

**VARIANCE FEES**

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

**PETITION FOR VARIANCE APPLICATION**

or APPEAL

**City of Madison Building Inspection Division**

215 Martin Luther King Jr. Blvd.  
Madison, WI 53703  
(608) 266-4568

Amount Paid \$50 6/30/16 fmr

Name of Owner RICHARD HAUSER	Project Description 5 Tier Deck	Agent, architect, or engineering firm Bob Bouril
Company (if applies)		No. & Street 6425 Odana Rd
No. & Street 209 Rockland Lane	Tenant name (if any)	City, State, Zip Code Madison WI 53719
City, State, Zip Code Madison, WI 53705	Building Address 209 Rockland Lane	Phone 608-833-3400
Phone 608-237-1959	Madison WI 53705	Name of Contact Person Bob Bouril
e-mail vayam15@gmail.com		e-mail bobbebouril@design.com

- The rule being petitioned reads as follows: (Cite the specific rule number and language. Also, indicate the nonconforming conditions for your project.)  
321.04 Each 2 foot wide x 10' (approx.) long platform/tier are less than 24" to ground - 3 feet out from each edge
- The rule being petitioned cannot be entirely satisfied because:  
The rule is satisfied. Deck does not need a handrail based on the rule. There are no stairs.
- 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 deck as designed and built is very safe. 4 posts and a larger deck area. Inspector made multiple visits during construction and nothing was said about need for a handrail. Plans were approved and deck is complete.

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.

Richard Hauser, 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: 6/30/16
Notary public 	My commission expires: 4-16-19

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

JACOB SAMMEL  
NOTARY PUBLIC  
STATE OF WISCONSIN

Richard Hauser  
209 Richland Lane  
Madison WI 53705

June 30, 2016

Dear Sirs,

My Architect's letter is attached.

All the deck landing levels are well below 24 inches to grade – with very wide – 2 foot wide landings.

There are a total of four two foot wide deck tiers off of the main deck. I am providing photos.

It is common sense that there really can't be any fall that would hurt anyone or me – with such wide landings – each less than 24 inches from the ground – 3 feet out from their edge. So everything is in compliance.

The purpose of having this deck design (which was approved already according to my deck person with several verbal ok's from Harry with no mention of hand rail) was to step with the land in order to avoid guardrails or hand rails to keep a clean look. Addition of a hand rail would destroy that look.

The deck construction contractor - Doug Folz stated to me that Steve had been out several times during the course of construction and never said anything about the need for a hand rail. Implementation of one "after the fact" after the deck has already been completed – would cause undue financial hardship for me. More materials would have to be shipped in (was not a local company) in order to match the existing wood, not to mention the labor cost. I am a veteran with limited means and would appreciate it if you could issue a permanent variance.

Thank you.

Sincerely,

Richard Hauser



6425 Odana Rd Suite 2  
Phone: (608) 833-3400  
Madison, WI 53719

[www.bouril.design.com](http://www.bouril.design.com)

June 3, 2016

City of Madison Building Inspection Unit

*Re: Rick Hauser Residence, Deck Addition  
209 Richland Lane, Madison, WI*

Mr. Hauser has informed me that a Madison City Building Inspector has made a field decision requiring a handrail on a portion of a new exterior wood deck that was recently constructed in his rear yard. I was the architect for the project. We intentionally broke the deck into five layered sections, stepping it down along with the natural grade to maintain a deck elevation below 24" of grade, thereby eliminating the need for a guardrail per the Wisconsin UDC. I find it ironic that a deck that was specifically designed to avoid a rail is now requiring one. It seems counter-intuitive to me. When the drawings were submitted for a building permit, it was not an issue to the City Plan Examiners who reviewed the drawings.

Apparently the building inspector is using an interpretation whereby he is calling the deck a stair. Now I realize that inspectors in their day-to-day duties occasionally apply interpretations to the building code for gray areas that may not be clearly stated in the codebook. But honestly, I can't believe the authors of the code would have ever intended that a stepped deck following grade should actually be considered a stair requiring a railing. Would that really have been what they imagined? Why does the code not state that layered or stepped decks less than 24" above grade require railings???

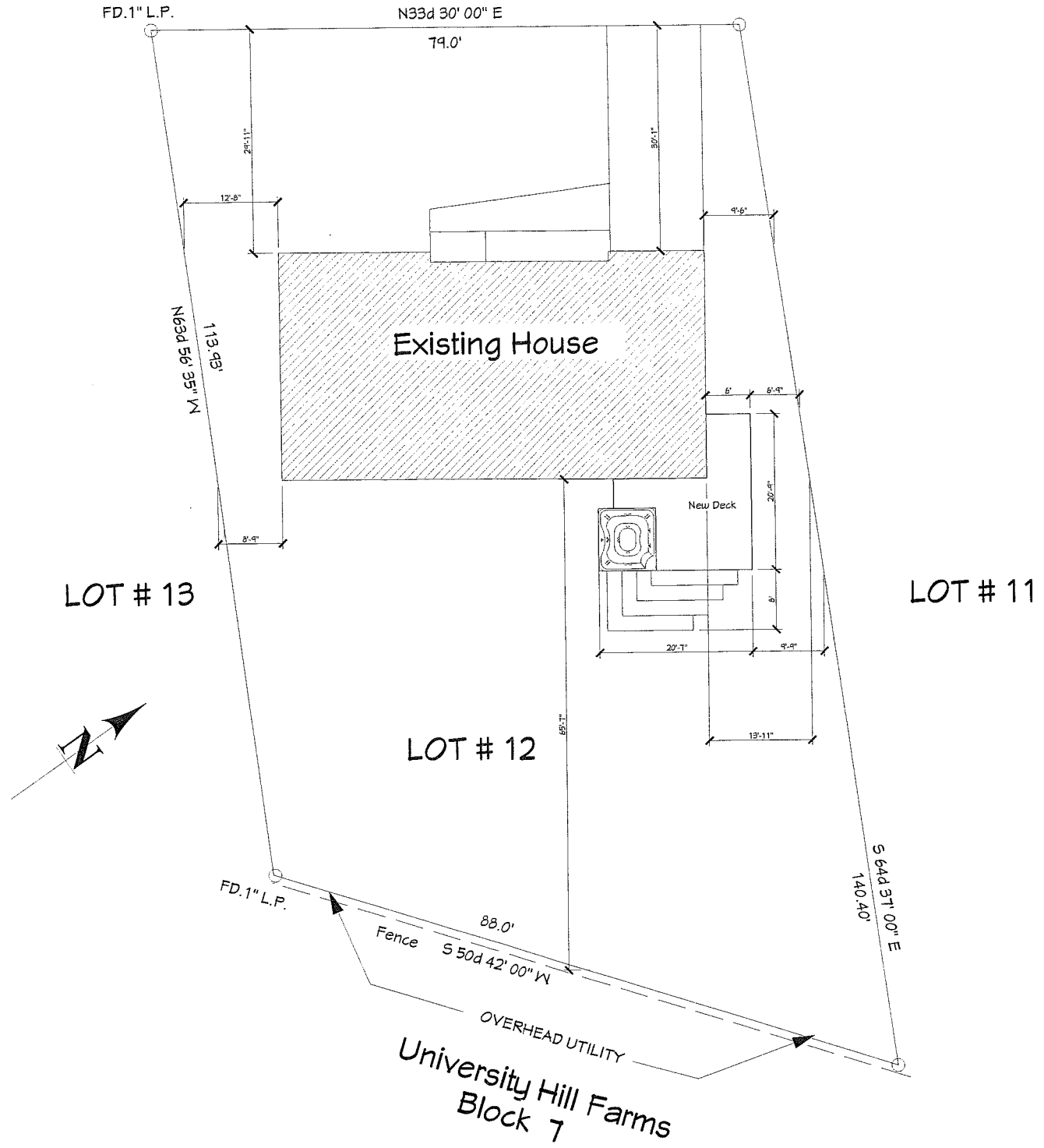
This is a relatively small private rear yard deck, not a public deck in a commercial setting. In my 31 years as a practicing Architect in Wisconsin, I have never seen an interpretation that was such a stretch while serving no practical value. Had it come up in the plan review process perhaps we could have made adjustments to satisfy the concerns. I respectfully ask that a little common sense be applied to this situation & ask that the Building Inspection Unit reconsider this field decision. Thank you.

Sincerely,  
Robert R. Bouril, AIA  
Architect





# Richland Lane



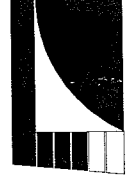
**1 Site Plan**  
SCALE: 1" = 10'-0"

2015 project\15057 Hauser, Rick\2 Design & Drawings\hauser Layout.dwg, 10/30/2015 - 10:43:23 AM

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**Construction Documents**

**Bouril Design Studio, LLC**  
6422 Odana Road Suite 2, Madison, WI 53719  
608-833-3400 www.bourilstudio.com



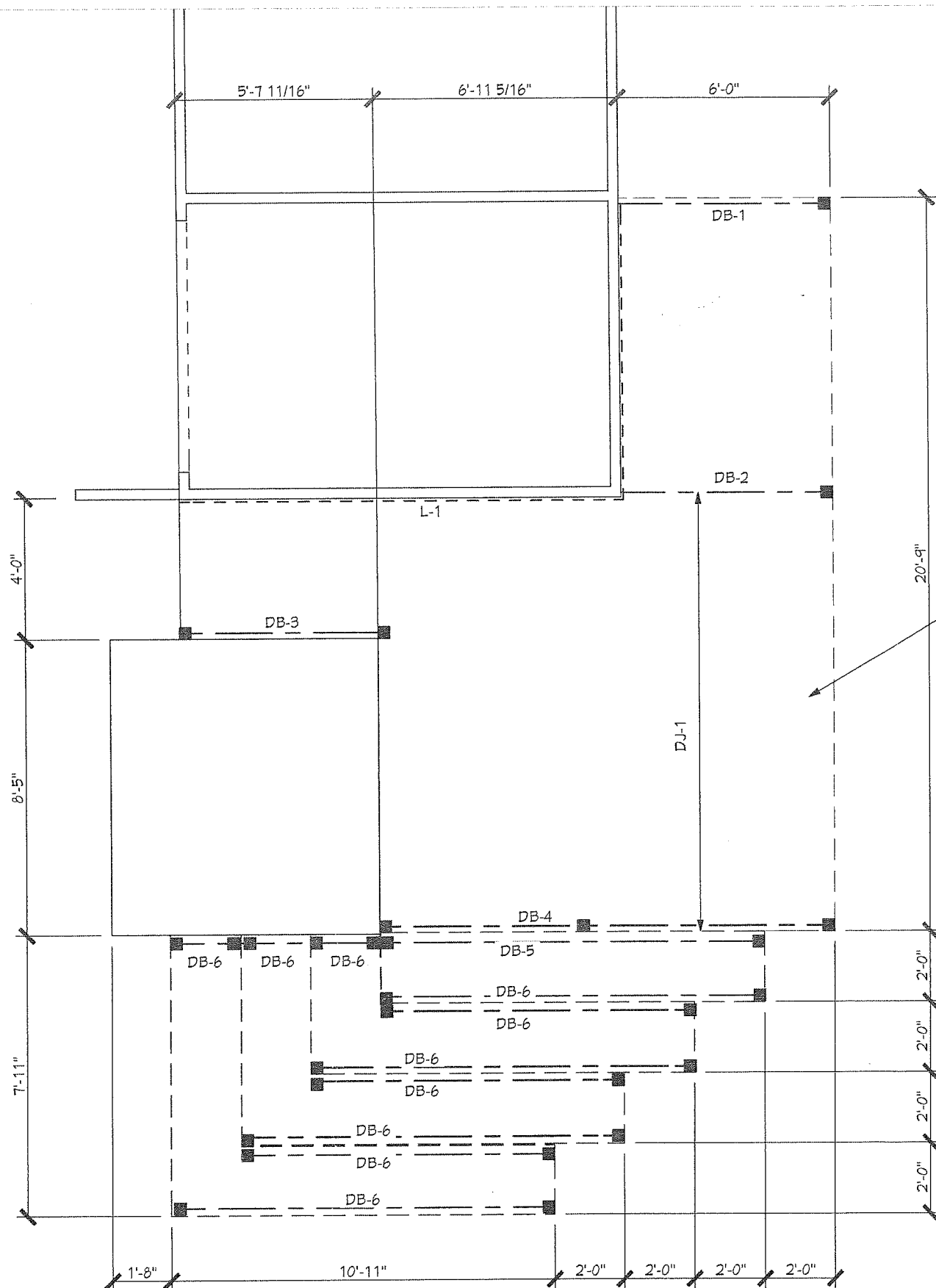
**House Remodel - Deck Addition**  
**Rick Hauser**  
209 Richland Lane, Madison, WI Dane County

revision index		
#	date	reference

project: 15057  
date: 10/30/2015  
drawn by: HA

**SW1**

J:\2015 projects\16887 Hauser, Rick - Decking\16887 Hauser.dwg, 10/30/2015, 10:49:26 AM



Joist and Ledger Schedule				
ID	Description	Material	Quantity	Notes
L-1	2x12 SPF #2, FT Deck Ledger	Concrete	1	
DB-1	2x10	18" OC (max)	1	

1. Fasten deck ledger through concrete using expansion bolts.

Beam Schedule				
ID	Description	Material	Quantity	Notes
DB-1	1x12x10	Plank	1	
DB-2	1x12x10	Plank	1	
DB-3	1x12x10	Plank	1	
DB-4	1x12x10	Plank	1	
DB-5	1x12x10	Plank	1	
DB-6	1x12x10	Plank	1	

Columns and Footings Schedule				
ID	Description	Material	Quantity	Notes
1	1 top 4x4		1	
2	1 top footing 14" Dia X48" concrete		1	

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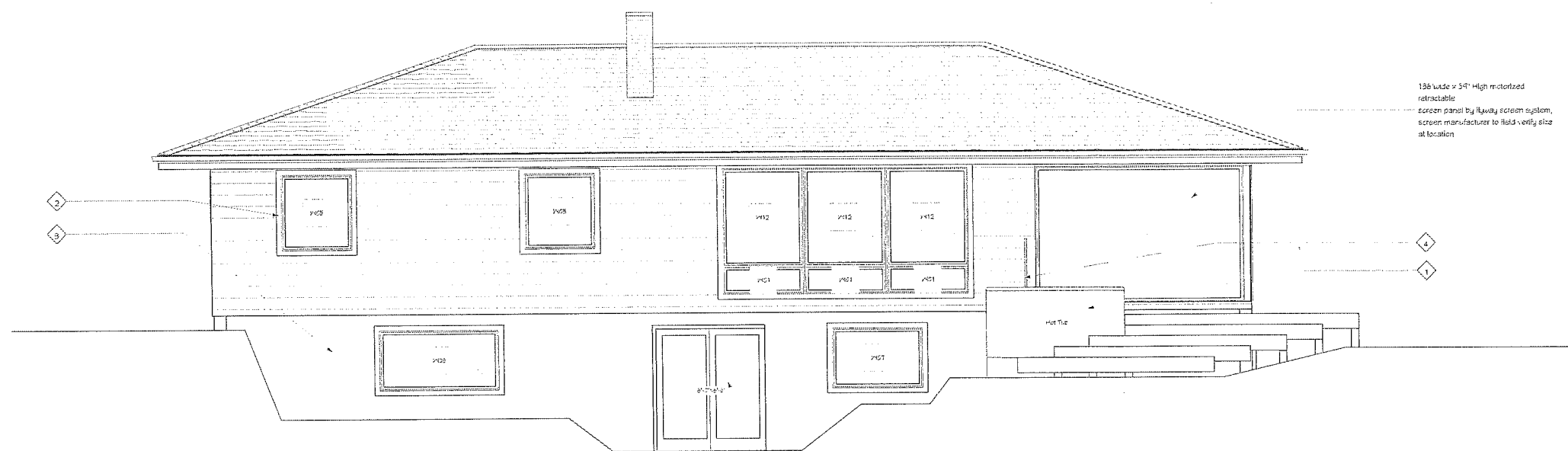
**Bouril Design Studio, LLC**  
 625 Odessa Road Suite 2, Madison, WI 53719  
 608-253-9400 www.bourildesign.com

**House Remodel - Deck Addition**  
**Rick Hauser**  
 204 Richland Lane, Madison, WI Dane County

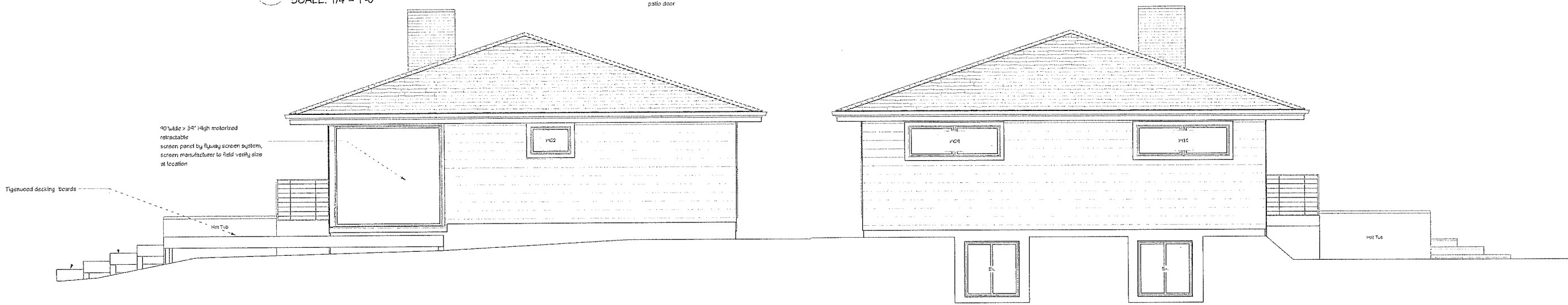
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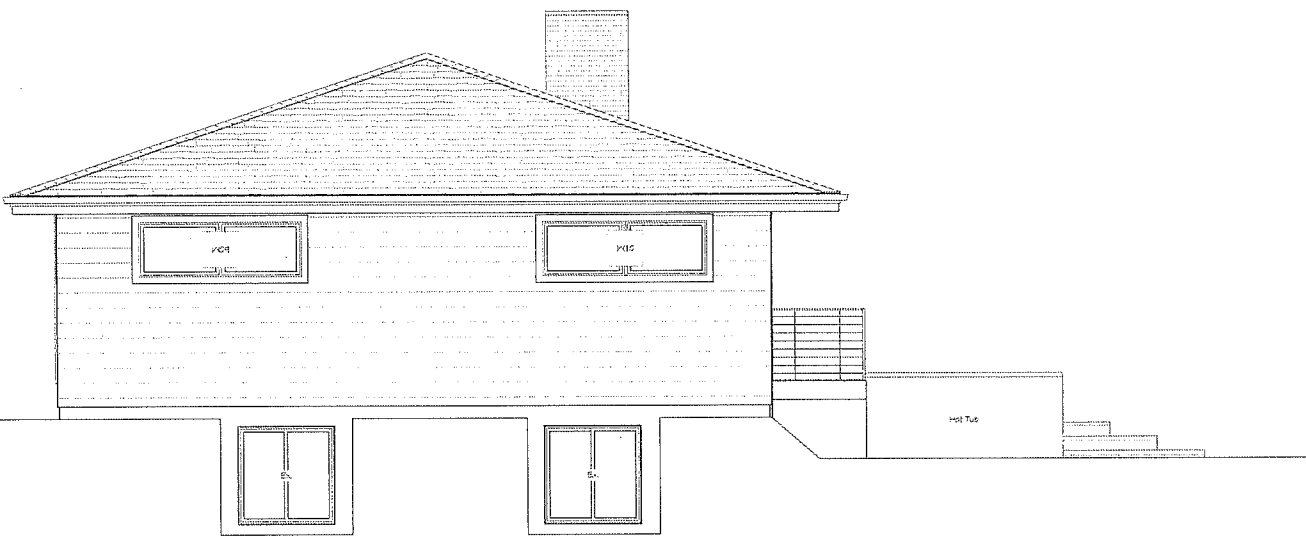
**1 Deck Framing Plan**  
 SCALE: 1/2" = 1'-0"



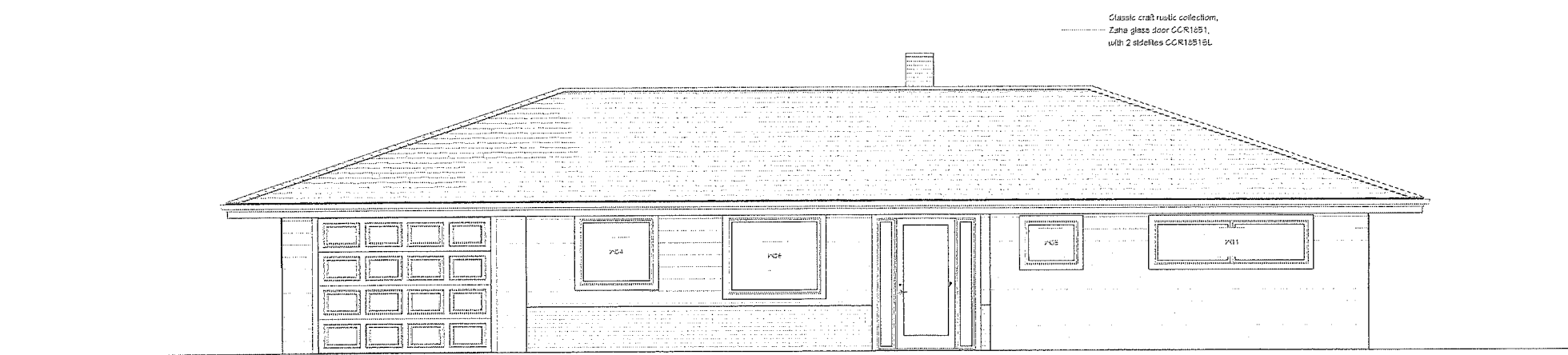
**1 Exterior Elevations**  
SCALE: 1/4" = 1'-0"



**2 Exterior Elevations**  
SCALE: 1/4" = 1'-0"



**3 Exterior Elevations**  
SCALE: 1/4" = 1'-0"



**4 Exterior Elevations**  
SCALE: 1/4" = 1'-0"

**Exterior Elevation Notes**

1. All final material selections, colors, finishes, and other options to be coordinated with the Owner.
2. Exterior Windows by Marvin Windows

**Exterior Feature and Material Key**

1. New deck and Hot tub base by others
2. 3 1/2" composite window trim to all new windows by ip smartside, coordinate color with owner
3. Apply 1" foam EIFS to existing concrete walls, verify color with owner
4. Cable handrail at 36" A.F.F. Provide handrail at deck areas as needed to comply with code requirement

**Window Schedule**

Number	Label	Qty	Description	Unit Width	Unit Height	Floor	Room Name
W01	54"x18"FX	3	Fixed Glass	53"	18"	1	Living
W02	33"x24" FX	1	Fixed Glass	36"	24"	1	Existing Garage
W03	33"x21"AWN	1	Awning	33"	21"	1	Existing Bath
W04	46"x41"AWN	1	Awning	46"	41"	1	Kitchen
W05	46"x49"AWN	2	Awning	46"	49"	1	Existing Bedroom
W06	58"x47"AWN	1	Awning	58"	47"	1	Kitchen
W07	59"x39"AWN	1	Awning	59"	39"	0	Media Room
W08	79"x39"AWN	1	Awning	79"	39"	0	Composing room
W09	82"x27"AWN	1	Mulled Unit	82"	27"	1	Existing Bedroom
W10	82"x27"AWN	1	Mulled Unit	82"	27"	1	Existing Bedroom
W11	98"x27"AWN	1	Mulled Unit	98"	27"	1	Existing Bedroom
W12	54"x64"AWN	3	Awning	53"	64"	1	Living

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**Construction Documents**

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 608.833.3400 www.bourilstudio.com

**House Remodel - Deck Addition**  
**Rick Hauser**  
 209 Richland Lane, Madison, WI Dane County

revision index		
#	date	reference

project: 15051  
 date: 10/30/2015  
 drawn by: HA

**A4**