



Agenda
Village of Arlington Heights
Building Code Review Board
Community Room
33 S. Arlington Heights Rd, AH 60005
May 17, 2023
6:30 PM

I. CALL TO ORDER

II. ROLL CALL

III. APPROVAL OF MINUTES

- A. Approval of the May 11, 2022 Minutes

IV. REPORTS

V. OLD BUSINESS

VI. NEW BUSINESS

- A. 519 W Algonquin Rd -Petition for Appeal and Modification

VII. OTHER BUSINESS

VIII. ADJOURNMENT

Persons with disabilities requiring auxiliary aids or services, such as an American Sign Language interpreter or written materials in accessible formats, should contact Erin Mercado, at 33 S. Arlington Heights Road, Arlington Heights, Illinois 60005, emercado@vah.com or (847)368-5793.



**Building Code Review Board
5/17/2023**

Item: Approval of the May 11, 2022 Minutes

Department: Building & Life Safety

ATTACHMENTS:

Description

May 11, 2022 Draft Minutes

Type

Minutes

DRAFT

BUILDING CODE REVIEW BOARD

MINUTES OF A MEETING BEFORE THE VILLAGE OF ARLINGTON HEIGHTS BUILDING CODE REVIEW BOARD

May 11, 2022

MEMBERS PRESENT:

Richard Bondarowicz, Acting Chairman
Carl Baldassarra
Richard Bondarowicz
Pat O’Gorman
Trustee Jim Tinaglia

ADMINISTRATION PRESENT:

Jorge Torres, Director of Building & Life Safety
Elliot Eldridge, Assist. Building Official
Dave Roberts, Division Chief
Patty LeVee, Recording Secretary

Other: Keith Moens

SUBJECT: Removal of Amendments to the basic Building & Fire Code

There being a quorum present, the meeting was called to order at 6:02pm.

APPROVAL OF MINUTES

MR. BALDASSARRA MOTIONED TO APPROVE THE NOVEMBER 8, 2021 MINUTES OF THE BCRB. SECONDED BY TRUSTEE TINALIA, THE MOTION PASSED.

AYES: Mr. Baldassarra, Mr. Bondarowicz, Mr. O’Gorman, Trustee Tinaglia,

ABSENT: Mr. Hutchinson and Mr. Smith

OLD BUSINESS

Acting Chairman, Bondarowicz’ inquired on how the implementation of the roofing permits was going? Mr. Torres responded that it is going very well. There have been no complaints, on the opposite there have been several positive comments thanking us for reinstating the roofing permit requirement for protection of the new homeowner/new residents. The feedback is all good, there are no issues at all.

NEW BUSINESS

Removal of Varied Amendments to the Municipal Codes

Mr. Torres provided background stating that we use the ICC Building Codes, which is THE standard building Codes used internationally throughout the world, these Codes have been tested and challenged by different trades and different entities. Occasionally when we adopt the

new codes, we add amendments. Amendments are something extra than the base code. There are three amendments we are seeking recommendation to remove. From talking to staff and through different experiences and conversations with some of our contractors and design professionals, we found we need to review these again and make sure if they make sense or not. **Mr. Torres** added he is not questioning why it was adopted, it may have made sense at that point when this was included as part of our codes, but we feel that it is not necessary and actually does more harm than good for the property owner.

Mr. Torres stated the first code is from the IRC, which applies for residential, single-family homes. The base code only requires a thicker plywood for sheathing 5/8th if the spacing of the rafter is wider than the normal. However, the amendment as we added was that any kind of spacing for roofing sheathing requires 5/8th.

Mr. Torres continued, that being sensitive to the markets we have now, and that we do not judge the quality of the work nor how long the material lasts versus 1/2" versus 5/8th, we all know the thicker the better is more quality, but that is not our job. Our job is to make sure it meets the current building codes. That being said, we are seeking to go back to the base code and not require 5/8th for a detached garage plywood roofing, a 5/8th for a single-family home, just because whoever put that amendment thought it was better quality work. We all know that material grades, the higher the intensity, the more quality there will be and it will last longer. **Mr. Torres** agrees but stated that it not our job, our job is to make sure that the applicant does the minimum requirement of the base codes which have been tested already for many years through the ICC process.

Mr. Baldassarra stated that the language states, shall be a minimum of 5/8" and asked, are we changing this from 1/2". **Mr. Torres** explained that the base code already requires 1/2". We are going to take out, we are removing that amendment.

Trustee Tinaglia, for the benefit of the audience, stated that these codes are National Codes in a book all of us use daily. From time to time over his 30 years of business with different building official of the years, codes get added to and amended. What we are doing tonight is removing a few of those amendments that maybe do not make sense anymore. **Mr. Baldassarra** asked for clarification that these were our local amendments, and we are deleting them. **Trustee Tinaglia** stated yes, this is in Chapter 23.

Acting Chairman Bondarowicz suggested to discuss each code separately, and commented that as a builder, and also involved in the roofing industry, and worked in 70-80 different communities, this is an odd ball requirement. It is not typical for 5/8th plywood on a roof and with the cost of lumber where it is at, it is in a way doing a disservice. Ventilation is more important than the thickness of the plywood. **Mr. Torres** agreed, adding the key is also that, when do we inspect this, if it is 5/8th or not? What do you do when the shingles are already installed? We highly recommend for the Village Board to remove this amendment.

Acting Chairman Bondarowicz discussed voting on each code separately and called for a motion on this issue. **Mr. Baldassarra** moved to amend the Village Code to delete the requirement for

5/8" roof sheathing in Section R803.2.2.1. **Mr. O'Gorman** seconded the motion. All in favor, motion passed.

Mr. Torres introduced the next code item, taken from the IBC, Chapter 30, related to the elevator. **Mr. Torres** explained the base code has a standard size for the cabin of the actual elevator. For some reason or another we added an amendment to make one elevator wider than what the base code requires for it. He had spoken with the Fire Department on this issue and presented our recommendation. They reviewed it and agreed, they do not need that wide or big of an elevator cabin. **Mr. Torres** continued that this is important because if the applicant is required to create this type of elevator, it is a whole different scenario in terms of elevator type. That elevator type will be huge in terms of expenses and we do not have any use for that. **Mr. Torres** thanked the Fire Department for their collaboration, they agree the extra space of the elevator is not needed.

Acting Chairman Bondarowicz asked for comments. **Mr. Baldassarra** asked, was this an amendment that said every building had to have at least one elevator this size? Does the base Code, IBC 3002.4 state if the building is four stories or more, it needs to be this size, but not all buildings? **Mr. Torres** explained that what the amendment required is that the size of the elevator, any elevator, would have to be bigger than what is required. The base code already has the dimension, which satisfies all usage of all elevators, we do not need a wider or bigger elevator cabin. **Mr. Baldassarra** noted this is all about the size, and noted the language that will remain, requires that size in buildings four stories or more. **Division Chief Roberts** stated it requires the fit of the stretcher, as long as we can fit the stretcher, they are good. There are different configurations but the old language is more specific, they are fine with this.

With no further comments, **Acting Chairman Bondarowicz**, called for a motion. **Mr. Baldassarra** made a motion to approve to delete the requirement to the amendment of 3002.4 from the Village amendments. **Mr. O'Gorman** second the motion. All were in favor.

Mr. Torres next presented the Fire Code, Chapter 9 for existing building. The base code referenced standpipe with the regular Section 905, which is the whole purpose of how to install a standpipe. We are asking to remove the amendment that was added to the end of that paragraph. Basically, if someone wants to remove the hose from the standpipe, the different requirement is needed to remove this hose. **Mr. Torres** spoke with the Fire Department and they really do not trust those hoses and prefer having the hose removed and not have it there as a tool to possibly harm someone down the road. **Division Chief Roberts** stated the only person who uses this is someone not trained in fire fighting and this is something they do not particularly want. They have a rule to never use those hoses and prefer that civilians never use them either. **Mr. Torres** added that they are trying to make it easier for the property owner to remove the fire hoses, there is no purpose of having them there.

Acting Chairman, Richard Bondarowicz called for comments, there were none. **Mr. Baldassarra** moved to approve the proposed amendment to 905.12 of the Village amendments. **Mr. O'Gorman** second the motion. All were in favor.

Discussion

Mr. Torres added that some of these items came through conversations at the stakeholders' meetings, held quarterly with some of our design professionals and general contractors. One caller, regarding one of these codes, expressed that just did not make any sense. He then did talk to other staffing and departments, and all were in agreement to correct and make these amendments more efficient. **Mr. Baldassarra** noted he spoke against one of these items long ago and it did not prevail and now finally it will.

Mr. Torres, on a separate note, thanked the Village for doing the proclamation for the month of May, making it Building Safety month for the Village. This makes everybody aware of how important building codes are.

Acting Chairman Bondarowicz in closing commented on how great this was, it is all common sense. It is common sense that will save money and save lives, it all works. **Mr. Torres** stated Building & Life Safety Department tries to be very practical, there are always ways we can improve things, and encouraged anyone at the table that sees anything that needs improvement or discussion to bring to his or Elliot's attention.

There was brief discussion that the Electrical Commission has been eliminated, noting Mr. Hutchinson (Chairman) from that Commission is now on the Building Code Review Commission.

With no further business, Acting Chairman Bondarowicz motioned to adjourn. Seconded by Trustee Tinaglia, all were in favor.

The meeting adjourned at 6:24 pm



**Building Code Review Board
5/17/2023**

Item: 519 W Algonquin Rd - Petition for Appeal and Modification

Department: Building & Life Safety

ATTACHMENTS:

Description

Application and Petition

Type

Presentation



VILLAGE OF ARLINGTON HEIGHTS
DEPARTMENT OF BUILDING & HEALTH SERVICES
33 S. Arlington Heights Rd
Arlington Heights, IL 60005
Phone (847) 368-5560
Fax (847) 368-5975
Website www.vah.com

BUILDING CODE REVIEW BOARD APPLICATION AND PETITION

LOCATION OF PROPOSED PROJECT:

Address: 519 West Algonquin Road
Arlington Heights, IL 60005

PETITIONER:

Name: 519 West Algonquin Road, LLC, dba Chez Hotel
Address: 519 West Algonquin Road E-mail: c/o barry.berk@bbblitigator.net
City: Arlington Heights State: IL Zip Code: 60005
Daytime Phone: 312-431-6800 Fax Number: Please use e-mail

PROPERTY OWNER (if different from Petitioner):

Name: Same as above (c/o Barry B. Berk)
Address: 53 W. Jackson Blvd., Suite 1002 E-mail: barry.berk@bbblitigator.net
City: Chicago State: IL Zip Code: 60604
Daytime Phone: 312-431-6800 Fax Number: Please use e-mail

REQUEST:

Variation from Section See attached of Chapter 23 of the Arlington Heights Municipal Code.

BRIEF DESCRIPTION OF VARIANCE REQUEST:

See attached Verified Petition for Appeal and Request for Modification (Variation)

SUBMITTAL REQUIREMENTS:

The following information must be provided with this application:


- \$110 Application Fee (Non-Refundable).
- 14 sets of drawings and all supporting documentation. All drawings must be folded into 11" by 17" and collated into sets.

The Building Code Review Board may recommend that variations be granted from provisions of the Building Code in cases where the applicant for such variation demonstrates practical difficulty and particular hardship. No variation may be granted without review and final action by the Village Board.

Now comes the Petitioner 519 West Algonquin Road, LLC, dba Chez Hotel requesting a variation from Section _____ of Chapter 23 of the Arlington Heights Municipal Code for the following reason: See attached Verified Petition for Appeal and Request for Modification (Variation), which demonstrates substantial financial hardship and practical difficulty.

I hereby state that the following hardship would exist if the variance is not approved: See attached Verified Petition for Appeal and Request for Modification (Variation), which demonstrates substantial financial hardship and practical difficulty.

I understand that any recommendation from the Building Code Review Board for a variation is subject to review and final action by the Village Board.




Petitioner's Signature

4.5.2023

Date

519 West Algonquin Road, LLC

Petitioner's Printed Name



Owner's (if different from Petitioner) Signature

4.5.2023

Date

Krysna Cayares

Owner's Printed Name

**VILLAGE OF ARLINGTON HEIGHTS
BUILDING CODE REVIEW BOARD**

Subject: The Matter of Appeal and Request for Modification (Variation) to the Village of Arlington Heights Building Code Review Board

Petitioner: 519 West Algonquin Road, LLC dba Chez Hotel

Property Address: 519 West Algonquin Road, Arlington Heights, IL 60005
PIN(s): 08-16-103-008-0000 and 08-16-103-009-0000

VERIFIED PETITION FOR APPEAL AND REQUEST FOR MODIFICATION (VARIATION)

NOW COMES, the Petitioner, 519 West Algonquin Road, LLC, dba Chez Hotel (hereinafter “Chez Hotel”), by and through its attorneys, Danielle Bilotto and Barry B. Berk, and in support of its Verified Petition for Appeal and Request for Modification (Variation) to the Village of Arlington Heights Building Code Review Board (hereinafter “Village”), respectfully states the following:

HISTORY OF THE CHEZ HOTEL DEVELOPMENT PROJECT

1. The Village reviewed the architectural plans submitted by Chez Hotel for a hotel addition to the existing European Crystal banquet facility. These plans were reviewed for code compliance, and upon approval, the following permits were issued:

Permit Type	Permit Number
Demolition	18-3224
Masonry and Steel	19-2929
Site Plan	18-3964
Building and Addenda 1,2,3,4	18-4588
Elevator 1st	19-3785
Sign	20-3809
Elevator	22-57

2. In late 2021, Village inspector, Kris Larsen assumed the role previously occupied by Deb Pierce as the Village’s Master Code Plan Reviewer, and purported to wrongfully enforce a code related to single-family dwellings on the Chez Hotel construction. When the error was pointed out to the Village, along with a request to the Director to confirm an error was made, no confirmation was received, and from that point forward representatives of the Village, including inspectors, plan reviewers, and administrative staff, engaged in a course of conduct declining reasonable and lawful requests of Chez Hotel and disavowing and dismantling previously approved plans and modifications, all without just cause and resulting in unnecessary delays and project costs in the millions of dollars.
3. The Village wrongfully disavowing and dismantling the plans have resulted in a cost to Chez Hotel of over \$95,000.00 in professional fees. The wrongful disavowing and dismantling were due, on information and belief, to the Village not recognizing that the prior plans had been previously approved by the Village.

4. Commencing at the end of February 2022, the Village wrongfully refused to provide the required inspections when requested by Chez Hotel. This wrongful refusal constitutes a violation of the administrative articles of the Village's Building Code. The Village and its legal counsel were notified by Chez Hotel that inspections had to continue in order to attempt to mitigate the undue financial burden placed upon the owners of Chez Hotel. James Cazares informed the Village through its Director of Building & Life Safety (the "Director"), the rough inspections were ready to be conducted and the installation of the drywall was going to commence in March 2022. James Cazares provided proper notice to the Director in compliance with the International Building Code (IBC), 2009 Edition, Section 110.5, which provides, in pertinent part: "**Inspection requests.** *It shall be the duty of the holder of the building permit or their duly authorized agent to notify the building official when work is ready for inspection. It shall be the duty of the permit holder to provide access to and means for inspections of such work that are required by this code.*" The Director wrongfully refused to conduct inspections in violation of IBC Section 110.6, which provides, in pertinent part: "*The building official, upon notification, shall make the requested inspections and shall either indicate the portion of the construction that is satisfactory as completed, or notify the permit holder or his or her agent wherein the same fails to comply with this code. . .*" (emphasis added). Accordingly, Chez Hotel hired a highly qualified third-party inspection firm pursuant to the requirements of the IBC to conduct inspections. To date, 96 inspections have been conducted; and, Chez Hotel is nearly ready for final inspections and occupancy.
5. In December 2022, Chez Hotel requested a modification in an attempt to remedy the Director's wrongful interpretation of modifications granted previously by the Village. The requested modification was to "document" everything previously approved by the Village. The Director refused to approve the modification, and despite stating in a meeting that the only plans required were for the rated walls, the Director now wrongfully demands full and complete new sets of plans for a building which has been substantially completed. The Director now purports to wrongfully require revised plans for elevators, egress, fire alarms, structural and fire suppression, all of which have all been previously approved.
6. Under the pretext of observing the progress of construction, the Director, without walking through any part of the building, issued a Stop Work Order on January 20, 2023, alleging only, "No inspections." When a Stop Work Order is issued, notices of noncompliance must be issued in accordance with IBC Section 110.6 to advise the permit holder of code violations. Stop Work Orders are issued when enforcement cannot be accomplished any other way when a dangerous or unsafe condition exists, or other violation, such as working without a permit, occurs. IBC Section 115.1 states, in pertinent part: "*Whenever the building official finds any work regulated by this code being performed in a manner either contrary to the provisions of this code or dangerous or unsafe, the building official is authorized to issue a stop work order.*" The Stop Work Order issued by the Director contains no such findings, nor any required correction notices, despite the project being open and available for inspection. Therefore, the Stop Work Order was wrongfully issued. A copy of the Stop Work Order is attached hereto and fully incorporated by this reference herein.
7. The Petitioner and its owners, the Cazares family, have operated multiple hotels and banquets, and in 45 years of operation the safety of their staff, guests, and community residents has always been and continues to be their number one priority. During the course of operating for over 28 years in the Village and conducting over 5,000 events, not one life safety citation or incident has ever occurred.
8. The aforementioned and other wrongful actions and inactions, wrongful reversal of permits previously issued, interpretations, and/or determinations related to the condition of this Subject Property, the wrongful issuance of the Stop Work Order, are all at issue in this Verified Petition for Appeal and Request for Modification (Variation). Such review and the remedies sought herein fall squarely and solely within the BCRB's scope of authority.

9. In an attempt to remedy the wrongful actions and inactions of the Village as set forth above, Chez Hotel requested additional Village oversight of the Director. That request was denied and Chez Hotel was advised to make no further oversight requests, which has caused unnecessary and significant time delays and costs to be incurred by Chez Hotel.
10. Chez Hotel is currently vacant and over 90% complete.

COUNT I
REQUEST TO UTILIZE THIRD-PARTY INSPECTION FIRM

- 11-20. Chez Hotel incorporates by reference paragraphs 1 through 10 herein as paragraphs 11 through 20 of this Count I.
21. That Chez Hotel has requested the Village to approve and utilize International Codes Consultants and Inspections, Inc. ("ICCI") as the third-party inspection firm to complete the remainder of the inspections at Chez Hotel. IBC Section 110.4 provides, in pertinent part, "**Inspection agencies.** *The building official is authorized to accept reports of approved inspection agencies, provided that such agencies satisfy the requirements as to qualifications and reliability.*"
22. That Chez Hotel requested the Village approve ICCI's third-party inspection reports prepared from February 2022 through January 2023 in order to complete the remainder of the inspections at the Subject Property.
23. That ICCI's qualifications and the qualifications of its principal, Barbara J. Dettmer, are professionally impeccable and meet or exceed the intent of the IBC, as well as any applicable codes and ordinances of the Village.
24. That as set forth hereinabove, the Village wrongfully refused to make the required inspections. Accordingly, the Director had the authority and should have accepted the inspections conducted by ICCI. IBC Section 104.4 provides, in pertinent part, "**104.4 Inspections.** *The building official shall make the required inspections, or the building official shall have the authority to accept reports of inspection by approved agencies or individuals. Reports of such inspections shall be in writing and be certified by a responsible officer of such approved agency or by the responsible individual. . .*" (emphasis added) Based upon the Village's failure to conduct inspections, Chez Hotel requested a refund of permit fees previously paid for Permit #18-4588. The Village has denied the request.
25. That attached hereto and fully incorporated by this reference herein is the resume/curriculum vitae of Barbara J. Dettmer, MCP, of ICCI. The qualifications set forth therein either meet or exceed the requirements of IBC Section 1703.1 as Ms. Dettmer and ICCI are experienced, competent, independent, and objective.
26. On February 9, 2022, a Village electrical inspector purported to require Chez Hotel to place electrical outlets behind the hotel window drapery. James Cazares, on behalf of Chez Hotel, provided the inspector with National Electrical Code (NEC), Section 210.60(B), which provides outlets are allowed to be placed in accessible locations for permanent furniture placement and when so placed they meet the required minimum as per NEC Section 210.52. The inspector informed Mr. Cazares that, he, the inspector was "God"; he did not care what the code said; if he did not do as wrongfully instructed, he would fail him; and, the Director would refuse inspections moving forward. The Director did not require the inspector to comply with NEC Section 210.60, which refers to electrical outlet placement in hotels, dormitories, and commercial buildings. The Director refused to make the correct determination required by the NEC; and, thereafter refused to conduct inspections at Chez Hotel.

27. That in February 2022, James Cazares, on behalf of Chez Hotel, requested the Village Plan Examiner review the applicable code and confer with the electrical inspector. James Cazares was informed that the Village Plan Examiner did not understand and could not elaborate, pursuant to the instruction of the Director.
28. In February 2022, a Village electrical inspector stated to James Cazares and Tony Cazares during the course of a field inspection that he would never approve or pass anything done and he would make sure the hotel never opened.
29. That in March 2022, the Director wrongfully ceased review of the retractable roof enclosure plans for the sixth floor of the Chez Hotel. The Director wrongfully told Chez Hotel to discard all previously stamped and approved plans and the entire set of plans going forward would need to be re-reviewed and all costs associated therewith would have to borne by Chez Hotel. In March 2022, Chez Hotel objected to the re-review. The Director continued to insist the re-review would involve a short re-review period. The Director wrongfully directed "independent" plan review firm, B&F Construction Code Services, Inc. ("B&F"), that Chez Hotel was a newly proposed construction project when, in fact, it was an addition to an existing structure. He also failed to advise B&F the addition was erected and near its completion. At no time did the Director communicate to B&F, as previously stated to James Cazares, a site visit was required prior to its plan review, nor did the Director disclose he was a prior employee to James Cazares.

WHEREFORE, 519 West Algonquin Road, LLC, dba Chez Hotel, respectfully prays the Building Code Review Board approve International Codes Consultants and Inspections, Inc., including Barbara J. Dettmer, MCP, as the third-party inspectors to conduct the remainder of any necessary and appropriate inspections at Chez Hotel; and that any and all prior inspections conducted by International Codes Consultants and Inspections, Inc., including Barbara J. Dettmer be deemed approved and ratified; and for such other and further relief as the Building Code Review Board deems just.

COUNT II

REQUEST FOR WAIVER TO REMOVE FIRE RATED WALLS AND BARRIERS

- 30-58. Chez Hotel incorporates by reference paragraphs 1 through 29 herein as paragraphs 30 through 58 of this Count II.
59. The Director has wrongfully demanded Chez Hotel remove not less than fifty percent (50%) of the installed drywall in order to conduct inspections. Requiring this type of removal will cause irreparable damage to the fire walls; result in an additional cost of approximately \$3,200,000.00; and likely take not less than 18 additional months to complete. All of those factors would cause undue, unnecessary, and significant hardship upon Chez Hotel and constitute arbitrary and capricious action by the Village not reasonably related to achieving life safety objectives. The Director wrongfully failed to take into account the appropriate Gypsum Association guidelines related to the design destruction limitations and repair methods prior to requiring removal of not less than 50% of the installed drywall.
60. Chez Hotel's mechanical, electrical, plumbing, fire suppression and fire alarm systems were all installed by licensed contractors.
61. That the Village has approved completed inspections conducted either by the Village or third-party inspection firms, including demolition, footing, foundation, cold form steel, structural, masonry, all rough plumbing, two floors of electrical and one of fire alarm.
62. That Flood Laboratories conducted the structural inspection because Village inspectors were not qualified to inspect the structural system.

63. That Chez Hotel's mechanical, electrical, plumbing, framing, and insulation are fully uncovered on the 6th floor, which would allow non-destructive inspections, which the Director has wrongfully refused to utilize.
64. That Chez Hotel's addition's fire barriers and partitions were fully and properly inspected by ICCI and they are safe and compliant with all applicable codes.
65. That any and all necessary remaining mechanical inspections for the Chez Hotel's addition have been completed by ICCI and are compliant with all applicable codes.
66. That Chez Hotel has more than 200 fire-rated access panels that are easily and readily accessible, which the Village could utilize to conduct nondestructive inspections. This would prevent unnecessary damage to the rated firewalls. Such non-destructive inspections would alleviate further hardship, including financial hardship and would eliminate practical difficulty caused by destructive inspections.
67. That Chez Hotel has proposed non-destructive inspections, which would verify the inspections conducted by ICCI; and, which would assure the safety of Chez Hotel's guests, staff and residents of the Village. The Director has wrongfully denied the proposed non-destructive inspections.
68. That Chez Hotel retained a large, experienced and respected fire and life safety firm, Jensen Hughes, to evaluate and ultimately confirm the Director's wrongful decision related to drywall removal would irreparably damage the fire and life safety assemblies. A copy of the Jensen Hughes report is attached hereto and is fully incorporated by this reference herein. Also attached hereto and fully incorporated by this reference herein is an additional letter from Jensen Hughes, which evidences that significant removal or penetration of rated fire walls would require replacement leading to economic hardship to Chez Hotel. Further attached hereto and fully incorporated by this reference herein is the resume/curriculum vitae of Thomas McCormack.

WHEREFORE, 519 West Algonquin Road, LLC, dba Chez Hotel, respectfully prays the Building Code Review Board grant a waiver related to the removal of fire rated walls and barriers; determine any necessary further inspections be non-destructive; and for such other and further relief as the Building Code Review Board deems just.

COUNT III
REQUEST TO RESCIND WRONGFUL STOP WORK ORDER

- 69-136. Chez Hotel incorporates by reference paragraphs 1 through 68 herein as paragraphs 69 through 136 of this Count III.
137. That Stop Work Orders are governed, in pertinent part, by IBC Section 115.1 (see paragraph 6 herein). All work performed at the Chez Hotel is compliant with the provisions of the IBC. No work performed is either dangerous or unsafe.
138. That IBC Section 115.2 provides: *"The stop work order shall be in writing and shall be given to the owner of the property involved, or to the owner's agent, or to the person doing the work....The stop work order shall state the reason for the order, and the conditions under which the cited work will be permitted to resume."*
139. The Stop Work Order is fatally flawed because it fails to set forth that any dangerous, unsafe or non-compliant conditions exist; and, it fails to set forth the conditions under which work will be permitted to resume.

140. That Chez Hotel requested the Village conduct any required inspections, but the Village has wrongfully refused to do so.
141. That the Director contacted Commonwealth Edison (ComEd) requesting ComEd disconnect power service to the original, banquet building while a wedding was being held in the winter month of December. Disconnecting power service in the middle of a Chicago area winter could have substantially damaged the building and caused further hardship. This action by the Director exceeded his authority.
142. That the issuance of the Stop Work Order forced Chez Hotel to relocate 176 groups of prospective guests, who were booked to stay at Chez Hotel in the future; thereby resulting in extensive financial hardship upon Chez Hotel.
143. That the issuance of the wrongful Stop Work Order has caused Chez Hotel to incur expenses of approximately \$5,000.00 per day to its significant economic detriment and to its financial hardship. To date, March 24, 2023, this amounts to approximately \$305,000.00.
144. That the issuance of the wrongful Stop Work Order has deprived Chez Hotel of the ability to generate approximately \$25,000.00 per day, which constitutes financial hardship of \$1,525,000.00, as of March 24, 2023.

WHEREFORE, 519 West Algonquin Road, LLC, dba Chez Hotel, respectfully prays that the Building Code Review Board rescind the Stop Work Order dated January 20, 2023; and for such other and further relief as the Building Code Review Board deems just.

COUNT IV
REQUESTED APPROVAL OF PROPOSED DESIGN ALTERNATIVES
UNDER IBC SECTION 104.11

- 145-288. Chez Hotel incorporates by reference paragraphs 1 through 144 herein as paragraphs 145 through 288 of this Count IV. That compliance alternatives allow for the use of Chez Hotel's grading system as prescribed by IBC Section 3412.
289. That the compliance method set forth in IBC Section 104.11 meets and satisfies the intent of the IBC.
290. That utilization of the compliance alternative would allow Chez Hotel to open as it was designed and approved with only minimal changes to the completed existing building.
291. That because the Director has refused to accept any and all reasonable proposals, Chez Hotel must request approval from the BCRB (pursuant to IBC Section 113) of a proposed design alternative pursuant to IBC Section 104.11.
292. The reasonable proposal made by Chez Hotel only provided for the addition of fire and smoke detection devices on the 6th floor of the Chez Hotel to achieve compliance. Granting this proposal would allow Chez Hotel to open up promptly and to thereafter operate and serve the Village community in a manner that exceeds fire and life safety requirements.

293. Chez Hotel previously provided stamped architectural plans demonstrating code compliance on all plan pages and reflecting one-hour fire rated walls. These stamped architectural plans were approved by the Village, but the internal Village documentation fails to reflect that approval. Modification is appropriate because the Chez Hotel is substantially complete, and meets the intent of the IBC.
294. The alternative compliance method, meets the intent of the IBC and would allow for a rooftop restaurant and terrace on the 6th floor of the Chez Hotel. Previously, the Village Board of Trustees voted unanimously in favor of this project for a luxury boutique hotel with the only suburban rooftop restaurant and terrace. The Director has refused to allow the alternate compliance method in this regard.
295. Chez Hotel has 20-minute fire rated guest doors and frames, which exceed fire safety requirements.
296. Chez Hotel has 1-hour rated fire walls exceeding the 30-minute fire rated wall requirement.
297. Chez Hotel complied with the requirements of IBC Section 420.2 requiring walls between guest rooms to be 1-hour rated fire partitions pursuant to IBC Section 709.3. Chez Hotel has a two-story lobby atrium with 1-hour rated fire barriers in compliance with IBC Section 404.6. Further, Chez Hotel's pipe chases have 2-hour fire rated barriers in compliance with IBC Section 708.4.
298. Chez Hotel has a voice and visual high-rise fire alarm communication system.
299. The Chez Hotel elevators are equipped with Phase I emergency recall operation and Phase II emergency in-car operation; and, have stretcher-sized elevator cabs.
300. Chez Hotel utilizes an automatic sprinkler system throughout the building with monitoring valves on each floor and monitored fire suppression. These valves are equipped with valve position and water flow switches.
301. Chez Hotel has operable windows for smoke removal.
302. In accordance with IBC Section 913.2, Chez Hotel will utilize a 2-hour rated fire pump room designed for high-rise construction.
303. Chez Hotel is constructed from non-combustible materials.
304. Chez Hotel will comply with the requirements set forth in IBC Section 403.4.4 which requires luminous egress path markings in accordance with IBC Section 1024 for "*R-1 having occupied floors located more than 75 feet (22 860 mm) above the lowest level of fire department vehicle access.*"
305. The attached Jensen Hughes report sets forth, with particularity, the objective evidence of life safety being a priority in the construction of Chez Hotel.

WHEREFORE, 519 West Algonquin Road, LLC, dba Chez Hotel, respectfully prays the Building Code Review Board grant Chez Hotel approval to utilize proposed design alternatives set forth in this Count IV, including but not limited to, utilizing additional fire and smoke detection devices on the 6th floor; approving the design and construction of the rooftop restaurant and terrace; the 2-hour fire rated pump room; and for such other and further relief as the Building Code Review Board deems just.

COUNT V
REQUESTED APPROVAL OF FIRE COMMAND ROOM AND FOR EMERGENCY RADIO
COVERAGE TEST BY THE VILLAGE FIRE DEPARTMENT

- 306-610. Chez Hotel incorporates by reference paragraphs 1 through 305 herein as paragraphs 306 through 610 of this Count V.
611. That the Director has recently requested that the fire command room be located in the lobby of Chez Hotel. The current fire command room location complies with IBC Section 403.4.5 and previously was approved by the Arlington Heights Fire Department. The Director's recent request is outside the scope of his authority.
612. On November 16, 2018, Fire Chief Andrew Larson confirmed that there were no outage areas for the emergency responder radio coverage and the Chez Hotel addition was in compliance.
613. On November 16, 2018, Fire Chief Andrew Larson approved the location of the fire command room. Fire Chief Larson, on information and belief, had express authority to approve the fire command room. The Director is now attempting to wrongfully reverse Fire Chief Larson's decision and to move the fire command room to an alternative location. On information and belief, the Director does not have the authority to do so.
614. That, on information and belief, Fire Chief Larson's approval was granted because of special circumstances relating to the existing fire alarm panel location in the attached banquet facility, which is currently in operation.
615. Chez Hotel provided a fire pump access plan path pursuant to Fire Chief Larson's request and provided Village approved signs on the doors in the halls of Chez Hotel, indicating there was no obstruction for fire department access and referencing durable materials. The approval of Fire Chief Larson was authorized pursuant to IBC Section 104.11 Alternative Materials, Design and Methods of Construction and Equipment allowed. Chief Larson's approval of the alternative material, design or method of construction meets the intent of the Code, and the International Fire Code (as Chief Larson was the Fire Code Official).
616. The fire pump room has 2-hour fire rated walls and 2-hour fire rated ceilings and is separated from the rest of the building.
617. The utilization of 2-hour fire rated walls and 2-hour fire rated ceilings in the Fire Command Room meets the intent of the Code.
618. Recently the Director has indicated the Village would allow the utilization of a third-party testing company; however, the Village has not provided with specificity any third-party testing companies approved by the Village.
619. That attached hereto and fully incorporated by this reference herein are the results obtained from High Rise Security Systems.
620. That IBC Section 510.2 states that the building shall be considered to have acceptable emergency radio coverage when signature measurements in 95% of all areas on each floor meet the signal strength requirements as indicated in Sections 510.2.1 and 510.2.2. As Chez Hotel satisfies these requirements, radio repeaters are not required.

WHEREFORE, 519 West Algonquin Road, LLC, dba Chez Hotel, respectfully prays the Building Code Review Board approve the existing fire command room previously approved by Fire Chief Larson; determine that emergency radio coverage is compliant and that, if necessary, it be granted leave for a third-party testing company to conduct the emergency radio coverage test; and for such other and further relief as the Building Code Review Board deems just.

COUNT VI

**REQUEST FOR MODIFICATION OF WATER SUPPLY FEEDING WITH IMPAIRMENT PLAN
PURSUANT TO IBC SECTION 403.3.2**

- 621-1240. Chez Hotel incorporates by reference paragraphs 1 through 620 herein as paragraphs 621 through 1240 of this Count VI.
1241. At no time has the Chez Hotel water main experienced any service disruptions.
1242. That, on information and belief, the Village has extremely reliable water service to the Chez Hotel area and has not experienced outages during the past 20 years.
1243. The Chez Hotel impairment plan meets and exceeds the standard set forth in the National Fire Protection Association (NFPA) 25 Chapter 15, which is attached hereto.
1244. The impairment plan is to relocate guests to an alternative hotel; shut down operation of the entire facility; and contact the Village Fire Department to connect a temporary water supply to the Fire Department connection from the hydrant within hours. This impairment plan would dramatically reduce life safety risks and protect the property from fire damage.

WHEREFORE, 519 West Algonquin Road, LLC, dba Chez Hotel, respectfully prays the Building Code Review Board grant its request for water feeding supply and its proposed impairment plan; and for such other and further relief as the Building Code Review Board deems just.

COUNT VII

REQUEST FOR DEFERRED INSTALLATION OF GENERATOR FOR 36-MONTHS

- 1245-2488. Chez Hotel incorporates by reference paragraphs 1 through 1244 herein as paragraphs 1245 through 2488 of this Count VII.
2489. That there is a supply chain backlog of approximately 30 months with regard to the generator and its associated transfer switches.
2490. That, accordingly, Chez Hotel is requesting that the installation of the generator be deferred for 36-months.
2491. That, on information and belief, the Director has previously approved this deferral.
2492. That during the deferral period there would be no life safety issues because Chez Hotel's impairment plan would fully evacuate the building and comply with IBC Section 403.3.2.

WHEREFORE, 519 West Algonquin Road, LLC, dba Chez Hotel, respectfully prays the Building Code Review Board defer installation of the generator for 36-months; and for such other and further relief as the Building Code Review Board deems just.

COUNT VIII
REQUEST TO UTILIZE THOMPSON ELEVATOR INSPECTION SERVICE, INC. AS THIRD-PARTY ELEVATOR INSPECTION FIRM

- 2493-4984. Chez Hotel incorporates by reference paragraphs 1 through 2492 herein as paragraphs 2493 through 4984 of this Count VIII.
4985. That Thompson Elevator Inspection Service, Inc. is a highly qualified and professionally respected firm that deals in matters pertaining to elevators and elevator inspections, plan review, safety and code compliance.
4986. That Chez Hotel has requested that the Village conduct elevator inspections, but the Village has wrongfully refused to do so.
4987. That pursuant to IBC Section 110.4, "**Inspection agencies.** *The building official is authorized to accept reports of approved inspection agencies, provided that such agencies satisfy the requirements as to qualifications and reliability.*"
4988. That, on information and belief, the Village uses Thompson Elevator Inspection Service, Inc. to conduct inspections on behalf of the Village, as well as third-party plan reviews, but refuses to allow Thompson Elevator Inspection Service, Inc. to serve as a third-party inspection firm related to the Chez Hotel elevators.
4989. That Thompson Elevator Inspection Service, Inc.'s qualifications and the qualifications of its inspectors satisfy requirements as to qualifications and reliability, as evidenced by the Village utilizing their services in other matters.
4990. That Thompson Elevator Inspection Service, Inc. provides elevator services and elevator inspections, safety and code compliance throughout the State of Illinois for municipalities, school districts, county offices, and other governmental bodies, including but not limited to, for the Village itself.
4991. That, on information and belief, Thompson Elevator Inspection Service, Inc. is professionally sound and meets or exceeds the intent of the IBC, as well as any applicable codes and ordinances of the Village related to Chez Hotel.

WHEREFORE, 519 West Algonquin Road, LLC, dba Chez Hotel, respectfully prays the Building Code Review Board approve Thompson Elevator Inspection Service, Inc. as the third-party inspection firm to conduct the remainder of any and all necessary and appropriate inspections in any way related to the elevators at Chez Hotel, that the elevator permit fees paid related to Chez Hotel be refunded; and for such other and further relief as the Building Code Review Board deems just.

519 WEST ALGONQUIN ROAD, LLC
dba CHEZ HOTEL

A handwritten signature in black ink, appearing to be 'D. Bilotto', written over a horizontal line.

By:

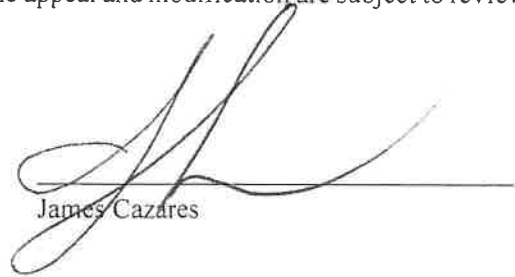
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VERIFICATION

James Cazares, being first duly sworn under oath, deposes and states that I am a duly authorized agent of 519 West Algonquin Road, LLC, dba Chez Hotel, that I have reviewed the above and foregoing Verified Petition for Appeal and Request for Modification (Variation), and that all matters set forth therein are true and correct, both in substance and in fact, to the best of my knowledge and belief. I understand that any recommendations from the Building Code Review Board for the appeal and modification are subject to review and final action by the Village Board of Trustees.


James Cazares

SUBSCRIBED and SWORN TO before me
this 5 day of April, 2023



Notary Public

