

VILLAGE OF LOMBARD
REQUEST FOR BOARD OF TRUSTEES ACTION
For Inclusion on Board Agenda

Resolution or Ordinance (Blue) X *Waiver of First Requested*
 X Recommendations of Boards, Commissions & Committees (Green)
Other Business (Pink)

TO: PRESIDENT AND BOARD OF TRUSTEES
FROM: William T. Lichter, Village Manager
DATE: October 24, 2006 (BOT) Date: November 2, 2006
TITLE: PC 06-33: 336 through 369 Buckingham Court
SUBMITTED BY: Department of Community Development DA/WH

BACKGROUND/POLICY IMPLICATIONS:

Your Plan Commission transmits for your consideration its recommendation relative to the above-mentioned petition. This petition requests that the Village approve a variation from Section 155.212, Table 2.1 to allow for a deck to be up to 5.5 feet above grade within a required rear yard (where a maximum of three feet is allowed), for property located within the Buckingham Orchard R4PD Limited General Residence, Planned Development District. (DISTRICT #1)

The Plan Commission recommended approval of this petition with amended conditions.

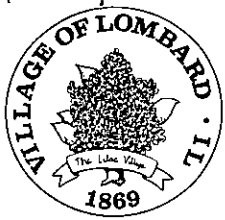
The petitioner is requesting a waiver of first reading.

Fiscal Impact/Funding Source:

Review (as necessary):

Village Attorney X _____ Date _____
Finance Director X _____ Date _____
Village Manager X William T. Lichter Date 10/25/06

NOTE: All materials must be submitted to and approved by the Village Manager's Office by 12:00 noon, Wednesday, prior to the Agenda Distribution.



MEMORANDUM

TO: William T. Lichter, Village Manager

FROM: David A. Hulseberg, AICP
Assistant Village Manager/Director of Community Development *DAH/DAH*

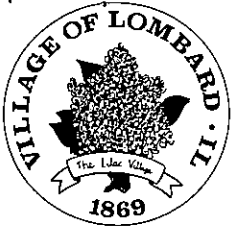
DATE: November 2, 2006

SUBJECT: **PC 06-33: 336 through 369 Buckingham Court (Buckingham Orchard Subdivision)**

Attached are the following items for Village Board consideration as part of the November 2, 2006 Village Board meeting:

1. Plan Commission referral letter;
2. IDRC report for PC 06-33;
3. An Ordinance granting approval of the requested rear yard deck height relief, subject to conditions.
4. Plans associated with the petition.

In order to allow the petitioner/developer of the townhome units to construct the proposed decks in conjunction with the townhome units now being completed, the petitioner/developer requests a waiver of first reading of the aforementioned ordinance.



VILLAGE OF LOMBARD

255 E. Wilson Avenue
Lombard, IL 60148-3926
(630) 620-5700 FAX: (630) 620-8222
TDD: (630) 620-5812
www.villageoflombard.org

Village President
William J. Mueller

November 2, 2006

Village Clerk
Brigitte O'Brien

Mr. William J. Mueller,
Village President, and
Board of Trustees
Village of Lombard

Trustees
Greg Alan Gron, Dist. 1
Richard J. Tross, Dist. 2
John "Jack" T. O'Brien, Dist. 3
Steven D. Sebby, Dist. 4
Kenneth M. Florey, Dist. 5
Rick Soderstrom, Dist. 6

Subject: PC 06-33: 336 through 369 Buckingham Court (Buckingham Orchard Subdivision)

Village Manager
William T. Lichter

Dear President and Trustees:

Your Plan Commission transmits for your consideration its recommendation regarding the above-referenced petition. The petitioner requests that the Village approve a variation from Section 155.212, Table 2.1 to allow for a deck to be up to 5.5 feet above grade within a required rear yard (where a maximum of three feet is allowed), for property located within the Buckingham Orchard R4PD Limited General Residence, Planned Development District.

"Our shared *Vision* for Lombard is a community of excellence exemplified by its government working together with residents and business to create a distinctive sense of spirit and an outstanding quality of life."

After due notice and as required by law, the Plan Commission conducted a public hearing for this petition on October 16, 2006. The petitioner Christopher Coleman of Dearborn Buckingham Group, presented the petition and noted the requested relief. As part of their final engineering approval and design of the Buckingham Orchard development, they designed and established grading contours to provide for adequate drainage. The established grades slope away from the proposed townhouses and then rise toward the property line. This results in a grading change where decks off of the back of the units are higher due to the grade change than provided by the Zoning Ordinance. The proposed decks are to be 10 feet by 10 feet in area. The proposed bottom of deck would not exceed 5 1/2 feet above grade.

"The *Mission* of the Village of Lombard is to provide superior and responsive governmental services to the people of Lombard."

Acting Chairperson Sweetser then opened the meeting for public comment. No one spoke in favor of or in opposition to the petition. She then requested the staff report.

William Heniff, Senior Planner, stated that the petitioner is requesting zoning relief to provide for attached decks to be greater than three feet above grade within a rear yard. The petitioner has submitted a cross-section sketch drawing showing the grades and the requested relief.

The petitioner completed the initial site grading and is constructing the townhome units as provided in their previous approvals. 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 up to 5.5 feet above grade, should the topographical conditions necessitate the need for such relief. Staff recommends approval with conditions.

Acting Chairperson Sweetser then opened the meeting for comments among the Plan Commissioners.

Commissioner Burke confirmed that railing would be provided around the decks. Mr. Heniff noted that the Building Code would regulate and mandate the deck railings.

Commissioner Burke then asked about the location of any stairs off of the decks. Mr. Coleman noted that the stairs would come off of the side of the deck and run parallel with exterior wall of the townhomes and would not extend further into the yard. Commissioner Burke recommended that the stair design be incorporated as a condition of approval.

Commissioner Nelson confirmed that the relief is solely because of the proposed swales. He noted the windows on the English basements. Mr. Coleman noted that the swales necessitate the relief.

After due consideration of the petition and the testimony presented, the Plan Commission found that the petition complies with the standards required by the Lombard Zoning Ordinance and that the requested relief is consistent with the approved planned development. Therefore, the Plan Commission, by a roll call vote of 4-0, recommended to the Corporate Authorities **approval** of the petition associated with PC 06-33 subject to the following conditions, as amended:

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 located more than ten feet (10') from the external wall of the adjacent residence shall not exceed three feet (3') above grade.
3. The staircases to any constructed rear yard decks shall be designed and installed to be parallel with and adjacent to the attached townhouse units.

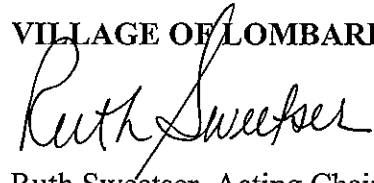
November 2, 2006

PC 06-33

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Respectfully,

VILLAGE OF LOMBARD

A handwritten signature in cursive script that reads "Ruth Sweetser". The signature is written in black ink and is positioned below the printed name of the Village of Lombard.

Ruth Sweetser, Acting Chairperson
Lombard Plan Commission

att-

c. Petitioner

Lombard Plan Commission

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VILLAGE OF LOMBARD
INTER-DEPARTMENTAL REVIEW GROUP REPORT

TO: Lombard Plan Commission HEARING DATE: October 16, 2006
FROM: Department of Community PREPARED BY: William J. Heniff, AICP
Development Senior Planner

TITLE

PC 06-33; 336 through 369 Buckingham Court (Buckingham Orchard Subdivision): The petitioner requests that the Village approve a variation from Section 155.212, Table 2.1 to allow for a deck to be up to 5.5 feet above grade within a required rear yard (where a maximum of three feet is allowed), for property located within the Buckingham Orchard R4PD Limited General Residence, Planned Development District.

GENERAL INFORMATION

Property Owner/Petitioner: Buckingham Orchard LLC
1775 Winnetka Road
Northfield, IL 60093

PROPERTY INFORMATION

Existing Land Use: Vacant land under development as townhomes
Size of Property: 3.48 acres
Comprehensive Plan: Low-Medium Density Residential
Existing Zoning: R4PD Limited General Residence District, planned development

Surrounding Zoning and Land Use:

North: Unincorporated DuPage County property zoned R-4 Single Family Residential District; developed as single family residences
South: R4PD S Limited General Residence District, planned development; vacant land to be developed as townhomes

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:

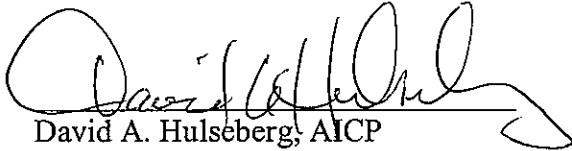
Based on the submitted petition and the testimony presented, the proposal does comply with the standards required by the Lombard Zoning Ordinance and that the requested relief is consistent with the approved planned development; and therefore, I move that the Plan Commission find that the findings included 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

Plan Commission
Re: PC 06-33
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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.

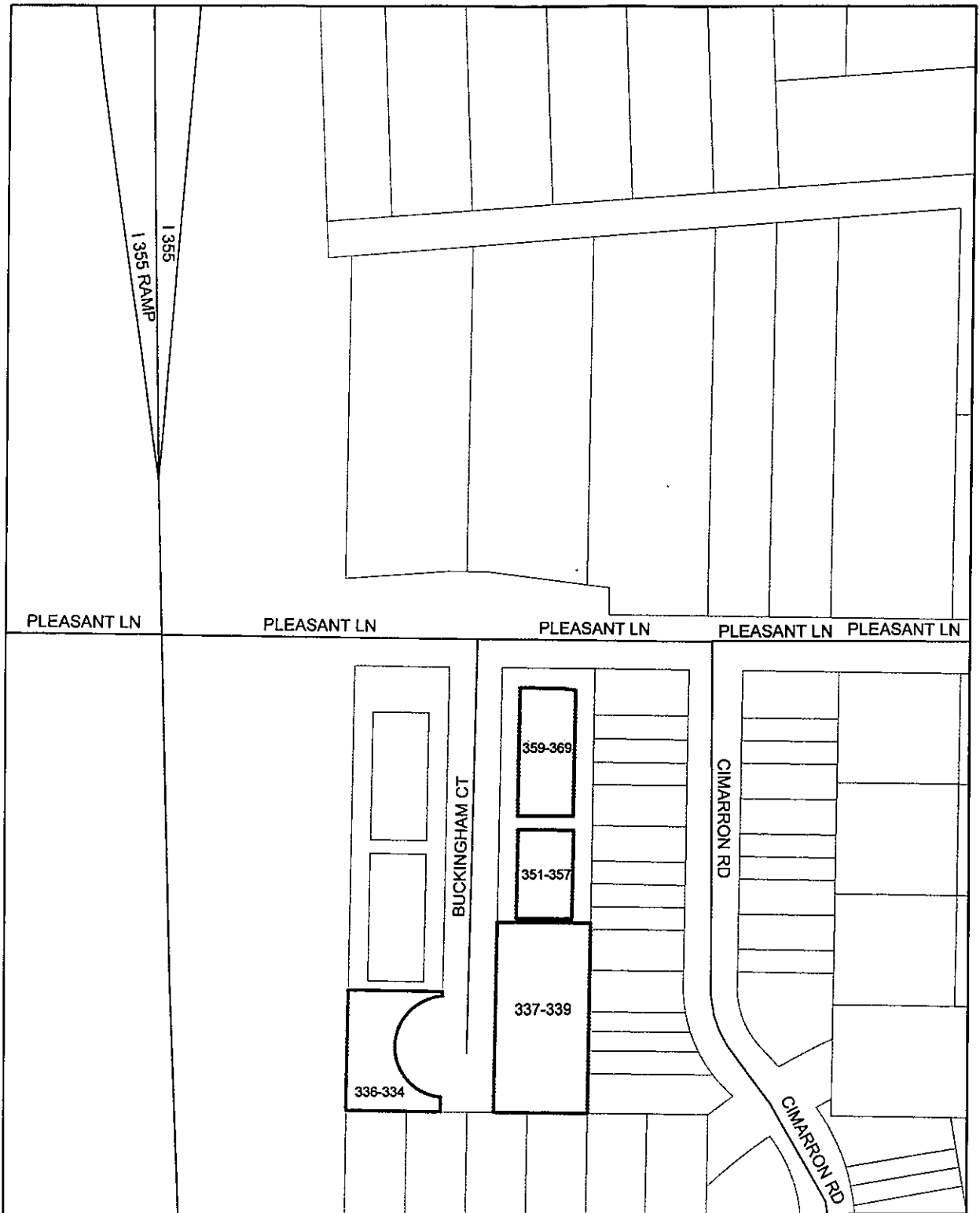
Inter-Departmental Review Group Report Approved By:

A handwritten signature in black ink, appearing to read "David A. Hulseberg", written over a horizontal line.

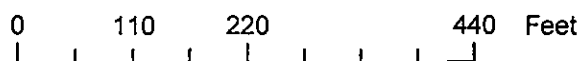
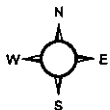
David A. Hulseberg, AICP
Assistant Village Manager/Director of Community Development

DAH/WJH:

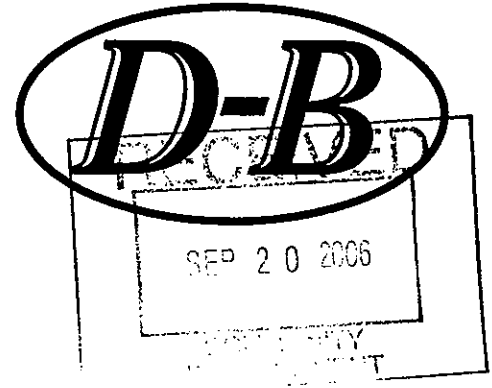
att
c. Petitioner



PC 06-33 336-369 Buckingham Ct.



THE DEARBORN-BUCKINGHAM GROUP



September 18, 2006

Mr. Bill Heniff
Village of Lombard
255 E. Wilson Ave
Lombard, IL 60148

RE: 615 & 617 Pleasant Lane: Buckingham Orchard

Dear Mr. Heniff,

As part of the final engineering and design of the above referenced development we have discovered a situation for which we must seek relief from the Village code.

Our overall design concept included rear patios or decks of approximately 10' x 10'. Because of the grading necessary to effect positive drainage per the approved final engineering, some of our decks are further off the ground than the code allows within the rear building setback. I have attached a sketch which shows the condition I am describing.

We ask for relief to allow a deck to encroach the rear building setback line up to nine feet (9'), such that no deck will be closer than 21' to the property line and the bottom of the deck shall be no higher than five feet six inches (5' 6") above final grade.

If we had anticipated this height condition we would have asked for relief when seeking our initial approvals. We appreciate the Village's consideration of our request.

Sincerely,


Christopher F. Coleman
President

encl

THE DEARBORN-BUCKINGHAM GROUP



September 29, 2006

Mr. William J. Heniff
Senior Planner
Village of Lombard
255 E. Wilson
Lombard, IL 60148

RE: 615 & 617 W. Pleasant; Buckingham Orchard

Dear Mr. Heniff,

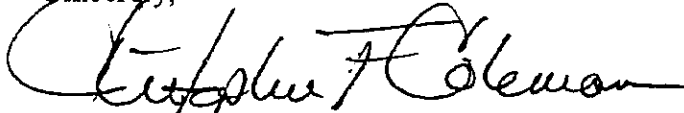
Per the regulations of the variance ordinance we provide the following information;

1. The particular physical surroundings shape and particularly the topographical conditions related to the grading required by the final engineering create a hardship.
2. This condition is unique to this development to the extent that the engineering is unique to this development and should not be generally applicable to other property within the same zoning classification because every development has unique engineering.
3. This variation does not have financial gain as a purpose. Decks are considered "standard" at Buckingham Orchard. The approval of the variance will actually create additional cost; but we want to be able to provide decks to our buyers.
4. This hardship is caused by the ordinance as it relates to the final engineering.
5. Granting this variation will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located. The neighbor to the west is I-355 and the neighbor to the east is Columbine Glen townhomes. The Columbine Glen townhomes have existing decks, similar to our request.
6. The granting of the variation will not alter the essential character of the neighborhood. The decks will not be visible from the front/street.

211 WAUKEGAN ROAD, SUITE 100 • NORTHFIELD, IL 60093
(847) 881-2560 • FAX: (847) 881-2561

7. The proposed variation will not impair an adequate supply of light and air to adjacent property or substantially increase congestion of the public streets, or increase the danger of fire, or impair natural drainage problems on adjacent properties, or endanger the public safety, or substantially diminish or impair property values within the neighborhood. The proposed variation will increase property values within the neighborhood by increasing the quality of life of the residents.

Sincerely,



Christopher F. Coleman
President

211 WAUKEGAN ROAD, SUITE 100 • NORTHFIELD, IL 60093
(847) 881-2560 • FAX: (847) 881-2561

ORDINANCE NO. _____

**AN ORDINANCE GRANTING A VARIATION FROM
SECTION 155.212, TABLE 2.1 THE LOMBARD ZONING ORDINANCE
PROVIDING FOR AN INCREASE IN ALLOWABLE DECK HEIGHT**

PC 06-33: 336 through 369 Buckingham Court (Buckingham Orchard Townhomes)

WHEREAS, the President and Board of Trustees of the Village of Lombard have heretofore adopted the Lombard Zoning Ordinance, otherwise known as Title 15, Chapter 155 of the Code of Lombard, Illinois; and,

WHEREAS, the subject property is zoned R4PD Limited General Residence District, Planned Development; and,

WHEREAS, an application has heretofore been filed requesting approval of a variation from to allow for a deck to be up to five and one-half feet (5.5') above grade within a required rear yard, where a maximum of three feet is allowed; and

WHEREAS, a public hearing on such application has been conducted by the Village of Lombard Plan Commission on October 16, 2006 pursuant to appropriate and legal notice; and,

WHEREAS, the Plan Commission has filed its recommendations with the President and Board of Trustees recommending approval of the variation described herein; and,

WHEREAS, the President and Board of Trustees approve and adopt the findings and recommendations of the Plan Commission and incorporate such findings and recommendations herein by reference as if they were fully set forth herein;

NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF LOMBARD, DU PAGE COUNTY, ILLINOIS, as follows:

SECTION 1: That the ordinance is limited and restricted to the property generally located at 336 through 369 Buckingham Court, Lombard, Illinois and legally described as follows:

Blocks 1 through 4 and Lots 5 through 8 of the Final Planned Development Plat/Plat of Subdivision for Buckingham Orchard, being a resubdivision of part of Lots 18 and 19 in Milton Township Supervisors Assessment Plat No. 1 (also known as Pleasant Hills West) of part of the east ½ of Section 1, Township 39 North, Range 10, East of the Third Principal Meridian, according to the plat thereof recorded December 7, 2005 as document R2005-271050, in DuPage County, Illinois.

Parcel Numbers: 05-01-207-001 through 003; 05-01-205-013 through 015; 05-01-401-054; and 05-01-408-007
(Hereinafter the "Subject Property").

SECTION 2: A variation from Section 155.212, Table 2.1 to allow for a deck to be up to five and one-half feet (5.5') above grade within a required rear yard, where a maximum of three feet is allowed, is hereby granted for the Subject Property, subject to the conditions set forth in Section 3 below:

SECTION 3: The variation set forth in Sections 2 above shall be granted subject to compliance with 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 located more than ten feet (10') from the external wall of the adjacent residence shall not exceed three feet (3') above grade.
3. The staircases to any constructed rear yard decks shall be designed and installed to be parallel with and adjacent to the attached townhouse units.

Ordinance No. _____
Re: PC 06-33
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SECTION 4: This ordinance shall be in full force and effect from and after its passage, approval, and publication in pamphlet form as provided by law.

Passed on first reading this ____ day of _____, 2006.

First reading waived by action of the Board of Trustees this ____ day of _____, 2006.

Passed on second reading this ____ day of _____, 2006.

Ayes: _____

Nays: _____

Absent: _____

Approved this ____ day of _____, 2006.

William J. Mueller, Village President

ATTEST:

Brigitte O'Brien, Village Clerk

Published by me in pamphlet form this ____ dat of _____, 2006.

Brigitte O'Brien, Village Clerk



"chris"
<chris@dbghomes.com>

10/24/2006 03:01 PM

Please respond to
<chris@dbghomes.com>

To <HeniffW@villageoflombard.org>

cc

bcc

Subject Buckingham Orchard

Mr. Heniff,

We respectfully ask to waive first reading of the variance for the rear decks at Buckingham Orchard since we have buyers moving in very shortly.

Chris Coleman