

# **Guidance Document for Applying for a Variance from the Stormwater Drainage Manual September 2012**

The 2012 Stormwater Drainage Manual provides for three types of variances: Downtown (Type I); Non-Stream (Type II); and Stream Protection (Type III). The purpose of this guidance document is to set forth the submittal requirements for each type of variance provided for in the Manual. If an applicant seeks two types of variances for the same project, the variance requests may be combined.

Any person applying for a variance from the Stormwater Drainage Manual should submit an application containing the information described below. Submit 2 hard copies and 1 digital copy of the complete application package to:

Administrator, DOSD  
Attn: Greg Fedner, P.E.  
Section Manager, Plan Review Section  
1250 Fairwood Avenue  
Columbus, OH 43206

The submittal should include a cover sheet or cover letter containing:

- Project name & address
- PID
- Site disturbance & total site area
- Name of primary contact with phone & email

As set forth in the Manual, all applicants must make a good faith effort at complying with the Manual.

## **Type I Downtown Variances**

Applicability: Type I variances are only applicable for redevelopment projects that occur in the Downtown Zoning District as defined in City Code 3359.03. See Figure 1-1 of the Manual.

Standard for Granting: A Type I variance may be granted if an applicant demonstrates that full compliance with the Stormwater Drainage Manual is impracticable because of specific site conditions.

### **Submittal Requirements:**

#### **SECTION 1 – Reason Variance is Requested**

- List the applicable SWDM Section and sub-section(s) for which a variance is sought.
- Include a brief narrative summary that describes the following:
  - Y The water quality/quantity impact that will result if the variance is granted (preferred alternative).

- Y How the specific site conditions make full compliance with the manual impracticable. Information shall include technical challenges to meeting the manual and may include financial information such as loss of revenue, loss of rate of return, etc.

## SECTION 2 – Provide two site development alternatives

No Impact/Degradation Development Alternative that complies fully with SWDM

Preferred Development Plan

### **Type II Non-Stream Protection Variances**

Applicability: Type II variances are applicable to requests for a variance from anything in the Manual other than the stream protection issues. Examples include a request for a variance from the detention requirements or floodplain fill compensation of the Manual. .

Standard for Granting: A Type II variance may be granted if there are unique circumstances applicable to the site such that strict adherence to the requirements of the Manual will deprive the applicant of reasonable use of the land or result in substantial hardship to applicant

### **Submittal Requirements:**

#### SECTION 1 – Reason Variance is Requested

- List the applicable SWDM Section and sub-section(s) for which a variance is sought.
- Include a brief narrative summary that describes the following:
  - Y The water quality/quantity impact that will result if the variance is granted (preferred alternative).
  - Y How will the specific site conditions make full compliance with the manual result in a substantial hardship to applicant or deprive applicant of the reasonable use of land. Information shall include technical challenges to meeting the manual and may include financial information such as loss of revenue, loss of rate of return, etc. Applicant should also include the date the property was acquired.

## SECTION 2 – Provide three site development alternatives

No Impact/Degradation Development Alternative that complies fully with SWDM

Minimal Impact/Degradation Development Alternative Plan

## Preferred Development Plan

Each alternative shall discuss impacts of the variance including, but not limited to, the impacts on water quantity and water quality.

### **Type III Stream Protection Variances**

Applicability: Type III variances are applicable to requests for variances from the Manual's prohibitions on stream relocation or enclosure, and/or from the Manual's Stream Corridor Protection Zone ("SCPZ") requirements. As set forth in more detail in Section 1 of the Manual, the SCPZ is necessary to enhance and maintain water quality, protect the stream channel, conserve and protect habitat and prevent damage to structures from erosion.

Standard for Granting: A Type III variance may be granted if an applicant demonstrates both of the following:

i) there are specific circumstances applicable to the site such that strict adherence to the Manual will deprive the applicant of reasonable use of the land or result in substantial hardship to applicant; and

ii) the applicant has provided for sufficient mitigation to any impacts on the stream or Stream Corridor Protection Zone. How adequate mitigation is demonstrated is discussed below.

### **Submittal Requirements:**

#### SECTION 1 – Reason Variance is Requested

- List the applicable SWDM Section and sub-section(s) for which a variance is sought.
- Include a brief narrative summary that describes the following:
  - Y The water quality, water quantity, SCPZ and stream impact that will result if the variance is granted (preferred alternative).
  - Y How will the specific site conditions make full compliance with the manual result in a substantial hardship to applicant or deprive applicant of the reasonable use of land. Information shall include technical challenges to meeting the manual and may include financial information such as loss of revenue, loss of rate of return, etc. Applicant should also include the date the property was acquired.

#### SECTION 2 – Provide three site development alternatives

No Impact/Degradation Development Alternative that complies fully with SWDM

Minimal Impact/Degradation Development Alternative Plan

Preferred Development Plan

Each alternative shall discuss impacts of the variance including, but not limited to, the impacts on water quantity , water quality, SCPZ and/or stream.

### SECTION 3 – Demonstration of Adequate Mitigation

As set forth in the Manual, if the applicant is seeking a variance from the Stream Corridor Protection Zone requirements, the applicant must demonstrate adequate mitigation. If the preferred alternative impacts the SCPZ, the Applicant must protect additional stream elsewhere according to the ratios below. If the preferred alternative directly impacts the stream, the Applicants must demonstrate mitigation that is adequate to protect the stream as described below. If the preferred alternative impacts both the SCPZ and the stream, the Applicant must do both methods of mitigation.

#### A. Impact to SCPZ

If the preferred alternative impacts the SCPZ, then the Applicant must provide adequate mitigation by creating equivalent mitigation SCPZ elsewhere. Generally, mitigation SPCZ will be considered equivalent if it performs the same function as the disturbed SPCZ; for instance, if the disturbed SPCZ includes trees, the mitigation SPCZ should include equivalent trees. The amount of mitigation SCPZ depends on where it is located, according to the following ratios:

On site: 1 to 1

Adjacent site: 1 to 1.5

Same watershed assessment unit: 1 to 2

Same County: 1 to 3

Contiguous County: 1 to 5

#### B. Impact Directly to Stream

If the preferred alternative has a direct impact on the stream, then the Applicant must demonstrate adequate mitigation by demonstrating that the stream health and functionality will not be impaired. Applicant must do so by comparing the estimated QHEI/HHEI of the stream if the preferred alternative is constructed with the estimated QHEI/HHEI of the steam with full compliance with the Manual. If the QHEI/HHEI of the preferred alternative meets or exceeds the full compliance QHEI/HHEI, then the Applicant has demonstrated adequate mitigation.

Applicant must provide information supporting the estimated QHEI/HHEI scores, including the following information:

Stream Data

- QHEI (> 1 square mile) or HHEI (< 1 square mile) of the current stream, and also estimated for the preferred alternative and full compliance alternative (please provide worksheets)
- ICI and IBI (required only if available from OEPA database)
- Aquatic life use designation
- Gradient of the stream in percent grade
- Average Width and width of stream at bankfull
- Width to depth ratio
- Entrenchment ratio
- Substrate D-84 (pebble count or other method, please provide worksheet)
- Sinuosity of channel
- Stream Type using the Rosgen Stream Classification system
- Representative photos of the creek and floodplain
- Watersurface profile and horizontal flooding limits during 100-year, 24-hour event; pre & post project

#### Site Data

- Any aerial photographs that show the historical meander patterns of the stream
- Contour map showing stream and stream valley
- A wetland delineation within the corridor
- Vegetation within the established corridor (e.g. mature trees, canopy, shrub, field etc.)  
Vegetation can have a significant role in providing channel stability