

VILLAGE OF DOWNERS GROVE
REPORT FOR THE VILLAGE COUNCIL MEETING
DECEMBER 2, 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

This item was discussed at the November 25, 2008 workshop. Staff recommends 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.

VILLAGE OF DOWNERS GROVE
COUNCIL ACTION SUMMARY

INITIATED: _____ **Applicant** _____ **DATE:** _____ December 2, 2008 _____
(Name)

RECOMMENDATION FROM: Stormwater and Flood Plain Oversight Committee **FILE REF:** _____
(Board or Department)

NATURE OF ACTION:

STEPS NEEDED TO IMPLEMENT ACTION:

- Ordinance
- Resolution
- Motion
- Other

Motion to Adopt "AN ORDINANCE GRANTING A STORMWATER VARIANCE FOR 4742 CUMNOR ROAD", as presented.

SUMMARY OF ITEM:

At their meeting of October 23, 2008, the Stormwater and Flood Plain Oversight Committee recommended adoption of the attached ordinance to permit a stormwater variance for the property located at 4742 Cumnor Road.

RECORD OF ACTION TAKEN:

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