



Fire Code Board of Appeal

Village of Lincolnwood

6900 N. Lincoln Avenue, Lincolnwood, IL 60712

**VILLAGE OF LINCOLNWOOD
FIRE CODE BOARD OF APPEAL
GERALD C. TURRY VILLAGE BOARD ROOM
1:00 PM, MAY 2, 2023**

AGENDA

- I. Call to Order**
- II. Roll Call**
- III. Regular Business**
 - a. Election of Chairperson
 - b. Election of Secretary
 - c. Procedural discussion
- IV. Public Comment**
- V. New Business**
 - a. Appeal Request, 7236 N. Kilpatrick
- VI. Good of the Order**
- VII. Adjournment**

Posted : April 28, 2023 – Village Website, Village Hall and Fire Department

Request For Fire Code Board of Appeal Action

REFERRED TO FIRE CODE BOARD OF APPEAL: May 2, 2023

PETITIONER: William Kaufman

ADDRESS: 7236 N. Kilpatrick, Lincolnwood, Illinois 60712

SUMMARY AND BACKGROUND OF SUBJECT MATTER:

The owner of a single-family home at 7236 N. Kilpatrick had initially applied for and received a building permit back in July of 2021, for the partial remodeling of their 70-year-old home. Subsequently, work was never performed, and the owners re-submitted amended plans over one year later, expanding the original scope of work to also include remediating serious structural concerns of collapsing walls and ceilings, water leaks, water damage, electrical hazards, mold, and pest infestation.

Following the review of the amended plans, and in accordance with the 2018 Life Safety Code under Section 43.6.4.1, the scope of work was determined to be over 50% of the aggregate building area, necessitating the installation of an automatic residential fire sprinkler system under the National Fire Protection Association (NFPA) #13D, *Installation of sprinkler systems in one- and two-family dwellings*. In November of 2022, the owners submitted a fire sprinkler application.

In January of 2023, the owners sent an email to Community Development, seeking to discuss how the requirement for the residential fire sprinkler system could be appealed. Following that request, an Appeal Request Form was provided to the owners, who submitted such on January 25, 2023, claiming the requirement of a residential fire sprinkler system is an unnecessary financial hardship.

DOCUMENTS ATTACHED:

1. Village of Lincolnwood Appeal Request Form
2. Village of Lincolnwood Fire Equipment Permit Application, 7236 Kilpatrick
3. Village of Lincolnwood Fire Sprinkler Determination Form, 7236 Kilpatrick
4. Village of Lincolnwood Fire Sprinkler Determination Form – Blank
5. Adopted and Amended Code Sections of the 2018 Life Safety Code
6. Village of Lincolnwood Ordinance No. 2017-3300

RECOMMENDED MOTION:

The Fire Code Board of Appeal review the referenced documentation and provide the Petitioner an opportunity to present their appeal, followed by the rendering of a decision on the legal merits of the appeal.



VILLAGE OF LINCOLNWOOD

6900 Lincoln Ave. | Lincolnwood, IL 60712 | Phone: 847-673-7402
www.lincolnwoodil.org | commdev@lwd.org

Appeal Request Form

Use this form for all appeals of adopted code requirements in which the Board of Trustees shall make a final decision as to waive said specific code provision.

Name of Appellant: William Kaufman
Property Address: 7236 N. Kilpatrick
E-mail: wmarkkaufman@gmail.com

Permit number: Applied for
Phone: 312-498-1289
Code and section: 43.2.2.4

Nature of Claim: (check all that apply)

The true intent of the code or the rules legally adopted under the NFPA 101 Life Safety Code have been incorrectly interpreted.

The provisions of the NFPA 101 Life Safety Code do not fully apply.

An equally good or better form of construction is proposed.

Provide a written description of all reasons why the Village Board should reverse the decision of the Building Official.

We, the owners of 7236 N. Kilpatrick, do not agree with the building department's sprinkler system requirement. As

background, the building is a 70 year-old home that has been in our family since 1968. I grew up in it. Before my parents' passing, they wished for us to take care for the home and move our family in, including young children ages 5 and 12.

We originally intended to do some very minor cosmetic fixes such as carpet, paint, and window treatments. However upon inspection, we found serious structural problems, collapsing walls/ceilings, leaky plumbing, electrical hazards, water damage, widespread mold, pest damage and other environmental hazards. It was not safe for family habitation and young children.

Not only does this requirement create an unnecessary financial hardship jeopardizing our ability to make this a livable home, we never intended to do all the work now in the permit. We essentially needed to remediate the environmental hazards, make the building structurally sound and bring all other elements up to code. Costs have exploded and adding an unnecessary sprinkler requirement makes adhering to all the other code requirements and making the home safe for move-in untenable.

We have committed to keep the home in our family after over 50 years, and make Lincolnwood the home for the next generation of our family and this financially burdensome requirement is putting that wish in jeopardy.

We thank you in advance for your consideration.

Include all supporting documentation, specifications and construction documents that support this appeal.

Signature of Owner or Agent: *W, Mark Kaufman*

Date: 1/25/2023

Approved by: _____ **Date:** _____
Village Manager or Mayor



VILLAGE OF LINCOLNWOOD

6900 Lincoln Ave. | Lincolnwood, IL 60712 | Phone: 847-673-7402
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Fire Equipment Permit Application

Property Address: 7236 KILPATRICK AVE. Project Value: \$ 150,000
Type of property: Residential Commercial

Property Owner or Business Tenant: MARK KAUFMAN
Address: 7236 N. Kilpatrick City, State Zip: Lincolnwood, IL 60641
Phone: (312) 498-1289 Email (required): wmarkkaufman@gmail.com

Contractors Name: Miguel Buleje Company: MBS Construction
Address: 1537 W. Altgeld City, State Zip: Chicago, IL 60639
Phone: 773-593-9003 Email (required): Buleje.m@gmail.com

Type of Work/Improvement:

- Commercial Hood & Duct Suppression
- Gaseous Suppression
- Fire Sprinkler # of heads _____
- Fire Pump
- Standpipe

Project Description:

Renovation of a 2-story, single family home in Lincolnwood. Home has been in the family for 50 years and is in need of repair and update.

In consideration of this application and attached forms being made a part thereof and the issuance of the permit, I will comply with the rules and regulations set forth in the Lincolnwood Municipal Code and all work performed under said permit will be in accordance with the approved plans and specifications which accompany this application. No error or omission in either the plans or application, whether said plans or application have been approved by the Building Official or not, shall permit or relieve the applicant from constructing the work in any other manner than that provided for in the municipal code of this Village relating thereto. The applicant agrees to pay all Plan Review Fees whether they receive a permit or not. The applicant having read this application and fully understanding the intent thereof declares that the statements made are true to the best of my knowledge and belief.

Signature of Owner or Agent: [Signature] Date: 11/5/22

Permit # _____

Permit Fees \$ _____



VILLAGE OF LINCOLNWOOD

6900 Lincoln Ave. | Lincolnwood, IL 60712 | Phone: 847-673-7402

www.lincolnwoodil.org | commdev@lwd.org

Fire Sprinkler Determination Form

Property Address: 7236 KILPATRICK AVE

Type of property: Residential Commercial

Property Owner or Business Tenant: MARK KAUFMAN

Address: 7236 N. Kilpatrick

City, State Zip: Lincolnwood, IL 60712

Phone: (82) 499 7289

Email (required): W MARK KAUFMAN @ GMAIL COM

Architects/contractors Name: RANDY HOUTS

Company:

Address: 1645 N. MAPLEWOOD AVE. #2F

City, State Zip: CHICAGO IL 60647

Phone: 773 562 8713

Email (required): HOUTS ARCHITECTS & SCULPTURE NOT

Calculation for Rehabilitation work (Include all addition work): Provide a hatched drawing showing the "Rehabilitation work areas" on each level or floor. See attached example and definitions used for determination.

Floor Level		Sq. Ft. of area	Sq. Ft. of Rehabilitation Work Area and/or addition
Basement	Existing	1376	1376
	Addition		
1st Floor	Existing	1376	1376
	Addition		
2nd Floor	Existing	879	879
	Addition	461	461
3rd Floor	Existing		
	Addition		
4th Floor or Attic	Existing		
	Addition		
Total Sq. Ft. Area of Building:			
Total Sq. Ft. Area of Rehabilitation and/or addition:			4092
Percentage of Building Rehabilitation and/or addition:			100

Calculation for Additions only (When no existing building area is rehabilitated):

Areas	Square Footage	Percentage
Total Building Size		100%
Total Size of Addition(s)		

Signature of Owner:

Date:

11/5/22

Signature of Architect:

General Contractor in charge if no architect

Date:

10.15.22



VILLAGE OF LINCOLNWOOD

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Fire Sprinkler Determination Form

Property Address: _____

Type of property: Residential Commercial

Property Owner or Business Tenant: _____

Address: _____ City, State Zip: _____

Phone: _____ Email (required): _____

Architects/contractors Name: _____ Company: _____

Address: _____ City, State Zip: _____

Phone: _____ Email (required): _____

Calculation for Rehabilitation work (Include all addition work): Provide a hatched drawing showing the "Rehabilitation work areas" on each level or floor. See attached example and definitions used for determination.

Floor Level		Sq. Ft. of area	Sq. Ft. of Rehabilitation Work Area and/or addition
Basement	Existing		
	Addition		
1st Floor	Existing		
	Addition		
2nd Floor	Existing		
	Addition		
3rd Floor	Existing		
	Addition		
4th Floor or Attic	Existing		
	Addition		
Total Sq. Ft. Area of Building:			
Total Sq. Ft. Area of Rehabilitation and/or addition:			
Percentage of Building Rehabilitation and/or addition:			

Calculation for Additions only (When no existing building area is rehabilitated):

Areas	Square Footage	Percentage
Total Building Size		100%
Total Size of Addition(s)		

Signature of Owner : _____ Date: _____

Signature of Architect : _____ Date: _____

General Contractor in charge if no architect

**Adopted and Amended Code Sections
2018 Life Safety Code**

1. **Section 43.2.2.4 Rehabilitation Work Area, Amended** “That portion of a building affected by any modification or reconstruction work as initially intended by the owner, and indicated as such in the permit, but excluding other portions of the building where incidental work entailed by the intended work must be performed, and excluding portions of the building where work not initially intended by the owner is specifically required.”
2. **Section 43.6.4.1 Extinguishing Systems, Amended** “In a building with rehabilitation work areas involving modification, or reconstruction of over 50% of the aggregate building area, and/or when 50% or more of the aggregate wall and ceiling finishes (plaster, plaster board, gypsum board, suspended ceiling systems, etc.) is being removed down to the framing, automatic sprinkler systems shall be provided on the highest floor containing a rehabilitation work area and on all floors below in accordance with the requirements of other sections of this Code applicable to new construction for the occupancy.”
3. **Section 43.6.4.2 Extinguishing Systems, Amended** “On any story with rehabilitation work areas involving modification, or reconstruction of over 50% of the area of the story, and/or when 50% or more of aggregate wall and ceiling finishes (plaster, plaster board, gypsum board, suspended ceiling systems, etc.) is being removed down to the framing, a sprinkler system shall be provided throughout the story in accordance with the requirements of other sections of this Code applicable to new construction for the occupancy.”
4. **Section 43.8.1.1 Additions – General Requirements, Amended** “Where an addition, as defined in 43.2.2.1.7, is made to a building, the following criterion shall be met:”
 - a. “Whenever a residential dwelling undergoes construction resulting in an addition that is 50% or greater than the size of the original structure, the entire structure shall be subject to the fire protection requirements in accordance with the adopted codes applicable to new construction for the occupancy.”
5. **Section 43.8.1.3 Additions – General Requirements, Amended** “Any modification or reconstruction work within an existing building to which an addition is being made shall comply with the requirements of Sections 43.5 Modifications, and 43.6. Reconstruction.”

**DEFINITIONS
2018 Life Safety Code**

addition - “An increase in the building area, aggregate floor area, building height, or number of stories of a structure.”

modification - “The reconfiguration of any space; the addition or elimination of any door or window; the addition or elimination of load bearing elements; the reconfiguration or extension of any system; or the installation of any additional equipment. (SAF-FUN)”

reconstruction - “The reconfiguration of a space that affects an exit or a corridor shared by more than one occupant space; or the reconfiguration of a space such that the rehabilitation work area is not permitted to be occupied because existing means of egress and fire protection systems, or their equivalent, are not in place or continuously maintained. (SAF-FUN)”

rehabilitation work areas - “That portion of a building affected by any renovation, modification, or reconstruction work as initially intended by the owner, and indicated as such in the permit, but excluding other portions of the building where incidental work entailed by the intended work must be performed, and excluding portions of the building where work not initially intended by the owner is specifically required. (SAF-FUN)”

**Adopted and Amended Code Sections
2018 Life Safety Code**

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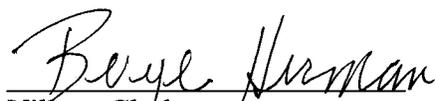
VILLAGE OF LINCOLNWOOD

ORDINANCE NO. 2017-3300

**AN ORDINANCE AMENDING SECTION 14-7-3 OF
THE MUNICIPAL CODE OF LINCOLNWOOD
REGARDING THE VILLAGE'S LIFE SAFETY CODE**

ADOPTED BY THE
PRESIDENT AND BOARD OF TRUSTEES
OF THE VILLAGE OF LINCOLNWOOD
THIS 19th DAY OF SEPTEMBER, 2017.

Published in pamphlet form
by the authority of the
President and Board of Trustees
of the Village of Lincolnwood,
Cook County, Illinois this
19th day of September, 2017


Village Clerk

VILLAGE OF LINCOLNWOOD

ORDINANCE NO. 2017-3300

AN ORDINANCE AMENDING SECTION 14-7-3 OF THE MUNICIPAL CODE OF LINCOLNWOOD REGARDING THE VILLAGE'S LIFE SAFETY CODE

WHEREAS, Chapter 14 of the "Municipal Code of Lincolnwood," as amended ("*Village Code*"), sets forth the building regulations of the Village, which regulations are comprised of specified building, plumbing, fire prevention, electrical, life safety, mechanical, property maintenance, fuel gas, and energy conservation codes, and other related requirements; and

WHEREAS, Sections 14-7-2 and 14-7-3 of the Village Code adopt by reference, with various modifications, the 2012 edition of the National Fire Protection Association Life Safety Code ("*Life Safety Code*"); and

WHEREAS, the President and Board of Trustees desire to amend Section 14-7-3 of the Village Code to update the Village's local modifications to the Life Safety Code; and

WHEREAS, the President and Board of Trustees have determined that it will serve and be in the best interest of the City to amend the Life Safety Code pursuant to this Ordinance;

NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF LINCOLNWOOD, COOK COUNTY, ILLINOIS, as follows:

SECTION 1. RECITALS. The facts and statements contained in the preamble to this Ordinance are found to be true and correct and are hereby adopted as part of this Ordinance.

SECTION 2. EXCEPTIONS, INSERTIONS AND ADDITIONS. Section 14-7-3 of the Village Code is hereby amended further to read as follows:

"14-7-3: EXCEPTIONS, INSERTIONS AND ADDITIONS.

The following items are the additions, insertion, and changes to the Life Safety Code:

Life Safety Code

Section Change

Section 24.3.4.4 Insert: "Carbon monoxide detectors. All single-family residential dwellings constructed after January 1, 2007, shall be equipped with carbon monoxide detectors on each level of the dwelling unit, including basement. This provision shall

Additions are bold and double-underlined; deletions are struck through.

also apply to existing single-family dwellings which are being equipped with a new oil or gas combustible furnaces, or if remodeling costs exceed \$10,000. All approved carbon monoxide detectors herein required shall comply with all federal, state and local standards for such devices. Carbon monoxide detectors shall bear the label of a nationally recognized standards testing laboratory, which indicates that each such detector has been tested and listed as a single carbon monoxide detector."

Section 43.2.2.4 Amend to read as follows: That portion of a building affected by any ~~renovation~~, modification, or reconstruction work as initially intended by the owner, and indicated as such in the permit, but excluding other portions of the building where incidental work entailed by the intended work must be performed, and excluding portions of the building where work not initially intended by the owner is specifically required.

Section 43.6.4.1 Amend to read as follows: In a building with rehabilitation work areas involving modification, or reconstruction of over 50 percent of the aggregate building area, and/or when 50% or more of the aggregate wall and ceiling finishes (plaster, plaster board, gypsum board, suspended ceiling systems, etc.) is being removed down to the framing, automatic sprinkler systems shall be provided on the highest floor containing a rehabilitation work area and on all floors below in accordance with the requirements of other sections of this Code applicable to new construction for the occupancy.

Section 43.6.4.2 Amend to read as follows: On any story with rehabilitation work areas involving modification, or reconstruction of over 50 percent of the area of the story, and/or when 50% or more of aggregate wall and ceiling finishes (plaster, plaster board, gypsum board, suspended ceiling systems, etc.) is being removed down to the framing, a sprinkler system shall be provided throughout the story in accordance with the requirements of other sections of this Code applicable to new construction for the occupancy.

Section 43.8.1.1 Amend to read as follows: Where an addition, as defined in 43.2.2.1.7, is made to a building, ~~both of the following criteria~~ criteria shall be met:

~~(1) The addition shall comply with other sections~~

Additions are bold and double-underlined; deletions are struck through.

~~of this Code applicable to new construction for the occupancy.~~

~~(2) The existing portion of the building shall comply with the requirements of this Code applicable to existing buildings for the occupancy.~~

Whenever a residential dwelling undergoes construction resulting in an addition that is 50% or greater than the size of the original structure, the entire structure shall be subject to the fire protection requirements in accordance with the adopted codes applicable to new construction for the occupancy.

Section 43.8.1.3 Amend to read as follows: Any ~~repair, renovation, alteration,~~ **modification** or reconstruction work within an existing building to which an addition is being made shall comply with the requirements of ~~Section 43.3, 43.4,~~ **Sections** 43.5, and 43.6.”

SECTION 3. SEVERABILITY. If any provision of this Ordinance or part thereof is held invalid by a court of competent jurisdiction, the remaining provisions of this Ordinance shall remain in full force and effect, and shall be interpreted, applied, and enforced so as to achieve, as near as may be, the purpose and intent of this Ordinance to the greatest extent permitted by applicable law.

SECTION 4. EFFECTIVE DATE. This Ordinance shall be in full force and effect from and after its passage, approval, and publication in the manner provided by law.

[SIGNATURE PAGE FOLLOWS]

PASSED this 19th day of September, 2017.

AYES: Trustees Patel, Cope, Ikezoe-Halevi, Hlepas Nickell, Spino, Sugarman

NAYS: None

ABSENT: None

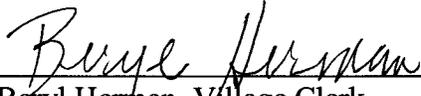
ABSTENTION: None

APPROVED by me this 19th day of September, 2017.



Barry I. Bass, President
Village of Lincolnwood, Cook County, Illinois

ATTESTED and FILED in my office the
19th day of September, 2017.



Beryl Herman, Village Clerk
Village of Lincolnwood, Cook County, Illinois

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