

VARIANCE FEES

MGO \$50.00
COMM \$490.00
Priority – Double above

PETITION FOR VARIANCE APPLICATION

**City of Madison
Building Inspection Division**
215 Martin Luther King Jr. Blvd. Ste. 17
PO Box 2984
Madison, WI 53701-2984
(608) 266-4568

Amount Paid

Name of Owner Cheryl Parzych & Dana Lytle	Project Description 2nd & 3rd floor alteration	Agent, architect, or engineering firm
Company (if applies)		No. & Street
No. & Street 1102 Sherman Avenue	Tenant name (if any)	City, State, Zip Code
City, State, Zip Code Madison, WI 53703	Building Address 1102 Sherman Ave. Madison, WI 53703	Phone
Phone 608-770-5623 (Cheryl)		Name of Contact Person
e-mail cheryl@artworksherpa.com (Cheryl) dlytle@planetpropaganda.com (Dana)		e-mail

1. The rule being petitioned reads as follows: (Cite the specific rule number and language. Also, indicate the nonconforming conditions for your project.)

SPS 321.03 (3) Exits above the second floor. (see Attachment A)

2. The rule being petitioned cannot be entirely satisfied because:

SPS 321.03 (3) Exits above the second floor. (see Attachment A & B)

3. The following alternatives and supporting information are proposed as a means of providing an equivalent degree of health, safety, and welfare as addressed by the rule:

SPS 321.03 (3) Exits above the second floor. (see Attachment A & B)

Note: Please attach any pictures, plans, or required position statements.

VERIFICATION BY OWNER – PETITION IS VALID ONLY IF NOTARIZED AND ACCOMPANIED BY A REVIEW FEE AND ANY REQUIRED POSITION STATEMENTS.

Note: Petitioner must be the owner of the building. Tenants, agents, contractors, attorneys, etc. may not sign the petition unless a Power of Attorney is submitted with the Petition for Variance Application.

Cheryl Parzych & Dana Lytle, being duly sworn, I state as petitioner that I have read the foregoing petition, that I believe it to be true, and I have significant ownership rights in the subject building or project.

Signature of owner	Subscribed and sworn to before me this date:
Notary public	My commission expires:

NOTE: ONLY VARIANCES FOR COMMERCIAL CODES ARE REQUIRED TO BE NOTARIZED.

I. SPS 321.03 Exits. Exits, doors and hallways shall be constructed as specified in this section.

3) Exits above the second floor.

(a) Except as provided under pars. (b) and (c), each habitable floor above the second floor shall be provided with at least 2 exits that meet all of the following requirements:

1. The exits shall be stairways or ramps that lead to the second floor or discharge to grade.
2. The exits shall be located such that an exit is accessible to the second floor if another exit is blocked.

(b) A second stairway or ramp exit is not required for habitable areas on a third floor that meet all of the following requirements:

1. The habitable area consists of a single room.

Note: Non-habitable areas, such as closets and bathrooms may be partitioned off.

2. The room is not used for sleeping.
3. The habitable area has a floor area of 400 square feet or less.
4. There is at least one egress window meeting the requirements of sub. (6) in the habitable area.

(c) A second stairway or ramp exit is not required for habitable areas on a third floor that meet all of the following requirements:

1. The dwelling is fully sprinklered in accordance with NFPA 13R or NFPA 13D.
2. If a required exit includes an attached garage, the garage shall be sprinklered.

Nonconforming Conditions:

The third floor space has one stairway exit to the second floor.

2. The rule being petitioned cannot be entirely satisfied because:

- Spatial Limitations: Tight lots prohibit exterior stairway.

- Interior Construction Limitations: Over the years there has been numerous improvements made to the house by previous owners. During 1932, the 1st & 2nd floor back porches of the house were enclosed along with adding space above to the 3rd floor. During this remodel/addition a portion of the granite exterior was encased making interior walls that are 20" thick. This, along with what we believe was a cement porch ceiling was also enclosed making them impossible to alter without demolishing.

- Interior Historic Details: Along with the spatial and construction limitations in considering a second stairway, there are also impressive historic interior finish details to consider (i.e. - coffered ceilings, tray ceilings, paneled walls, columns, crown moulding, decorative base moulding and built in cabinetry). During the twenty years that we've lived in this 1912 home (located in the Sherman Ave Historic District) we too have made improvements. We painstakingly restored the aforementioned painted coffered ceilings, paneled walls, columns, crown moulding, base moulding, paneled doors and built in cabinets back to its original quarter sawn white oak finish. In addition, we have also repaired and refinished the quarter sawn oak and maple floors throughout. By building a second interior stairway or sprinkling the entire dwelling, much of the character, finishes and historic quality that is original to the house would be destroyed.

- Note: Project was previously approved in a 2004 variance (see attachment B). At that time, we made significant progress on the approved plan by adding 2 dormers, replaced all existing 3rd floor windows, new roof on entire house, all in preparation to complete the 3rd floor space. We had intention of finishing then but had to halt it because of financial constraints.

3. The following alternatives and supporting information are proposed as a means of providing an equivalent degree of health, safety, and welfare as addressed by the rule:

- A hardwired interconnected smoke detection system will be provided on all levels.
- Provide a 3rd floor code compliant sprinkler system.
- Provide a stairway code compliant sprinkler system between 2nd & 3rd floor which would allow direct access through the three egress windows from the second floor to the front porch roof.

Note: As stated above in question #2: Trying to sprinkle the entire dwelling would result in tearing up original hardwood floors, tile floors, destroying original wood paneled walls, coffered ceilings and tray ceilings and impossible to get through the granite walls & cement ceiling.

- There are 18 windows provided on the third floor as additional means of egress.
- Stairway to third floor will provide 77" or greater of headroom space, exceeding the minimum requirement of 76".
- Removal of all knob and tube wiring will be provided.
- Extra wide bedroom door (36") will be provided on third floor instead of the standard 32" requirement.
- Extra wide hallway (44") will be provided on third floor instead of the standard 36" requirement.
- Variance was previously approved in 2004 for these reasons (see Attachment B):
 - This is a non Fire Department issue.
 - Madison Building Inspection supported the variance.
 - Precedence has been set at least five times in the past: 1801 Rowley Avenue, 1802 Keyes Avenue, 535 Evergreen Avenue, 1901 Vilas Avenue, 2124 Chamberlain Avenue and 1124 Spaight Street.



Department of Planning & Development
Inspection Unit

Website: www.cityofmadison.com

Madison Municipal Building
215 Martin Luther King, Jr. Boulevard
P.O. Box 2984
Madison, Wisconsin 53701-2984
TDD 608 266 4747
FAX 608 266 6377
PH 608 266 4551

February 11, 2004

DANA LYTLE & CHERYL PARZYCH
1102 SHERMAN AVE
MADISON WI 53703

Subject: Variance Request for 1102 Sherman Avenue

Your request for variance has been reviewed. We found that your request can be approved on past precedence because at least five other requests for variance on this code section have been approved.

YOU DO NOT HAVE TO ATTEND THE BOARD OF BUILDING, CODE, FIRE CODE AND LICENSING APPEALS MEETING SCHEDULED FOR February 17, 2004.

A variance approval letter will be sent to you within the next two (2) weeks.

If you have any questions, please contact me at 266-4568.

Sincerely,

Harry A. Sulzer, P.E.
Plan Review & Construction Supervisor

cc: Architecture Network
Jason Ekstrom
116 E. Dayton Street
Madison, WI 53703



March 3, 2004

Department of Planning & Development
Inspection Unit

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DANA LYTLE & CHERYL PARZYCH
1102 SHERMAN AVE
MADISON WI 53703

RE: 1102 Sherman Avenue
Petition No. M-02-11-2004

Dear Ms. Lytle & Ms. Parzych:

Your variance to Section 29.19 of the Madison General Ordinances has been reviewed.

The rule requires through the adoption of Comm 21.03 that a second exit be provided from the third floor. The variance request is to allow the existing stairway to remain from second to third floor. Egress windows provide additional means of safety as well as a rope ladder.

Considered were your statements:

1. There is no room for an additional stairway.
2. Hardwired interconnected smoke detectors will be provided on all levels.
3. There are windows provided on the third floor as additional means of egress.
4. A rope ladder will be provided under the south window.

The following comments were made in the petition analysis:

1. This is a non Fire Department issue.
2. Madison Building Inspection supports the variance.
3. In reviewing previous action of the Board of Building Code, Fire Code and Licensing Appeals, we find precedence has been set at least five times in the past: 1801 Rowley Avenue, 1802 Keyes Avenue, 535 Evergreen Avenue, 1901 Vilas Avenue, 2124 Chamberlain Avenue, and 1124 Spaight Street.

RECOMMENDATION: **CONDITIONAL APPROVAL**

The conditions of approval are:

1. A hardwired interconnected smoke detection system will be installed on all levels.
2. Egress windows will be provided.
3. A rope ladder will be provided under the south window.

APPLICATION INSTRUCTIONS

1. Fill in the owner's information section. It is important to have a complete address and phone number for communication between the applicant and the department.
2. Fill in the project description box. Explain what the building project is. (Basement alteration, second floor alteration, two-story addition, etc.)
3. If there is an agent working for the owner and the agent is a better contact for information regarding the variance, fill in the agent information area.
4. Answer the three questions.
 1. State the code and section number with a summary of what the code says. Also, indicate what the nonconforming conditions for the project are. (example: SPS 321.04 minimum stair width is 36 inches. We will have 34 inches of stair width.)
 2. State why the rule cannot be satisfied. (example: not structurally feasible)
 3. State what will be done to provide an equivalency to the code. These items should be things that relate to the item the variance is being sought for and exceed code requirements.
5. Print the Owner's name on the line indicating to do so.
6. The owner of the property is required to sign where indicated. If the project is for a one or two family home the form is not required to be notarized. If the project is for a commercial building the form is required to be notarized.

Variance Procedure

1. Fill out the variance form.
2. If the variance is for a commercial building and is not for an accessibility code contact the fire department so they can fill out a fire department position statement.
3. Submit the application and fee to the building inspection department. Also, where applicable, submit the fire department position statement.
4. A field inspector may visit the site to verify existing conditions and the completeness of the application.
5. If there have previously been at least 5 variances for the same item approved, the variance may be approved on precedence. In this case the applicant will not have to attend a meeting of the building board and will be notified by letter that the variance is approved. The letter will be sent within 7 days after the scheduled meeting.
6. In all other cases the variance will be presented to the building board at a monthly meeting. 7 days before the meeting the supervisor will review the variance for approval to be put on the agenda. 5 days before the meeting the secretary will mail out the agenda to the Appeals Board members and to the applicants.
7. When a variance is heard by the board the applicant or agent must attend the meeting to answer questions.
8. The meeting minutes will be mailed within 7 days after the meeting.