

PROPERTY INFORMATION

Existing Land Use: Contractors, architects, and engineers equipment and materials storage yard

Size of Property: 4.33 acres

Comprehensive Plan: Recommends Light Industrial

Existing Zoning: I – Limited Industrial District

Surrounding Zoning and Land Use:

North: I – Limited Industrial District; developed as a cartage and express facility, known as Fox Brothers Transfer, Inc. and a warehouse, known as Kent H. Landsberg Paper Co.

South: I – Limited Industrial District; undeveloped vacant lot.

East: I – Limited Industrial District; undeveloped vacant lot.

West: I – Limited Industrial District; developed with a metal fabricating establishment, known as Line Craft Tool Company.

ANALYSIS

SUBMITTALS

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

1. Petition for Public Hearing, received June 15, 2012.
2. Standards for Conditional Uses, Planned Developments and Variations, dated June 11, 2012, prepared by the petitioner.
3. Materials Board, prepared by DLR Guoup.
4. ‘Plan Commission Submittal’ (includes Building Diagram, Architectural Floor Plan, Interior Floor Plan, Roof Plan, Building Elevations, Building and Wall Section, 3d Perspective, Sustainable Features and Precedents) dated June 15, 2012, prepared by DLR Group.
5. Site Demolition Plan, dated June 14, 2012, W-T Civil Engineering, LLC.

6. Site Geometric Plan, dated June 14, 2012 and amended July 10, 2012, W-T Civil Engineering, LLC.
7. Site Development Plan, dated June 14, 2012, W-T Civil Engineering, LLC.
8. Site Grading Plan, dated June 14, 2012, W-T Civil Engineering, LLC.
9. Landscape Plan, dated June 15, 2012 and as amended on July 10, 2012, prepared by Brusseau Design Group, LLC.
10. Boundary & Topographic Survey, dated June 11, 2012, prepared by W-T Land Surveying, Inc.
11. Site Photometric Plan, dated June 14, 2012, prepared by W-T Mechanical/Electrical Engineering, Inc.

DESCRIPTION

The subject property is currently improved with a contractors, architects, and engineers equipment and materials storage yard, known as Adjustable Forms. The petitioner is proposing to construct a 7,912 square foot warehouse addition along the eastern portion of the building and additional office space to be located along the southern portion of the principal building. A number of other site improvements are also being proposed to enhance the functionality of the site. Contractors, architects and engineers equipment and materials storage yards are listed as a conditional use within the I – Limited Industrial District.

The principal building slightly encroaches into the required twenty-five (25) foot corner side yard setback requirement (it is 24.92' feet south of the Progress Road right of way line); as such, the petitioner is requesting a variation to the corner side yard setback requirement to maintain the existing building line of the principal structure to construct the proposed addition, which would result in a 24.39' setback. The proposed exterior modifications to the western portion of the building would result in an encroachment of about four feet into the requisite yard.

As the aforementioned relief being requested in the I – Limited Industrial District on the subject property meets the minimum lot area and width requirements for a planned development, a conditional use to establish the subject property as a planned development is also required.

A variation from the perimeter lot landscaping requirements was initially requested to provide for ten (10) parking stalls along the southern access drive. However, the petitioner's amended plans removed the need for the relief.

Lastly, a major plat of subdivision approval is also being requesting to make the subject property a lot of record.

INTER-DEPARTMENTAL REVIEW COMMENTS

PUBLIC WORKS & ENGINEERING

The Private Engineering Services Division has the following comments on the subject petition:

- As a major plat of subdivision and a major development, the adjacent side of both Main Street and Progress Road must be improved with sidewalks, street lights and parkway trees per Section 154.
- The development site is already impervious so neither BMPs nor detention will be required.

FIRE DEPARTMENT

The Fire Department has no comments.

BUILDING DIVISION

The Building Division has no comments.

PLANNING

Proposed Improvements

Adjustable Forms is a concrete frame contractor specializing in large scale commercial construction. As noted, the petitioner is proposing to construct a 7,912 square foot warehouse addition along the eastern portion of the building and additional office space to be located along the southern portion of the principal building, which serves as the company's headquarters. As proposed, the building would contain 12,373 square feet of warehousing space and 8,047 square feet of office space. The remainder of the property serves as the storage yard for the materials associated with the concrete casting.

Building Elevations

The existing industrial building was constructed in the early 1980s. Along with the petitioner's expansion activities, he is proposing to provide for a modern exterior appearance to promote the ability of form construction to be both aesthetically pleasing and environmentally friendly, with numerous sustainable initiatives. As depicted in the packet submittal, the exterior facade will include cast-in-place panels and fiber concrete panels. To soften their appearance, and to include energy and aesthetic improvements, the west and south elevations will also incorporate horizontal metal panels. According to the petitioner, the use of sustainable features on the building will serve as an demonstration to their clients as to how their product can be incorporated into a sustainable design and include the following other "green" elements:

- Skylights
- Exterior sunshades
- Concrete with Flyash
- Permeable paving
- The use of native vegetation and bioswale

- Highly reflective roof membrane
- Reclad existing with high efficient system
- High efficient HVAC system
- Radiant heating
- Adaptive reuse of existing facility and structure
- Thermal storage wall
- Natural ventilation

Additional information about their sustainable features can be found in the 'Plan Commission Submittal' packet and entitled *Sustainable Features*.

Parking

The existing site configuration provides a total of 20 parking spaces, which is below the total number of parking spaces required of the current facility. For Adjustable Forms 8,047 square feet of office space, the Zoning Ordinance requires a minimum of 32 parking spaces (4 spaces/1000 square feet). For the 12,373 square feet of warehousing space, the Zoning Ordinance requires a minimum of 12 parking spaces (1 space/1000 square feet). As such, the minimum number of parking spaces on the subject property would be 44 spaces.

The petitioner is proposing a total 45 parking spaces to meet the new parking requirements. However, the petitioner notes that based upon their operations, the 45 spaces would exceed their specific demand based upon current operations. Spaces within the fenced area would be for business vehicles and/or employee use while the spaces outside the fenced areas would be for visitors and other office employees.

Traffic Flow

Access to the site can be obtained through entrances off of Main Street. The Progress Road driveways are not used. In their submittal, the petitioner provided templates showing vehicle truck movements and the desire to not have trucks operate over adjacent curbs. However, in the submitted plan set, staff noted that the original driveway width is 41.5' with an exterior flare going to 60' in width. Village Code has a maximum width of drives at 35' at the property line. The plan set shows the turning movements, but staff believes that this plan is over-engineered given the low amount of truck turning movements that will occur (about 6-8 daily). As such, staff recommended and that the drive width be reduced down to 25-30' (which would still provide for sufficient width, with a maximum flare at the property line of 35'). This redesign will also allow for the parking stalls on the south side of the drive aisle to be moved from less than one foot to 12' from the southern property line and meet perimeter landscape requirements. The petitioner did submit a modified plan depicting this change, which is supported by staff.

Landscaping

The petitioner has submitted a landscape plan that is intended to provide perimeter and internal parking lot landscaping similar to that specified in the Zoning Ordinance. The subject property is not directly adjacent to any residential zoning districts, therefore, transitional landscaping is not required. The plan also shows plantings throughout the site including a combination of shrubs, evergreens and ornamental trees. As a major development (defined as a commercial building addition of over 2,000 square feet in area), the Village will require parkway trees every 40' of the length of the public right of way.

Lighting/Photometrics

The petitioner has submitted a lighting and photometric plan, which would meet code requirements. Light packs would be added to the building.

Sidewalks

The abutting right of way to the property does not have existing public sidewalk. Major developments are required to have sidewalks and a drive around the area finds that we have required such walkways for the new and expanded projects in the industrial park (see neighboring Garfield Street as an example). As such, the Village will require this a condition of approval for the development and we can work with the petitioner to determine the appropriate location and appropriate grading issues. We will also require the sidewalk to cross through the driveway(s).

With respect to the sidewalk's final location, Village staff notes that the adjacent right of way does not have sufficient width to accommodate the public sidewalk. In lieu of requiring a right of way dedication, staff would be supportive of an easement for sidewalk purposes to be located at the final location where the sidewalk is to be placed. This approach would provide maximum flexibility in design, will ensure that the sidewalk will be located away from the adjacent street traffic and will not result in the existing and proposed facility from becoming non-conforming with respect to the requisite yards.

Compatibility with the Comprehensive Plan

The Comprehensive Plan suggests that subject property be developed with a light industrial land use. The subject property has been operating with a Contractors, architects, and engineers equipment and materials storage yard for a number of years. As the petitioner is requesting conditional use approval to continue such use, the operation of the property will continue to operate with a recognized light industrial use.

Compatibility with Surrounding Land Uses

The property is bordered by light industrial uses to the north and west and vacant industrially-zoned land to the south and east. As the use of the property would continue to operate as a Contractors, architects, and engineers equipment and materials storage yard, staff finds that the proposed use is compatible with other types of uses found within the North Avenue Business Park area and within the I District. The building addition will increase the prominence of the

office use and will include additional indoor storage which will soften the impact of the use on adjacent properties.

The storage yard and is entirely enclosed by an eight (8) foot chain link fence. The existing chain link/slat fence is legal non-conforming with respect to materials (the Village now requires solid fence materials). Staff noted to the petitioner that storage should not be above the maximum height of the fence.

Compliance with the Zoning Ordinance

A conditional use for a Contractors, architects, and engineers equipment and materials storage yard.

As previously mentioned, Adjustable Forms is a concrete frame contractor specializing in large scale commercial construction. The operation of the business could best be defined by the Zoning Ordinance as a Contractors, architects, and engineer's equipment and materials storage yard, which is listed as a conditional use in the I – Limited Industrial District. The actual casting for each project is done off-site at each corresponding project job site. The subject property serves as a staging area for the preparation and storage of the concrete casts.

The existing business activity and use is considered a legal nonconforming use. With the expansion of the proposed building addition and site enhancements, a conditional use approval is required.

Conditional Use for a Planned Development

The petitioner is requesting relief from the corner side yard setback and perimeter parking lot landscaping requirements. Furthermore, the subject property is 280 feet wide and over 189,500 square feet in area. As variations are being requested as part of this petition and the subject property exceeds the minimum lot area requirement of 60,000 square feet and minimum width requirement of 240 feet of frontage, the project is required to be established as a planned development under the requested zoning actions. As such, the petitioner is requesting to create the site as a Planned Development. The establishment of a planned development allows for a more unified and cohesive development. Staff also supports this approach and requests and supports site plan approval authority be given to the Plan Commission.

A variation from Sections 155.706(C), 155.709(B) and 155.508(C)(6)(b) of the Zoning Ordinance reducing the required perimeter parking lot and perimeter lot landscaping from five feet (5') to zero feet (0').

The petitioner's initial submittal requested relief sought relief from the perimeter landscape requirements. However, staff notes that the amended landscape plan submittal removes the need for the relief. Therefore, this request is being withdrawn from the petition.

A variation from Sections 155.420(F)(1)&(2) and 155.508(C)(6)(a) to reduce the required twenty-five (25) foot front and corner side yard.

In the I – Limited Industrial District all principal buildings and structures shall provide a minimum front and corner side yard setback of twenty-five (25) feet. The principal structure currently maintains a front yard setback (Main Street) of twenty-five (25) feet and a corner side yard setback (Progress Road) of twenty-four (24) feet. The new office addition will maintain the existing building line and, as previously mentioned, the requested relief for the front setback is to accommodate the perforated metal screen that is to be installed along the western building elevation. The screen protrudes three feet, six inches (3' 6") into the required front yard. The perforated metal screen is intended to serve as an exterior sunshade, one of the sustainable building design elements included in the plan and it will not increase the overall gross floor area of the building.

The proposed warehouse addition would be located in the corner side yard and is proposed to be 24.39' feet from the corner side property line. As such, a variation to the corner side yard setback is being requested for the proposed warehouse addition and to also memorialize the corner side yard setback of the existing building and to hold the existing building lines.

Major Plat of Subdivision.

As previously noted, this development is both a major subdivision and a major development as expressed in the Subdivision and Development Ordinance. The site consists of one lot. As the subject property is not a recognized lot of record, approval of a plat of subdivision is required in order to facilitate any development on the lot. The lot exceeds the minimum lot width requirement of eighty (80) feet and area of 20,000 square feet required of the I – Limited Industrial District; therefore, a Major Plat of Subdivision is required.

FINDINGS AND RECOMMENDATIONS

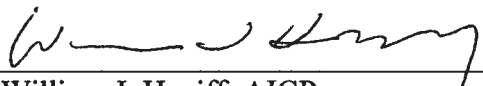
Based on the submitted petition and the testimony presented, the proposal **complies** with the standards required by the Lombard Zoning Ordinance; and, therefore, I move that the Plan Commission find that the findings included as part of the Inter-departmental Review Report be the findings of the Plan Commission and that granting the associated relief is in the best interest of the Village and the granting approval of a planned development in in the Village's best interest and enhances the overall development. Therefore, I recommend to the Corporate Authorities **approval** of PC 12-15, subject to the following conditions:

1. The petitioner shall develop the site in accordance with the Plan Commission Submittal Packet dated June 15, 2012 and companion materials board, prepared by DLR Group; the Site Geometric Plan, dated June 14, 2012 and amended July 10, 2012, W-T Civil Engineering, LLC.; the Site Development Plan and Site Grading Plan dated June 14, 2012, W-T Civil Engineering, LLC.; the Landscape Plan, dated June 15, 2012 and as amended on July 10, 2012, prepared by Brusseau

Design Group, LLC. and the Site Photometric Plan, dated June 14, 2012, prepared by W-T Mechanical/Electrical Engineering, Inc. and submitted as part of this request.

2. The deviation for the front yard setback relief along Main Street shall be limited to the exterior building aesthetic enhancements as depicted in the plan submittal packet and such improvements shall not be located closer than 21 feet from the right of way line. Furthermore, the deviation for the corner side yard setback along Progress Road shall be limited to the exterior building footprint as depicted in the plan submittal packet and shall not be located closer than 24 feet from the right of way line.
3. The petitioner's building improvements shall be designed and constructed consistent with Village Code and shall also address the comments included within the IDRC report.
4. As part of the public improvements, the petitioner shall provide full public improvements as required by Sections 154.304 and 154.306 of the Lombard Subdivision and Development Ordinance. The final design and location of all public improvements, including public sidewalk placement along Main Street and Progress Road shall be reviewed and approved by the Village.
5. That concurrent with the planned development approval, site plan approval authority be granted to the Plan Commission.

Inter-Departmental Review Group Report Approved By:



William J. Heniff, AICP
Director of Community Development

WJH/MT:

att:
c. Petitioner

PC 12-15; 1 E. Progress Road (Adjustable Forms)



June 11, 2012

222 South Riverside Plaza
Suite 2220
Chicago, IL 60606o: 312/382-9980
f: 312/382-9985Village of Lombard Plan Commission
255 E Wilson Ave
Lombard, IL 60148-3969Re: Project Name: Adjustable Forms, Inc. Renovation & Expansion
Response to applicable Standards
DLR Group Project No.: 22-12119-00

Dear Village of Lombard Plan Commission:

On behalf of the Owner, we offer the following responses to the standards of the Lombard Zoning Ordinance as they apply to the renovation and expansion of Adjustable Forms, Inc. (AFI) located at One East Progress Rd in Lombard.

STANDARDS FOR CONDITIONAL USES:***SECTION 155.103 (F)(8) OF THE LOMBARD ZONING ORDINANCE:***

No conditional use shall be recommended by the Plan Commission unless it finds:

1 That the establishment, maintenance, or operation of the conditional use will not be detrimental to, or endanger the public health, safety, morals, comfort, or general welfare;

RESPONSE: This development will not serve as a detriment or endanger public health, safety, morals comfort or general welfare. The development does not introduce a new business to the area, as it is an existing business. This project encompasses modifications and adjustments to the existing business to enhance the property and area.

2 That the conditional use will not be injurious to the uses and enjoyment of other property in the immediate vicinity for the purposes already permitted, not substantially diminish and impair property values within the neighborhood in which it is to be located;

RESPONSE: This development will not injure use and enjoyment of property in the immediate vicinity for permitted purposes, nor substantially diminish or impair property values in the neighborhood. This is an established business in the district surrounded by other properties that are industrial. The development is to modernize the existing building and provide aesthetic enhancements, and in turn will not diminish, but rather enhance property values in the area.

3 That the establishment of the conditional use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district;

RESPONSE: This development will not impede the normal and orderly development and improvement of surrounding property. The property to the south and southeast of the existing business are also owned by Adjustable Forms, Inc.

4 *That the adequate public utilities, access roads, drainage and/or necessary facilities have been or will be provided;*

RESPONSE: As this is an established business, adequate utilities roads and drainage are provided for this development. All code provisions for utility infrastructure will be met.

5 *That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets;*

RESPONSE: Special care has and will be taken to minimize traffic congestion in public streets adjacent to the development for the reconfigured ingress/egress into the site. The access adjustments to the site will accommodate the existing traffic, and traffic is expected to remain consistent with today's volume in and out of the site.

6 *That the proposed conditional use is not contrary to the objectives of the current Comprehensive Plan for the Village of Lombard; and,*

RESPONSE: The proposed conditional use is not contrary to the objectives of the Village's Comprehensive Plan. This development is for an upgrade and modernization to the existing business. Expansion of the office area and upgraded aesthetics will give a more business park feel to the area.

7 *That the conditional use shall, in all other respects, conform to the applicable regulations of the district in which it is located, except as such regulations may, in each instance, be modified pursuant to the recommendations of the Plan Commission*

RESPONSE: This development will conform to the applicable regulations of the district.

STANDARDS FOR PLANNED DEVELOPMENTS:

SECTION 155.508 (A) (B) (C) OF THE LOMBARD ZONING ORDINANCE

Except as provided below, no planned development shall be approved unless the Village Plan Commission and the Village Board find that the development meets the standards for conditional uses, and the standards set forth in this Section. Notwithstanding the foregoing, the Village Board may approve a planned development which does not comply with these standards or with the standards for conditional use, if the Board finds that the application of such standards, to the development being considered, would not be in the public interest.

A. General Standards

1. *Except as modified by and approved in the final development plan, the proposed development complies with the regulations of the district or districts in which it is to be located.*

RESPONSE: This development complies with the district regulations.

2. *Community sanitary sewage and potable water facilities connected to a central system are provided.*

RESPONSE: As this is an established business, existing sewage and potable water facilities connected to a central system are provided.

3. *The dominant use in the proposed planned development is consistent with the recommendations of the Comprehensive Plan of the Village for the area containing the subject site.*

RESPONSE: The dominant use of the development is consistent with recommendations of the Village's Comprehensive Plan in this industrial district.

4. *That the proposed planned development is in the public interest and is consistent with the purposes of this Zoning Ordinance.*

RESPONSE: The development is in the interest of the public and is consistent with the purposes of this Zoning Ordinance. The aesthetic upgrades and modernization to the existing business will provide aesthetic enhancements to the area.

5. *That the streets have been designed to avoid:*
 - a. *Inconvenient or unsafe access to the planned development;*

RESPONSE: Special care has and will be taken to allow for safe access into the development for the general public, employees and deliveries.

b. Traffic congestion in the streets which adjoin the planned development;

RESPONSE: Special care has and will be taken to minimize traffic congestion in public streets adjacent to the development. Traffic flows are expected to remain consistent with current flows of the existing business.

c. An excessive burden on public parks, recreation areas, schools, and other public facilities which serve or are proposed to serve the planned development.

RESPONSE: As this is an established business, no excessive burden is placed on any public facilities as a result of this development.

B. Standards for Planned Developments with Use Exceptions

The ordinance approving the Final Development Plan for the planned development may provide for uses in the planned development not allowed in the underlying district, provided the following conditions are met:

- 1. Proposed use exceptions enhance the quality of the planned development and are compatible with the primary uses*

RESPONSE: This development does not contain proposed use exceptions.

- 2. Proposed use exceptions are not of a nature, nor are located, so as to create a detrimental influence in the surrounding properties*

RESPONSE: This development does not contain proposed use exceptions.

- 3. Proposed use exceptions shall not represent more than 40% of the site area or more than 40% of the total floor area, whichever is less. However, in a residential planned development area no more than 10% of the site area or the total floor area shall be devoted to commercial use; furthermore, no industrial use shall be permitted.*

RESPONSE: This development does not contain proposed use exceptions.

C. Standards for Planned Developments with Deviations

The Village Board may approve planned developments which do not comply with the requirements of the underlying district regulations governing lot area, lot width, bulk regulations, parking and sign regulations, or which require modification of the subdivision design standards when such approval is necessary to achieve the objectives of the proposed planned development, but only when the Board finds such exceptions are consistent with the following standards

- 1. Any reduction in the requirements of this Ordinance is in the public interest*

RESPONSE: The proposed development does not take on reductions in the requirements of this Ordinance.

2. *The proposed deviations would not adversely impact the value or use of any other property*

RESPONSE: This development does not contain proposed deviations that would impact the value or use of any other property. The development is to modernize the existing building and provide aesthetic enhancements, and in turn will not diminish, but rather enhance property values in the area.

3. *That such deviations are solely for the purpose of promoting better development which will be beneficial to the residents or occupants of the planned development as well as those of the surrounding properties*

RESPONSE: Any proposed deviations incorporated into the development are solely for the betterment of the development, its occupants and surrounding properties.

4. *That the overall floor area of the planned development shall not exceed by more than 40% the maximum floor area permitted for the individual uses in each applicable district*

RESPONSE: Overall floor areas for the development are not in excess of requirements.

5. *That in residential planned developments the maximum number of dwelling units allowed shall not exceed by more than 40% the number of dwelling units permitted in the underlying district*

RESPONSE: Not applicable.

6. *That all buildings are located within the planned development in such a way as to dissipate any adverse impact on adjoining buildings and shall not invade the privacy of the occupants of such buildings and shall conform to the following:*

- a. *The front, side or rear yard setbacks on the perimeter of the development shall not be less than that required in the abutting zoning district(s) or the zoning district underlying the subject site, whichever is greater.*

RESPONSE: The Owner requests companion relief of 4'-0" from the front yard (west façade) setback and 12" from the side yard (north façade) setback for architectural and energy performance enhancements to the building facades.

At the front yard, west façade, the design makes use of the existing building foundations and slab, while providing a new high performance building envelope. This west façade is designed with an exterior perforated metal panel, outboard of the building envelope (glass) to minimize harsh heat gain to the interior of the building late in the day.

At the side yard, north façade, the existing warehouse façade is enhanced and re-clad with an air barrier, continuous insulation and fiber cement panel system to improve performance.

- b. *All transitional yards and transitional landscape yards of the underlying zoning district are complied with.*

RESPONSE: No transitional yards. Abutting I district properties.

- c. *If required transitional yards and transitional landscape yards are not adequate to protect the privacy and enjoyment of property adjacent to the development, the Plan Commission shall recommend either or both of the following requirements:*

- 1) *All structures located on the perimeter of the planned development must set back by a distance sufficient to protect the privacy and amenity of adjacent existing uses;*

RESPONSE: While there is an encroachment into front (north) and side (west) yards, the enhancements to the existing business benefit the most visible corner of the area and district. The existing business is adjacent to two main avenues, and the aesthetics soften views into the industrial district.

- 2) *All structures located along the entire perimeter of the planned development must be permanently screened with sightproof screening in a manner which is sufficient to protect the privacy and amenity of adjacent existing uses.*

RESPONSE: Existing screening is in place.

7. *That the area of open space provided in a planned development shall be at least 25% more than that required in the underlying zone district.*

RESPONSE: The majority of the existing business and especially the storage yard is not changing from existing layout.

STANDARDS FOR VARIATIONS:

SECTION 155.103.C.7 OF THE LOMBARD ZONING ORDINANCE:

The regulations of this ordinance shall not be varied unless findings based on the evidence presented are made in each specific case that affirms each of the following standards:

- 1. Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of the regulations were to be applied.*

RESPONSE: This is for an existing business and thus the building is established in current location. The development provides aesthetic enhancements to improve aesthetic of the main facades and improve energy performance.

- 2. The conditions upon which an application for a variation is based are unique to the property for which the variation is sought, and are not generally applicable to other property within the same zoning classification.*

RESPONSE: The existing business is in the Industrial district. This is an established use and the development is providing aesthetic enhancements. It important to have the aesthetic enhancements, especially at this location, as it is a "gateway" into the industrial park along Main Street and North Avenue. There is distinct visible prominence of the existing business, and special care has been taken for improved/enhanced aesthetics.

- 3. The purpose of the variation is not based primarily upon a desire to increase financial gain.*

RESPONSE: The purpose is for aesthetic and energy improvement reasons.

- 4. The alleged difficulty or hardship is caused by this ordinance and has not been created by any person presently having an interest in the property.*

RESPONSE: The ordinance allows for 3' encroachment of eaves and gutters. The encroachment proposed is new technology and the ordinance as written does not contemplate this aesthetic enhancement and energy improvement aspects.

- 5. The granting of the variation will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located.*

RESPONSE: The enhanced aesthetics of the improvements would benefit the neighborhood aesthetics.

6. *The granting of the variation will not alter the essential character of the neighborhood; and,*

RESPONSE: The aesthetic enhancements will not alter the use. The use remains the same.

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

RESPONSE: The proposed variation will not impair light or air to adjacent property, increase congestion in streets, increase danger of fire, impair natural drainage, endanger the public safety, or diminish property values. Instead the aesthetics will help add value to the neighborhood and adjacent properties.

Sincerely,

DLR Group

Adam St. Cyr
Digitally signed by Adam St. Cyr
DN: cn=Adam St. Cyr, o=DLR Group, ou,
email=astcyr@dlrgroup.com, c=US
Date: 2012.06.14 16:29:41 -05'00'

Adam M. St. Cyr, AIA, LEED AP
Senior Associate

cc: Project e-file; Jim Lindquist (AFI); Eric Lindquist (AFI)