

Village of Downers Grove
Stormwater and Flood Plain Oversight Committee
Wednesday, March 12, 2003
7:00 PM

Downers Grove Public Works Facility
Main Conference Room
5101 Walnut Avenue
Downers Grove, Illinois 60515

Call to Order

Chairman Eckmann called the meeting to order at 7:01 PM.

Roll Call

Committee Members Present: Mr. William Bollenberg
Mr. Donald Eckmann
Mr. Marc Lopata
Mr. William Ponstein

Committee Members Absent: Mr. Perry Erhart

Staff Members Present: Mr. Jonathan Hall, Stormwater Administrator
Mr. Jack Bajor, Director of Public Works
Ms. Alicia Hightower, Stormwater Engineer
Ms. Kirsten Coulman, Recording Secretary

Visitors Present: Mr. Tom & Mrs. Carmie Comforte
Mr. Mike Cook, CM LaVoie & Associates

Approval of January 30, 2003 Minutes

The minutes from January 30, 2003 were approved with changes. The changes to the minutes, made in italics, are as follows:

- Page 3 – third paragraph – the simpler permits are handled in house *and the more complex permits are submitted to a consultant.*
- Page 8 – third paragraph – change decrease to *increase*
- Page 13 – third motion – Mr. Bollenberg moved to recommend to *Staff* for anyone that is redoing a property that previously had impervious soil be given credit for *every square foot that was existent prior to development even if it has been removed for purposes of redevelopment of the land.* Also, move to have the provision for recouping fees in ten years be removed from the ordinance.
- Where "NAY:" is typed the Chairman asked not leave it blank. Corrected minutes now read, *NAY: None*

Chairman Eckmann suggested to the Committee to make a motion to adjourn.

Mr. Bollenberg made a motion to adjourn.

Mr. Ponstein seconded the motion.

**Roll Call: AYE: Mr. Ponstein, Mr. Bollenberg, Mr. Lopata, and Chairman Eckmann
NAY: None**

Motion Carried: 4:0

Meeting adjourned at 7:44 pm.

There were no further comments regarding the January 30, 2003 minutes.

Mr. Ponstein moved to adopt the January 30, 2003 minutes as modified.

Mr. Bollenberg seconded the motion.

**Roll Call: AYE: Mr. Ponstein, Mr. Bollenberg, Mr. Lopata, and Chairman Eckmann
NAY: None**

Motion Carried: 4:0

Open Comments

There were no comments.

New Business

Variance request for a building addition in a flood plain located at 1000 Hickory Trail in Downers Grove, Illinois.

Mr. Hall referenced the memo regarding the variance, which is attached to the minutes.

Chairman Eckmann clarified that the residence in question, 1000 Hickory Trail, is in fact located in the Village of Downers Grove and the DuPage county ordinance has no bearing on this variance.

Mr. Hall stated that the Village cannot be less restrictive than the county ordinance. Since the request is for one foot above the base flood elevation, a county ordinance is not required.

Mr. Comforte, 1000 Hickory Trail, stated he was the homeowner and has lived at the property since 1960 and has lived there since he was six years old. The residence was an existing property when his family purchased the home. In 1961, Mr. Comforte's parents added an addition to the home staying at two feet above the flood plain with the rest of the existing residents. Mr. & Mrs. Comforte are looking to add an addition on to the west side of the house to allow enough room to expand the existing master bedroom and create a master bathroom, walk-in closet and allow some additional changes and alterations to the interior space of the bedroom area. The architect looked at the proposition and brought the question of the base flood elevation to their attention. Other options were considered, but looking at the architectural drawings, if we had to comply with the three-foot elevation, then it would certainly create some accessibility problems as well as a myriad of other problems that were outlined in the letter that was submitted with the application. I am respectfully requesting on behalf of my wife and I to be granted a variance from the Village of Downers Grove ordinance to be permitted to build the addition at two-feet above the base elevation. I am free to answer any questions the Committee might have. Also, I am accompanied by Michael Cook, from C.M. LaVoie who did the site plan and will see through the rest of the application.

Chairman Eckmann asked if any of the Committee members had any questions or comments regarding the variance request.

Mr. Lopata asked when the property was incorporated into the Village of Downers Grove.

the next 40 years. The Committee is trying to protect the homeowners, the future homeowners, the neighbors and the community. If the Committee allows the homeowner to have flooding then the homeowner can just move, but it leaves a problem for the future homeowner. It also hurts the reputation of the Village. What the Committee tries to do is protect the future and the reputation. Mr. Bollenberg and the Committee ask these questions to ensure the homeowner has thought about the future and make a good faith effort to make sure there is no flooding or problems in the future.

Mr. Comforte said he understood why the Committee asks the questions they do and can appreciate the reputation of the Village. We will have to address many of these questions as we go through the permitting process.

Mr. Cook, C.M. LaVoie, stated that all the submittals that C.M. LaVoie & Associates for typical Stormwater permits but because this property is in a Special Management Area and it is a variance from the Village of Downers Grove Ordinance, all the proper paperwork has been submitted.

Chairman Eckmann asked if there were any further discussion for the motion.

Chairman Eckmann suggested to the Committee to make a motion to grant the variance.

Mr. Lopata made a motion to recommend to the Village Council to grant the variance for 1000 Hickory Trail.

Mr. Ponstein seconded the motion.

**Roll Call: AYE: Mr. Ponstein, Mr. Bollenberg, Mr. Lopata, and Chairman Eckmann
NAY: None**

Motion Carried: 4:0

Old Business

Mr. Hall stated the last meeting's discussion regarding the fee structures passed by the Village Council on March 4th.

Mr. Lopata commented about a discussion that occurred last year about addressing the Village concerns, prioritizing issues and was wondering if anything came from that discussion.

Mr. Bajor stated that the Stormwater Division was addressing issues with regards to nine local flooding problems. With the new fees, money should be coming into the budget to help address those local flooding problems.

Mr. Ponstein stated that this request to have a variance from the ordinance has come up twice now in the last six months, maybe it should be addressed. When would be a good time to discuss this?

Chairman Eckmann suggested that a discussion pertaining to changes to the ordinance could be a topic on the agenda for the next meeting.

Chairman Eckmann asked if there were any additional comments. There were none.

Mr. Comforte, 1000 Hickory Trail, stated that in 1970, the house was tied into Village water.

Mr. Lopata clarified that the Comforte family had bought the house before it was incorporated into the Village then asked where will all the compensatory storage be located on the property.

Mr. Cook, C.M. LaVoie, commented that the drawings do not show the compensatory storage, but obviously it will probably be at the rear of the west side of the house and to the north and east between where the flood plain currently exists. We might be able to do some additional grading to bring back some of the contours from the north end and bring them back to the south to pick up some storage, but I would foresee it probably coming immediately to the west of where the addition will be.

Mr. Lopata stated that it would have to be resolved before it is permitted.

Mr. Hall commented that it will be resolved. The plan has not been submitted yet, only the bare minimum was submitted for the variance request before the committee. There will be some changes that need to be made before the permit process begins. The Village will probably have the consultant, Christopher B. Burke Engineering, Ltd., review the plans.

Mr. Lopata stated in section 26-120.10 subsection D, excerpted in the package on page 4 of the petition, the applicant circumstances are unique. The committee heard something about this before, the clubhouse for Orchard Brook Homeowners Association. Are we going to have a lot of these variance requests? It seems as if a precedent has been set in this area. I'm not sure they are unique considering the Committee has heard two variance requests in the last six months. It doesn't seem the applicant circumstances are unique so this may be more a problem with the residence, but a systemic problem with the Village ordinance being different from the County's ordinance. The Committee should address this issue.

Chairman Eckmann commented that it was a valid question.

Mr. Cook, C.M. LaVoie, asked where the Committee was looking at a unique standpoint. Unique that the building was constructed in 1956, that when the requirements were in place we could probably assume that one foot was probably required at that time. I don't know if any map changes occurred over the forty years in that area in regards to Lacey Creek. Being unique the rest of the house on there, to get the flow to work between the addition and the rest of the space, I'm willing to excess to keep it at the same level. On top of that, Mr. Comforte has lived in the house for about forty years has never experienced any flooding problems on his property even though it is mapped in a flood plain. What a map shows and what really actually happens out there are two different things. Over the last ten to fifteen years, we all know there have been numerous hundred-year storms in the area. You would think that flooding would occur, but it hasn't to my knowledge or Mr. Comforte's knowledge.

Chairman Eckmann commented that the base flood level could have changed since the house was built and that it is possible the elevation is changing year to year.

Mr. Michael Cook, C.M. LaVoie, stated that he's seen a number of occasions where the actual flood elevations have gone down because of development and because of the addition of Stormwater detention basins. The elevation of the flood plain is a direct result of the flow that used to go in there and if you reduce the flow that goes in there the elevations aren't going to go up. That's attributed to the ordinance that we follow. That's the benefit.

Chairman Eckmann commented that everyone who has a variance that comes before the Committee must be evaluated on its merits. The intention of the ordinance is to protect people's property. In this case, this relatively small portion of the addition is raised, it might be protected, but the majority of the home is not going to be protected against flooding. This Committee looks at the practicality of the addition and it being built up to meet the ordinance would not serve any useful purpose to the home.

Chairman Eckmann suggested to the Committee to make a motion to grant the variance.

Mr. Lopata made a motion to recommend to the Village Council to grant the variance for 1000 Hickory Trail.

Mr. Ponstein seconded the motion.

Chairman Eckmann asked if anyone had any additional comments.

Mr. Bollenberg stated that he wanted to continue the discussion regarding the variance.

Mr. Bollenberg asked if a crawlspace was going to be under the addition. It is my understanding that will probably be the area for the engineered swale. Is that correct?

Mr. Cook, C.M. LaVoie, answered that the engineer would have to find out information regarding the existing bearing of the soil that is out there. I don't know if you can bring in or if the capacity out there is sufficient. The contractor is going to be digging down below the frost line, at least three or four feet at least.

Mr. Bollenberg stated that his concern is if you've addressed the ability to perform maintenance on the ground that will be in the crawlspace. Will you be able to get into the crawlspace if it does change the characteristics enough unforeseen that it could cause flooding problems below the house?

Mr. Cook, C.M. LaVoie, responded that somewhere on the plans there is an access door between the existing basement and the crawlspace.

Mr. Hall commented that there are some details that need to be worked out in the review process with the crawlspace. FEMA and the County are very strict about when a resident can and cannot have a crawlspace and how it is to be designed. If there is a lot of space exposed to flood waters theoretically, then there has to be openings in the crawlspace. If the resident wants to flood proof it, then most likely they will have to extend the fill out at least 10 feet or more from the structure.

Mr. Bollenberg commented that it seems that if they have to do grading the addition doesn't have a very large footprint from the existing house. Is there enough room there to have a natural grade that will ensure that there isn't flooding in the future based on the addition and crawlspace area?

Mr. Hall stated that there appears to be room on the site to get the grades to get the comp storage to work. Also, if the grade is raised slightly around the foundation it can only make the drainage better.

Mr. Bollenberg understood that the motivation for this project is that the homeowner, Mr. Comforte, has lived in the house for a very long time. But, Mr. Comforte isn't going to live in this house forever in the future. The Committee has a couple of obligations and sometimes it seems as if the Committee is trying to protect the residents from themselves and it makes the Committee seem paternalistic, but the Committee has an obligation to the Village and the Committee has to think about