



## APPLICATION FOR BUILDING CODE VARIANCE COMMERCIAL BUILDINGS

City of Madison Building Inspection  
215 Martin Luther King Jr Blvd, Suite 017  
Madison, WI 53703

Project Address: 1128 Erin St	Date: 04/29/2025
Project Description: Replacement of rear exterior 3 story deck	
Owner Name: Robert E Disch Living trust	Phone: 608 251-8822
Owner Email: jamesdisch@aol.com	

Agent, architect, or engineering firm: Lampe Consulting Wis # 9417-6	
Contact person: John Lampe	Phone: (608) 513-7060
Contact email: lampejohn@sbcglobal.net	
Address: 4801 Cottage Grove Rd Ste D Madison, WI. 53716-139	

**ATTACHMENTS:** The following materials are required as part of this application

- A statement of the non-conforming conditions and proposed equivalencies – include:
  - code section(s) that are being petitioned
  - specific condition or issue you are requesting be covered under this petition for variance
  - proposed means and rationale of providing equivalent degree of health, safety, or welfare as addressed by the code section petitioned.
- Fire department position statement
- Floor plan clearly identifying affected area or non-compliance
- Optional attachments: Any additional attachments to be considered as part of the petitioner's statements (i.e., model code sections, test reports, research articles, expert opinion, previously approved variances, pictures, plans, sketches, etc.).

**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.

*To be completed in the presence of a Notary Public*

Robert E Disch, 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.

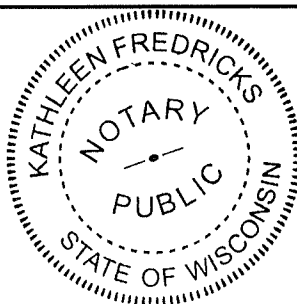
Subscribed and sworn to before me

This 2nd day of MAY, 2025.

K. Lampe  
Notary-Public, State of Wisconsin

My commission expires 02/08/2028

**FEES DUE: \$490**



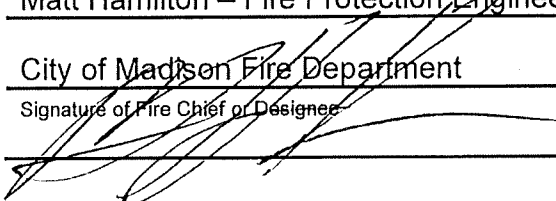
## City of Madison Fire Department Position Statement

Owner: Robert E Disch Living Trust	Project Name: 1128 Erin Street	Contact: James Disch
Address: 1313 North Wingra Drive Madison, WI 53715	Building Location: 1128 Erin Street	Address: 1313 North Wingra Drive Madison, WI 53715
Owner Phone: 608-251-8822 Owner Email: jamesdisch@aol.com	Building Occupancy or Use: R	Phone: 608-251-8822 Email: jamesdisch@aol.com

**Rule Being Petitioned: IBC 1011.5.2**

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

☐ Approval
 ☐ Conditional Approval
 ☐ Denial
 ☒ No Comment

Name of Fire Chief or Designee (type or print) Matt Hamilton – Fire Protection Engineer	
City of Madison Fire Department	Telephone Number 608-266-4457
Signature of Fire Chief or Designee 	Date Signed 4-5-2025

## 1128 Erin Street Rear Deck Stair Variance Overview

### To Whom it Concerns,

This project started off as a code violations/repairs needed to bring a 35+ yr deck with 2"x10" stair treads, open guard rails, and some rotten wood up to current safety standards. The decision was made to remove and replace the entire deck as a more efficient way to accomplish what was being asked to achieve, with still staying on the same footprint of the "old" deck that was removed. The most prevalent note about this deck to know is that all the tolerances have been push to the max to achieve code compliance. Note: Stair treads are 11 inches on the surface, but by code measurements that are measured "nosing to nosing" which gives the tread depth a measurement of 10 inches. To reach compliance of a 11" tread depth would involve removing the entire deck and redesign, with a stair case protruding into the current green space/yard.

Thank You

Owner Robert E Disch 608 251-8822

Contractor James R Disch 608 444-8169

Architect John Lampe 608 513-7060

# Lampe Consulting

4801 Cottage Grove Rd. Ste D  
Madison, WI 53716-1349

Registered Professional Engineer - Registered Architect

Cell (608) 513-7060  
[lampejohn@sbcglobal.net](mailto:lampejohn@sbcglobal.net)

May 1, 2025

PETITION FOR VARIANCE  
1128 Erin St - Rear Deck Stairways  
Madison, WI

I was asked to evaluate the circumstances surrounding the 4/24/25 Red Tag on the referenced property. I am informed that all items have been corrected except the 10 inch stair treads issue. Accordingly, I examined the attached photographs and documents, and the applicable IBC and Wisconsin Statutes language. As a result of that examination I have reached the following conclusions.

## 1. Rule being petitioned:

March 26, 2025  
1128 Erin St rear deck

James,  
The stairs have to be "*within* (sic) *the dwelling units*".(sic) Exterior stairs are not included in exception 3 of IBC 1011.5.2.

Stephen Sundstrom  
Code Enforcement Officer  
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## 2. The Rule being petitioned cannot be entirely satisfied because:

Wis Stats:

### **101.61 Definitions.**

**(1)** "Dwelling" means any building that contains one or 2 dwelling units. "Dwelling unit" means a **structure or that part of a structure** (my bold) which is used or intended to be used as a home, residence or sleeping place by one person or by 2 or more persons maintaining a common household, to the exclusion of all others.

This is State law which supersedes IBC law, and logically would apply to the entire structure including the exterior deck and stairways, particularly since the 10 inch tread arithmetic is already accepted within interior Dwelling Unit stairways under the R-2 exception.

Finally, to disallow 10 inch exterior deck stairways tread depths because of the preposition **within** (my bold) dwelling units in the Group R-2 exemption constitutes a difference without a distinction. Vis a vis the exterior deck stairways, the word **within** highlights a case where it's used to create a distinction that doesn't actually exist in this situation or reality.

May 1, 2025

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3. The following alternatives are proposed:

A) Assuming the Code may belatedly not require double handrails, they are already installed, are beneficial, and there is no reason to dismantle them.

B) Not mentioned in the inspection report, but Stairway Illumination is beneficial and required.  
**1205.4 Stairway Illumination**, reads,

*exterior stairways serving a dwelling unit shall have an illumination level on tread runs of not less than 1 footcandle. The contractor agrees to provide electric eye illumination.*

\*\*\*\*\*

As a result of these conclusions it is my opinion to a reasonable degree of engineering certainty that the attached photos reflect good stairway construction with beneficial double railings and that the treads are acceptable as installed.

End of report,

John Lampe, P. E.

Wis. #9417-6



Rear Exterior Deck  
5-1-2025

