

COUNCIL WORKSHOP ITEM

ITEM: Flood Plain Variance – 1111 Warren Avenue
DATE: August 19, 2004
PREPARED BY: Jonathan Hall, P.E., Stormwater Administrator
PURPOSE: Flood plain variance for 2.7 feet of inundation in parking lot

DISCUSSION:

Community Bank of Downers Grove has requested a variance from Section 26-62.4 of the *Downers Grove Stormwater and Flood Plain Ordinance*, which restricts the flooding depth on parking lots to one (1) foot. This will also require a variance from Section 15-133.4 of the DuPage County *Countywide Stormwater and Flood Plain Ordinance*. Both ordinances read as follows:

4. In areas outside the regulatory floodway but within the flood plain, maximum flow depths on new parking lots shall not exceed one foot during the base flood condition and shall be designed for protection against physical flood damages. Flood hazard in parking areas below the base flood elevation shall be clearly posted.

The depth of floodwater inundation on the proposed parking lot would range from zero up to 2.7 feet in the event that the *base flood* were to occur.

Please refer to attachments for additional details of the request.

ATTACHMENT:

- An Ordinance Granting a Stormwater Variance for 1111 Warren Avenue ®
- Committee agenda (8/18/04)
- Committee meeting minutes (8/18/04)
- Staff memo to Stormwater and Flood Plain Oversight Committee (8/13/04)
- Variance petition (7/15/04)
- Site engineering plan sheets C2, C5, & C6 (5/12/04)

RECOMMENDATION:

The Downers Grove Stormwater and Flood Plain Oversight Committee met August 18, 2004, to consider the subject variance petition. The Committee voted unanimously (7:0) to recommend to the Village Council that the requested variance be granted, subject to receipt of an agreement from the petitioner indemnifying the Village for any future flood damages. This vote was based on the following motion:

“Mr. Gorman made a motion that the variation be approved by the commission subject to a statement being submitted by the petitioner stating that the Village shall not be held responsible for any damages to vehicles in the parking lot, hold the Village harmless for any flooding and defend the Village in any lawsuits that may arise.”

Public Works Department staff supports the Committee’s recommendation.

Per Municipal Code Section 26-123, the Council has 45 days to act from receipt of the Stormwater and Flood Plain Oversight Committee recommendation.



ORDINANCE NO. _____

**AN ORDINANCE GRANTING
STORMWATER VARIANCE FOR 1111 WARREN AVENUE**

WHEREAS, the Village has previously adopted the Downers Grove Stormwater & Flood Plain Ordinance (Chapter 26 of the Downers Grove Municipal Code, herein after referred to as the “Stormwater 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 1111 Warren Avenue requesting a variance from certain parking lot flood protection elevations; and

WHEREAS, a public hearing was held on August 18, 2004 before the Downers Grove Stormwater and Flood Plain Oversight Committee which has recommended the granting of the variance request subject to receipt of a signed agreement for indemnification from petitioner for any future flood damage (see attached Exhibit A); 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 proposed parking lot surface elevation of 2.7 feet below the base flood elevation, in lieu of the allowable one (1) foot limit required per Section 26-62.4 of the Stormwater Ordinance.
2. This variance is conditioned upon compliance with all applicable Village Ordinances, including those related to the location and construction of the two-story retail banking facility with drive through.
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

P.I.N. _____

**RELEASE AND
WAIVER OF
LIABILITY AND
INDEMNITY
AGREEMENT**

This Agreement, made and entered into by and between the VILLAGE OF DOWNERS GROVE, Illinois, a municipal corporation (hereinafter referred to as the “VILLAGE”), and the

COMMUNITY BANK OF DOWNERS GROVE, an Illinois corporation (hereinafter referred to as “BANK”) and in consideration of being permitted a flood plain variance for 2.7 feet of inundation in the parking lot for 1111 Warren Avenue, Downers Grove, Illinois (P.I.N. _____), presently the site of Community Bank of Downers Grove, EACH OF THE UNDERSIGNED, for himself, his personal representatives, heirs, and next of kin, acknowledges, agrees and represents that he has, or will immediately:

(Reserved for Recorder's Use Only)

1. HEREBY RELEASES, WAIVES, DISCHARGES AND COVENANTS NOT TO SUE the Village of Downers Grove (“VILLAGE”) or any subdivision thereof, employee, operator, owner, elected and non-elected officials, heirs, executors and assigns and each of them (“RELEASEES”), from all liability to the undersigned, his personal representatives, assigns, heirs, and next of kin for any and all loss or damage, and any claim or demands therefor on account of injury to the person or property or resulting in death of the undersigned, whether caused by the negligence of the RELEASEES or otherwise while the undersigned is in or upon the restricted area, and/or, observing, working for, or for any purpose participating in the event.

2. HEREBY AGREES TO INDEMNIFY AND SAVE AND HOLD HARMLESS the VILLAGE and its RELEASEES and each of them from any loss, liability, damage, or cost they may incur due to the variance granted to the undersigned, or for any purpose whether caused by the negligence of the VILLAGE or its RELEASEES or otherwise.

3. HEREBY ASSUMES FULL RESPONSIBILITY FOR AND RISK OF BODILY INJURY, DEATH OR PROPERTY DAMAGE due to the negligence or misfeasance of the VILLAGE and its RELEASEES or otherwise while in or upon the area where the variation was granted and/or while observing, or working for or for any purpose using the parking lot area at 1111 Warren Avenue, Downers Grove, Illinois.

4. EACH OF THE UNDERSIGNED expressly acknowledges and agrees that the

Requested variance may involve the risk of serious injury and/or death and/or property damage. EACH OF THE UNDERSIGNED further expressly agrees that the foregoing release, waiver, and indemnity agreement is intended to be as broad and inclusive as is permitted by the law of the State of Illinois and that if any portion thereof is held invalid, it is agreed that the balance shall, notwithstanding, continue in full legal force and effect.

5. THE UNDERSIGNED PARTIES agree for themselves, heirs, assigns and executors, that this document shall be governed by and construed according to the laws of the State of Illinois from time to time in effect. The venue shall be DuPage County or the Northern District of Illinois.

6. THE UNDERSIGNED PARTIES FURTHER that the persons executing this Agreement for and on behalf of the respective parties represent and warrant that they have the full power and authority to execute this Agreement and to bind the respective parties to all the terms conditions and covenants contained herein and that their authority has been granted and approved by the appropriate authority;

7. FINALLY, this Agreement shall run with the land and be binding upon the owner(s) or resident(s) hereto, their heirs, successors and assigns. The Village Clerk, upon execution, shall file this document with the DuPage County Recorder of Deeds office.

8. THE UNDERSIGNED HAS READ AND VOLUNTARILY SIGNS THE RELEASE AND WAIVER OF LIABILITY AND INDEMNITY AGREEMENT, and further agrees that no oral representations, statements or inducements apart from the foregoing written Agreements have been made.

Dated the _____ day of August 2004.

VILLAGE OF DOWNERS GROVE

COMMUNITY BANK OF DOWNERS GROVE

Riccardo F. Ginex, Village Manager

Attest:

Print Name & Title

April Holden, Village Clerk

Subscribed and sworn to before me
this _____ day of August, 2004.

Notary Public

**Village of Downers Grove
Stormwater and Flood Plain Oversight Committee Meeting**

**August 18, 2004
6:45 PM**

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

AGENDA

- I. CALL TO ORDER**
- II. ROLL CALL**
- III. APPROVAL OF MINUTES - *May 27, 2004***
- IV. PUBLIC COMMENTS**
- V. NEW BUSINESS**
 - A. PUBLIC HEARING -** Community Bank of Downers Grove
1111 Warren Avenue
Flood Plain Variance Request
- VI. OLD BUSINESS**
- VI. ADJOURN**

Village of Downers Grove
Stormwater and Flood Plain Oversight Committee
Thursday, August 18, 2004
6:45 PM

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

Call to Order

Chairman Eckmann called the meeting to order at 6:45 PM.

Roll Call

Committee Members Present: Mr. Bruce Beckman
Mr. William Bollenberg (arrived 6:47 pm)
Mr. Richard Crilly
Chairman Donald Eckmann, P.E.
Mr. Dave Gorman, P.E.
Mr. William Nystrom
Mr. William Ponstein

Committee Members Absent: None

Staff Members Present: Mr. Jonathan Hall, P.E., Stormwater Administrator
Mr. Michael Millette, P.E., Asst. Director of Public Works Engineering
Mrs. Kirsten Coulman, Recording Secretary
Mrs. Sharon Connell, Recording Secretary
Mr. Keith Sbiral, Planning Community Development
Mr. Joseph Skatch, Director Planning Community Development

Visitors Present: Mr. Michael Busse, President Community Bank of Downers Grove
Mr. Gerald Cropsey, Grund & Riesterer Architects, Inc.
Mr. Charles Grund, Grund & Riesterer Architects, Inc.
Mr. Thomas McCabe, P.E., Seton Engineering
Mr. Thomas Burke, PhD., P.E., Christopher B. Burke Engineering, Ltd.
Ms. Lara Sup, Christopher B. Burke Engineering, Ltd.

Approval of May 27, 2004 Minutes

Mr. Beckman moved to accept the May 27, 2004 minutes as presented.

Mr. Gorman seconded the motion.

Chairman Eckmann asked for discussion, hearing none, asked for a vote.

Roll Call:

AYE: Mr. Beckman, Mr. Crilly, Chairman Eckmann, Mr. Gorman, Mr. Nystrom and Mr. Ponstein

NAY: None

Motion Carried: 6:0

Public Comments

Chairman Eckmann asked if there were any members of the general public in the audience who would like to comment. There were no residents in the audience.

New Business – Public Hearing – Flood Plain Variance Request
Community Bank of Downers Grove
1111 Warren Avenue

Chairman Eckmann asked the petitioners for the variance to present their views.

Mr. Michael Busse, 5472 Bending Oaks Place, President Community Bank of Downers Grove, introduced his vision for the bank and some background history of the institution. The building will be on the southwest corner of Warren Avenue and Forest Avenue and will be a substantial improvement to the northern part of the business district. The site happens to have a part of it in an LPDA (localized poor drainage area), which is something that was not known nine months ago, but has since learned quite a bit about it. Because it is in the LPDA, there appear to be three primary issues that have come up. One, a part of the bank building will be below or could have been potentially below the 100-year base flood elevation, two, the bank needs a basement and finally, because there is a potential for water accumulation in the lot, there could be an issue for the parkers. The solutions for the three issues will be first, the bank will add fill sufficient to raise the bank above the BFE (base flood elevation) and additionally, the bank will add a 45' x 45' x 4' storm trap underground structure. In terms of the basement, the architects are familiar with waterproofing basements. There will also be a standby sump that will have it's own standby generator. Finally, in terms of the parking, Warren Avenue would have to flood before the bank lot would flood. There will not be any overnight parking and if need be, the lot could be blocked from parking. In terms of the bank, it's going to be a positive addition to Downers Grove.

Mr. Charles Grund, Grund & Riesterer Architects, Inc., stated he will discuss the site constraints. One of the key issues with drive thru banking is how a customer enters the banking area, completes the transaction by going through the drive thru and then exits the parking lot area. The second issue was the orientation of the building and how it would look when someone turned onto Warren Avenue.

Mr. Charles Grund, Grund & Riesterer Architects, Inc., refers a drawing of the site with the flood plain noted on it in blue in relation to the building.

Mr. Charles Grund, Grund & Riesterer Architects, Inc., continued by explaining the waterproofing plans for the basement, vertical wall surfaces, and vault areas. The first floor of the bank will be raised to be a foot above the flood plain level. Mr. Grund explained what the exterior of the building would look like. When the property was purchased, there was no indication there were flood plain issues. The firm has gone through significant lengths to solve the issues.

Mr. Thomas McCabe, P.E., Seton Engineering, stated as Mr. Grund mentioned, the existing flood plain on the site is the gray area on the drawing; it's roughly the northern half of the site. By putting the bank on the site, it must be removed from the flood plain so compensatory storage had to be provided. The compensatory storage ended up bringing the line lower on the drawing plus a storm trap concrete structure about four feet deep to handle the compensatory storage. From a standpoint of what is there and what is proposed, the grades are very similar to what is there now (existing parking lot) and it will be a parking lot again and it will be re-graded to provide some compensatory storage. The worst areas are right along the property line. The report said about 2.7 feet where the inlets are below the base flood elevation and it was determined that cars could not park there because it would be 2.7 feet deep. The problem is the street is about 3 ½ feet deep so people couldn't get into the parking lot because they won't be able to get down the street. The site right now drops about five or six feet from back to front and it will be the same. The parking lot will have a little bit of grading that's a little lower, but will essentially work the same way it works right now. The grades will be relatively the same. There has not been any flooding on the property and Village staff concurs. Mr. Thomas Burke, PhD., P.E., Christopher B. Burke Engineering, Ltd., has been working with DuPage County on the Stormwater issues and all the technical issues. Christopher B. Burke Engineering, Ltd. did a study to determine the base flood elevation.

Mr. Nystrom asked how the storm trap structure work? Is it pumped out?

Mr. Thomas McCabe, P.E., Seton Engineering, stated that it is a gravity system that discharges into the storm sewer system. There will be a restrictor on the structure and the storm inlets in the parking lot will tie into the structure and then into the storm sewer into the street.

Chairman Eckmann asked if there were any additional comments.

Chairman Eckmann stated that the commission is to consider a variance in the ordinance, which under the ordinance there is a maximum allowable high water level of the parking lot of one foot. In this case the petitioner is asking for a variance from one foot to 2.7 feet.

Chairman Eckmann opened the floor to the commission members for discussion.

Mr. Gorman stated the one-foot of depth is a state standard and a county standard. It was set at that level so there would not be vehicle damage and at 2.7 feet, there is a danger of vehicle damage. There would be signs placed in the parking lot warning people that this is a potential flood area. For the Village's protection, if the variance was approved, there would be an interest for a signed statement taking full responsibility for accepting liability and holding the Village harmless and even defending the Village if any lawsuits were filed. At 2.7 feet, it is foreseeable that sometime in the future, there may be a flooded vehicle and a claim be submitted to the Village or a lawsuit.

Mr. Michael Busse, President Community Bank of Downers Grove, stated that was not a problem or an issue as the bank would be a community oriented and minded bank would probably take that position without signing anything.

Chairman Eckmann asked if there were any additional comments or questions. There were no additional comments. Chairman Eckmann asked for someone to make a motion approving the request for variation and adding some wording with regards to mitigating the Village of responsibility, which will be reviewed by the legal department.

Mr. Gorman made a motion that the variation be approved by the commission subject to a statement being submitted by the petitioner stating that the Village shall not be held responsible for any damages to vehicles in the parking lot, hold the Village harmless for any flooding and defend the Village in any lawsuits that may arise.

Mr. Beckman seconded the motion.

Discussion

Mr. Beckman asked if the variance will go to the Council for approval. With this modification, would they also be the individuals who would approve this modification?

Mr. Hall stated the Legal Department will review this like any other resolution.

Mr. Beckman stated then the motion should say "pending approval of Legal Counsel".

Chairman Eckmann stated both sides of legal council will probably review the conditions of the variance.

Mr. Bollenberg stated there are changes to the orientation of the lot now with the present building on the western edge of the lot. It's difficult to visualize since most of the orientations are from the east. How is the parking area going to be set down from the office building to the west? It looks like a three-foot vertical drop. The building is almost the entire western side of the lot. With the restructuring of the lot, it's going to be parking lot going up to the edge of the property, it's going to expose the driveway and the office building to potentially more run off than they are experiencing now.

Mr. Thomas McCabe, P.E., Seton Engineering, referred to the drawing stating the existing grades will be met on all sides. The new parking lot will be significantly lower about three feet lower than that building.

Chairman Eckmann asked for any additional comments.

Mr. Nystrom asked about the signage and what it has to say. Does "Base Flood Elevation" mean anything to the public?

Mr. Charles Grund, Grund & Riesterer Architects, Inc., stated the wording is not set up yet, they would be happy to work with Staff on the wording of the signage.

Mr. Hall stated the signage can be handled during the administrative staff review.

Chairman Eckmann asked if there were any other questions with regards to the motion.

Roll Call:

AYE: Mr. Beckman, Mr. Bollenberg, Mr. Crilly, Chairman Eckmann, Mr. Gorman, Mr. Nystrom and Mr. Ponstein

NAY: None

Motion Carried: 7:0

Mr. Gorman commented on the grading plan. There is no clear overland flow plan.

Mr. Thomas McCabe, P.E., Seton Engineering, stated there is no overflow heading out into the street.

Mr. Gorman stated there was a low point, but it could be a burm issue.

Old Business

None

Mr. Beckman moved to adjourn the meeting.

Mr. Gorman seconded.

Roll Call:

**AYE: Mr. Beckman, Mr. Bollenberg, Mr. Crilly, Chairman Eckmann, Mr. Gorman,
Mr. Nystrom and Mr. Ponstein**

NAY: None

Motion Carried: 7:0

Meeting adjourned 7:15 pm

JH/kec



**INTEROFFICE CORRESPONDENCE
DEPARTMENT OF PUBLIC WORKS**

To: Stormwater and Flood Plain Oversight Committee

From: Jonathan Hall, P.E.
Development Engineer / Stormwater Administrator

Date: August 13, 2004

Re: **Stormwater and Flood Plain Oversight Committee**
August 18, 2004 Public Hearing
Agenda Item V - A
Petition No. 2004-01
Flood Plain Variance
1111 Warren Avenue

Petition Summary:

Community Bank of Downers Grove has requested a variance from Section 26-62.4 of the *Downers Grove Stormwater and Flood Plain Ordinance*, which restricts the flooding depth on parking lots to one (1) foot. This will also require a variance from Section 15-133.4 of the DuPage County *Countywide Stormwater and Flood Plain Ordinance*. Both ordinances read as follows:

4. In areas outside the regulatory floodway but within the flood plain, maximum flow depths on new parking lots shall not exceed one foot during the base flood condition and shall be designed for protection against physical flood damages. Flood hazard in parking areas below the base flood elevation shall be clearly posted.

The depth of floodwater inundation on the proposed parking lot would range from zero up to 2.7 feet in the event that the *base flood* were to occur.

Staff Analysis:

The Committee should carefully consider how the variance petition meets the requirements of section 26-120.10:

10. The Oversight Committee shall consider, and the Village Council may grant, such petition for a variance only when it is consistent with the general purpose and intent of this Ordinance and when the development meets the requirements specified in Section 26-51 of this Ordinance as well as the following conditions:
 - a. Granting the variance shall not alter the essential character of the area involved, including existing stream uses; and

- b. 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
- c. 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
- d. The applicant's circumstances are unique and do not represent a general condition or problem; and
- e. The subject development is exceptional as compared to other developments subject to the same provision; and
- f. A development proposed for a special management area could not be constructed if it were limited to areas outside the special management area.

In addition to the above criteria, please also take into consideration the following factors:

- 1. A parking lot currently exists on the site. A variance is required only because the site is being *redeveloped*.
- 2. Staff is not aware of any past flooding at the subject location.
- 3. The Ordinance requires signs to be posted in areas of the parking lot below the *base flood elevation* (26-62.4).
- 4. The bank's service hours are such that overnight parking is not necessary for customers.
- 5. The DuPage County Stormwater Management Committee will meet to discuss this variance request at their next available meeting. (This has been tentatively scheduled for September 7, 2004.) This County Committee has concurred with granting of similar variances in the past when the following criteria were met:
 - a. Compliance with all conditions in Section 15-236.10 of the *Countywide Stormwater and Flood Plain Ordinance* (identical language as Village Code Section 26-120.10).
 - b. No overnight / long-term parking.
 - c. Demonstration that the variance will not result in a negative impact to any off-site property.

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 granted contingent upon concurrence from the DuPage County Stormwater Management Committee.
- 4. Recommend to the Village Council that the variance be denied.

5. Continue the Public Hearing to a future date.

Written recommendation shall be made to the Council within 35 days of the public hearing's closure.

Attachments:

- Variance petition application
- Stormwater Permit Submittal Report dated 6/3/04
- Architectural plans dated 6/21/04

Village of Downers Grove
Petition for Variance Before the Stormwater & Flood Plain Oversight Committee

****File three (3) copies of this petition with the Stormwater Administrator****

1. I hereby consent to the filing of this petition for variance from the provisions of the DuPage County Stormwater and Flood Plain Ordinance as indicated below:

Comm. Bank of D. Grove by [Signature] Owner/Developer
(Must be signed by either the owner or the developer of the property. Cross out the title that does not apply, unless the owner and developer are one in the same.)

2. List the names and addresses of all professional consultants, if any, advising the petitioner with respect to this petition:

Seton Engineering, Christopher B. Burke Engineering, Ltd., Grund & Reisterer Architects, Inc.

3. List the name, address, and the nature and extent of any economic or family interest of any Village officer or employee in the owner, the petitioner, or the subject property or development:

<u>Nature of Interest</u>	<u>Officer or Employee Involved</u>
<u>None known to exist</u>	

4. List the addresses and legal description of the subject property or development [please include parcel identification number (PIN)]:

(If additional space is needed, please attach on separate piece of paper)
09-08-121-003 & 09-08-121-004

5. List the specific feature or features of the proposed development that require a variance:

The variance is requested for the site runoff requirements as stated in Section 26-52.8 of the Ordinance. The proposed development will exceed a depth of ponding of six inches over the roadway and parking lot on site

6. Cite the specific provision of the Ordinance from which a variance is sought and the precise variation there from being sought:

The variance is requested for the site runoff requirements as stated in Section 26-52.8 of the Ordinance. The Ordinance reads that maximum flow depths on any roadway shall not exceed six inches during the base flood elevation. The variance requested is to not exceed 2.70 feet over any roadway during the base flood elevation

7. Explain the characteristics of the property or development that prevent compliance with the provisions of the Ordinance:

The site is partially located in the floodplain, therefore it is not feasible to fill in the parking area. Under existing conditions, the water is ponding at a depth of 2.54 feet over the existing grade. Under proposed conditions, if the parking area is raised so that the ponding depth does not exceed six inches, the amount of floodplain fill will be significant and compensatory storage would not be feasibly provided. Because Warren Avenue is lower than the proposed parking area, the street would be flooded and prevent cars from entering the parking area. A typical bank customer uses the bank for no more than half an hour, much less than the time it would take for the parking lot to fill more than six inches of water. There are no adverse impacts to adjacent properties by allowing this variance

8. Explain the minimum variance necessary of the Stormwater and Flood Plain Ordinance to permit the proposed construction or development:

The variance requested is to allow ponding in the proposed parking lot to a depth not exceed 2.70 feet over any portion of the proposed parking lot during the base flood elevation.

9. Explain how the variance sought satisfies the standards of Subsection 26-120.10 of the Stormwater & Flood Plain Ordinance as set forth below:

- a. The variance does not alter the essential character of the area involved. Under existing and proposed conditions, the depth of ponding over the area will remain the same
 - b. If the development were required to limit flooding to six inches, the compensatory storage requirements of the ordinance would not be met. Therefore the project would not be buildable
 - c. The development has been pushed to the minimum for ponding over the parking lot while balancing compensatory storage requirements
 - d. The bank parcel is unique in the layout of the drive-up windows and the only feasible entrance through Warren Avenue and the adjacent floodplain
 - e. The existing depth of ponding and amount of floodplain storage on the site create an exception to the six inch provision
-
-
-

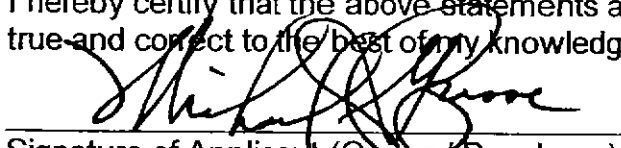
f. If the development was limited to the area located outside of the special management area it could not be developed as a commercial bank with parking areas

10. List the date on which the Stormwater permit application for the proposed development was submitted:

June 17, 2004

(The Stormwater permit application must be complete and must be submitted before a petition for variance can be considered.)

I hereby certify that the above statements and all accompanying statements and/or drawings are true and correct to the best of my knowledge.



Signature of Applicant (Owner / Developer)

President

Title

1111 Warren Avenue

Street Address

Downers Grove, Illinois 60515

City, State, Zip Code

(630) 325-1032

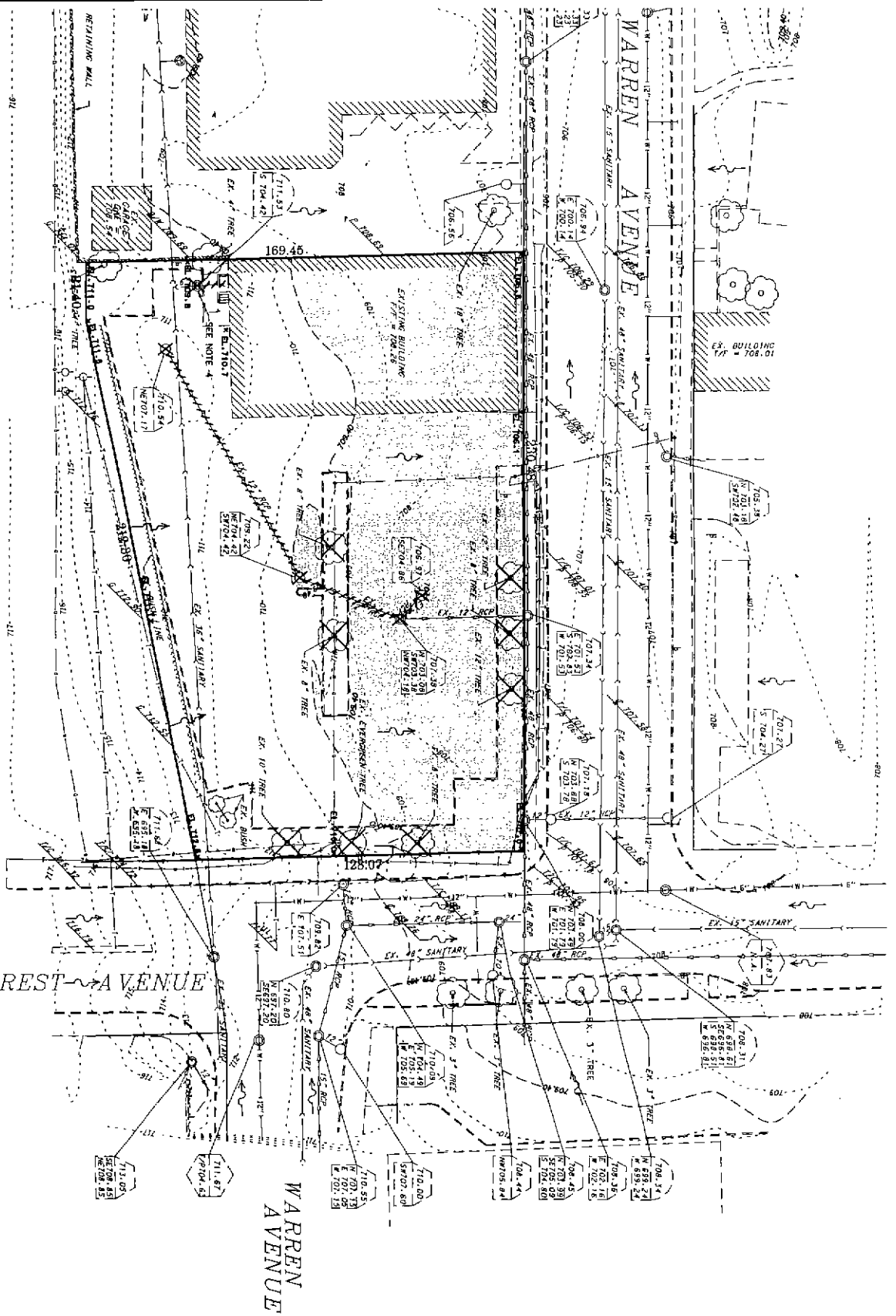
Telephone Number

Section 26-120.10 of the Stormwater and Flood Plain Ordinance

The [Stormwater and Flood Plain] Oversight Committee shall consider, and the Village Council may grant, such petition for a variance only when it is consistent with the general purpose and intent of this Ordinance and when the development meets the requirements specified in Section 26-51 of this Ordinance [a copy of which is attached] as well as the following conditions:

- a. Granting the variance shall not alter the essential character of the area involved, including existing stream uses; and
- b. 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
- c. 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
- d. The applicant's circumstances are unique and do not represent a general condition or problem; and
- e. The subject development is exceptional as compared to other developments subject to the same provision; and
- f. A development proposed for a special management area could not be constructed if it were limited to areas outside the special management area.

BURLINGTON NORTHERN RAIL ROAD



- NOTES
1. THE CONTRACTOR HAS THE OPTION OF REMOVING THE FRONT PORCH AND CONFLICT WITH FUTURE WORK.
 2. THE CONTRACTOR HAS THE OPTION OF ABANDONING EXISTING PIPE IN PLACE, PROVIDING NO CONFLICT WITH PIPE AND STRUCTURE(S) NEAR BUILDING AND OVERHANG MUST BE REMOVED.
 3. MAIN REPAIR SERVICE TO BE REMOVED AT MAIN AND MAIN REPAIRED.

LEGEND

- EXISTING STORMWATER FLOW DIRECTION
- CONIFER TREE REMOVAL
- DECIDUOUS TREE REMOVAL
- STRUCTURE REMOVAL (SEE NOTES 1 & 3)
- PIPE REMOVAL (SEE NOTES 2 & 3)
- EXISTING FLOODPLAIN

DESIGNED AND SEALED BY SETON ENGINEERING

EXISTING SITE CONDITIONS
 COMMUNITY BANK OF DOWNERS GROVE
 1111 WARREN AVENUE
 DOWNERS GROVE, ILLINOIS

SETON ENGINEERING
 SERVICE CORPORATION
 CIVIL ENGINEER
 WWW.SETONCIVIL.COM

35 WEST SLADE ST. PALATINE, ILLINOIS 60067
 PHONE: (847) 776-7200 FAX: (847) 771-

PROFESSIONAL DESIGN FIRM
 LICENSE #164-000216
 DATE OF EXPIRATION: 4-30-05

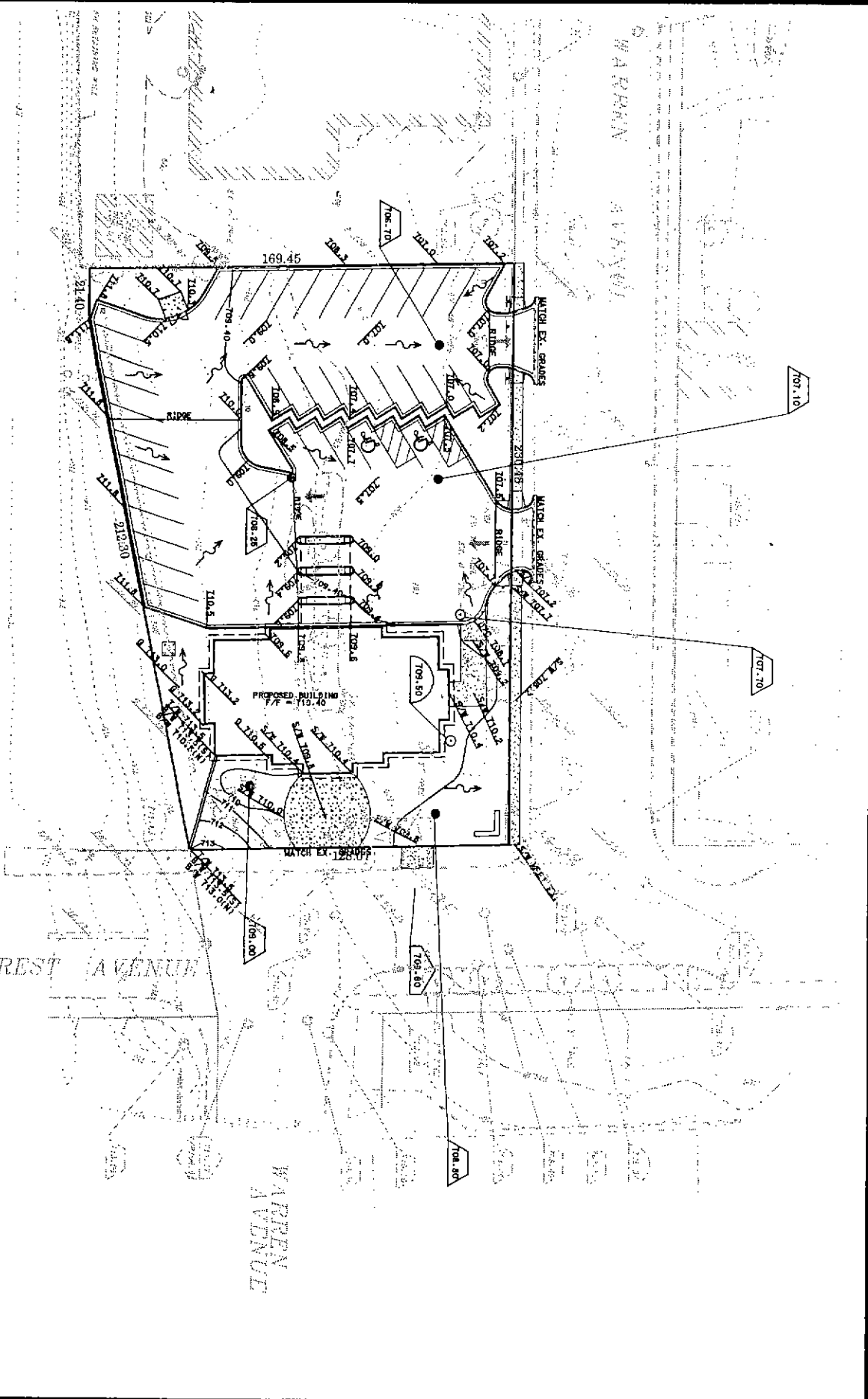
DRAWN: DJG
DESIGNED: JJK
CHECKED: JJK
DATE: 03/15/2004
SCALE: H: 1" = 20'
PROJECT: 2004017
SHEET NO. C2



OF 10 SHEETS

BURLINGTON NORTHERN RAIL ROAD

FOREST AVENUE

WARREN AVENUE



LEGEND
 PROPOSED STORMWATER FLOW DIRECTION
 FLOODPLAIN

THESE PLANS ARE NOT VALID UNLESS SIGNED AND SEALED BY SETON ENGINEERING

SITE GRADING PLAN
 COMMUNITY BANK OF DOWNERS GROVE
 1111 WARREN AVENUE
 DOWNERS GROVE, ILLINOIS

PROFESSIONAL DESIGN FIRM
 LICENSE #118-002028
 DATE OF EXPIRATION 4-30-05

SETON ENGINEERING
 SERVICE CORPORATION
 CIVIL ENGINEER
 WWW.SETONCIVIL.COM

35 WEST SLADE ST. PALATINE, ILLINOIS 60
 PHONE: (847) 776-7200 FAX: (847)

DRAWN: DJG
DESIGNED: DJG
CHECKED: JIM
DATE: 03/15/2004
SCALE: H: 1" = 20'
SCALE: V: NONE
PROJECT
2004017
SHEET NO.
C6
OF 10 SHEETS