

**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 - FMR

Name of Owner <u>WILLIAM JOHNSTON</u>	Project Description	Agent, architect, or engineering firm
Company (if applies) <u>Capital Newspapers Inc</u>		No. & Street
No. & Street <u>1901 Fish Hatchery Rd</u>	Tenant name (if any) <u>Sergenian's Floor Coverings</u>	City, State, Zip Code
City, State, Zip Code <u>Madison, WI 53713</u>	Building Address <u>2001 Fish Hatchery Rd</u>	Phone
Phone <u>608-252-6200</u>	Madison, WI 53713	Name of Contact Person

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

High-piled combustible storage must be maintained to comply with the applicable codes and standards. (E.g. Chapter 34, Madison General Ordinance; Comm 61 to 65, Wisconsin Commercial Building Code; NFPA 13, Installation of Sprinkler Systems, 2002 Edition; and the International Fire Code.) Rolled carpet at racks with height of 17 ft and only sprinkler system of ordinary hazard.

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

The tenant Sergenian's Floor Coverings moved in this space in 1998 with the same products and basically had the same set up for eight years before first being notified of the change in the ordinance that would require a different sprinkler system.

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:

Since Sergenian's Floor Coverings does not own the building they have tried to make numerous changes within their ability and financial means. Since 2006 over \$120,000 has been invested in new racking and decking which meets the code for 50% open area and the aisles exceed the minimum 8'0" requirement. Capital Newspapers would like to keep them as a tenant until their lease expires on 6/30/2015.

WE ARE ASKING FOR A 5 YEAR EXTENSION TO THE LEASE ATTACHED, TO 6/30/2015

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.

WILLIAM JOHNSTON, 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 <u>Will Johnston</u>	Subscribed and sworn to before me this date: <u>November 3, 2008</u>
Notary public <u>Alene F. Hornung</u>	My commission expires: <u>1-24-10</u>

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



# CITY OF MADISON FIRE DEPARTMENT

325 West Johnson St, Madison, WI 53703-2295  
Phone: 608-266-4420 ♦ Fax: 608-267-1100 ♦ E-mail: [fire@cityofmadison.com](mailto:fire@cityofmadison.com)

May 26, 2006

Mr. James Garner, CEO  
Sergenian's Floor Coverings  
2001 Fish Hatchery Rd.  
Madison, WI 53713

**Re: 2001 Fish Hatchery Rd.**

Dear Mr. Garner:

The City of Madison Fire Department received and reviewed your request for an extension of the compliance date for the high-piled storage and fire sprinkler protection in the warehouse. The request was reviewed with careful consideration of the points you raised in your letter, occupant safety, and firefighter safety. In addition, property and the potential for business interruption were considered.

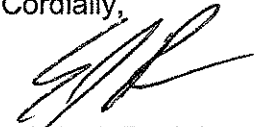
While it may be difficult for you to agree, it is the opinion of the Madison Fire Department that the type of products stored, storage height, and inadequate fire sprinkler system pose a distinct hazard to life and property. Therefore, the Department will limit the extension to June 30, 2010.

It is important to the City of Madison and the Madison Fire Department to see small businesses succeed in Madison. We work hard to build and maintain a community where businesses can succeed. A business-friendly community must also be a safe community where businesses do not fail due to business interruption, losses, or disasters.

The Department's initiative to review the fire protection of facilities with high-piled storage has been successful in helping owners identify hazards. The initiative has also identified facilities in which serious violations have existed since occupancy. This initiative has been underway since July of 2002.

I look forward to working with you to find a workable solution for your business. Please do not hesitate to contact me to further discuss your concerns or this reply.

Cordially,



Edwin J. Ruckriegel  
Fire Marshal

EJR:ded

cc: Mike Schroeder  
Jerry McMullen  
File

*Debra H. Amesqua*  
Fire Chief  
608-266-6564

*James D. Keiken*  
Assistant Chief  
608-266-5966

*Michael C. Dirienzo*  
Assistant Chief  
608-266-5959

*Paul T. Bloom*  
Assistant Chief  
608-266-5956

*Marcia S. Holtz*  
Division Chief  
608-266-4256

*Gregg D. Knudtson*  
Division Chief  
608-266-4203

*Ernesto Martinez*  
Division Chief  
608-266-4886

*Ronald C. Schwenn*  
Division Chief  
608-267-8674

*Jeffrey G. Duppler*  
Division Chief  
608-266-4201

*Michael D. Popovich*  
Division Chief  
608-266-5946

*Edwin J. Ruckriegel*  
Fire Marshal  
608-266-4457

*Rita A. Johnson*  
Admin. Services Mgr.  
608-266-5957


*Fire Investigation*  
608-266-4488

Visit our web site at:  
[www.madisonfire.org](http://www.madisonfire.org)



**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 <i>William Johnston</i>	BUILDING OCCUPANCY OR USE <i>Warehouse</i>	AGENT, ARCHITECT OR ENGINEERING FIRM
COMPANY <i>Capitol Newspapers</i>	TENANT NAME, IF ANY <i>Sergenicins</i>	NO. & STREET
NO. & STREET <i>1901 Fish Hatchery Rd</i>	BUILDING LOCATION, NO. & STREET <i>2001 Fish Hatchery Rd</i>	CITY, STATE, ZIP CODE
CITY, STATE, ZIP CODE <i>Madison, WI 53713</i>	CITY, COUNTY <i>Madison, Dane</i>	PHONE
1. I have read the petition for variance of rule: <i>Comm 61.03, IFC Chapter 23</i>		
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: <i>Sergenicins continues to make improvements to the rack layout. This request for an extension is acceptable.</i>		
*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 <i>11-18-08</i>

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