

**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 \$490.00 *plm*

Name of Owner Mike Dillis	Project Description Findorff Yards Proposed Development-parking, office building addition, apartment bldg	Agent, architect, or engineering firm Potter Lawson, Inc.
Company (if applies) J.H. Findorff & Son, Inc.	No. & Street 749 University Row Ste 300	City, State, Zip Code Madison, WI 53705
No. & Street 300 South Bedford Street	Tenant name (if any) J.H. Findorff/Urban Land Interest	Phone 608 274.2741
City, State, Zip Code Madison, WI 53703	Building Address 300 South Bedford	Name of Contact Person Robert Manqas
Phone 608 257.5321	633 West Wilson	e-mail robertm@potterlawson.com
e-mail mdillis@findorff.com		

- The rule being petitioned reads as follows: (Cite the specific rule number and language. Also, indicate the nonconforming conditions for your project.)  
Section 705.8 Openings, Table 705.8 Maximum Area of Exterior Wall Openings Protection and the interpretation or definition of the term no build as used in Comm 62.0702 Fire Separation Distance.
- The rule being petitioned cannot be entirely satisfied because:  
The property owners are modifying lot lines and easements and recording a new no-build easement, but this no-build easement will contain existing construction.
- 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 pages for full description and purpose of this petition.

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.

MICHAEL DILLIS, 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 <i>[Signature]</i>	Subscribed and sworn to before me this date: <u>5/5/2014</u>
Notary public <i>Darcy Holzhueter</i>	My commission expires: <u>12/13/2015</u>



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

## **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: COMM 21.04 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.

**5/5/2014 - Findorff Yards GDP/SIP Land Use Application –Petition for Variance**

IBC Sections/rules being Petitioned to clean up an existing built condition at interior lot line between a new JH Findorff CSM Lot 1 for their proposed development known as Findorff Yards and existing CSM 12051 Lot 1 owned by NCBE:

**Section 705.8 Openings, Table 705.8- Maximum Area of Exterior Wall Openings Based on Fire Separation Distance and Degree of Opening Protection, and the term “no-build” as used in Comm 62.0702 Fire Separation Distance**

**Reason why compliance with the code cannot be attained without the variance:**

The requirements of these sections cannot be achieved is because the non-complying condition was originally built in about 2005, modified in 2007, and is now an existing built condition that was designed, conditionally approved, and constructed for the mutual benefit of both adjacent land owners for the expressed purpose of access into the below grade parking levels of the separate buildings located on the separate land parcels.

In the current condition the parking level of NCBE building extends onto the JH Findorff land parcel, and the line separating the two parcels extends through one of the NCBE building wall openings, where it is perpendicular to the lot line in such a manner that the lot line cannot be used to measure fire separation distance to apply the requirements of Table 705.8.

To correct this situation, the adjacent land owners are in the process of modifying and re-recording the lot line and ramp access easement such that in the vicinity of the ramp access, the lot line will follow the face of the existing NCBE building, and the NCBE below grade parking will be fully on their property. The extents of the ramp access easement are being revised accordingly.

With the new lot line location, the existing door openings into the NCBE parking level will be on NCBE property, but within inches of the new property line. They are unprotected openings. The property owners have agreed to record a new no-build easement in the front of these doors to provide a legal line that can be used to measure fire separation distance, whereby the existing doors can be shown to be in compliance with the Table 705.8.

The issue requiring petition is that existing construction within the extents of this new no-build easement is proposed to remain, which conflicts with the term no-build. The existing construction is part of the vehicular ramp area, and is partially open to the sky above. Existing construction includes the slab on grade, some wall footings, and an overhead concrete slab on the Findorff property which bears on the NCBE exterior wall.

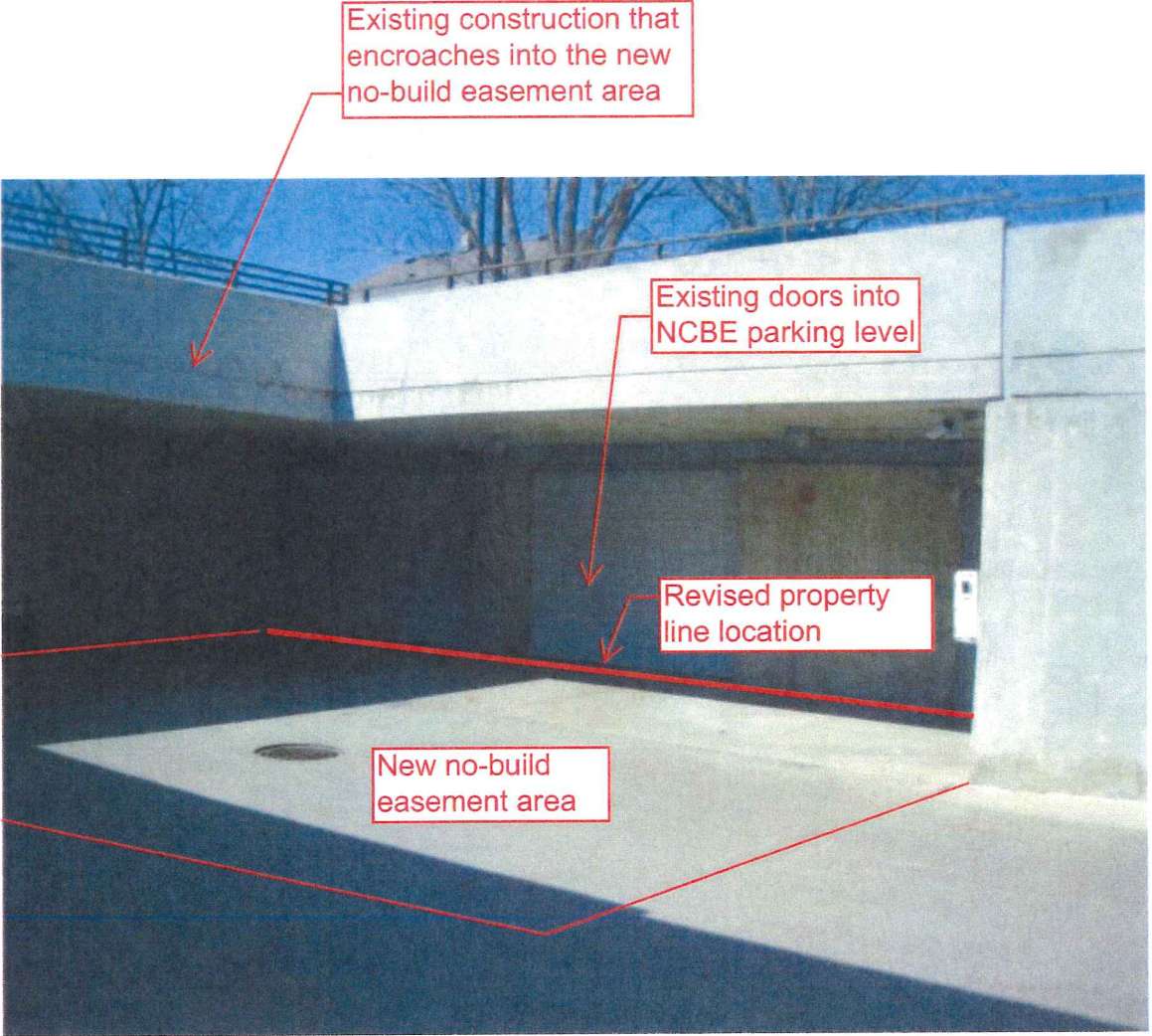
**Proposed Request for Variance:**

The proposed request for variance is to allow the existing built condition to continue to exist without modification to the existing openings of the existing buildings, and to allow the proposed addition to the JH Findorff land parcel per the Land Use Application conditionally approved by the City of Madison Common Council on 4/8/14, with modification to the legal lot line, ram access easement, and new no-build easement which will contain the existing construction.

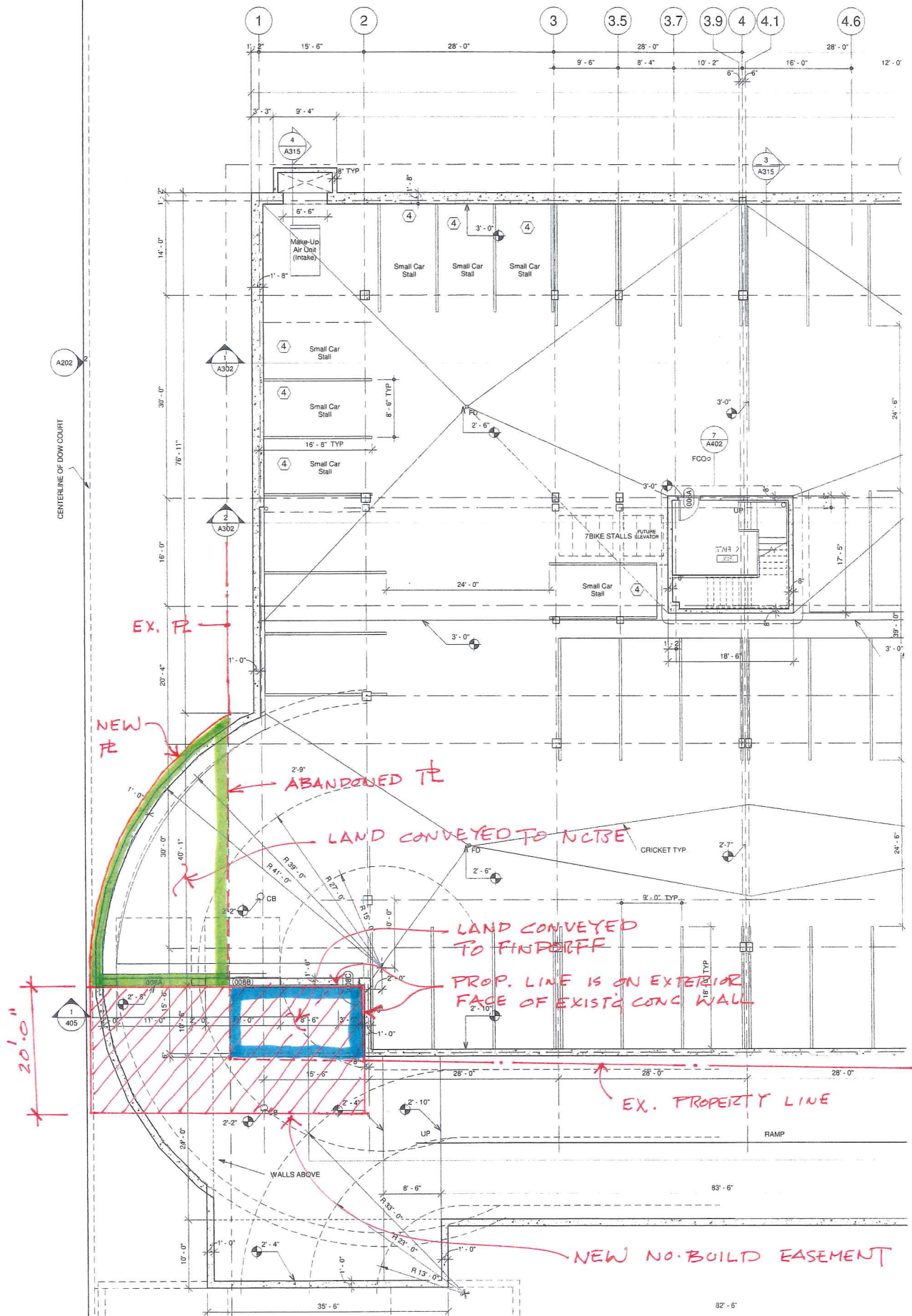
**Rationale for considering the petition for variance:**

The adjacent land owners are pursuing recording the lot line and easement modifications described above to clean up the existing conflict. The existing construction that remains in the no build easement is non-combustible concrete construction, is open to the sky, and does not enclose any building space. This variance and the property legal modifications have been discussed with Madison Building Inspection and Madison Fire Department, and both are in support of this approach to clean up this existing condition.

Refer to photo and drawing plan exhibits on following pages which shows the existing condition at the subject area.



**View looking at the door openings into the NCBE parking level**



CENTRELINE OF DOW COURT

A202

A302

A402

1  
405

20'-0"

1:35 PM

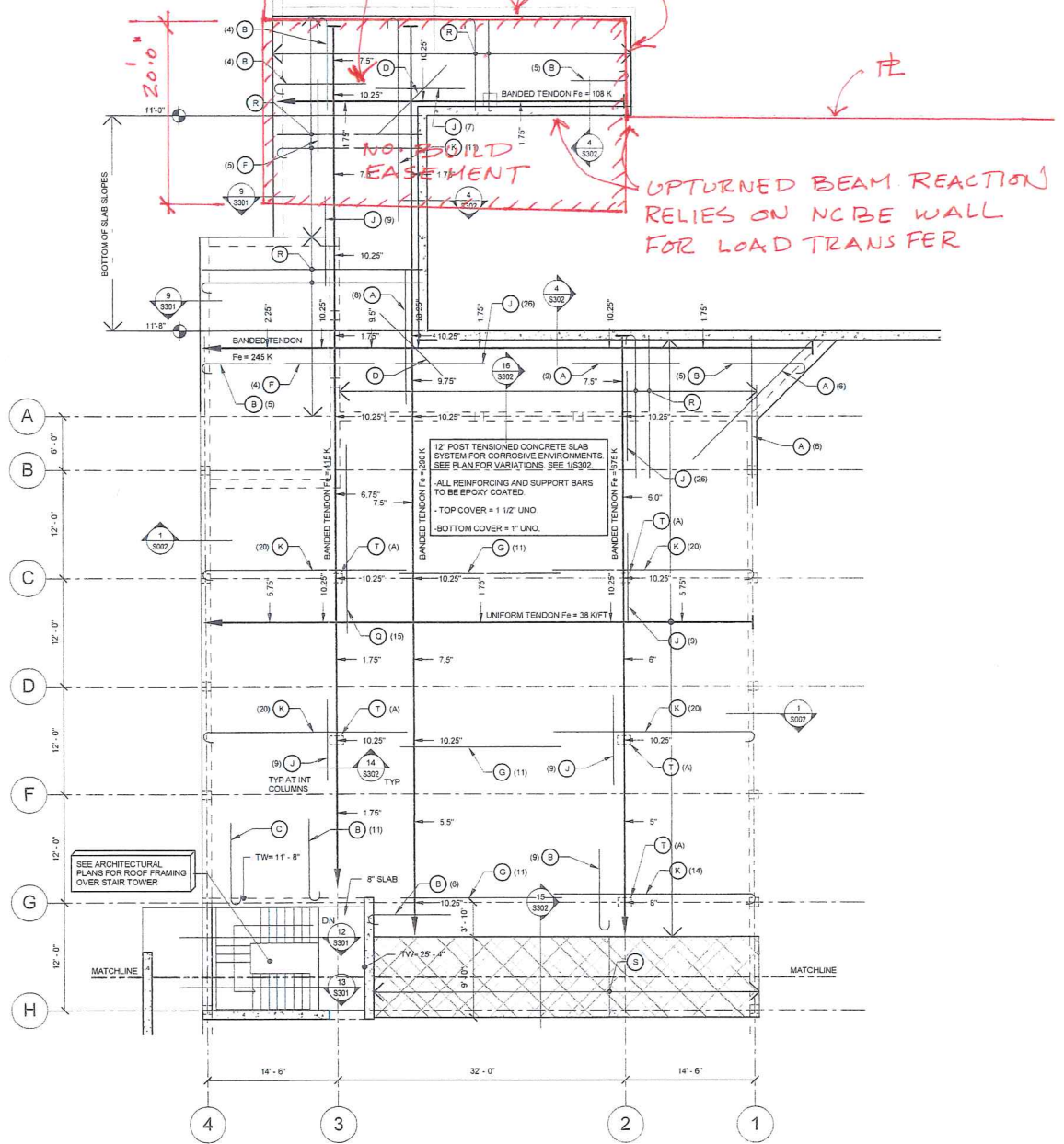
1  
A101

Lower Level Parking  
1/8" = 1'-0"

NCBE DWG SET  
2006

EXIST'G CONSTR.  
ALLOWED PER  
VARIANCE

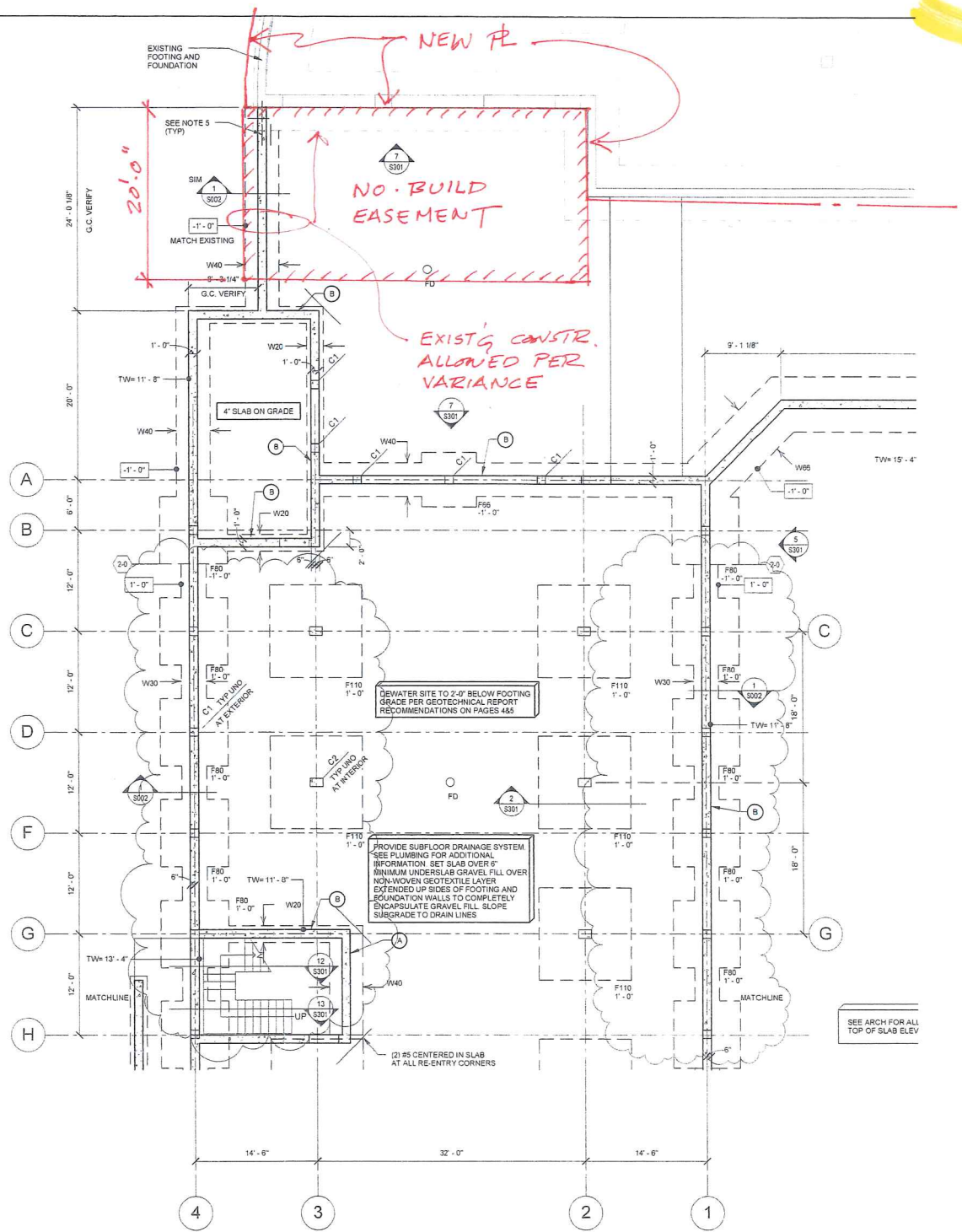
FINDORFF SLAB REACTIONS  
RELY ON NCBE WALL  
FOR LOAD TRANSFER



2 FIRST FLOOR FRAMING PLAN - PARKING NORTH  
1/8" = 1'-0"  
FINDORFF ADDITION 2007

KEYED NOTES

- (A) #5 x 15'-0" TOP BARS. SEE PLAN FOR QUANTITY (Q). SEE 5/S302 FOR PLACEMENT. ADJUST LENGTH WHERE CLEARANCE DICTATES.
- (B) #5 HOOKED (180°) TOP BARS. SEE PLAN FOR QUANTITY (P). SEE 6/S302 FOR PLACEMENT. ADJUST LENGTH WHERE CLEARANCE DICTATES.
- (C) #5 HOOKED (180°) TOP BARS AT 12" OC. TYPICAL AROUND PERIMETER OF STAIR AND ELEVATOR SHAFT AND OTHER NOTED AREAS. SEE 12/S302.
- (D) #2#5 TOP AND BOTTOM (4 THUS) PARALLEL TO EACH WALL. EXTEND 4'-0" BEYOND END OF WALL. SEE 12/S302. TYP ALL WALLS.
- (E) (2)#5 x 7'-8" DIAGONAL BARS TOP AND BOTTOM (4 THUS) TYPICAL AT ALL SLAB CORNER CONDITIONS.
- (F) #5 x 8'-0" TOP BARS. SEE PLAN FOR QUANTITY (P). SEE 5/S302 FOR PLACEMENT. ADJUST LENGTH WHERE CLEARANCE DICTATES.
- (G) #6 x 18'-0" BOTTOM BARS AT 6" OC. CENTER BETWEEN COLUMNS. SEE PLAN FOR QUANTITY (R).
- (H) SEE 7/S302 FOR REINFORCING AT SLAB PENETRATIONS. TYP.
- (I) #5 x 10'-0" TOP BARS. SEE PLAN FOR QUANTITY (Q). SEE 5/S302 FOR PLACEMENT. ADJUST LENGTH WHERE CLEARANCE DICTATES.
- (J) #5 HOOKED (180°) TOP BARS. SEE PLAN FOR QUANTITY (P). SEE 6/S302 FOR PLACEMENT. ADJUST LENGTH WHERE CLEARANCE DICTATES.
- (K) #5 HOOKED (180°) TOP BARS. SEE PLAN FOR QUANTITY (P). SEE 6/S302 FOR PLACEMENT. ADJUST LENGTH WHERE CLEARANCE DICTATES.
- (L) TIP AT ALL COLUMNS UNLESS NOTED OTHERWISE. PROVIDE 6" DEEP COLUMN CAPITAL EXTENDING 6" BEYOND EACH COLUMN FACE. TRUNCATE AT SLAB EDGE. SEE 1 & 2/S302.
- (M) NO COLUMN CAPITAL AT THIS COLUMN.
- (N) 12" CP CONCRETE SLAB AS FOLLOWS:  
#5 AT 8" OC NORTH SOUTH AT BOTTOM  
#5 AT 12" OC EAST WEST AT BOTTOM  
#4 AT 12" OC EACH WAY AT TOP
- (P) 18" x 18" x 2" DEPRESSION AT PLANTER DRAINS.
- (Q) #5 x 21'-0" TOP BARS. SEE PLAN FOR QUANTITY (R). SEE 6/S302 FOR PLACEMENT. ADJUST LENGTH WHERE CLEARANCE DICTATES.
- (R) #6 AT 12" OC TOP AND BOTTOM HOOKED AT TOP. PROVIDE #4 AT 12" OC TOP AND BOTTOM TEMPERATURE STEEL.
- (S) 12" MINIMUM POURSTRIP WITH #5 AT 12" OC EACH WAY AT BOTTOM. #4 AT 18" OC EACH WAY AT TOP.
- (T) STUD RAIL COLUMN HEAD REINFORCEMENT. SEE 6/S302.



**2 FOUNDATION PLAN - PARKING NORTH**

S101 1/8" = 1'-0"

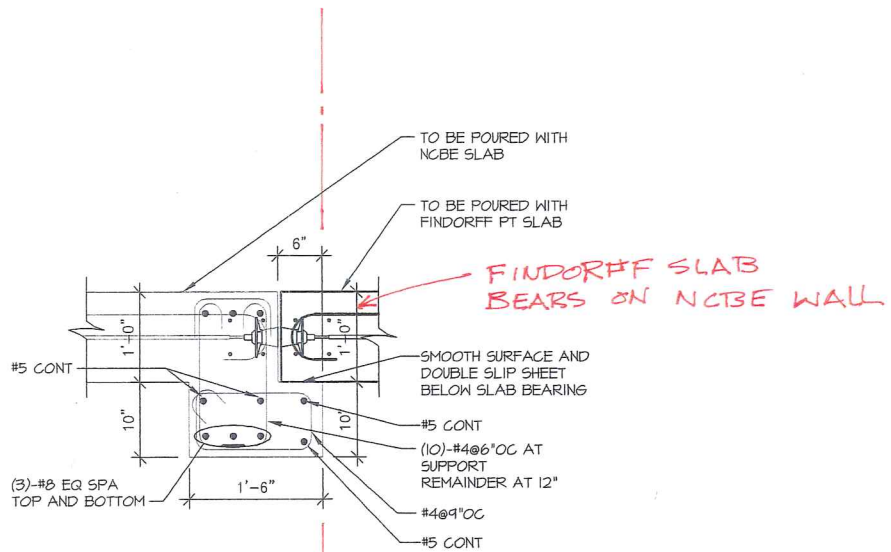
*FINDORFF ADDITION  
2007*

**KEYED NOTES**

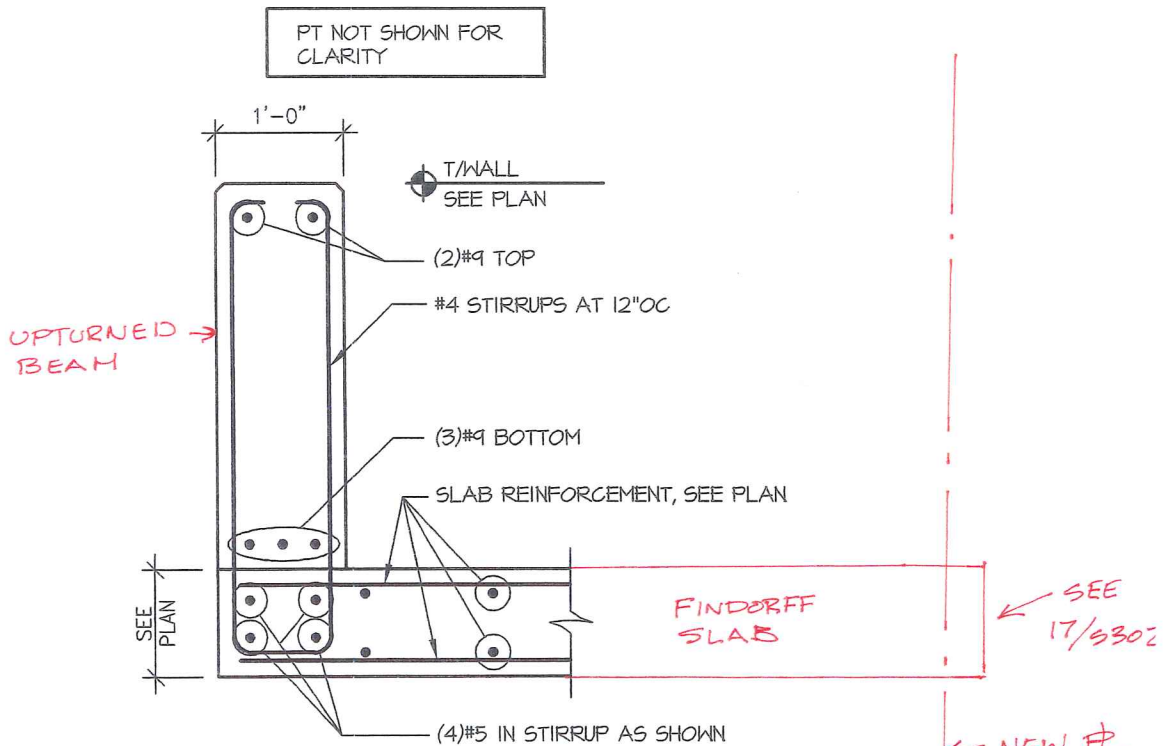
- (A) 12" CONCRETE SHEAR WALL WITH #5 AT 12" OC EACH WAY AT EACH FACE. PROVIDE (4) #8 VERTICAL AT EACH END OF WALL AT 3" OC
- (B) 12" CONCRETE WALL WITH #4 AT 12" OC EACH WAY AT EACH FACE

**GENERAL NOTES**

- 1 5" SLAB ON GRADE REINFORCE WITH STRUCTURAL FIBERS (NOVAMESH 90 AT 5 PCY OR EQUIVALEN CONSTRUCTION JOINTS AT MAXIMUM 12'-0" SPACING AT DRIVE SLABS 6'-0" SPACING AT SIDEWALKS. E COINCIDING WITH COLUMN CENTERLINES) SEE DETAIL 1/5/301
- 2 SLAB ELEVATION = +2'-0" NOMINAL BUT SLOPES TO DRAINS. SEE PLAN AND ARCHITECTURAL FOR VAF
- 3 REFER TO SHEET S001 FOR FOUNDATION NOTES, FOUNDATION LEGEND, COLUMN SCHEDULE AND THE TYPICAL DETAILS THAT APPLY TO THIS PLAN  
1/5/301 - WALL CONSTRUCTION JOINT  
1/5/301 - CONCRETE CURB  
1/5/301 - BOX OUT AT FOUNDATION WALL
- 4 SEE SHEET S002 FOR THE FOOTING SCHEDULES AND COLUMN SCHEDULE
- 5 PROVIDE #5x30" LONG DOWELS AT 12" OC. DRILL AND EPOXY GROUT 9" MINIMUM INTO EXISTING TYPIC FOOTINGS AND WALLS TO EXISTING



17 SECTION  
6302 SCALE: 3/4"=1'-0"



4 DRIVE SLAB BEAM  
6302 SCALE: 3/4"=1'-0"


FINDORFF ADDITION 2007





**Neighborhood Preservation & Inspection Division**  
 215 Martin Luther King, Jr. Boulevard  
 P.O. Box 2984  
 Madison, WI 53701-2984

**POSITION STATEMENT:**  
 To be completed by Fire Marshall

NAME OF OWNER Mike Dillis	BUILDING OCCUPANCY OR USE Office, Parking, R.2 Residential	AGENT, ARCHITECT OR ENGINEERING FIRM Potter Lawson, Inc.
COMPANY J.H. Findorff & Son, Inc.	TENANT NAME, IF ANY	NO. & STREET 749 University Row Ste 300
NO. & STREET 300 South Bedford Street	BUILDING LOCATION, NO. & STREET 300 South Bedford	CITY, STATE, ZIP CODE Madison, WI 53705
CITY, STATE, ZIP CODE Madison, WI 53703	CITY, COUNTY Madison, Dane	PHONE 608 274.2741
1. I have read the petition for variance of rule:		
2. I RECOMMEND (check appropriate box): <input type="checkbox"/> Denial <input checked="" type="checkbox"/> Approval <input type="checkbox"/> Conditional Approval <input type="checkbox"/> No Comment*		
3. Explanation for Recommendation: <ul style="list-style-type: none"> <li>• Surrounding construction is Type I non combustible.</li> <li>• Both buildings are fully sprinklered.</li> </ul>		
*If desired, Fire Departments may indicate "No Comment" on non-fire safety issues such as sanitary, energy conservation, structural, barrier free environments, etc.		
4. <input type="checkbox"/> I find no conflict with local rules and regulations. <input type="checkbox"/> I find that the petition is in conflict with local rules and regulations.		
Explanation		
Signature of Fire Chief 		Date 5-7-14

Please complete and submit promptly to the Neighborhood Preservation & Inspection Division at the address shown above.