

ATTACHMENTS:

- 1) Variance petition form with site plan exhibit
- 2) Stormwater and Flood Plain Oversight Committee Meeting – Motion Checklist
- 3) Committee variance action historical summary
- 4) Ordinance Granting Stormwater Variance for 5427 Brookbank Road

STAFF RECOMMENDATION:

Consider granting the requested variance in accordance with variance criteria in 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.

REQUESTED COURSE OF ACTION:

It is requested that the Council place this matter on the October 18, 2005 active agenda.

AUG 08 2005

VILLAGE OF DOWNERS GROVE

PETITION FOR VARIANCE
BEFORE THE STORMWATER AND
FLOOD PLAIN OVERSIGHT COMMITTEE

FILE THREE COPIES OF THIS PETITION WITH THE STORMWATER AND FLOOD PLAIN 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:

Noel & Felicia Michaels 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 the developer are the same person.)

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

Rich Steinbrecker Laura Sup
Steinbrecher Land Surveyors Christopher Burke, Eng meerin
151 S. Welford Rd 9575 W. Higgins Rd
West Chicago, IL 60185 Rosemont, IL 60018

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:

Nature of Interest	Officer or Employee Involved
None	

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

Address: 5427 Brookbank Rd, Downers Grove
Legal Description: Lot 18 in Remington's Subdivision,
a part of Lot 40 in Assessor's Subdivision
of Sections 7 and 8 Township 38 North, Range 11
East of the Third Principal Meridian, According
to the plat thereof recorded June 27, 1922
as Document Number 156992, in DuPage County, Illinois

PIN# 09-07-414-011

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

Construction of a detached, one car garage located within an LPDA area.

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

-The ordinance requires the lowest opening to be a minimum of 3 feet above the determined LPDA elevation.
-We are requesting the lowest opening to be 1 foot above the determined LPDA elevation.

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

-The general appearance of a garage constructed 3 feet above the determined LPDA elevation.

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

-We are requesting a 2 foot deviation from the required 3 foot minimum outlined in the ordinance.

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

-The deviation request, from the ordinance, will not have an impact on stormwater and flood plain related issues. Also, only enough compensatory storage is able to be provided for the area of fill around the proposed garage in order to raise the grade adjacent to the structure to 1.0 foot above the BFE.

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

9/24/04

(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.

Jelena P. Michaels
Signature of Applicant (Owner/Devl)
Title OWNER
Address 5427 BROOKBANK RD
DOWNERS GROVE, IL 60515
Telephone (630) 971-8938

* * * * *

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.

August 17, 2005

Petition for Variance Application
5427 Brookbank
Downers Grove IL, 60515

*b. Section 26-120(10) Raising the garage 3' would require extensive amounts of driveway fill and retaining walls adjacent to the neighboring property. It would also require steps and handrails to gain access and excessive sloped grading/ landscaping.

*7. The owner's intent is to construct in the same architectural character as the original 1920 home a simple one car garage in the exact location of the original garage unfortunately torn down by the previous owners. Raising the garage 3 feet above existing grade would result in a driveway and access to the garage excessive and unsightly beyond what is typically required in an older established residential neighborhood. It would require the equivalent of a freeway style concrete drive ramp to elevate into the garage as well as the addition of steps and hand rails to get in and out of the garage both of which are not typical and or reasonable for a residential garage. The appearance of a garage raised 3' above the surrounding existing elevations would result in a garage out of character from other garages constructed below the 3' elevation in the neighborhood. Raising the garage 1' above the existing elevation will allow a reasonable adjustment of grading between the new construction and surrounding elements that will not be unsightly and will still meet the County of DuPage's flood plain requirements.

Stormwater and Flood Plain Oversight Committee Motion Checklist

Date: May 26, 2005

<p>ROLL CALL:</p> <p>_____ Mr. Beckman</p> <p>_____ Mr. Bollenberg</p> <p>_____ Mr. Crilly</p> <p>_____ Mr. Gorman</p> <p>_____ Chairman Eckmann</p> <p>_____ Mr. Nystrom</p> <p>_____ Mr. Ponstein</p>	<p>Motion: Minutes – May 26, 2005</p> <p>_____ <input type="checkbox"/> Moved to accept as presented.</p> <p>_____ <input type="checkbox"/> Moved to accept as corrected.</p> <p>_____ <input type="checkbox"/> Seconded the motion.</p> <p>Carried: ____:____</p> <p>Correction required:</p>
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FILE MOTIONS

Agenda Item V-A

Petition No. 2005-01

Flood Plain Variance for proposed detached garage at 5427 Brookbank Road.

The Stormwater & Flood Plain Oversight Committee recommends to the Village Council that the variance be granted.

VOTE:

	<u>AYE</u>	<u>NAY</u>
Mr. Beckman	<u> x </u>	_____
Mr. Bollenberg	<u> x </u>	_____
Mr. Crilly	<u> x </u>	_____
Mr. Gorman	<u> x </u>	_____
Chairman Eckmann	_____	_____
Mr. Nystrom	_____	_____
Mr. Ponstein	_____	_____

Motion Passed: 4 : 0

**Stormwater and Flood Plain Oversight Committee
Variance Action History: 1992 to Present**

- 1. 1109 Barberry Court
April 8, 1992
Flood Protection Elevation (Regulatory Flood Plain)**

The Committee voted to recommend approval of a variance to the Village Council to allow an addition to a single-family residence to be elevated to at least one (1) foot above the base flood elevation (BFE), which met the County standard. The Village flood protection standard is three (3) feet above the BFE. The variance was subsequently approved by the Village Council.

- 2. Fairview Avenue Improvements – 63rd Street to 75th Street
May 7, 1998
Detention Volume Reduction**

The Committee voted to recommend approval of a variance to the Village Council permitting a reduction in the required volume of stormwater detention with payment of a proportionate fee. The variance was subsequently approved by the Village Council.

- 3. 4819 Prince Street
December 2, 1998
Flood Protection Elevation (LPDA)**

The Committee voted to recommend approval of a variance to the Village Council to allow construction of a detached garage elevated to at least one (1) foot above the base flood elevation (BFE), which met the County standard. The Village flood protection standard is three (3) feet above the BFE. The variance was subsequently approved by the Village Council.

- 4. NE Corner of Ogden Ave and Main St (Walgreens)
December 2, 1998
Detention Reduction (with fee-in-lieu)**

The Committee voted to recommend approval of a variance to the Village Council permitting a reduction in the required volume of stormwater detention with payment of a proportionate fee. The variance was subsequently approved by the Village Council.

- 5. 4621 Stanley Avenue
September 28, 2000
Flood Protection Elevation (LPDA)**

The Committee voted to recommend approval of a variance to the Village Council to allow construction of a detached garage elevated to at least one (1) foot above the base flood elevation (BFE), which met the County standard. The Village flood protection standard is three (3) feet above the BFE. The variance was subsequently approved by the Village Council.

6. 1089 35th Street
October 9, 2002
Flood Protection Elevation (Regulatory Flood Plain)

The Committee voted to recommend approval of a variance to the Village Council to allow an addition to a homeowners association clubhouse (storage area) to be elevated to at least one (1) foot above the base flood elevation (BFE), which met the County standard. The Village flood protection standard is three (3) feet above the BFE. The variance was subsequently withdrawn by the petitioner prior to consideration by the Village Council.

7. 1000 Hickory Trail
March 12, 2003
Flood Protection Elevation (Regulatory Flood Plain)

The Committee voted to recommend approval of a variance to the Village Council to allow an addition to a single-family residence to be elevated to at least one (1) foot above the base flood elevation (BFE), which met the County standard. The Village flood protection standard is three (3) feet above the BFE. The variance was subsequently approved by the Village Council.

8. 4742 Cumnor Road
September 10, 2003
Flood Protection Elevation (Regulatory Flood Plain)

The petitioner requested a variance to construct an addition to a single-family residence to be elevated to at least two (2) feet above the base flood elevation (BFE), which met the County standard. The Village flood protection standard is three (3) feet above the BFE. The variance was subsequently withdrawn by the petitioner, and the plans were modified to eliminate the need for a variance.

9. 1111 Warren Avenue
August 18, 2004
Parking Lot Flood Depth (Regulatory Flood Plain)

The Committee voted to recommend approval of a variance to the Village Council to allow a parking lot where the 100-year flood would cause inundation to a depth of 2.7 feet, while only 1.0 feet is allowed by both County and Village Code. The Village Council subsequently approved the variance.

**10. 5427 Brookbank Road
September 22, 2005
Flood Protection Elevation (LPDA)**

The Committee voted to recommend approval of a variance to the Village Council to allow construction of a detached garage elevated to at least one (1) foot above the base flood elevation (BFE), which meets the County standard. The Village flood protection standard is three (3) feet above the BFE. The variance request will be forwarded to the Village Council.

**11. 4400 block of Lee Avenue (vacant parcel PIN: 0906304042)
September 22, 2005
Incremental Flood Plain Compensatory Storage (LPDA)**

The Committee voted to recommend denial of the requested variance to the Village Council to allow compensatory excavation below the 10-year flood elevation for fill above the 10-year flood elevation. The petitioner subsequently withdrew the petition prior to Council consideration.

ORDINANCE NO. _____

**AN ORDINANCE GRANTING
STORMWATER VARIANCE FOR 5427 BROOKBANK ROAD**

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 5427 Brookbank Road requesting a variance from certain flood protection elevations; and

WHEREAS, a public hearing was held on September 22, 2005 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 proposed detached garage lot surface elevation of one (1) foot above the base flood elevation, in lieu of the three (3) foot minimum required per Section 26-62.3 and per Section 26-51.5 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 a detached garage.
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