

VILLAGE OF DOWNERS GROVE
Report for the Village Council Meeting
5/16/2017

SUBJECT:	SUBMITTED BY:
Stormwater and Floodplain Ordinance Variance 4710 Highland Avenue	Nan Newlon Director of Public Works

SYNOPSIS

An ordinance has been prepared to grant a variance from the Stormwater and Floodplain Ordinance for the property located at 4710 Highland Avenue.

STRATEGIC PLAN ALIGNMENT

The goals for 2015 -2017 include *Steward of Financial, Environmental and Neighborhood Sustainability*.

FISCAL IMPACT

N/A

UPDATE & RECOMMENDATION

This item was discussed at the May 9, 2017 Village Council meeting. Staff recommends approval at the May 16, 2017 Village Council meeting.

BACKGROUND

The subject property is improved with a detached garage and an accessory structure. The majority of the lot is within LPDA 79 (Localized Poor Drainage Area), which has a base flood elevation (BFE) of 736.2 (NAVD88 datum). The petitioner plans to demolish the garage and accessory structure and construct a new detached garage. The homeowner is requesting a variance from the Stormwater and Flood Plain Ordinance, Section 26.505.B, which requires detached garages to be constructed at least one foot above the BFE. The homeowner is requesting to build the garage 1.8 feet below the BFE (the existing garage is currently 2.3 feet below the BFE). Both County and State Codes allow detached garages to be installed below the BFE.

The Stormwater and Floodplain Oversight Committee held a public hearing on April 13, 2017 to consider the requested variance. After proper notice, no objections were received from DuPage County Stormwater Management or residents of the Village. The Committee found that the request complied with the six variance conditions listed in Section 26.1900J of the Stormwater and Flood Plain Ordinance and they voted 4:0 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 constructed approximately 1.8 feet below the Base Flood Elevation, rather than one foot higher, with the following conditions:

1. Place sign in garage stating hazardous materials to be stored above BFE.
2. Note shall be recorded to title that garage is subject to flooding.

ATTACHMENTS

Ordinance

Stormwater Administrator's memo dated April 5, 2017

SW&FPOC Recommendation dated April 13, 2017

Draft Minutes of the SW&FPOC Meeting of April 13, 2017

VILLAGE OF DOWNERS GROVE COUNCIL ACTION SUMMARY

INITIATED: _____ Applicant _____ **DATE:** _____ May 16, 2017 _____
(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 4710 HIGHLAND AVENUE", as presented.



SUMMARY OF ITEM:

At their meeting of April 13, 2017, the Stormwater and Flood Plain Oversight Committee recommended adoption of the attached ordinance to permit a stormwater variance for the property located at 4710 Highland Avenue.

RECORD OF ACTION TAKEN:

ORDINANCE NO. _____

**AN ORDINANCE GRANTING A
STORMWATER VARIANCE FOR 4710 HIGHLAND 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 4710 Highland Avenue (legally described in Exhibit A, attached hereto) requesting a variance from certain flood protection elevations; and

WHEREAS, a public hearing was held on April 13, 2017 before the Downers Grove Stormwater and Flood Plain Oversight Committee which has recommended the granting of the variance request with certain conditions; 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 1.8 feet below 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; with the following conditions:
 - a. A note to title shall be required as part of the permit process stating that the property is within an LPDA, including the garage, and that storage of materials harmful to water quality, including gasoline, oils, fertilizers, etc., must be stored at an elevation above the concrete block wall in the garage.
 - b. A large, permanent sign affixed to the interior back wall of the garage would be required with a horizontal line at the BFE with a statement on the sign to the effect of "storage of materials harmful to water quality, including gasoline, oils, fertilizers, etc., must be stored above this line".
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

EXHIBIT A
Legal Description

LOT 5 N BLOCK 17 IN E. H. PRINCE AND COMPANY'S ADDITION TO DOWNERS GROVE,
BEING A SUBDIVISION OF SECTIONS 5, 6, 7, AND 8, TOWNSHIP 38 NORTH, RANGE 11 EAST
OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEROF RECORDED
SEPTEMBER 30, 1890, AS DOCUMENT 43600, IN DUPAGE COUNTY, ILLINOIS.

Commonly known as: 4710 Highland Avenue, Downers Grove, IL 60515
PIN 09-08-103-016



Memorandum

TO: SW&FPOC

DATE: April 5, 2017

FROM: Kerry Behr, PE, CFM
Stormwater Administrator

SUBJECT: 4710 Highland Avenue – Petition for Variance

PETITION SUMMARY

The owner of 4710 Highland Avenue is proposing to demolish an existing detached garage and build a new detached garage in approximately the same location within the LPDA. The homeowner is asking for a variance from the Stormwater and Flood Plain Ordinance, Section 26.505.B, which requires detached garages to be constructed at least one foot above the base flood elevation (BFE). The homeowner is requesting a variance to build the garage 1.8 feet below the BFE (the existing garage is 2.3 feet below the BFE).

STAFF ANALYSIS

The homeowner applied for a permit to do the above work on September 15, 2016. Almost the entire lot, including the entire garage, is within LPDA SJ79, with a BFE of 736.2 (NAVD88), which would make the flood protection elevation (FPE) of 737.2 – see Figure 1. The existing driveway is shared with the neighbor to the south (4714 Highland Ave) – see Figure 2.

The homeowner's engineer submitted a site plan, which proposes a finished floor elevation of 734.4, which is 1.8 feet below the BFE. The plan proposes to move the garage to the north to meet the current 5' setback requirement. The elevation of the proposed garage is somewhat limited because of the shared driveway configuration. The plan provides compensatory storage for all fill within the LPDA (at a ratio of 1:1, as required by the Code). Flow through flood vents will be provided in accordance with FEMA TB-1 and Flood-Resistant Materials will be used per FEMA TB-2.

STAFF RECOMMENDATION

Staff concurs in granting the request. The request for the detached garage below the BFE is being made in order to reduce filling in the LPDA (for the driveway and garage), which would require a larger volume of compensatory storage since the existing garage is 2.3 feet below the BFE. Additionally, compensatory storage would be impractical given that nearly the entire lot is within the LPDA. Also, because of the shared driveway configuration, any attempt to elevate the new detached garage further than proposed would require the new garage to be pushed back toward the back of the lot (adding more impervious area and more fill).

Staff recommends flood resistant materials be provided to an elevation of at least one foot above the BFE of 736.2, which would be a minimum of 737.2 or 2.8 feet above the proposed garage floor elevation of 734.4.

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: Engineering plans, 2 sheets

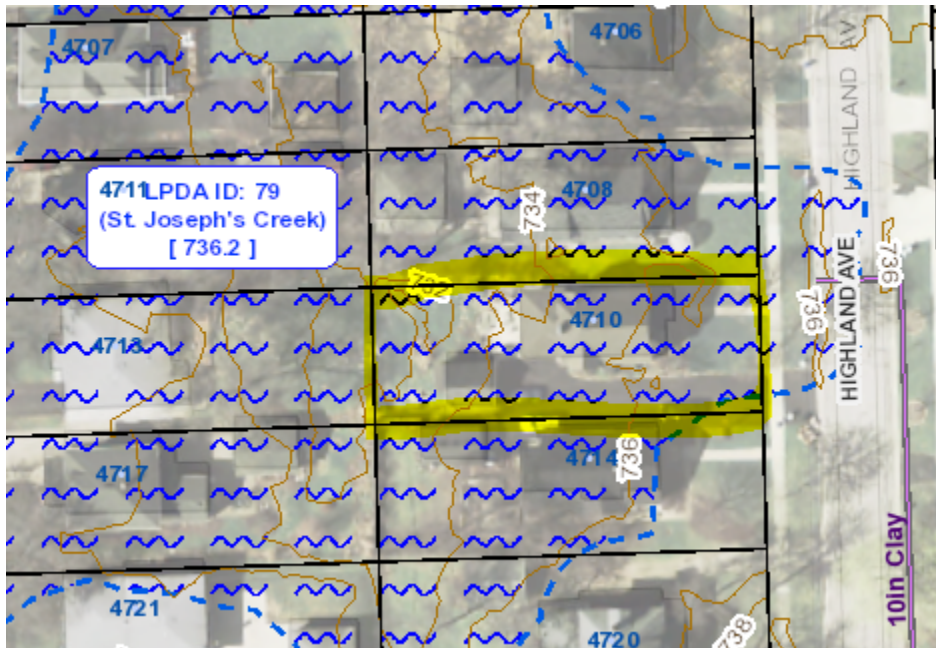


Figure 1 – 4710 Highland / LPDA SJ79



Figure 2 – 4710 Highland (right) & 4714 Highland (left) Shared Driveway

**VILLAGE OF DOWNERS GROVE STORMWATER AND
FLOODPLAIN OVERSIGHT COMMITTEE**

In Re: Petition for Variance for Property Located at 4710 Highland Avenue, Downers Grove filed by Matthew Forzley (Owner)

FINDINGS OF FACT AND RECOMMENDATION

This matter comes before the Village of Downers Grove Stormwater and Floodplain Oversight Committee (Committee) for Hearing on Matthew Forzley's Petition for Variance, pursuant to Section 25.1900 of the Downers Grove Municipal Code, due Notice having been given, the Committee hereby finds and recommends as follows:

FINDINGS:

- Applicant Matthew Forzley is the owner of the property located at 4710 Highland Avenue.
- Almost the entire lot, including the entire garage, is within LPDA SJ79, with a base flood elevation (BFE) of 736.2 (NAVD88), which would make the flood protection elevation (FPE) of 737.2.
- Section 26.505.B of the Stormwater and Flood Plain Ordinance requires detached garages to be constructed at least one foot above the BFE.
- The Owner is proposing to demolish an existing detached garage and build a new detached garage in approximately the same location within the LPDA, and is requesting a variance to build the garage 1.8 feet below the BFE and 2.8 feet below the FPE (the existing garage is 2.3 feet below the BFE and 3.3 feet below the FPE).
- The existing driveway is shared with the neighbor to the south (4714 Highland Ave).
- The variance will not alter the essential character of the area involved, including existing stream uses; the proposed project will be constructing a new detached garage in approximately the same location as an existing detached garage.
- Carrying out the strict letter of the provisions of the Stormwater Ordinance would create an undue or particular hardship or difficulty to the adjacent property owner and property owner. The owner of 4714 Highland would be left with a driveway of less than 10-feet in width (minimum required per zoning code) due to grade differentials needed in the property should the new garage be elevated in accordance with the code. Additionally, the grade differential between the driveways would be nearly 3-feet and would result in a potentially unsafe driving condition.
- The Owner's requested relief 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.
- The Owner's circumstances are unique and do not represent a general condition or problem due to the shared driveway and location of detached garage on both properties (4710 and 4714 Highland).
- The subject development is exceptional as compared to other developments subject to the same provision as given in reasons above.

- The construction of the new detached garage with the requested variance meets the requirements set forth in Section 26.504 of the Stormwater Ordinance.

RECOMMENDATION:

Recommend to the Village Council to:

_____ Approve the petition for variance as presented

X _____ Approve the petition for variance with the following conditions and/or modifications:

① PLACE SIGN IN GARAGE STATING HAZARDOUS MATERIALS TO BE STORED ABOVE BPE ② NOTE SHALL BE RECORDED TO TITLE THAT GARAGE IS SUBJECT TO FLOODING.

Ayes: 4

Nays: 0

ENTERED: April 13, 2017



Committee Chair



VILLAGE OF DOWNERS GROVE
Stormwater and Flood Plain Oversight Committee Meeting
April 13, 2017, 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 7:03 p.m. A roll call followed, and a quorum was established.

II. ROLL CALL

Members Present: Chair Gorman, Mr. Ruyle, Mr. Scacco, Mr. Wicklander

Members Absent: Mr. Civito, Mr. Crilly, Mr. Schoenberg

Staff Present: Julie Lomax, Stormwater Administrator
Kerry Behr, Stormwater Administrator
Dawn Didier, Village Attorney

Public Present: Michael Davenport, Matt Forzley, Dan Grecco

III. APPROVAL of December 8, 2016 Minutes

Mr. Ruyle made a motion, seconded by Mr. Wicklander, to approve the December 8, 2016, minutes. **Motion carried by a voice vote 4-0.**

IV. PUBLIC COMMENTS

None

V. NEW BUSINESS

A. Petition for Variance

The public hearing was opened. Mr. Grecco, engineer for Mr. Forzley, and Mr. Davenport, architect for Mr. Forzley, summarized the property's characteristics, including that it is almost entirely within an LPDA and lower than Highland Avenue (as well as most of the neighborhood). They are asking for relief for the elevation of the proposed detached garage.

One of the reasons the request is being made is due to the shared driveway with property to the south. In order to elevate the detached garage, it would result in a retaining wall and safety issues. Mr. Davenport further explained that due to the shared driveway, if the new garage were to be installed at the required elevation, the home to the south may be left with a less than adequate sized driveway.

Mr. Grecco summarized the proposed engineering plan. The garage must be moved at least 5 feet away from the property line to meet the zoning setback requirement. Other than that, the proposed garage will be in approximately the same location. The proposed garage is being elevated somewhat higher than its existing elevation, but not in accordance with the Code requirements of 1 foot above the BFE. Elevating the garage to 1 foot above the BFE would require a considerable amount more fill, and more compensatory storage. Compensatory storage is challenging because almost the entire lot is in the LPDA. In addition, since the property has a shared driveway, the garage would have to be moved further away, which would require more fill or a retaining wall used, which poses safety and access issues for the neighbor. The garage location also must take into account power line setback requirements from the back property line.

The property is located within LPDA SJ79, with a BFE of 736.2 (NAVD88). The existing garage is constructed approximately 2.3 feet below the BFE. The proposed garage is approximately 1.8 feet below the BFE. Flow-through vents will be provided on at least two sides of the garage, per code requirements. All building material below the Flood Protection Elevation (1 foot above the Base Flood Elevation) will be flood resistant materials. Mr. Forzley has owned the property since 2015 and has not experienced flooding in the garage.

The Committee requested a sign be posted on the back wall of the garage with a red line mounted at the elevation of the base flood elevation. The sign would read "Flood waters may rise to the elevation of this line. The storage of materials harmful to water quality, including gasoline, oils and fertilizers must be stored above this line." The sign will be provided to Mr. Forzley by the Village. Mr. Forzley was agreeable to hanging the sign in his garage as a condition of the approval. The Committee further requested a Note to Title be recorded with DuPage County notifying any future purchasers of the LPDA on the property and garage is subject to flooding.

The Committee noted the following findings of fact and recommendation, as outlined in Section 26.1900.J of the Village code:

1. Applicant Matthew Forzley is the owner of the property located at 4710 Highland Avenue.
2. Almost the entire lot, including the entire garage, is within LPDA SJ79, with a base flood elevation (BFE) of 736.2 (NAVD88), which would make the flood protection elevation (FPE) 737.2.
3. Section 26.505.B of the Stormwater and Flood Plain Ordinance requires detached garages to be constructed at least one foot above the BFE.
4. The owner is proposing to demolish an existing detached garage and build a new detached garage in approximately the same location within the LPDA, and is requesting a variance to build the garage 1.8 feet below the BFE and 2.8 feet below the FPE (the existing garage is 2.3 feet below the BFE and 3.3 feet below the FPE).

5. The existing driveway is shared with the neighbor to the south (4714 Highland Ave).
6. The variance will not alter the essential character of the area involved, including existing stream uses; the proposed project will be constructing a new detached garage in approximately the same location as an existing detached garage.
7. Carrying out the strict letter of the provisions of the Stormwater Ordinance would create an undue or particular hardship or difficulty on the adjacent owner. The owner of 4714 Highland would be left with a driveway of less than 10-feet in width (minimum required per zoning code) due to grade differentials needed in the property should the new garage be elevated in accordance with the Code. Additionally, the grade differential between the driveways would be nearly 3-feet and would result in a potentially unsafe driving condition.
8. The Owner's requested relief 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.
9. The Owner's circumstances are unique and do not represent a general condition or problem due to the shared driveway and location of the detached garage on both properties (4710 and 4714 Highland).
10. The subject development is exceptional as compared to other developments subject to the same provision as given in reasons above.
11. The construction of the new detached garage with the requested variance meets the requirements set forth in Section 26.504 of the Stormwater Ordinance.

Mr. Scacco made a motion, seconded by Mr. Ruyle, to recommend to 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 1.8 feet below the Base Flood Elevation of 736.2 (NAVD88), rather than one foot above the BFE, with the following conditions:

1. Place sign in garage stating hazardous materials to be stored above BFE.
2. A Note shall be recorded to the Title that the garage is subject to flooding.

Motion passed by roll call vote 4-0.

B. DuPage County MEG Presentation "Upcoming Updates in Precipitation"

At the December DuPage County Municipal Engineer's Group (MEG) Meeting, DuPage County presented "Upcoming Updates in Precipitation." Staff showed the presentation to the Committee. The presentation shows a general increasing trend in rainfall. The rainfall data used for stormwater calculations comes from Bulletin 70, which was originally published by the State Water Survey, and last updated in 1998. DuPage County and the State Water Survey plan to update Bulletin 70. A timeframe has not yet been established.

C. IAFSM Presentation

In March, Staff presented at the Annual Conference for the Illinois Association for Floodplain and Stormwater Management (IAFSM), along with another engineer. Staff reviewed the presentation with the Committee.

VI. STAFF REPORT

See Attachment.

VII. OLD BUSINESS

None

VIII. PUBLIC COMMENT

None

Mr. Scacco made a motion, seconded by Mr. Ruyle to adjourn the meeting at 8:14 p.m.

Motion carried by voice vote of 4-0.

DRAFT