

VARIANCE FEES

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

PETITION FOR VARIANCE APPLICATION

City of Madison
Neighborhood Preservation
& Inspection Division
215 Martin Luther King Jr. Blvd.
Madison, WI 53703
(608) 266-4568

Amount Paid 490.00

Name of Owner MIDVALE PLAZA JOINT VENTURE LP	Project Description MIXED-USE: RETAIL, LIBRARY & 45 CONDOS.	Agent, architect, or engineering firm SGN + A
Company (if applies)		No. & Street 1190 W. DAVID HILLS
No. & Street 120 E. LAKESIDE ST	Tenant name (if any) SEQUOYA COMMONS PHASE I	City, State, Zip Code ATLANTA, GA 30329
City, State, Zip Code MADISON, WI 53711	Building Address 555 S. MIDVALE BLVD	Phone (770) 841-9977
Phone		Name of Contact Person BRUCE SIMONSON

1. The rule being petitioned reads as follows: (Cite the specific rule number and language. Also, indicate the nonconforming conditions for your project.)

SEE ATTACHED

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

SEE ATTACHED

3. 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

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.

SCOTT E. KELLY

Print name of owner

, 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: <u>02/11/08</u>
Notary public <u>Dusan W. Gurney</u>	My commission expires: <u>03/15/09</u>

NOTE: ONLY VARIANCES TO COMM CODES ARE REQUIRED TO BE NOTARIZED.

SGN+A

DATE: February 11, 2008

TO: City of Madison Building Inspection Unit

RE: Sequoya Commons Phase I
555 S. Midvale Boulevard
Petition for Variance Application

Item 1: The rule being petitioned reads as follows:

IBC 1003.3.1.6 Thresholds - thresholds at doorways shall not exceed 0.75 inch in height for sliding doors serving dwelling units.

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

Sequoya Commons is a four story mixed-use building that includes retail space and a library on the ground floor and three levels of residential condominiums above. The second floor that separates the retail and library from the first level of residential units is constructed of precast concrete planks with a structural concrete topping. The other two residential floors are constructed using wood framing. At the second floor we have conditions where sliding glass doors that access outdoor decks from within individual units have been placed directly on the structural concrete slab as shown on the attached drawing. The result is an interior threshold that is 1½" above the finished floor. This is a typical detail that often occurs when sliding glass doors are used with this type of construction and is a condition that has been in the past accepted by the City of Madison.

Comm 62.1107 Exception (b)2 allows an impervious exterior deck in a Type B unit to be up to 4" below the finished floor of the adjacent interior space of the unit. The purpose of this section of the code is to alleviate potential water problems at door thresholds. For the past several years the City of Madison has interpreted this provision of the code in such a manner that the combined interior and exterior threshold height was allowed to total 4". Madison has not been unique in this regard; other states and municipalities using the International Building Code have also allowed for flexibility of thresholds at sliding glass doors.

During field inspections in the fall of 2007 we were informed that the threshold condition shown on the attached drawing was no longer acceptable and that it would be necessary to reduce the threshold height from 1½" to ¾". This change in interpretation came after the structural slabs were in place at Sequoya Commons and the sliding door units had been installed. Modifying this existing condition will require either replacing the sliding door units with a swinging door with side-lites or saw cutting the structural concrete in order to recess the sliding door ¾" into the slab. Both of these options represent a very expensive remedy.

Item 3: 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:

Our objective is not to overturn IBC Section 1003.3.1.6. Rather, because of the change in the interpretation of Comm 62.1107, we are requesting that twenty units in Phase I at Sequoia Commons be "grandfathered" in under the previous interpretation.

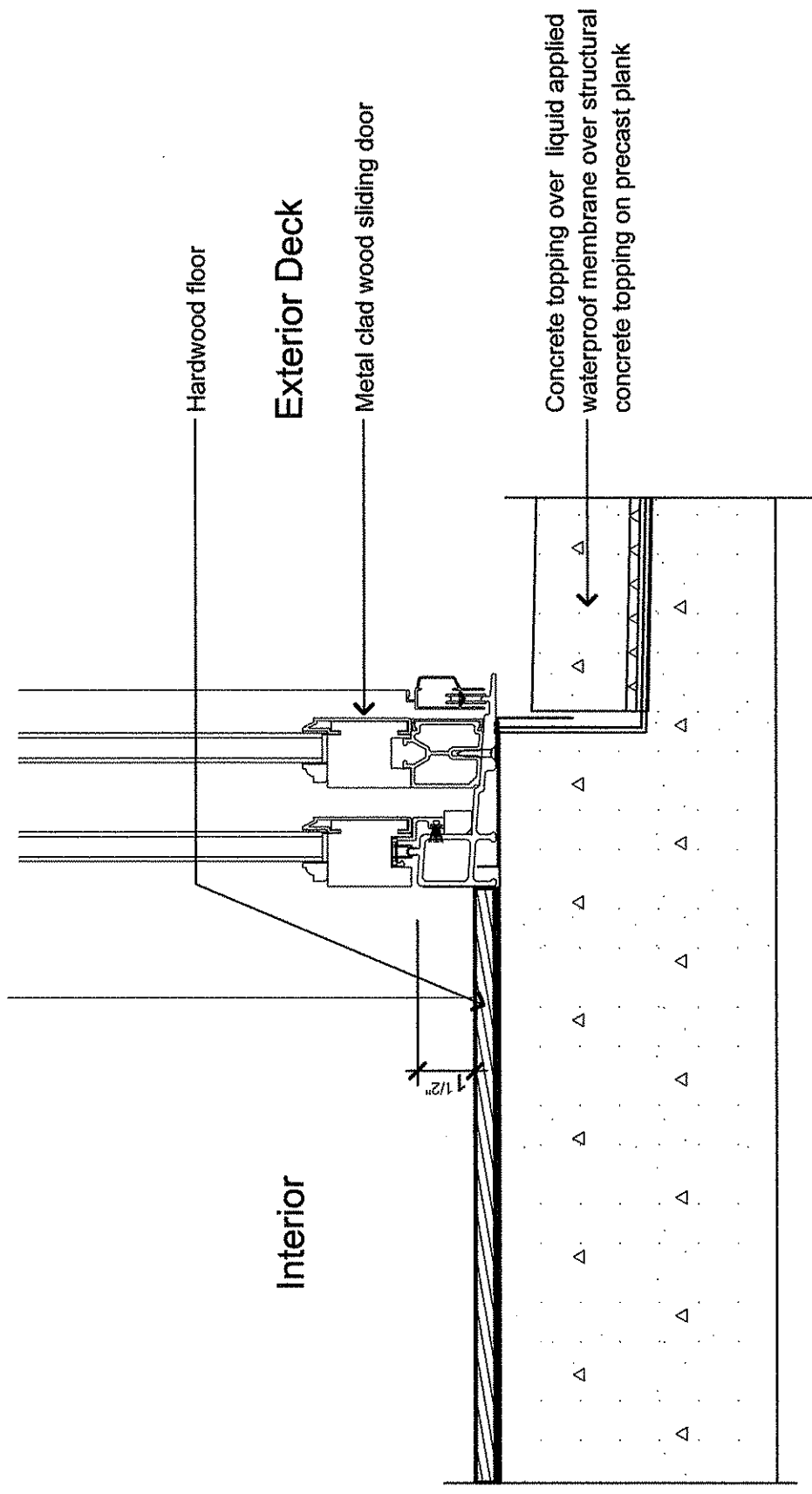
There is one Type-A unit and forty-four Type-B units for sale in Phase I at Sequoia Commons. Of that total there are twenty Type-B units in which the sliding door threshold leading onto a deck exceeds $\frac{3}{4}$ ". All other units in the building meet the IBC 1003.3.1.6 standard. As noted previously the thresholds in these twenty units involve a $\frac{3}{4}$ " deviation from the IBC standard.

In Phase II at Sequoia Commons we will have a similar sliding door and structural slab condition. In Phase II and in all other future projects it will be possible to meet the IBC 1003.3.1.6 standard by incorporating a drop into the structural slab at the door threshold. Consequently, this request is for a one time only variance in Phase I that would permit the twenty units to be "grandfathered" in under the City's previous interpretation of Comm 62.1107. In future projects, including the 100 units in Phase II, the door thresholds would not exceed $\frac{3}{4}$ ".

In addition, for the twenty units in Phase I the developers would agree to offer the option of installing an interior ramp and landing at the sliding glass doors if the buyer so chooses. The buyer could also be offered the option of having a vertical grab bar installed adjacent to the door in order to aid in transitioning the threshold.

In summary, it appears that we are in the midst of a change in the interpretation of a code requirement. As a result there is a great deal of expense that is about to be incurred in order to compensate for a minor condition that has been acceptable in the past. The developers and the designers are not attempting to circumvent either the intent or the spirit of the building code. We feel that the minor variance being requested is reasonable, practical and will not prevent persons with physical disabilities from either occupying or visiting these units.

If you have any questions please contact Bruce Simonson, SGN+A at (770) 841-9977 or at bsimonson@sgnplusa.com.



Existing Condition

Sequoia Commons Phase I 1/7/08

SGN+A

DATE: February 13, 2008

TO: City of Madison Building Inspection Unit

RE: Sequoya Commons Phase I
555 S. Midvale Boulevard
Petition for Variance Application

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Comm 62.1107 Exception (b)2 allows an impervious exterior deck in a Type B unit to be up to 4" below the finished floor of the adjacent interior space of the unit. The purpose of this section of the code is to alleviate potential water problems at door thresholds. For the past several years the City of Madison has interpreted this provision of the code in such a manner that the combined interior and exterior threshold height was allowed to total 4". Madison has not been unique in this regard; other states and municipalities using the International Building Code have also allowed for flexibility of thresholds at sliding glass doors.

During field inspections in the fall of 2007 we were informed that the threshold condition shown on the attached drawing was no longer acceptable and that it would be necessary to reduce the threshold height from 1½" to ¾". This change in interpretation came after the structural slabs were in place at Sequoya Commons and the sliding door units had been installed. Modifying this existing condition will require either replacing the sliding door units with a swinging door and side lites or saw cutting the structural concrete in order to recess the sliding door ¾" into the slab. Both of these options represent a very expensive remedy.

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There is one Type-A unit and forty four Type-B units for sale in Phase I at Sequoia Commons. Of that total there are twenty Type-B units in which the sliding door threshold leading onto a deck exceeds $\frac{3}{4}$ ". All other units in the building meet the IBC 1003.3.1.6 standard. As noted previously the thresholds in these twenty units involve a $\frac{3}{4}$ " deviation from the IBC standard.

In Phase II at Sequoia Commons we will have a similar sliding door and structural slab condition. In Phase II and in all other future projects it will be possible to meet the IBC 1003.3.1.6 standard by incorporating a drop into the structural slab at the door threshold. Consequently, this request is for a one time only variance in Phase I that would permit the twenty units to be "grandfathered" in under the City's previous interpretation of Comm 62.1107. In future projects, including the 100 units in Phase II, the door thresholds would not exceed $\frac{3}{4}$ ".

For the twenty units in Phase I the developers would also offer the buyer the option of installing a raised floor in the living room that would transition as shown on the attached drawing. This option would result in a unit that would comply with IBC 1003.3.1.6. The buyer could also be offered the option of having a vertical grab bar installed adjacent to the door in order to aid in transitioning the threshold.

In summary, it appears that we are in the midst of a change in the interpretation of a code requirement. As a result there is a great deal of expense that is about to be incurred in order to compensate for a minor condition that has been acceptable in the past. The developers and the designers are not attempting to circumvent either the intent or the spirit of the building code. We feel that the minor variance being requested is reasonable, practical and will not prevent persons with physical disabilities from either occupying or visiting these units.

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