



East: R4 Limited General Residential District; developed as attached single-family residences (Columbine Glen townhomes)  
West: North-South Tollway (Interstate 355)

## **ANALYSIS**

### **SUBMITTALS**

This report is based on the following documentation, which was filed with the Department of Community Development:

1. Petition for Public Hearing, with response to standards, received September 22, 2006.
2. Buckingham Orchard Site Plan Exhibit, dated September 25, 2006, prepared by Spaceco, Inc.
3. Typical Deck with Lookout Condition Exhibit, prepared by Dearborn Buckingham Group, received September 22, 2006.

### **DESCRIPTION**

The petitioner is requesting approval of zoning relief to provide for attached decks to be greater than three feet above grade within a rear yard. The petitioner has completed the initial grading of the site and is starting on the construction of the townhome units as set forth in their 2004 approval (PC 04-28) and their 2006 amendment thereto (PC 06-10). The approvals required the petitioner to provide for adequate on-site drainage swales to the rear of the respective lots, in order to ensure that the adjacent Columbine Glen Subdivision did not receive additional overland flooding. The result of this requirement is that several of the proposed rear yard decks would exceed the maximum deck height. Moreover, several of the units will have English basements, with windows placed toward the rear of each unit. Before the units are constructed or completed, the developer/petitioner is seeking relief for each unit to provide for decks exceeding grade height (up to 5.5 feet above grade) should the topographical conditions necessitate the need for such relief.

### **INTER-DEPARTMENTAL REVIEW COMMENTS**

#### **ENGINEERING**

The Private Engineering Services Division and Public Works Department have no comments on the petition.

**BUILDING & FIRE**

The Fire Department does not have any comments on the petition.

**PLANNING**

**Compliance with the Zoning Ordinance**

Table 2.1 of Section 155.221 of the Zoning Ordinance reads in part as follows:

Table 2.1  
**PERMITTED OBSTRUCTIONS**

Type of Structure or Use Obstruction	Front & Corner Side Yard	Interior Side Yards	Rear Yard
Decks and Terraces	Must meet footnote A	Must meet footnote A	Must meet footnote A or B

**Footnotes for Table 2.1**

- A. Open terraces and decks not over three (3) feet above the average level of the adjoining ground, provided that a minimum two (2) foot side yard setback is maintained.
- B. Open terraces and decks attached to single family residences not more than one (1) foot above the established top of the foundation height at the front of the residence, provided that a minimum twenty-five (25) foot rear yard setback is maintained.

The proposed decks are located within the rear of the respective units, as was depicted on the original approved plans. As this is a townhome development, the provisions of footnote A and not footnote B apply.

The petitioner's/developer's approved engineering plans provide for drainage swales to be placed in the rear of each lot within the development. The swale provides for proper drainage for the development and allows overland flow from properties north of the subject property. However, to accommodate the grading concerns, it has resulted in some of the proposed decks to be higher than originally anticipated at the time the initial petition was considered by the Village. The developer is proposing to construct the decks as part of the initial townhouse sale versus selling the units without decks and having each property owner seek approvals for their respective decks. The decks are intended to extend ten feet from the exterior wall of the adjacent units.

The petitioner has submitted a sketch cross-section rendering of the proposed townhome units. Unlike many final grading plans, the petitioner notes that the prevailing elevations on the subject property generally are higher at the rear perimeter property lines and slope one to two feet lower toward the townhome units. While the final elevations for each building and their corresponding rear yard decks have not been fully established, the petitioner notes that a number of properties may exceed the three-foot (3') maximum deck height above grade.

### **Compliance with the Approved Planned Development**

The Buckingham Orchard planned development plans identified patios or decks to be located to the rear of each unit. As a type of accessory structure, such modifications to the plans are considered minor changes. Staff notes that the proposed request is consistent with the intent of the initial approval as it is consistent with the final engineering approval and concept site plans. The amendment is intended to merge the intent of the two plans.

### **Compatibility with Adjacent Properties**

Staff notes that the intent of the regulation is to ensure that decks within requisite yards do not hover over adjacent properties. However, in this instance, the petitioner notes that the existing decks on the abutting Columbine Glen townhome units are at a higher elevation than the petitioner's proposed decks. The decks on the west side of Buckingham Court abut the Illinois State Toll Highway Authority property. Hence the increase in deck height would not create any visual impacts upon the abutting properties.

However, to ensure that the decks are constructed consistent with the intent of the initial approvals, staff suggests that any deck height relief shall be limited to decks located no farther than ten feet from the external wall of the adjacent residence. Should a townhome owner seek to construct a deck addition beyond the proposed ten feet, the owner will have to step down the deck accordingly.

## **FINDINGS AND RECOMMENDATIONS**

Staff has reviewed and concurs with the petitioner's response to standards. Staff finds that the proposed use is appropriate at the subject location and is compatible with surrounding uses. Based on the above considerations, the Inter-Departmental Review Committee recommends that the Plan Commission make the following motion recommending **approval** of this petition:

Based on the submitted petition and the testimony presented, the proposal does comply with the standards required by the Lombard Zoning Ordinance and that the requested relief is consistent with the approved planned development; and therefore, I move that the Plan Commission find that the findings included as part of the Inter-department Review Report be the findings of the Plan Commission and therefore, I recommend to the Corporate Authorities **approval** of PC 06-33, subject to the following conditions:

1. Any proposed decks exceeding three feet in height above grade shall be constructed in accordance with the submitted plans prepared by Spaceco Inc., dated September 25, 2006 and the Typical Deck with Lookout Condition Exhibit, prepared by Dearborn Buckingham Group, received September 22, 2006.
2. The height of any decks within any rear yards within the planned development shall not exceed five and one-half feet (5.5') above grade. Any rear yard deck projections

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located more than ten feet (10') from the external wall of the adjacent residence shall not exceed three feet (3') above grade.

Inter-Departmental Review Group Report Approved By:

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David A. Hulseberg, AICP  
Assistant Village Manager/Director of Community Development

DAH/WJH:

att  
c. Petitioner