

VARIANCE FEES

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

PETITION FOR VARIANCE APPLICATION

City of Madison
Building Inspection
 215 Martin Luther King Jr Blvd
 Suite 017 Madison, WI 53703
 (608) 266-4551, ext. 2
 biplans@cityofmadison.com

Amount Paid

Name of Owner Milo S. Pinkerton	Project Description New 6-story mixed-use residential building with lower level commercial space and parking garage.	Agent, architect, or engineering firm Dimension IV - Madison
Company (if applies) MSP Real Estate		No. & Street 6515 Grand Teton Plaza, Suite 120
No. & Street 7901 West National Avenue	Tenant name (if any)	City, State, Zip Code Madison, WI 53719
City, State, Zip Code West Allis, WI 53214	Building Address 428 Yellowstone Drive	Phone 608.829.4454
Phone 414.310.7530		Name of Contact Person Ray White, AIA
e-mail Milo@msphousing.com		e-mail Rwhite@dimensionivmadison.com

- The rule being petitioned reads as follows: (Cite the specific rule number and language. Also, indicate the nonconforming conditions for your project.) **Four windows are located within 10 feet of exterior egress stairs leading from a 1st floor occupied roof terrace down to grade, and per 1027.6 exterior exit stairways shall be separated from the interior of the building with a 1-hour fire resistive rating per the referenced 1023.2. Per IBC Tables 716.3 and 716.5, a 1-hour fire resistance rated window is required within 1-hour rated fire barriers, and per Table 716.5 fire protection of openings within a fire barrier is not permitted.**
- The rule being petitioned cannot be entirely satisfied because: **Operable windows within the apartments adjacent to the exterior stairs are desired to provide natural ventilation. Window units with a thermal break are also desired for energy efficiency and comfort. These stairs are configured to maximize the distance between them in conformance with IBC Sec. 1007.1.1, which locates them alongside exterior walls and residential units. These two exterior stairs are provided in lieu of egress through the interior building stairs to maintain building security.**
- 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:

We propose to provide closely-spaced sprinklers as an equivalency to operable and non-fire-resistive glass windows within the fire barrier consistent with IBC 404.6 enclosure of atriums and NFPA 13 Sec. 19.3.3 Water Curtains. Automatic sprinklers will be provided along the inside of the windows within 10 feet of the exterior stairs as illustrated on the attached G1.2 sheet. The sprinklers will be located between 4" and 12" from the glass and at intervals along the glass not greater than 6'.

Additionally, the windows within 10 feet of the exterior stairs as illustrated on the attached G1.2 sheet will be non-combustible, fiberglass window frames.



The entire building is protected with a NFPA 13 sprinkler system; the lower level is 3-hour rated type-1A construction; the 1st through 5th floors are type-IIIB construction with 2-hour rated exterior walls (from the interior); and all elevators are powered by backup generators.

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.

Milo S. Pinkerton, 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: <u>01/06/2025</u>
Notary public 	My commission expires: <u>June 02, 2027</u>

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



APPLICATION INSTRUCTIONS

1. Fill in the owner's information section. It is important to have a complete address and phone number for communication between the applicant and the department.
2. Fill in the project description box. Explain what the building project is. (Basement alteration, second floor alteration, two-story addition, etc.)
3. If there is an agent working for the owner and the agent is a better contact for information regarding the variance, fill in the agent information area.
4. Answer the three questions.
 1. State the code and section number with a summary of what the code says. Also, indicate what the nonconforming conditions for the project are. (example: COMM 21.04 minimum stair width is 36 inches. We will have 34 inches of stair width.)
 2. State why the rule cannot be satisfied. (example: not structurally feasible)
 3. State what will be done to provide an equivalency to the code. These items should be things that relate to the item the variance is being sought for and exceed code requirements.
5. Print the Owner's name on the line indicating to do so.
6. The owner of the property is required to sign where indicated. If the project is for a one or two family home the form is not required to be notarized. If the project is for a commercial building the form is required to be notarized.

Variance Procedure

1. Fill out the variance form.
2. If the variance is for a commercial building and is not for an accessibility code contact the fire department so they can fill out a fire department position statement.
3. Submit the application and fee to the building inspection department. Also, where applicable, submit the fire department position statement.
4. A field inspector may visit the site to verify existing conditions and the completeness of the application.
5. If there have previously been at least 5 variances for the same item approved, the variance may be approved on precedence. In this case the applicant will not have to attend a meeting of the building board and will be notified by letter that the variance is approved. The letter will be sent within 7 days after the scheduled meeting.
6. In all other cases the variance will be presented to the building board at a monthly meeting. 7 days before the meeting the supervisor will review the variance for approval to be put on the agenda. 5 days before the meeting the secretary will mail out the agenda to the Appeals Board members and to the applicants.
7. When a variance is heard by the board the applicant or agent must attend the meeting to answer questions.
8. The meeting minutes will be mailed within 7 days after the meeting.