

# LAURA M. COMEK LAW LLC

April 23, 2024

Via Email ([GFedner@columbus.gov](mailto:GFedner@columbus.gov))

Greg Fedner, P.E.

City of Columbus, Division of Sewerage & Drainage

111 North Front Street

Columbus, Ohio 43215

RE: Boren Brothers Waste Services

808 Rhoads Avenue

CC-19829

Mr. Greg:

Please accept this correspondence with attachments as a request for a Type II variance to various Sections of the COC Storm Water Manual and sought for the above captioned property.

The basis for this request is hardship and practical difficulties associated with a strict application of the COC Storm Water regulations (SWDM) to this urban infill property. Stated plainly, the design requirements for on site storm water basins makes a 'wider' pond/basin area, and in so doing, limits the use of property in a meaningful manner, and one that is otherwise permitted by law.

This request, prepared by our engineers, seeks to achieve actual compliance with the standards for water quality and quantity control, with only a slightly modified design. The modified design meets the goals of storm water retention and quality at the point of release. In doing so, we retain additional 7 feet of area within the site for better, safer and more efficient use of circulation for our business vehicles.

I would not also that we plan to meet the full code in regard to setbacks and green buffer areas with street trees and other high opacity screening.

This request is minor and intended to address the unique features of the site as an urban infill location. The request will have no effect on the

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governmental services for this location – or the neighborhood. The shape of the lot and useable area is existing. The site was previously cleared and utilized for similar purposes – and not created by the current owners. There are no adverse effects to the adjacent properties. On the contrary, installing the significant setback/green buffer and modified basin will increase the current distance between the on-site business operations and the adjacent properties. To the east is railroad tracks, to the north is I70, to the south is a vacant industrial building slated for new development (completely buffered by building and parking lot).

I have enclosed a narrative prepared by our engineers to address the specifics of SWDM variances and additional Appendix materials for your review.

In short – this project actually reduces the impacts to neighbors and allows for more trees, greenspace and new private improvements/infrastructure dollars into the neighborhood. We appreciate your consideration on these issues – common to infill development – to make good use of property in the City of Columbus.

Very truly yours,

*/s/ Laura MacGregor Comek*

LAURA MACGREGOR COMEK, Esq.

Encl.  
Engineer Narrative  
Design Documents  
Appendix Materials

# TYPE II STORM VARIANCE – MEMORANDUM AND NARRATIVE

## *Boren Brothers Waste Services*

*19 April 2024*

Facility

*Boren Brothers Waste Services  
808 Rhoads Avenue*

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Appendix:

Fully Compliant Alternate

Minimal Impact Alternate

Preferred Alternate

## MEMORANDUM AND NARRATIVE

TO: Greg Fedner, P.E.  
City of Columbus, Division of Sewerage & Drainage  
FR: Sands Decker Engineers  
CC: Laura MacGregor Comek, Esq.  
RE: Boren Brothers  
808 Rhoads Avenue  
CC-19829  
Date: April 19, 2024

This memorandum and narrative requests a Type II Variance from the City of Columbus Stormwater and Drainage Manual (SWDM) Section 3.4.1 Dry and Wet Detention Basins for Boren Brothers Waste Services, CC-19829, on behalf of Boren Brothers. Specifically, we are seeking a variance to the layout and geometry requirements. According to the SWDM Section 3.4.1, Layout and Geometry Requirements number 5, "Side slopes within and adjacent to dry detention basins and those side slopes above the permanent pools of wet detention basins shall be 4 (H) to 1 (V) or flatter to prevent bank erosion and minimize safety risks. The maximum cross slope for the vehicle access way shall be 10 (H) to 1 (V)." Additionally, section 3.4.1.1 Dry Extended Detention Basins, layout and geometry for dry detention basins number 2, "The minimum bottom width for dry detention basins shall be 12 feet to allow for vehicular access for maintenance". In order to maximize the space constraints for the site, Boren Brothers Waste Services would like to request a dry detention basin with 3 (H) to 1 (V) side slopes and a minimum bottom width of 11 feet.

### *TYPE II Variance*

#### **Fully Compliant Alternative (See Variance Plan A)**

The fully compliant alternate provides a dry detention basin for water quality and quantity. The side slopes and the bottom width meet the requirements of the City of Columbus Storm Water Drainage Manual (2022). The basin will be designed with 4 (H) to 1 (V) side slopes. Additionally, the basin will be designed with a 16.6' bottom width. This storm water design will also incorporate a hydrodynamic separator for pretreatment that meets the 50% total suspended solids removal. Due to the basin size, this only provides an outdoor gravel storage area of 113.7' x 207.5', which equates to approximately 23,593 square feet.

#### **Minimal Impact Alternate (see Variance Plan B)**

The minimal impact alternate provides a dry detention basin for water quality and quantity. The bottom width meets the City of Columbus Storm Water Drainage Manual (2022). However, the side slopes will not meet the requirements set forth in the manual. The bottom width of the dry detention basin will be 16.6' wide. The side slopes of the basin will be designed at 3 (H) to 1 (V). The storm design will also incorporate a hydrodynamic separator for pretreatment that meets the 50% total suspended solids removal. Due to the basin size, this provides an outdoor gravel storage area that is approximately 120.2' x 207.5' which equates to approximately 24,942 square feet. The minimal impact alternate provides approximately 1,350 square feet more than the full compliance alternate but provides approximately 1,580 square feet less than the preferred alternate.

## **Preferred Alternate (See Variance Plan C)**

The preferred alternate provides a dry detention basin for water quality and quantity. Neither the bottom width nor the side slopes of the basin are compliant with the City of Columbus Storm Water Drainage Manual. The basin will be designed with 3 (H) to 1 (V) side slopes. The minimum bottom width of the basin will be 11 feet. The storm design will also incorporate a hydrodynamic separator for pretreatment that meets the 50% total suspended solids removal. The preferred alternate provides approximately 127.8' x 207.5' of gravel storage which equates to 26,519 square feet. This is approximately 3,000 square feet larger than the full compliant option and approximately 1,580 square feet more than the minimal impact alternate.

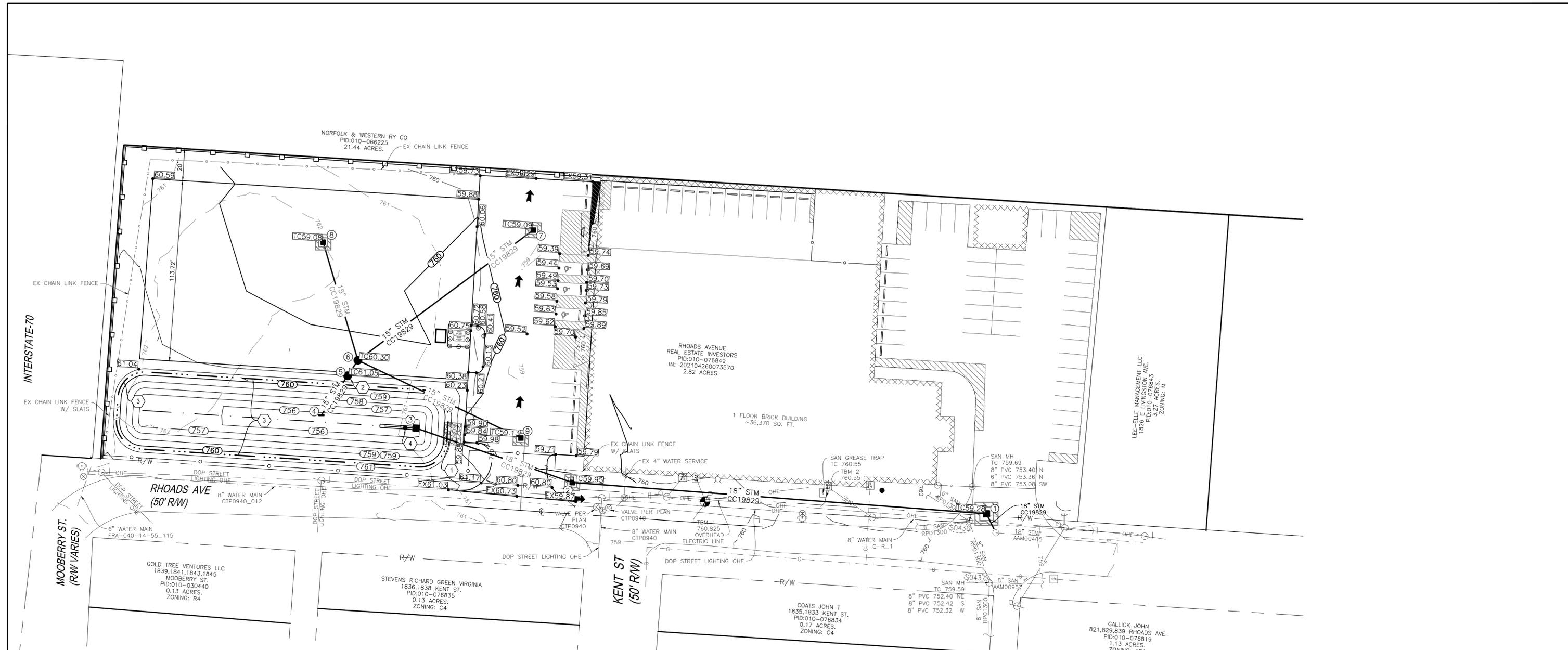
## **Conclusion**

In conclusion, we are seeking a Type II Variance from the City of Columbus Stormwater Drainage Manual (SWDM) Section 3.4.1 Dry and Wet Detention Basins. The purpose of the variance request is for acceptance of 3 (H) to 1 (V) basin side slopes and a minimum bottom width of 11 feet. The necessity of this project is critical to the daily operation of the business. The owner must maintain as much outdoor gravel space as possible to maintain daily operations from this facility. Without the granted acceptance to the basin layout and geometry, the remainder of the space allowable for outdoor storage would be insufficient for the business to maintain daily operations.

Please contact us with any further questions or concerns. We appreciate your consideration of the variance request for Boren Brothers Waste Services.

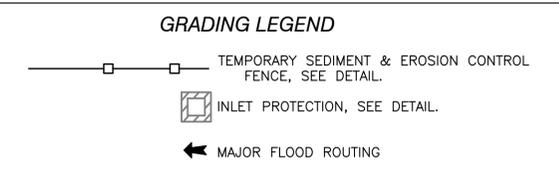
Decker





- 1 GRADING KEYNOTES**
- OVERFLOW SPILL WAY.
  - AQUA SWIRL, HYDRODYNAMIC SEPARATOR FOR PRETREATMENT.
  - TEMPORARY SEDIMENT SETTLING BASIN.
  - TEMPORARY SKIMMER.

- MISC. NOTES**
- ALL GRADES SHOWN ARE PAVEMENT ELEVATIONS, WHERE APPLICABLE, UNLESS OTHERWISE NOTED. EX. = EXISTING, TC = TOP OF CURB, TOP OF CASTING.
  - ALL SPOT GRADES HAVE BEEN TRUNCATED FOR LEGIBILITY. ADD 700 TO ALL ELEVATIONS.
  - CONTRACTOR SHALL PROVIDE CONCRETE WASHOUT AREA PER DETAIL. LOCATION SHALL BE DETERMINED IN THE FIELD.



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EASEMENT REFERENCE			REVISIONS		
CITY NO.	COUNTY RECORDER	GRANTOR	NO.	DESCRIPTION	APPROVAL/DATE
	VOL. PAGE				

PLAN PREPARED BY:

**SANDS DECKER**  
ENGINEERS & SURVEYORS

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FULL COMPLIANCE ALTERNATE SITE GRADING & STORM WATER POLLUTION PREVENTION PLAN

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**NORTH**  
GRAPHIC SCALE  
1" = 30'

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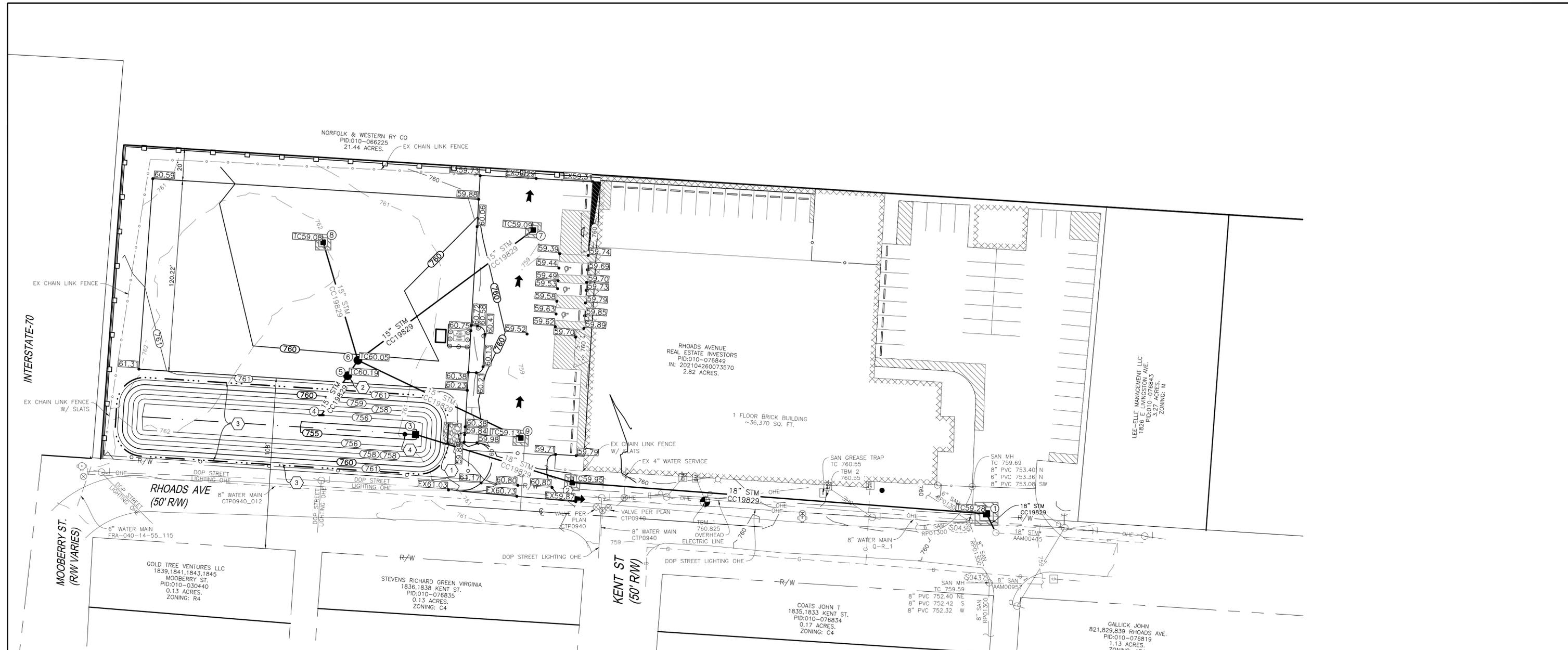
**BOREN BROTHERS WASTE SERVICES**  
808 RHOADS AVE.

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		INSPECTOR	
AGREEMENT	COMPLETED		
RPD	CKD	CLD	CON. DR.

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DIVISION OF SEWERAGE AND DRAINAGE  
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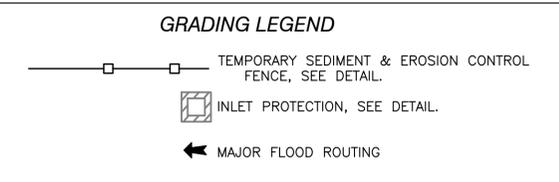
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- 1 GRADING KEYNOTES**
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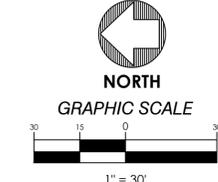
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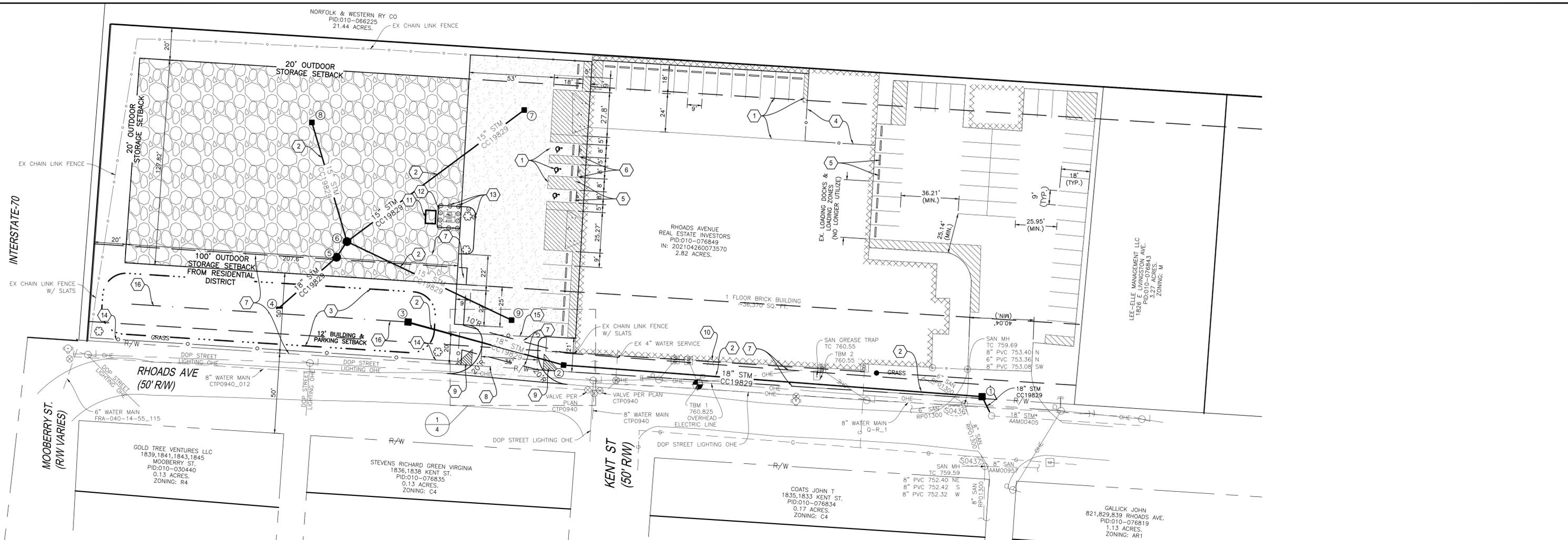
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		INSPECTOR	
		AGREEMENT	COMPLETED
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INTERSTATE-70

MOBERRY ST.  
(R/W VARIES)

RHOADS AVE  
(50' R/W)

KENT ST  
(50' R/W)

LEE-ELLE MANAGEMENT LLC  
1824 LEE LIVINGSTON AVE.  
P.O. BOX 78843  
3.27 ACRES.  
ZONING: M

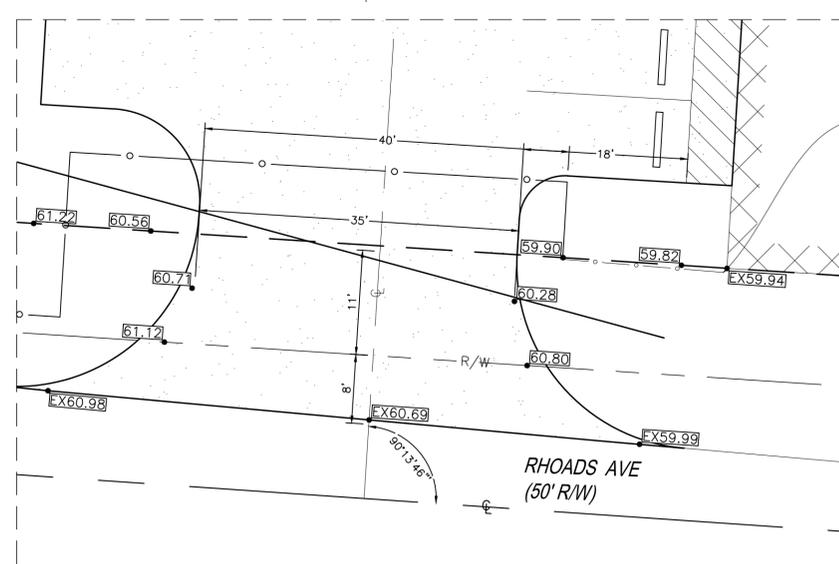
RHOADS AVENUE  
REAL ESTATE INVESTORS  
PID:010-076849  
IN: 202104280073570  
2.82 ACRES.

COATS JOHN T  
1835,1833 KENT ST.  
PID:010-076834  
0.17 ACRES.  
ZONING: C4

GALLICK JOHN  
821,829,839 RHOADS AVE.  
PID:010-076819  
1.13 ACRES.  
ZONING: AR1

**LEGEND**

—	PROPERTY LINE	□	GAS MARKER
— STM	STORM LINE	□	GAS PUMP AND TANK
— SAN	SANITARY SEWER	○	LIGHT POLE
— W	WATER LINE	○	POWER POLE
— G	GAS LINE	○	GUY WIRE
— OHE	OVERHEAD ELECTRIC LINE	○	ELECTRIC METER
—	CHAIN LINK FENCE	□	ELECTRIC BOX
○	MANHOLE	□	PULL BOX
□	CATCH BASIN	○	BOLLARD
●	CLEANOUT	○	POST
□	GREASE TRAP	○	BENCHMARK
○	FIRE HYDRANT	○	IRON PIN FOUND
○	WATER MAIN VALVE	□	CONCRETE
○	FIRE PROTECTION CONNECTION	□	ASPHALT
○	WATER VALVE	□	BUILDING
○	GAS METER		



DRIVE APPROACH  
1" = 10'

**SITE KEYNOTES**

- PAVEMENT MARKINGS INCLUDING PARKING SPACES, TRANSVERSE LINES & ADA SYMBOLS TO BE PLACED AS SHOWN PER ITEM 641 & 642.
- STORM SEWER.
- DETENTION BASIN.
- EXISTING CAGE WITHIN BUILDING INTERIOR.
- PRECAST CONCRETE WHEEL STOP TO BE INSTALLED & SECURED ACCORDING TO MANUFACTURER'S RECOMMENDATIONS.
- ADA PARKING SIGNAGE.
- PROP. STORMWATER CONTROL PRACTICE EASEMENT.
- DRIVE APPROACH PER COC STANDARD DRAWING 2202.
- 10' CLEAR VISION TRIANGLE.
- KNOX CAP FOR EX. FDC. COORDINATE WITH FIRE DEPARTMENT.
- RELOCATED SHED.
- CONCRETE PAD FOR FUEL TANKS BY OTHERS. FINAL SIZE AND LOCATION TO BE COORDINATED WITH THE OWNER AND FIRE DEPARTMENT.
- CONCRETE BOLLARDS, TYP. FOR VEHICLE PROTECTION OF FUEL TANKS BY OTHERS. FINAL LOCATION TO BE COORDINATED WITH THE OWNER AND FIRE DEPARTMENT.
- PROPOSED FENCE.
- RELOCATED GATE.
- FLAT PANEL UNDERDRAIN, SEE DETAIL.

**MISC. NOTES**

- ALL DIMENSIONS ARE MEASURED TO FACE OF CURB, UNLESS OTHERWISE NOTED, AS APPLICABLE.
- CONTRACTOR SHALL VERIFY ALL DIMENSIONS ON THE GROUND & REPORT ANY LAYOUT DISCREPANCIES IMMEDIATELY TO THE A/E.
- DO NOT SCALE FROM THIS DRAWING, ALL WRITTEN DIMENSIONS SHALL GOVERN. ANY DISCREPANCIES SHALL IMMEDIATELY BE REPORTED TO THE A/E.
- THE CITY OF COLUMBUS IS REQUIRING THE USE OF THE RAPID KEY ENTRY SYSTEM. KNOX ENTRY REQUIRED FOR EACH SECURED TENANT SPACE. OFC 506.1.
- WHERE SECURITY GATES ARE INSTALLED, THEY SHALL HAVE AN APPROVED MEANS OF EMERGENCY ENTRY. CURRENTLY USE KNOX BRAND PRODUCTS FOR ENTRY. OFC 503.6.

**SITE LEGEND**

	HEAVY DUTY PAVEMENT, SEE DETAIL.
	GRAVEL STORAGE LOT, SEE DETAIL.

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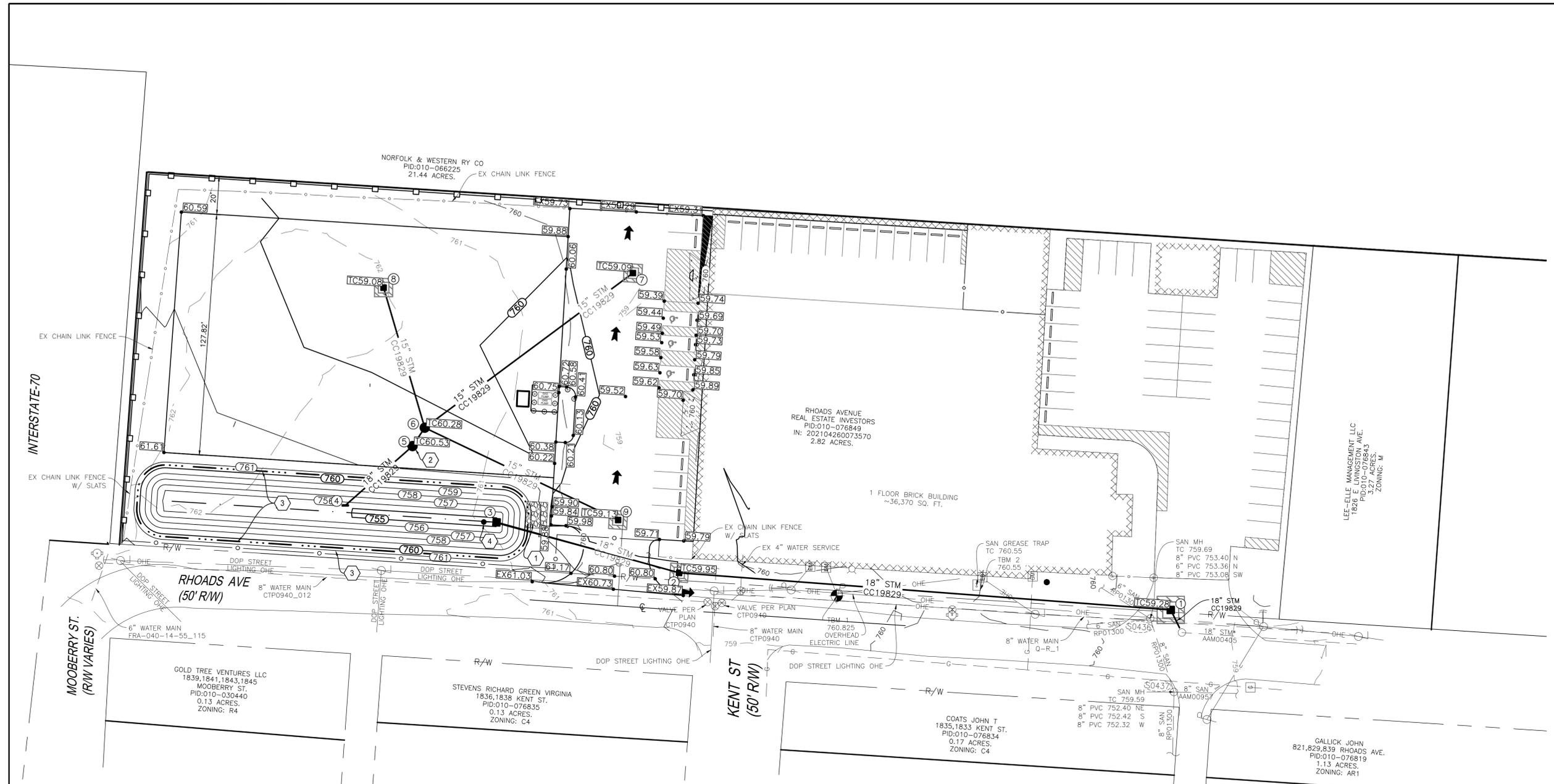
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		INSPECTOR	
		AGREEMENT	COMPLETED
		RPD CKD	CLD CON. DR.

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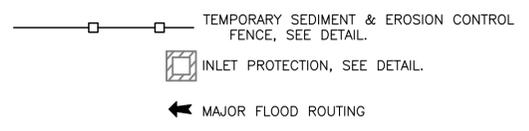
**1 GRADING KEYNOTES**

1. OVERFLOW SPILL WAY.
2. AQUA SWIRL, HYDRODYNAMIC SEPARATOR FOR PRETREATMENT.
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**GRADING LEGEND**



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		INSPECTOR	
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			CON. DR.

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