

**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  
1490 5-15-17 H

Name of Owner Sabai Jai LLC	Project Description Original project included 3rd Floor addition	Agent, architect, or engineering firm Harmony Construction Management, Inc.
Company (if applies)		No. & Street 906 Jonathon Drive
No. & Street 3106 Kirkwall Street	Tenant name (if any)	City, State, Zip Code Madison, WI 53713
City, State, Zip Code Madison, WI 53711	Building Address 2713 Atwood Avenue	Phone 608-224-3310
Phone 608-234-2080		Name of Contact Person Paul Reed
e-mail katy@storybridge.tv		e-mail harmonyinc@harmonycm.net

- The rule being petitioned reads as follows: (Cite the specific rule number and language. Also, indicate the nonconforming conditions for your project.)  
2009 IBC Code section 1008.1.5 requires a level floor landing on each side of a door with several Exceptions.  
We have a 6" step at the door exiting to the 3rd floor deck.
- The rule being petitioned cannot be entirely satisfied because:  
Condition of pre-existing roof line requires step. See attached interpretation prepared by Midwest Modern, LLC
- 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 interpretation and exceptions.  
It is the opinion of Architect, Kyle Dumbleton, of Midwest Modern, LLC that the low occupancy of the new floor, the absence of a requirement for an accessible route to the floor, and the relatively private use of the floor that the space will be used with an intensity that is similar to the uses allowed in the section. Therefore, the presence of a step at the door will be known by regular occupants of the building, and will not be a hazard.

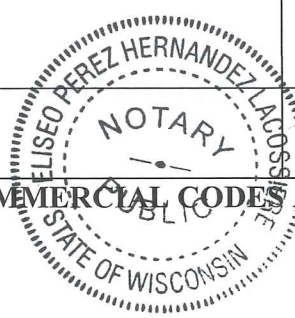
Note: Please attach any pictures, plans, or required position statements.

**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.

Katy Sai OR Matt Solomon, 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: <u>05/15/2017</u>
Notary public 	My commission expires: <u>06/23/2020</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.

April 21, 2017



**PROJECT INFORMATION:**

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Owners: Storybridge  
Project Name: Proposed Addition  
Location: 2713 Atwood Avenue, Madison, WI  
Architect of Record: Glueck Architects  
General Contractor: Harmony Construction Management, Inc.  
Architect Consultant to General Contractor: Midwest Modern, LLC  
Code information: Third Floor Type B use-1,377 sq. ft.—13 occupants

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**PREPARED FOR:**

Harmony Construction Management, Inc.  
Paul Reed, President

Midwest Modern, LLC is providing the following code interpretation for Harmony Construction Management, Inc. who is seeking a building code variance for a built item that was deemed as a code violation during final inspection of the project by the City of Madison Building inspector. Midwest Modern is providing the code interpretation as the Architect of Record has been unresponsive in resolving the as-built construction.

**DESCRIPTION OF AS-BUILT CONDITION IN VIOLATION:**

An approximately 105 sq. ft. balcony on the newly added 3<sup>rd</sup> floor has an approximate 6" step on the push side of the exterior door. The landing on the pull side of the door is within code allowed threshold requirements. The door serves as a means of egress from the balcony and is limited in use to only the employees using the floor. Due to the smaller size of the 3<sup>rd</sup> floor and the allowed occupancy the floor is not required to be accessible. 2009 IBC Code section 1008.1.5 requires a level floor landing on each side of a door with several Exceptions. Exception 2. States that a level landing is not required on each side of the door as follows:

2. Exterior doors as provided for in Section 1003.5, Exception 1, and Section 1020.2, which are not on an *accessible route*.

Section 1003.5, Exception 1 states:

1. A single step with a maximum riser height of 7 inches (178 mm) is permitted for buildings with occupancies in Groups F, H, R-2, R-3, S and at exterior doors not required to be accessible by Chapter 11.

The occupancies described in Exception 1 Section 1020.2 is met because there is an exit door from the balcony.

It is the opinion of Architect, Kyle Dumbleton, of Midwest Modern, LLC that the low occupancy of the new floor, the absence of a requirement for an accessible route to the floor, and the relatively private use of the floor that the space will be used with an intensity that is similar to the uses allowed in the section. Therefore, the presence of a step at the door will be known by the regular occupants of the building, and will not be a hazard. Please consider this opinion as in application of this variance.

Respectfully,

A handwritten signature in black ink, appearing to read "Kyle Dumbleton". The signature is fluid and cursive, written in a professional style.

Kyle Dumbleton, AIA, LEED Assoc.

Architect / Principal

A-10984

**END**

