

**VILLAGE OF DOWNERS GROVE**  
**Report for the Village Council Meeting**  
**6/14/2016**

|   |  |
|---|--|
| <b>SUBJECT:</b>   | <b>SUBMITTED BY:</b>                   |
| Stormwater and Floodplain Ordinance Variance – 1740 63rd Street | Nan Newlon<br>Director of Public Works |

**SYNOPSIS**

An Ordinance has been prepared to grant a variance from the Stormwater and Floodplain Ordinance for the property located at 1740 63rd St. The variance would allow the floor of a detached garage to be built at the 1.1 feet below the base flood elevation. The code requires an accessory structure to be built one foot higher than base flood elevation.

**STRATEGIC PLAN ALIGNMENT**

The Strategic Goals for 2015 to 2017 and beyond include *Steward of Financial, Environmental and Neighborhood Sustainability*.

**FISCAL IMPACT**

N/A

**UPDATE & RECOMMENDATION**

This item was discussed at the June 7, 2016 Village Council meeting. Staff recommends approval on the June 14, 2016 Active Agenda.

The sign will be required to be purchased and installed by the homeowner. It will be 18 X 24 inches of sheet aluminum with a vinyl film printed with the following text:

*Flood waters may rise to the elevation of this line. The storage of materials harmful to water quality, including gasoline, oils and fertilizers, must be stored above this line.*

**BACKGROUND**

The petitioner is seeking a variance to the Village's Stormwater and Floodplain ordinance to build a garage below the base flood elevation in the existing LPDA. Almost the entire lot is within LPDA PR132, which has a base flood elevation (BFE) of 738.1. The petitioner requested that the garage floor be built 1.1 feet below the BFE.

The Stormwater and Floodplain Oversight Committee held a public hearing on May 12, 2016 to consider the requested variance. After proper notice, no objections were received from DuPage County Stormwater Management or residents of the Village. The Committee found that the request complied with the six variance conditions listed in Section 26.1900 of the Stormwater and Flood Plain Ordinance and they made the following motion:

To recommend to the Village Council to approve the variance to Section 26.505.B. of the Village Stormwater and Flood Plain Ordinance, allowing the garage floor elevation to be 1.1 feet below the Base Flood Elevation of 738.1 rather than one foot higher, with the following conditions:

1. The sealed concrete block flood proofing shall extend to the elevation of 739.2 or higher.
2. A note to title shall be required as part of the permit process stating that the property is within an LPDA, including the garage, and that storage of materials harmful to water quality, including gasoline, oils, fertilizers, etc., must be stored at an elevation above the concrete block wall in the garage.
3. A large, permanent sign affixed to the interior back wall of the garage would be required with a horizontal line at the BFE with a statement on the sign to the effect of “storage of materials harmful to water quality, including gasoline, oils, fertilizers, etc., must be stored above this line”.

## **ATTACHMENTS**

Ordinance

Stormwater Administrator’s memo dated May 12, 2016

Draft Minutes of the SW&FPOC Meeting of May 12, 2016

VILLAGE OF DOWNERS GROVE  
COUNCIL ACTION SUMMARY

INITIATED: Applicant DATE: June 14, 2016  
(Name)

RECOMMENDATION FROM: \_\_\_\_\_ FILE REF: \_\_\_\_\_  
(Board or Department)

NATURE OF ACTION:

STEPS NEEDED TO IMPLEMENT ACTION:

- Ordinance
- Resolution
- Motion
- Other

Motion to Adopt "AN ORDINANCE GRANTING A STORMWATER VARIANCE FOR 1740 63<sup>rd</sup> STREET", as presented.



**SUMMARY OF ITEM:**

Adoption of the attached ordinance shall grant a stormwater variance for the property located at 1740 63<sup>rd</sup> Street.

RECORD OF ACTION TAKEN:

---



---



---

**ORDINANCE NO. \_\_\_\_\_****AN ORDINANCE GRANTING A  
STORMWATER VARIANCE FOR 1740 63<sup>rd</sup> STREET**

WHEREAS, the Village has previously adopted the Downers Grove Stormwater & Flood Plain Ordinance (Chapter 26 of the Downers Grove Municipal Code, hereinafter referred to as the AStormwater Ordinance@); and

WHEREAS, pursuant to the Stormwater Ordinance, new developments are to provide certain levels of flood protection; and

WHEREAS, pursuant to the Stormwater Ordinance, an application may be made for a variance for unique and extraordinary circumstances; and

WHEREAS, application has been made by the owners of the property located at 1740 63<sup>rd</sup> Street requesting a variance from certain flood protection elevations; and

WHEREAS, a public hearing was held on May 12, 2016 before the Downers Grove Stormwater and Flood Plain Oversight Committee which has recommended the granting of the variance request; and

WHEREAS, the Downers Grove Village Council has considered this matter and has determined that the applicant meets the requirements for a variance from the Stormwater Ordinance.

NOW, THEREFORE, BE IT ORDAINED, by the Village Council of the Village of Downers Grove as follows:

1. That a variance is hereby granted to permit the floor elevation of a detached garage to be 1.1 foot below the Base Flood Elevation in lieu of the one (1) foot minimum Flood Protection Elevation required per Section 26-505.B of the Stormwater Ordinance; with the following conditions:
  - a. The sealed concrete block floodproofing shall extend to the elevation of 739.2 or higher.
  - b. A note to title shall be required as part of the permit process stating that the property is within an LPDA, including the garage, and that storage of materials harmful to water quality, including gasoline, oils, fertilizers, etc., must be stored at an elevation above the concrete block wall in the garage.
  - c. A large, permanent sign affixed to the interior back wall of the garage would be required with a horizontal line at the BFE with a statement on the sign to the effect of “storage of materials harmful to water quality, including gasoline, oils, fertilizers, etc., must be stored above this line”.
2. This variance is conditioned upon compliance with all other applicable Village Ordinances.
3. This ordinance shall be in full force and effect from and after its adoption in the manner

provided by law.

\_\_\_\_\_  
Mayor

Passed:

Attest: \_\_\_\_\_  
Village Clerk



# Memorandum

**TO:** SW&FPOC

**DATE:** May 12, 2016

**FROM:** Karen Daulton Lange, PE, CFM <sup>KDL</sup>  
Village Engineer / Stormwater Administrator

**SUBJECT:** 1740 63<sup>rd</sup> Street – Petition for Variance

---

## PETITION SUMMARY

The owner of 1740 63<sup>rd</sup> Street Linscott is proposing to demolish an existing detached garage and build a new detached garage within the LPDA. He is asking for a variance from the Stormwater and Flood Plain Control Ordinance, Section 26.505.B. This section of the code requires detached garages to be constructed to at least one foot above the base flood elevation (BFE). The developer is asking to build the garage 1.2 feet (the plan was later revised to be 1.1 feet) below the BFE.

## STAFF ANALYSIS

The builder applied for a demolition and Accessory Structure permit on September 30, 2015 and was told about the building restrictions in an LPDA. Almost the entire lot is within LPDA PR132, which has a BFE of 738.1 (NAVD88), which would make the flood protection elevation (FPE) of 739.1

The engineer has submitted a site plan for consideration. The plan proposes flood proofing of the garage to 738.2, which is only 0.1 foot above the BFE, contrary to the Engineer's statement on the civil plan that it will be twelve inches above the BFE.

The plan proposes a driveway with a crown so that water coming towards the garage flows to both sides, and it proposes a rain garden to provide the compensatory storage.

## STAFF RECOMMENDATION

Staff concurs in granting the request. The request for the detached garage at the BFE is being made in order to avoid filling the lot (for the driveway and garage), which would require a large volume of compensatory storage since the driveway slopes from the road towards the rear of the property. This would be impractical given that nearly the entire lot is within an LPDA.

Staff recommends that flood proofing be provided to an elevation of at least one foot above the BFE of 738.1, which would be a minimum of 739.1, which is 2.2 feet above the propose garage floor elevation of 736.95.

## COMMITTEE ACTION OPTIONS:

1. Recommend to the Village Council that the variance be granted.
2. Recommend to the Village Council that the variance be granted with modifications.
3. Recommend to the Village Council that the variance be denied.



VILLAGE OF DOWNERS GROVE  
Stormwater and Flood Plain Oversight Committee Meeting  
May 12, 7:00 p.m.

Downers Grove Public Works Facility  
5101 Walnut Avenue, Downers Grove, Illinois

**I. CALL to ORDER**

Chair Gorman called the meeting to order at 7:10 p.m. A roll call followed and a quorum was established.

**II. ROLL CALL**

Members Present: Chair Gorman, Mr. Ruyle, Mr. Scacco (arrived 7:25 pm), Mr. Schoenberg, Mr. Wicklander

Members Absent: Mr. Civito, Mr. Crilly

Staff Present: Karen Daulton Lange, Village Engineer / Stormwater Administrator

Public Present: Patrick & Sharon Brogan, Robert Schlaf

**III. APPROVAL of February 11, 2016 Minutes**

Mr. Schoenberg made a motion, seconded by Mr. Wicklander to approve the February 11, 2016 minutes. Motion carried by voice vote of 4-0.

**IV. PUBLIC COMMENTS**

None.

**V. NEW BUSINESS**

**A. Petition for Variance**

The public hearing was opened and all members of the public were sworn in to tell the truth and the whole truth. Mr. Schlaf, engineer for the Brogan's, summarized the property's characteristics, including that it is almost entirely within an LPDA, lower than 63<sup>rd</sup> street, and has a portion of a wetland in the backyard. Mr. Brogan has owned the property for nearly 30 years and has never experienced flooding in the home or garage.

Mr. Schlaf summarized the proposed engineering plan. A reduced footprint of the detached garage is proposed, and that the top of block for the floodproofing elevation should read 739.2, which is 1.1 higher than the base flood elevation (BFE) of 738.1. If the garage were to be elevated above the BFE, a 'bridge' would need to be built since the driveway is sloped down from 63<sup>rd</sup> St. This would necessitate much more fill and compensatory storage. The

small amount of fill they are proposing to have the garage floor at 737.0 will be compensated for in a proposed rain garden to the rear of the garage.

The Brogans provided pictures of the dilapidated existing garage, and stated that the new garage would add to the property value and look nicer than the existing garage. They said they would store any materials such as gas and oils above the block waterproofed wall.

Mr. Ruyle inquired as to the construction of the sealed concrete block wall, and was concerned that the sealing would not be done properly, thus minimizing the flood proofing effects. He suggested a poured concrete wall, and Mr. Brogan said his contractor already told them it would cost an additional \$2,000 for the block wall, and that poured concrete would add considerably to the cost. Mr. Ruyle said his concern was not with the Brogans maintaining the wall, but a future owner.

Mr. Wicklander asked if flow-through vents would be appropriate, and Mr. Schlaf said he could add them to the three walls, but Chair Gorman pointed out that the wetland and LPDA fill up very slowly from the rear of the property, as opposed to a stream that may rise quickly, so the vents would not be necessary.

Mr. Ruyle suggested having a hinged ramp where the lawn mower and other gas-powered equipment could be stored at a higher elevation, but after further discussion it was decided that it was a good idea if a larger garage and flashier flooding potential, but it would not be a requirement.

Several of the Committee members expressed concerns with future owners of the property not being aware of the flooding potential and asked Staff if LPDAs were recorded. They are not, but information on them is available on our Village website and our codes regulate them similarly to flood plain. It was agreed that a large, permanent sign affixed to the interior back wall of the garage would be required with a horizontal line at the BFE with a statement on the sign to the effect of "storage of materials harmful to water quality, including gasoline, oils, fertilizers, etc., must be stored above this line".

The Brogans agreed to these conditions and the Committee thanked them for improving their property and being concerned that future owners be made aware of the BFE and the precautions needed to help protect the water quality, especially since there is a wetland in the rear of their property.

The Committee noted the following findings as outlined in Section 26.1900.J of the Village code:

1. Granting the variance shall not alter the essential character of the area involved, including existing stream uses; and
2. Carrying out the strict letter of the provisions of this Ordinance would create an undue or particular hardship or difficulty on a specific developer or owner; and



3. The relief requested is the minimum necessary and there are no means other than the requested variance by which the alleged hardship can be avoided or remedied to a degree sufficient to permit the reasonable continuation of the development; and
4. The applicant's circumstances are unique and do not represent a general condition or problem; and
5. The subject development is exceptional as compared to other developments subject to the same provision.

**Mr. Scacco made a motion, seconded by Mr. Schoenberg, to recommend to the Village Council to approve the variance to Section 26.505.B. of the Village Stormwater and Flood Plain Ordinance, allowing the garage floor elevation to be at 1.1 feet below the Base Flood Elevation of 738.1 (NAVD88), rather than one foot higher, with the following conditions:**

1. **The sealed concrete block floodproofing shall extend to the elevation of 739.2 or higher.**
2. **A note to title shall be required as part of the permit process stating that the property is within an LPDA, including the garage, and that storage of materials harmful to water quality, including gasoline, oils, fertilizers, etc., must be stored at an elevation above the concrete block wall in the garage.**
3. **A large, permanent sign affixed to the interior back wall of the garage would be required with a horizontal line at the BFE with a statement on the sign to the effect of "storage of materials harmful to water quality, including gasoline, oils, fertilizers, etc., must be stored above this line".**

**Motion passed by roll call vote 5-0.**

Due to a previous commitment, Mr. Scacco had to leave the meeting at 8:07.

#### **B. Discussion of Detention Requirements for Single Family Lots**

Chair Gorman pulled the item from the agenda.

#### **VI. STAFF REPORT**

See Attachment.

#### **VII. PUBLIC COMMENTS**

No further public comment.

#### **VIII. OLD BUSINESS**

##### **A. Lot Coverage / Zoning Code**

Staff reported that they were not ready to present findings based on guidance received from the Committee regarding lot coverage discussions that began last year. Chair Gorman reported that he is also Chair of the Comprehensive Planning Ad Hoc Committee that is working on updating the Village's Comprehensive Plan. The Ad Hoc Committee will also be

considering the question of including maximum lot coverage requirements, as is currently in place in most other municipalities.

Mr. Schoenberg made a motion, seconded by Mr. Wicklander to adjourn the meeting at 8:20 p.m. Motion carried by voice vote of 4-0.

DRAFT

AttachmentStaff Report  
May 12, 2016**A. High School Students Glue the Town**

Students from both North & South HS will be gluing the “No Dumping! Drains to River” medallions next week on Village storm structures. They have chosen high pedestrian intersections, school bus stops, and other areas that could benefit from the medallions. Staff is meeting with the students from South HS tomorrow morning to drop off ½ of the 500 medallions and safety vests for the students. The medallions were donated by SCARCE through a grant with the DuPage Foundation.

**B. NPDES AFIR & NOI**

The IEPA issued a new General National Pollutant Discharge Elimination System (NPDES) Permit which became effective on March 1. Staff is preparing the Annual Facility Inspection Report (AFIR) along with a revised Notice of Intent (NOI) which is due by June 1.

**C. EMI - CRS**

Staff was notified in January that she had been accepted for the Emergency Management Institute course, E0278: National Flood Insurance Program/ Community Rating System. The class and transportation was paid for by FEMA for the four-day course in Emmitsburg, MD

**D. Departure**

Staff is ending her service at the Village of Downers Grove at the end of the month. It has been a pleasure working with you all over these past 4 ½ years. Nan Newlon will be your contact in the interim until a new Stormwater Administrator is assigned.