

**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  
\$490.00 1/6/15 AH

Name of Owner Otto Gebhardt III	Project Description Mixed use project consisting of Grocery Store, Apartments, Office space, and above ground structured parking	Agent, architect, or engineering firm bark design
Company (if applies) Gebhardt Development		No. & Street 10 N. Livingston Street
No. & Street 222 North Street	Tenant name (if any)	City, State, Zip Code Madison, WI, 53703
City, State, Zip Code Madison, WI, 53704	Building Address 810 East Washington Avenue 822 East Washington Avenue 834 East Washington Avenue	Phone 608.333.1926
Phone 608.245.0753		Name of Contact Person Christopher Gosch
e-mail gebhardtdevelopment@tds.net		e-mail studio@bark-design.com

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

**2009 IBC Section 503.1**

**See attached documentation**

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

**See attached documentation**

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 documentation**

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.

OTTO GEBHARDT III, 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: 2-10-15
Notary public 	My commission expires: 11-09-18

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

02.02.15  
REV. 02.05.15

**Code Variance Request**

810 East Washington Avenue  
822 East Washington Avenue  
834 East Washington Avenue

**Summary:**

Mixed use project containing the following:

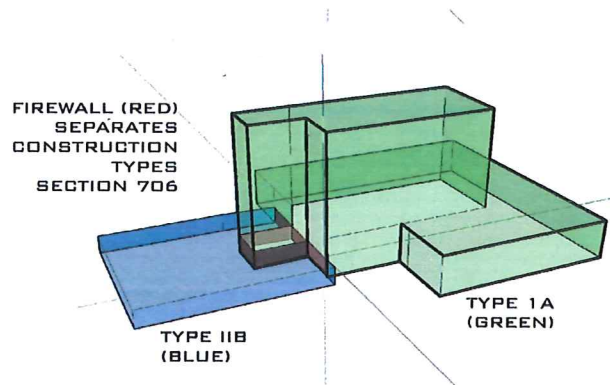
- Grocery Store (Type IIB, M)
- Above Ground Enclosed Parking Structure (Type IA, S-2)
- Residential Tower (Type IA, R-2)
- Commercial Offices (Type IA, B)

**1: Rules being petitioned:**

**2009 IBC:**

*503.1 General. The building height and area shall not exceed the limits specified in Table 503 based on the type of construction as determined by Section 602 and the occupancies as determined by Section 302 except as modified hereafter. Each portion of a building separated by one or more fire walls complying with Section 706 shall be considered to be a separate building.*

- A: Tower is proposed to be construction type IA
- B: Tower sits on the structured parking (also IA). All parking is at grade or above. No below grade parking or excavation.
- C: Grocery Store is one level and proposed to be IIB
- D: 3 hr separation provided between Grocery and Parking Structure (Table 602 and 706.4)
- E: A portion of the tower will sit over the grocery store (approx. 6700 s.f. or 14%)
- F: The 6700 s.f. area directly over the grocery store will be used for mech. equipment and will not be occupied. The first level of apartments will be approx. 20'-0" above the mech. slab.
- G: Tower structure that penetrates grocery store envelope are 24" x 24" concrete columns- 3 hr min. rating (Table 721.2.4) , and min. 3 hr, 10" concrete slab directly above the Grocery component. Tower structure extends to foundation level.
- H: Tower structure is independent of grocery structure
- I: All components are fully sprinklered



**2: Rule being petitioned cannot be followed:**

**Purpose of Variance Request:**

To have 2009 IBC Section 503.1 considered and allow separate buildings construction types separated by a Fire Wall per Section 706 except at first floor of grocery where penetrating 1A columns act as an equivalent Fire Wall.

- A: Penetration of the type 1A construction into another type of construction would not be allowed, regardless of the supporting structure, unless the construction types are separated by a Fire Wall in accordance with Section 706, creating 2 separate buildings for the purpose of applying code requirements. This is referenced in Section 503.1.
- B: A Fire Wall is required by Section 503.1 to separate types of construction and be considered separate buildings.
- C: Project is providing Fire Walls to separate Construction types between the Tower and Grocery Store.
- D: Due to the urban environment, location and massing, Grocery store and supporting 1A structure are separated by concrete columns acting as an equivalent to a Fire Wall, but is not a solid Fire Wall.

**Summary:**

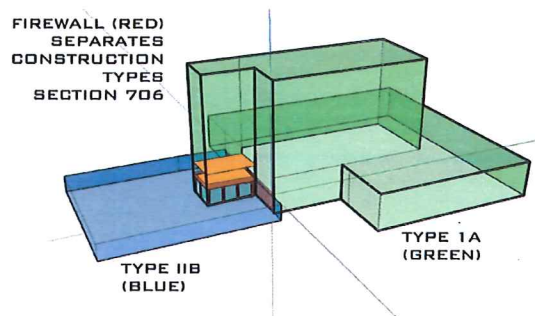
Per 503.1, which references Section 706, Table 706.4, a 3 hour fire wall would be required to separate the grocery store class of construction (IIB) from the penetrating concrete columns (IA) at this location.

**3: Alternatives and equivalents:**

The location and type of Fire Walls as proposed would be vertical to separate the types of construction as required per Section 503.1 and by reference, Section 706, and would extend above the adjacent construction type as required in Section 706. Fire separations for the roof and tower exterior shall be provided per IBC Section 706.6.1 (Stepped Buildings)

(Two) 3 hour horizontal assemblies (11" post tensioned concrete slab) are proposed to provide a horizontal separation between construction classes.

Additionally, the 1A concrete columns supporting the tower provide an additional separation between construction types as required by Section 503.1. Columns will have a 3 hr. fire rating with 1.5" of clear cover.



END

## City of Madison Fire Department Position Statement

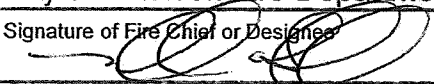
<b>Owner:</b> Otto Gebhardt III	<b>Project Name:</b> The Galaxie	<b>Contact:</b> Christopher Gosch Bark Design
<b>Address:</b> 222 North Street Madison, WI 53704	<b>Building Location:</b> 810, 822, 834 E Washington Ave	<b>Address:</b> 10 N Livingston Street Madison, WI 53703
<b>Owner Phone:</b> 608-245-0753 <b>Email:</b> gebhardtdevelopment@tds.net	<b>Building Occupancy or Use:</b> Mixed: M, R-2, S-2, B	<b>Phone:</b> 608-333-1926 <b>Email:</b> studio@bark-design.com

### Rule Being Petitioned: IBC 503.1 Separation of Classes of Construction

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

Approval     
  Conditional Approval     
  Denial     
  No Comment

- The item of concern is the horizontal overlap of the Type IA construction over the Group M Mercantile (Grocery) fire area that the designer is proposing to be something other than Type IA. Submitted documents are not coordinated and suggest Type IIA, Type IIB, and Type IIIA for the Grocery fire area.
- The structure supporting the Type IA construction will be continuous and independent of the Grocery fire area structure. Extra protection of the columns in the Grocery fire are has been proposed.
- MFD accepts the proposed horizontal assembly between the Type IA construction and the Grocery fire area in so far as separating classes of construction; however, the horizontal assembly is not recognized as a fire wall creating two separate buildings.
- The building is protected throughout with a fire sprinkler and fire alarm system and is considered a high-rise building.
- Additional fire separations for the roof and/or the exterior of the Tower shall be provided as prescribed for a stepped building condition per IBC 706.6.1.

Name of Fire Chief or Designee (type or print) Bill Sullivan, Fire Protection Engineer	
City of Madison Fire Department	Telephone Number 608-261-9658
Signature of Fire Chief or Designee 	Date Signed February 5, 2015