

December 18, 2023

Tom Newcomb, PE
Associate, Manager – Land Engineering
ARCADIS
8101 North High Street, Suite 100
Columbus, OH 43235

RE: Stormwater Drainage Manual (SWDM) Type III Variance Request – Reserves at Arlington, 4438
Mobile Drive, Columbus, OH 43220

Mr. Newcomb:

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 commercial business activities, filling, excavation and other changes in topography within the SCPZ. A variance is requested to allow demolition of an existing 400 sq. ft. patio and pergola and construction of a 400 sq. ft. building addition for the purpose of relocating the leasing office. The proposed project will require an encroachment into an existing stream's SCPZ.

The request was submitted to the City on October 19, 2023. As part of the Variance review process, the subject Variance request was posted on the City website on November 8, 2023 to solicit public comments. Public comments from FLOW were received on November 15, 2023. The Variance Review Committee reviewed the subject Variance Request and public comments on November 27 and December 13, 2023.

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 – The existing leasing office would stay in its current location. A dwelling unit would be converted to a gym, resulting in a financial hardship for the owner as well as a loss of a dwelling unit.
- Minimal Impact Alternative – Proposed leasing office to be located at the NE corner of Building A, negatively impacting an adjacent dwelling unit which would need to be vacated during construction. This Alternative will also result in a financial hardship to the owner.



- Preferred Alternative – Proposed leasing office to be located at the SE corner of Building A, and the existing leasing office will be converted to a gym. A 5 ft. wide riparian mitigation area is proposed on both sides of the existing gravel channel. No current tenants would be directly negatively impacted by this Alternative.

At the present, the existing gravel-lined stream crosses the area between the residential buildings, with lawn space on both sides mowed to the edge of the gravel bed. The proposed 5 ft. wide land strips designated as a mitigation/conservation area will be planted with native vegetation, including trees, and thus represent a significant improvement vs. the current conditions, while leaving the rest of the space between the buildings maintained to be available for exercise, recreation and social activities. The owner also committed to minimizing using pesticides and fertilizer in the vicinity of the stream.

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 both the Full Compliance and the Minimal Impact Alternatives would negatively impact functional viability of the proposed improvements as well as result in a financial hardship for the owner.

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 above in the variance application and in the applicant's response to the FLOW comments.
- The proposed mitigation area and the stream itself will be permanently protected by a conservation easement granted to the City, and SCPZ signage installed per SWDM 1.3.6.

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
Division of Sewerage and Drainage

pc: Variance Review Committee
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