

VILLAGE OF DOWNERS GROVE
REPORT FOR THE VILLAGE COUNCIL MEETING
APRIL 1, 2014 AGENDA

| SUBJECT: | TYPE: | SUBMITTED BY: |
|---------------------------------------------------------------------|-----------------------------------------------------------|----------------------------------------------------------|
| Stormwater and Floodplain Ordinance Variance – 4924 Linscott Avenue | ✓ Resolution Ordinance Motion Discussion Only | Karen Daulton Lange, PE, CFM Stormwater Administrator |

SYNOPSIS

An ordinance has been prepared to grant a variance from the Stormwater and Floodplain Ordinance for the property located at 4924 Linscott Avenue. The variance would allow a detached garage to be built at the base flood elevation rather than one foot higher than the base flood elevation as required.

STRATEGIC PLAN ALIGNMENT

The goals for 2011 to 2018 include *Steward of Financial and Environmental Sustainability*

FISCAL IMPACT

N/A

RECOMMENDATION

Approval on the April 8, 2014 Active Agenda

BACKGROUND

The subject property located at 4924 Linscott is currently improved with a single family house and is located entirely within a Localized Poor Drainage Area (LPDA). An LPDA is an area which has poor or inadequate stormwater drainage that results in periodic flooding. LPDA's are regulated in a manner similar to floodplains. The existing house does not comply with current stormwater regulations in that it has a basement which is not permitted in an LPDA.

The petitioner, developer of the property, plans on demolishing the existing house and constructing a new single family house and a detached garage. The new house will conform with all stormwater regulations (there will be no basement and the first floor of the house will be at least three feet above the base flood elevation of the LPDA). The petitioner is requesting a variance to Section 26.505.B of the Municipal Code to permit the floor of the garage to be constructed at the same elevation as the base flood elevation of the LPDA instead of the minimum required one foot above the base flood elevation.

Constructing the detached garage in conformance with the stormwater regulations with the floor of the garage one foot above the base flood elevation would require filling in portions of the LPDA which would reduce the amount of flood storage capacity of the LPDA and likely increase the risk and amount of flooding on neighboring properties. Granting the variance would not negatively impact surrounding properties and would not diminish the flood storage capacity of the LPDA. The detached garage would likely flood during certain extreme rain events.

The Stormwater and Floodplain Oversight Committee held the required public hearing at the March 13, 2014 meeting. No objections were received. The Committee unanimously recommended approval of the variance subject to the conditions in the draft ordinance. Staff concurs with this recommendation.

ATTACHMENTS

Ordinance

Petition for Variance No. 2014-001

Stormwater Administrator's memo dated March 7, 2014

Draft Minutes of Stormwater Floodplain Oversight Committee

ORDINANCE NO. _____

**AN ORDINANCE GRANTING A
STORMWATER VARIANCE FOR 4924 LINSCOTT AVENUE**

WHEREAS, the Village has previously adopted the Downers Grove Stormwater & Flood Plain Ordinance (Chapter 26 of the Downers Grove Municipal Code, hereinafter 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 4924 Linscott Avenue requesting a variance from certain flood protection elevations; and

WHEREAS, a public hearing was held on March 13, 2014 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 floor elevation of a detached garage to be at the Base Flood Elevation in lieu of the one (1) foot minimum Flood Protection Elevation required per Section 26-505.B of the Stormwater Ordinance.
2. This variance is conditioned upon compliance with all other applicable Village Ordinances.
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

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:

JOEL ANDERSEN HOMES LTD 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:

RIDGELINE CONSULTANTS LLC. - JIUN LIN 630 801-7927

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>NA</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)

PIN# 0907215018
LOT 7 BLOCK 2 PRICES & COMPANIES ADDITION
SUBDIVISION 516, 7, 8 TOWNSHIP 38 N. RANGE 11
4924 LINSCOTT AVE

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

REQUEST TO SET THE GARAGE AT THE B.F.E.
PER DUPAGE COUNTY.

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

SAME AS ABOVE
VILLAGE CODES.

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

VILLAGE CODES 26.1303 AND 26.505
ENTIRE PROPERTY IS IN A LPDA AND IT IS
NOT PRACTICAL TO PUT THE GARAGE AT THE
SAME LEVEL AS HOUSE STRUCTURE. REQUESTING TO
PUT IT AT DUPAGE COUNTY'S BFE SO WE CAN
MEET THE COMPENSATORY STORAGE.

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

NEED TO KEEP THE GARAGE TF. AT BFE.

9. Explain how the variance sought satisfies the standards of Subsection 26-1900.J of the Stormwater & Flood Plain Ordinance as set forth below:

THE HEIGHT IS IN COMPLIANCE WITH
DUPAGE COUNTY STORMWATER CODES.

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

REVISIONS 1/6/14
(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]
Signature of Applicant (Owner / Developer)

PRESIDENT.
Title

5726 CARPENTER ST.
Street Address

DOWNERS GROVE, IL 60516
City, State, Zip Code

(630) 240-3221
Telephone Number

ANDERSEN HOMES @ CONCRST.NET
Email

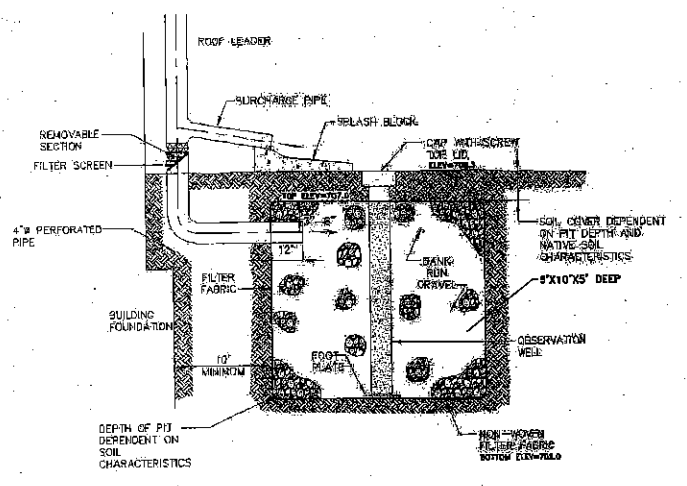
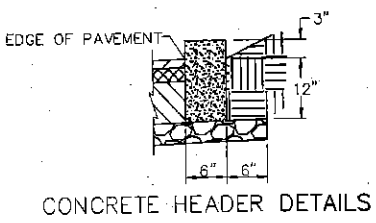
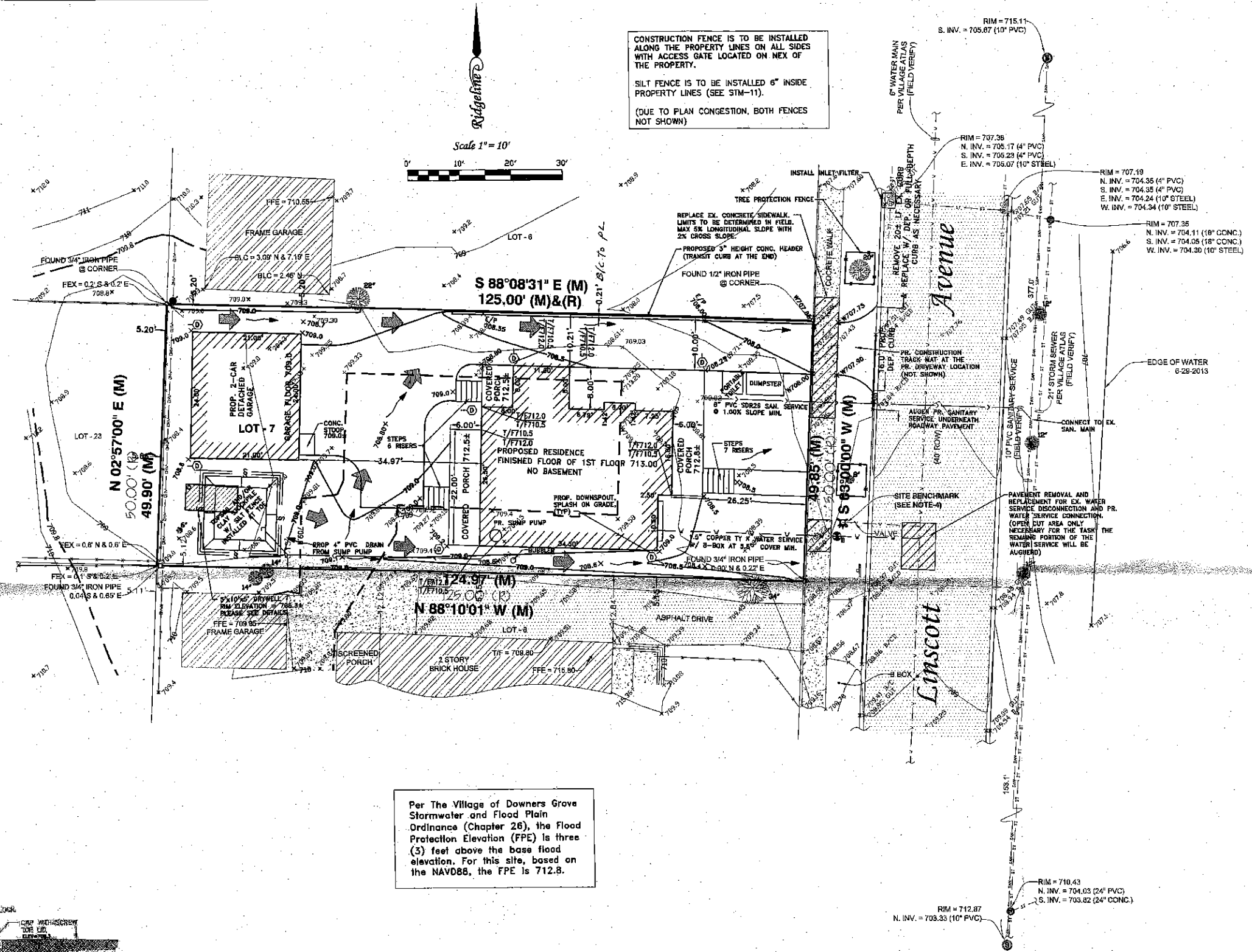
26.1900.J.

The Oversight Committee shall consider, and the Village Council may grant, such petition for a Downers Grove Municipal Code 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 26.504 of this Ordinance as well as the following conditions:

1. Granting the variance shall not alter the essential character of the area involved, including existing stream uses; and
2. 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
3. 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
4. The applicant's circumstances are unique and do not represent a general condition or problem; and
5. The subject development is exceptional as compared to other developments subject to the same provision; and
6. When the variance request involves the standards for wetlands and flood plains, the development proposed for a wetland or flood plain could not be constructed if it were limited to areas outside the wetland or flood plain.

NOTES:

1. THE EXISTING UNDERGROUND UTILITIES ARE SHOWN ON THE PLANS ACCORDING TO INFORMATION AVAILABLE. THE CONTRACTOR SHALL BE RESPONSIBLE FOR DETERMINING THE EXACT LOCATION OF THESE UTILITY LINES IN THE FIELD AND THEIR PROTECTION FROM DAMAGE DUE TO CONSTRUCTION OPERATIONS. IF EXISTING UTILITY LINES OF ANY NATURE ARE ENCOUNTERED WHICH CONFLICT IN LOCATION WITH NEW CONSTRUCTION, THE CONTRACTOR SHALL NOTIFY THE ENGINEER SO THAT THE CONFLICT MAY BE RESOLVED.
2. THE CONTRACTOR SHALL LOCATE AND VERIFY THE LOCATION AND DEPTH OF UTILITIES SHOWN HEREON PRIOR TO CONSTRUCTION. AT THE CONTRACTOR'S OPTION IF APPLICABLE, THE EXISTING SERVICES CAN BE LOCATED AND UTILIZED UPON APPROVAL OF THE VILLAGE OF DOWNERS GROVE OF ITS REPRESENTATIVE.
3. ANY SPOIL/TOP SOIL STOCKPILE SHALL HAVE DOUBLE ROWS OF SILT FENCES INSTALLED AND MAINTAINED AROUND THE BASE OF STOCKPILE. THE SILT FENCE MUST BE MAINTAINED PROPERLY. THE AMOUNT OF SOIL IN THE STOCKPILE AND THE LENGTH OF TIME THE STOCKPILE IS ON SITE SHALL BE MINIMIZED. ALL EXCESS STOCKPILE MATERIAL SHALL BE REMOVED AS SOON AS POSSIBLE.
4. THE PROPOSED DRIVEWAY APRON AT THE NORTHEAST CORNER OF THE SITE IS TO BE USED AS GRAVEL MAT AND WASH DOWN AREA FOR THE CONSTRUCTION ACTIVITIES.
5. SEE ARCHITECTURAL PLANS FOR EXISTING HOUSE DIMENSIONS/FEATURES.
6. IF IT IS DETERMINED THAT THE EXISTING WATER SERVICE, NOT SHOWN HERE, IS TO BE REPLACED, DISCONNECT EXISTING WATER SERVICE LINE AT MAIN AND INSTALL NEW 1" COPPER WATER SERVICE PIPE TYPE K ALONG WITH 8-BOX, CORPORATION AND CURB STOP.
7. CONNECT HOUSE PLUMBING TO EXISTING SANITARY SEWER SERVICE PIPE IF EXISTING SANITARY SERVICE, NOT SHOWN HERE, IS TO STAY.
8. FOUNDATION SHALL BE DOWATERED TO THE STREET IF NECESSARY. ALL WATER PUMPED OR OTHERWISE DISCHARGED FROM THE SITE SHALL BE FILTERED.
9. SWALES ARE TO BE CONSTRUCTED AND MAINTAINED DURING CONSTRUCTION.
10. ALL RESTORATION WITHIN THE LIMITS OF RIGHT OF WAY SHALL BE RESTORED WITH SOD.
11. A FINAL GRADING SURVEY IS REQUIRED AT THE COMPLETION OF THE PROJECT AS REQUIRED BY THE VILLAGE.
12. ACCORDING TO THE CORRESPONDENCE WITH THE VILLAGE OF DOWNERS GROVE, THE BFE OF LPDA IS 710.2 ON NAVD83 DATUM. CONVERTING TO NAVD88 DATUM WHICH THE PLAN IS BASED ON, BFE OF LPDA IS 709.8
13. PROPOSED DOWNSPOUTS LOCATION ARE APPROXIMATE AND WILL BE DETERMINED IN THE FIELD DURING THE CONSTRUCTION STAGE.
14. THE EXISTING WATER SERVICE DISCONNECTION AND THE PROPOSED WATER SERVICE CONNECTION LOCATIONS SHALL BOTH BE MADE AT THE MAIN. THEY SHALL BE NO LESS THAN 16 INCHES FROM EACH OTHER. THE EXISTING WATER SERVICE LOCATION SHOWN IS FOR INFORMATION ONLY. ADJUST PROPOSED WATER SERVICE LOCATION IN FIELD IF NECESSARY.
15. PROVIDE SPLASH BLOCKS FOR SPLASH-TO-GRADE DOWNSPOUTS.
16. ALL TEMPORARY EROSION AND SEDIMENT CONTROL MEASURES SHALL BE REMOVED WITHIN THIRTY (30) DAYS AFTER FINAL STABILIZATION IS ACHIEVED. TRAPPED SEDIMENT AND OTHER DISTURBED SOILS RESULTING FROM TEMPORARY MEASURES SHALL BE PROPERLY DISPOSED OF PRIOR TO PERMANENT STABILIZATION.
17. ALL ELECTRICAL, HEATING, VENTILATION, AIR CONDITIONING, PLUMBING AND OTHER APPLIANCES OR FIXED MECHANICAL OR ELECTRICAL DEVICES SHALL BE LOCATED ABOVE THE FLOOD PROTECTION ELEVATION OF 712.8. THIS ALSO APPLIES TO THE GARAGE AND THE POWER FOR SUMP PUMP IN GARAGE SPACE IF APPLICABLE.
18. ALL FLAMMABLE OR TOXIC MATERIALS (PAINT, GASOLINE, CLEANING PRODUCTS, ETC.) SHALL BE STORED ABOVE THE FLOOD PROTECTION ELEVATION BOTH DURING CONSTRUCTION AND AFTER CONSTRUCTION.
19. ANY DAMAGE TO THE TREES WITHIN THE VILLAGE'S RIGHT OF WAY AS A RESULT OF THE CONSTRUCTION WILL BE THE RESPONSIBILITY OF THE CONTRACTOR TO ADDRESS AT THE DIRECTION OF THE VILLAGE FORESTER.
20. THE PROPOSED SITE DESIGN MUST MEET ALL REQUIREMENTS OF SECTION 26.103 OF VILLAGE OF DOWNERS GROVE ORDINANCE.



LOT COVERAGE TABULATION

| | EXISTING | PROPOSED | | |
|----------------------|----------|----------|-------|-------|
| PERVIOUS | 3,113 | 2,643 | 49.9% | 42.4% |
| IMPERVIOUS | 3,120 | 3,590 | 50.1% | 57.6% |
| BUILDING & GARAGE | 1,408 | 1,570 | | |
| DRIVEWAY/WALK OTHERS | 1,712 | 2,020 | | |
| TOTAL | 6,233 | 6,233 | 100% | 100% |

Signature of Engineer
 Date: 11/30/2015

RECEIVED
 JAN 17 2014

PLANS PREPARED FOR:
 JOEL ANDERSEN HOMES
 5726 CARPENTER STREET
 DOWNERS GROVE, IL 60515

RIDGELINE CONSULTANTS, LLC
 ILLINOIS PROFESSIONAL DESIGN FIRM 181.004760
 1681 ALCOTT ROAD, MONTICOMERY, IL 60038
 PHONE (630) 561-7827 FAX (630) 701-1385

GRADING PLAN
 4924 LINSOTT AVE.
 DOWNERS GROVE, ILLINOIS

PROG. NO. J.H.
 DRAWN BY J.H.
 CHECKED BY J.L.
 DATE 08/06/13
 SCALE 1" = 10'

SHEET 2 OF 3
 2013-0284



Memorandum

TO: SW&FPOC

DATE: March 7, 2014

FROM: Karen Daulton Lange, PE, CFM *KDL*
Stormwater Administrator

SUBJECT: 4924 Linscott – Petition for Variance

PETITION SUMMARY

The developer of 4924 Linscott is proposing to build a detached garage within the LPDA. He is asking for a variance from the Stormwater and Flood Plain Control Ordinance, Section 26.505.B. This section of the code requires detached garages to be constructed to at least one foot above the base flood elevation (BFE). The developer is asking to build the garage at the BFE, which would comply with the Countywide Stormwater & Flood Plain Ordinance, but not the Village's ordinance.

STAFF ANALYSIS

The developer applied for a demolition permit of the existing house and garage as well as plans for a new single-family home with detached garage on this site. The entire lot is within LPDA SJN60, which has a BFE of 709.9 (NAVD88), which would make the flood protection elevation (FPE) of 712.9.

The developer has submitted plans for review, and there are many items still to be addressed. He stated he did not wish to go forward with addressing the comments and revising the plans until he appeared before the SW&FPOC.

STAFF RECOMMENDATION

Staff concurs in granting the request. A home that is not in compliance with current ordinance regulations will be removed and replaced with a home that complies. The request for the detached garage at the BFE is being made in order to avoid filling the lot (for the driveway and garage), which would require compensatory storage, which would be impractical given the entire lot is within an LPDA.

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.

ATTACHMENTS:

- Variance petition 2014-001
- Aerial photo

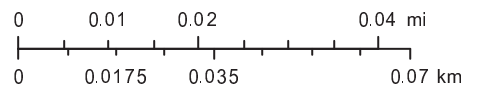


March 7, 2014

1:1,352

Parcel

Override 1



VILLAGE OF DOWNERS GROVE
Stormwater and Flood Plain Oversight Committee Meeting
March 13, 2014 7:00 p.m.

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

I. CALL to ORDER

Chair Gorman called the meeting to order at 7:00 p.m. A roll call followed and a quorum was established.

II. ROLL CALL

Members Present: Chair Gorman, Mr. Civito, Mr. Crilly, Mr. Ruyle, Mr. Scacco (arrived at 7:05 p.m.), Mr. Schoenberg, Mr. Wicklander

Members Absent: none

Staff Present: Karen Daulton Lange – Stormwater Administrator

Public Present: Mr. John Pasakarnis, Mr. Jiun-Guang Lin, Mr. Joel Andersen

III. APPROVAL OF February 13, 2014 MINUTES

Mr. Civito made a motion, seconded by Mr. Schoenberg, to approve the February 13, 2014 minutes as presented. Motion carried by voice vote of 6-0.

IV. NEW BUSINESS

A. Public Hearing 4924 Linscott Ave – Mr. Gorman called the public hearing to order. He stated that the new homeowner of the property is a friend, and he will abstain from discussion and voting, but he would still conduct the public hearing. He gave a brief introduction to the requested variance and asked staff to summarize the request. Ms. Daulton Lange stated the developer of 4924 Linscott is proposing to build a detached garage within the LPDA. He is asking for a variance from the Stormwater and Flood Plain Control Ordinance, Section 26.505.B. This section of the code requires detached garages to be constructed to at least one foot above the base flood elevation (BFE). The developer is asking to build the garage at the BFE, which would comply with the Countywide Stormwater & Flood Plain Ordinance, but not the Village's ordinance.

The developer applied for a demolition permit of the existing house and garage as well as plans for a new single-family home with detached garage on this site. The entire lot is within LPDA SJN60, which has a BFE of 709.9 (NAVD88). The proposed detached garage floor elevation is at the BFE, and the lowest floor of the house is proposed at 712.9.

The developer has submitted plans for review, and there are many items still to be addressed. He stated he did not wish to go forward with addressing the comments and revising the plans until he appeared before the SW&FPOC.

Mr. Jiun-Guang Lin, PE, CFM, is with Ridgeline Consultants and is the developer's engineer. He discussed the unique character of this lot being entirely within the LPDA and the impact on the neighboring property if the land was filled to accommodate the garage at one foot above the BFE. In addition, providing compensatory storage on a lot that is entirely within the LPDA would be impracticable. The developer will also provide a dry well to accommodate roof run-off, which is not required by code since they are not adding more than 2,500 square feet of new impervious area. He also stated that there will be flow-through vents in the garage and all municipal building and development codes would be followed.

Mr. Joel Andersen introduced himself as the developer and said he planned to build a home that fits into the character of the neighborhood.

Mr. Civito inquired if a permeable pavement driveway was proposed and Mr. Andersen said it would be considered towards the end of building if there was money available in the owner's budget.

Mr. Schoenberg commented on the unique characteristics of the property, and that it is not common to have an entire lot within an LPDA. Ms. Daulton Lange concurred.

Mr. Ruyle made a motion, seconded by Mr. Crilly, to recommend to the Village Council to approve the variance to Section 26.505.B. of the Village Stormwater and Flood Plain Ordinance, allowing the garage floor elevation to be at the Base Flood Elevation of 709.9 (NAVD88), rather than one foot higher. Motion passed by role call vote 6-0, with Chair Gorman abstaining.

V. STAFF REPORT

A. Permeable Pavement Costs – Staff reported that the Grove Street system installed a couple years ago cost about \$60/SY, which equates to about \$7/SF. An inquiry to a landscape professional gave the price at \$30 to \$50 per square foot. The roads or large parking lots can be placed mechanically, whereas a small driveway would be placed by hand. Also the sub-base design and excavation required would have an impact on price. Ms. Daulton Lange said she would continue to gather data on pricing.

There was a recommendation that staff provide standard specifications for a permeable pavement driveway for those who are installing to remove impervious surface for the purpose of the storm water utility, and another detail for those who require storage under the pavement to meet Ordinance requirements. Mr. Schoenberg stated that the County Technical Guidance Manual may have information.

B. Larson Optical – 4958 Forest - It recently came to staff's attention that in 2008, the SW&FPOC recommended two variances at this address. One was for the FPE at 1' instead of 3', and the other to allow 18" of ponding water in the parking lot instead of 12".

The Committee recommended that signs be posted in the parking lot indicating the potential depth of ponding.

When staff wrote the ordinance granting the stormwater variances, they did not include the recommended signage; thus, no mention was made of the signs in the actual ordinance, the property was developed, and a CO was granted, and no signs are currently on the site regarding the depth of ponding.

However, because the ordinance 26-62.4 (current code reference 26.1303.6) requires clear posting of flood hazard in parking areas below the BFE, staff can request signage to be posted. Discussion ensued on signage, which is not standard in the catalogs, and it was suggested that staff look at signage currently in place near the Toys R Us.

C. Church Grant Program – Staff is working on modifications to the SW Credit & Incentive manual to incorporate a grant program for churches.

VI. PUBLIC COMMENTS – Mr. Paoakanis recollected many past flooding events in Downers Grove and said he noticed improvements to flooding over the years.

VII. OLD BUSINESS – None.

VIII. ADJOURN

Mr. Wicklander made a motion, seconded by Mr. Scacco to adjourn the meeting at 8:05 p.m., Motion carried by voice vote of 7-0.