

VARIANCE FEES

MGO \$50.00
COMM \$490.00
Priority – Double above
5-25-16 *HT* \$450

PETITION FOR VARIANCE APPLICATION

**City of Madison
Building Inspection
Division**
215 Martin Luther King Jr. Blvd.
Madison, WI 53703
(608) 266-4568

Name of Owner Otto Gebhardt III	Project Description Mixed use project consisting of Grocery Store, Apartments, Office space, and above ground structured parking	Agent, architect, or engineering firm bark design
Company (if applies) Gebhardt Development		No. & Street 10 N. Livingston Street
No. & Street 222 North Street	Tenant name (if any)	City, State, Zip Code Madison, WI, 53703
City, State, Zip Code Madison, WI, 53704	Building Address 810 East Washington Avenue 822 East Washington Avenue 834 East Washington Avenue	Phone 608.333.1926
Phone 608.245.0753		Name of Contact Person Christopher Gosch
e-mail gebhardtdevelopment@tds.net		e-mail studio@bark-design.com

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

2009 IBC Section 3007.1
See attached documentation

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

See attached documentation

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 attached documentation

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

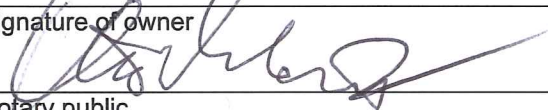
VERIFICATION BY OWNER – PETITION IS VALID ONLY IF NOTARIZED AND ACCOMPANIED BY A REVIEW FEE AND ANY REQUIRED POSITION STATEMENTS.

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.

OTTO GEBHARDT III; being duly sworn, I state as petitioner that I have read the foregoing

Print name of owner

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: 5-20-2016
Notary public Darlene L. Buhler DARLENE L. BUHLER	My commission expires: 1-31-2020

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



William Sullivan
City of Madison Fire Department
314 W. Dayton St.
Madison, WI 53703

Mr. Sullivan:

Following is an analysis and interpretation of the 15th floor condition at the Galaxie project and the explanation of items for a request for a variance to Section 3007.1 using the following:

2009 IBC
Section 3007
Section 403.6.1
ASME A17.1

Summary:

Mixed use project containing the following:

Grocery Store (Type IIA, M)
Above Ground Enclosed Parking Structure (Type IA, S-2)
Residential Tower (Type IA, R-2) < *Variance request is for this component*
Commercial Offices (Type IA, B)

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

2009 IBC

3007.1 General. *Where required by Section 403.6.1, every floor of the building shall be served by a fire service access elevator. Except as modified in this section, the fire service access elevator shall be installed in accordance with this chapter and ASME A17.1/CSA B44.*

NON-CONFORMING CONDITION:

- Based on additional discussions with Madison Fire Department and Building Inspection, project as submitted meets accessibility requirements, but interpretation of Chapter 30 requires a variance. Elevator access does not extend to 15th floor, or upper level of 2 story units.
- Elevator service cannot be extended to floor due to County height limitations and Airport/FAA rules in place.

History:

- Building was submitted for Plan review on or about 03.08.15
- 14/15 floor units are 2 story units with the primary entrance on the 14th floor.
- Elevator Access to 15th floor (second floor of 2 level units) was specifically excluded from Plan Review Set
- Roof Access is provided at Stairs A and B
- Access to the 15th floor occurs at stair towers A and B, and interior stairs within all units on the 14th floor
- Elevators are **not** used as Occupant Evacuation Elevators
- One elevator is required for Fire Service Access
- Standpipes are installed in Stairwells A and B serving 15th floor

Unit Exiting Compliance (*one exit at primary entry on 14th Floor*)

14th floor 2 level units meet exiting distance requirements per IBC Chapter 10

1015.1.1- One exit required where maximum occupant load is less than 20 and equipped with automatic sprinkler system = OK

Table 1004.1.1: Floor allowance: 200 gross/person residential
200x20=4000 gross s.f. max. unit size = OK

1014.3: Common path of egress travel: Exception 4 applies: 125'-0"= OK

15th Floor contains only bedrooms and bathrooms for 14th floor units. All kitchens are located on the 14th (primary) floor of the 2 level units.

Based on exiting requirements, a corridor is not required, and Table 1015.1 requires one exit path.

Mechanical/Electrical Equipment

All electrical and mechanical equipment for 14th floor units are located on the 14th floor

Elevator Equipment for tower elevator (<400A) is located on the 15th floor adjacent to the elevator shaft. (Note: IBC states that machine rooms are to have an approved means of access; the criteria in ASME A17.1 establish the minimum requirements for the means of access)

15th Corridor:

The 15th Corridor was included on the submitted drawings as a component that went above Code requirements for access to 2 level units. The corridor is not required, as all units meet required exiting and occupancy criteria from Chapters 10 and 11. As stated above, we believed that providing this access above code requirements was a reasonable interpretation.

At the time of Plan Review submittal and review, team believed there was an adequate solution in place to meet intent of code requirements for access to units to satisfy Section 3007.1. Project as submitted complies with accessibility requirements.

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

Elevator access cannot be extended to include the upper level of 2 story units due to the following:

Dane County has a height limitation extending for a 3 mile radius from the Airport that was put in place via request from the Dane County Airport and FAA. Dane County is the AHJ, with review by Airport Staff.

The County height limitation is about 25'-0" below the Capitol Height limit, and project is approx. 24" below the County height limit.

All buildings, cranes, temp. structures within a 3 mile radius of the primary Airport runway point need to submit to the FAA for a "Determination of No Hazard to Air Travel" (This is a requirement to obtain County permits)

Project is 2.987 miles from the end of Runway 36, and team submitted multiple times to the FAA for cranes and permanent structures.

The FAA has determined that the County Height limitation does not pose a hazard to Air travel, however, team subsequently learned that any penetrations of the County height limitation would result in the Dane County Airport losing the ability to be awarded Federal funds for Airport Improvement Projects.

No penetrations of the County height limitation can occur (based on Federal Funding requirements) and the elevator cannot be extended.

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 15th Floor will have a 1 hour rated and sprinklered corridor for access to upper level of 2 level units units that exceeds Code requirements

-2 level units will have a second exit from the upper level rooms with access to 2 vertical exits through a rated corridor. Primary entrance remains on the 14th level, and an additional exit beyond Code requirements is implemented.

-The 15th Floor will have a 150 s.f. Firefighter Staging Area at Stair A access.

-Two Stairwells (Stairs A and B) have rooftop access for Fire Department personnel and venting (one is required per 2009 IBC 1019.13).

Respectfully,

Christopher Gosch
608.333.1926

City of Madison Fire Department Position Statement

Owner: Otto Gebhardt III	Project Name: The Galaxie	Contact: Christopher Gosch Bark Design
Address: 222 North Street Madison, WI 53704	Building Location: 810, 822, 834 E Washington Ave	Address: 10 N Livingston Street Madison, WI 53703
Owner Phone: 608-245-0753 Email: gebhardtdevelopment@tds.net	Building Occupancy or Use: Mixed: M, R-2, S-2, B	Phone: 608-333-1926 Email: studio@bark-design.com

Rule Being Petitioned: IBC 3007.1 Fire Service Elevator

I have read the application for variance and recommend: (check appropriate box)


Approval
 Conditional Approval
 Denial
 No Comment

- Having a second means of egress from the 14th/15th floor units is a better condition than removing the corridor and having no access to the 15th floor.

Name of Fire Chief or Designee (type or print)
Bill Sullivan, Fire Protection Engineer

City of Madison Fire Department

Signature of Fire Chief or Designee



Telephone Number
608-261-9658

Date Signed
May 24, 2016