




MEMORANDUM

TO: Board of Building Appeals (BOBA) Members

FROM: William J. Heniff, AICP, Director of Community Development 

MEETING DATE: February 27, 2017

SUBJECT: **Private Property Drainage Review by Board Of Building Appeals**

In the past, all drainage related items and variances, regardless of location, have been forwarded to the Public Works Committee, now the Public Works and Environmental Concerns Committee (PWEC Committee), for recommendation to the Village Board. However, many items that pertain to private development activity do not pertain to “Public Works”. As such, some code changes and policy matters do not clearly identify an entity which would have jurisdiction of a matter. For reference, below are the jurisdictional provisions set forth within code (*italics added for reference*).

§ 32.021 - The **Board of Building Appeals** shall have the following powers and duties:

(A) Prepare and recommend to the President and Board of Trustees of the village *any changes or amendments to the Building Code deemed necessary for the proper development of the village.*

(B) Hear appeals from decisions of the Community Development Director or Fire Chief or their designees regarding any clarification or interpretation of the provisions of *the Building Code concerning materials, methods, systems, or arrangement of materials for construction permitted under the provisions of the Building Code*, Fire Prevention Code and the Life Safety Code.

(C) Recommend the adaptability or safety of any *building materials, methods, or arrangements of materials not provided for in the Building Code and which have not been previously approved for use to the Community Development Director or the Fire Chief or their designees*; however, that nothing herein shall allow the Board of Building Appeals to approve any building materials, methods, or arrangements of materials specifically prohibited under the Building Code, Fire Prevention Code or the Life Safety Code.

Section 30.24 Duties of the Public Works Standing Committee

Public Works and Environmental Concerns Committee. The Public Works and Environmental Concerns Committee shall consider and make recommendations to the corporation authorities regarding the following:

(1) Public works ordinances and standards. *The Committee shall review standards for street lighting, drainage, sewers, streets, forestry, subdivisions, flood control and water meters.*

- (2) User fees. The Committee shall review the costs of the tree planting program, the sidewalk replacement program and any new fees relating to Public Works each year, or as requested.
- (3) Infrastructure maintenance. The Committee shall review and oversee matters relating to the maintenance of, and improvements to, *infrastructure under the jurisdiction of the village*.
- (4) Capital improvement plan/public works budget. The Committee shall review the village's capital improvement plan and the Public Works Department's budget prior to the approval thereof by the corporate authorities.
- (5) Environmental concerns. The Committee shall review, evaluate and make recommendations relative to health and environmental quality concerns in the village.
- (6) Solid waste stream. The Committee shall review, evaluate and make recommendations regarding the management of all solid waste within the village, including, but not limited to, the disposal and/or recycling of said solid waste.
- (7) Resources. The Committee shall review related resources, plans, grant applications and proposals and other materials pertaining to environmental issues.
- (8) Other matters. The Committee shall consider other matters which are specifically referred to it by the corporate authorities.

Many items that pertain to private drainage activities are more akin to “construction methods” which is within BOBA’s scope and purview. Staff is suggesting that, unless specifically identified within Village Code, many private property drainage related items are not necessarily a ‘public work’ which are intended to be heard by the PWEC committee and that BOBA may be the more appropriate entity to consider prior to being sent to the Village Board for final consideration. Additionally, BOBA may also receive policy related construction matters pertaining to grading, drainage and site improvements for consideration that are otherwise not directly covered within code and could otherwise be approved by staff. However, variances to codes pertaining to stormwater detention and new storm sewer connections to combined sewers will still be considered by the PWEC as these have a potential impact on the Village’s infrastructure and off-site properties.

Over the next year, staff will be preparing future policy and code amendments for BOBA and PWEC consideration to further clarify this distinction. These items will include amendments to Chapters 50 and 51 (Public Works Water and Sanitary Sewer regulations) as well as Chapters 150 and 151 (Building Code and Local Flood Control Regulations).

ACTION REQUESTED

Staff is bringing this matter before BOBA for discussion purposes and direction. Staff recommends that BOBA support the approach outlined by staff for selected non-Public Works matters.

WJH:JB:jb

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