of Portage County. (*Ohio Revised Code* Section 711.102)

- B. Whoever, being the owner or agent of the owner of any land within or without a municipal corporation, WILLFULLY transfers any lot, parcel or tract of land from or in accordance with a plat of a subdivision, before the plat has been recorded in the office of the County Recorder, shall forfeit and pay the sum of not less than one hundred (\$100) dollars or more than five hundred (\$500) dollars for each lot, parcel, or tract of land so sold. The description of such lot, parcel, or tract of land by metes and bounds in the deed or transfer shall not serve to exempt the seller from the forfeiture provided in this section. (*Ohio Revised Code* Section 711.13)

The sale of lots, parcels, or tracts from a plat of a Subdivision on which any and all areas indicated as streets or open grounds are expressly indicated as for the exclusive use of the abutting or other owners in such Subdivision and not as public streets, ways, or grounds shall not serve to exempt the seller from the requirements of these Regulations or from the requirements of these Regulations or from the forfeiture provided in this section. (*Ohio Revised Code* Section 711.13)

- C. Any person who disposes of, offers for sale or lease for a time exceeding five (5) years any lot or any part of a lot in a Subdivision before provisions of these Regulations are complied with shall forfeit and pay the sum of not less than one hundred (\$100) dollars nor more than five hundred (\$500) dollars for each lot or part of a lot so sold, offered for sale or leased, to be recovered with costs in a civil action, in the name of the County Treasurer for the use of the County. (*Ohio Revised Code* Section 711.15)

Section 705

Variances

The following Regulations shall govern the granting of variances:

Where the Portage County Regional Planning Commission finds that undue and extraordinary hardship may result from ~~the~~ strict compliance with these Regulations, due to unusual topographic or other exceptional conditions (Section 711.10, *Ohio Revised Code*), the Regional Planning Commission may vary the Regulations so as to relieve such hardship, provided such relief may be granted without detriment to the public interest and provided that such variance

shall not have the effect of nullifying the intent and purpose of these regulations, an adopted plan, or the township zoning resolution.

705.1 Variance Criteria

The Regional Planning Commission shall not approve a variance unless it makes a finding based upon the evidence presented to it for each specific case. The decision of the Regional Planning Commission shall be based on the following:

- A. The granting of the variance will not be detrimental to the public health, safety, comfort, convenience or general welfare nor injurious to other individuals or properties;
- B. The granting of the variance will not be detrimental to the desirable development of the neighborhood and community and will not adversely affect the delivery of governmental services.
- C. The unusual topographic or other exceptional conditions upon which the request for a variance is based are unique to the property for which the variance is sought and that the variance granted is the minimum variance necessary to allow for a reasonable subdivision or use of the land.
- D. Without a variance, the property owner is deprived of reasonable use of the property.
- E. That the unusual topographic or other exceptional conditions did not result from actions of the applicant.
- F. Whether the subdivision regulation was in effect at the time of acquisition of preliminary plan approval.
- G. Whether the situation can be remedied by means other than a variance from these regulations.

705.2 Variance Conditions

In granting variances, the Portage County Regional Planning Commission may require such conditions as will, in its judgment, secure substantially the objective of the standards or requirements so varied or modified.

Section 706

Appeals

Any person who believes he has been aggrieved by the Regulations or the action of the Portage County Regional Planning Commission has all the rights of appeal as set forth in Chapter 711 of the *Ohio Revised Code* or any other applicable section of the *Ohio Revised Code*.