



# City of Madison

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

## Agenda - Draft

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

*Consider: Who benefits? Who is burdened?*

*Who does not have a voice at the table?*

*How can policymakers mitigate unintended consequences?*

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Tuesday, June 17, 2025

1:00 PM

Virtual  
(Madison Municipal Building)  
Suite 013

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The City of Madison is holding the Building Board of Appeals meeting virtually

1. Written Comments: You can send comments on agenda items to [buildingboard@cityofmadison.com](mailto:buildingboard@cityofmadison.com)

2. Register for Public Comment:

- Register to speak at the meeting.
- Register to answer questions.
- Register in support or opposition of an agenda item (without speaking).

If you want to speak at this meeting you must register. You can register at <https://www.cityofmadison.com/MeetingRegistration>. When you register to speak, you will be sent an email with the information you will need to join the virtual meeting.

3. Watch the Meeting: If you would like to join the meeting as an observer, please visit <https://www.cityofmadison.com/watchmeetings>.

4. Listen by Phone:

(877) 853-5257 (Toll Free)

Webinar ID: 813 4199 6727

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.

For accommodations, contact: Kyle Bunnaw, 608-266-4551,  
[buildingboard@cityofmadison.com](mailto:buildingboard@cityofmadison.com)

**CALL TO ORDER / ROLL CALL**

**APPROVAL OF MINUTES**

May 20, 2025: <http://madison.legistar.com/Calendar.aspx>

**PUBLIC COMMENT**

1. [62199](#) Building Board of Appeals Public Comment Period

**DISCLOSURES AND RECUSALS**

Members of the body should make any required disclosures or recusals under the City's Ethics Code.

**PETITION FOR VARIANCE, AREA EXCEPTIONS OR APPEALS**

2. [88720](#) 5510 Element Way  
BLDVAR-2025-08672  
The property owner is seeking a variance from 2015 IBC 1011.5.4.1 for exterior steps with non-uniform risers at the grade level. Alder District 19.
3. [88721](#) 2219 Monroe St  
BLDVAR-2025-08669  
The property owner is seeking a variance from 2015 IBC 903.2.3 requiring a sprinkler system for group E occupancies. The applicant is seeking a variance to exempt the area over the existing swimming pool from requiring a sprinkler system. Alder District 13.
4. [88722](#) 1128 Erin St  
BLDVAR-2025-08659  
The property owner is seeking a variance from 2015 IBC 1011.52 requiring a minimum tread depth of 11 inches. Alder District 13.

**NEW BUSINESS**

5. [08598](#) Communications and Announcements

**ADJOURNMENT**



# City of Madison

City of Madison  
Madison, WI 53703  
www.cityofmadison.com

## Master

**File Number: 62199**

**File ID:** 62199

**File Type:** Miscellaneous

**Status:** Approved

**Version:** 1

**Reference:**

**Controlling Body:** BUILDING CODE,  
FIRE CODE,  
CONVEYANCE  
CODE AND  
LICENSING  
APPEALS BOARD

**File Created Date :** 09/10/2020

**File Name:** Building Board of Appeals Public Comment Period

**Final Action:**

**Title:** Building Board of Appeals Public Comment Period

**Notes:**

**Sponsors:**

**Effective Date:**

**Attachments:**

**Enactment Number:**

**Author:**

**Hearing Date:**

**Entered by:** colson@cityofmadison.com

**Published Date:**

### History of Legislative File

Ver- sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
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### Text of Legislative File 62199

Title

Building Board of Appeals Public Comment Period



# City of Madison

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Madison, WI 53703  
www.cityofmadison.com

## Master

**File Number: 88720**

**File ID:** 88720

**File Type:** Miscellaneous

**Status:** Petition for  
Variance,  
Exception, or  
Appeal

**Version:** 1

**Reference:**

**Controlling Body:** BUILDING CODE,  
FIRE CODE,  
CONVEYANCE  
CODE AND  
LICENSING  
APPEALS BOARD

**File Created Date :** 06/10/2025

**File Name:** 5510 Element Way

**Final Action:**

**Title:** 5510 Element Way  
BLDVAR-2025-08672

The property owner is seeking a variance from 2015 IBC 1011.5.4.1 for exterior steps with non-uniform risers at the grade level. Alder District 19.

### Notes:

### Sponsors:

**Effective Date:**

**Attachments:** 5510 Element Way - Variance Application.pdf

**Enactment Number:**

**Author:**

**Hearing Date:**

**Entered by:** eburrus@cityofmadison.com

**Published Date:**

### History of Legislative File

Ver- sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
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### Text of Legislative File 88720

#### Title

5510 Element Way  
BLDVAR-2025-08672

The property owner is seeking a variance from 2015 IBC 1011.5.4.1 for exterior steps with non-uniform risers at the grade level. Alder District 19.



**APPEAL FEES**

MGO \$50.00

**APPLICATION FOR APPEAL**

City of Madison  
Building Inspection Division  
126 S Hamilton St  
PO Box 2984  
Madison, WI 53703  
(608) 266-4568

Priority – Double above

Amount Paid

Name of Owner <b>University Research Park Paul Muench</b>	Project Description <b>Element Lab Bldg 5510 Element Way</b>	Agent, architect, or engineering firm
Company (if applies)		No. & Street
No. & Street <b>505 S. Rosa Rd #201</b>	Tenant name (if any) <b>NA</b>	City, State, Zip Code
City, State, Zip Code <b>Madison WI 53711</b>	Building Address <b>5510 Element Way</b>	Phone
Phone <b>608-441-8000</b>	<b>Madison WI 53711</b>	Name of Contact Person
e-mail <b>pdmuench@wisc.edu</b>		e-mail

1. The rule being appealed reads as follows: (Cite the specific rule number and language. Also, indicate the nonconforming conditions for your project.)  
**MGO 29.19 IBC 1011.5.4.1 "Non Uniform Height Risers"**  
**Element Lab exterior stairs (risers) are conforming because grade (cross slope) was established by City Engineering and Dev. Agreement**
2. The rule being appealed cannot be entirely satisfied because: **#1003 prior to stair construction.**  
**Element Lab is compliant with IBC 1011.5.4.1**
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, including photos**

Note: Please attach any pictures or plans.

**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 Appeal Application.

**Paul D. Muench - Assoc. Dir**  
**University Research Park Inc**  
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 <b>Paul Muench</b>	Subscribed and sworn to before me this date: <b>12/19/24</b>
Notary public <b>Zach Purkey</b>	My commission expires: <b>is permanent.</b>

**NOTE: ONLY APPEALS FOR COMMERCIAL CODES ARE REQUIRED TO BE NOTARIZED.**

# Perkins&Will

Date: 3.6.2024

**Paul D. Muench, Associate Director**  
University Research Park, Inc.  
505 S. Rosa Road, Suite 201  
Madison, WI 53719

**Re: ELB – Code Violation Non Uniform Stairs**  
**Building Inspection Official Notice**  
**Case No. CB2024-059-01371**

Dear Paul,

Perkins&Will has reviewed the above referenced notice from the City of Madison Building Inspection department, dated 28 Feb, 2024. The notice cites that the exterior stairs used as exit discharge from the building have non uniform risers where the steps meet the sloping sidewalk and grade.

IBC Section 1011.5.4.1 allows non-uniform height risers where the bottom (or top) riser adjoins a sloping public way, walkway or driveway having an established grade and serving as a landing. In terms of *established*, there were numerous designs developed by the City Engineers, Walbec, and D'Onofrio for the streets & sidewalks to establish grades along Element Way and Catalyst Way during the extent of the project. ELB was designed to be compliant with URP's Development Agreement #9003 (which obligated URP to construct public streets and sidewalks as designed by City Engineering). This effort ran concurrently with the design & engineering of the exterior stairs and property grades for the Element Labs building & site by SmithGroup, which are directly tied to the city benchmark elevations, specifically the substantial grade change along Element Way.

The final installed grades were established when the street intersection pad and public sidewalks were poured around the same time the steps and adjoining sidewalks were set for the Element Labs Building. Construction site activity for the Element Labs Building continued by Findorff with the understanding that the City streets and sidewalks were established prior to the ELB stairs being formed & placed. Note that the southeast exit door was required by Madison Fire Department to have a straight exit path directly to Element Way, thus necessitating the existing riser configuration. As such Perkins&Will believes that all non-uniform height risers are code compliant as allowed by the referenced code section.

Note that the required egress width and path of travel to a safe level of exit discharge leads directly to a 'no step' transition at the southwest corner of the property. City of Madison Addressing and Madison Fire Department requires a pedestrian access point directly to the addressed street (Element Way). Kindly note that exit paths that *could* create uniform risers, did so, and the west stair was formed & poured after Catalyst Sidewalk was installed. There should be no basis of disagreement on this item.

Respectfully,



**James A. Giebelhausen, AIA**  
Sr. Project Architect  
Perkins&Will

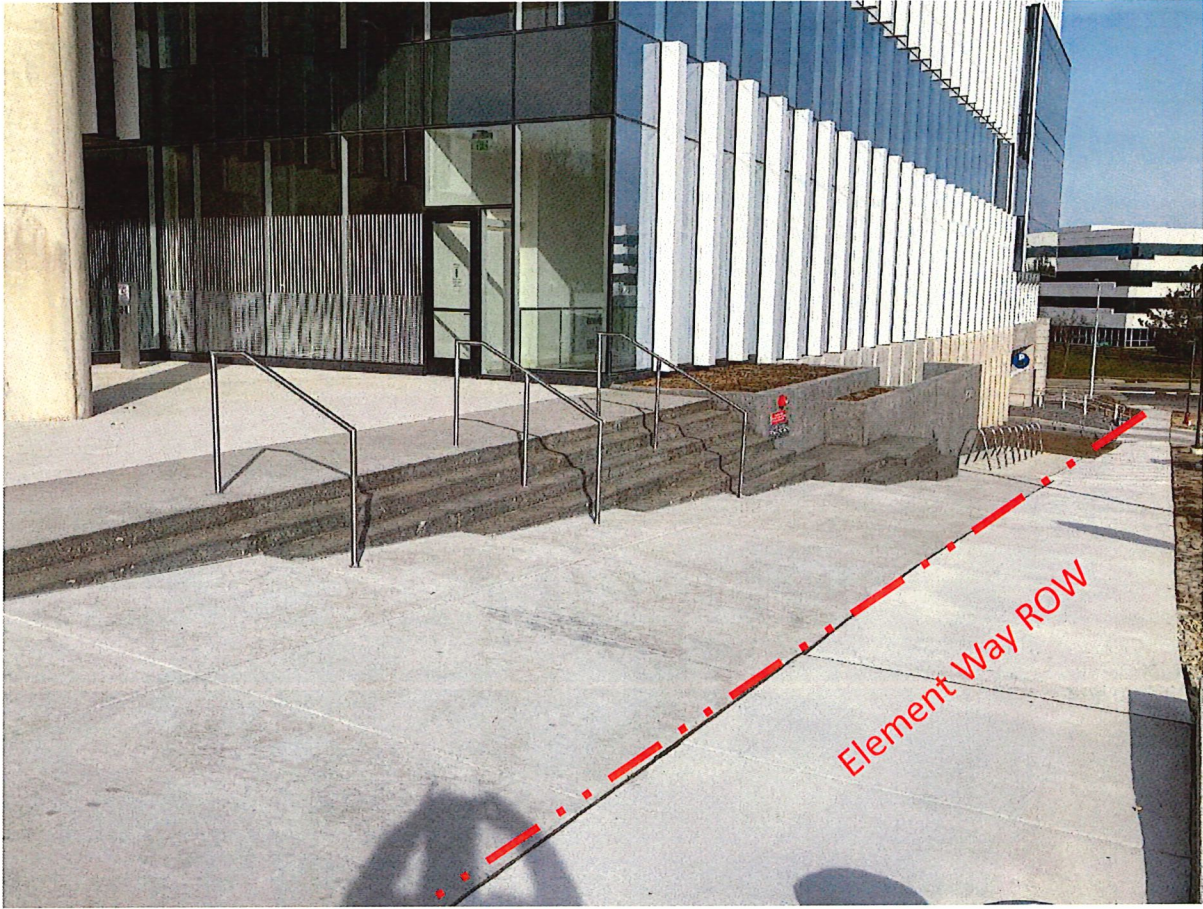


























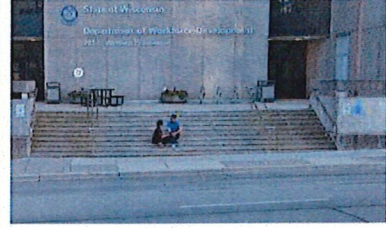
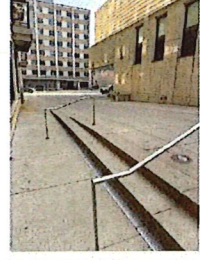
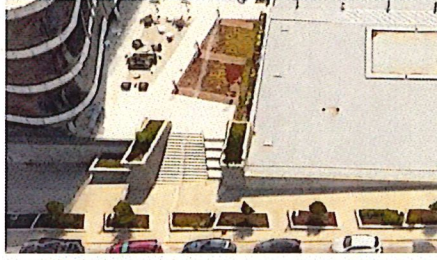
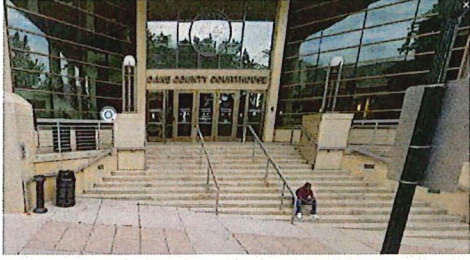


## Precedents for Non-uniform risers with cross slopes











# City of Madison

City of Madison  
Madison, WI 53703  
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## Master

**File Number: 88721**

**File ID:** 88721

**File Type:** Miscellaneous

**Status:** Petition for  
Variance,  
Exception, or  
Appeal

**Version:** 1

**Reference:**

**Controlling Body:** BUILDING CODE,  
FIRE CODE,  
CONVEYANCE  
CODE AND  
LICENSING  
APPEALS BOARD

**File Created Date :** 06/10/2025

**File Name:** 2219 Monroe St

**Final Action:**

**Title:** 2219 Monroe St  
BLDVAR-2025-08669

The property owner is seeking a variance from 2015 IBC 903.2.3 requiring a sprinkler system for group E occupancies. The applicant is seeking a variance to exempt the area over the existing swimming pool from requiring a sprinkler system. Alder District 13.

### Notes:

### Sponsors:

**Effective Date:**

**Attachments:** 2219 Monroe St - Variance Application.pdf

**Enactment Number:**

**Author:**

**Hearing Date:**

**Entered by:** eburrus@cityofmadison.com

**Published Date:**

### History of Legislative File

Ver- sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
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### Text of Legislative File 88721

#### Title

2219 Monroe St  
BLDVAR-2025-08669

The property owner is seeking a variance from 2015 IBC 903.2.3 requiring a sprinkler system for group E occupancies. The applicant is seeking a variance to exempt the area over the existing swimming pool from requiring a sprinkler system. Alder District 13.





## APPLICATION FOR BUILDING CODE VARIANCE COMMERCIAL BUILDINGS

City of Madison Building Inspection  
215 Martin Luther King Jr Blvd, Suite 017  
Madison, WI 53703

Project Address: 2219 Monroe Street, Madison, WI 53713	Date: 04.29.25
Project Description: Fully sprinkler sub-basement and breezeway of Edgewood High School	
Owner Name: Kevin Rea	Phone: 608-257-1023
Owner Email: kevin.rea@edghewoodhs.org	

Agent, architect, or engineering firm: J.F. Ahern Co.	
Contact person: Brendan Buckley	Phone: 608.690.0055
Contact email: bbuckley@jfahern.com	
Address: 3821 Anderson Road, DeForest, WI 53532	

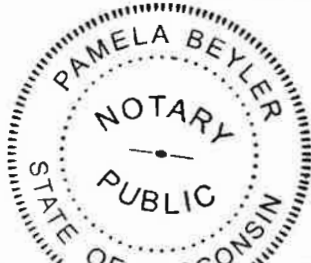
### ATTACHMENTS: The following materials are required as part of this application

- A statement of the non-conforming conditions and proposed equivalencies – include:
  - code section(s) that are being petitioned
  - specific condition or issue you are requesting be covered under this petition for variance
  - proposed means and rationale of providing equivalent degree of health, safety, or welfare as addressed by the code section petitioned.
- Fire department position statement
- Floor plan clearly identifying affected area or non-compliance
- Optional attachments: Any additional attachments to be considered as part of the petitioner's statements (i.e., model code sections, test reports, research articles, expert opinion, previously approved variances, pictures, plans, sketches, etc.).

### 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.

*To be completed in the presence of a Notary Public*

<u>Kevin Rea</u>	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.
Subscribed and sworn to before me This <u>5</u> day of <u>May</u> , 20 <u>25</u> <u>Pamela Beyler</u> Notary-Public, State of Wisconsin	
My commission <u>10-11-2027</u>	

FEES DUE: \$490

## **Statement of Non-Conforming Conditions and Proposed Equivalencies**

**Code Section(s) Petitioned:** IBC 903.1, 903.2.3 Group E.

**Specific Condition or Issue:** Request for variance to not install fire sprinklers above a swimming pool.

### **Proposed Means and Rationale:**

**Condition:** The specific condition involves the absence of fire sprinklers above the swimming pool area within the pool room, while ensuring that the surrounding areas above the pool deck will still be protected by sprinklers.

**Rationale:** The rationale for this request is based on the following points:

**1. Water-Filled Pool:** The floor space occupied by the pool is filled with water, which inherently prevents the initiation of a fire in this area.

**2. Non-Combustible Construction:** The pool room and deck are constructed using non-combustible materials, further reducing the risk of fire spread.

**3. Sprinkler Coverage:** The area above the pool deck will still be protected by sprinklers, ensuring comprehensive fire safety for the surrounding areas.

**Equivalent Degree of Health, Safety, or Welfare:** The proposed variance provides an equivalent degree of health, safety, and welfare through the following measures:

**1. Fire Prevention:** The presence of water in the pool acts as a natural fire suppressant, ensuring that no fire can start or propagate in the pool area.

**2. Non-Combustible Materials:** The use of non-combustible construction materials in the pool room and deck minimizes the risk of fire spread, maintaining the safety standards intended by the code.

**3. Maintained Sprinkler Coverage:** By maintaining sprinkler coverage above the pool deck, the facility ensures that all other areas are adequately protected, aligning with the safety objectives of NFPA 13 and the IBC.

## City of Madison Fire Department Position Statement

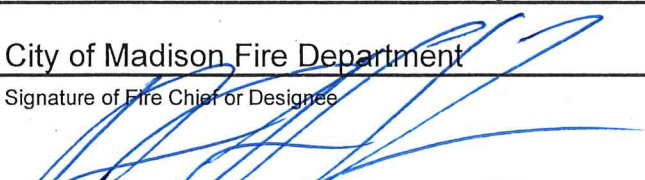
Owner: Edgewood High School Kevin Rea	Project Name: Edgewood High School	Contact: JF Ahern Company Brendan Buckley
Address: 2219 Monroe Street Madison, WI 53713	Building Location: 2219 Monroe Street	Address: 3821 Anderson Road DeForest, WI 53532
Owner Phone: 608-257-1023 Owner Email: kevin.rea@edgewoodhs.org	Building Occupancy or Use: E	Phone: 608-690-0055 Email: bbuckley@jfahern.com

**Rule Being Petitioned: IBC 903.1, 903.2.3**

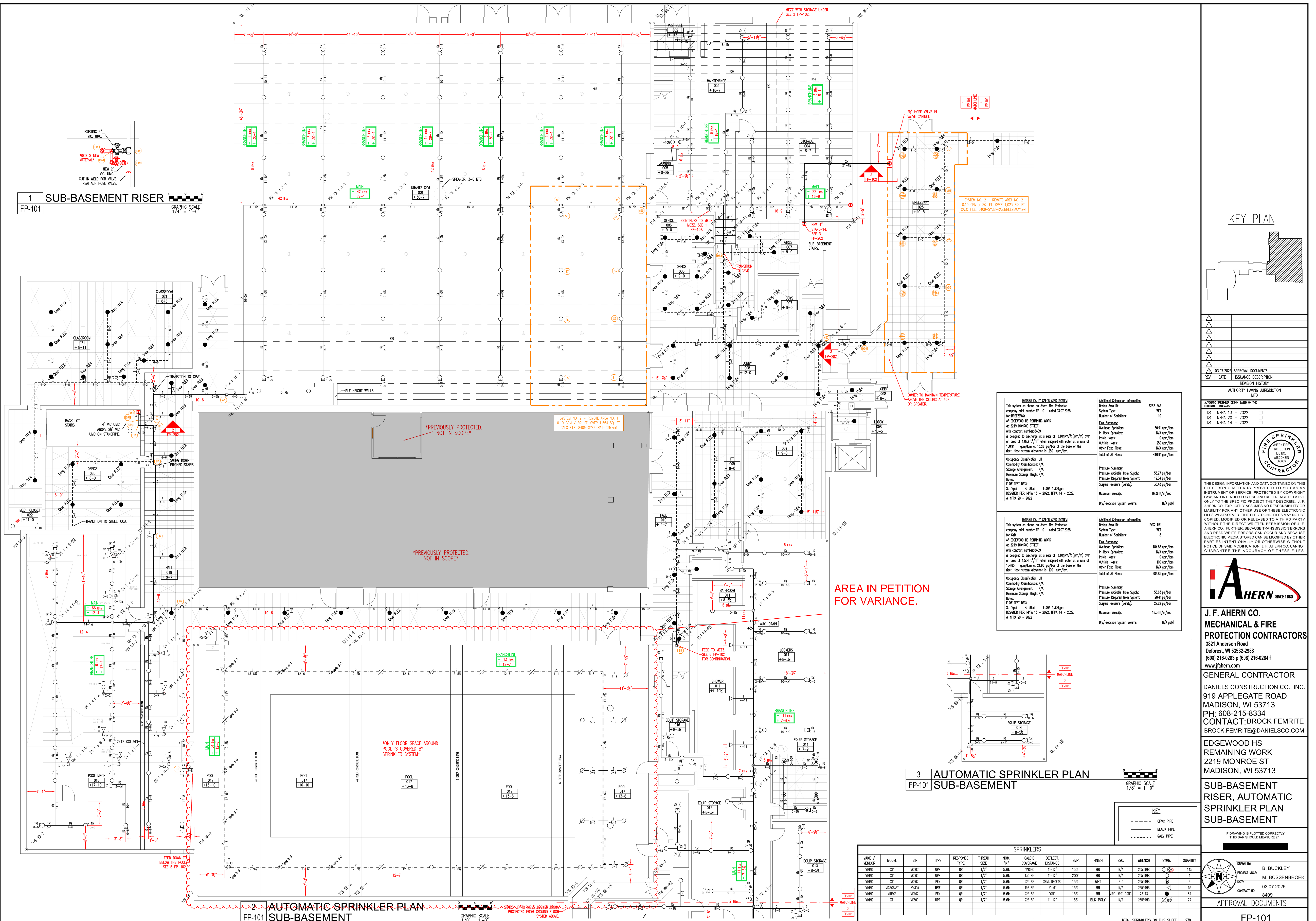
**I have read the application for variance and recommend:** (check appropriate box)

☐ Approval    
 ☒ Conditional Approval    
 ☐ Denial    
 ☐ No Comment

- MFD concurs that removal of fire sprinklers located directly above the pool will not negatively impact the life safety features of the building nor pose a significant risk to occupants.
- The pool and diving well shall be limited to swimming activities only and any future modifications such as installing a temporary floor or filling the pool would trigger the installation of fire sprinklers in these areas.
- Fire sprinkler coverage shall be provided for all pool deck areas.

Name of Fire Chief or Designee (type or print) <b>Matt Hamilton – Fire Protection Engineer</b>	
City of Madison Fire Department 	Telephone Number <b>608-266-4457</b>
Signature of Fire Chief or Designee	Date Signed <b>6-3-2025</b>





1 SUB-BASEMENT RISER  
GRAPHIC SCALE 1/4" = 1'-0"

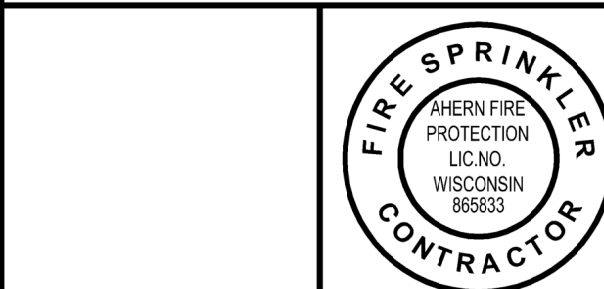
KEY PLAN

HYDRAULICALLY CALCULATED SYSTEM	
This system as shown on Aherm Fire Protection company print number FP-101 dated 03.07.2025 for BRECKWY of EDGEMOOD IS REMAINING WORK at 2219 MONROE STREET with contract number 8409 is designed to discharge at a rate of 0.10 gpm/ft (gpm/m) over an area of 1,023 sq ft when supplied with water at a rate of 160.91 gpm/ft at 13.28 psi per ft at the base of the riser, low stream allowance is 250 gpm/ft.	
Occupancy Classification: LH	Commodity Classification: N/A
Storage Arrangement: N/A	Minimum Storage Height: N/A
Notes:	
FLOW TEST DATA:	S: 72psi R: 80psi FLOW: 1,300gpm
DESIGNED PER: NFPA 13 - 2022, NFPA 14 - 2022, & NFPA 20 - 2022	
Additional Calculation Information:	
Design Area ID:	SY2 R42
System Type:	WET
Number of Sprinklers:	10
Flow Summary:	
Overhead Sprinklers:	160.91 gpm/ft
In-Rock Sprinklers:	N/A gpm/ft
Inside Hoses:	0 gpm/ft
Outside Hoses:	250 gpm/ft
Other Fixed Flows:	N/A gpm/ft
Total of All Flows:	410.91 gpm/ft
Pressure Summary:	
Pressure Available from Supply:	55.27 psi/bar
Pressure Required from System:	19.84 psi/bar
Surplus Pressure (Safety):	35.43 psi/bar
Minimum Velocity:	16.38 ft/m/sec
Dry/Preaction System Valve:	N/A gal/ft

3 AUTOMATIC SPRINKLER PLAN  
SUB-BASEMENT

SPRINKLERS											
NAME / VENDOR	MODEL	SIN	TYPE	RESPONSE TYPE	THREAD SIZE	WOLM "C"	NO. OF VARIES	DEFLECT. DISTANCE	TEMP.	FINISH	ESC.
WVING	X11	WV3001	UPR	QR	1/2"	5.6k	130 SF	1"-12"	155°	BR	N/A
WVING	X11	WV3001	UPR	QR	1/2"	5.6k	130 SF	1"-12"	200°	BR	N/A
WVING	X11	WV3001	PEN	QR	1/2"	5.6k	225 SF	SEMI RECESS	155°	WHIT	E-1
WVING	WV3001	WV3001	UPR	QR	1/2"	5.6k	130 SF	1"-12"	155°	BR	N/A
WVING	WV3001	WV3001	UPR	QR	1/2"	5.6k	225 SF	1"-12"	155°	BR	N/A
WVING	X11	WV3001	UPR	QR	1/2"	5.6k	225 SF	1"-12"	155°	BR	N/A

REV	DATE	ISSUANCE DESCRIPTION
1	03.07.2025	APPROVAL DOCUMENTS
2	03.07.2025	ISSUANCE DESCRIPTION
3	03.07.2025	ISSUANCE DESCRIPTION
4	03.07.2025	ISSUANCE DESCRIPTION
5	03.07.2025	ISSUANCE DESCRIPTION
6	03.07.2025	ISSUANCE DESCRIPTION
7	03.07.2025	ISSUANCE DESCRIPTION
8	03.07.2025	ISSUANCE DESCRIPTION
9	03.07.2025	ISSUANCE DESCRIPTION
10	03.07.2025	ISSUANCE DESCRIPTION



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MECHANICAL & FIRE  
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3821 Anderson Road  
DeForest, WI 53532-2988  
(608) 216-4283 p (608) 216-4284 f  
www.jfahern.com

GENERAL CONTRACTOR  
DANIELS CONSTRUCTION CO., INC.  
919 APPLEGATE ROAD  
MADISON, WI 53713  
PH: 608-215-8334  
CONTACT: BROCK FEMRITE  
BROCK.FEMRITE@DANIELSCO.COM

EDGEWOOD HS  
REMAINING WORK  
2219 MONROE ST  
MADISON, WI 53713

SUB-BASEMENT  
RISER, AUTOMATIC  
SPRINKLER PLAN  
SUB-BASEMENT

IF DRAWING IS PLOTTED CORRECTLY  
THIS BAR SHOULD MEASURE 2"

DESIGN BY:	B. BUCKLEY
PROJECT MGR:	M. BOSSEN BROEK
DATE:	03.07.2025
CONTRACT NO:	8409

APPROVAL DOCUMENTS

FP-101





# City of Madison

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Madison, WI 53703  
www.cityofmadison.com

## Master

**File Number: 88722**

**File ID:** 88722

**File Type:** Miscellaneous

**Status:** Petition for  
Variance,  
Exception, or  
Appeal

**Version:** 1

**Reference:**

**Controlling Body:** BUILDING CODE,  
FIRE CODE,  
CONVEYANCE  
CODE AND  
LICENSING  
APPEALS BOARD

**File Created Date :** 06/10/2025

**File Name:** 1128 Erin St

**Final Action:**

**Title:** 1128 Erin St  
BLDVAR-2025-08659

The property owner is seeking a variance from 2015 IBC 1011.52 requiring a minimum tread depth of 11 inches. Alder District 13.

### Notes:

### Sponsors:

**Effective Date:**

**Attachments:** 1128 Erin Street - Variance Application.pdf

**Enactment Number:**

**Author:**

**Hearing Date:**

**Entered by:** eburrus@cityofmadison.com

**Published Date:**

### History of Legislative File

Ver- sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
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### Text of Legislative File 88722

#### Title

1128 Erin St

BLDVAR-2025-08659

The property owner is seeking a variance from 2015 IBC 1011.52 requiring a minimum tread depth of 11 inches. Alder District 13.



## APPLICATION FOR BUILDING CODE VARIANCE COMMERCIAL BUILDINGS

City of Madison Building Inspection  
215 Martin Luther King Jr Blvd, Suite 017  
Madison, WI 53703

Project Address: 1128 Erin St	Date: 04/29/2025
Project Description: Replacement of rear exterior 3 story deck	
Owner Name: Robert E Disch Living trust	Phone: 608 251-8822
Owner Email: jamesdisch@aol.com	

Agent, architect, or engineering firm: Lampe Consulting Wis # 9417-6	
Contact person: John Lampe	Phone: (608) 513-7060
Contact email: lampejohn@sbcglobal.net	
Address: 4801 Cottage Grove Rd Ste D Madison, WI. 53716-139	

**ATTACHMENTS:** The following materials are required as part of this application

- A statement of the non-conforming conditions and proposed equivalencies – include:
  - code section(s) that are being petitioned
  - specific condition or issue you are requesting be covered under this petition for variance
  - proposed means and rationale of providing equivalent degree of health, safety, or welfare as addressed by the code section petitioned.
- Fire department position statement
- Floor plan clearly identifying affected area or non-compliance
- Optional attachments: Any additional attachments to be considered as part of the petitioner's statements (i.e., model code sections, test reports, research articles, expert opinion, previously approved variances, pictures, plans, sketches, etc.).

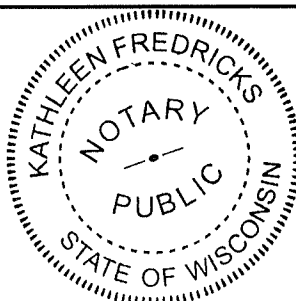
**VERIFICATION BY OWNER – PETITION IS VALID ONLY IF NOTARIZED AND ACCOMPANIED BY A REVIEW FEE AND ANY REQUIRED POSITION STATEMENTS.**

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.

*To be completed in the presence of a Notary Public*

<u>Robert E Disch</u> , 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.
Subscribed and sworn to before me This <u>2nd</u> day of <u>MAY</u> , <u>2025</u> .
<u>K. E. Disch</u> Notary-Public, State of Wisconsin
My commission expires <u>02/08/2028</u>

FEES DUE: \$490



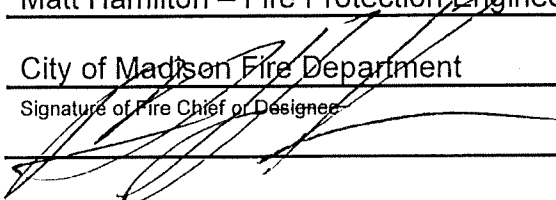
### City of Madison Fire Department Position Statement

Owner: Robert E Disch Living Trust	Project Name: 1128 Erin Street	Contact: James Disch
Address: 1313 North Wingra Drive Madison, WI 53715	Building Location: 1128 Erin Street	Address: 1313 North Wingra Drive Madison, WI 53715
Owner Phone: 608-251-8822 Owner Email: jamesdisch@aol.com	Building Occupancy or Use: R	Phone: 608-251-8822 Email: jamesdisch@aol.com

**Rule Being Petitioned: IBC 1011.5.2**

**I have read the application for variance and recommend:** (check appropriate box)

☐ Approval      ☐ Conditional Approval      ☐ Denial      ☒ No Comment

Name of Fire Chief or Designee (type or print) Matt Hamilton – Fire Protection Engineer	
City of Madison Fire Department	Telephone Number 608-266-4457
Signature of Fire Chief or Designee 	Date Signed 4-5-2025

## 1128 Erin Street Rear Deck Stair Variance Overview

### To Whom it Concerns,

This project started off as a code violations/repairs needed to bring a 35+ yr deck with 2"x10" stair treads, open guard rails, and some rotten wood up to current safety standards. The decision was made to remove and replace the entire deck as a more efficient way to accomplish what was being asked to achieve, with still staying on the same footprint of the "old" deck that was removed. The most prevalent note about this deck to know is that all the tolerances have been push to the max to achieve code compliance. Note: Stair treads are 11 inches on the surface, but by code measurements that are measured "nosing to nosing" which gives the tread depth a measurement of 10 inches. To reach compliance of a 11" tread depth would involve removing the entire deck and redesign, with a stair case protruding into the current green space/yard.

Thank You

Owner Robert E Disch 608 251-8822

Contractor James R Disch 608 444-8169

Architect John Lampe 608 513-7060

# Lampe Consulting

4801 Cottage Grove Rd. Ste D  
Madison, WI 53716-1349

Registered Professional Engineer - Registered Architect

Cell (608) 513-7060  
[lampejohn@sbcglobal.net](mailto:lampejohn@sbcglobal.net)

May 1, 2025

PETITION FOR VARIANCE  
1128 Erin St - Rear Deck Stairways  
Madison, WI

I was asked to evaluate the circumstances surrounding the 4/24/25 Red Tag on the referenced property. I am informed that all items have been corrected except the 10 inch stair treads issue. Accordingly, I examined the attached photographs and documents, and the applicable IBC and Wisconsin Statutes language. As a result of that examination I have reached the following conclusions.

1. Rule being petitioned:

March 26, 2025  
1128 Erin St rear deck

James,

The stairs have to be "*within* (sic) *the dwelling units*".(sic) Exterior stairs are not included in exception 3 of IBC 1011.5.2.

Stephen Sundstrom  
Code Enforcement Officer  
3

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

Wis Stats:

**101.61 Definitions.**

**(1)** "Dwelling" means any building that contains one or 2 dwelling units. "Dwelling unit" means a **structure or that part of a structure** (my bold) which is used or intended to be used as a home, residence or sleeping place by one person or by 2 or more persons maintaining a common household, to the exclusion of all others.

This is State law which supersedes IBC law, and logically would apply to the entire structure including the exterior deck and stairways, particularly since the 10 inch tread arithmetic is already accepted within interior Dwelling Unit stairways under the R-2 exception.

Finally, to disallow 10 inch exterior deck stairways tread depths because of the preposition **within** (my bold) dwelling units in the Group R-2 exemption constitutes a difference without a distinction. Vis a vis the exterior deck stairways, the word **within** highlights a case where it's used to create a distinction that doesn't actually exist in this situation or reality.

May 1, 2025

Page 2

3. The following alternatives are proposed:

A) Assuming the Code may belatedly not require double handrails, they are already installed, are beneficial, and there is no reason to dismantle them.

B) Not mentioned in the inspection report, but Stairway Illumination is beneficial and required.  
**1205.4 Stairway Illumination**, reads,

*exterior stairways serving a dwelling unit shall have an illumination level on tread runs of not less than 1 footcandle. The contractor agrees to provide electric eye illumination.*

\*\*\*\*\*

As a result of these conclusions it is my opinion to a reasonable degree of engineering certainty that the attached photos reflect good stairway construction with beneficial double railings and that the treads are acceptable as installed.

End of report,

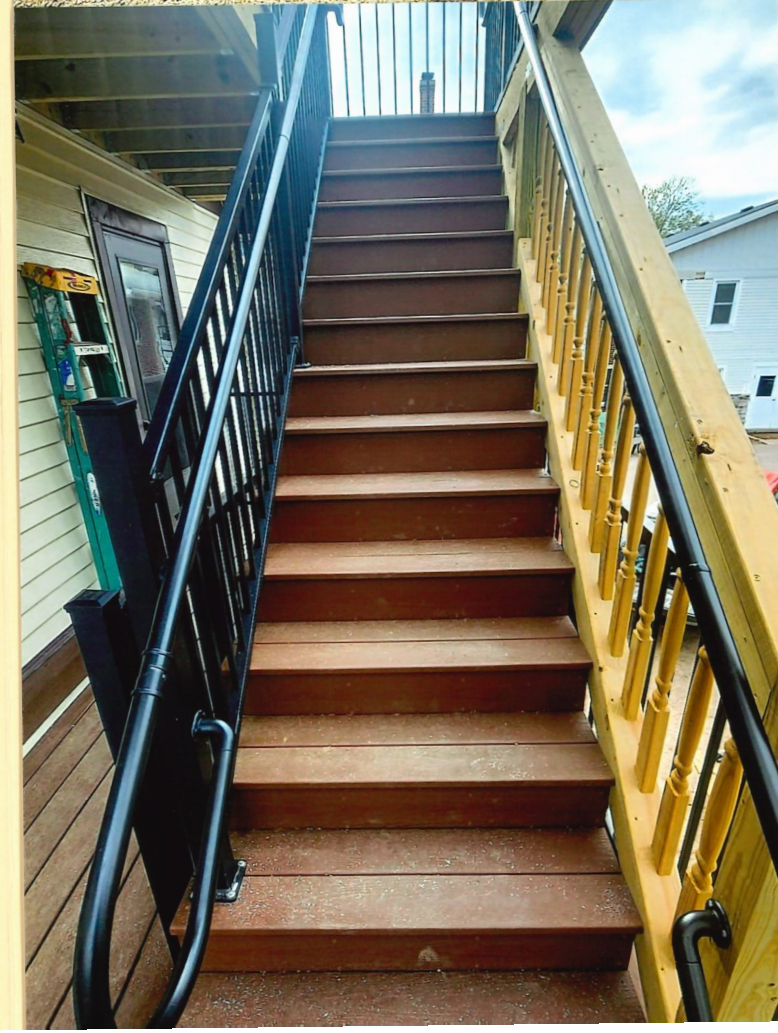
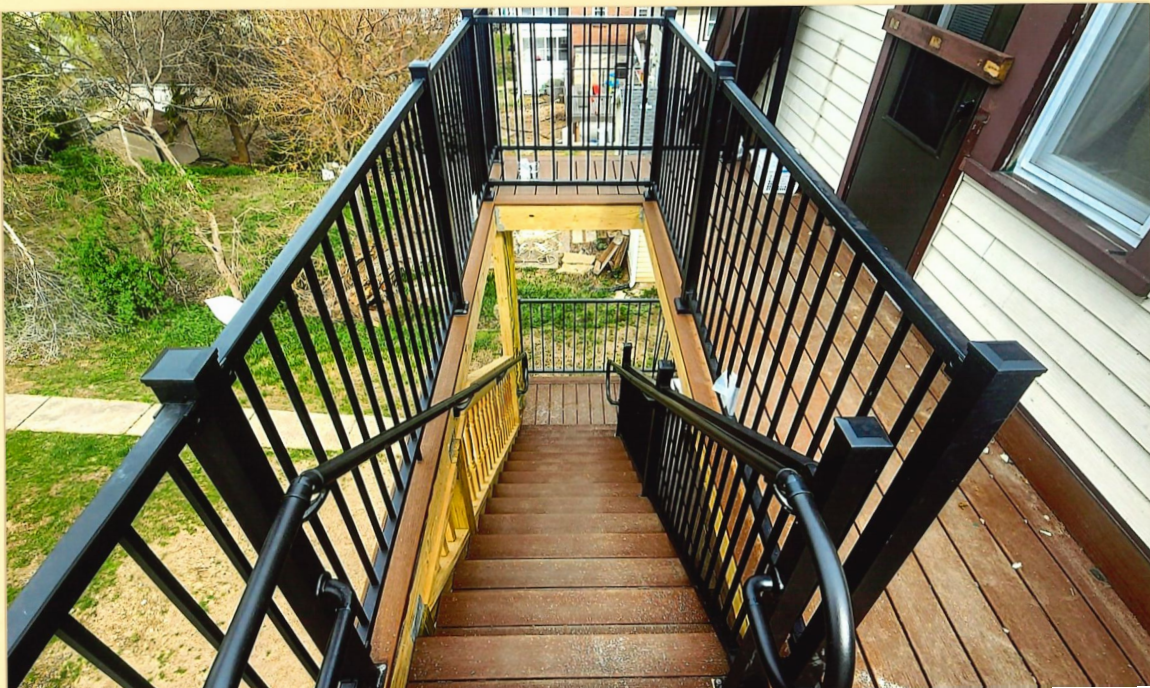
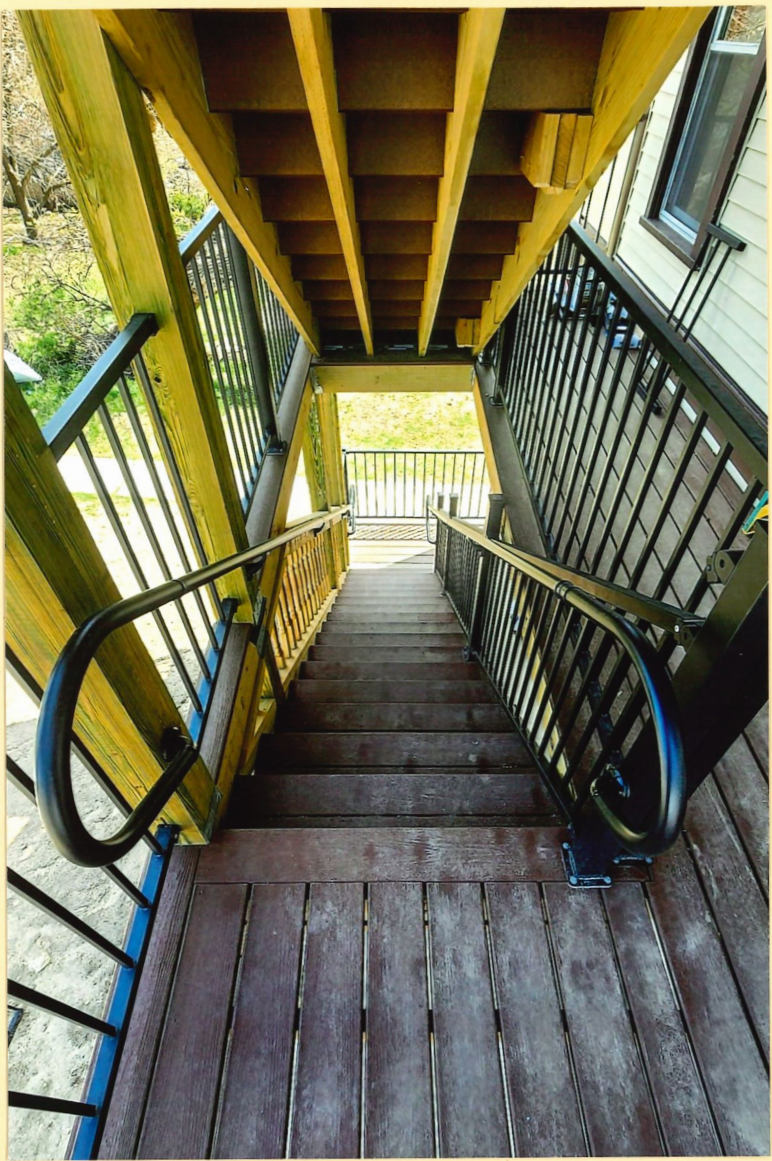
John Lampe, P. E.

Wis. #9417-6





Rear Exterior Deck  
5-1-2025







# City of Madison

City of Madison  
Madison, WI 53703  
www.cityofmadison.com

## Master

**File Number: 08598**

**File ID:** 08598

**File Type:** Discussion Item

**Status:** Discussion Items

**Version:** 1

**Reference:**

**Controlling Body:** ZONING BOARD  
OF APPEALS

**File Created Date :** 12/27/2007

**File Name:** Communications and Announcements

**Final Action:**

**Title:** Communications and Announcements

### Notes:

**Sponsors:**

**Effective Date:**

**Attachments:**

**Enactment Number:**

**Author:**

**Hearing Date:**

**Entered by:** mzopelis@cityofmadison.com

**Published Date:**

### History of Legislative File

Ver- sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
1	ZONING BOARD OF APPEALS	02/20/2025	Discuss and continue				
	<b>Action Text:</b> Bannon introduced new member Cliff Goodhart.						
1	ZONING BOARD OF APPEALS	04/17/2025	Discuss and continue				
	<b>Action Text:</b> Arteaga noted that the ZBA will not have a case for May.						

### Text of Legislative File 08598

#### Title

Communications and Announcements