Zoning Board of Appeals
Tuesday, February 18, 2020
7:00 P.M.
Evanston Civic Center, 2100 Ridge Avenue, Council Chambers

AGENDA

1. CALL TO ORDER / DECLARATION OF QUORUM

2. APPROVAL OF MEETING MINUTES from January 21, 2020.

3. OLD BUSINESS

A. 1224 Oak Avenue
   Donna Lee Floeter, architect, applies for major zoning relief to construct an attached garage, deck, and attic addition, in the R3 Two-Family Residential District and Ridge Historic District. The applicant requests a 3’ rear yard setback where 30’ is required (Zoning Code Section 6-8-4-7), a 3.2’ north interior side yard setback where 5’ is required (Zoning Code Section 6-8-4-7 (A) 3.), a 1’ south interior side yard setback for an accessory structure (deck) where 5’ is required (Zoning Code Sections 6-8-4-7 (C) 3. and 6-4-6-3), and building lot coverage of 51% where 45% is required (Zoning Code Section 6-8-4-6). The Zoning Board of Appeals is the determining body for this case. An open motion for conditional approval, with testimony closed, will be considered by members not present at the preceding (01.21.20) meeting.

4. NEW BUSINESS

A. 1327 Chicago Avenue / 528 Greenwood Street
   Richard A. Shapiro, applicant, submits for a special use for an Office, for Richard Shapiro Attorney At Law, in the R5 General Residential District (Zoning Code Section 6-8-7-3). The Zoning Board of Appeals makes a recommendation to City Council, the determining body for this case.

Order & Agenda Items are subject to change. Information about the ZBA is available at: http://www.cityofevanston.org/government/agendas-minutes/agendas-minutes---zoning-board-of-appeals/index.php
Questions can be directed to Melissa Klotz at mklotz@cityofevanston.org or 847-448-4311. The City of Evanston is committed to making all public meetings accessible to persons with disabilities. Any citizen needing mobility or communications access assistance should contact 847-448-4311 or 847-448-8064 (TYY) at least 48 hours in advance of the scheduled meeting so that accommodations can be made.

La ciudad de Evanston está obligada a hacer accesibles todas las reuniones públicas a las personas minusválidas o las quines no hablan inglés. Si usted necesita ayuda, favor de ponerse en contacto con la Oficina de Administración del Centro a 847/866-2916 (voz) o 847/448-8052 (TDD).
B. 1825 Lemar Avenue, Unit C
Oniel Johnson, applicant, submits for major zoning relief to construct an open front porch and fence in the R2 Single-Family Residential District. The applicant requests a 19’ front yard setback where 22.5’ is required (Zoning Code Section 6-4-1-9 (B) 1.) and a fence located in the front yard where the required front yard is not adjacent to a Type 1 Street (Zoning Code Section 6-4-6-7 (F) 2. (a)). The Zoning Board of Appeals is the determining body for this case. Continued to March 17, 2020.

5. OTHER BUSINESS

6. DISCUSSION

7. ADJOURNMENT

The next Zoning Board of Appeals meeting is scheduled for Tuesday, March 17, 2020 at 7:00pm in Council Chambers of the Lorraine H. Morton Civic Center.

Order & Agenda Items are subject to change. Information about the ZBA is available at: http://www.cityofevanston.org/government/agendas-minutes/agendas-minutes---zoning-board-of-appeals/index.php
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Declaration of Quorum
With a quorum present, Chair Cullen called the meeting to order at 7:12 p.m.

Minutes
Ms. Arevalo motioned to approve the meeting minutes of November 19, 2019 and December 3, 2019. Seconded by Mr. Mirintchev and approved 4-0.

Old Business

1224 Oak Ave. 19ZMJV-0084
Donna Lee Floeter, architect, applies for major zoning relief to construct an attached garage, deck, and attic addition, in the R3 Two-Family Residential District and Ridge Historic District. The applicant requests a 3’ rear yard setback where 30’ is required (Zoning Code Section 6-8-4-7), a 3.2’ north interior side yard setback where 5’ is required (Zoning Code Section 6-8-4-7 (A) 3.), a 1’ south interior side yard setback for an accessory structure (deck) where 5’ is required (Zoning Code Sections 6-8-4-7 (C) 3. and 6-4-6-3), and building lot coverage of 51% where 45% is required (Zoning Code Section 6-8-4-6). The Zoning Board of Appeals is the determining body for this case.

Donna Lee Floeter, architect, restated that at the preceding meeting, revisions were made to slightly reduce the degree of the variance request and asked why the description had not been changed.

Mr. Sterling explained that the description needed to remain as noticed and a summary of the revisions in question was included in the staff memo.

Donna Lee Floeter, stated that the requested north interior side-yard setback was 3.5 feet rather than the 3.2’ included in the agenda. The 3.2’ is measured from the existing chimney.

Mr. Sterling stated that this would be corrected.
Ms. Edwards Metz, property owner, presented a revised powerpoint and provided additional information regarding the project and her intent to downsize and allow for an age-friendly home and allow for their daughter to inhabit the first floor of the residence. Ms. Edwards Metz continued to address the standards for approval.

- Described the four variations requested including the first floor residences deck, the three-car garage at the rear-volume of the residence, and the screen porch on the north side of the residence above the garage.
- Explained that the three parking spaces are a code requirement and that the proposal is compliant with the impervious surface requirements.
- Explained the need for the requested north interior side-yard setback to allow for an elevator.
- Described that the building lot coverage requested would be a minor variation and that the garage and elevator were necessary in order to age in place and plan for their future.
- Described that the rear-yard setback, although a major variation, is appropriate because it’s the only location a garage can be located.
- Described comments made by other board members at the preceding meeting as recorded in the December 3 meeting minutes.
- Explained that previous concerns about the impact on the neighboring residence were unfounded because redevelopment of that property was unlikely due to the cost of the property, cost of demolition, and cost of construction not providing an adequate return.

Ms. Edwards Metz presented a rough schematic of a theoretical development on the lot to the north and explained her belief that it would not be obstructed by the development at 1224 Oak including that the proposal would not obstruct sunlight into the property to the north.

- Described that the residence was constructed prior to the invention of the car and explained that the existing residence already obstructs the property to the north since it already consumes the rear-yard.
- Described comments previously made by Mr. Mirintchev regarding the aesthetics of the property to the north and stated that the proposal is in-part intended to obstruct their view of the north property due to its unsightly appearance.
- Stated that previous ZBA members concerns over the bulk of the proposal, particularly the screen-porch, are unfounded and reiterated revisions they made previously to the roof-line in order to reduce bulk.

Ms. Edwards Metz briefly discussed the City’s many planning documents and ordinances which help steer decision making on nonconforming lots and uses, of which the City has many.

Ms. Edwards Metz stated that they are prepared to invest significantly in the property, and without that investment, the property would continue to deteriorate.
Ms. Edwards Metz stated the financial and psychological burden that her and her family have been forced to endure due to the various boards and committees they’ve attended has been a hardship in and of itself.

- Stated that no members of the public have objected to the project and Preservation and DAPR have recommended approval. Delaying a decision has cost them money each month. Ms. Edwards Metz urged members to vote to approve the proposal as presented.

Deliberation:

Chair Cullen asked if the conditions of DAPR had been met.

Mr. Sterling clarified the previously explained error in the staff memo that stated basement excavation would not be allowed - the clarification is that basement excavation is allowed but a sump pump is not allowed below the water table and would be reviewed at the time of permit submission.

Mr. Mirintchev stated concern with the proposed bulk and height of the proposal, particularly the roofed deck on the garage which creates a solid two-story wall from the front of the building to the back. This, he could not be supportive of as it would, despite arguments to the contrary, greatly impact the property to the north.

Mr. Mirintchev stated that the three-car garage was too large, but the argument for it's necessity seems appropriate.

Ms. Arvelalo inquired if the deck were open and only the elevator shaft were roofed, would Mr. Mirintchev feel it met the standards

Mr. Mirintchev stated that he could support the proposal with an open deck and railing and roofed screen-porch removed.

Mr. Metz asked members to reiterate that they would support the proposal without the roofed screen porch and replacement with an open deck and railing with roofed elevator shaft.

Ms. Zordan stated that even with removal of the screen porch she could not support the proposal stating concern that you would be overlooking the neighboring property, minimizing privacy.

Ms. Zordan stated concern with the presentation about a theoretical house at the north property, stating that she had concerns with the proposal in relation to the existing property to the north.

Mr. Sterling stated that the record had been closed and asked the applicants to allow members to deliberate without interjection.

Chair Cullen stated agreement and reminded the applicant that they had their time to present. If they wish to continue discussion, the record would need to be reopened.
Chair Cullen made a motion to reopen the record with unanimous approval.

Mr. Metz inquired about giving up the elevator altogether, shifting the garage 1.5 feet to the south and allowing for more separation between properties. Mr. Mirintchev inquired if they would agree to keeping the elevator and have a single, semi-transparent “green wall” on the north side of the deck.

Ms. Floeter asked if Mr. Mirintchev would be ok with an open pergola to which Mr. Mirintchev stated he would be although it was a stretch.

Ms. Edwards Metz stated she would rather remove the elevator than not have the screen porch and asked if a retractable awning would be acceptable.

Ms. Arvelalo asked if they would consider an impermanent green wall.

Ms. Edwards Metz stated that she was looking forward to the screen porch and wasn’t comfortable with its removal.

Ms. Arvelalo stated that if you want a decision tonight, you need to give a little to get a little to which Ms. Edwards Metz stated that they had three votes at the last meeting in favor of the proposal with the screen porch.

Chair Cullen stated that she understood that no vote had been taken.

Mr. Sterling stated that no vote had been taken at the previous meeting.

Chair Cullen stated that if they want a decision tonight, they need to make accommodations to get the four votes. Otherwise, it would be continued to the next meeting.

Mr. Mirintchev inquired if the board could make two separate motions, one with, and one without conditions.

Mr. Sterling stated that they could take a vote on two separate motions if desired. If a motion included conditions, it would be recommended to make said condition as specific as possible.

Mr. Metz stated that it was already specific, stating they would agree to removing the screen porch, with an elevator, and a railing around an open deck.

Final Deliberation:
A majority of ZBA Members present found the proposal, including removal of the screen porch, appropriate. Ms. Zordan stated that she had already voiced her concern with any activity above the garage impacting privacy whether the space was enclosed or unenclosed.

Standards:
  1. Yes (JZ, No; KM Only without screen porch)
2. Yes
3. Yes
4. Yes
5. Yes
6. Yes
7. Yes
8. Yes
9. Yes (JZ, No)

Mr. Mirintchev motioned to recommend approval of the request, which was seconded by Ms. Arevalo with the following conditions:

1. Removal of the second floor roofed screen porch above the proposed garage and replacement with an open rooftop deck and railing. A roofed elevator shaft shall be permitted.
2. The applicant shall develop the subject property in substantial compliance with the testimony and representations of the Applicant to the Zoning Board of Appeals, and the plans and documents on file in this case.

The motion failed to reach four concurrent votes (3-1) and will be considered, with testimony closed, at the following meeting by members not present at the January 21 meeting.

New Business

1327 Chicago Ave./528 Greenwood St. 19ZMJV-0074
Richard A. Shapiro, applicant, submits for a special use for an Office, for Richard Shapiro Attorney At Law, in the R5 General Residential District (Zoning Code Section 6-8-7-3). The Zoning Board of Appeals makes a recommendation to City Council, the determining body for this case.

Ms. Arevalo motioned to continue the case without discussion to the February 18, 2020 ZBA hearing, which was seconded by Mr. Mirintchev and unanimously continued.

1201 Grant Street 19ZMJV-0104
Mark Benner, applicant, applies for major zoning relief to construct an addition in the R1 Single-Family Residential District. The applicant requests a 2.8’ west interior side-yard setback where 5’ is required (Zoning Code Section 6-8-2-8. (A) 3.) and minor zoning relief was previously granted to permit 3.3’ (Minor Variation case number 16ZMNV-0064). The Zoning Board of Appeals is the determining body for this case.

Mr. Sterling read the case into the record.

Applicant briefly discussed the request stating discrepancies in the plat of survey and the spot survey which resulted in inaccurate measurements

Applicant stated that the project is nearly complete and denial of the requested relief would cause a severe economic hardship as it would result in tearing down and reconstructing the addition
Ms. Arevalo questioned if the request was for 2.8' or 2.5' from the property line where 5' is required.

Applicant stated it was 2.8'

Mr. Sterling affirmed the request was for 2.8' and that the existing principal structure was 2.5' from the property line.

Mr. Mirintchev stated he was supportive of the project but wanted the applicant to understand that other communities are not so understanding and a mistake like this is serious.

Applicant stated that this has never happened before and the angle of the lot-line as well as discrepancies in the surveys created a unique situation

Mr. Mirintchev asked if any neighbors had objected

Mr. Sterling stated that they had received no comments for or against the project

Homeowner stated that many neighbors have complimented the design

Deliberation:
The ZBA Members present found the proposed zoning relief to be appropriate.

Standards:
1. Yes
2. Yes
3. Yes
4. Yes
5. Yes
6. Yes
7. Yes
8. Yes
9. Yes

Ms. Arevalo motioned to recommend approval of the requested zoning relief to permit construction of an addition with a 2.8’ west interior side-yard setback where 5’ is required, which was seconded by Ms. Zordan with the following condition.

1. The applicant shall develop the subject property in substantial compliance with the testimony and representations of the Applicant to the Zoning Board of Appeals, and the plans and documents on file in this case.

Adjourned 8:15pm
1224 Oak Avenue
19ZMJV-0084

ZBA Determining Body
MEMORANDUM

To: Members of the Zoning Board of Appeals

From: Johanna Leonard, Director of Community Development
Scott Mangum, Planning & Zoning Manager
Melissa Klotz, Zoning Administrator
Cade W. Sterling, Planner I

Subject: 1224 Oak Avenue - ZBA CASE 19ZMJV-0084
ZBA Determining Body

Date: February 12, 2020

An open motion for conditional approval, with testimony closed, will be considered by members not present at the preceding (01.21.20) meeting.

Update
Since the submittal of the application, and notification published in the October 24 Evanston Review, the applicant submitted revisions prior to the December 3 ZBA meeting which reduced the degree of the requested variations. Specifically, the applicant now requests the following: a 4' rear yard setback where 30' is required (Zoning Code Section 6-8-4-7); a 3.55' north interior side-yard setback (clarified during the January 21 ZBA meeting) where 5' is required (Zoning Code Section 6-8-4-7 (A) 3.); a 1' south interior side-yard setback for an accessory structure (deck) where 5' is required (Zoning Code Sections 6-8-4-7 (C) 3., and 6-4-6-3); and building lot coverage of 50.33% where 45% is required (Zoning Code Section 6-8-4-6).

The applicant provided no revisions to the proposal between the December 3 and January 21 meetings of the Zoning Board.

January 21, 2020 Deliberation
After a presentation by the applicant, and in-depth deliberation, a majority of ZBA Members present found the proposal to be appropriate if the screen porch above the garage were removed. Most members agreed that this change would reduce the bulk of the proposed garage and minimize the negative impacts on the property to the north. Ms. Zordan stated her concern with any activity above the garage due to a lack of privacy for the neighboring property which would occur whether the space was roofed or not roofed.
Standards:
1. Yes (JZ, No; KM Only without screen porch)
2. Yes
3. Yes
4. Yes
5. Yes
6. Yes
7. Yes
8. Yes
9. Yes (JZ, No)

Motion for consideration
Mr. Mirintchev motioned to recommend approval of the request, which was seconded by Ms. Arevalo with the following conditions:

1. Removal of the second floor roofed screen porch above the proposed garage and replacement with an open rooftop deck and railing. A roofed elevator shaft shall be permitted.
2. The applicant shall develop the subject property in substantial compliance with the testimony and representations of the Applicant to the Zoning Board of Appeals, and the plans and documents on file in this case.

The motion failed to reach four consecutive votes (3-1).

Attachments:
January 21 minutes
January 21 packet
December 3 minutes
December 3 video
1327 Chicago Ave. & 528 Greenwood St.
19ZMJV-0074

ZBA Recommending Body
To: Members of the Zoning Board of Appeals

From: Johanna Leonard, Director of Community Development
Scott Mangum, Planning and Zoning Manager
Melissa Klotz, Zoning Administrator

Subject: 1327 Chicago Ave./528 Greenwood St. – ZBA 19ZMJV-0074
ZBA Recommending Body
City Council Determining Body

Date: February 14, 2019

Notice – Published in the Evanston Review on December 26, 2019
Richard A. Shapiro, applicant, submits for a special use for an Office, for Richard Shapiro Attorney At Law, in the R5 General Residential District (Zoning Code Section 6-8-7-3). The Zoning Board of Appeals makes a recommendation to City Council, the determining body for this case.

Recommendation
Planning & Zoning staff recommend denial, and DAPR recommends approval for a special use permit for an Office use, Richard Shapiro Attorney At Law, in the R5 General Residential District. Planning & Zoning staff finds the proposal does not meet all of the Standards for Special Use in the R5 District. Specifically, the request for a substantial office use of 22 employees at 1327 Chicago Ave. and 22 employees at 528 Greenwood St., in a residential zoning district surrounded on three sides by residential zoning and uses, is not keeping with the purposes and policies of the adopted comprehensive general plan, causes a negative cumulative effect, and diminishes the value of property in the residential neighborhood.

Update
On February 11, 2020, the applicant submitted a preliminary ADA accessibility plan to show how the 1327 Chicago Ave. structure could achieve moderate accessibility. The ADA improvements are not required by code, but are strongly encouraged by the Building Official and City staff. The applicant prefers not to make any ADA improvements other than one ADA parking space on site, but has provided a plan to detail what ADA improvements are feasible. The applicant believes the improvements are unnecessary since employees with limited mobility can work from home if necessary and clients can receive house visits upon request.

The applicant anticipates the ADA improvements shown in the preliminary site plan will total $75,000 - $100,000 and will detract from the residential character of the structure.
Potential exterior ADA improvements include one ADA parking space (current plan shows 2 noncompliant ADA spaces), a 3’ wide path from parking to entry at the rear of 1327 Chicago Ave., a new rear stair and landing, ADA lift, and new door with lever. Interior ADA improvements include an ADA office and conference area, and ADA bathroom.

If the requested special use is recommended for approval, the following conditions should be included:

1. ADA improvements are required, including one ADA parking space, clear path to entry, ADA lift or ramp, door lever, one accessible office area and conference area, and one ADA bathroom, in a manner similar to the preliminary ADA site plan submitted February 11, 2020.
2. Hours of operation shall be limited to Monday – Friday, 7am to 6pm.
3. Deliveries shall be limited to Monday – Friday, 7am to 6pm.
4. The number of employees present on-site shall be limited to 45.
5. The applicant shall submit proof of documentation that the nonresidential use, including backdated years to the time the subject properties began the office use, is on file with the Cook County Assessor’s Office prior to issuance of a final certificate of occupancy.

Zoning Ordinance
Additional regulations for Office use in the R5 District per Section 6-8-1-11:
In residential districts wherein it is listed as a special use, office use may occur only in the following instances and subject to the following conditions:

A. The subject property shall be adjacent to any B, C, D, RP, O1, MU, MUE, MXE, or I zoning district.
B. The subject property shall be improved with, and the office(s) shall be located within, a dwelling originally constructed as a single-family detached or two-family dwelling.
C. The Zoning Board of Appeals shall consider, make findings of fact regarding, and, if necessary, attach specific conditions to address, the following characteristics of the proposed use:
   1. The number of employees;
   2. The amount of parking;
   3. The amount of traffic;
   4. The number of clients on the subject property at any one (1) time and per day;
   5. The hours of operation;
   6. The hours during which pick up and delivery are permitted;
   7. The manner in which utilities and other services are provided to the area;
   8. Sources of noise, vibrations, smoke, dust, odor, heat, glare, or electrical interference with radio or television transmission to the area;
   9. Exterior alterations to the residential appearance of the subject property, including, but not limited to, creating a separate or exclusive office entrance,
signage or other advertising or display to identify the office, fencing, and outdoor storage; and

10. The taxable value of buildings and land on, and within the vicinity of, the subject property.

D. If the City Council grants the special use, the property owner, or his or her agent, shall provide the Cook County assessor’s office with appropriate documentation of the nonresidential use of the subject property, including, but not limited to, the amount of floor area devoted to nonresidential use. The property owner, or his or her agent, shall cause to be placed on file in the office of the zoning division a copy of the above described document. Said document and copy shall be received by the Cook County assessor’s office and zoning division before the City may issue a final certificate of occupancy for the nonresidential use.

Special Use Standards:
For the ZBA to recommend that City Council grant a special use, the ZBA must find that the proposed special use:

1. Is one of the listed special uses for the zoning district in which the property lies; Per Zoning Code Section 6-8-7-3, an Office use in the R5 District is an eligible special use when adjacent to a Business District. The subject property is adjacent to the B2 Business District to the west across Chicago Ave.

2. Complies with the purposes and the policies of the Comprehensive General Plan and the Zoning ordinance; The Comprehensive General Plan encourages the protection of residential neighborhoods from negative impacts. The lack of significant on-site parking and ADA accessibility, enhanced by 22 employees in each building, is not appropriate when surrounded by residential zoning and uses on three sides. The potential for negative impacts in such a situation is high.

3. Does not cause a negative cumulative effect in combination with existing special uses or as a category of land use; Since the proposal includes two single family residential properties, each with 22 Office employees and little on-site parking, the cumulative effect of both properties together within a residential district may be a negative cumulative effect.

4. Does not interfere with or diminish the value of property in the neighborhood; Moderate intensity commercial (Office) use immediately adjacent to residential uses may diminish the value of property of adjacent properties. Additionally, the cumulative 22 parking spaces in the neighborhood that are leased for this use may cause parking issues for residents of the area and may therefore diminish the value of property in the neighborhood.

5. It can be adequately served by public facilities and services; Yes, both properties have adequate service. If approved, both structures will upgrade water service for a fire sprinkler system.

6. Does not cause undue traffic congestion; The addition of 22 employee vehicles in the area likely increases traffic congestion incrementally, but since parking spaces are leased and the vehicles are traveling to an exact destination, overall traffic congestion is not significantly impacted by the use.

7. It preserves significant historical and architectural resources; No exterior modifications are proposed to either single family home structure, which are
within the Lakeshore Historic District. However, if ADA improvements are required at 1327 Chicago Ave., exterior modifications will be made including widening a sidewalk, replacing the stair and landing at the rear, adding a lift, and a new door with a lever handle.

8. Preserves significant natural and environmental resources; There are no significant natural or environmental resources at this site.

9. Complies with all other applicable regulations. The use will comply with other applicable regulations including building codes and fire codes for change of use occupancy. While not required by code, the Building Official and some DAPR Members request ADA accessibility at 1327 Chicago Ave. so that there is an accessible entrance, office and conference room for an employee or client with mobility needs, and bathroom. The applicant has provided a plan for the ADA improvements but prefers not to make any ADA modifications to the structure (but will provide one ADA parking space).

Attachments
ADA Accessibility Site Plan
ADA Plan Review Comments
Comment Letter from Neighboring Property
1327 Chicago/528 Greenwood St. ZBA Packet – January 21, 2020 including:
  Staff Memo – January 14, 2020
  Special Use Application
  Correspondence to Planning & Zoning Administrator – December 31, 2018 & January 2, 2019
  Building Inspection Report
  Appeal from portion of Building Inspection Report (ADA accessibility)
  Fire Inspection Report
  Site Plans
  Noncompliant Zoning Correspondence – November 20, 2018 & January 17, 2019
  Reconsideration of Appeal from Building Official – October 30, 2019
  Supplemental Info from Applicant following Approved Appeal of ADA Requirements – November 7, 2019
  Plats of Survey
  Zoning Map of Property
  Aerial View of Property
  Image of Property
  DAPR Meeting Minutes Excerpt – November 20, 2019
Proposed Exterior and Interior Modifications for Achieving Increased Handicapped Accessibility

528 Greenwood Street
No Work

1327 Chicago Avenue
No Exterior Work Except As Noted

PROPOSED ACCESSIBILITY MODIFICATIONS
Scheme A

By Walter Hallen – Plan Reviewer

AC1- The new stair landing must provide the required 30" X 48" wheelchair space outside of the lift gate door swing. The un-dimensioned landing shown does not seem to provide this space. Maybe a 60” square landing is required. One might consider an in-swinging gate at the top of the stairs to block a wheelchair from falling down the stairs.

AC2- Since the new toilet room does not meet any of the exceptions in the Illinois Accessibility Code (IAC) Section 606.2 the knee space required under the lavatory cannot share the 60” wheelchair turning space required. The 5’-0” dimension of the room must be increased to allow the 60” space to not include the knee space. This will vary depending on the lavatory selected, but could be around 5’-8”.

AC3- IAC 207.2 requires that any platform lift used for accessibility mist have standby electrical power.

02/13/20
The Edmundton Condominium Association (TECA)
“Special Use” Zoning Request
1327 Chicago Avenue and 528 Greenwood Street
Questions, Comments and Recommendation

Questions:
1. If approved, will the properties in question be zoned as R-5 Residential with Variance or as B (Office Occupancy)?
2. Does this create a “zone within a zone” that could enable Commercial expansion in the current R-5 zone?
3. Will the approved zoning status survive transfer or sale of either or both properties?
4. Will the approved zoning status survive sale of the business in the same locations?
5. If approved, will the new zoning status go into effect before all required property modifications are made?
6. If, in the future, it is determined that the property use interferes or diminishes The Edmundton Condominium Association property value, what is our recourse?
7. Given the limited business size information made available to the City of Evanston over the past decade, will the City perform periodic inspections to ensure that the business remains in compliance, i.e. does not exceed 45 employees on the two sites?

Comments:
1. TECA appreciates the work done by various City of Evanston departments to ensure that the properties are in compliance with all relevant building codes.
2. TECA also thanks the Zoning Board (Melissa Klotz and Cade Sterling) for providing status, process information and access to Board meeting records.
3. We also appreciate the effort and expense that Richard Shapiro will expend in order to establish the new work environment and to retain the integrity of the neighborhood.
4. Several Owners were concerned about the impact that approval of the Request may have on our property values. A small sample of local realtors familiar with the properties indicates that we should reasonably expect no negative impact on our property values.

5. The required compliance with Federal ADA laws seems light.
   TECA is a Client of Richard Shapiro. Two TECA Owners are disabled and use a wheelchair for mobility. In the unlikely event that these Owners need to meet at Richard’s offices, there seems no way to access the buildings. Use of bathroom facilities seems unlikely. Other Client’s may have similar difficulty.
   However, TECA appreciates that Richard offers options to conduct business in alternate, more accommodating locations and view this as an acceptable alternative to visiting the Law offices.

6. Knowing that taxes will be reconciled per Richard’s legal counsel helps TECA view the zoning request more favorably.

7. The concept of “Landmarking” the properties appeals to TECA.

8. There have been very few instances of TECA parking spaces being used by Richard Shapiro employees, most recently on July 25, and July 26, 2019. The issue was resolved by contacting Richard’s office.
   Note: The TECA Board has considered contracting for Towing services but has voted against this option due to the Towing Service contract expense, the risk of towing Owner guest vehicles and the general procedural involvement.

Recommendation:

The Edmundton opened for occupancy in 1997. We have experienced no significant issues associated with Richard Shapiro’s law practice. Overall, we view Richard Shapiro and his business as good neighbors.
Provided that actions are taken to bring the two properties and business operations into physical and tax compliance, TECA supports the Special Use Request for Office Use for both properties.

Submitted by:

The Edmundton Condominium Association board of Directors
Memorandum

To: Members of the Zoning Board of Appeals

From: Johanna Leonard, Director of Community Development
      Scott Mangum, Planning and Zoning Manager
      Melissa Klotz, Zoning Administrator

Subject: 1327 Chicago Ave./528 Greenwood St. – ZBA 19ZMJV-0074
          ZBA Recommending Body
          City Council Determining Body

Date: January 14, 2019

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Richard A. Shapiro, applicant, submits for a special use for an Office, for Richard Shapiro Attorney At Law, in the R5 General Residential District (Zoning Code Section 6-8-7-3). The Zoning Board of Appeals makes a recommendation to City Council, the determining body for this case.

Recommendation
Planning & Zoning staff recommend denial, and DAPR recommends approval for a special use permit for an Office use, Richard Shapiro Attorney At Law, in the R5 General Residential District. Planning & Zoning staff finds the proposal does not meet all of the Standards for Special Use in the R5 District. Specifically, the request for a substantial office use of 22 employees at 1327 Chicago Ave. and 22 employees at 528 Greenwood St., in a residential zoning district surrounded on three sides by residential zoning and uses, is not keeping with the purposes and policies of the adopted comprehensive general plan, causes a negative cumulative effect, and diminishes the value of property in the residential neighborhood.

Site Background
1327 Chicago Ave. and 528 Greenwood St. are contiguous properties located at the southeast corner of Chicago Ave. and Greenwood St. The properties are within the R5 General Residential District and are surrounded by the following:

<table>
<thead>
<tr>
<th>Side</th>
<th>District</th>
</tr>
</thead>
<tbody>
<tr>
<td>North</td>
<td>R5 General Residential District</td>
</tr>
<tr>
<td>South</td>
<td>R5 General Residential District</td>
</tr>
<tr>
<td>East</td>
<td>R5 General Residential District</td>
</tr>
<tr>
<td>West</td>
<td>B2 Business District</td>
</tr>
</tbody>
</table>
The properties are surrounded by a variety of residential uses, from single family residences to large multifamily buildings, to the north, east, and south, and by commercial businesses and mixed use buildings to the west across Chicago Ave.

The properties are within the Lakeshore Historic District but are not designated Landmarks. Since no exterior modifications to the structures are proposed, a Certificate of Appropriateness is not required from Historic Preservation.

Proposal
The applicant proposes to continue operations of attorney offices with approximately 22 employees each at 1327 Chicago Ave. and 528 Greenwood St. The properties feature large single family residences that are located in the R5 General Residential District. Because the properties are adjacent to the B2 Business District that is on the west side of Chicago Ave., the properties are eligible for special uses for Office use.

The Zoning Ordinance defines an Office as:

A use or structure where business or professional activities are conducted and/or business or professional services are made available to the public, including, but not limited to, tax preparation, accounting, architecture, legal services, medical clinics and laboratories, dental laboratories, psychological counseling, real estate and securities brokering, and professional consulting services, but not including drive-through service windows, the cutting or styling of hair, or recreational facilities or amusements. "Office" shall not include any use that is otherwise listed specifically in a zoning district as a permitted or special use.

The applicant initially purchased 1327 Chicago Ave. as his personal residence in 1985. In 1991, he began a tax appeal practice at the property. Over time, the business grew and incorporated additional employees. In 2013, the applicant purchased the adjacent single family residence at 528 Greenwood St. and expanded the tax appeal practice onto that property. The applicant now lives at a nearby condominium building. City staff became aware of the situation fall 2018 and has been working with the applicant to address building code, accessibility code, and zoning code issues.

The tax appeal practice currently has 48 employees. Not all employees work on-site every day, so there is an average of 22 employees in each single family residence. Many employees commute by train, there are 3 parking spaces on-site at 1327 Chicago Ave., and the applicant rents 11 spaces from adjacent neighbors and 12 spaces from surrounding City garages/surface lots.

The applicant agrees to sprinkler the buildings to meet fire code requirements, which includes new upgraded water service. The water service/sprinkler work is estimated at $220,000. The applicant also agrees to install handrails on interior stairs (estimated at $3,000 or less) and upgrade electric, plumbing, and mechanical equipment where necessary. No other interior or exterior changes to the buildings are proposed. The applicant has provided photographs (attached) of each building’s interior and exterior.
All parties agree that the third floor of 528 Greenwood St. will not be used by employees. The applicant believes it is appropriate to maintain the residential character of each building.

Neither property is ADA accessible and requires maneuvering on exterior stairs, interior stairs, and doorways and bathrooms that are not ADA accessible. The applicant believes any employees with accessibility requirements could work off-site, and clients rarely visit the property since most work is done via the internet or occasionally by home visit. If a client with accessibility requirements does visit the site, the applicant believes paperwork or other client work could be handled through the clients' vehicle window. The applicant proposes to convert the three existing on-site parking spaces at 1327 Chicago Ave. into one typical parking space and one ADA parking space.

The City's Building Official requested a change of occupancy evaluation for both residences, including a structural assessment, fire and life safety evaluation, and accessibility evaluation. The evaluation is attached. Following multiple discussions with the applicant and the International Code Council (ICC) for building code interpretations, all parties determined that fire and life safety codes will be met if the buildings are sprinklered, and ADA upgrades are not required.

The Building Official's request originally included accessible route requirements including handrails, an accessible entrance, parking and an accessible path to one office and one meeting room. Following interpretation by the ICC, the City's Building Official reduced the request but asked that the applicant consider reasonable ADA upgrades and demonstrate program access/barrier removal as feasible. The applicant agrees to provide program access and install handrails on interior stairs but no longer agrees to change exterior door handles to levers since he believes that would change the residential character of the structures.

City staff is aware that the proposed office use has existed for nearly 20 years in violation of the Zoning Ordinance, and that the office use has operated at its current capacity for nearly 10 years. Although some nearby property owners were unaware of the business, the additional vehicles and employees has a noticeable impact on the surrounding residential area. For instance, since the applicant rents 11 parking spaces from adjacent property owners as well as 12 parking spaces from nearby City garages/surface lots, those 23 parking spaces are not available for residents of the area, some of whom have been on parking wait-lists for many months. The impact of an office use of this size would be appropriate one block to the south, perhaps on a second floor of a commercial building, within the Main-Dempster Mile. However, as proposed, 1327 Chicago Ave. and 528 Greenwood St. are surrounded on three sides by residential uses including single family residences. Although there is a financial institution (Bank of America) directly west across Chicago Ave, the majority of surrounding properties and uses would be negatively impacted by the cumulative effect of 44 employees and their vehicles. Use of the properties and structures for larger-scale office use is not the intent of the Comprehensive General Plan or the Zoning Ordinance. The special use regulation is intended for small-scale office uses that can blend well with the residential character of a neighborhood without causing any nuisance issues or negative effects. It is bad land use policy and a slippery precedent to allow a business
of this size and operation to function in a residentially zoned and occupied neighborhood and with minimal to no ADA accessibility for employees or clients.

**Ordinances Identified for Requested Relief:**

6-8-7 R5 General Residential District

6-8-7-3 Special Uses: The following uses may be allowed in the R5 district, subject to the provisions set forth in Section 6-3-5, “Special Uses,” of this Title:

Office (subject to the general requirements of Section 6-8-1-11 “Special Conditions for Office Uses,” of this Chapter).

(among other listed uses)

Additional regulations for Office use in the R5 District per Section 6-8-1-11:

In residential districts wherein it is listed as a special use, office use may occur only in the following instances and subject to the following conditions:

A. The subject property shall be adjacent to any B, C, D, RP, O1, MU, MUE, MXE, or I zoning district.

B. The subject property shall be improved with, and the office(s) shall be located within, a dwelling originally constructed as a single-family detached or two-family dwelling.

C. The Zoning Board of Appeals shall consider, make findings of fact regarding, and, if necessary, attach specific conditions to address, the following characteristics of the proposed use:

1. The number of employees;
2. The amount of parking;
3. The amount of traffic;
4. The number of clients on the subject property at any one (1) time and per day;
5. The hours of operation;
6. The hours during which pick up and delivery are permitted;
7. The manner in which utilities and other services are provided to the area;
8. Sources of noise, vibrations, smoke, dust, odor, heat, glare, or electrical interference with radio or television transmission to the area;
9. Exterior alterations to the residential appearance of the subject property, including, but not limited to, creating a separate or exclusive office entrance, signage or other advertising or display to identify the office, fencing, and outdoor storage; and
10. The taxable value of buildings and land on, and within the vicinity of, the subject property.

D. If the City Council grants the special use, the property owner, or his or her agent, shall provide the Cook County assessor’s office with appropriate documentation of the nonresidential use of the subject property, including, but not limited to, the amount of floor area devoted to nonresidential use. The property owner, or his or her agent, shall cause to be placed on file in the office of the zoning division a copy of the above described document. Said document and copy shall be received by the Cook County assessor’s office and zoning...
division before the City may issue a final certificate of occupancy for the nonresidential use.

**Comprehensive Plan:**
The Evanston Comprehensive General Plan encourages the protection of residential neighborhoods from negative impacts. The Comprehensive Plan specifically promotes “preserv[ing] neighborhood character while supporting redevelopment efforts that add to neighborhood desirability.” The Comprehensive Plan also includes:

- **Objective:** Develop strategies where feasible for addressing parking and circulation concerns of merchants and surrounding residents in areas of neighborhood business activity.

- **Objective:** Evanston should work to preserve its historic residential architecture and ambience.

The conversion of two historic single family residences that are immediately adjacent to other residences, for Office use for 22 employees in each building, and with little on-site parking and lack of ADA accessibility for employees and clients, amounts to a negative impact on the surrounding residential neighborhood.

**Design and Project Review (DAPR) Discussion and Recommendation:**
The DAPR Committee found the use has operated without complaint for over a decade, unbeknownst to the City, and therefore may be a compatible use to the neighborhood. However, some DAPR Members found the lack of on-site parking and ADA accessibility for employees and clients at both buildings to be problematic (see attached DAPR Minutes Excerpt).

**Recommendation:** Approval with conditions, 8-2
1. Hours of operation shall be limited to Monday – Friday, 7am to 6pm.
2. Deliveries shall be limited to Monday – Friday, 7am to 6pm.
3. The number of employees present on-site shall be limited to 45.

**Special Use Standards:**
For the ZBA to recommend that City Council grant a special use, the ZBA must find that the proposed special use:

1. Is one of the listed special uses for the zoning district in which the property lies; Per Zoning Code Section 6-8-7-3, an Office use in the R5 District is an eligible special use when adjacent to a Business District. The subject property is adjacent to the B2 Business District to the west across Chicago Ave.
2. Complies with the purposes and the policies of the Comprehensive General Plan and the Zoning ordinance; The Comprehensive General Plan encourages the protection of residential neighborhoods from negative impacts. The lack of significant on-site parking and ADA accessibility, enhanced by 22 employees in each building, is not appropriate when surrounded by residential zoning and uses on three sides. The potential for negative impacts in such a situation is high.
3. Does not cause a negative cumulative effect in combination with existing special
uses or as a category of land use; Since the proposal includes two single family residential properties, each with 22 Office employees and little on-site parking, the cumulative effect of both properties together within a residential district may be a negative cumulative effect.

4. Does not interfere with or diminish the value of property in the neighborhood; Moderate intensity commercial (Office) use immediately adjacent to residential uses may diminish the value of property of adjacent properties. Additionally, the cumulative 22 parking spaces in the neighborhood that are leased for this use may cause parking issues for residents of the area and may therefore diminish the value of property in the neighborhood.

5. It can be adequately served by public facilities and services; Yes, both properties have adequate service. If approved, both structures will upgrade water service for a fire sprinkler system.

6. Does not cause undue traffic congestion; The addition of 22 employee vehicles in the area likely increases traffic congestion incrementally, but since parking spaces are leased and the vehicles are traveling to an exact destination, overall traffic congestion is not significantly impacted by the use.

7. It preserves significant historical and architectural resources; No exterior modifications are proposed to either single family home structure, which are within the Lakeshore Historic District. However, with no exterior modifications, the structures are not ADA accessible.

8. Preserves significant natural and environmental resources; There are no significant natural or environmental resources at this site.

9. Complies with all other applicable regulations. The use will comply with other applicable regulations including building codes and fire codes for change of use occupancy. However, the Building Official and some DAPR Members request additional ADA accessibility is done at one structure so that there is an accessible office and conference room for an employee or client with mobility needs.

Attachments
Special Use Application
Correspondence to Planning & Zoning Administrator – December 31, 2018 & January 2, 2019
Building Inspection Report
Appeal from portion of Building Inspection Report (ADA accessibility)
Fire Inspection Report
Site Plans
Noncompliant Zoning Correspondence – November 20, 2018 & January 17, 2019
Reconsideration of Appeal from Building Official – October 30, 2019
Supplemental Info from Applicant following Approved Appeal of ADA Requirements – November 7, 2019
Plats of Survey
Zoning Map of Property
Aerial View of Property
Image of Property
DAPR Meeting Minutes Excerpt – November 20, 2019
Table of Contents

1. Special Use Application
   A. Appendix A: Correspondence to Planning and Zoning Administrator from Mr. Shapiro’s attorney dated December 31, 2018 (including attachments) and January 2, 2019
   B. Appendix B: Building Inspection Report for 1327 Chicago Avenue and 528 Greenwood Street
   C. Appendix C: Appeal from portion of Building Inspection Report pertaining to accessibility requirements, together with architect’s May 8, 2019 Change of Occupancy Evaluation Report
   D. Appendix D: Fire Inspection Reports for 1327 Chicago Avenue and 528 Greenwood Street

2. Project Site Plans

3. Non-Compliant Zoning Analysis (Correspondence from Planning and Zoning Administrator dated November 20, 2018 and January 17, 2019)

4. Proof of Ownership
   A. 1327 Chicago Avenue – Mortgage
   B. 528 Greenwood – Deed
SPECIAL USE APPLICATION
CASE #: 19ZM3V-0074

1. PROPERTY

Address: 1327 Chicago Avenue and 528 Greenwood Street, Evanston, Illinois 60201
Permanent Identification Number(s):
PIN 1: 11-18-418-005-000-0 PIN 2: 11-18-418-001-000-0
(Note: An accurate plat of survey for all properties that are subject to this application must be submitted with the application.)

2. APPLICANT

Name: Richard A. Shapiro
Organization: N/A
Address: 1319 Chicago Avenue, Apartment 105
City, State, Zip: Evanston, Illinois 60201
Phone: Work: 847-869-8696 Home: Cell/Other: 847-338-7755
Fax: Work: 847-869-9222 Home: 
E-mail: rs@richardshapiro.com

What is the relationship of the applicant to the property owner?

☑ same ☐ builder/contractor ☐ potential purchaser ☐ potential lessee
☐ architect ☐ attorney ☐ lessee ☐ real estate agent
☐ officer of board of directors ☐
other:

3. PROPERTY OWNER (Required if different than applicant. All property owners must be listed and must sign below.)

Name(s) or Organization: N/A
Address:
City, State, Zip:
Phone: Work: Home: Cell/Other:
Fax: Work: Home: 
E-mail:

"By signing below, I give my permission for the Applicant named above to act as my agent in all matters concerning this application. I understand that the Applicant will be the primary contact for information and decisions during the processing of this application, and I may not be contacted directly by the City of Evanston. I understand as well that I may change the Applicant for this application at any time by contacting the Zoning Office in writing."

Property Owner(s) Signature(s) -- REQUIRED Date

4. SIGNATURE

"I certify that all of the above information and all statements, information and exhibits that I am submitting in conjunction with this application are true and accurate to the best of my knowledge."

Applicant Signature -- REQUIRED Date
5. REQUIRED DOCUMENTS AND MATERIALS

The following are required to be submitted with this application:

- [x] (This) Completed and Signed Application Form
  New surveys are being prepared and are expected to be submitted to the City during the week of August 5, 2019.

- [ ] Plat of Survey
  Date of Survey: ________________________________

- [x] Project Site Plan
  Date of Drawings: July 25, 2019, as updated on July 29, 2019

- [ ] Plan or Graphic Drawings of Proposal (if needed, see notes)
  (See answer to Question (e))

- [x] Non-Compliant Zoning Analysis
  Deed for 528 Greenwood and Mortgage for 1327 Chicago Avenue

- [x] Proof of Ownership
  Document Submitted: ________________________________

- [x] Application Fee
  Amount $660.00

Notes: Incomplete applications will not be accepted. Although some of these materials may be on file with another City application, individual City applications must be complete with their own required documents.

Plat of Survey
(1) One copy of plat of survey, drawn to scale, that accurately reflects current conditions.

Site Plan
(1) One copy of site plan or floor plans, drawn to scale, showing all dimensions.

Plan or Graphic Drawings of Proposal
A Special Use application requires graphic representations for any elevated proposal—garages, home additions, roofed porches, etc. Applications for a/c units, driveways, concrete walks do not need graphic drawings; their proposed locations on the submitted site plan will suffice.

Proof of Ownership
Accepted documents for Proof of Ownership include: a deed, mortgage, contract to purchase, closing documents (price may be blacked out on submitted documents).
- Tax bill will not be accepted as Proof of Ownership.

Non-Compliant Zoning Analysis
This document informed you that the proposed change of use is non-compliant with the Zoning Code and requires a variance.

Application Fee
The application fee depends on your zoning district (see zoning fees). Acceptable forms of payment are: Cash, Check, or Credit Card.
6. PROPOSED PROJECT

A. Briefly describe the proposed Special Use:

It is proposed that both the 1327 Chicago Avenue building and the 528 Greenwood building be used as office space for the purpose of conducting my legal practice (subject to the reservation of the suite on the eastern side of the second floor of the building at 1327 Chicago Avenue for my personal use). Except for the area reserved for my personal use, both buildings are currently used for office purposes, as detailed in the attached letters to Scott Manquem dated December 31, 2018 and January 2, 2019, which letters and accompanying attachments are included in Appendix 1 to this application.

APPLICANT QUESTIONS

a) Is the requested special use one of the special uses specifically listed in the Zoning Ordinance? What section of the Zoning Ordinance lists your proposed use as an allowed special use in the zoning district in which the subject property lies? (See Zoning Analysis Review Sheet)

Both buildings are located in the R5 Residential Zoning District, which allows Office Uses as special uses. (See Evanston Zoning Ordinance, Sections 6-8-7-3 and 6-8-1-11.)

b) Will the requested special use interfere with or diminish the value of property in the neighborhood? Will it cause a negative cumulative effect on the neighborhood?

The requested special use will not interfere with or diminish the value of property in the neighborhood, or cause a negative cumulative effect on the neighborhood. To the contrary, the use provides valuable legal services to the community, as detailed in Appendix A. The use is also compatible with the surrounding business and commercial uses, as is also discussed in Appendix A.

c) Will the requested special use be adequately served by public facilities and services?

Yes, the use will be adequately served by public facilities and services. I am working with my architect to ensure that the use complies with applicable building and fire codes, as set forth in the attached inspection reports issued by the Building Division and Fire Department of the City, respectively (subject to the potential modification or elimination of the accessibility requirements as a result of the appeal referenced in item e) below). (See Appendices B, C, and D.) The use is also accessible to public transportation; the offices are located little more than one block from the Dempster Street station of the Purple Line.
d) Will the requested special use cause undue traffic congestion?

No, the requested special use will not cause undue traffic congestion. The properties are both located on Chicago Avenue, the primary commercial thoroughfare cutting through Evanston, with one property fronting onto Greenwood, a smaller residential street. The proposed occupancy use itself creates little traffic. Notably, almost half of my employees do not drive to work; they either take the CTA, use Uber, bike or walk to the office. Further, only a small number of clients visit the 1327 Chicago Avenue property, and none visit the 528 Greenwood property. (See Appendix A.)

e) Will the requested special use preserve significant historical and architectural resources?

The buildings are located in the Lakeshore Historic District, although neither is a designated landmark, but only contributing structures within the district. The inspection report issued by the Building Division indicates specific changes that may require exterior alterations to comply with certain accessibility requirements it has identified. (See Appendix 2.) An appeal has been filed disputing those requirements. (See Appendix 3.) If this appeal is successful, there will be no need for any changes to the exterior portions of these buildings that are visible from the public way and this will preserve significant historical and architectural resources. If the appeal is not successful, I will ask my architect to draw up an appropriate design for both buildings. To the extent such alterations are visible from the public way for either structure, I will apply to the Preservation Commission for a Certificate of Appropriateness (COA) and any necessary building permits or zoning variances.

Appropriateness.

f) Will the requested special use preserve significant natural and environmental features?

The requested special use will not have any adverse impact on significant natural and environmental features.

g) Will the requested special use comply with all other applicable regulations of the district in which it is located and other applicable ordinances, except to the extent such regulations have been modified through the planned development process or the grant of a variation?

Yes, the requested special use will comply with all other applicable regulation of the R6 Residential District and other applicable ordinances, except to the extent that such regulations are modified through the grant of a variation.
The Evanston City Code, Title 1, Chapter 18, requires any persons or entities who request the City Council to grant zoning amendments, variations, or special uses, including planned developments, to make the following disclosures of information. The applicant is responsible for keeping the disclosure information current until the City Council has taken action on the application. For all hearings, this information is used to avoid conflicts of interest on the part of decision-makers.

1. If applicant is an agent or designee, list the name, address, phone, fax, and any other contact information of the proposed user of the land for which this application for zoning relief is made:

   Does not apply.

2. If a person or organization owns or controls the proposed land user, list the name, address, phone, fax, and any other contact information of person or entity having constructive control of the proposed land user. Same as number ______ above, or indicated below. (An example of this situation is if the land user is a division or subsidiary of another person or organization.)

   Does not apply.

3. List the name, address, phone, fax, and any other contact information of person or entity holding title to the subject property. Same as number ______ above, or indicated below.

   Richard A. Shapiro  
   1327 Chicago Avenue  
   Evanston, Illinois 60201

   This is Mr. Shapiro's business address. His residential address is set forth on page 1.

4. List the name, address, phone, fax, and any other contact information of person or entity having constructive control of the subject property. Same as number 3 above, or indicated below.
If Applicant or Proposed Land User is a Corporation

Any corporation required by law to file a statement with any other governmental agency providing substantially the information required below may submit a copy of this statement in lieu of completing a and b below.

a. Names and addresses of all officers and directors.

   Does not apply.

b. Names, addresses, and percentage of interest of all shareholders. If there are fewer than 33 shareholders, or shareholders holding 3% or more of the ownership interest in the corporation or if there are more than 33 shareholders.

   Does not apply.

If Applicant or Proposed Land User is not a Corporation

Name, address, percentage of interest, and relationship to applicant, of each partner, associate, person holding a beneficial interest, or other person having an interest in the entity applying, or in whose interest one is applying, for the zoning relief.

Mr. Shapiro is the sole legal titleholder of the subject properties.
A. GENERAL INFORMATION

1. What projects are eligible for a Special Use Permit?
Projects are eligible per zoning District. Please check the Zoning District to see if your proposed project is listed as a permitted Special Use per zoning District. The Allowed Uses by Zoning District handout is also another way to access information to see if your project is eligible to apply.

2. Who can submit an application?
The applicant must either own, lease, or have legal or equitable interest in the subject property, or must be the representative of such a person. All persons or parties which have an ownership interest in the affected properties must be identified and must sign the application. The Property Owner(s) may, at their discretion, designate another person as Applicant to act on their behalf in processing this application. In that case, the designated Applicant will be considered the primary contact, until the application is closed or the Property Owner changes the designated Applicant by contacting the Zoning Office in writing. **Standing** (§6-3-8-4):

3. How do I submit an application?
Applications must be submitted in person to the Zoning Office, City of Evanston, Civic Center Room 3700, 2100 Ridge Avenue. Our office hours are Monday through Friday (excluding Holidays) from 8:30 am until 5:00 pm. Evanston.

Applications must be complete, including all required documentation and fee. Applications are not accepted by mail or e-mail. Application materials cannot be returned.

4. What forms of payment are accepted?
Cash, Credit Card, Check.

5. Can I withdraw my application?
Yes, an application may be withdrawn any time prior to a vote.

6. Who has access to my application materials?
The application is a public document, and as such, may be reviewed by the general public upon request.

B. INFORMATION ABOUT SPECIAL USES

What is a Special Use Permit?

For each zoning district, the Zoning Ordinance identifies permitted uses (also called “by right” uses) and special uses which may be allowed depending upon the circumstances. In order to legally operate a special use, a property owner must apply for a Special Use Permit from the Zoning Office. The application is reviewed at a public hearing by the Zoning Board of Appeals (ZBA), which makes a recommendation to the City Council. The ZBA can also recommend conditions on a granted special use. The City Council is the deciding body for all Special Uses in the City of Evanston.
The Special Use Application Process

- The City reviews the project through a Zoning Analysis (applied for separately) and determines it is eligible to apply for a special use.
- The Applicant files a Special Use Application.
- The City publishes a notice of the hearing in the Evanston Review, between 15 and 30 days prior to hearing.
- The City posts a sign describing the public hearing on the property no less than 10 working days before the hearing.
- The City must mail notification of the public hearing to all properties that are within 500 feet of any point on the subject property. (The applicant is responsible for the accuracy of the list used by the City for mailing this notice. The applicant can either rely on a list the City produces through its Geographic Information System or produce his or her own list of the names and addresses of property owners within 500 feet of the subject property. The Zoning Office will send to the applicant its generated mailing list. The applicant should inform the Zoning Office if any names and addresses are missing.
- The City encourages all applicants to discuss their proposal with their neighbors prior to the public hearing.
- The Zoning Division will schedule the applicant to meet with the Site Plan & Appearance Review Committee (SPAARC) which provides a recommendation to the Zoning Board of Appeals.
- The ZBA recommends denial, approval, or approval with conditions of the application to City Council.
- The Planning and Development Committee of the City Council considers the ZBA recommendation and forwards it to the full City Council with or without a recommendation.
- City Council considers the ZBA recommendation and may introduce an ordinance granting the requested zoning relief.
- City Council may adopt an ordinance granting the requested zoning relief at the following or any subsequent City Council meeting.

The approximate time from when the Zoning Office receives a complete application to a decision is three to four months.

To recommend approval for a special use, the ZBA must find that the proposed special use meets all of the following criteria:

a) is one of the listed special uses for the zoning district in which the property lies;

b) complies with the purposes and policies of the Comprehensive General Plan and the Zoning Ordinance;

c) does not cause a negative cumulative effect in combination with existing special uses or as a category of land use;

d) does not interfere with or diminish the value of property in the neighborhood;

e) is adequately served by public facilities and services;

f) does not cause undue traffic congestion;

g) preserves significant historical and architectural resources;

h) preserves significant natural and environmental resources; and

i) complies with all other applicable regulations.

Expiration

Within one year of obtaining a special use permit, the recipient must either obtain a building permit and commence construction, or obtain a certificate of occupancy and commence the use. City Council may extend this one-year limitation upon request.

CONTACT INFORMATION

Community Development Department – Planning and Zoning Division
2100 Ridge Avenue, Room 3202 Evanston, Illinois 60201
P. 847-448-4311  F. 847-448-8126  E. zoning@cityofevanston.org
www.cityofevanston.org/zoning
December 31, 2018

VIA EMAIL AND U.S. MAIL

Scott Mangum
Planning and Zoning Administrator
Community and Development Department
Planning and Zoning Division
2100 Ridge Avenue
Evanston, Illinois 60201
smangum@cityofevanston.com

Re: Law practice at 1327 Chicago Ave. and 528 Greenwood St. in Evanston, Illinois

Dear Mr. Mangum:

I am writing on behalf of our client, Richard A. Shapiro, in response to your letter of November 20, 2018, requesting certain information with respect to the operation of Mr. Shapiro’s law practice at 1327 Chicago Avenue. In addition, as I mentioned during our telephone conversation, Mr. Shapiro owns the adjacent property at 528 Greenwood Street (immediately north of the 1327 Chicago Avenue house) and also uses that property to conduct his legal practice.

By way of background, Mr. Shapiro is a long-time resident of Evanston who primarily resides at 1319 Chicago Avenue, Apt. 105, where he owns a condo unit, though Mr. Shapiro has also always maintained a bedroom/bathroom suite at 1327 Chicago just for his personal use. Mr. Shapiro has been an attorney since 1980. For approaching twenty-eight years, he has represented owners of real estate in tax appeal proceedings, mainly in Cook County but also in DuPage and Lake Counties. He is well known and respected in his profession and has received enthusiastic testimonials from many satisfied clients. Mr. Shapiro has 1,430 active clients in Evanston alone.

For more than 20 years now, there have been just three houses left on Chicago Avenue in the Lakeshore Historic District. There is a corner house on Chicago that faces Hamilton, a block south of Dempster, built to within two and four feet of its bordering sidewalks. The other two are Mr. Shapiro’s—the last two houses with front yards on Chicago Avenue in the Lakeshore Historic District (the two houses south of 1327 Chicago were razed in 1996, and then replaced in 1998 by the 1319 condo). The 1327 Chicago property is the only remaining house that fronts on Chicago Avenue in the Lakeshore Historic District. The light pole in front of 1327 Chicago has the only street sign directing traffic (to turn at the corner, going right past 528 Greenwood) to the Charles
Scott Mangum  
December 31, 2018  
Page 2

Gates Dawes lakefront house/museum at 225 Greenwood. 528 Greenwood Street (built in 1879, assigned the Permanent Index Number ending -001 and probably the first house on the block) is shaded by three stately American elms along Chicago Avenue and the nearby, century-old catalpa tree in its front yard. And next door to the east of 528 Greenwood is 526 Greenwood, a registered historic landmark. For all of these reasons, Mr. Shapiro thinks of his Chicago Avenue houses as the last 19th century facades that work as an appropriate backdrop for a western entrance (crossing Chicago Avenue) into the Lakeshore Historic District. Mr. Shapiro views the Lakeshore Historic District as his own neighborhood, and takes pride in providing his professional services to that neighborhood and all of the nearby neighborhoods while retaining the residential character of the Lakeshore Historic District. Calculating just exactly how many appeals Mr. Shapiro has filed in the Lakeshore Historic District is complicated, but the number is approximately 1,324 since 2001.

The 1327 Chicago Avenue house was built in 1899, probably originally as a single family dwelling. Mr. Shapiro began renting the 1327 Chicago house in 1985, and purchased it in 1998. Mr. Shapiro established his fledgling legal practice at 1327 Chicago Avenue in 1991. At that time, Mr. Shapiro was assisted by one independent contractor and had no employees. Over the years, Mr. Shapiro’s law practice grew and he gradually began hiring employees. Today, Mr. Shapiro employs twenty-two individuals who are usually located at the 1327 Chicago main office.

The 528 Greenwood Street house was built in 1879 and was unquestionably constructed as a single family dwelling. It is directly north of the western half of the 1327 Chicago property. Mr. Shapiro purchased the property at a foreclosure sale in 2014. In 2015, he expanded his law practice and began using the 528 Greenwood house for the operation of his business. Today, Mr. Shapiro employs twenty-two individuals who are usually located at the 528 Greenwood property.

Mr. Shapiro employs a total of forty-nine people, but five of them always work off-site. Forty-six employees are full-time and three are part-time (working from 8 to 30 hours per week).

The regular hours of operation for Mr. Shapiro’s business are from 8:00 a.m. to 6:00 p.m., Monday through Friday at both properties, but the office does often close at 2:00 p.m. on the day before some holidays. The employees begin and end their work days at different times. Thus, for example, some employees arrive at 8:00 a.m. and leave at 4:00 p.m. Others arrive at 10:00 a.m. and leave at 6:00 p.m. There are three receptionists who never all work at the same time. There are two employees who regularly work certain days of the week from their homes but come into the office on certain other days, and there are ten employees who from time to time do not come in the office and instead work remotely from home. Accordingly, there are significant periods of time for both of the houses when fewer than the stated number of employees are on the premises.

As a general matter, the overwhelming majority of client consultations occur over the telephone and not in person. On the occasions when Mr. Shapiro or any of his employees ever do meet with clients, they do so at the 1327 Chicago Avenue property only. There are typically no more than one or two clients who visit Mr. Shapiro at any one time. To the best of Mr. Shapiro’s recollection, over the past almost twenty-eight years no more than three clients visited his office
at the same time, and such occurrences are exceedingly rare. The number of clients who visit Mr. Shapiro’s office in a day ranges from two to ten (such as on days when there is a filing deadline).

With respect to parking, a pad with three spaces faces Chicago Avenue (located north of the 1327 property, it’s actually the southwestmost rear corner of the 528 Greenwood lot). Two of these spaces are reserved for clients; one space is used by employees. Mr. Shapiro also rents ten parking spaces at the rear of the 1327 Chicago Avenue property for the use of his employees. In addition, Mr. Shapiro rents nine more spaces at two City of Evanston parking lots. Mr. Shapiro is also first in line on the waiting list at both of those Evanston parking lots for an additional two parking spaces, and it is likely that those requests for two additional spaces will be fulfilled early in January, 2019. The 1327 Chicago Avenue house has for parking just a single space in the rear (and no back yard, which facts only serve to exacerbate its limited value as a residential house on a commercial street) that Mr. Shapiro uses at times for his vehicle, but which also can be made available for employee use as Mr. Shapiro has another space to park in right next door, under his condo building at 1319 Chicago Avenue. It is significant that there are twenty people who work at Mr. Shapiro’s firm who either take the CTA or Uber, or bike or walk to work. Mr. Shapiro’s offices are located little more than one block from the Dempster Street station of the Purple Line.

Notably, Mr. Shapiro’s properties are both located on Chicago Avenue, which is the same predominantly commercial street as Clark Street in Chicago. Chicago Avenue is the primary commercial thoroughfare cutting through Evanston, including downtown Evanston. From South Boulevard to Greenwood Street it is zoned almost uninterruptedly with various business and commercial classifications. As it is so heavily developed along its entire length with a variety of business and commercial uses, such uses are only to be expected near the key intersection of the Chicago-Dempster neighborhood and shopping district. In the immediate vicinity of the subject properties, the west side of Chicago Avenue is zoned B2 from Greenwood (one block north of Dempster) and south almost to Hamilton (one block south of Dempster). A Bank of America branch and a restaurant are zoned B2 just across the street from Mr. Shapiro’s two properties. Many of these commercial and business developments, such as the bank, almost certainly have substantial numbers of employees. On the same (east) side of Chicago Avenue as the subject properties, the first half block south of Dempster is zoned B1, and the B1 zoning continues north on Chicago Avenue across Dempster, onto the southwest corner of Mr. Shapiro’s block. His two properties are at the northwest corner of the block, on Chicago Avenue, at or close to Greenwood.

We are submitting with this letter floor plans for both properties and a page outlining by floor the purposes the spaces are used for. The essence of it is that the house at 528 Greenwood Street is now used exclusively for business purposes, while the house at 1327 Chicago Avenue is used almost exclusively for business purposes, except for the bedroom and bathroom suite which together comprise the whole east side and roughly half of the 2nd floor of the 1327 Chicago house.

Mr. Shapiro has lived in the City for more than 33 years, and he hopes to be a continuing and productive member of the Evanston community for many years to come. We appreciate your consideration and look forward to working with you and the City of Evanston to apply for any
Scott Mangum
December 31, 2018
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variations and permits, including special use permits, that may be required in connection with the operation of his legal practice at the 1327 Chicago Avenue and 528 Greenwood Street properties.

We look forward to hearing from you concerning what steps come next.

Sincerely,

Ruth E. Krugly

Enclosures (floor plans and a separate, brief account of the different uses
1327 Chicago Basement:
The basement is used for our Network Hardware Infrastructure and it is also used for Storage.

1327 Chicago 1st Floor:
Immediately to the south of the front door is the Client Reception Area. Immediately to the east when you walk inside the front door is the General Reception Area. Immediately east of the Reception Area is the Main Kitchen, which is used as a second Client Reception Area when there are two clients present at the same time. An addition that extends the furthest west to Chicago Avenue is the General Manager's Office. The remaining space east of that office is used by the Paralegal Department (paralegals interact with clients). The addition built on the south side of the house is also used by the Paralegal Department. This addition has its own front and rear doors and it once functioned as a stand-alone studio apartment. There is a tiny 2nd kitchen located near the SE corner of the addition built on the south side of the house. Next to the 2nd kitchen is a 2nd bathroom; its bathtub is used to store empty boxes and cleaning supplies.

1327 Chicago 2nd Floor:
The room in the NW corner is used by a couple of managers: by the Office Manager, by the Accounts Payable Manager, who initiates and runs the payroll, and also at times by Mr. Shapiro's assistant, when Mr. Shapiro requires privacy. His assistant usually sits inside Mr. Shapiro's office, which is located in the SW corner of the 2nd Floor. Mr. Shapiro has also continuously maintained a private bedroom-bathroom suite which he reserves just for his personal use. This space takes up the entire east side of the 2nd floor.

1327 Chicago 3rd Floor:
The room the furthest west on the 3rd floor is used by the IT Department, but also by a Bookkeeper who performs a variety of functions. All of the rest of the 3rd floor is used entirely by the IT Department. The room on the east side of the 3rd Floor was originally a kitchen and it still has a refrigerator, which is used.

528 Greenwood Basement:
This is used for Data Destruction (we drill hard drives with a drill press), but is mostly used for Storage.

528 Greenwood 1st Floor:
The Contracts Department uses the NW room; the Mail Department uses all else, including the Kitchen.

528 Greenwood 2nd Floor:
The two rooms furthest north are used by the Documents Department. The room immediately south of the Documents Department on the east side of the 2nd floor is used as a Conference Room. The room immediately south of the Documents Department on the west side is used for Document Scanning and for Accounts Receivable. The room in the SW corner is used by the Collections Department.

528 Greenwood 3rd Floor:
The 3rd floor is used by the Assessor Department.
January 2, 2019

VIA EMAIL AND U.S. MAIL

Scott Mangum
Planning and Zoning Administrator
Community and Development Department
Planning and Zoning Division
2100 Ridge Avenue
Evanston, Illinois 60201
smangum@cityofevanston.com

Re: Law Practice at 1327 Chicago Ave. and 528 Greenwood St. in Evanston, Illinois

Dear Mr. Mangum:

Mr. Shapiro has asked us to correct several erroneous statements in our letter dated December 31st regarding the above-referenced matter.

In the first paragraph we indicated that the 528 Greenwood Street property "[is] immediately north of the 1327 Chicago Avenue house." But because of the different orientations and dimensions of their lots and how the houses are recessed from the property lines by different amounts, it really would have been more accurate to say that the 528 Greenwood Street property "is immediately north of the 1327 Chicago Avenue property," and not refer to either house in the description of the relative orientation.

In the second paragraph we stated that Mr. Shapiro has "1,430 active clients" in Evanston alone. However, that definition of "clients" assumes that every married couple is one client. If (probably more accurately) a married couple who mutually hire Mr. Shapiro are actually both clients, then in that case it would be closer to correct to say that Mr. Shapiro has "approximately 2,000 active clients" in Evanston.

With regard to parking, Mr. Shapiro undercounted the number of parking spaces he rents from neighbors. The correct number is eleven, not ten. He rents seven spaces behind 1322 Hinman and two spaces behind 1328 Hinman, one space from one of his neighbors behind 1319 Chicago and has one other space in the rear of 522 Greenwood, the apartment building immediately east of 526 Greenwood.
Finally, concerning parking, Mr. Shapiro did have every reason to believe that on December 31st he would indeed have an eighth parking space in Lot 14, making for a total of nine, as a Collector’s Office employee (Mr. Asin Ahmad) had told him the week before that he (Mr. Ahmad) had received an email that a person was cancelling, and since Mr. Shapiro was first on the waiting list he could have that space.

But when Mr. Shapiro called Mr. Ahmad in the afternoon of December 31st, hours after our reply had already been sent, he was told that there were hour-long lines because it was the deadline day for paying the wheel tax. Mr. Ahmad recommended that Mr. Shapiro would be better advised just to wait a week (since he couldn’t lose the space to someone else because he was first in line on the waiting list), and by then everything would have sorted itself out and Mr. Ahmad would know exactly how many total spaces were actually available, and it would therefore be easier and more efficient to handle all of Mr. Shapiro’s requests for parking spaces then. Mr. Ahmad suggested that Mr. Shapiro call him on January 9th.

Mr. Shapiro still thinks it is likely that he will get all three of the spaces he has requested at that time.

Thank you again for your consideration.

Sincerely,

Ruth E. Krugly
Via Email
July 8, 2019

Ruth Krugly
70 W. Madison Street, Suite 2900
Chicago, IL 60602
Via Email

RE: 1327 Chicago and 528 Greenwood Street, Evanston,

Dear Ms. Krugly,

The Fire Department and Building Division performed change of occupancy inspections at 1327 Chicago and 528 Greenwood Street, Evanston on June 27, 2019. The following are inspection comments that will require correction due to non-compliant existing conditions or due to the change of occupancy. Fire Department inspection comments are on a separate form and are included.

Structural:
- Modification of the existing stairways to meet IBC criteria would require substantial modifications to both buildings. Considering the occupants know the exit path configurations and dimensions stairs shall be improved with compliant handrails on at least one side of all stairs. Handrails shall be graspable with returns.
- The second "exit" from the third floor of 528 Greenwood is dangerous and no occupancy shall be permitted on this level.

Accessibility:
To the maximum extent technically feasible the buildings shall have the following accessibility features:
- At least one accessible building entrance
- At least one accessible route from an accessible building entrance to primary function areas
- Signage
- Accessible parking, where parking is being provided
- At least one accessible route connecting accessible parking to an accessible entrance
- See Mechanical/Plumbing for restroom requirements

Electrical:
Main concern is the potential for overloaded branch circuits, receptacle devices and extension cords creating a fire hazard.
- Existing receptacle outlets are feeding multiple work stations, each with UPS units to power the work station computer. All work station branch circuits shall be identified and analyzed for overload conditions. Overload conditions shall be remedied by reducing load or adding branch circuits.
- High wattage kitchen appliances are installed in kitchen area at each location. All kitchen area branch circuits shall be identified and analyzed for overload conditions. Overload conditions shall be remedied by reducing load or adding branch circuits.
- The use of extension cords shall be eliminated in both locations. Additional receptacles shall be installed to eliminate the use of extension cords.
- Two-prong non grounded receptacles shall be replaced with self-grounding devices.
- Services shall have a data logger collect load services for 30 days to ensure proper sizing. Readings should be taken in summer months while air conditioning is operating to ensure accurate readings.

Mechanical/Plumbing
- Drinking fountain or bottled water shall be provided for employee use.
- Service sink shall be provided and located on floor on which restroom is provided. City will allow service sink in basement in lieu of one on each floor on which restroom is located.
- Accessible features (i.e. grab bars, wall hung sink, water closet height) in restrooms to extent feasible.
- All single user restrooms shall be identified as gender neutral.
- Temperature for lavatories shall not exceed 110°.
- Food waste disposal shall be trapped separate from other compartments.
- Dishwasher shall not discharge into food waste disposal units.
- Dead end piping longer than 24" shall be eliminated.
- Hose threads (stilcocks, boiler drains from domestic piping) require proper backflow protection.
- Proper backflow protection required at boiler feed.

A Special Use Permit is required to operate an office use. A completed Special Use application and application fee shall be submitted by July 26, 2019. The properties are located within the Lakeshore Historic District. If any improvements are proposed that would be visible from a public way, including an alley, a completed application for a Certificate of Appropriateness shall be submitted by July 26, 2019.

Building permits will be required for the work performed. Separate permits will be needed for fire sprinkler/alarms, backflow prevention and water service (if required). Application for building permits shall be submitted within 15 days of Special Use approval with all work being completed, inspected and approved within 90 days of Special Use approval.

You have a right to appeal this inspection notice and order by filing a written application for appeal with the Community Development Director within ten (10) days after the day this notice is served upon you and shall be based on a claim that the true intent of the code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of the code do not fully apply, or the requirements of the code are adequately satisfied by other means. Appeal of any aspect of the inspection report does not impact the Special Use application deadline. Contact the Fire Department for appeal process for any part of their inspection report.

Sincerely,

Gary Gerdes,
Building & Inspection Services Division Manager
City of Evanston
July 23, 2019

Ms. Johanna Leonard
Community Development Director
Community Development Department
2100 Ridge Avenue
Evanston, Illinois  60201

Re:  Appeal of Change of Occupancy and Existing Conditions Inspection Notice and Order for 1327 Chicago Avenue and 528 Greenwood Street, Evanston, Illinois (“Inspection Notice”)

Dear Ms. Leonard:

I am writing on behalf of Richard A. Shapiro in response to the above-referenced Inspection Notice, a portion of which was served by Mr. Gary Gerdes the Building & Inspection Services Division Manager, on Mr. Shapiro, Ruth Krugly (Mr. Shapiro’s attorney) and myself by email on July 9, 2019 with the remaining portion either expanded upon, with some applicable building code citations, by Mr. Gerdes on July 10, 2019 and the remainder of the original “Notice” served by Mr. Scott Magnum on July 15, 2019.

Please be advised that Mr. Shapiro is hereby timely appealing the findings of the Inspection Notice regarding “accessibility” requirements, although it is unclear as to whether the period of such an appeal is based upon the July 9, 2019 date or the subsequent dates (July 10, 2019 or July 15, 2019) when the entire report was issued and served.

Furthermore, it should be noted that, in accordance with a letter dated January 17, 2019 from Mr. Scott Magnum, the Building Division of the City of Evanston required that a licensed architect or other design professional perform a “change of occupancy” evaluation. This evaluation was to be “reviewed by the Division/Department plan reviewers and permits/inspections will be required for subsequent work” (sic).

My “Change of Occupancy Evaluation for the Existing Office Uses at 1327 Chicago Avenue and 528 Greenwood Street” Report (19 pp), dated May 8, 2019 was submitted by Mr. Shapiro to the City of Evanston, but, as yet, there has been no formal or informal response to either the evaluation or to any of the conclusions and recommendations contained in that report. The “Inspection Notice” served on Mr. Shapiro does not make mention of the required report, does not address or identify any of the conclusions, arguments, or citations that affect any proposed Change of Use, nor have any of my conclusions been refuted or rebutted, as might have been anticipated or required. Instead, the “Inspection Notice” consists only of findings of inspections conducted on June 27, 2019 by City staff as if no independent evaluation by a licensed architect was ever conducted or received by the City.

Of primary concern at this time, are the requirements identified in Paragraph 3 on page 1 of the “Inspection Notice” under the heading of Accessibility. Specifically, with regard to this topic, the letter indicates:

To the maximum extent technically feasible, the buildings shall have the following accessibility features:

- At least one accessible building entrance
- At least once accessible route from an accessible building entrance to primary function areas
- Signage
- Accessible parking, where parking is being provided
- At least one accessible route connecting accessible parking to an accessible entrance
• See Mechanical/Plumbing for restroom requirements

Upon receipt of this letter, I wrote to Mr. Gerdes, the Building & Inspection Services Division Manager, asking if he might provide me with the basis for these requirements, particularly, as I noted in my request, because of the specific findings and code provisions contained in several of the governing building and life safety codes including the International Building Code (IBC) and the Illinois Accessibility Code (IAC) that I had cited in my May 8, 2019 “change of occupancy” evaluation report.

Mr. Gerdes responded the next day via email, and stated as follows:

*International Building Code Section 3411.4.2 Complete Change of Occupancy* details accessibility features required when a building undergoes a change of occupancy. The section states that if full compliance is technically infeasible, the elements must be made accessible to the fullest extent that is feasible. In the commentary section of the 2012 IBC, it states when a building undergoes a complete change of occupancy, full compliance with the accessible features listed is expected regardless of cost.

*Illinois Plumbing Code Section 890.110 Applicability* states if an existing building is changed from one use to another, it shall be treated as a new building and shall comply with the requirements of the plumbing code for its new use or occupancy. The Plumbing Code then refers to the Illinois Accessibility Code for accessibility requirements. The section also states regardless of the age of the building, where a health or safety hazard exists because of an existing plumbing installation, the owner shall make corrections necessary to abate the hazard or violation.

As the Building Official, I do not agree with the assertion that an equal or less hazardous occupancy was created given the number of occupants in each building, the lack of accessibility and egress, the lack of fire sprinkler and alarm systems and the electrical hazards created by the use of the building.

As will be discussed in detail below, it is Mr. Shapiro’s position that the true intent of the applicable codes or the rules legally adopted thereunder have been incorrectly interpreted or that the provisions of the applicable codes do not fully apply as stated by Mr. Gerdes. His position is based upon conclusions and information provided by me that are based, not only upon my own readings of the applicable and governing codes, but also after lengthy consultation I have held over the past few months with senior staff members of the International Code Council, the agency responsible for development, publishing, and interpreting the International Building Code, the Capital Development Board, the State agency responsible for developing, publishing, and interpreting the Illinois Accessibility Code, and the Department of Justice staff charged with providing technical support and interpretations regarding the ADA Architectural Guidelines and Standards. These staff persons have included, but are not limited to Ms. Kimberley Paarberg, Senior Staff Architect in Technical Services with the International Code Council; Mr. John Gonzalez, Staff Architect in Technical Services with the International Code Council; and Ms. Felicia Burton, Accessibility Specialist at Illinois Capital Development Board. In particular, let me note that Ms. Paarberg serves as code development secretary for the IBC Means of Egress/Accessibility and ICC Administration committees and is ICC representative for development of the referenced technical standard, ICC/ANSI A117.1 “Accessible and Usable Buildings and Facilities”.

First, the citation of Section 3411.4.2 in his reply to me on July 10, 2019 by Mr. Gerdes failed to include the entire first paragraph of that Section, which is critical to this appeal and discussion and reads as follows:

3411.4.2 Complete Change of Occupancy. Where an entire building undergoes a change of occupancy, it shall comply with Section 3411.4.1 and shall have all of the following accessible features ...... (Note: For brevity’s sake, the remainder of this section has not been included herein)
Therefore, the reference to Section 3411.4.1 that indicates the following has been omitted:

3411.4.1 Partial Change of Occupancy. When a portion of a building is changed to a new occupancy classification, any alterations shall comply with Sections 3411.6, 3411.7, and 3411.8

The three subsequent Sections referenced in Section 3411.4.1 indicate the following (Section 3411.8 is not applicable):

3411.6 Alterations. A facility that is altered shall comply with the applicable provisions of Chapter 11 of this Code unless technically infeasible. Where compliance with this section is technically infeasible, the alteration shall provide access to the maximum extent technically feasible

Exceptions:

1. The altered element is not required to be on an accessible route unless required by Section 3411.7
2. (Note: For brevity's sake the remainder of this section has not been included herein)

3411.7 Alteration affecting an area containing a primary function. Where an alteration affects the accessibility to, or contains an area of primary function, the route to the primary function area shall be accessible. (Note: Once more, for brevity's sake the remainder of this section has not been included herein)

Exceptions:

1. The costs of providing the accessible route are not required to exceed 20 percent of the costs of the alterations affecting the area of primary function.
2. (Note: Once more, for brevity's sake, the remainder of this section has not been included herein)

What has been explained to me during several conversations with Ms. Paarlberg and Mr. Gonzalez (most recently on July 15 and 19, 2019) is that the underlying assumption of Sections 3411.2.2 and 3411.4.1 is that a “change of occupancy” would encompass substantial renovations and alterations throughout a structure including removing, adding or moving walls, adding or moving doors, additions to the overall structure, or other work. As such, the inclusion of the accessibility features cited in 3411.4.2 and by Mr. Gerdes in his initial letter would be a “natural outgrowth” of such work or changes in the structure when the change in occupancy occurred. Even then, the IBC limits such changes to 20 percent of the overall project work, as does both the ADA in the 2010 ADAAG and the 2018 Illinois Accessibility Code. All three codes, and most importantly the IBC and the IAC do not include mechanical, plumbing, electrical, or sprinkler and other fire safety alterations or work when considering “costs” for determination of this “20 percent limitation” on costs associated with achieving accessibility.

The scale or nature of the “alterations” is fundamental to this entire issue at 1327 Chicago and 528 Greenwood. If one is to review the entire “Inspection Notice” sent by Mr. Gerdes, you will find that the scope of “alterations” or other changes, aside from those listed in the Accessibility section are limited to the following:

1. Modifications of the existing stairways and, more specifically, providing graspable handrails with returns on at least one side of all stairs
2. Removal of the occupancy on the 3rd floor at 528 Greenwood (it is assumed this is intended to mean, the Office Occupancy as opposed to any occupancy given that mechanical equipment and storage are also contained in that space)

There are other items noted in the letter, but these are associated with electrical outlets, electrical service loads, use of extension cords, and potential electrical power overload conditions, as well as drinking fountains, service sinks, backflow protection, water temperature, dishwasher and food disposal connections,
and other plumbing issues. However, as noted above, such work is not considered as part of any modifications that the governing codes include in the determination of the alterations associated with the Change of Occupancy and, as noted above and in my May 8, 2019 report (pp. 6-7) are not to be considered when limiting any work to 20 percent of the cost of the alterations affecting the primary area. In fact, much, if not all of the cited electrical and plumbing work appears to be an outgrowth of what Mr. Gerdes identified as “non-compliant existing conditions” in his letter, as opposed to changes necessitated by the “change of use”, i.e., these are changes that might have been identifies and requested or required as result of an annual or periodic inspection of the two premises.

This same point also applies to the two separate inspection reports provided by the Evanston Fire Department on July 9, 2019 and July 15, 2019 for 1327 Chicago and 528 Greenwood, respectively. Exclusive of certain overlap with the requirements noted in Mr. Gerdes’ letter, e.g., elimination of the 3rd floor occupancy at 528 Greenwood, the primary focus is upon installation of a sprinkler and fire alarm system in both buildings. The requirement, ironically, had already been acknowledged and included in my May 8, 2019 report (pp. 3-4), but as noted then (p. 7) and now, the addition of a sprinkler system, alarms, detectors, and other associated alarm system changes are not to be considered be alterations when determining the cost of alterations that determine or limit the cost or extent of accessibility work.

Let me also add, since this was addressed in Mr. Gerdes’ July 10, 2019 response to me, that I disagree and would also “appeal” any determination associated with whether or not this situation represented a change to a more hazardous occupancy. As I indicated in my May 8, 2019 report (pp. 2-3) the concept of an equal or less hazardous occupancy is not based upon those criteria Mr Gerdes cites, but upon very specific definitions contained within the IBC and other codes (NFPA 101) that I cited and that the concepts of hazard are reflected in the codes by limits upon floor area, building height, separation between occupancies, building construction and appropriate structural systems and materials. Once more, my interpretation was confirmed by ICC staff including, specifically, Mr. Jason Toves of the ICC Architectural & Engineering Services Technical Staff.

In summary, regarding this matter of achieving accessibility within these two structures, the IBC does not require all of those items listed by Mr. Gerdes in his letter, nor, as staff has also confirmed are they to be, if the budget resulting from 20 percent of “included” alterations permit, provided in the order shown in the code or in the letter. This same limitation is included within the 2018 IAC, which now also conforms to that standard contained within the ADA Architectural Guidelines (ADAAG). The “budget” that would control or guide providing improved or greater accessibility within each building will be the result of those costs arising, primarily from the changes to handrails in the stairway or any other similar alteration to the building not associated with plumbing, electrical power and telecommunications, mechanical, or sprinkler and fire alarm systems. It is expected that such changes will focus upon achieving greater accessibility in the toilet rooms to the extent “technically feasible”. Once more changes to the electrical and plumbing, while not influencing the scale or cost of achieving accessibility, will be made as will, of course, the installation of a sprinkler and fire alarm systems that was already acknowledged in my May 8, 2019 report.

I trust that this letter identifies Mr. Shapiro’s appeal and objections to those portions of the “Inspection Report” presented to him earlier this month. As noted, the objection and this appeal are, primarily, limited to the inclusion and requirement for providing accessibility without limitation and well beyond the criteria and guidelines of the various building and accessibility codes that govern these buildings and all other construction in Evanston. Should you have any questions or require further explanation or clarification, please feel free to contact me. In addition, should you require, I can provide a copy of my May 8, 2019 report and copies of the portions of the codes cited in that letter or in this appeal.

Sincerely,
Elliott E. Dudnik, PhD, FAIA
NCARB, LEED AP
AIA, ASTM, CSI, ICC, NFPA

Cc: Gary Gerdes
    Scott Mangum
    Richard Shapiro
    Ruth Krugly
May 8, 2019

Mr. Richard A. Shapiro
Attorney-At-Law
1327 Chicago Avenue
Evanston, Illinois 60201

Re: Change of Occupancy Evaluations for Existing Office Uses at
1327 Chicago Avenue and 528 Greenwood Street
Evanston, Illinois

Dear Mr. Shapiro:

The following document contains the results of our inspection, evaluation, and opinions regarding the two
adjoining properties you own at 1327 Chicago Avenue ("1327") and 528 Greenwood Street ("528"), in
Evanston, Illinois. It is an outgrowth of the January 17, 2019 request by Mr. Scott Mangum, the Planning
and Zoning Administrator for the City of Evanston to provide his office with an "Occupancy Evaluation"
of both structures. This "Occupancy Evaluation" would become part of the formal application process for
a Special Use Permit that the City has determined is now required to allow you to continue conducting the
operations of your firm at these two sites.

As was indicated by Mr. Mangum in his letter, the evaluation is to be based on the guidelines for a Change
of Occupancy as defined by the 2012 edition of the International Building Code ("IBC"), the adopted
building code of the City of Evanston. Such an evaluation would use any or all applicable provisions of the
2012 IBC, as well as the 2012 International Fire Code ("IFC"), the 2012 NFPA Life Safety Code ("NFPA
101"), the 2018 Illinois Accessibility Code ("IAC"), and any relevant amendments that have been adopted
by the City. I have also, as will be explained below utilized the 2012 International Existing Building Code
("IEBC") and the 2014 Illinois Plumbing Code ("IPC"), where such references have appeared more
appropriate or relevant.

History

As per both the correspondence you have received from Mr. Mangum dated November 20, 2018 and
January 17, 2019, as well as the response sent by you attorney, Ms. Ruth Krugly, on December 31, 2018,
the operations of your firm are based at the 528 and 1327 properties. These offices are deemed an Office
Use under the provisions of the Evanston Zoning Ordinance. However, both buildings are both located in
an R5, Residential Zoning District that does not allow an Office Use unless a Special Use Permit is approved
for such an occupancy. Based upon the representation of Ms. Krugly, you began to use 1327 as your offices
in 1991, more than 27 years ago and this Office Use has continued without interruption and without
objection or citation by any department of the City of Evanston, including but not limited to Property
Standards, Building, or Zoning. Your occupancy and Office Use of 528 began in 2015, once more without
citation or other notices from any department of the City of Evanston.

The history of both structures, built as three-story, wood-frame, single-family residences in 1899 (1327)
and 1879 (528) has been chronicled by Ms. Krugly in her December 31, 2018 letter as is the fact that your
present operations incorporate 44 staff members (22 in each building). As she noted, off-street parking for
these employees has been provided and secured at several nearby locations including the parking lot behind
the 1327 property and two City of Evanston parking lots. There are also three parking spaces located
between 528 and 1327 along Chicago Avenue for clients, although such visits are considered rare given the
nature of your practice.
**Change of Occupancy Evaluation**

I have visited these properties on two separate occasions (February 21, 2019 and April 17, 2019) and have documented relevant portions of each of floor level as they might influence any required alterations or modifications resulting from a change of use from the Single-Family Residential Occupancy to an Office Occupancy (IBC Group B). It should be noted that a Single-Family Residence Occupancy is not a listed occupancy type nor is it an included Occupancy Group within the IBC. This occupancy is only addressed by the 2012 International Residential Code (“IRC”) where it comprises IRC Occupancy Group R-3. My analyses and opinions are based upon a review of the two existing properties given both present condition and proposed use utilizing the applicable portions of the IBC and/or the other codes I have cited. I have also consulted the International Code Council Technical staff for interpretations of the IBC, IRC, IEBC, and IFC code sections that might apply herein, as well as the Illinois Capital Development Board staff for interpretations as to applicability of the IAC.

IBC Section 3408 Change of Occupancy has been cited by Mr. Mangum as the applicable code provision for this situation. He cites that the “provisions of the (IBC) code for new construction apply to an existing structure having a new occupancy”. However, there is no such specific reference to “new construction” stated requirement in any of the four sub-sections of IBC Section 3408.

Most critically, IBC Section 3408.1 Conformance indicates that “no change shall be made in the use or occupancy of a building that would place the building in a different division of the same group of occupancies or in a different group of occupancies, unless such building is made to comply with the requirements of the code for such division or group of occupancies”. In this instance, the change is from Occupancy Group R-3 to a different occupancy group, i.e., Occupancy Group B.

However, IBC Section 3408.1 Conformance also indicates that “the use or occupancy of existing buildings shall be permitted to be changed and the building occupied for purposes in other groups without conforming to all of the requirements of this (the IBC) code for those groups, provided the new or proposed use is less hazardous, based on life and fire risk, than the existing use”. This same clause is contained in IFC Section 102.3 Change of use or Occupancy.

The International Code Council Technical Interpretation staff has indicated that a B (Office) Occupancy is considered an equal or less hazardous occupancy than an R-3 (single-family residential occupancy), i.e., there is no increase in the life or fire hazard when making this Change of Occupancy. This is evident when considering the values contained in IBC Tables 3412.6.5 or 3412.6.8 that indicate a lower “penalty” associated with B occupancies than R occupancies. This can also be seen in IBC Tables 1012.4, 1012.5, or 1012.6 wherein the B and R-3 occupancies are both ranked as being in the lowest or second lowest relative hazard categories in the categories of: means of egress, maximum heights and floor areas, and exterior wall exposure. Thus, the proposed Change of Use is not required to comply with all of the requirements for a Group B Occupancy.

IBC Chapter 3 Use and Occupancy classification of the IBC identifies the classifications with respect to occupancy for each structure. IBC Section 304.1 Business Group B identifies the use of a building or structure for “office, professional- or service-type transactions, including the storage of records or accounts. Business occupancies shall include, but not limited to (among those listed): Professional services (architects, attorneys, dentists, physicians, engineers, etc.).” Whereas special detailed requirements associated with some occupancies are incorporated in IBC Chapter 4 Special Detailed Requirements Based upon Use and Occupancy there are no such special or detailed requirements for Occupancy Group B.

This is significant since, with no special provisions for the B Occupancy and, as noted above, no increase in either the life or fire hazard risks resulting from a change from an R-3 Occupancy to a B Occupancy, there is some question as to whether any provisions of the IBC code need apply. Even more specifically, whether any of the provisions governing “new construction” need to be applied to this situation.

Finally, adopted Evanston Ordinance 111-O-13 deleted all of IFC Chapter 43 Rehabilitation with the exception of three paragraphs (43.22.4, 43.6.4.1, and 43.7.2.1. It is not clear as to why the remainder of
that entire Chapter was deleted particularly since it contains clarifying language regarding, not only Change of Occupancy, but also because it defines that both Residential and Business uses are in Hazard Classification HC-3), the 2nd lowest hazard risk category. Furthermore, NFPA 101, Section 43.7, indicates that “where the occupancy classification of a portion or all of an existing building is changed, the building shall meet the requirements as defined for the resultant hazard classification” and “where a Change of Occupancy classification occurs within the same or lesser hazard classification category - the building shall meet the requirements of the existing chapters for the occupancy created by the change and also requirements for automatic sprinklers, detection and alarm systems and hazardous areas applicable to new construction for the occupancy created by the change”. The City of Evanston, as will be discussed below has only retained portions of this final clause and the language that has been deleted has not been replaced nor clarified. This would then clarify that IBC Section 3408 would be read as requiring that the provisions for existing construction rather than new construction should apply for a Change of Occupancy as NFPA 101, Section 43.7 appears to indicate.

**Construction, Size and Height**

Both 528 and 1327 are three-story dwellings and both, based upon my inspection, are Type VA Construction, i.e., ordinary wood-frame construction with load-bearing elements (floors, roof, and walls) having a one-hour fire-rating (IBC Section 602 Construction Classification). For Group B, 3 stories and a floor area (per floor) of 18,000 square feet is permitted (IBC Table 503 Allowable Building Heights and Areas). As noted in the attachments to Ms. Krugly’s letter, none of the floors at either 528 or 1327 exceeds 1174 square feet (1st floor of 1327) and most are less than 1,000 square feet. As such, the Change of Occupancy does not impose any limitations on the use of all three floors nor the floor area or heights of either building. It is also important to note that IBC Table 503 imposes a greater limitation upon maximum floor areas for the R (residential) Occupancy of 12,000 square feet, which is consistent with my previous point that this change to the Group B Occupancy poses a reduced fire and life hazard risk than the Group R Occupancy.

**Fire Protection Systems**

It is critical to note that the International Building Code Section 903 Automatic Sprinkler Systems does not require an automatic sprinkler system for any Group B Occupancy. Furthermore, IBC Section 907 Fire Alarm and Detection Systems only mandates a manual fire alarm when the Group B occupancy exceeds 500 or more persons on all floors or 100 persons above or below the lowest level of occupancy discharge (Section 907.2.2). As documented and as indicated in Ms. Krugly’s letter, the maximum number of occupants in either of the two buildings is 22 persons, well below the threshold imposed by this code provision. Furthermore, using an Occupant Load Factor (IBC Table 1004.1.2 Maximum Floor Area Allowances per Occupant) of 100 square feet per occupant for Business Areas, the Occupancy Load is 24 to 25 persons per building and never exceeds 12 per floor. Notwithstanding the provisions of the IBC that do not require any automatic sprinkler and detection or alarm systems, Ordinance 111-O-13 of the City of Evanston, as part of it adoption of the 2012 IFC and the 2012 Life Safety Code modified Chapter 43 of NFPA 101 and only retained the provision that “where a change of occupancy classification occurs, automatic sprinkler and detection, alarm and communications systems shall be provided throughout the building with the other requirements of other sections of this Code applicable to new construction for the occupancy created by this change” (Evanston adopted NFPA Life Safety Code NFPA 101, Section 43.7.2.1). As noted previously, this clause has been retained but the associated provisions regarding any other construction associated with a Change of Occupancy have been omitted from the adopted NFPA 101 code.

Therefore, the Change of Occupancy will require installation of an NFPA 13 automatic sprinkler system in compliance with IBC Section 903.1.1.1 and, aside from detection and alarm systems, the possible increase in water supply from the street to enable proper operation. However, it should be noted, that the addition of a sprinkler system eliminates the potential requirement for any one-hour rating of the interior walls, floors
or roof construction of the Type VA construction, should any such elements not be present (IBC Table 601 Fire-Resistance Rating Requirements for Building Elements). What must be assumed, however, per the IFC Chapter 11 - Construction Requirements for Existing Buildings are those elements identified in IFC Section 1103 - Fire Safety Requirements for Existing Buildings by IFC Table 1103.1 Occupancy and Use Requirements for a Group B Occupancy, as applicable to these two buildings with the inclusion of an automatic sprinkler system.

Based upon size, number of occupants, building height, and the absence of an elevator or escalator, the only additional system would be emergency responder radio coverage, if required by the fire official (IFC Section 1103.2). However, it is not evident that an emergency responder system nor most other detection, alarm, or communication systems are required for Group B occupancy, given provisions for new construction contained in IFC Chapter 9 - Fire Protection Systems. Furthermore, both buildings already contain alarms and detectors throughout all floor levels and, as a result, it is not anticipated that any changes will be needed for those existing fire protection systems.

Egress

The International Building Code Chapter 10 Means of Egress provides both the means for determining the Occupancy Load of a building depending upon the Occupancy Group, e.g., 100 gross square feet per occupant for Business Use and 300 gross square feet per person for Accessory Storage Areas and Mechanical Equipment Rooms, but also specific dimensions for doors, stairs, and other characteristics of the means of egress systems. IBC Section 1004 Occupant Load has already been cited above and, as noted, neither building has a total occupancy of more than 28 nor more than 12 persons per floor. Specifically at 528 Greenwood, the occupant loads have been calculated as follows: Basement - 3 persons, 1st Floor - 9 persons, 2nd Floor - 7 persons, and 3rd floor 3 persons, for a total of 22 persons. At 1327 Chicago, the occupant loads have been calculated as follows: Basement - 3 persons, 1st Floor - 12 persons, 2nd Floor - 7 persons, and 3rd Floor - 6 persons, for a total of 28 persons. Note that the calculated Occupant Load is greater than the actual number of occupants using the buildings.

IBC Section 1008 Doors, Gates, and Turnstiles establishes minimum sizes for those doors that area part of a means of egress, i.e., not doors serving closets, toilet rooms, or other doorways that would not form a part of an egress path for the occupants. IBC Section 1008.1.1 Size of doors mandates a minimum door width of 32 inches for such openings. We did not find any doorways forming part of the means of egress to be less than 32 inches in width at either site. Furthermore, IFC 1104.7 Size of doors permits a minimum clear width of 28 inches for each opening such that even the closet and toilet doors we observed are compliant.

IBC Section 1009 Stairways identifies the requirements for stairways including the minimum tread dimension, maximum riser height, width of stairs, headroom, and handrails. The minimum width of a stair serving an occupant load of fewer than 50 persons is mandated by IBC Section 1609.4 Width. Exception 1, to be 36 inches. We found the existing stairs at the two structures to vary in width from 32 to 34 inches. However, this is the clear width and, therefore, the overall stair width is much greater given the code permits handrails to project into the required stair width at least 4 1/2 inches (IBC 1012.8 Projections). Thus, the 32-inch clear width is code compliant.

Furthermore, these existing stairs are built within existing walls that often represent load-bearing construction and/or exterior walls that cannot be readily widened to achieve a width of 36 inches. Also, as previously noted, IBC Section 3408.1 indicates "the use or occupancy of existing buildings shall be permitted to be changed and the building occupied for purposes in other groups without conforming to all of the requirements of this (the IBC) code for those groups, provided the new or proposed use is less hazardous, based on life and fire risk, than the existing use".

The rise (riser height) of stairs is to be 4 inches minimum and 7 inches maximum with the tread depths to be 11 inches. Stairs dimensions vary throughout the two structures from 7" and 10" (rise and run from 1st to 2nd floor) to 7 1/2" and 9 1/2" (rise and run from 2nd to 3rd floor) at 1327 Chicago and, at 528 Greenwood from 7" and 11" (rise and run from 1st to 2nd floor) to 7" and 8 1/2" as well as 8" and 9" (rise and run from
2nd to 3rd floor). These conditions are not readily be altered given both the ornamental nature of the stairs leading from 1st to 2nd floors (oak stairs with ornate handrails and guards) and the necessity to demolish and reconstruct the surrounding walls and framing. More critically, IBC Section 3408.3 Stairways specifically indicates that “an existing stairway shall not be required to comply with the requirements of Section 1009 where the existing space and construction do not allow for reduction in pitch or slope.” As such, no changes are needed whether in compliance with IBC Section 3408.1 or IBC Section 3408.3. This same provision also exists in IFC 1104.10.1 Dimensions for replacement stairs. Furthermore, IFC 1104.10 Stair dimensions allows any rise that does not exceed 8¼ inches and a minimum tread depth of 9 inches, i.e., all the stairs comply with this provision.

We found that the existing stairs have only one handrail throughout both buildings with the exception of those stairs leading up to the 1st Floor level from grade, i.e., the exterior stairs at front and rear. The handrail heights vary as to distance measured above the stair nosing from a low of 27 inches (the front interior stair at 1327 with ornamental rail and newel posts) to 37 and 38 inches (the rear stairs leading up from the 2nd floor to the 3rd Floor at 1327 and 528 respectively). Handrail height (IBC 1012.2 Height) can vary from 34 to 38 inches in height and only the ornamental wood rail and guards present conflict with the code. These can be addressed by the addition of a second handrail mounted to the wall although such an addition would restrict the overall width of the stairway, albeit would not reduce the clear width (allowing for handrail projections) below 36 inches. The added handrail would, if required to be added, comply with the requirement regarding profile and graspability (IBC 1012.3 Handrail graspability) and, preferably, if circular profiles are used compliance with IBC 1012.3.1. Since the provisions of IFC 1104.13 Stairway handrails allows for “handrails on at least one side” and the added rail may not be necessary.

Finally, IBC Section 1021 Number of Exits and Exit Configuration requires two exits from any story with few exceptions (IBC 1021.2 Exits from stories). While only one exit is required for a Group B Occupancy from the Basement or from the 2nd Floor (both buildings have 2 exits from the 2nd floor), IBC Table 1021.2(2) Stories with One Exit or Access to One Exit does not permit a single exit from a third story or above. There are two exits from both the 2nd and 3rd floors at 1327 including a three-story exterior stairway at the rear of the building that provides the second means of egress from the 3rd Floor.

There are also two stairways from the 2nd floor down to 1st floor at 528. However, there is only a single exit from the 3rd Floor level at 528 Greenwood. The calculated Occupancy Load for this floor is three persons, but there is no exemption for a single exit based upon the number of occupants. A second exit has been provided by the Owner utilizing a floor hatch and ladder that creates a second exit, but this “ship’s ladder” configuration, while permitted by the code (IBC 1009.14 Ship ladder), it is not permitted for a Group B Occupancy. There is also a third exit from this level consisting of an emergency escape and rescue opening (an “egress window”) that is provided with a ladder to allow for access down to grade level. This exit is compliant under the provisions of the IBC Section R310 Emergency Escape and Rescue Openings and, should this building have remained a single-family residence, it would have provided a code-compliant second means of egress from a “habitable attic”. Unfortunately, the IBC code does not offer any reduction in exits nor does it permit such an exit system even with the addition of an automatic sprinkler system.

Construction of a second internal exit from this one level does not appear cost effective or readily achievable from a technical aspect. In addition, there is no space to construct an exterior stair given the limited sideyard space and building configuration and it is not clear that any such stair design would gain approval and obtain a Certificate of Appropriateness from the Evanston Preservation Commission for such a proposal within the Historic District. Therefore, your options are to request and receive a waiver for continued use of this 296.5 square feet space by the three employees, with or without the present second and third exit arrangements or to abandon this small space as a business use, relocate the employees elsewhere, and restrict access to servicing the mechanical equipment housed at the north end of this floor.
Structure
The change from a Group R occupancy to a Group B occupancy also revises the design Live Load from not more than 40 pounds per square foot (psf) to 50 pounds per square foot for the office spaces per IBC Table 1607.1 Minimum Uniform Distributed Live Loads and Minimum concentrated Loads. Corridors are to be designed for a uniform live load of 80 psf. We have analyzed the longest span conditions at both locations utilizing the increased live load for both the offices and corridor spaces and found that under no circumstances do any of the resulting bending stress, shear stress, or live load deflection exceed the allowable stresses for the lumber or the L/360 live load deflection (IBC Table 1604.3 Deflection Limits). I have attached the results of analyses for both buildings, specifically for the most critical conditions of longest span with or without the added live load in any corridor. (See the four attached Structural Analyses)

Finally, at the 3rd Floor level of 528 Greenwood, structural analysis was conducted several years ago by Shefek Lulkin & Associates, a Skokie-based structural engineering firm, and they have indicated that this floor framing is capable of supporting the office occupancy live loading, as well.

Toilets
Toilets and, more specifically, their location and minimum numbers of required fixtures are defined by IBC Section 2902 Minimum Plumbing Facilities with the precise minimum number of lavatories, water closets, and drinking fountains outlined in IBC Table 2902.1 Minimum Number of Required Plumbing Fixtures. These minima are based upon the building occupancy, i.e., Group B, and the occupancy load. IBC Section 2902.1.1 indicates that the occupancy load be “divided in half” to determine the occupancy load for each sex. For a Business use, one lavatory is required for each 40 occupants, one water closet per 25 occupants, and one drinking fountain per 100 occupants. Since each building has 28 or fewer occupants (using occupancy calculations as opposed to actual occupancy), the three toilet rooms in each than structure can readily comply with the code (IBC Section 2902.3 Employee and public use).

The 2014 Illinois Plumbing Code (“IPC”), which is the applicable plumbing code in Evanston, determines occupancy using the same square foot allowances as does the IBC. However, IPC Section 890 Table B Minimum Number of Plumbing Fixtures requires one lavatory for each 15 and one water closet for each 15 persons, regardless of whether male or female, and one drinking fountain for every 75 persons. This table (footnote #2) also assumes an equal division of the occupants between male and female. Since each building has 28 or fewer occupants (using occupancy calculations as opposed to actual occupancy), the three toilet rooms in each than structure can readily comply with this code, as well.

There are toilet rooms on each of the three floors in each of the two structures, i.e., there is one toilet room containing a water closet and a lavatory (exclusive of any bathtub or shower) at each level. As such, whether designated as “unisex” toilets or specifically identified as serving men or women. The requirements of IBC Section 2902.3.2 Employee and public toilet facilities that customers or visitors be provided with toilet facilities also permits combined employee and public toilet facilities and, thus, this provision is satisfied. Both structures contain kitchen facilities with sinks, refrigerators and bottled water dispensers. Thus, the provision for a single drinking fountain (one per 75 occupants or one per 100 occupants) is satisfied.

Accessibility
Accessibility for these two buildings is governed by the Illinois Accessibility Code (“IAC”). As of October 21, 2018, the adopted IAC is the 2018 IAC that differs as to how compliance is governed and as to the degree that such compliance is to be achieved. Any changes made to achieve or improve upon accessibility are associated with any alterations that are being made or must be made to the primary function of the building or part of a building.

Alterations are defined in the IAC (2018 IAC, 106.5) as follows:

Any modification or renovation that affects or could affect the usability of the building or facility or part of the building or facility. Alteration includes, but is not limited to,
remodeling, renovation, rehabilitation, reconstruction, historic preservation, historic reconstruction, historic rehabilitation, historic restoration, changes to or rearrangement of the structural parts or elements, changes to or replacement of plumbing fixtures or controls, changes to or rearrangement in the plan configuration of walls and full-height partitions, resurfacing of circulation paths or vehicular ways, and changes or improvements to parking lots (as required in 202.3.3). The following work is not considered to be an alteration unless it affects the usability of the building or facility: normal maintenance, re-roofing, painting or wallpapering, or changes to mechanical and electrical systems.

2018 IAC, Section 202.3 Alterations, states that “Where existing elements or spaces are altered, each altered element or space shall comply with the applicable requirements of Chapter 2 (Scoping Requirements). With the following exceptions:

1. Unless required by 202.4, where elements or spaces are altered and the circulation path to the altered element or space is not altered, an accessible route shall not be required.

2. In alterations, where compliance with applicable requirements is technically infeasible, the alteration shall comply with the requirements to the maximum extent feasible. In alterations where compliance with the applicable requirements is structurally impracticable, the alteration shall comply with the requirements to the extent that it is not structurally impracticable as set forth in 203.15 “.

2018 IAC 202.4 Alterations Affecting Primary Function Areas, as cited above states that:

“In addition to the requirements of 202.3, an alteration that affects or could affect the usability of or access to an area containing a primary function shall be made so as to ensure that, to the maximum extent feasible, the path of travel to the altered area, including the entrance route to the altered area and the rest rooms, telephones, and drinking fountains serving the altered area, are readily accessible to and usable by individuals with disabilities, unless the cost of the alterations to provide an accessible path of travel to the primary function area exceeds 20% of the cost of the overall alteration, or such alterations are otherwise disproportionate to the overall alterations in terms of cost and scope as determined under criteria established by the U. S. Attorney General or the U.S. Department of Transportation, as applicable."

As has been indicated above, there are no alterations needed to achieve compliance resulting from the Change of Occupancy with the exception of the addition of automatic sprinkler systems in each structure. Exit signs, communications systems, and emergency lighting may not be needed given the size and heights of each structure per IFC Chapter 9 provisions for new construction of Group B occupancies.

The Illinois Capital Development Board (Felicia Burton, Access Specialist) has indicated (February 13, 2019) that the addition of a sprinkler system, alarms, and other associated changes are not considered to be alterations when determining the overall cost of alterations per the language of 2018 IAC, 106.5, cited above. Therefore, there the costs of adding an accessible entry to each building or other accessible features would far exceed the 20% limitation, would be disproportionate to the overall alterations in terms of cost and scope, and are not required as a part of the Change of Occupancy.

Summary
As has been indicated throughout this analysis and review, the Change of Occupancy does not require that substantial alterations or modifications must be undertaken in either building to comply with the applicable provisions of the governing building and life safety codes. The specific code citations I have provided identify why or why not any changes may be required. As noted, the major alteration or change necessary is not the result of any provisions in either the International Building Code or the International Fire Code for the Business Occupancy, but rather the result of the adopted change by the City
of Evanston to the International Fire Code that mandates automatic sprinkler systems even in those buildings or for those occupancies that would otherwise not require such installations, i.e., a business use.

There are a few other minor alterations that may or may not be required, e.g., a second handrail for the existing stairs. There is also the issue regarding the absence of a second exit leading down from the 3rd Floor level at 528 Greenwood. As noted, the limited number of occupants (3) coupled with the addition of a required automatic sprinkler system, the presence of both an emergency escape window and an emergency floor hatch and ladder, and the presence of a detection and alarm system give rise to a possible waiver for continued use of this space.

The lack of any alterations of consequence necessary to comply with a Change of Occupancy other than the sprinkler and any added alarm systems also eliminate the need making any alterations or changes necessary to provide accessibility throughout the two buildings including, but not limited to entry, toilets, or other accommodation. The costs of any such accommodations would far exceed the 20% cost limitation for providing increased access that is now incorporated within the Illinois Accessibility Code (as well as the ADAAG provisions for implementation of the ADA).

As will be noted, while having identified where compliance already exists within these two buildings and where some changes are needed, I have not included specific technical details for achieving any necessary compliance, i.e., details of a sprinkler system, details for an added stair, or details for new handrails, nor are any associated costs for such work included. These do not appear to be a requirement of your January 17, 2019 request for a Change of Occupancy evaluation.

Conclusions

As you know, despite the findings and conclusions contained in this report, both properties will still require inspection by both the Evanston Fire Department and the Evanston Community Development Department Building and Inspection Services Division. While I have already offered, to both entities, that I was willing to engage in a common inspection, I recognize that the City prefers having a separate evaluation. I have expressed my willingness to accompany either or both inspections and participate in the process should I be asked or if I am available.

Aside from the four results of my structural analyses of the floor framing at both 1st and 2nd floor of each building, I have included several photos showing the building exteriors including the rear exterior stair at 1327, and the ornate stairs inside each building that cannot readily be altered as to handrail configurations or heights without substantial destruction of these architectural features.

Finally, should you have any questions or if any clarification as to my observations, conclusions and opinions, is needed, please feel free to contact me.

Sincerely

[Signature]

Elliott E. Dudnik, PhD, FAIA, NCARB, ICC, ASTM, CSI, LEED AP
Figure 1  Results of Structural Analysis of 1st Floor Joists at 528 Greenwood for longest span condition with Office Occupancy live loading
Figure 2 Results of Structural Analysis of 2nd Floor joists at 528 Greenwood with both Corridor and Office Occupancy live loading
Figure 3  Results of Structural analysis for 1st Floor joists at 1327 Chicago for longest span with Office Occupancy live loading
Figure 4  Results of Structural Analysis of 2nd Floor joists at 1327 Chicago with both Corridor and Office Occupancy live loadings
Figure 5  Front (North) elevation of 528 Greenwood
Figure 6  Entry Stair at 528 Greenwood leading from 1st Floor to 2nd Floor
Figure 7 Emergency Escape and Rescue Opening at 3rd Floor of 528 Greenwood
Figure 8  Auxiliary (third) Means of Egress from 3rd Floor at 528 Greenwood in addition to single stairway and emergency escape and rescue opening.
Figure 9 Front (West) elevation at 1327 Chicago showing three off-street parking spaces located between 1327 Chicago and 528 Greenwood available for visitors in addition to leased staff parking at rear and at nearby City of Evanston public parking lots
Figure 10  Rear exit stairway at 1327 Chicago providing required second means of egress from 3rd Floor
Figure 11  Front entry stair at 1327 Chicago leading up to 2nd Floor
Evanston Fire Department Fire Inspection Report
Violations and Recommendations Summary

Report # IR - 29798

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**Building Info**

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Roof Construction: --
Electrical Panel Location(s): --
Gas Shut-Off Location(s): --

**Floor Plan**

On File: N/A  Electronic: N/A
Attached: N/A  Attachment here:
Reviewed: N/A  Revisions Required: N/A
Revised & submitted: No  Revised & Submitted Date:
Fire Alarm: N/A  Alarm Company:
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**HazMat Attachment:**

Haz Mat/General Notes: --

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<td>Extension cords are replacing permanent wiring</td>
<td>Extension cords are connected into another to provide more outlets (daisy chaining)</td>
</tr>
<tr>
<td>12.3.3</td>
<td></td>
<td></td>
<td>Wall openings on site</td>
<td>Second Fl. Holes in walls</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>24&quot; distance below non-sprinkled ceilings required</td>
<td>Storage items are too high to ceiling, Must below 24&quot;</td>
</tr>
<tr>
<td>13.6.1</td>
<td></td>
<td></td>
<td>Ceiling openings on site</td>
<td>Basement had holes in ceiling</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Extension cords are replacing permanent wiring</td>
<td>Basement</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Extinguisher recharge/repair/annual service needed</td>
<td>Basement water extinguishers were expired</td>
</tr>
<tr>
<td>Code References</td>
<td>Issue</td>
<td>Action</td>
<td></td>
<td></td>
</tr>
<tr>
<td>----------------</td>
<td>-------</td>
<td>--------</td>
<td></td>
<td></td>
</tr>
<tr>
<td>NFPA-1 '12</td>
<td>None</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Recommend having a carbon monoxide detector located on the first floor.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Recommendations**

<table>
<thead>
<tr>
<th>Code References</th>
<th>Issue</th>
<th>Action</th>
</tr>
</thead>
<tbody>
<tr>
<td>NFPA-1 '12</td>
<td>Other</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
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**Table:**

<table>
<thead>
<tr>
<th>Code References</th>
<th>Issue</th>
<th>Action</th>
</tr>
</thead>
<tbody>
<tr>
<td>20.1.5.1</td>
<td>Aisles/exits are blocked</td>
<td>Emergency exit on 1st floor kitchen obstructed by shelving unit.</td>
</tr>
<tr>
<td>20.1.5.1</td>
<td>Aisles/exits are blocked</td>
<td>Aisle distance between work station is a min. of 36&quot;</td>
</tr>
<tr>
<td>13.6.7.3.1</td>
<td>Improper fire extinguisher types for existing hazards for fire extinguishers</td>
<td>Need servicable and proper sized fire extinguisher</td>
</tr>
<tr>
<td></td>
<td>Other</td>
<td>Provide tent signage for ALL fire extinguishers</td>
</tr>
</tbody>
</table>

**Issues:**

- 24" distance below non-sprinkled ceilings required: too high in basement
- Fire rating on sound proof squares: Provide proof of fire rating on sound proof squares mounted on walls
- Aisles/exits are blocked:
  - 20.1.5.1: Emergency exit on 1st floor kitchen obstructed by shelving unit.
  - 20.1.5.1: Aisle distance between work station is a min. of 36"
- Improper fire extinguisher types for existing hazards for fire extinguishers
- Other: Provide tent signage for ALL fire extinguishers
Next Inspection Due: July - 2019
Date: 
Completed By: Tim Taylor
Email Sent To: ggerdes@cityofevanston.org
Report Delivered To: (Richard Shapiro)

Visit Number: 1st

Notes

Inspection was a joint City of Evanston inspection process due to a change of use classification.

<table>
<thead>
<tr>
<th>Entered By</th>
<th>Notes Type</th>
<th>Date</th>
<th>Note</th>
</tr>
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<tbody>
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<td></td>
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<td></td>
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AHJ Notes:

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<th>Entered By</th>
<th>Notes Type</th>
<th>Date</th>
<th>Note</th>
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<tbody>
<tr>
<td>Tim Taylor</td>
<td>A</td>
<td>07/02/2019</td>
<td>Upon the changing of classification on the property will need to have a sprinkler and automatic fire alarm system installed per Ordinance 111-0-13 Sec. 43.7.2.1</td>
</tr>
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</table>

Report Summary:--

Follow-Up Notes
Report Status: Deficient
Evanston Fire Department Fire Inspection Report
Violations and Recommendations Summary

Report # IR - 29799

<table>
<thead>
<tr>
<th>Date:</th>
</tr>
</thead>
<tbody>
<tr>
<td>6/27/2019</td>
</tr>
<tr>
<td>Inspector Name:</td>
</tr>
<tr>
<td>Tim Taylor</td>
</tr>
<tr>
<td>Department Name:</td>
</tr>
<tr>
<td>Evanston Fire Department</td>
</tr>
<tr>
<td>Phone:</td>
</tr>
<tr>
<td>847-866-5929</td>
</tr>
<tr>
<td>Address:</td>
</tr>
<tr>
<td>Lake 909, Evanston, IL</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>PO ID:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Region:</td>
</tr>
<tr>
<td>--</td>
</tr>
<tr>
<td>Number:</td>
</tr>
<tr>
<td>528</td>
</tr>
<tr>
<td>Street Name:</td>
</tr>
<tr>
<td>Greenwood St</td>
</tr>
<tr>
<td>City:</td>
</tr>
<tr>
<td>Evanston</td>
</tr>
<tr>
<td>Zip:</td>
</tr>
<tr>
<td>60201</td>
</tr>
<tr>
<td>Phone #1:</td>
</tr>
<tr>
<td>847-869-8686</td>
</tr>
<tr>
<td>Phone #2:</td>
</tr>
<tr>
<td>--</td>
</tr>
<tr>
<td>Contact Phone:</td>
</tr>
<tr>
<td>--</td>
</tr>
<tr>
<td>Business Occupant:</td>
</tr>
<tr>
<td>Richard Shapiro Law Offices</td>
</tr>
<tr>
<td>Location:</td>
</tr>
<tr>
<td>528 - Greenwood St</td>
</tr>
<tr>
<td>Street Prefix:</td>
</tr>
<tr>
<td>--</td>
</tr>
<tr>
<td>Unit #:</td>
</tr>
<tr>
<td>--</td>
</tr>
<tr>
<td>State:</td>
</tr>
<tr>
<td>Illinois</td>
</tr>
<tr>
<td>Contact Name:</td>
</tr>
<tr>
<td>Richard Shapiro</td>
</tr>
<tr>
<td>Contact Email:</td>
</tr>
<tr>
<td><a href="mailto:info@richardshapiro.com">info@richardshapiro.com</a></td>
</tr>
<tr>
<td>PIN#:</td>
</tr>
<tr>
<td>--</td>
</tr>
<tr>
<td>District:</td>
</tr>
<tr>
<td>--</td>
</tr>
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</table>

Alternate PO Details

<table>
<thead>
<tr>
<th>Alternate PO ID:</th>
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<tbody>
<tr>
<td>Contact Name:</td>
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<tr>
<td>--</td>
</tr>
<tr>
<td>Contact Phone:</td>
</tr>
<tr>
<td>--</td>
</tr>
<tr>
<td>Contact Email:</td>
</tr>
<tr>
<td><a href="mailto:info@richardshapiro.com">info@richardshapiro.com</a></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Contact Name</th>
<th>Job Responsibility</th>
<th>Primary Phone</th>
<th>Secondary Phone</th>
<th>Email</th>
<th>City</th>
<th>Note</th>
</tr>
</thead>
</table>

Key Holders on File

<table>
<thead>
<tr>
<th>Name</th>
<th>Phone#</th>
<th>City</th>
<th>Note</th>
</tr>
</thead>
</table>
Knox Box Location: -- Parcel #: --

Building Info
Construction Type: -- # of Stories: --
FPU#: -- Occupancy Use: --
Roof Construction: --
Electrical Panel Location(s): Gas Shut-Off Location(s): --

Floor Plan
On File: N/A Electronic: N/A
Attached: N/A Attachment here:
Reviewed: N/A Revisions Required: N/A
Revised & submitted: No Revised & Submitted Date:
Fire Alarm: N/A Alarm Company: --
Phone#: -- Account#: --
Panel Location: -- Annunciator Location(s):

HazMat Attachment:
Haz Mat/General Notes: --

Sprinkler System: N/A

<table>
<thead>
<tr>
<th>Sprinkler Type</th>
<th>Number/Location of System</th>
</tr>
</thead>
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Fire Department Connection(s): N/A

<table>
<thead>
<tr>
<th>Location</th>
<th>Size</th>
</tr>
</thead>
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Fire Hydrant(s): N/A

<table>
<thead>
<tr>
<th>Location</th>
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</thead>
</table>

Violations
<table>
<thead>
<tr>
<th>Code References</th>
<th>None</th>
<th>Issue</th>
<th>Action</th>
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<tbody>
<tr>
<td><strong>11.1.2</strong></td>
<td></td>
<td>Electrical signs/labels are missing</td>
<td>Basement electrical panel needs labeling</td>
</tr>
<tr>
<td></td>
<td>Other</td>
<td>Open Ballast in basement light fixture</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Other</td>
<td>Recommend installing a carbon monoxide detector on first floor</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Other</td>
<td>2nd floor fire escape ladder in window is not acceptable window opening too narrow</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Other</td>
<td>3rd floor escape device is not acceptable, should exit to the exterior of the building</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Other</td>
<td>Proof of fire rating of sound proofing foam on walls</td>
<td></td>
</tr>
<tr>
<td><strong>13.6.8</strong></td>
<td></td>
<td>Fire extinguishers are not hung properly or in proper locations</td>
<td>Mounting of fire extinguishers and proper tent style signage of all extinguishers</td>
</tr>
<tr>
<td><strong>10.12.1</strong></td>
<td></td>
<td>Address or fire # is not clearly marked</td>
<td>No address mounted on rear of the building</td>
</tr>
</tbody>
</table>
Next Inspection Due: July - 2020

Date: 

Completed By: 

Email Sent To: ggerdes@cityofevanston.org

Report Delivered To: (Richard Shapiro) 

Visit Number: 1st

Notes

Joint inspection with other City of Evanston agencies due to the change of use application.

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</tr>
</tbody>
</table>

Report Summary: Emailed

Follow-Up Notes
Report Status: Deficient
November 20, 2018

Richard A. Shaprio, Attorney at Law
1327 Chicago Avenue
Evanston, IL 60201-4724

RE: BUSINESS OPERATIONS AT 1327 CHICAGO AVENUE, EVANSTON, IL

Dear Mr. Shaprio:

The City is aware of the operation of a business at 1327 Chicago Avenue. This property is located within the R5, Residential Zoning District. The R5 District allows a number of permitted and special uses per Section 6-8-7 of the Zoning Ordinance.

Please provide information about the operations of the business, including the following:

- Number of dwelling unit(s) and occupancy of those unit(s)
- Floor plan of building with use of spaces indicated
- Hours of operation
- Number of employees
- Number of clients present at one time and throughout the day

As the Zoning Administrator, under City Code Section 6-3-10, I am authorized to enforce and bring forth an action under the City's Zoning Ordinance and will pursue all remedies provided by law. Please provide this information by December 7, 2018.

I appreciate your cooperation. Please do not hesitate to contact me directly at (847) 448-8875 or smangum@cityofevanston.org.

Sincerely,

Scott Mangum
Planning and Zoning Administrator

Cc: Johanna Leonard, Community Development Director
    Wally Bobkiewicz, City Manager
January 17, 2019

Ruth Krugly
70 W. Madison Street, Suite 2900
Chicago, IL 60602
Via Email

RE: LAW OFFICE OPERATIONS AT 1327 CHICAGO AVENUE, 528 GREENWOOD ST, EVANSTON, IL

Dear Ms. Krugly:

Thank you for the initial letter dated December 31, 2018, and subsequent communications regarding you're the operation of your client's Law Offices at 1327 Chicago Avenue and 528 Greenwood Street.

As these properties are located within the R5, Residential Zoning District, a Special Use Permit is required to operate an Office Use (Zoning Ordinance Sections 6-8-7-3, and 6-8-1-11). The process to request a Special Use Permit typically runs 60-90 day following submittal of a completed application with public meetings before the City’s Design and Review Board (DAPR), Zoning Board of Appeals, and City Council. Please contact Melissa Klotz, Zoning Administrator mklotz@cityofevanston.org with any questions about the Special Use process.

Additionally, the Fire Department and Building and Inspection Services Divisions will need to review the use of the structures as an office. Per International Building Code 3408 - Existing Structures, the provisions of the code for new construction apply to an existing structure having a new occupancy. For the change of occupancy at 1327 Chicago and 528 Greenwood, the Building Division would require a licensed architect or other design professional perform a change of occupancy evaluation. The evaluation shall include a structural assessment to determine the adequacy of the structural systems for the proposed change of occupancy; a fire and life safety evaluation to assess general life and safety elements including required automatic sprinkler, detection, alarm and communication systems and means of egress; an accessibility evaluation to assess entrance, route, parking and signage elements; and a plumbing/mechanical evaluation to ensure systems and fixture counts/accessibility are appropriate for the use. The evaluation will be reviewed by Division/Department plan reviewers and permits/inspections will be required for
subsequent work. Please contact Gary Gerdes, Building and Inspection Services Division Manager agerdes@cityofevanston.org with any questions.

I appreciate your cooperation. Also, please do not hesitate to contact me directly at (847) 448-8675 or smangum@cityofevanston.org.

Sincerely,

Scott Mangum
Planning and Zoning Manager

Cc: Johanna Leonard, Community Development Director
Gary Gerdes, Building and Inspection Services Division Manager
Mario Tristan, Fire Plan Reviewer
Melissa Klotz, Zoning Administrator
Wally Bobkiewicz, City Manager
Richard A. Shaprio, Attorney at Law
October 30, 2019

Richard Shapiro
Ruth Krugly
Via Email

Re: 1327 Chicago Avenue/528 Greenwood Street, Evanston

Dear Mr. Shapiro & Ms. Krugly:

I am in receipt of your October 29, 2019 request to reconsider the Building Official's decision regarding requiring accessibility elements as detailed in International Building Code section 3411.4.2. The request is being granted and the elements will not be required as part of the change in occupancy items listed in the July 8, 2019 inspection report.

During discussion with Kimberly Paarlberg, ICC Senior Staff Architect, she acknowledged the conflicting ICC opinions given to the City by Jason Toves, ICC Technical Staff and to Elliott Dudnik, Elliott Dudnik & Associates by her but based on her opinion as senior staff member and the fact that the section cited will be removed from 2021 edition of the ICC codes, I am comfortable moving forward with the special use application without requiring the accessible elements listed in 3411.4.2. Ms. Paarlberg stated that since adoption in 2012, there have been arguments and considerations by code officials that have revised the way the section is being viewed and applied. She also noted the disparity in impact to a building owner in leasing to one tenant versus another as a reason the section is being removed.

As the ADA and Illinois Accessibility Code do not have separate provisions for change of occupancy, the decision to treat the project as an alteration will not be in conflict to the aforementioned codes. The City will require that accessibility services be provided via alternate means (program access) and barrier removal. I would also ask consideration be given to providing accessibility from the parking spaces to the entrance of one of the structures.

Sincerely,

Gary Gerdes
Building & Inspection Services Division Manager
City of Evanston

cc: Johanna Leonard, Community Development Director
    Melissa Klotz, Zoning Administrator
    Elliott Dudnik, Elliott Dudnik & Associates
November 7, 2019

VIA EMAIL

Melissa Klotz  
Zoning Administrator  
Planning and Zoning Division  
Community Development Department  
2100 Ridge Avenue  
Evanston, Illinois 60201  
mklotz@cityofevanston.com

Re: Supplemental Submission in Support of Special Use Application for 1327 Chicago Avenue and 528 Greenwood, Evanston

Dear Ms. Klotz:

I am writing on behalf of our client, Richard A. Shapiro, in response to your email of November 1, 2019, requesting certain supplemental information with respect to the above-referenced special use application. Specifically, you requested that Mr. Shapiro provide a short statement describing what changes will be made to the property to make it more accessible (e.g., handrails), and how clients or employees who need ADA accessibility will be helped. You also asked that we review the documents previously submitted by Mr. Shapiro to determine if anything further needed to be changed, based on the most recent interpretation by Mr. Gerdes (on October 30, 2019) regarding the accessibility requirements in the 2012 International Building Code (which has been adopted by the City of Evanston, with certain amendments). This letter is submitted in compliance with your request.

As a threshold matter, based on Mr. Gerdes’ October 30, 2019 letter, it is our understanding that the maximum costs for achieving accessibility need not exceed 20% of the overall project cost. It is our further understanding that, under the pertinent Building Code provisions, the overall project costs do not include any sprinkler system or other life safety alarm system costs, nor any plumbing, mechanical, or electrical costs (although Mr. Shapiro will be complying with all of those requirements, as detailed by the City in its prior inspection reports).

The overall project costs do include the installation of handrails, which are required by the inspection report issued on July 8, 2019. In compliance with the City’s requirements, handrails will be installed at both structures. At the 1327 property, approximately 50 feet of rail will be required, at an estimated cost of $1,500 to $2,000. At the 528 Greenwood property, approximately 25 feet of rail will be installed at an estimated cost of $750 – $1,000. If the City also decides to require handrails for the stairway leading to the third floor (even though the City
has determined that the third floor cannot be used), there will be an additional estimated cost of $350-$500.

Accordingly, the range of costs for the installation of handrails is $2,250 (if the third floor stairway is excluded) to $3,500 (if it is included). Thus, at the high end of the range, after applying the 20% cap, the cost required to provide accessibility is $700. At the low end of the range, the cost required to provide accessibility would be $450 (assuming no handrails to the third floor) or $520 (assuming handrails are installed).

As detailed below, Mr. Shapiro intends to provide accessibility at a cost that easily exceeds what he is required to spend under the 20% cap rule.

First, in the Building Official’s October 30, 2019 letter stating that the accessibility elements detailed in section 3411.4.2 of the International Building Code will not be required, the Building Official nevertheless asked that consideration be given to providing accessibility from the parking spaces to the entrance of one of the structures. Mr. Shapiro has considered this request and intends to create a handicapped parking space in the existing parking area immediately northwest of the 1327 Chicago Avenue structure. The costs for installing this parking space will include: 1) purchasing and installing signage; 2) purchasing and installing striping (even one roll of pavement marking tape is approximately $230); 3) removing three, six-foot rubber black and yellow parking blocks from the concrete and reinstalling two of those in two new locations; and 4) labor.

Second, in place of the existing doorknobs, lever handles will be installed at the front doors of both the 1327 Chicago Avenue and 528 Greenwood structures. It is estimated that the levers and labor required to install them will cost approximately $400-$500 per building. (Notably, the installation of the lever handles alone will meet or exceed the required accessibility budget for each structure.)

Third, although Mr. Shapiro does not currently anticipate making any significant alterations to either facility, if he does make such alterations he will provide such further accessibility as may be required under the Building Code.

Fourth, Mr. Shapiro will continue his existing practice of conducting home visits for clients for whom it would be difficult, for reasons of disability, age, infirmity, or any other reason to meet with Mr. Shapiro or his staff at his 1327 Chicago Avenue office. Accordingly, if a client advises Mr. Shapiro or his staff that, for one or more of those reasons, it is difficult to meet at his office, Mr. Shapiro or one of his employees will offer to meet that client at his or her home, at a mutually convenient location, or to handle the transmission of necessary documentation online.

Fifth, if a client comes to the office but advises Mr. Shapiro or his staff that he or she needs assistance entering the facility, a member of Mr. Shapiro’s staff will go to the vehicle (assuming the client arrived by car) and help him or her into the office located at 1327 Chicago Avenue. Alternatively, if an exchange of paperwork is all that is required to meet the needs of
the client, Mr. Shapiro or his staff will provide or collect that paperwork at the vehicle (without the client having to leave the car), if that is acceptable to the client.

Sixth, if an employee is disabled but otherwise able to perform the duties and responsibilities of the job, that employee will be reasonably accommodated by giving him or her the opportunity to work remotely at home. Again, this practice has already been successfully integrated into Mr. Shapiro’s business; Mr. Shapiro currently has several employees who work remotely from home, including an employee with a disability.

In fact, as discussed in Mr. Shapiro’s original submission in support of his application for a special use, almost all of his business is conducted by phone, and client visits to Mr. Shapiro’s office are infrequent. Mr. Shapiro does not recall any instances where a client was unable to utilize his legal services because of accessibility issues. And in the few cases where there have been potential issues for clients regarding accessibility, Mr. Shapiro or his staff has visited the client at his or her home. Although the making of “house calls” is, for the most part, a vestige of times gone by, Mr. Shapiro is proud to provide this service to those clients who need it.

More generally, Mr. Shapiro is proud to be the source of substantial employment and services to residents of the City, and to be a productive member of the vibrant community that is Evanston. He believes that the accommodations described above provide accessibility equal to or superior to any other arrangement that could be offered, but is willing to consider any additional accessibility improvements suggested by the City. Accordingly, Mr. Shapiro respectfully requests that the accessibility plan described herein be approved, and that the City grant a special use permit for the purpose of conducting his legal practice.

Respectfully submitted,

Ruth E. Krugly
PROFESSIONALS ASSOCIATED SURVEY, INC.

7100 N. TRIPP AVENUE
LINCOLNWOOD, ILLINOIS 60712
www.professionalsassociated.com

TEL: (847) 675-3000
FAX: (847) 675-2167
e-mail: pa@professionalsassociated.com

PLAT OF SURVEY
OF
LOT 4 IN J.E. MILLER'S SUBDIVISION OF LOTS 16, 17 AND 18 IN BLOCK 3B IN THE
VILLAGE OF EVANSTON, IN SECTION 18, TOWNSHIP 41 NORTH, RANGE 14 EAST OF THE
THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

LAND TOTAL AREA: 4,000 SQ. FT. = 0.092 ACRES.
COMMONLY KNOWN AS: 528 GREENWOOD STREET, EVANSTON, ILLINOIS.

THE LEGAL DESCRIPTION SHOWN ON THE PLAT HEREON
DRAWN IS A COPY OF THE ORDER, AND FOR ACCURACY
SHOULD BE COMPARED WITH THE TITLE OR DEED.
DIMENSIONS ARE NOT TO BE ASSUMED FROM SCALING.
BUILDING LINES AND EASEMENTS ARE SHOWN ONLY WHERE
THEY ARE SO RECORDED IN THE MAPS, OTHERWISE REFER TO
YOUR DEED OR ABSTRACT.

Order No. 19-95619
Scale: 1 inch = 16 feet
Date of Field Work: July 31, 2019
Ordered by: RICHARD SHAPIRO
Attorney at Law

NOTE:
COPY OF CURRENT TITLE INSURANCE POLICY NOT
PROVIDED TO SURVEYOR.
THIS PROFESSIONAL SERVICE CONFORMS TO THE CURRENT
ILLINOIS MINIMUM STANDARDS FOR A BOUNDARY SURVEY.
THIS SURVEY HAS BEEN ORDERED FOR SURFACE
DIMENSIONS ONLY, NOT FOR ELEVATIONS.
THIS IS NOT AN ALTA SURVEY.
COMPARE ALL POINTS BEFORE BUILDING BY SAME AND
AT ONCE REPORT ANY DIFFERENCE.
State of Illinois
County of Cook

We, PROFESSIONALS ASSOCIATED SURVEY INC., do hereby
certify that we have surveyed the above described property and that,
in the best of our knowledge, the plat heron drawn is an accurate
representation of said survey.
Date: August 5, 2019

D.P. PROFESSIONAL LAND SURVEYOR - LICENSED DATE NOV, 2000
DRAWN BY: S.Z.

8-31-19
AUGUST 31, 2019
PROFESSIONALS ASSOCIATED SURVEY, INC.

PROFESSIONAL DESIGN FIRM NO. 184-00103

PLAT OF SURVEY

OF SUBDIVISION LOT 5 IN J.E. MILLER'S SUBDIVISION OF LOTS 16, 17 AND 18 IN BLOCK 38 IN THE VILLAGE OF EVANSTON IN SECTION 1B, TOWNSHIP 41 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

LAND TOTAL AREA: 4,500 SQ.FT. = 0.103 ACRES.

COMMONLY KNOWN AS: 1327 CHICAGO AVENUE, EVANSTON, ILLINOIS.

THE LEGAL DESCRIPTION SHOWN ON THE PLAT HEREBY DRAWN IS A COPY OF THE ORDER, AND FOR ACCURACY SHOULD BE COMPARED WITH THE TITLE OR DEED. DIMENSIONS ARE NOT TO BE ASSUMED FROM SCALING. BUILDING LINES AND EASEMENTS ARE SHOWN ONLY WHERE THEY ARE SO RECORDED IN THE MAPS, OTHERWISE REFER TO YOUR DEED OR ABSTRACT.

Order No. 19-95620
Scale: 1 inch = 15 feet
Date of Field Work: July 31, 2019
Ordered by: RICHARD SHAPIRO
Attorney at Law

NOTE: COPY OF CURRENT TITLE INSURANCE POLICY NOT PROVIDED TO SURVEYOR. THIS PROFESSIONAL SERVICE CONFORMS TO THE CURRENT ILLINOIS MINIMUM STANDARDS FOR A BOUNDARY SURVEY. THIS SURVEY HAS BEEN ORDERED FOR SURFACE DIMENSIONS ONLY. NOT FOR ELEVATIONS. THIS IS NOT AN ALTA SURVEY. COMPARE ALL POINTS BEFORE BUILDING BY SAME AND AT ONCE REPORT ANY DIFFERENCE.

State of Illinois
County of Cook

We, PROFESSIONALS ASSOCIATED SURVEY INC., do hereby certify that we have surveyed the above described property and that, to the best of our knowledge, the plat herewith drawn is an accurate representation of such survey.

Drawn By: S.Z.
This map is not a plat of survey. This map is provided "as is" without warranties of any kind. See www.cityofevanston.org/mapdisclaimers.html for more information.
1327 Chicago Ave. & 528 Greenwood St.
(from Chicago Ave.)
DESIGN AND PROJECT REVIEW COMMITTEE (DAPR) MINUTES EXCERPT
November 20, 2019


Staff Present:  M. Rivera

Others Present:

Presiding Member:  J. Leonard

A quorum being present, J. Leonard called the meeting to order at 2:37 p.m.

New Business

1.  1327 Chicago Ave./528 Greenwood St.  Recommendation to ZBA
Richard A. Shapiro, property owner, submits for a Special Use for an Office use, Richard Shapiro Attorney At Law, in the R5 General Residential District.

APPLICATION PRESENTED BY:  R. Shapiro and legal counsel.

DISCUSSION:

- Applicant’s legal counsel briefly described Mr. Shapiro’s business including the growth from a small home office, to the larger operation conducted today.
- Legal counsel stated that Mr. Shapiro recognizes that he make mistakes as his business grew, particularly by not applying for a Special Use Permit.
- Legal counsel stated that Mr. Shapiro acknowledges that previous residential tax assessments will have to be reconciled as the use is, and has been for some time, commercial in nature.
- Legal counsel stated that despite these mistakes, the use is appropriate for this location, noting proximity to business districts and zoning on Chicago Avenue and Dempster Street.
- Legal counsel made special note that the office use has operated for a significant amount of time and has been a good neighbor, trying hard to limit congestion, and maintain the significant appearance of the two residential structures.
- R. Shapiro stated that many employees work remotely and have alternating schedules.
- Legal counsel affirmed the above statement and stated that almost all of Mr. Shapiro’s clients conduct and transmit business remotely without a need to visit the office. Additionally, Mr. Shapiro, as is the nature of his business, performs many house-calls.
- Legal counsel stated Mr. Shapiro’s desire to remain in Evanston and in the two buildings he loves dearly. Permitting a special use would allow this thriving business to continue to operate.
- R. Shapiro noted that he has consistently maintained his buildings to the highest standard retaining their residential feel and aesthetic. No changes to the exterior of the buildings are anticipated.
- Legal counsel described the current parking situation including four spaces located off Chicago Avenue which are used for customer parking. Two of these spaces are planned to be removed to make space for an ADA compliant parking location. Additionally, Mr.
Shapiro leases several spaces from the City as well as spaces from neighboring properties. In total, Mr. Shapiro leases 25 spaces and has received no complaints from neighbors.

- Legal counsel described recommendations by the Fire Department and Building Department, including a recent agreement based on determination by the International Code Counsel (ICC). The recommendations, including ADA improvements in the total of 20% of the applicable improvement costs to the building, as well as a full fire suppression and alarm system will be installed at substantial cost to Mr. Shapiro ($200k).
- R. Shapiro noted that he is prepared to make significant investments in the property as needed and outlined in a recent agreement with the City and ICC.
- S. Mangum asked which facilities Mr. Shapiro is leasing parking from
- R. Shapiro stated that he leases 10 spaces from Lot #14, 1 from Lot #23 and 1 from Lot #60. Additionally, R. Shapiro is on the waiting list for additional parking spaces as they become available.
- S. Mangum sought clarification that the spaces off Chicago Avenue are exclusively used by clients.
- R. Shapiro stated in the affirmative.
- S. Mangum noted that the subject properties are close to transit.
- Legal counsel stated that this is true and approximately 50% of employees arrive utilizing rapid transit.
- J. Leonard asked how many employees exist in the building at any given time.
- R. Shapiro stated that the question was misleading as the employees are spread across two buildings and schedules alternate making it hard to determine.
- J. Leonard asked the applicant to give his best estimate.
- R. Shapiro stated that at any given time 20-25 employees could be in each building.
- J. Leonard asked if 45 would be a good estimate then.
- R. Shapiro stated, something like that seems accurate but it certainly fluctuates.
- L. Biggs asked if the structures could be adapted to single-family residences in the future if the law practice moved.
- R. Shapiro stated that this could certainly happen as no significant interior or exterior alterations have occurred or are anticipated.
- Legal counsel noted that the applicant was not going to install new door levers as outlined in the proposal as it would negatively impact the architectural integrity of the structures and have limited benefit.
- R. Shapiro stated that the front entrance is rarely ever used and that preserving the look of the buildings is very important to him.
- J. Leonard asked how someone with accessibility needs would access the building.
- R. Shapiro stated that they would use the sidewalk and that grab bars would be installed where needed. They would use the stairs and be assisted if necessary.
- Legal counsel reiterated that clients rarely visit the offices.
- J. Hyink raised concern that not all those with disabilities require physical assistance. The need for accessibility is manifested in many ways.
- J. Hyink asked how other needs were being met.
- R. Shapiro stated that he would rather do things that are functional, rather than undergo improvements that address a hypothetical.
- Legal counsel stated that the applicant understands that not all accessible issues are physical.
- J. Leonard stated that a clear path needs to be identified from the ADA space to the office.
- R. Shapiro stated that a clear path already exists in the form of the sidewalk.
• S. Mangum stated that nothing on the property, other than the intensity of the interior use, is out of character with the residential zoning and commended the applicant.
• S. Mangum noted that you could walk or drive by the properties and never guess the intensity of the use inside.
• R. Shapiro stated that was a poignant remark and that the intensity of the use is appropriate and adequately mitigated.
• J. Leonard stated concern with the precedent setting nature of the use raising significant issue with the size and intensity of the use.
• I. Eckersberg asked if conditions could be included in the motion
• S. Mangum stated in the affirmative.
• C. Sterling asked Mr. Shapiro if he would consider landmarking the properties as an added level of protection.
• R. Shapiro stated that he had not thought about that but liked the idea and would look into it.
• S. Mangum noted that the properties are located in the Lakeshore Historic District.
• C. Sterling responded that he understood, but they were not individual landmarks.

L. Biggs made a motion for a positive recommendation to the ZBA, with conditions, seconded by S. Mangum

Conditions include:
1. Hours of operation shall be limited to M-F, 7am to 6pm.
2. Deliveries shall be limited to M-F 7am to 6pm.
3. The number of employees present on-site shall be limited to 45.

The Committee voted, 8-2, for a positive recommendation to the ZBA with the above mentioned conditions. (J. Leonard and J. Hyink dissenting)