

**VILLAGE OF DOWNERS GROVE**  
**REPORT FOR THE VILLAGE COUNCIL WORKSHOP**  
**NOVEMBER 25, 2008 AGENDA**

SUBJECT:	TYPE:	SUBMITTED BY:
Stormwater and Flood Plain Control Ordinance Variances – 4742 Cumnor	✓ Resolution Ordinance Motion Discussion Only	Michael D. Millette, P.E. Stormwater Administrator

**SYNOPSIS**

An Ordinance has been prepared to grant a variance from the Stormwater and Flood Plain Control Ordinance (SWFPCO) for the property located at 4742 Cumnor Av. The variance would allow a detached garage to be built only one and one-half foot higher than the base flood elevation as opposed to three feet as required.

**STRATEGIC PLAN ALIGNMENT**

The Five Year Plan and Goals for 2007-2012 identified *Unique Neighborhoods*. A means achieve this Vision is: *Neighbors Taking Personal Pride in Their Neighborhood*

**FISCAL IMPACT**

N/A.

**RECOMMENDATION**

Approval on the December 2, 2008 active agenda.

**BACKGROUND**

The property is located at 4742 Cumnor immediately adjacent to the north branch of St. Joseph Creek. The lot is approximately 80 percent covered by floodplain with an elevation of 727.00 MSL (Mean Sea Level). The lot contains a single-family house, which was flood-proofed when rebuilt within the last decade and a small shed was added. The flooding depths vary from 0 to 3 feet from the north lot line moving south toward the creek.

The petitioner is proposing to build a 1-1/2 car detached garage of approximately 400 square feet on the northern portion of the lot with a finished floor elevation of 728.50. Building the garage at an elevation of 730.00 would cause the driveway to be at an approximate 12% slope where a maximum of 8% is preferred, it would also require retaining walls causing a greater “wall effect” to the northern neighbors. To avoid those negative circumstances, the variance of 1 and ½ feet was requested. If granted, the variance would not adversely affect any other properties.

On October 23, 2008 the Stormwater and Flood Plain Oversight Committee held a hearing to consider this variance. No objections were received from any East Branch DuPage Watershed Communities or from the County. The County is less restrictive than Downers Grove and only requires that the elevation be 1 foot above the floodplain. The Committee unanimously recommended approval of the variance finding that the request complied with the six variance conditions listed in Subsection 26-120.10 of the SWFPCO with the understanding the homeowner knows he may be adversely affecting the flood protection of his property.

**ATTACHMENTS**

Application

Stormwater Administrator's memo

Minutes

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE GRANTING A  
STORMWATER VARIANCE FOR 4742 CUMNOR 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 4742 Cumnor Road requesting a variance from certain flood protection elevations; and

WHEREAS, a public hearing was held on October 23, 2008 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 surface elevation of one and one-half (1 ½) feet above the base flood elevation, in lieu of the three (3) foot minimum required per Section 26-62.3 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



## Department of Public Works Engineering & Transportation Group Interoffice Memorandum

**To:** Stormwater and Flood Plain Oversight Committee  
**From:** Michael D. Millette, P.E., Stormwater Administrator  
**Date:** October 9, 2008  
**Subject:** Variance Petition – 4742 Cumnor

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### **PETITION SUMMARY**

The owner of 4742 Cumnor is interested in building a detached garage. He is asking for a variance from the Stormwater and Flood Plain Control Ordinance, section 26.62-3 for one and one-half foot of freeboard versus three feet required.

### **STAFF ANALYSIS**

We find the petition to be complete. Proper notice was given per sections 26.120 and 26.130. We find the applicant's rationale to be sound and his conclusions are valid.

### **STAFF RECOMMENDATION**

Staff concurs in granting the request. If the request is granted, the applicant should consider such approval to be notice pursuant to section 26.120.12 that cost of flood insurance may be increased as a result of their request.

### **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.

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

### **ATTACHMENTS:**

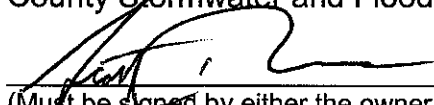
- Variance petition SW2008-02
- Aerial photo exhibit

c: File:

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:

 SCOTT PADALIK ~~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:

Southwest Engineering Consultants, Inc.      Walter S. Krawczyk P.E.  
7621 Baimbridge Dr.  
Downers Grove Illinois 60516

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>
None	

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

PART OF THE NORTHWEST QUARTER OF SECTION 9, TOWNSHIP 38 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN DESCRIBED AS FOLLOWS: COMMENCING AT A POINT IN THE CENTER OF FLORENCE AVENUE IN WORLEY'S SUBDIVISION OF PART OF THE SOUTHWEST QUARTER OF SECTION 4 AND PART OF THE NORTHWEST QUARTER OF SECTION 9, AFORESAID, ON THE SOUTH LINE OF PRAIRIE AVENUE AND RUNNING THENCE EAST, 490 FEET ALONG THE SOUTH LINE OF PRAIRIE AVENUE AND PRAIRIE AVENUE EXTENDED TO THE EAST LINE OF SAID SUBDIVISION FOR A PLACE OF BEGINNING; THENCE NORTH ALONG THE EAST LINE OF SAID SUBDIVISION 144.49 FEET; THENCE WEST PARALLEL WITH SAID SOUTH LINE OF PRAIRIE AVENUE, 228.50 FEET; THENCE SOUTH 144.49 FEET TO THE SOUTH LINE OF PRAIRIE AVENUE EXTENDED EAST; THENCE EAST ALONG THE SOUTH LINE OF PRAIRIE AVENUE EXTENDED EAST 228.50 FEET TO THE PLACE OF BEGINNING, BEING A PART OF BLOCKS 2 AND 4 OF SAID WORLEY'S SUBDIVISION, NOW VACATED, IN DUPAGE COUNTY, ILLINOIS.

PROPERTY COMMONLY KNOWN AS: 4742 CUMNOR ROAD, DOWNERS GROVE, ILLINOIS.

Parcel 0909104023

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

The proposed garage has a proposed floor at elevation 728.5 The existing base flood elevation of the floodplain on the subject site has been interpolated at 727.0. We are

requesting a variance on the finished floor elevation to be 1.5' above the BFE in addition we are requesting clarification on the 10' free zone as listed in 26.62-13.

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

26.62 – (3)

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

The subject property has the North Branch of the St. Joseph Creek located along the south side of the site. We are limited to the placement of the proposed garage and adding additional height to the building will introduce a larger driveway slope as well as an un-natural neighborhood feel for the surrounding properties.

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

We are requesting a 1.5' departure from the ordinance for construction of a non-habitable detached garage.

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 will enhance the overall finished esthetics of the project.
- b. The ordinance would require us to construct a garage with steep driveway slopes and unnecessary height to the structure.
- c. Relief will eliminate unnecessary retaining walls extremely visible to the adjacent property owners. It would also allow a shorter drive length and this will reduce the amount of impervious area on the subject property.
- d. In my opinion the circumstances are unique as we have elected to improve / invest in a property that may have become an eyesore for the community as a posed to the owner taking great pride in redeveloping given the current code restrictions.
- e. In my opinion this is an exceptional development and an exceptional home owner. The construction of this garage will enable the homeowner to house his automobiles as well as yard equipment necessary to maintain a property as unique as the subject site.
- f. The 727.0 elevation covers 80% of the subject site avoidance is not possible.

10. List the date on which the Stormwater permit application for the proposed development was submitted: 8-29-08

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(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)

OWNER  
\_\_\_\_\_  
Title

4742 CONNOR RD  
\_\_\_\_\_  
Street Address

DOWNERS GROVE IL 60515  
\_\_\_\_\_  
City, State, Zip Code

(630) 964 0569  
\_\_\_\_\_  
Telephone Number

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**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.

**VILLAGE OF DOWNERS GROVE -  
Stormwater and Flood Plain Oversight Committee Meeting  
October 23, 2008, 7:00 p.m.**

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

**Call to Order**

Chairman Eckmann called the meeting to order at 7:03 p.m. A roll call followed and a quorum was established.

Members Present: Chairman Eckmann, Mr. Barnett, Mr. Crilly, Mr. Gorman, Mr. Ruyle, Mr. Scacco

Staff Present: Asst. Dir. of Public Works, Mike Millette; Lori Godlewski, Recording Secretary

Others Present: Scott Padalik, 4742 Cumnor Road, Downers Grove; Walter Krawczyk, P.E., with Southwest Engineering Consultants, Inc., 7621 Baimbridge Drive, Downers Grove

**APPROVAL OF AUGUST 28, 2008 MINUTES**

The following changes were noted: Page 10: fifth paragraph, second line, delete the words “and the committee” and insert the words “on the committee.” Page 11: third paragraph, third line, delete the following text: “lower one is in a flood plain, the further one reduces the freeboard, and the more.” Insert in its place the following text: “parking lot is in a flood plain, that the further that one reduces the freeboard, the more.” **Minutes of the August 28, 2008 meeting were approved with noted corrections, on motion by Mr. Gorman, seconded by Mr. Barnett. Motion carried by voice vote of 4-0-2.**

**PUBLIC COMMENTS** - No comments.

**NEW BUSINESS**

Chairman Eckmann opened up the public hearing.

**A. PUBLIC HEARING - Variance Petition regarding 4742 Cumnor.**

CHAIRMAN ECKMANN: Would you like to speak first or last? You may speak first.

MR. MILLETTE: If it would please the chair.

CHAIRMAN ECKMANN: Go ahead Mike.

MR. MILLETTE: Thank you for your indulgence. I [inaudible] wants to disagree with me a bit. What we have before you this evening is a variance to Section 26.62-3 of the Stormwater Flood Plain Control Ordinance or section of the code, rather, for a non-attached garage accessory



structure to have a variance for freeboard from the required three feet to one and a half feet. Proper notice was given. The application was received, was complete, and in a timely fashion.

Staff has reviewed and our consultant has reviewed the request and we concur in our advised concurrence on the request for ordinance. If the commission so chooses and does concur, we would advise that pursuant to Section 120-12, that the applicant should be advised of a consideration that this variance may increase their insurance rating as the ability to obtain insurance. And, I believe the petitioner is here and would like to make a brief presentation.

MR. KRAWCZYK: Yes.

CHAIRMAN ECKMANN: Doesn't have to be brief. Notwithstanding --

MR. MILLETTE: And here to answer your questions.

MR. KRAWCZYK: If that pleases the commission. Thank you. Again, for the record, my name is Wally Krawczyk. I'm with Southwest Engineering Consultants. I was retained by my client, Mr. Scott Padalik, to help him through what I would call a lengthy process, in that we provided an addition on this property once back in -- it was in May of '05 when we applied for a deck permit. Again, because the property has a flood plain on it, we did that back in October of '07 and then finally Scott reminded me that ultimately he wants a garage on the property.

So, rather than doing all three steps together, we've kind of evolved to where we're at today. The subject property -- if everyone can see from here or [inaudible words].

CHAIRMAN ECKMANN: We have small drawings of that in our packet.

MR. KRAWCZYK: Sure.

CHAIRMAN ECKMANN: Is there anything you want to point out?

MR. KRAWCZYK: It's -- the site itself is .75 acres in size. I think what's important and why we're here today, recognizing that the freeboard, with such a large lot, you can be able to obtain that under normal, normal circumstances. What happens in the design, however, all of the high property is located on the north side of the property. So, consequently, that's where we cause the least amount of impact to the existing floodway and flood plain and, and construction activities.

Only the side yard setback for the garage -- it's a six-foot side yard setback -- we've provided seven to help with some horizontal clearance due to the vertical elevations that we're raising the structure. Because we're raising the structure -- right now, we've got the garage floor at 728.5; the existing base flood elevation on the lot is 727 -- so, we're a foot and a half above that freeboard with this detached accessory structure.

When, when I designed it back at 730, what happens is, as we, as we ramp up to the garage, we're left with these voids on both sides of the garage that, in my opinion, start to look unsightly to the neighbors and, and given the close proximity to the north property line, our only option then would be retaining walls, which we could do. But I just feel with it being residential with bicycles and cars and icing conditions, it just is not the best, safest condition.

I, I felt that it was best to present to the commission, ask for some consideration, make the homeowner aware of what the ordinance is, and then look for some direction from some of the, the commission, and, and hopefully you hear our, our need for this variance.

CHAIRMAN ECKMANN: Okay.

MR. KRAWCZYK: I'm happy to answer any questions --

CHAIRMAN ECKMANN: Yes, that's just what I was going to say --

MR. KRAWCZYK: -- and I know it was short and --

CHAIRMAN ECKMANN: -- Does anyone on the committee wish to ask or ask -- [inaudible] answer -- ask any questions relative to this variance?

MR. BARNETT: Mr. Chairman, I apologize for not having asked this off-line prior to the meeting, but for my own clarification, is there -- am I missing an element? It appears like there's a technical memorandum dated 8/6 that I, I haven't seen [inaudible words]?

MR. MILLETTE: That is a typo. You're never seen anything. My apologies. That -- that's from the previous --

MR. BARNETT: Okay.

MR. MILLETTE: -- variance petition. My apologies.

MR. BARNETT: That's my primary issue, [inaudible] I'll have another one in a moment.

CHAIRMAN ECKMANN: Yes?

MR. GORMAN: I, I remember the property from a few years ago and, if I recall, at that time, you had requested to put an addition on the house and this commission had recommended denial. Was that denial upheld by the, the council?

MR. KRAWCZYK: [Inaudible words.]

MR. GORMAN: A few years ago --

MR. KRAWCZYK: Yes.

MR. GORMAN: -- and, and correct me if I'm not remembering --

MR. KRAWCZYK: 2003.

MR. GORMAN: 2003 --

MR. KRAWCZYK: And what we did was we removed -- we removed the -- after being educated quite quickly that there was some flood plain issues that we had no idea about, we removed our petition for variance and then we were able to work within the, the bounds of, of flood plain variance -- flood plain regulations -- itself, to be able to put the addition on. Not requiring any sort of variance then.

MR. GORMAN: And I've driven by your house to look at it -- the addition -- it looks great.

MR. KRAWCZYK: Thank you.

MR. GORMAN: You've done a great job with the house.

MR. KRAWCZYK: Good grading.

MR. GORMAN. That said, I -- with the location of the garage, not only is it outside the map floodway, looking at what is called a conveyance shadow -- Mr. Millette knows what I'm talking about -- water is typically given to expand at four to one ratio and contract at a one to one ratio, it's even outside of that in the flood fringe areas. So I don't see that as blocked flood flows. So my, my only concern was whether or not compensatory storage was being provided at a one and half to one ratio.

MR. KRAWCZYK: Actually, we, we have gone through and final engineered it. We've -- we submitted a submittal package for compensatory storage. We are able to achieve all the compensatory storage on the site and actually under the addition, the driveway, the deck, and the garage plan, we've -- we, we meet compensatory storage. So, so in short, the site has more storage on it today and in the future than it did when we started the project.

MR. GORMAN: Okay. And then the grading shows that, there's probably -- in just knowing the area -- there's quite a large drainage area -- there's a tributary to your lot. You can see it slopes up, and, do you have concerns, as the design engineer, about heights? You're showing, I believe, it would sheet flow, catch and swale, go around the garage in a sheet flow over the driveway.

MR. KRAWCZYK: Over the driveway. Actually, we feel that the, the swales -- and I'm happy to provide those, those calculations in the cause slopes -- by, by diverting the water to, like a low point or a summit, before we slope up to the garage, I, I feel that that overflow would be the safest location in the driveway. We'd come through the, the house. We would hit the summit -- that would be the overflow -- and then we would ramp up to the garage there. And the rest of the water would be diverted back around the garage, in the garage, with only being -- I think it's 22 feet in depth along that face -- I, I think we can easily accommodate those overland flows.

MR. GORMAN: Okay. It's -- and, honestly, it's outside of purview of hearing the variance petition, but just looking at it, if, if we could refine it to, to make it work better, I've looked at hundreds of plans and [inaudible] with, perhaps you might want to consider some kind of culvert that runs underneath the driveway, as just a suggestion.

MR. KRAWCZYK: I'd be happy, happy to look at that.

MR. GORMAN: It's strictly up to you, but you may, you may have an ice problem the way I'm looking at it.

MR. KRAWCZYK: [Inaudible word.]

MR. GORMAN: Those are my comments.

CHAIRMAN ECKMANN: Okay. Anyone else? Yes?

MR. SCACCO: What's -- what is the finished floor elevation of the main structure -- of, of the house?

MR. KRAWCZYK: 730.

MR. SCACCO: It's at 730?

MR. KRAWCZYK: At, at the addition, as -- I mean, it was funny. We, we built the house at 730 but then the building commissioner insisted that we put a ventilation trap in the foundation and the ventilation traps, but while the base flood elevation, so I mean, I guess in theory, we're using the house as -- it could be considered compensatory storage but fortunately we have that hundred year event, or, or darn close to it, and, and we didn't -- the water never even croached up to the foundation nor did it take advantage of the previous compensatory storage. So, we're, we're pretty comfortable with everything but to answer your question, it's 730.

MR. SCACCO: Okay. And, I understand the reason, or that the -- you have a lot of raising up, raising the finished floor elevation of the garage up would cause some drainage between the property line -- the north property line there. Is there -- I think you might have mentioned -- is there a reason why you don't want to move the garage a little bit off that property line?

MR. KRAWCZYK: Sure. The further -- we're trying to take advantage of all the high ground that we have right now. So, by moving -- by moving the garage further south, we then incorporate more compensatory storage and more filler requirements and it just -- it ends up still being -- then it starts to feel more like an island. Right now, it's, it's, it's still somewhat connected to the north property. It still fits within the neighborhood. If we pushed it further south and, and further west, it would truly feel like an island with this, you know, kind of a, more of a pier-type presence to the garage [inaudible word].

MR. SCACCO: And then one last question. Is that flat area with the retaining wall behind the garage? Is that where you're going to concentrate storage at?

MR. KRAWCZYK: Actually, we're, we're working within the parameters. We are planning that, but right now we, we meet under the compensatory storage that we originally provided and the

supplement plan that we put together, we meet the low -- the lower frequency storms up to elevation 726. Where we struggle, it's from 726 to 727. We're going to cut a weir within the foundation wall and create a basin within the garage, below the garage floor, for that 26 to 27 million of that. It starts to feel a lot like underground detention on some of the commercial properties.

MR. SCACCO: And then you'll have an outlet pipe that --

MR. KRAWCZYK: Actually, the code says that it has to be able to drain without any mechanical backup. It does drain gravity from the, from the -- if you will -- the basement of the garage. The gravity outlet provides positive drainage to the creek. There will be a backflow preventer to allow the creek not to back up. The water would rise to the 726, spill over the weir that's built into the garage, and then it would drain as the creek around it, drained.

MR. SCACCO: Okay. That's all I have.

CHAIRMAN ECKMANN: Are, are you thinking that this last storm in September was a hundred year storm?

MR. KRAWCZYK: Maybe not [inaudible word].

MR. \_\_\_\_: 2006 was.

CHAIRMAN ECKMANN: Yes, according to official records, it's about a twenty-five -- twenty-four hour basis --

MR. KRAWCZYK: Was that it?

CHAIRMAN ECKMANN: -- so, pardon?

MR. KRAWCZYK: Would we have 6.3 inches of rain?

CHAIRMAN ECKMANN: On a 24-hour basis.

MR. KRAWCZYK: Oh, okay.

CHAIRMAN ECKMANN: It's, it's about a 25-year storm, so [inaudible].

MR. KRAWCZYK: We've got 75 more years.

CHAIRMAN ECKMANN: I don't think you've seen a hundred year storm, or the owners don't think.

MR. RUYLE: I have a couple of questions --

CHAIRMAN ECKMANN: Yes, go ahead.

MR. RUYLE: -- dealing with the storage in the garage area. I noticed that you have raised the access panel a little over an inch on the floor. It seems that in my mind that would be for keeping automotive fluids from going into that area, is that correct?

MR. KRAWCZYK: Was that -- that was on the blow-up detail?

MR. RUYLE: Yes. It's --

MR. KRAWCZYK: I think what I was -- my original thought process there was to, to have enough room to bring the pipe in and the backflow preventer [inaudible words] the access panel. It was this blow up-here. [He points.]

CHAIRMAN ECKMANN: The one you're looking at, that's the one we're looking at.

MR. GORMAN: The bottom right-hand corner.

CHAIRMAN ECKMANN: Bottom right-hand corner.

MR. KRAWCZYK: Yes. Yes, we had the proposed invert at 722.3 and then we had the pipe coming in and then there was the backflow preventer in there and then the basement floor elevation was at 722.3. I can, I can make sure that we provide a trap in there for auto-- you know, but the deck on the garage floor is going to be a cons-span (phonetic spelling), solid, no drainage to that basement.

MR. RUYLE: Okay. That, that's --

MR. KRAWCZYK: So, it will drain.

MR. RUYLE: -- that's where I was going.

MR. KRAWCZYK: Yes, it will drain as any conventional garage --

MR. RUYLE: Out through the garage.

MR. KRAWCZYK: Out through the garage doors, back into the driveway --

MR. RUYLE: Okay.

MR. KRAWCZYK: -- and into the grassy areas.

MR. RUYLE: Okay. That --

MR. KRAWCZYK: That won't --

MR. RUYLE: -- that was my concern, that we weren't creating a situation where fluids that would drain through and then go down that pipe directly into the stream.

MR. KRAWCZYK: No. It would -- no sir. It will be designed as solid conspan --

MR. RUYLE: Okay.

MR. KRAWCZYK: -- with no drainage through the floor. There will be the opening to access the panel below.

MR. RUYLE: Right.

MR. KRAWCZYK: And that hatch will be --

MR. RUYLE: That panel --

MR. KRAWCZYK: -- elevated --

MR. RUYLE: -- is elevated.

MR. KRAWCZYK: -- as that panel can elevate that panel to keep drainage from going down that.

MR. RUYLE: That was my first. And the second question I have is, with the advent of a storm, which you don't want, but may and then what we're planning for, that area flooding in there -- the basement, we'll call it, of the garage, flooding and then subsequently draining, I'll question the business of is there sufficient ventilation to ensure that the organic material that would be carried in as flotsam during a flood period, that that material dries out completely so that we don't have a process of fungus growth, bacterial growth, things of that nature?

MR. KRAWCZYK: I, I think it would be fair to say that I could engineer a ventilation system, like a fan or an exhaust fan, when we actually get to the structure design with, with the architect. And I think that it would be fair to say that under the event that that was the primary reason for



having the access panel, to go down there to be able to hose it out; clean it back up under the hundred year event when this would occur.

But I'm, I'm happy to work with the architect to ask that question. It will be cement floors, cement walls, cement ceiling. So, from a mold -- and it's uninhabitable structure, of course, but from a mold standpoint, I'm happy to talk to the architect. Maybe there's a dual seal where we would seal the outside of the foundation and maybe seal the inside of the foundation. And I'm happy to explore that and present it to the commission.

MR. RUYLE: Maybe instead of an active system, like a fan, maybe just a stacker --

MR. KRAWCZYK: Event stacker --

MR. RUYLE: -- something of that nature.

MR. KRAWCZYK: -- from the lower all the way --

MR. RUYLE: Right.

MR. KRAWCZYK: Yes. Similar to the soils when we run into the soil conditions.

MR. RUYLE: Right.

MR. KRAWCZYK: A passive system.

MR. RUYLE: Yes.

CHAIRMAN ECKMANN: Any more comments or questions?

MR. KRAWCZYK: [Inaudible words.]

CHAIRMAN ECKMANN: Well, let me kind of ask [inaudible] question is that -- is it fair there is a consensus that the -- we would not be opposed to, to the variance? Is that a reasonable consensus from the committee's point of view?

MR. GORMAN: I'm willing to make a motion.

CHAIRMAN ECKMANN: Okay. I would like to change our procedure a little bit, than, than simply "approving" variances, if, if you will. That -- I think our ordinance is really a minimum standard and when petitioners ask for something less than, if you will, our standard, what they are, in essence, asking for is to assume more risk of flooding. That's, that's what it is. They are asking

to, to assume more risk and flooding. And I think where our position is, if I kind of understand it, the garage that we are not unalterably opposed to the petitioner, assuming this additional risk. I mean, this is not to say that some day that there are going to be two expensive cars in there that are not going to be worth much.

So, I would say -- I would like to suggest to whomever makes the motion that the motion be something along these lines: the owner of the property at 4742 Cumnor has petitioned the Village to increase the risk of flooding of their garage by constructing the floor of the garage, one and a half feet below the elevation required by our ordinance. The Stormwater and Flood Plain Oversight Committee is not opposed to granting the petitioner's request to assume this additional flooding risk. Is something like that -- would that be acceptable to somebody to make a motion along those lines?

MR. GORMAN: Yes, I'd be happy.

CHAIRMAN ECKMANN: Okay. Go [inaudible words.]

MR. GORMAN: I may modify it a little bit --

CHAIRMAN ECKMANN: Go ahead, go ahead. I'm -- this is just a -- it's just a concept more than exact words.

MR. GORMAN: I'd like to make a motion to --

MR. SCACCO: Right before you do that, can I ask a question? Is, is that in any way going to impact what their official filed request was?

CHAIRMAN ECKMANN: It -- like, what, what do you mean? It, it bears exactly on what their request is. Yes.

MR. GORMAN: I, I -- the change that I would make and, and the wording would be exactly to reflect the, the freeboard amount of one and a half feet versus three, just so that in 20 years anyone looking at it, doesn't have to refer to a 20 year-old ordinance to see what the requirement was.

CHAIRMAN ECKMANN: That's a good change.

MR. SCACCO: Like, specifically it says in here that “we are requesting a variance of the finished floor elevation to be 1.5’ above the BFE” and so we’re motioning something that’s worded differently and I’m just wondering if there needed to be an exact correlation between what their request was versus what we’re granting.

CHAIRMAN ECKMANN: I think, in essence, we’re granting what they are requesting. It’s, it’s looking at it in a little different perspective. I think a -- probably a more proper reason -- perspective because the people that are making the petition have to clearly understand that they are taking on additional risk of flooding and if they want to do that, and we think it’s in an area that is not particularly detrimental, we would have no objection to it. But I, I think there’s a -- there is a difference between that and just simply saying, “Yes, you can have a variance.”

MR. MILLETTE: I would concur Mr. Chairman, that’s in, in the spirit of 26-120.12 --

CHAIRMAN ECKMANN: Yes.

MR. MILLETTE: -- and then perhaps Mr. Gorman, to just -- I would think doing both cite 26 or -- cite 26-62.3 and then also state in plain words. I think that would cover it.

CHAIRMAN ECKMANN: So, I’ll let you go Dave.

MR. GORMAN: Give me one second here.

MR. RUYLE: In this particular situation, because there is already an existing driveway to that area, cars sitting in that driveway would be at the same risk. However, the previous petition for variance -- the bank building to become a clinic -- I specifically stated that the business [inaudible] meeting that they have to understand that they are taking on a greater risk.

CHAIRMAN ECKMANN: I, to be very candid, that if I was here, I would have requested the committee to seriously consider a -- I think it was more important there than it is here, but is serious -- similar approval, if you will, of their variance, because I -- and, and actually there -- I would have gone a couple of steps further that it would have been recorded and I didn’t name the document, but that would be provided by the city/Village attorney -- with certain wording provided by the Village

attorney so that anyone buying that building in the future would be made aware of the fact that they are taking on more risk. That's what it is --

MR. RUYLE: Right.

CHAIRMAN ECKMANN: -- of flooding. And yes, I thought it was important but it did get passed that way and I wasn't here and I -- but -- and I'm glad, I'm, I'm glad that you brought that up because I think that's proper thinking on, on how we ought to be looking at these, where people want to assume more risk. And, in this case, I think most of us agree it's not significant risk, but in a home, I think it's, it's very significant and, and that's why, of course, historically we denied your and anyone else it would have come in we would have denied their petition.

The -- you know -- and, and just for the benefit of -- I'm getting days and times to write. For the benefit of the rest of the commission, I've seen this argument, and for the two new members in particular, that we have a minimum standard of three feet above high water levels. The County has one foot. The -- always the argument is, is why are we more stringent? Well, I think any of you that -- I don't know Bob, if you have done any work, but the federal government -- it is three feet. I mean, this is -- where this one foot came from I don't know.

We have seen earlier this year where -- and I can't remember how much of both -- remember where the inlets were, were blocked and all that? It was -- I believe it was close to the three feet above high water levels. So, we have seen it right in this town this year. So, the three foot -- I mean -- that's not guarantying anything. It's just -- it's just probably a -- it's a higher minimum than a county but not a higher minimum that one is a standard in this country.

MR. MILLETTE: Mr. Chair, there was a question asked at the council meeting pursuant to your recommendation that would also, in the event for our two members, in that the Village benefits on the community rating system, which is FEMA's actuarial exercise on what flood insurance rate is paid in your community, and by having our standard at a three-foot of freeboard, it basically gets us an extra ten percent discount for flood insurance for those who since require it -- flood insurance. And, and that's [inaudible].

CHAIRMAN ECKMANN: Yes, that's -- but because it's meeting a federal standard, I mean, I think that's the reason for it. I mean this, you know, again, it's arbitrary but arbitrary on our part to have that.

MR. MILLETTE: [Inaudible] particularly [inaudible] applies to detached structures.

CHAIRMAN ECKMANN: No, I think we all agree to that, unless a detached structure is a second home.

MR. \_\_\_\_: Sometimes they become that.

MR. SCACCO: Do variances or how do -- how do variances from our standard affect our rate if we keep grant -- if we grant too many of them, it's going to --

MR. MILLETTE: My, my experience with them is that they really will only be concerned if it becomes habitual for primary structures. The, the, the commercial -- they don't particularly seem to care about the commercial issues at all and a detached garage, I don't think will raise any, any red flags with FEMA either.

CHAIRMAN ECKMANN: What you have to think about is this. A new home being built will probably be used -- what -- a hundred years? And there are going to be many owners over that period of time and it is within that hundred year period, it is very likely that if that house sits not high enough, there could be disastrous circumstances. So it's, it's prudent that, that anything built in the future meet a sterling standard, if you will.

How we doing Dave?

MR. GORMAN: Okay. I would like to make a motion.

**Mr. Gorman made a motion that the owner of property at 4742 Cumnor has petitioned the Village to reduce the required freeboard above the base flood elevation from three feet (3') to one and a half feet (1-1/2') as required per Section 26-62-3 of the Village's Flood Plain Ordinance in order to construct a proposed garage and recommend that the Village Council grant this variation to the Village code with the understanding that the property owner acknowledges and assumes the additional flooding risk.**

**Mr. Ruyle seconded the motion.**

**A voice vote was taken and the motion carried unanimously. Vote: 6-0.**

Mr. Krawczyk thanked the committee for their supporting motion. Mr. Millette explained the next steps for the petition, noting it will be scheduled for the second workshop (4<sup>th</sup> Tuesday) in November.

Chairman Eckmann welcomed new members Mr. Barnett and Mr. Ruyle to the committee. Mr. Barnett briefly explained why he got involved with the Stormwater Committee, i.e., community service. Mr. Ruyle briefly explained he joined the committee due to the flooding he has personally experienced in his own home and thought he could use that experience with others involved in the same type of situation.

### **OLD BUSINESS**

Chairman Eckmann distributed copies of letter which was sent out about a year ago suggesting that a new letter be sent out, but asked that members contact him by one o'clock tomorrow if they felt changes were necessary.

#### **A. DuPage County Water Quality Best Management Practice (BMP) Manual - Update -**

Mr. Millette reported a few submissions have come in since the ordinance was revised. From what he has seen, the county has provided positive outreach to the consultant community on this matter. Permits have declined which has eased the process. Chairman Eckmann commented on his attendance at a seminar which discussed green roofs. For informational purposes, he pointed out, the green roof best management practices produces more phosphorous and run-off than any other practices, which he found very interesting. In general, he stated the overall discussion at the seminar was the fact that the emphasis on best management practices was not on the individual homeowner, but instead on the governmental entity to collect and treat.

**B. WIIP Update** - Mr. Millette reported that the Village council recently ordered engineering contracts for three new and two Phase II (SW42 and SW33) projects on the Watershed Infrastructure Improvement Plan. The three new projects are SW37, SW38, and SW39 scheduled for later construction in the current CIP. Details followed on the flexibility needed for those projects. Copies were available on the Village's web page. Furthermore, he reported the schedule for projects SW33, SW42 and McCullom Park, which have intergovernmental agreements, have been approved by both park district boards subject to some temporary easement language. On the Sterling North Park project (SW33), preliminary conversations by the consultants were held with the Corp of Engineers who have not rejected the concept of impounding the creek to create a wet pond/lake. The design work for the Washington Park project (SW42) has been accelerated along with the other two projects and final design plans are expected by the end of the year. Lastly, the Brooke Drive Center project was expected to be project ready for construction by next year.

Further reported, the proposed Community Investment Program ("CIP") was discussed by the council during the budget hearing process and the current draft is available on the Village's web site. Revisions will be considered by Council next Tuesday night. All final actions on matters are scheduled for the second meeting in November. Mr. Millette offered to answer any questions on the above matters.

Chairman Eckmann asked that a new version of the CIP be forwarded to members, along with the agenda for the next meeting. Lastly, Mr. Millette stated there may have another variance request. Details followed. Asked whether the committee would be objected to holding their next meeting on November 24<sup>th</sup> or November 25<sup>th</sup> Chairman Eckmann conveyed to Mr. Millette that the committee would try to accommodate the petitioner for the November 24<sup>th</sup> date.

**ADJOURN**

**Mr. Crilly made a motion to adjourn the meeting at 7:50 p.m. Seconded by Mr. Barnett. Motion carried by voice vote of 6-0**

Respectfully submitted,  
(as transcribed by tape)

/s/ Celeste K. Weilandt  
Celeste K. Weilandt, Recording Secretary