



# City of Madison

City of Madison  
Madison, WI 53703  
[www.cityofmadison.com](http://www.cityofmadison.com)

## Meeting Minutes - Approved BUILDING CODE, FIRE CODE, CONVEYANCE CODE AND LICENSING APPEALS BOARD

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Tuesday, November 24, 2009

12:15 PM

215 Martin Luther King, Jr. Blvd.  
Room LL-110 (Madison Municipal Building)

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### CALL TO ORDER / ROLL CALL

Godding called the meeting to order at 12:15 PM.

**Present:** 8 -

James I. Statz; Colin L. Godding; Richard J. Link; Sam J. Breidenbach;  
Russell G. Stern; Craig E. Brown; Louis J. Olson and James I. Glueck

**Excused:** 1 -

Paul E. Karow

### APPROVAL OF MINUTES

A motion was made by Glueck, seconded by Statz, to Approve the Minutes of October 20, 2009. The motion passed by voice vote/other.

### PUBLIC COMMENT

None

### PETITIONS FOR VARIANCE

1. [16614](#) 234 Lathrop Street (M-05-36-2009)  
Jake Holler, of Generation Construction, appealing Com 21.03 - 3(c)1. This is a continuance of the variance heard in May. The minutes are attached. The variance requested is to not completely sprinkler the house, specifically the great room.

**Attachments:** [234 Lathrop St..pdf](#)

Jake Holler of Generation Construction appealing Comm 21.03-3(c)1. There was no appearance. The rule requires that the entire house be sprinklered if the third floor is used as a bedroom. The variance requested is to leave two small areas of the great room unsprinklered due to aesthetic reasons. The Madison Fire Department supports the variance. The structure is sprinklered with a 13D System.

A motion was made by Statz, seconded by Breidenbach, to Approve the Variance. The motion passed by voice vote/other.

2. [16617](#)

**3322 Agriculture Drive (C-11-86-2009)**

Jim Ternus, of Strand Associates, appealing IBC 2603.4.13 requires walk-in coolers greater than 400 square feet be sprinklers. The request is to allow a 5,913 square foot cooler at -76°F to be unsprinklered. The Madison Fire Department supports the variance.

**Attachments:** [3322 Agriculture Dr..pdf](#)

Jim Ternus of Strand Associates appealing IBC 2603.4.13, which requires walk-in coolers greater than 400 square feet be sprinklered. The request is to allow a 593 square foot cooler at -76 degrees Fahrenheit to be unsprinklered. The Madison Fire Department supports the variance. The space above the freezer is sprinklered. It is technically infeasible to sprinkler a freezer at this temperature. There is a temperature monitoring system in the freezer.

A motion was made by Glueck, seconded by Statz, to Approve the Variance. The motion passed by voice vote/other.

3. [16622](#)

**2040 Winnebago Street (C-11-88-2009)**

Mark Schmidt, architect, appealing IBC 1208.2 The rule requires that occupied spaces shall have a ceiling height of 7'-6". The variance requested is to allow obstructions as low as 6'-0". The equivalency offered is painting the pipes a contrasting color.

**Attachments:** [2040 Winnebago St..pdf](#)  
[2040 Winnebago St Brought to Meeting.pdf](#)

Mark Schmidt, Architect, appealing IBC 1208.2. The rule requires occupied spaces have a ceiling height of 7' 6". The variance request is to allow obstruction as low as 6' 0". The tenants for the lower level space appeared.

The occupancy for the space will be at most 8 people. The obstructions in question are heating pipes. The appellant offered to paint the pipes in the walkway with intumescent paint and stripe the floor for the walkway. Approved exit signs will be provided at all exits. The two exits will be provided with emergency egress lights with battery backup. In addition, the heating system pipes will be raised by September 30, 2010. The Madison Fire Department will verify that the tenant has complied with the conditions of this variance.

A motion was made by Statz, seconded by Link, to Approve with Amendment(s). The motion passed by voice vote/other.

## ADJOURNMENT

A motion was made by Statz, seconded by Stern, to Adjourn at 12:45 PM. The motion passed by voice vote/other.



# City of Madison

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## Agenda - Approved

### BUILDING CODE, FIRE CODE, CONVEYANCE CODE AND LICENSING APPEALS BOARD

Tuesday, November 17, 2009

12:15 PM

215 Martin Luther King, Jr. Blvd.  
Room LL-110 (Madison Municipal Building)

*If you need an interpreter, translator, materials in alternate formats or other accommodations to access this service, activity or program, please call the phone number below at least three business days prior to the meeting.*

*Si necesita un intérprete, un traductor, materiales en formatos alternativos u otros arreglos para acceder a este servicio, actividad o programa, comuníquese al número de teléfono que figura a continuación tres días hábiles como mínimo antes de la reunión.*

*Yog hais tias koj xav tau ib tug neeg txhais lus, ib tug neeg txhais ntawv, cov ntawv ua lwm hom ntawv los sis lwm cov kev pab kom siv tau cov kev pab, cov kev ua ub no (activity) los sis qhov kev pab cuam, thov hu rau tus xov tooj hauv qab yam tsawg peb hnuv ua hauj lwm ua ntej yuav tuaj sib tham.*

*Если Вам необходима помощь устного или письменного переводчика, а также если Вам требуются материалы в иных форматах либо у Вас имеются особые пожелания в связи с доступом к данной услуге, мероприятию или программе, пожалуйста, позвоните по указанному ниже телефону и сообщите об этом не менее чем за три рабочих дня до соответствующей встречи.*

*Building Inspection Division, 608-266-4551, or TTY/TextNet 866-704-2318.*

#### CALL TO ORDER / ROLL CALL

#### APPROVAL OF MINUTES

October 20, 2009: <http://legistar.cityofmadison.com/calendar/#current>

#### PUBLIC COMMENT

*Three minutes allotted per individual.*

#### PETITIONS FOR VARIANCE

1. 16614 234 Lathrop Street (M-05-36-2009)  
Jake Holler, of Generation Construction, appealing Com 21.03 - 3(c)1. This is a continuance of the variance heard in May. The minutes are attached. The variance requested is to not completely sprinkle the house, specifically the great room.  
Attachments: 234 Lathrop St..pdf

2.     16617     3322 Agriculture Drive (C-11-86-2009)  
Jim Ternus, of Strand Associates, appealing IBC 2603.4.13 requires walk-in coolers greater than 400 square feet be sprinklers. The request is to allow a 5,913 square foot cooler at -76°F to be unsprinklered. The Madison Fire Department supports the variance.  
  
      Attachments:    3322 Agriculture Dr..pdf
  
3.     16622     2040 Winnebago Street (C-11-88-2009)  
Mark Schmidt, architect, appealing IBC 1208.2 The rule requires that occupied spaces shall have a ceiling height of 7'-6". The variance requested is to allow obstructions as low as 6'-0". The equivalency offered is painting the pipes a contrasting color.  
      Attachments:    2040 Winnebago St..pdf

**ADJOURNMENT**

**VARIANCE FEES**

MGO \$ 50  
~~ILHR \$800~~ \$500.00  
 Priority Double Above

# PETITION FOR VARIANCE APPLICATION

City of Madison  
 Planning & Development  
 INSPECTION UNIT  
 215 Martin Luther King, Jr. Blvd.  
 P.O. Box 2984  
 Madison, WI 53701-2984  
 608/266-4559

**OFFICE USE ONLY**

AMOUNT PAID

NAME OF OWNER/PETITIONER <i>Eloi Fontaine</i>	BUILDING OR PROJECT <i>Project Willow - Culture Plant Expansion</i>	AGENT, ARCHITECT OR ENGINEERING FIRM <i>Strand Associates, Inc.</i>
COMPANY <i>Danisco, Inc.</i>	TENANT NAME, IF ANY	NO. & STREET <i>910 West Wingra Drive</i>
NO. & STREET <i>3322 Agriculture Dr.</i>	BUILDING LOCATION, NO. & STREET <i>3322 Agriculture Drive</i>	CITY, STATE, ZIP CODE <i>Madison, WI 53715</i>
CITY, STATE, ZIP CODE <i>Madison, WI 53716</i>	CITY <i>Madison</i>	PHONE <i>608-251-2129 ext. 1167</i>
PHONE <i>608-395-2834</i>	DATE  <input type="checkbox"/> Approve <input type="checkbox"/> Disapprove	NAME OF CONTACT PERSON <i>Jim Ternus</i>

1. The rule being petitioned reads as follows: (cite specific rule number and language)

*See attached document*

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

*See attached document*

3. The following alternative(s) and supporting information are proposed as a means of providing an equivalent degree of health, safety or welfare as addressed by the rule:

*See attached document*

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

**VERIFICATION BY OWNER - PETITION IS VALID ONLY IF NOTARIZED AND ACCOMPANIED BY REVIEW FEE**

Note: Petitioner must be the owner of the building or project. Tenants, agents, designers, contractors, attorneys, etc. may not sign petition unless a Power of Attorney is submitted with the Petition for Variance Application.

*Eloi FONTAINE*  
 NAME OF PETITIONER (please type/print)

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 Petitioner <i>[Signature]</i>	Subscribed and sworn to before me this date: <i>10/16/2009</i>
Notary Public <i>[Signature]</i>	My commission expires: <i>April 21, 2013</i>

NOTE: ILHR variances are required to be notarized.



City of Madison  
Planning & Development  
INSPECTION UNIT  
215 Martin Luther King, Jr. Blvd.  
P.O. Box 2984  
Madison, WI 53701-2984

## POSITION STATEMENT:

To be compiled by Fire Marshall

NAME OF OWNER <i>Ebi Fontaine</i>	BUILDING OCCUPANCY OR USE <i>Group F/SI</i>	AGENT, ARCHITECT OR ENGINEERING FIRM <i>Strand Assoc.</i>
COMPANY <i>Danisco, Inc</i>	TENANT NAME, IF ANY	NO. & STREET <i>910 W wingra Drive</i>
NO. & STREET <i>3322 Agriculture Drive</i>	BUILDING LOCATION, NO. & STREET <i>3322 Agriculture Drive</i>	CITY, STATE, ZIP CODE <i>Madison WI 53715</i>
CITY, STATE, ZIP CODE <i>Madison WI 53716</i>	CITY, COUNTY <i>Madison Dane</i>	PHONE <i>(608) 251-2129 ext 1167</i>

1. I have read the petition for variance of rule:

2. I RECOMMEND (check appropriate box): ☐ Denial ☒ Approval ☐ Conditional Approval ☐ No Comment\*

3. Explanation for Recommendation:

\*If desired, Fire Departments may indicate "No Comment" on non-fire safety issues such as sanitary, energy conservation, structural, barrier free environments, etc.

4. ☐ I find no conflict with local rules and regulations.  
☐ I find that the petition is in conflict with local rules and regulations

Explanation

Signature of Fire Chief

Date

*11-02-2009*

PLEASE COMPLETE & SUBMIT PROMPTLY TO PLANNING & DEVELOPMENT, INSPECTION UNIT AT THE ADDRESS SHOWN ABOVE

October 13, 2009

**Danisco USA, Inc.  
Petition For Variance**

**1. The rule petitioned reads as follows:**

IBC 2603.4.1.3 requires that the maximum size of walk-in coolers or freezers in unsprinklered buildings shall be 400 square feet (SF), otherwise the walk-in cooler or freezer is required to be sprinklered. Danisco is requesting that the proposed 5,913 SF -76°F freezer area be allowed to be unsprinklered.

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

The proposed freezer area is being used to inactivate bacteria cultures, which requires the temperature within the freezer to be maintained at -76°F. Typical fire protection equipment for freezer protection is rated for a service temperature around -40°F. This value takes into account FM Global's recommendation that the dew point of the air used in the dry sprinkler system be 30°F less than the freezer temperature. Air drying equipment is available to provide dew points of -100°F (approximately 30°F less than the freezer temperature), however, it is typically not provided and requires special engineering. Furthermore, questions regarding the reliability of the system due to ice plugs remain since most manufacturers of sprinkler equipment do not have considerable experience with operating equipment at these low temperatures. Also, if water is introduced into a dry pipe system during a fire condition and the fire area exceeds the operating head(s) the downstream water in the dry pipe may be frozen rendering the sprinkler system ineffective.

Concerns also exist with regards to life safety at this temperature. If water is introduced into the space at the -76°F it could make egress difficult for occupants due to ice and could create the potential for exposure injuries. Firefighting efforts could be hampered due to the formation of ice prior to the deployment of hose streams due to a sprinkler system making it difficult to impossible for the fire department to extinguish a potential fire.

The potential of accidental discharge of the sprinkler system creates a large business interruption liability. The accidental discharge of the sprinkler system in this freezer area would render millions of dollars of stored product unusable, create a loss of ultracold storage capacity that could exist for several months and potentially cost Danisco millions of dollars in realized and potential lost revenue. There is no other local alternative ultracold storage facility that could be utilized for storage in the event of an accidental discharge of the sprinkler system.

**3. The following alternative(s) and supporting information are proposed as a means of providing an equivalent degree of health, safety or welfare as addressed by the rule:**

1. The sprinkler density above the freezer area and 15-ft beyond would be increased from 0.20 GPM/SF to 0.3 GPM/SF. The design density accounts for the presence of foam insulation as referenced in table 13.2.1 of NFPA 13 (2007 ed.) This foam insulation occupancy is defined as Extra Hazard Group One. Per NFPA Figure 13.2.1 indicates that the occupancy design criteria is .30 gpm/2500 sq. ft.

NFPA 13 11.2.3.1.4 (3) and A11.2.3.1.4 (3) requires a minimum design area of 3000 sq. ft.

Therefore the proposed design density for the sprinkler system, above the -76 degree cooler is .30gpm/3000 sq. ft.

2. The surrounding building is constructed of non-combustible materials (brick, block and precast concrete panels).

3. Smoke detection would be added to the freezer area although not required by code. The system will consist of an air sampling fire detector system tested to -100°F.
  4. Installation of heat detection within the freezer. The proposed freezer's temperature is currently monitored for maintenance purposes. This system would have two alarm set points: one that would notify maintenance and another that would notify the fire department through a central station.
- 
5. The freezer areas exit access travel distances are less than 200 feet with a common path of egress travel less than 100 feet per the Wisconsin Commercial Building Code (2008).
  6. Oxygen sensors with audible and visual alarms are proposed to be installed if the oxygen level drops to 19.5%.
  7. Panic buttons interfaced with annunciation at all doors and remote corners will be installed.
  8. Installation of emergency and exit lights within the freezer and with battery backup.
  9. Employees will be equipped with man-down sensors that will alarm when no movement is detected over a finite period.
  10. Employee training and procedure documentation to include entry by trained employees only.

The following list of attachments are part of the petitioner's statements and are included as part of this package.

- A. Existing and proposed building addition drawings
- B. Letter of support from Danisco property insurance provider
- C. Insulated metal panel information
- D. Smoke detection information
- E. Oxygen sensor information
- F. Lone worker sensor information
- G. Electrical equipment cut sheets (wire, lights, emergency lights, panic hardware)
- H. Employee training and procedure guidelines