

APPEAL FEES

MGO \$50
Priority Double Above

APPLICATION FOR APPEAL

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 *50 FMR 4/9/2008*

NAME OF OWNER/PETITIONER <i>Bruce Thalley</i>	BUILDING OR PROJECT	AGENT, ARCHITECT OR ENGINEERING FIRM
COMPANY	TENANT NAME, IF ANY	NO. & STREET
NO. & STREET <i>577 Bardner Drive</i>	BUILDING LOCATION, NO. & STREET	CITY, STATE, ZIP CODE
CITY, STATE, ZIP CODE <i>Madison, WI 53705</i>	CITY	PHONE
PHONE <i>608/233-7579</i>	DATE <input type="checkbox"/> Approve <input type="checkbox"/> Disapprove	NAME OF CONTACT PERSON

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

Comm 21.10 Any structural portion of a deck shall be constructed of treated or naturally decay-resistant wood.

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

Structure was completed 11 months ago. Treated wood was not used because of problems with paint adherence, and the building inspection unit web site was not clear to us at the time (please see attached letter).

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:

Materials in question have been painted, are not in contact with the ground, and are covered by cedar deck and porch roof.

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.

Bruce Thalley, being duly sworn, I state as petitioner that I have read the foregoing
NAME OF PETITIONER (please type/print)

petition, that I believe it to be true and I have significant ownership rights in the subject building or project.

Signature of Petitioner <i>Bruce Thalley</i>	Subscribed and sworn to before me this date:
Notary Public	My commission expires:

APPLICATION FOR APPEAL INSTRUCTION SHEET

APPEAL PROCESS

BUILDING/FIRE INSPECTOR COMMENTS

1. APPLICATION

Applicant gets application from Permit Counter. Contact inspector listed on card attached to application (Appeal cannot be placed on agenda until the application is approved by a supervisor). Owner pays application fee. Permit counter logs name, date, phone number, inspector's initials in log book.

2. INSPECTOR/FIRE PREVENTION

Fire Prevention is notified by Inspector and asked for input, if situation involves fire safety. For ILHR Variances a Fire Department Position Statement is required.

3. INSPECTOR/OWNER

Inspector looks at conditions at the property being appealed and works with applicant to develop appeal. Inspector makes sure photos, drawings and other information is sufficient to present a good overview to the Appeals Board.

Plans-Photos by Owner

*Finalized plans and any supporting data must be submitted to the inspector before the application is discussed with the supervisor and scheduled for the Building Board meeting.

Inspector/Supervisor

Inspector meets with Supervisor 10 days before meeting to present finished appeal application and supporting documents. Supervisor approves application.

Supervisor/Director

Supervisor meets with Director and explains situation. Director schedules appeal (third Wed. of month) at Building Inspection Office.

Secretary

Eight days before meeting secretary mails agenda to board members and applicants. Letter to precedent applicants is also mailed at this time. Mails minutes and copies of precedent decisions within 7 days after meeting and routes to counter, inspectors, supervisor.

THIS PORCH WAS FRAMED BY ONE MAN
CONSTRUCTION ONLY THE POSTS AND
LEDGER IS TREATED DECK BOARDS RUN
PARALLEL WITH THE JOISTS SO ADDITIONAL
BLOCKING HAS BEEN INSTALLED ALL JOISTS
AND BLOCKS HAVE BEEN PAINTED WITH
ONE COAT OF PAINT. THE PAINT FILM IS
THIN ENOUGH THAT IT IS EASILY NOTICEABLE
THAT THE WOOD USE IS STANDARD SPF #2

Building/Fire Inspector Signature

BE SURE TO CONTACT THE PERSON BELOW TO ASSIST YOU WITH YOUR APPEAL APPLICATION

APPROVED: NO YES

With the Following Contingencies:

Appeal of Inspection Report Ruling

April 4, 2008

Homeowner: Bruce Thalley
Inspector: Steve Rewey
Home location: 517 Bordner Drive
Builder: One Man Construction
Structure: Front porch

Relevant timeline:

Building permit pulled in March of 2007

Building completed in April of 2007

First inspection in November of 2007; major item (rigid pipe placement) corrected in December, 3 month extension granted for remaining items (joist hangers).

Subsequent inspection in March of 2008 pointed out problem with skirt materials

Background and merits of appeal:

I had a front porch built by One Man Construction in the spring of 2007. Prior to building the porch I had a survey performed to determine the property boundaries, had an architect draw up the porch design, and applied for a zoning variance based on the survey results (which was approved). One Man Construction pulled a permit before the building started. All of this was done to comply with the Madison building requirements.

Initially I had planned on using treated lumber and cedar exclusively for the porch, however the plans called for painting the skirt around the deck, and the builder cautioned against using treated lumber for this purpose because he claimed paint doesn't always adhere to treated lumber. On this recommendation and after consulting the building unit inspection web page we decided to use treated lumber for the foundation posts, cedar for the deck surface, cedar for the roof posts, and painted construction lumber for the skirt and joists, neither of which were in contact with the ground. We thought this was consistent with the information on the building inspection unit web page, which seemed somewhat ambiguous and open to interpretation regarding deck materials.

I'm referring to the section of the web site under the heading "Things to know before you start to build your deck" (see attached web page printout). The first relevant statement reads "Use weather resistant materials such as treated lumber." Every other instruction that follows in that section is much more direct: "Footings *must* be adequate..., Footings for deck *must* be..., Guardrails *must* surround any..., Stairs of more than 3 risers *require*..., A building permit is *required*..." The next relevant section reads "Foundation posts must be suitable for ground contact." We took this to mean that materials in contact with the ground have to be treated or weather resistant, and that is recommended however not required for components that are not in contact with the ground. It was never my intention to try to get around any of the code requirements; while COMM 21.10 is certainly clear regarding this requirement, the web page

information was much less so and left the impression that ground contact was the critical consideration.

The skirt materials under question are painted, above ground, and covered by the cedar deck and porch roof (see attached drawing and photograph of completed porch). Replacing them at this point would require very extensive de-construction; if the fact that the materials in question are painted, not in contact with the ground, and covered don't satisfy the weather-proofing requirements, I would hope to do so in a way that minimizes the amount of de-construction required.

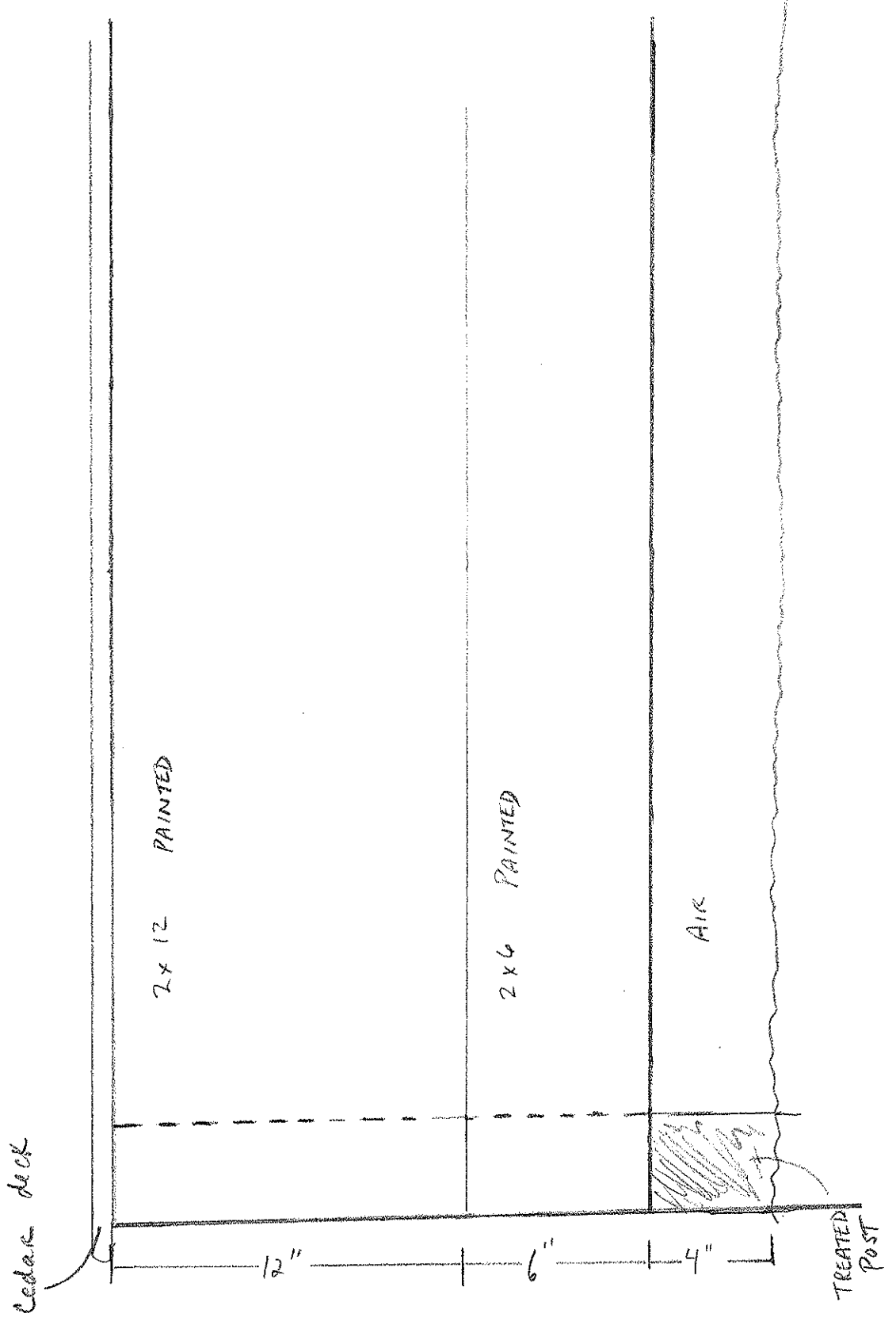
Thank you for considering this appeal, and I look forward to hearing your decision,

Sincerely,

Bruce Thalley

A handwritten signature in cursive script that reads "Bruce Thalley". The signature is written in black ink and is positioned to the right of the printed name "Bruce Thalley".

Deck diagram
517 Bordner Drive



Follow these 7 Steps....

1 Find out if your proposed deck will meet these placement, construction and safety requirements.

Placement

- Decks less than 3 feet above ground can extend up to the lot line in most cases.
- Decks 3 feet or higher above the ground must meet the zoning setback requirements for your district. Call 266-4560 for zoning requirements in your area.

Construction

- Use weather-resistant materials such as treated lumber.
- Footings must be adequate to support the load. Building inspection staff will help you determine the type of footing to use.
- Footings for decks must be at least 48 inches deep to prevent frost heaving.

Safety

- Guardrails must surround any deck that is more than 2 feet above ground and they must be a minimum of 3 feet high.

- Stairs of more than 3 risers require handrails with intermediate rails, balustrades or latticework spaced so that a 4-inch ball cannot pass through.

2 Obtain a building permit. A building permit is required for all decks.

3 Turn in your required drawings at the Building Inspection Permit Counter.

- If your deck is over 3 feet high a drawing showing your deck's location, size and distance from lot lines and other structures will be needed.

- All decks require construction drawings showing the deck size, post locations, beam sizes, and joist size and spacing.

Wait for staff to review your plans.

4 For decks, your plans can be reviewed and a permit issued by City staff immediately if the design meets the required codes.

5 Pay the fee and receive your permit. The City charges for building permits to cover the cost of plan review and inspections.

The permit fee for most decks under 420 square feet is \$35. Staff will calculate your exact fee once they have approved your plans. A fee schedule is available at the Permit Counter.

6 Start the work that the permit was issued for. Be sure to display the permit where it can be seen from the street during construction.

7 Call for an inspection. When your permit is issued the Permit Counter staff will tell you the name and phone number of the Building Inspector for your area. The Building Inspector will work with you to be sure the work is done correctly.

It is your responsibility to schedule an inspection after your footing holes are dug and before the footings are installed.

On-site inspections of your project during construction assure you that the materials

used and the work done are up to code. If any work does not pass inspection, it must be corrected and reinspected. At any time during the planning or construction of your deck, call, write or visit Building Inspection. They're happy to answer your questions and suggest solutions to your problems.

Mailing Address

City of Madison
Building Inspection Unit
P.O. Box 2984
Madison, WI 53701-2984

Phone Number

(608) 266-4551

Web Address

www.cityofmadison.com/planning/bi/bi.htm

E-mail

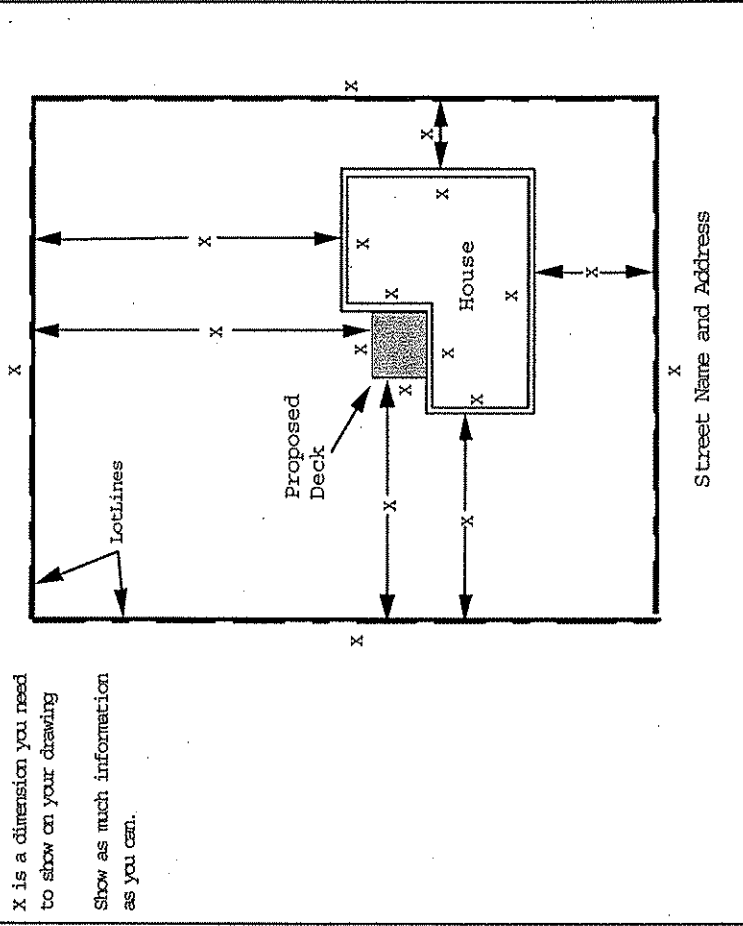
blgdinspect@cityofmadison.com

Smart Builder Tips

- Not all pressure treated (green or brown) lumber is rated for ground contact. Foundation posts must be suitable for ground contact.
- Paint end surfaces of treated lumber. Pressure treatment only penetrates the lumber about 1/4 inch. Cut lumber exposes untreated surfaces which could rot quickly.
- Slope the ground under the deck to direct water away from the house and to prevent ponding. A slope of one inch in one foot is recommended.
- Fast all decking with wood grain curving down. The edge will lock like a rainbow. This prevents cupping or warping of the lumber.
- Use galvanized screws to avoid rust streaking and for greater stability.
- Call Diggers Hotline 1-800-242-8511 before digging any post holes.

Site Plan Example

X is a dimension you need to show on your drawing
 Show as much information as you can.



Dispose of scraps of treated lumber with your garbage. Don't burn it! Some types of treated lumber contain arsenic.

Not all deck kits meet building code. Check with Building Inspection before you buy a kit.

August 2004

