

KRISTEN L. ATHA
Director

September 5, 2024

Glenn Decker, PE
Sands Decker CPS, LLC
1495 Old Henderson Rd.
Columbus, OH 43220

RE: Stormwater Drainage Manual (SWDM) Type III Variance Request – Worthington Kilbourne High School Addition & Renovation Project, CC-20407

Dear Glenn Decker:

This letter is in response to the subject variance request to the SWDM Sections 1.3.2 *Permanent Protection of the Stream Corridor* and 1.3.3 *Prohibited Uses in the Stream Corridor Protection Zone*. More specifically, SWDM Section 1.3.2 provides for permanent protection of the Stream Corridor Protection Zone (SCPZ), and Section 1.3.3 lists specific activities and facilities prohibited within the SCPZ, which include filling, excavation and other changes in topography as well as construction or expansion of buildings/structures within the SCPZ. A variance is requested to allow building expansion and renovation within a SCPZ of an unnamed on-site stream tributary to Olentangy River. The proposed project will, among other improvements, add a terrace to the current Worthington Kilbourne High School Building spanning an unnamed stream within its SCPZ.

The request was submitted to the City on August 6, 2024. As part of the Variance review process, the subject Variance request was posted on the City website on the same day to solicit public comments. Public comments from FLOW were received on August 11, 2024. The Variance Review Committee reviewed the subject Variance Request and public comments on August 27, 2024.

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

Three alternatives were considered within the application for the requested Section 1.3 variance - Full Compliance, Minimal Impact and the Preferred Alternative.

- Full Compliance Alternative – Due to inability to expand the existing building outside of the SCPZ, on its north and south sides due to conflicts with existing drives and sports fields, and the goal of the project, the Full Compliance Alternative would mean no project.
- Minimal Impact Alternative – The minimal impact plan would involve building the proposed terrace/balcony addition within the SCPZ footprint, but cantilevered over the stream so that support piers would be outside of the SCPZ. Due to the lack of standard beams and pier columns, the required design would be structurally complex, would present significant constructability challenges, require deep foundation footings resulting in extensive SCPZ disturbances and be significantly more expensive than the Preferred Alternative.
- Preferred Alternative - The preferred plan calls for construction of wider-spaced piers to avoid encroaching into the Ordinary High Water Mark (OHWM) area, thus negating the need for



OEPA/USACE 401/404 Permits. The required pier spacing would unable the school to use standard design piers. Some piers will be required to be located within the SCPZ.

The proposed Preferred Alternative SCPZ mitigation plan addresses the need to cause permanent impact to 0.06 acres of land, and temporary impact to 0.21 acres within the SCPZ. The permanent impact mitigation includes designation of an additional 0.06 acre compensatory mitigation acreage, currently outside of the SCPZ, which is proposed to be protected by a permanent conservation easement as well as the remaining existing SCPZ. The proposed vegetation/tree replacement plan for the temporary SCPZ disturbance area and the proposed mitigation area includes planting native woody plants as recommended by Guidelines for Stream Mitigation Banking and In-Lieu Fee Programs in Ohio, Version 1.1, March 2016, Section 8, Page 24.

Upon reviewing and discussing the application submitted by the applicant, the Variance Review Committee agreed with the applicant that the Preferred Alternative with the proposed SCPZ mitigation plan represents the owner's team's good faith effort to comply with the SWDM stream protection requirements to the maximum practical extent. The Committee further agreed with the applicant's argument that the Full Compliance Alternative will eliminate the project, depriving the school and its students of much needed functional improvements, while the Minimal Impact Alternative would result in a significant hardship for the school.

In light of the above, the subject Variance Request (Type III SWDM Section 1.3), Preferred Alternative is conditionally approved contingent upon the following stipulations:

- Storm CC-Plan and Stormwater Management Report must be submitted and approved by the City of Columbus. The plans shall include an SCPZ mitigation plan as conceptually described in this letter, in the variance application and in the applicant's response to the FLOW comments.

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,



Robert S. Priestas, P.E., Administrator
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pc: Variance Review Committee
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