

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.
Madison, WI 53703
(608) 266-4568

Amount Paid
\$490 M 12-8-15

Name of Owner 101 King, LLC	Project Description Alteration (level 3) to an existing multi-story building including a Change of Occupancy to one of a "higher hazard" for life safety per 2009 IEBC Chapter 9 (see attachment).	Agent, architect, or engineering firm OPN Architects, Inc.
Company (if applies) Urban Land Interests	Tenant name (if any) Lucille	No. & Street 301 North Broom Street - Suite 100
No. & Street 10 East Doty Street - Suite 300	Building Address 101 King Street	City, State, Zip Code Madison, WI 53703
City, State, Zip Code Madison, WI 53703	Madison, WI 53703	Phone 608.819.0260
Phone 608.251.0706		Name of Contact Person Wesley Reynolds
e-mail mbinkowski@uli.com		e-mail wreynolds@opnarchitects.com

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

SEE ATTACHMENT

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

SEE ATTACHMENT

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:

SEE ATTACHMENT (including graphic diagrams & plans)

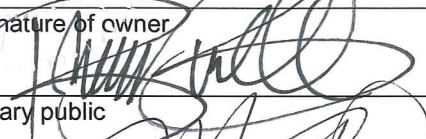

Note: Please attach any pictures, plans, or required position statements.

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.

BRAD BUKOWSKI
Print name of owner

_____, 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: December 8, 2015
Notary public  Maria G. Wall	My commission expires: 9-28-2018

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

PETITION FOR VARIANCE APPLICATION ATTACHMENT

December 08, 2015



PROJECT: Lucille – 101 King Street

OWNER: Mark Binkowski
101 King, LLC

ARCHITECT: Wesley Reynolds
OPN Architects, Inc.

Daniel J. Thies, AIA

Steven K. Knierim, AIA

Bradd A. Brown, AIA

Terry L. Gebard, AIA

David J. Sorg, AIA

Roger B. Worm, AIA

Richard S. Seely, AIA

Wes T. Reynolds, AIA

1. The rule being petitioned reads as follows:

2009 IBC 1104.4:

Multilevel buildings and facilities. At least one accessible route shall connect each accessible level, including mezzanines, in multilevel buildings and facilities.

For existing buildings the above rule is generally superseded by the exception permitted in the 2009 IEBC under 310.7(1) (*see also 605.2(1)*):

Alterations affecting an area containing a primary function. Where an *alteration* affects the accessibility to, or contains an area of, a *primary function*, the route to the *primary function* area shall be accessible. The accessible route to the *primary function* area shall include toilet facilities or drinking fountains serving the area of *primary function*.

Exceptions:

1. The costs of providing the accessible route are not required to exceed 20 percent of the costs of the alterations affecting the area of *primary function*.

Plan Examiner has cited that because the proposed project seeks to infill part of an existing open to below portion of the existing second floor at 101 King Street, the new floor area created negates the disproportionality exception of IEBC 310.7(1). As such, without this exception, the new floor areas, and by default, the entirety of the second floor must meet the accessibility requirements for new construction and as outlined in the 2009 IBC 1104.4.

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

Petitioner is seeking to allow the disproportionality exception of the 2009 IEBC 310.7(1) to be applicable to the second floor of 101 King because a significant portion of the new floor area proposed is a reallocation of an intermediate mezzanine level between the first and second floors which served as a landing to multiple runs of non-compliant stairs. The additional square footage of new floor area on the second floor is the result of the simplification of installing a code compliant stair, simplified egress routes, and the structural reinforcing of the

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Madison

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existing floor structures to accommodate the increased rating of 100 psf live load as required by the change in occupancy.

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:

The proposed project is an alteration (level 3) to an existing building, including a change of occupancy from B occupancy (office use) to A-2 occupancy (restaurant use). As such there are many significant life safety improvements being made to the building including:

- Providing NFPA 13 automatic sprinkler system throughout all floors.
- Reinforcing the structural system of the first and second floors to comply with 100 psf live load.
- The need to reinforce the floor structure around the odd configuration of the existing open stair and its intermediate mezzanine level / landing gave rise to the opportunity to replace these existing and non-compliant stairs with a fully compliant stair between all floor levels. This includes adequate live load capacity for the stair in addition to maintaining necessary egress width, handrail and guardrail design as well as the proper stair slope. The changes create a simpler and safer egress route for the occupants.
- HVAC and Electrical systems will be upgraded to meet current codes, capacities, and energy efficiencies.
- Building owner is replacing the exterior windows to more energy efficient assemblies.
- The building entry is being remodeled and enlarged, including structural modifications which will improve the accessible route into and out of the building.
- A non-compliant, single-user restroom on the first floor (accessible level and level of exit discharge) will be replaced with new, fully accessible, multi-fixture restrooms for each gender.

All applicable construction costs (applicable costs do not include MEP, kitchen equipment, or non-fixed furnishings) equate to \$696,431, including the construction costs to infill the proposed floor areas at the second floor and new stairs. Projected costs to provide full accessibility per the disproportionality form is \$362,177, while the 20% maximum value per disproportionality is \$139,286.

Projected accessibility / accessible route improvements equal \$117,245 and would meet all other ADA enhancements short of providing vertical accessibility between floors, which would be another \$200,000+ to provide full vertical accessibility.



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All work, including the proposed new floor area, is within the existing building envelope & structural shell. The proposed new floor areas that are created to replace and reallocate the existing intermediate mezzanine level will also be removing some combustible framing elements associated with the existing mezzanine and installing non-combustible framing.

Of the total 584 sf of proposed mezzanine floor infill, 234 sf (the second floor "replacement egress" + proposed area "A") is the area involved in renovating the stair and only 350 sf (proposed areas "B" + "C") is additional / new floor area. Looking at it another way, the overall existing building floor area of all levels is 6,614 sf while the proposed project would be 6,989 sf. The net increase of 375 sf represents only a 5.6% overall increase of floor area. Providing fully accessibility to the second floor based on such a minor overall change to building floor area is disproportionate to the overall project.

We feel the spirit of the disproportionality exception of the 2009 IEBC 310.7(1), also referenced in 2009 IEBC 605.1(1), applies in this instance because the new floor area is a minor change to the building overall area. Furthermore, the other life safety improvements being added to the buildings will significantly upgrade the building condition and accessibility. Denying this petition would create an undue hardship for the building owner and tenant.



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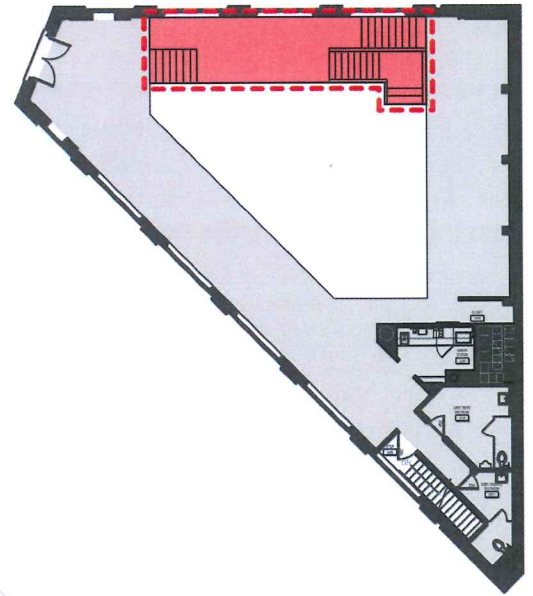
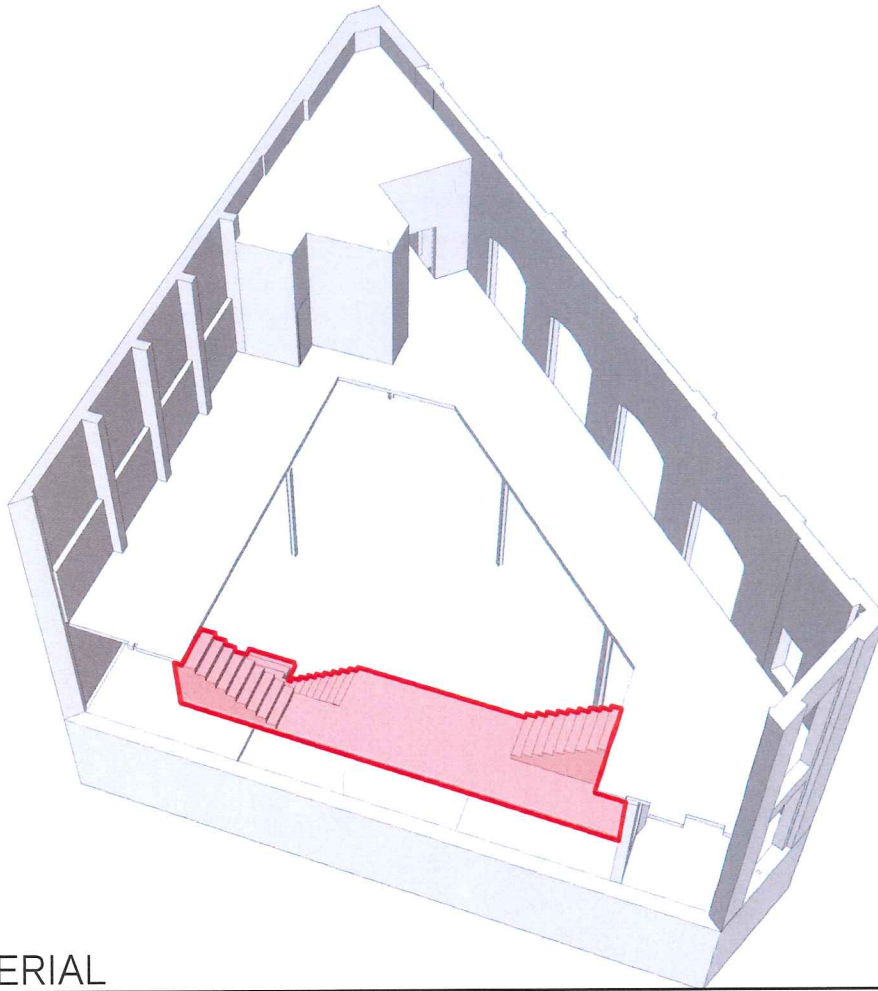
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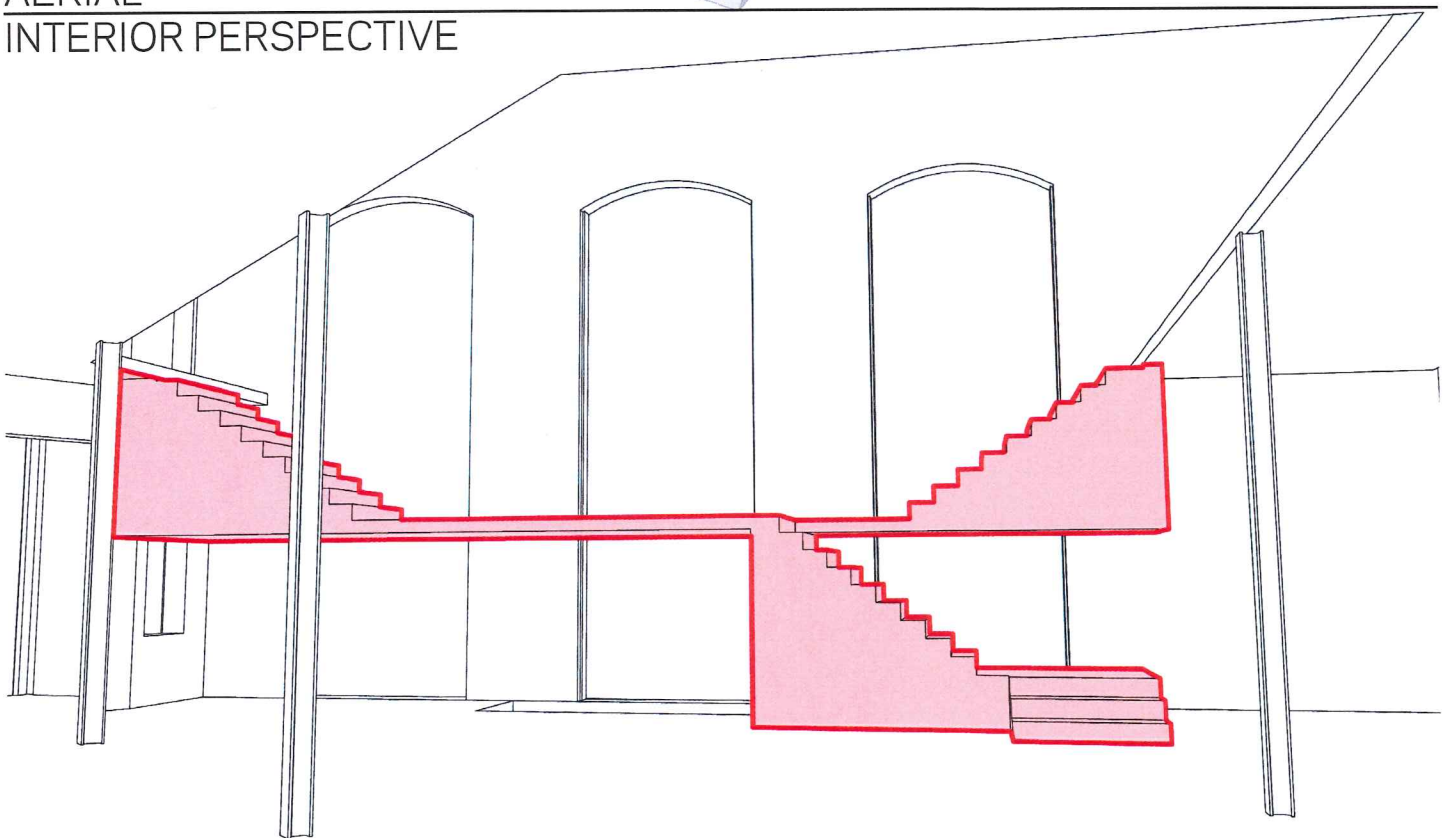
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ORIGINAL CONDITION

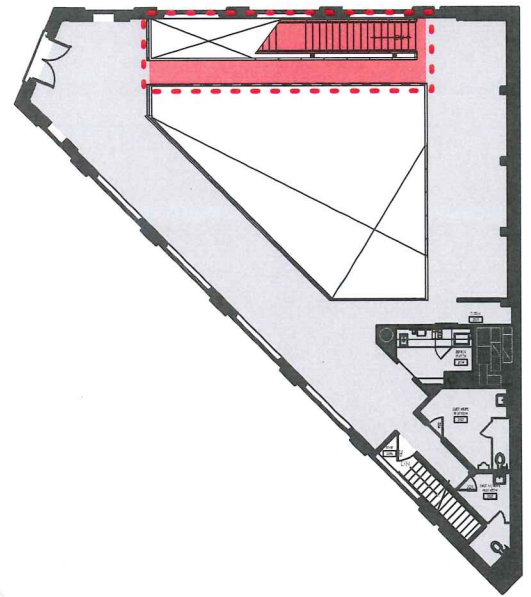
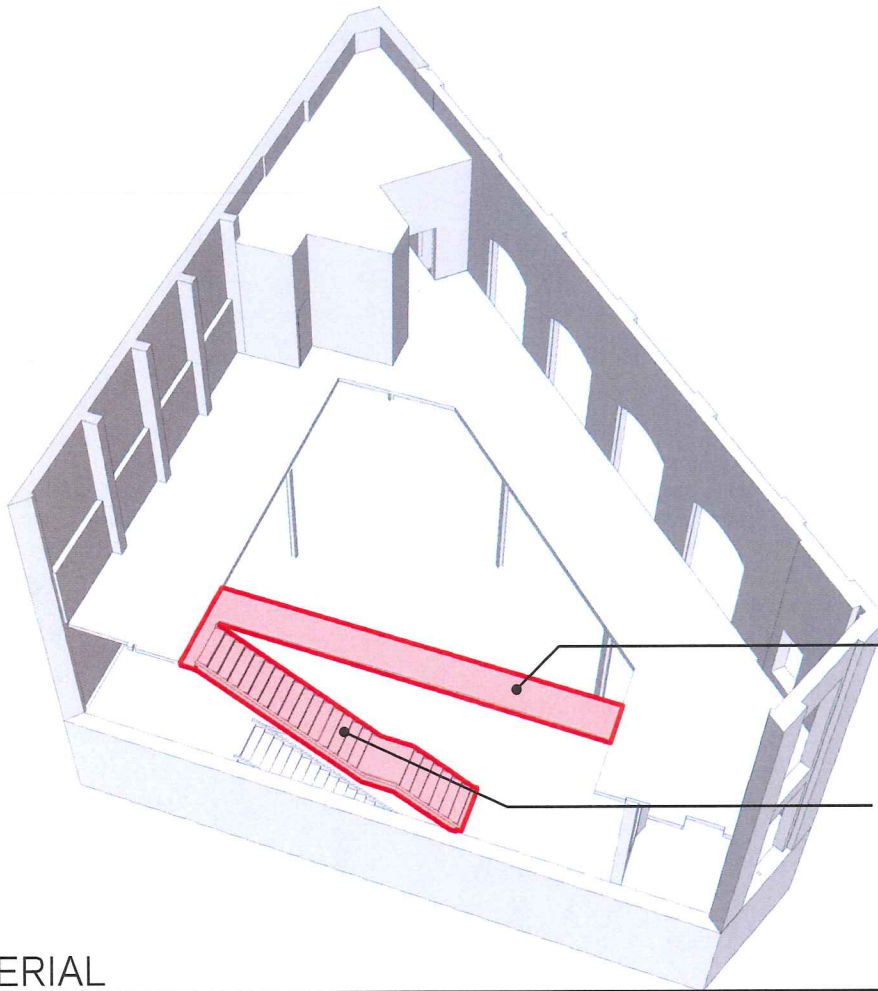


ORIGINAL STAIR AND EGRESS
OUTLINE:
344 SF

AERIAL INTERIOR PERSPECTIVE



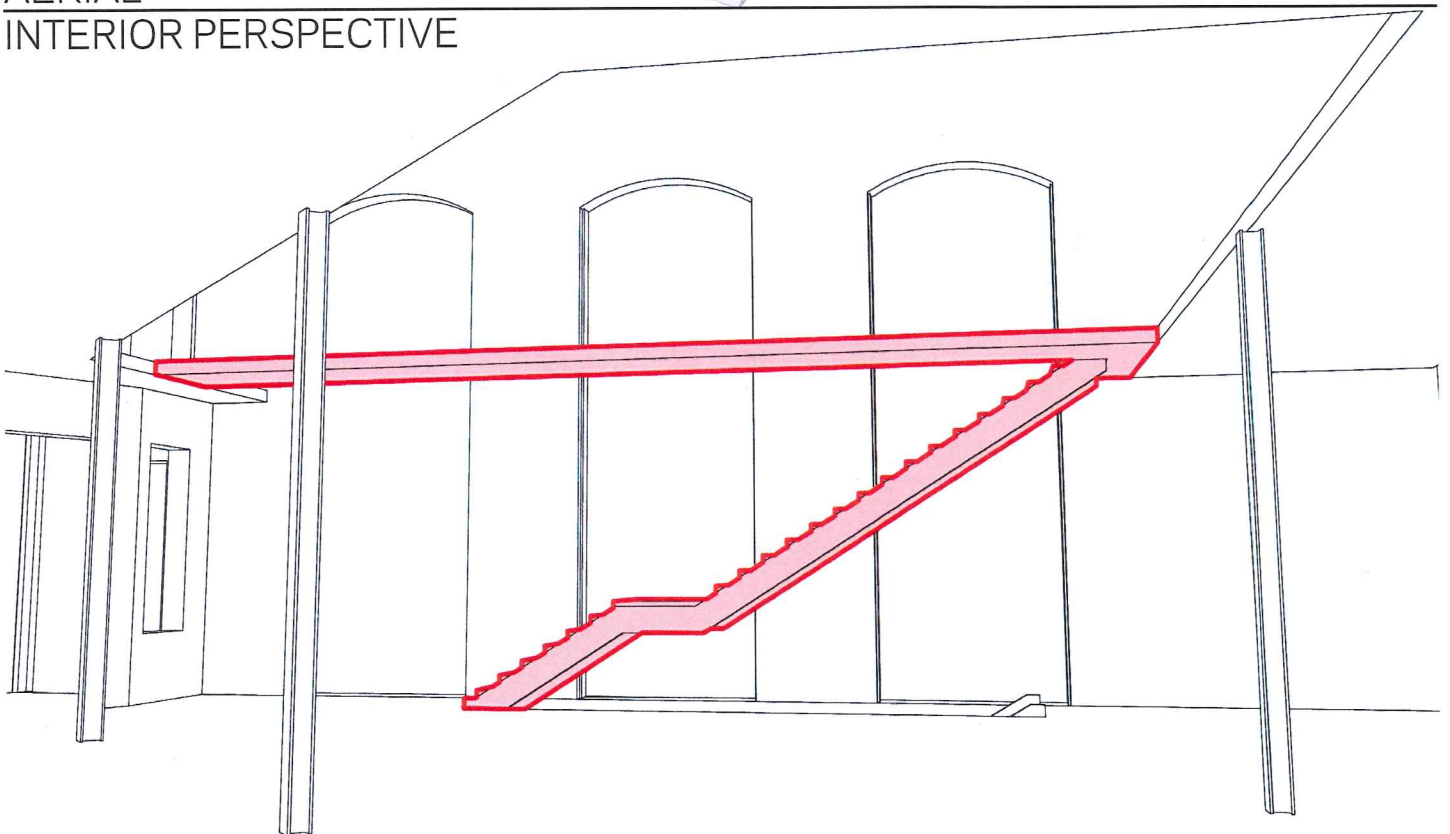
REPLACEMENT STAIR



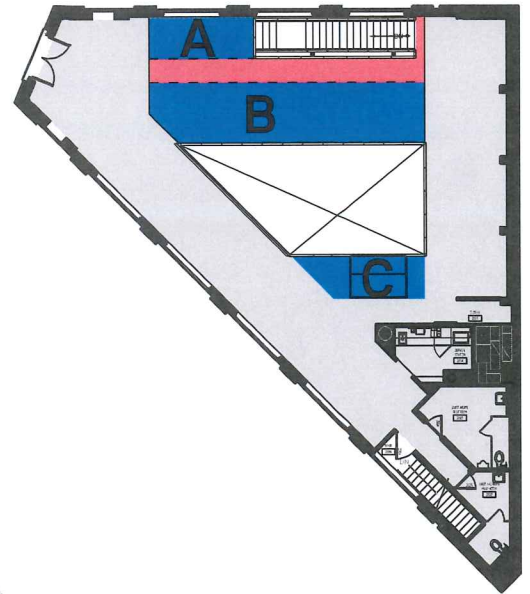
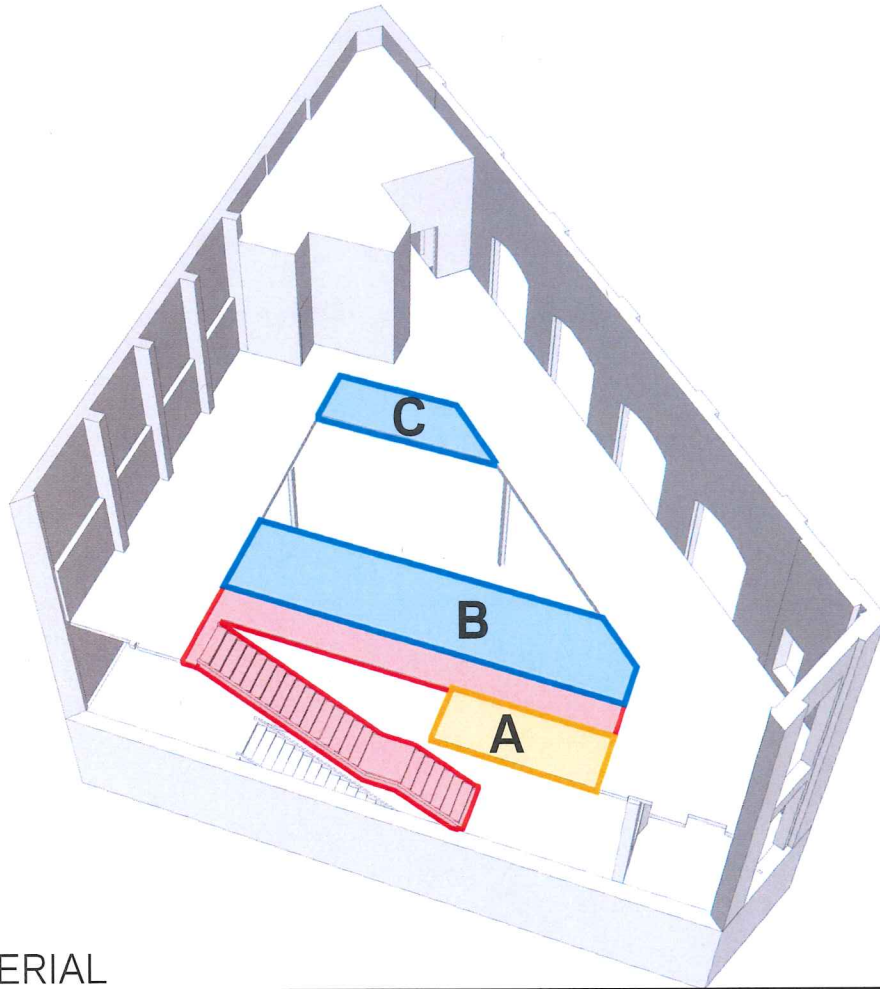
REPLACEMENT EGRESS
OUTLINE:
156 SF

REPLACEMENT STAIR OUTLINE:
114 SF

AERIAL INTERIOR PERSPECTIVE



REPLACEMENT STAIR-WITH NEW INFILL



NEW INFILL AT SECOND LEVEL
SQUARE FOOTAGE (BLUE):

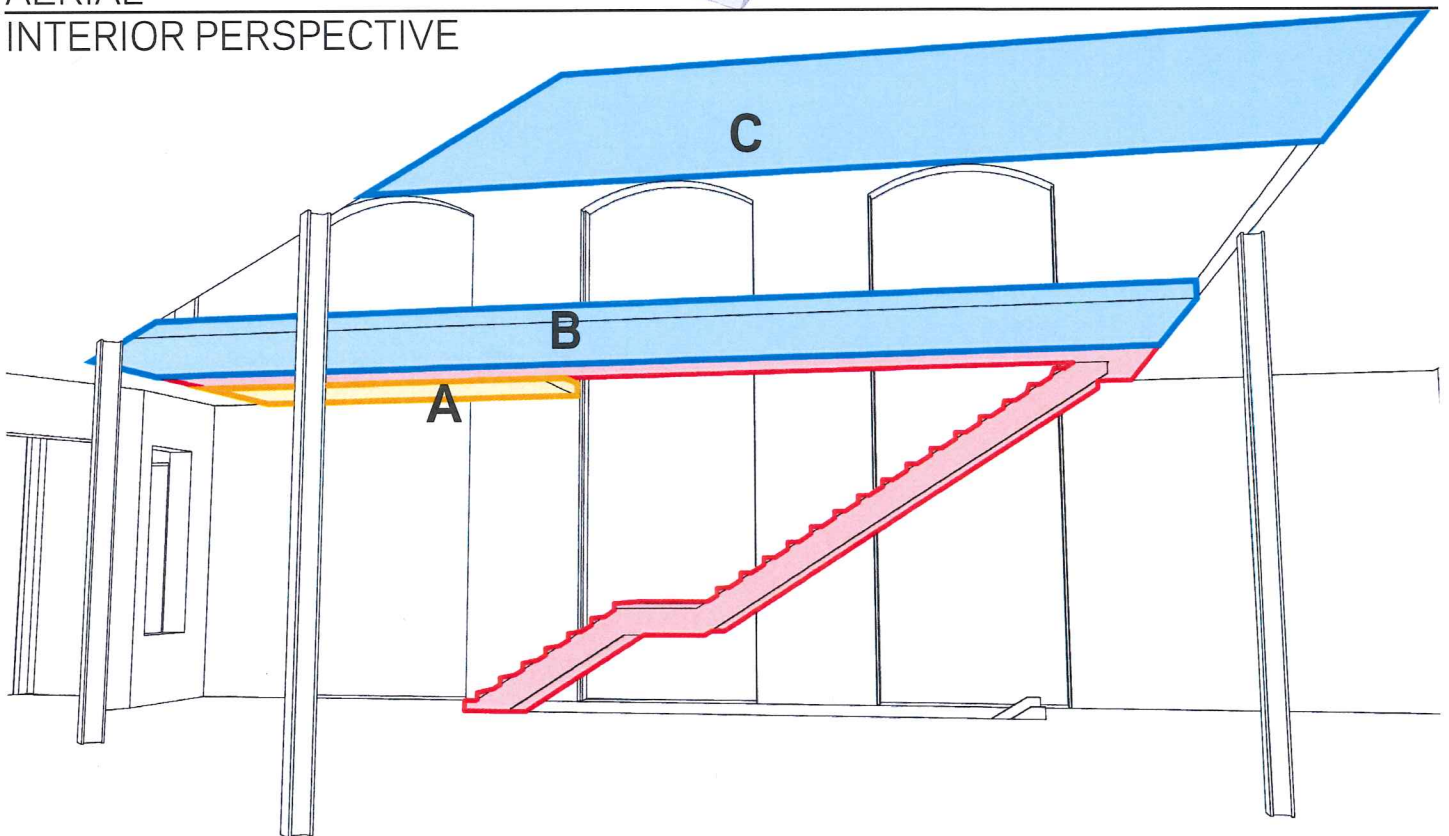
A: 78 SF

B: 265 SF

C: 85 SF

TOTAL: 428SF

AERIAL
INTERIOR PERSPECTIVE



FOR REFERENCE-PROPOSED BASEMENT LEVEL FLOOR PLAN

TOTAL SF: 2,129

PREP KITCHEN: 406 SF

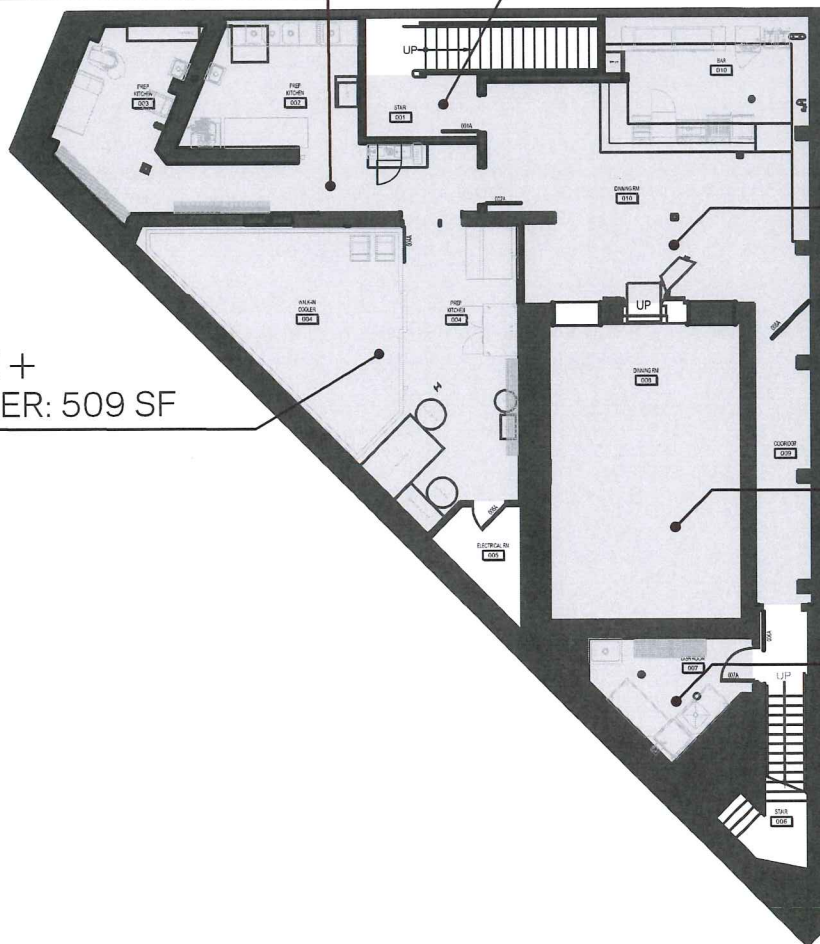
LOUNGE ENTRY: 375 SF

PREP KITCHEN +
WALK-IN COOLER: 509 SF

LOUNGE +
CORRIDOR: 375 SF

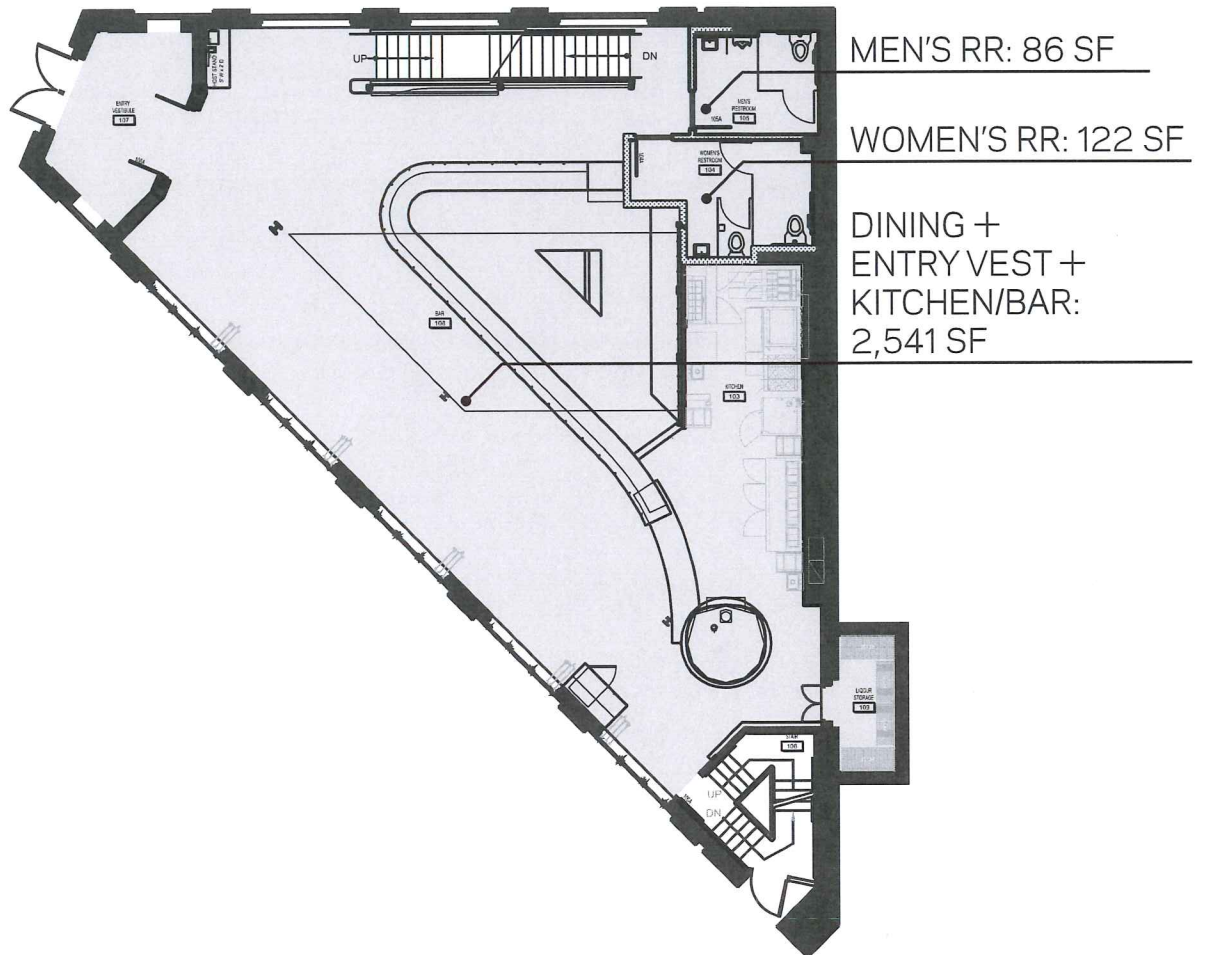
VAULT: 393 SF

DISH ROOM: 96 SF



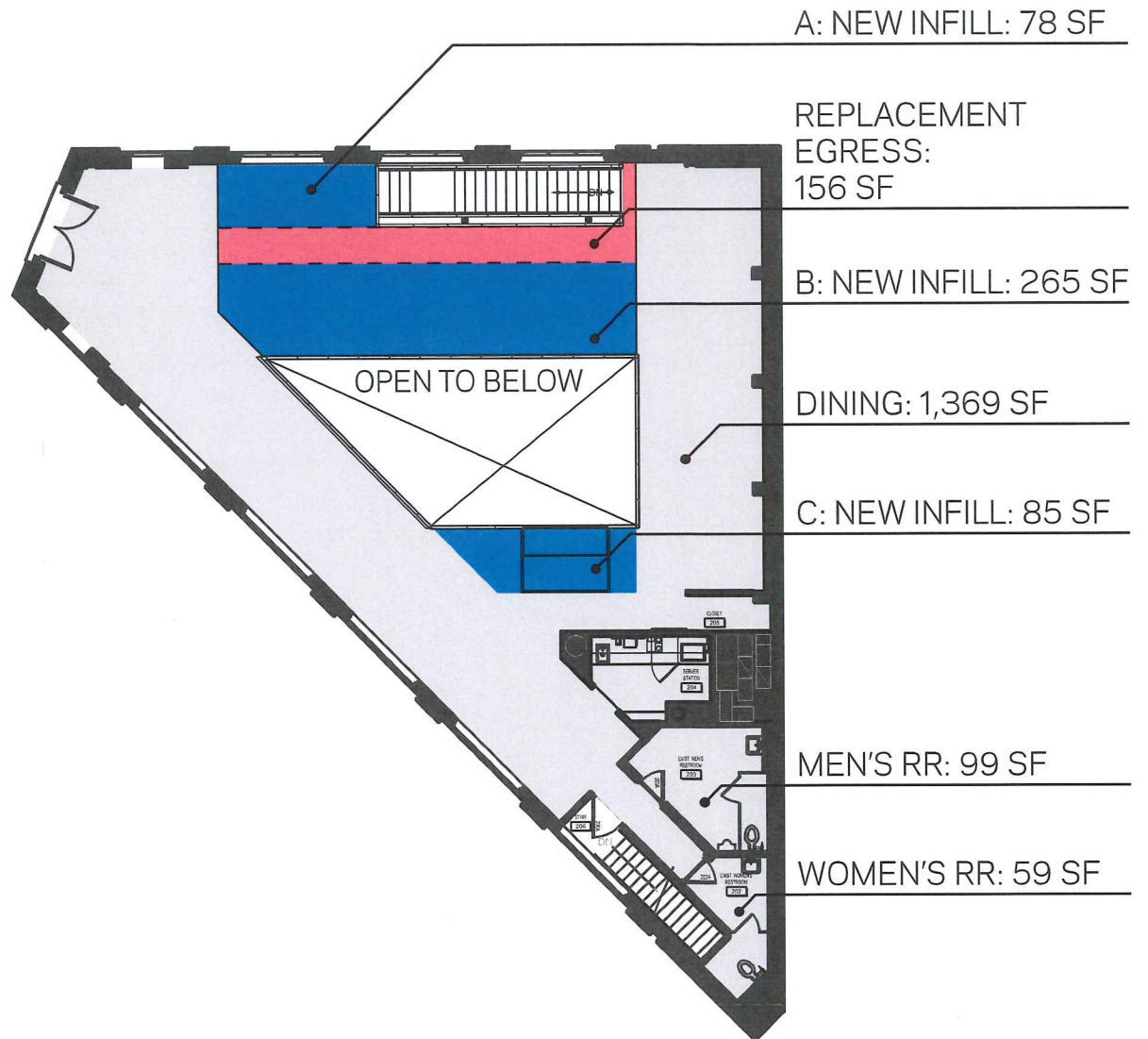
FOR REFERENCE-PROPOSED FIRST LEVEL FLOOR PLAN

TOTAL SF: 2,749



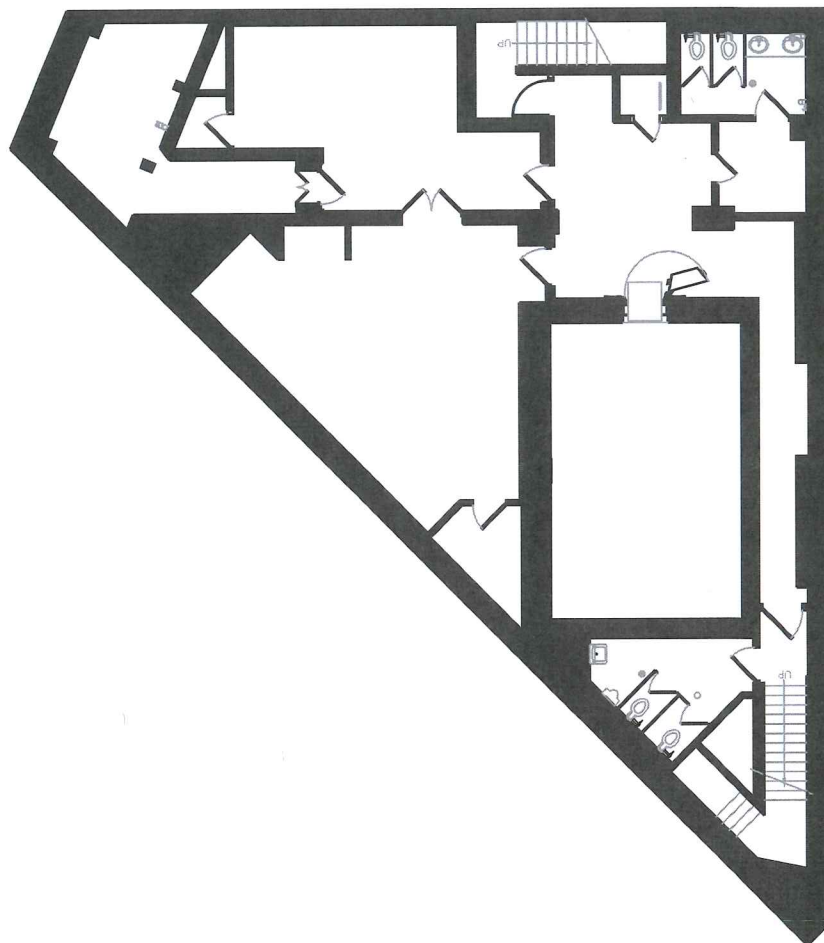
FOR REFERENCE-PROPOSED SECOND LEVEL FLOOR PLAN

TOTAL SF: 2,111



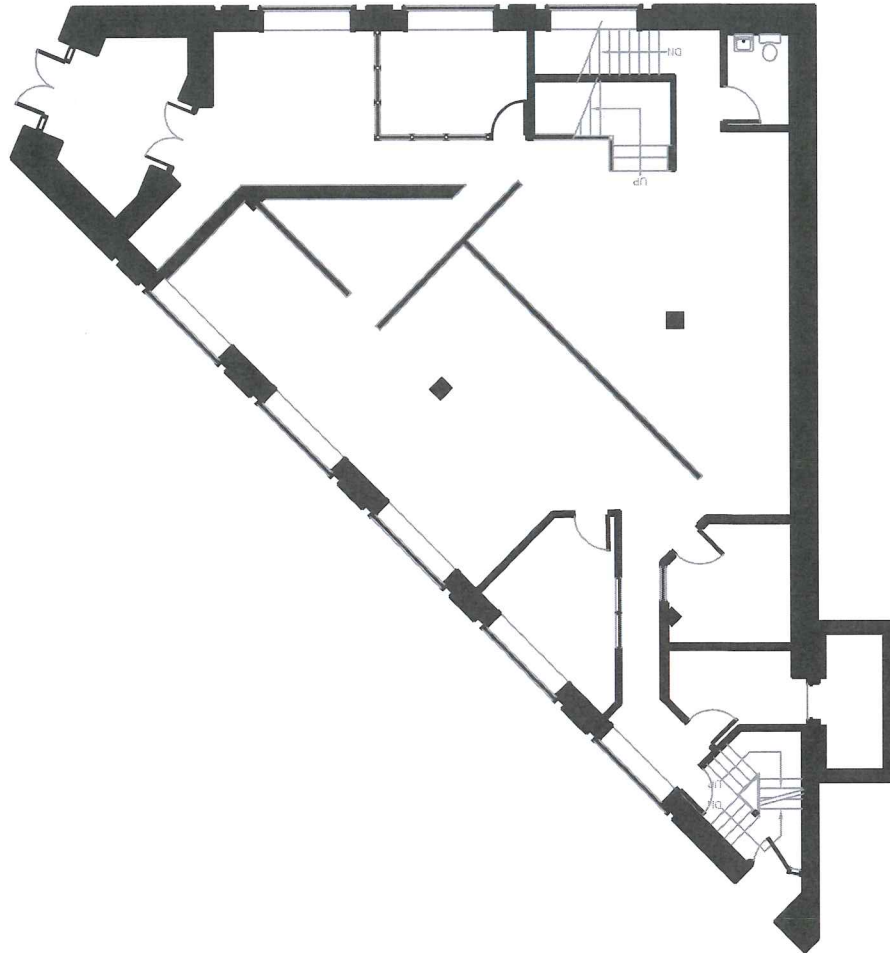
FOR REFERENCE-EXISTING BASEMENT LEVEL FLOOR PLAN

TOTAL SF: 2,129



FOR REFERENCE-EXISTING FIRST LEVEL FLOOR PLAN

TOTAL SF: 2,749



FOR REFERENCE-EXISTING SECOND LEVEL FLOOR PLAN

TOTAL SF: 1,736

