

**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 2902 East Washington Avenue, LLC	Project Description A five story, 135 unit, multi-family apartment building, with first floor commercial office space along East Washington Avenue. One level of underground parking is provided for the residential tenants, on site surface parking for the office use.	Agent, architect, or engineering firm Potter Lawson
Company (if applies) New Year Investments	Tenant name (if any)	No. & Street 749 University Row, Suite 300
No. & Street 10 East Doty Street, Suite 300	Building Address 2860 East Washington Avenue & 325 North Lawn Avenue	City, State, Zip Code Madison, WI , 53705
City, State, Zip Code Madison, WI , 53703	Phone 608 274-2741	Name of Contact Person Brian Reed
Phone 608 251-0706	e-mail brianr@potterlawson.com	
e-mail anne@newyearinvestments.com		

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

The application for appeal is related to the attached IBC 2015 1009.3 Stairways and 1009.2 Continuity and Components.

See attached highlighted code sections and narrative description of nonconforming condition.

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

The discrepancy with the code interpretation was not known until the designed conditions were constructed. The constructed conditions limit the space available on the roof to provide a ramp with the size and length needed for the transition between stories.

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:

a. The project proposes to provide an Exterior Area of Rescue Assistance on the terrace with two-way communication per 1009.8 connected to the existing building system as an alternate means of safety to the ramp. The location is proposed at the base of the east exit stairs, at the terrace elevation, to work as an extension of the Second floor elevator lobby. This location provides a direct visual connection from the second floor Elevator Lobby of Building area B to the area of rescue assistance for first responders. The Second floor elevator lobbies are already equipped with a two-way communication system and are the intended location for first responders to assistance with occupants as part of the life safety plan for the building. In the case an event occurs, prohibiting the use of the west exit (to Building area A), the proposed location of the Exterior Area of Rescue Assistance, is 70' away from Building area A to provide a safe distance from smoke or other hazards associated with Building area A. The roof terrace is separated from the story below by 2hr fire rated precast plank.

b. As an additional life safety measure, it is proposed to limit the occupancy of the roof terrace to a maximum of 49 and provide documentation the property management will enforce the limitation to reduce the life safety risk associated with a higher occupancy. The actual occupant load of the space is intended to be less than 49. Seating for 40 occupants is planned and shown on the attached plans.

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.

Anne Neujahr Morrison, 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 <i>Anne Neujahr Morrison</i>	Subscribed and sworn to before me this date: <i>June 7, 2022</i>
Notary public <i>Maura H. Overland</i>	My commission expires: <i>September 29, 2023</i>

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



## **Roof Terrace Exiting Appeal**

### **1. The rule being appealed reads as follows:**

The application for appeal is related to the attached **IBC 2015 1009.3 Stairways and 1009.2 Continuity and Components**.

The project has a rooftop terrace one story above the level of exit discharge and is provided with two means of egress. The western exit is accessed from Building area A, while the eastern exit is accessed from Building area B. The space is provided with an accessible route from Building area A.

The space has a calculated occupant load over 49 and given the width of the space requires two means of egress, per **Section 1006**. Both means of egress are required to be accessible, per **1009.1**. Common path of travel is compliant with the two exits on opposing sides of the terrace.

The western exit from the terrace to Building area A is flush and complies with both the accessible means of egress and provides the accessible route to the space.

The eastern means of egress exit from the terrace to Building area B includes is a stairway, greater than 48" in width, vertically rising approx. 3' up to the Second Floor of Building area B.

The project team's interpretation of section **1009.3 Stairways** is that the provided stair is compliant as an accessible means of egress, as it is connecting two stories, by connecting the two independent stories of Building area A to the offset story of Building area B.

It was stated by the Building Inspector, the east stairway does not connect two stories, but two levels on the same story, and thus does not qualify as an accessible means of egress according to **1009.3**. To provide a second accessible means of egress, a ramp was directed to be provided to meet compliance.

### **2. The rule being appealed cannot be entirely satisfied because:**

The discrepancy with the code interpretation was not known until the designed conditions were constructed. The constructed conditions limit the space available on the roof to provide a ramp with the size and length needed for the transition between stories.

### **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:**

a. The project proposes to provide an Exterior Area of Rescue Assistance on the terrace with two-way communication per **1009.8** connected to the existing building system as an alternate means of safety to the ramp. The location is proposed at the base of the east exit stairs, at the terrace elevation, to work as an extension of the Second floor elevator lobby. This location provides a direct visual connection from the second floor Elevator Lobby of Building area B to the area of rescue assistance for first responders.

The Second floor elevator lobbies are already equipped with a two-way communication system and are the intended location for first responders to assistance with occupants as part of the life safety plan for the building. In the case an event occurs, prohibiting the use of the west exit (to Building area A), the proposed location of the Exterior Area of Rescue Assistance, is 70' away from Building area A to provide a safe distance from smoke or other hazards associated with Building area A.

The roof terrace is separated from the story below by 2hr fire rated precast plank.

b. As an additional life safety measure, it is proposed to limit the occupancy of the roof terrace to a maximum of 49 and provide documentation the property management will enforce the limitation to reduce the life safety risk associated with a higher occupancy. The actual occupant load of the space is intended to be less than 49. Seating for 40 occupants is planned and shown on the attached plans.