

May 16, 2024

Laura MacGregor Comek, Esq.  
Laura M. Comek Law LLC  
17 S High Street, Ste 700  
Columbus, OH 43215

RE: Stormwater Drainage Manual (SWDM) Type II Variance Request – Boren Brothers Waste Services,  
808 Rhoads Avenue (CC-19829)

Ms. Comek:

This letter is in response to the subject variance request Type II (Non-Stream) to the 2022 SWDM Section 3 *Stormwater Control Practices*. More specifically, exemption is being sought from 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 available operational space and due to the existing site constraints, the applicant has requested a dry detention basin with 3 (H) to 1 (V) side slopes and a minimum bottom width of 11 feet.

The SWDM variance application was submitted to the City on April 23, 2024. As part of the Variance review process, the subject Variance request was posted on the City website on May 1, 2024 to solicit public comments. No public comments were received by the posted due date. The Variance Review Committee has met and reviewed the subject variance application on May 15, 2024.

The submitted Variance Request was found by the Variance Review Committee to be in compliance with the SWDM Type II Non-Stream Protection Variance application requirements.

Three alternatives were considered within the application - Full Compliance, Minimal Impact and the Preferred Alternative.

- Full Compliance Alternative. This Alternative proposes a fully SWDM-compliant dry detention basin with 4:1 side slopes and the bottom with the minimum 12 ft. width. Due to lack of space needed for efficient operations by the owner, this alternative was found to be unfeasible.
- Minimal Impact Alternative. This Alternative proposes a dry basin with the compliant bottom width of 12 ft. minimum, and with 3:1 side slopes. While this Alternative increases the available operational



space vs. the Full Compliance Alternative, it still constrains the required operational space beyond the acceptable limits.

- Preferred Alternative. This Alternative further increases the available operational space by steepening the basin's side slopes to 3:1 max. This Alternative is the only site plan which addresses the owner's needs for efficient site operations.

Upon reviewing and discussing the application, the Variance Review Committee agreed with the applicant that the Preferred Alternative is reasonable given the site limitations and the functional needs of the project. The Committee further agreed with the applicant's argument that the Full Compliance and Minimal Impact Alternatives would result in significant hardship for the project owner due to their functional limitations.

In light of the above, the subject Variance Request, Preferred Alternative is conditionally approved contingent upon the following stipulations:

- CC-19829 stormwater plan and the associated documents based on the Preferred Alternative, including but not limited to the Stormwater Management Report, must be submitted and approved by the City of Columbus.

No approval contained herein relieves or absolves the applicant of any provisions of applicable state or federal laws. Please contact PR/SRM Section Manager Greg Fedner, P.E. at 614-645-8072 with any questions.

Sincerely,

A handwritten signature in green ink, appearing to be 'Robert S. Priestas', written over a horizontal line.

Robert S. Priestas, P.E., Administrator  
Division of Sewerage and Drainage

ec: Variance Review Committee  
File