

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 FMR 8/30/12

Name of Owner Block 51. LLC	Project Description New 11-story, 200,000 SF Apartment Complex	Agent, architect, or engineering firm Iconica
Company (if applies) C/O Alexander Company		No. & Street 901 Deming Way
No. & Street 145 E. Badger Road	Tenant name (if any)	City, State, Zip Code Madison, WI 53717
City, State, Zip Code Madison, WI 53713	Building Address 306 W. Main Street	Phone 608-664-3558
Phone 608-258-5580	Madison, WI	Name of Contact Person Jeremy Frommelt
e-mail jma@alexandercompany.com		e-mail Jeremy.frommelt@iconicacreates.com

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

IBC 2009 706.1 Party Walls. Any wall located on a lot line between adjacent buildings, which is used or adapted for joint services between the two buildings, shall be constructed as a fire wall in accordance with section 706. Party walls shall be constructed without openings and shall create separate buildings. Non-conforming condition: The proposed party wall has openings in it for egress, mechanical, electrical, plumbing and fire protection systems. (See attachment).

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

The property line in question was established a number of years ago before all design issues were completely exposed. The property line cannot be relocated at this time because of the structure of the existing condo association. To treat this as separate buildings on either side of the property line would require at least one additional elevator and 2 sets of stairs, separate mechanical, electrical, plumbing and fire protection systems, which the project could not support from building layout, square footage or cost.

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:

By eliminating any connections across the property line, the party wall provision in the code ensures that buildings under separate ownership can maintain their own fire safety, code compliance, and, building integrity, regardless of what happens on the other side of the party wall. The owner of the 306 property has fee simple title to air rights over the adjacent garage, and the adjacent garage is subject to a Subjacent Support Easement that subjects the property under the Air Rights to an easement for support of the improvements in the Air Rights. We will provide a 3-HR fire wall constructed per Section 706 of the IBC to provide separation at the property line and will follow all building code requirements identified. Any systems penetrating the fire wall will be constructed to breakaway, leaving the wall intact. Additionally, cross access easements will be put in place to protect the proposed building design from changing or denying egress. (See attachment) The existing 3-HR fire wall separating the existing from proposed garages in the basement will be protected with fire doors. The fire wall will end at the floor / roof structure on second floor. Opening in the wall above this level are allowed per Section 706.6, exception 2.


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.

Block 51, LLC (Joseph M. Alexander as Manager)
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


Subscribed and sworn to before me this date: 8/29/12

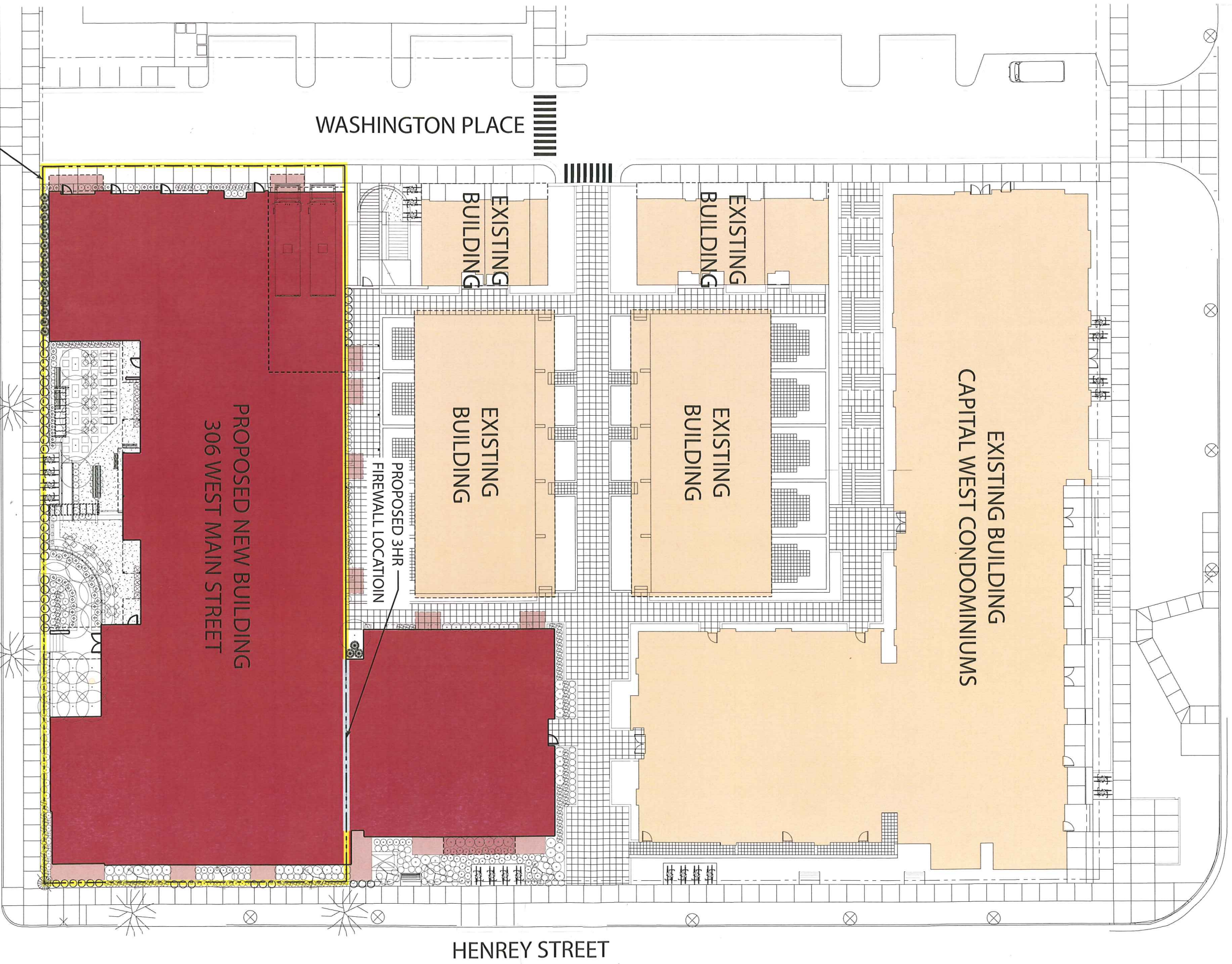
Notary public


My commission expires: 1/12/2014

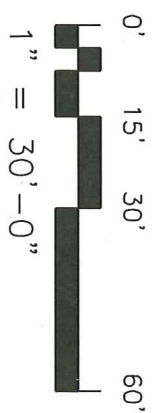
NOTE: ONLY VARIANCES FOR COMMERCIAL CODES ARE REQUIRED TO BE NOTARIZED.

306 WEST MAIN VARIANCE (IBC 2009 706.1.1 PARTY WALL)

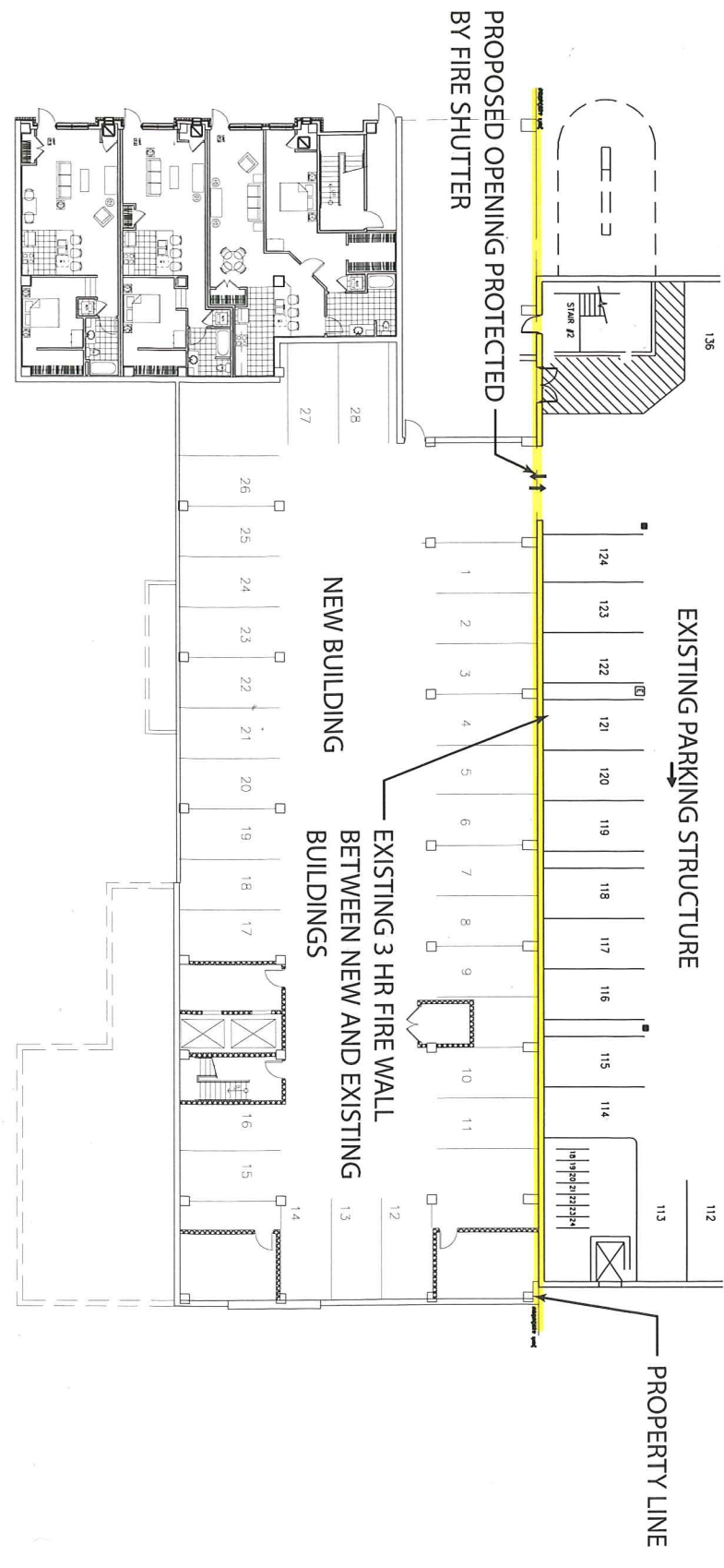
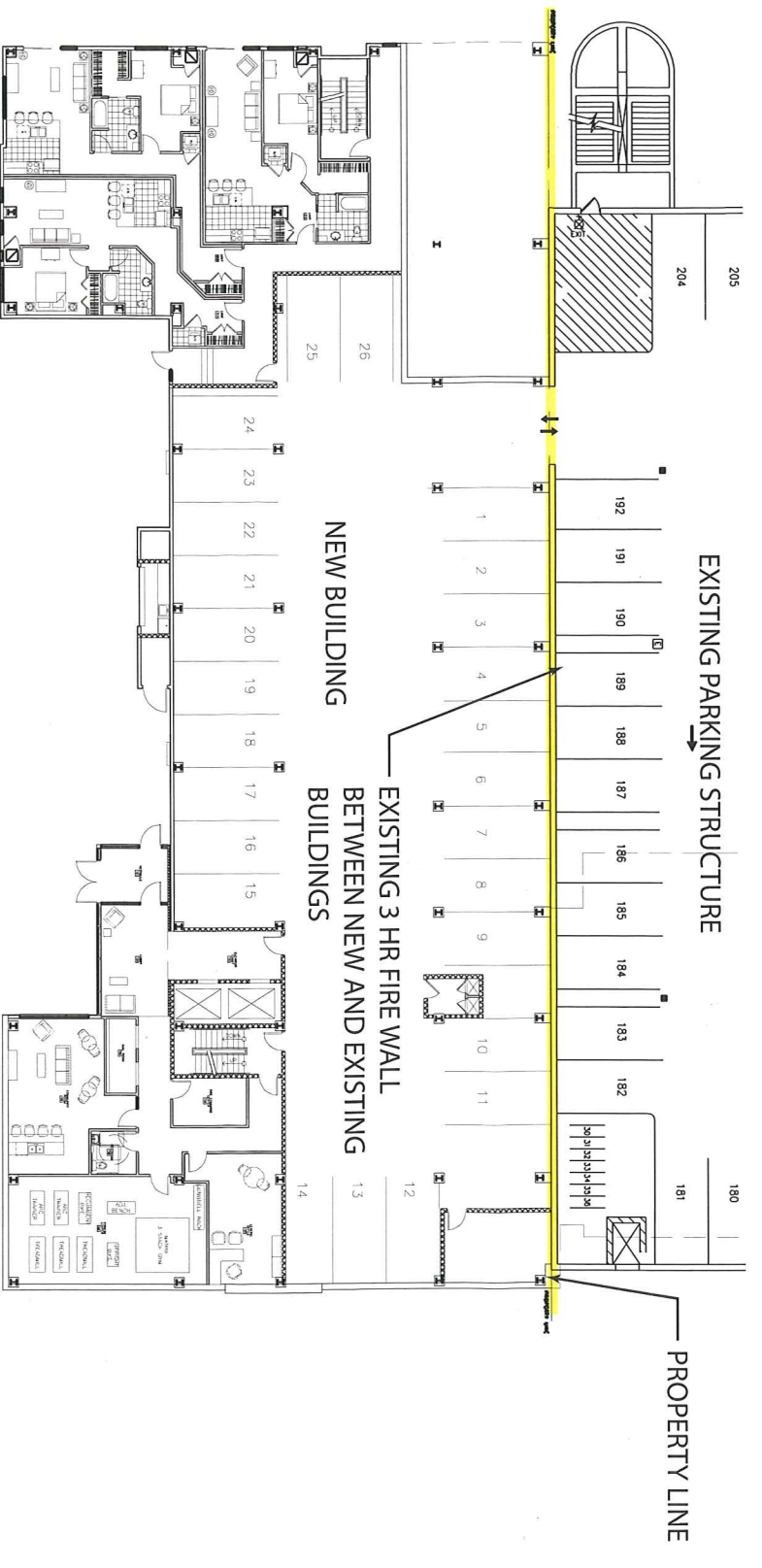
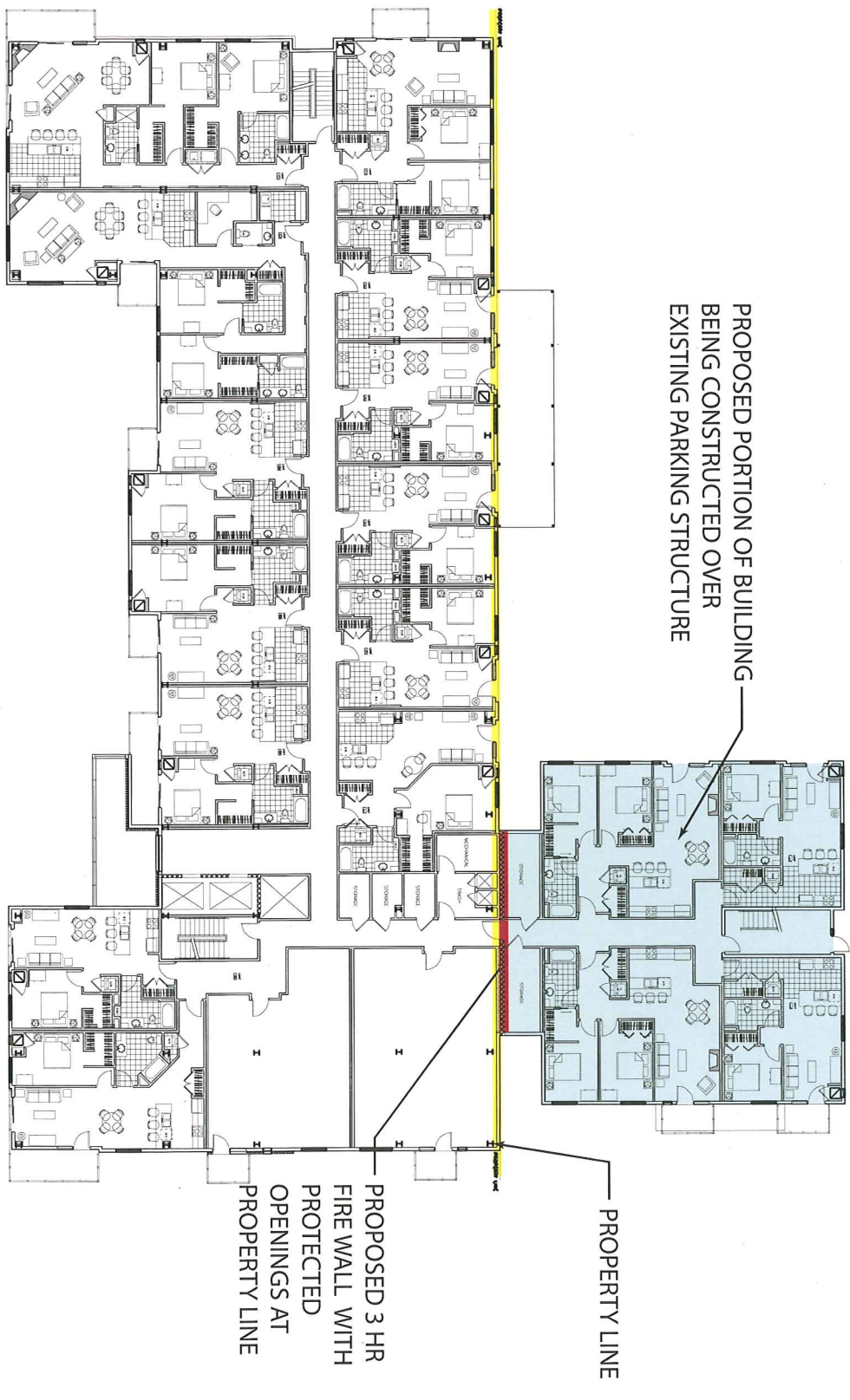
WEST WASHINGTON

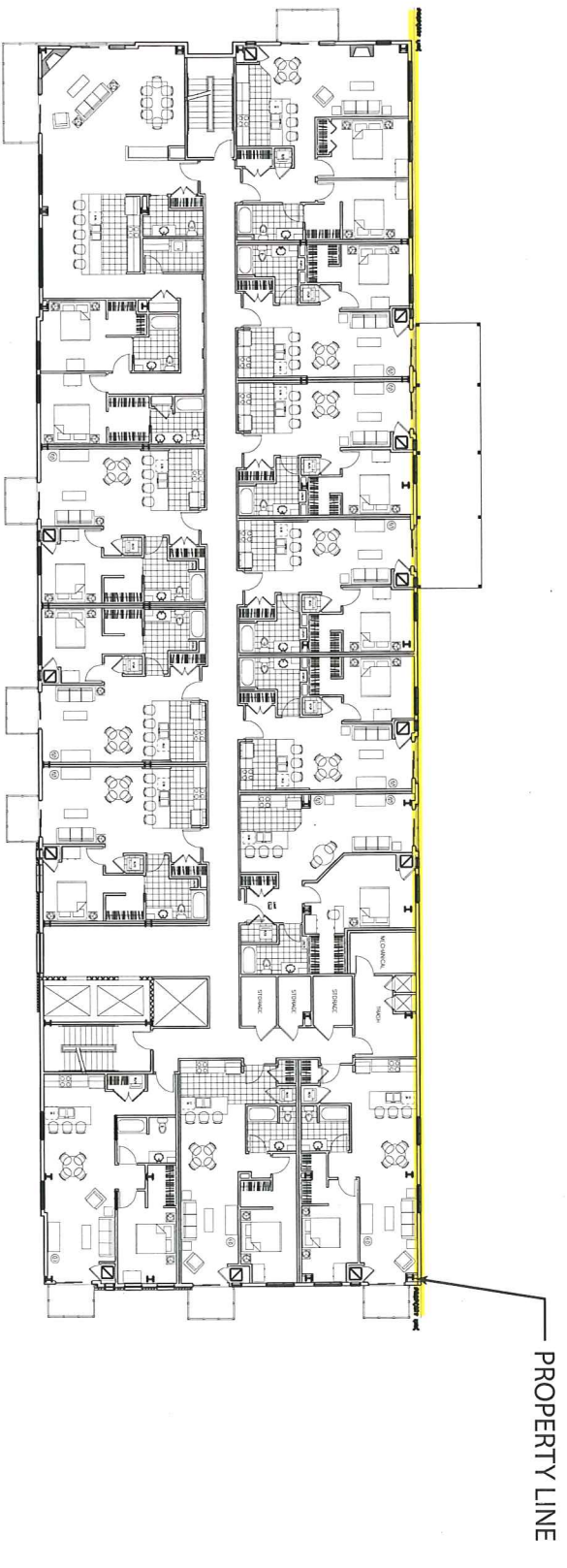


WEST MAIN STREET

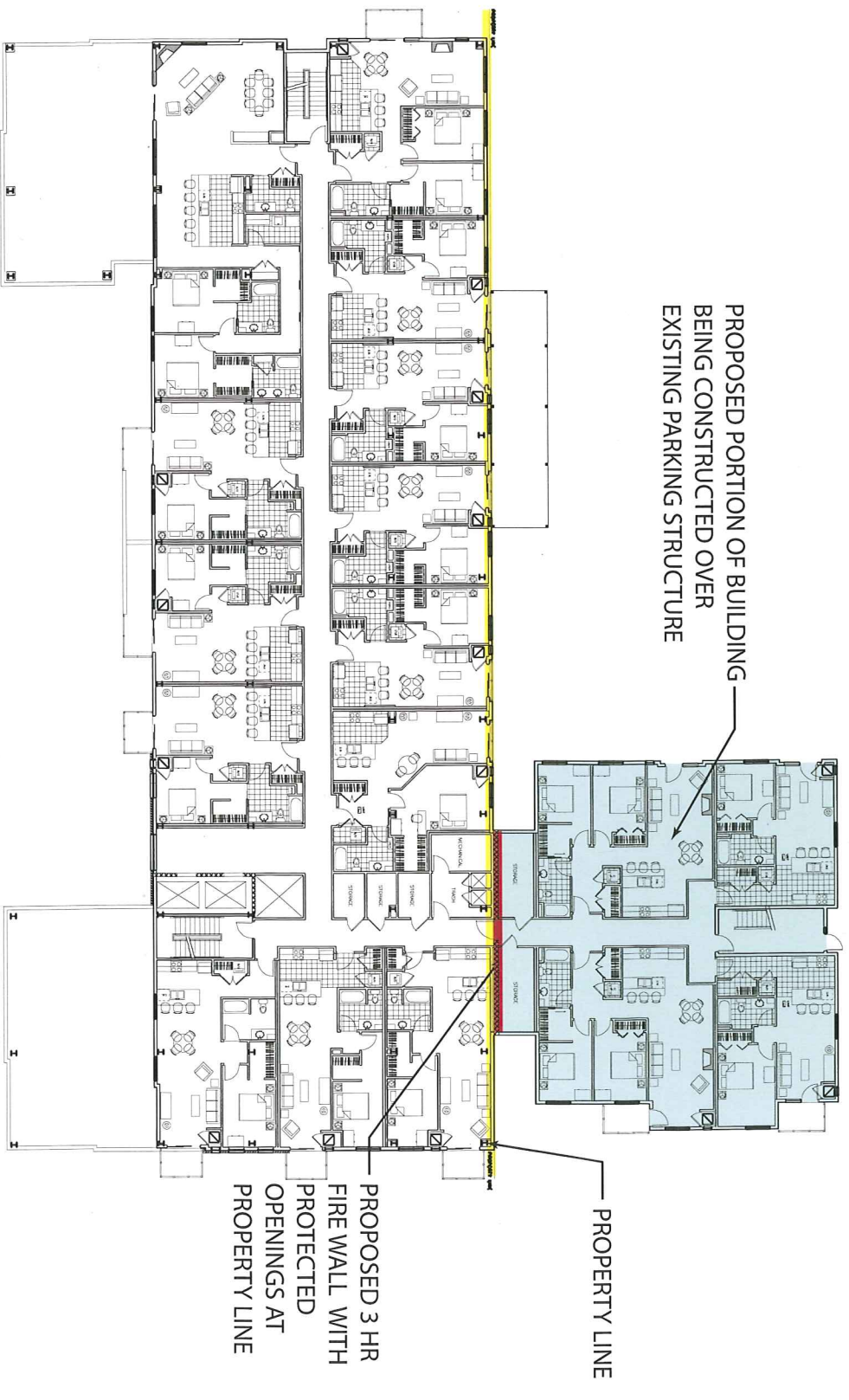


306 WEST MAIN VARIANCE (IBC 2009 706.1.1 PARTY WALL)





NINTH - ELEVENTH FLOOR PLANS



SIXTH - EIGHTH FLOOR PLANS

Name of Owner: Block 51 LLC c/o Alexander Company	Building Location: 306 W Main Street	Contact: Jeremy Frommelt Iconica
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IBC 706.1 Party Walls

Fire Department Position Statement

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

Approval Conditional Approval Denial No Comment


Madison Fire Department opposes this variance. The petition for variance process is intended to be a means to address conditions where it is not possible to comply with the code in its entirety or an alternative design approach meets the intent of the required code section. The concept of requiring a Party Wall to be built at property lines has been instituted in the State of WI for a number of years; IND 51.01(151) Wall (Party) Register June 1972 is the earliest record I found defining a Party Wall to separate buildings at property lines. The concept of requiring a Party Wall is not limited to the State of WI. The International Building Code is the adopted building code now in effect in Wisconsin and the majority of the United States. This standard is written with input from national experts. The notation that the petitioner was unaware of the code requirement prohibiting openings should not be a reason to deviate from the building code.

This project is proposing not only to build over the property line but also to allow a high-rise building to be built over the top of a portion of another high-rise building. The building code does not allow horizontal assemblies to create separate buildings. (Exception for applying classes of construction and height & area limitations does exist). This project is not a simple encroachment on an adjacent property, other variances and provisions not yet addressed will be forth coming.

Firefighter response will be confusing as to which fire command center to report to, which fire protection systems serve which buildings. Vertical fire and smoke spread from the existing building up through the proposed building is a concern via penetrations and joints of the proposed horizontal assembly.

This project could comply with the building code by not including the portion of the building over the property line, or pull that piece of the building away from the property line and make it an addition to the existing building.

The design team has married themselves to a concept and sold it without performing any basic code analysis and now are asking permission to ignore the building code to limit the financial impact to the project.

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 9-7-12