

VARIANCE FEES

MGO \$50.00

COMM \$490.00

Priority - Double above

PETITION FOR VARIANCE APPLICATION

City of Madison
Building Inspection
Division

126 S. Hamilton St.
Madison, WI 53703
(608) 266-4568

Amount Paid

Name of Owner Gus Paras	Project Description	Agent, architect, or engineering firm KONTEXT architects llc
Company (if applies) 202 State Street LLC		No. & Street 242 E Main St suite 201
No. & Street 2605 Middleton Beach Rd	Tenant name (if any)	City, State, Zip Code Sun Prairie, WI 53590
City, State, Zip Code Middleton, WI 53562	Building Address	Phone 608-825-0094 x33
Phone 608-444-0804	202-204-206 S ^t ate Street	Name of Contact Person Amy Hasselman
e-mail GusandMary@aol.com		e-mail amy@kontextarchitects.com

1. The rule being petitioned reads as follows: (Cite the specific rule number and language. Also, indicate the nonconforming conditions for your project.)
1028.1 The exit discharge shall not reenter a building. The rear exits from 202-204-206 State Street pass under the parking ramp.

2. The rule being petitioned cannot be entirely satisfied because:
All conditions are existing and there is nowhere else for the exits to go.

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:
Existing sprinkler system to be extended into west 204-206 State portions of building. 202 State side is already fully sprinklered. First floor west side restaurant tenant sprinkler system to be phased, installed by 2023 or at tenant turnover, whichever comes first. 202 State side of building is of protected noncombustible construction; 204-206 State is of protected mixed non-combustible and combustible construction - only existing floor joists are combustible. All proposed and future construction interior & exterior noncombustible per Capitol Fire District.

Note: Please attach any pictures, plans, or required position statements.

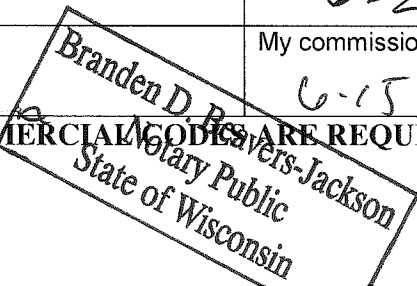
VERIFICATION BY OWNER – PETITION IS VALID ONLY IF NOTARIZED AND ACCOMPANIED BY A REVIEW FEE AND ANY REQUIRED POSITION STATEMENTS.

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.

Iphigenia Parasteroulakas, 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: <u>6-20-18</u>
Notary public <u>Branden B Beaverus - Jackson</u>	My commission expires: <u>6-15-2022</u>

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



Sun Prairie - Madison Office
242 East Main Street, Suite #201
Sun Prairie, WI 53590

V: 608.825.0094
V: 608.251.7515
F: 866.926.9351



Wausau Office
4404 Rib Mountain Drive #244
Wausau, WI 54401

V: 715.803.2736
F: 866.926.9351

26 June 2018

City of Madison

Building Inspection Division

126 S Hamilton St

Madison, WI 53703

Attn: Building Code, Fire Code, Conveyance Code and Licensing Board of Appeals

RE: PETITION FOR VARIANCE REQUEST, 202-204-206 STATE STREET

On May 16, 2006 this board granted a variance for this property to Comm 62.1006.1 (now SPS 362.1028.1) Exits shall discharge directly to the exterior of the building. The exit discharge shall be at grade or shall provide a direct path of egress travel to grade. *The exit discharge shall not reenter a building.*

The purpose of the variance was to allow the addition of a fourth floor to the building(s) on the property, and continue use of the rear exits which discharge under the adjacent City parking ramp for additional persons from the added floor. The conditions of the variance were that new construction be of protected noncombustible construction, and the building(s) be fully sprinklered. I say building(s), because 202 State has been separated by a fire wall from 204-206 State despite having been on the same parcel and connected since the mid-1960s. The intent at the time of the variance was to add the 4th floor to 202 State immediately, then tear down the 204-206 State building within five years and reconstruct it 4 stories high, type IIA construction matching 202 State, with matching floor heights and a full sprinkler system and eliminating the fire wall. The addition and sprinkler system was constructed at 202 State, but the intended project at 204-206 State has not happened, and is unlikely to happen anytime soon. It has become burdensome to the tenants of the building, however, to be unable to expand across to the other side of the floor plate with the limitations on openings in a fire wall. We therefore wish to combine the two buildings into one.

The major barrier to combining the buildings into one is that subsequent work in 204-206 State has revealed that it is not of fully noncombustible construction as we originally thought. The floor joists hidden behind layers of riblath and plaster are wood, not steel, making it type IIIA construction despite everything else in the building being noncombustible. Therefore the fire wall is separating a type IIA building from a type IIIA building. However, for the uses in the building it makes no difference whether it is IIA or IIIA, the allowable heights and number of stories are the same and the floor area is well under the allowable for either type. The sticking point is the provision in the previous variance that requires the building to be noncombustible, otherwise we could downrate the construction type to IIIA for the entire building.

We therefore propose the following alteration to the variance:

- The construction type will be downrated to IIIA for the entire combined building, however the Capitol Fire District requirements of fire resistive construction will apply to interior alterations on this property. *This maintains the noncombustible construction of 202 State and ensures that downrating the construction type does not make the building more combustible.*
- The sprinkler system currently in place throughout 202 State will be extended into 204-206 State. We request a timeline of 5 years or at tenant turnover for one first floor tenant space, the rest of the building will be done this year. No unprotected openings will be made into the unprotected space until the sprinkler system is in place. *This maintains the original intent of sprinklering the full property, without the trigger of reconstructing 204-206 State.*
- *The occupant load originally anticipated for the property is reduced, because there is no 4th floor addition to 204-206 State.*

We hope that you will agree that this alteration to the variance provides an equivalent level of protection and hazard to the original variance, and grant the alteration.

If you have any questions or concerns, please do not hesitate to call.

Sincerely,

Amy S Hasselman, AIA, NCARB
Architect

Attachments: 12 May 2006 Petition for Variance letter
16 May 2006 Building Code, Fire Code and Licensing Appeals Board Meeting Minutes



City of Madison Meeting Minutes - Final

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

BUILDING CODE, FIRE CODE AND LICENSING APPEALS BOARD

Tuesday, May 16, 2006

12:15 PM

215 Martin Luther King, Jr. Blvd.
Room LL-110 (Madison Municipal Building)

CALL TO ORDER

The meeting was called to order at 12:15 p.m. by Chair Murray.

ROLL CALL

Present: James I. Statz, Robert S. Szumski, Lyle G. Christian, Paul A. Lippitt, Randall V. Baldwin, Daniel L. Murray and James I. Glueck

Absent: Colin L. Godding and Paul E. Karow

Also Present: Ruckriegel, VanErem

APPROVAL OF MINUTES

Baldwin moved approval of the April 18, 2006 minutes, second by Glueck. Motion carried unanimously.

NEW BUSINESS ITEMS

1. 1402 Wingra Creek Parkway - C-05-28-2006 Tom Maglio of the City of Madison Parks Division appealing Comm 62.2902(3). The rule requires that toilet facilities shall not exceed a distance of 500 feet from the workspace. For a period of 18 months during a construction project, the nearest toilet facilities will be 1200 feet away at the new pool building for 15 employees. A vehicle will be available for anyone who doesn't want to walk. It would cost an additional \$40,000 to provide toilet facilities for a temporary period. In 18 months the toilet facilities will be available in the new building. Szumski moved, Glueck seconded and motion carried unanimously to allow alternative toilet facilities for 18 months.

2. 202 State Street - C-05-29-2006 Arlan Kay of Architecture Network appealing Comm 62.1006.1. The rule requires that exits shall discharge directly to the exterior of the building. The exiting will be into a parking structure that leads directly to a public way. The City has obtained an easement and agreed to provide a public means of ingress and egress. Currently a floor level is being added and in the future there will be additional floor levels added at 204-206 State Street. The exit, however, is through the parking structure. Upon motion by Lippitt, second by Christian, the motion carried 6-1 with Szumski voting no. It was agreed that the variance also apply to 204-206 State Street in the future which has the same condition.

ADJOURNMENT

Meeting adjourned at 12:45 upon motion by Statz, second by Glueck.

1 May 2006
12 May 2006 Revised

City of Madison
Planning & Development
Inspection Unit
Building Board of Appeals

RE PETITION FOR VARIANCE REQUEST, 202, 204 & 206 STATE STREET

The proposed work at the above address includes the addition of a fourth floor to 202 State Street. The 204 & 206 State Street portion of the building will be demolished on or before 2011 and a new four story building, plus basement will be built. The new facades of the building will incorporate the salvaged Indiana Limestone from the old MG&E office building that was demolished to make way for the Overture Center. The City of Madison Plan Commission and the Urban Design Commission have approved this work.

The purpose of the Petition for Variance is to continue usage of the existing second exit route for the new additions. There appears to be no dispute over the continued use of the exit path under question for the existing buildings and their occupants.

1) Rule being petition reads as follows:

Comm 62.1006.1 Exits shall discharge directly to the exterior of the building. The exit discharge shall be at grade or shall provide access to grade. Exit discharge shall not re-enter a building.

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

Rear stair of existing building discharges into ingress and egress easement through the Dayton Street parking ramp.

3) The following alternatives and supporting information are proposed as a means of providing an equivalent degree of health, safety or welfare as addressed by the rule:

- A strip of land that is 12.3 foot wide is East of the existing sidewall of the building located at 202, 204 & 206 State Street. The City of Madison has obtained an easement in 1964 and again in 1995 allowed the City of Madison Parking Utility to build the Dayton Street parking ramp over that strip of land. Among the terms of the easement, the City of Madison agreed to maintain a clear

and unobstructed pathway along the easement as a “**public means of ingress and egress**”, and for other specified uses for the above building.

- The public means of ingress and egress mentioned above also currently provides the following State Street businesses with a second means of egress;
 - 208 State Street, Espresso Royale Caffè
 - 210 State Street, second floor apartments
 - 212 State Street, Paul’s Club
 - 214 State Street, Little Luxuries
 - 216 State Street, Orpheum Theatre
- The Dayton Street parking ramp is an open structure. According to the International Building Code Commentary at 1005.2.1.1, a vehicle ramp may be considered as one of the required exits if pedestrian walkways are provided along the ramp. Parking structures are characterized by open floor areas which allow the occupants to observe a fire condition and choose a travel path that would avoid the fire threat.
- The Commentary also discusses the safety of open exit stairs in open ramps, 1005.3.2, exception 5, when talking about not requiring enclosed and rated stairways, “because of the ease of accessibility by fire services, the natural ventilation of such structures, the low level of fire hazard, the small number of people using the structure at any one time and the excellent fire record of such structures.”
- The pedestrian walkway is open and unobstructed from Dayton Street to East Johnson Street providing at least direction of egress once a person is outside the building.
- The existing buildings are of protected noncombustible construction and the additions will also be of protected noncombustible construction.
- Sprinkler system is being installed with this construction on the basement, second, third and fourth floor of 202 State St. The first floor will have the sprinkler system installed with the planned remodeling of the bank lobby and offices, within five (5) years.
- The proposed new construction, on or before 2011, at 204-206 State Street will have floor levels that match the existing and proposed floor levels, making the whole building completely handicapped accessible. The building will have a complete sprinkler system when built.

Therefore, we respectfully request a variance to allow the continued use of the existing path of egress through the Dayton Street parking ramp for the proposed building additions.

If you have any questions, please do not hesitate to call.

Arlan Kay, AIA
Architect

K0522.1



Consultant:

202 STATE STREET LLC
2605 MIDDLETON BEACH RD
MIDDLETON, WI 53562

202-204-206 STATE STREET
MADISON, WI 53703

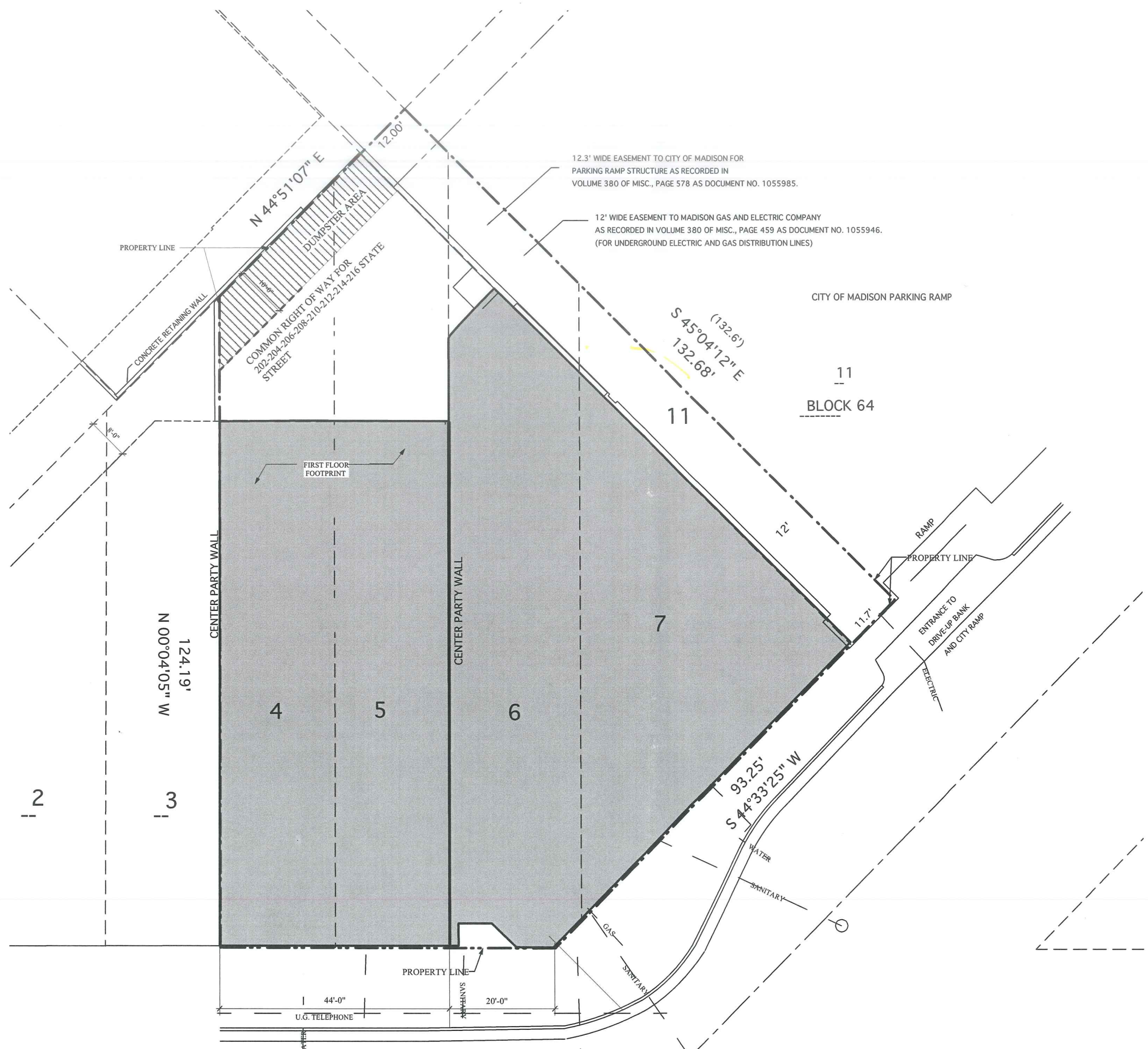
202-204-206 STATE STREET
VARIANCE

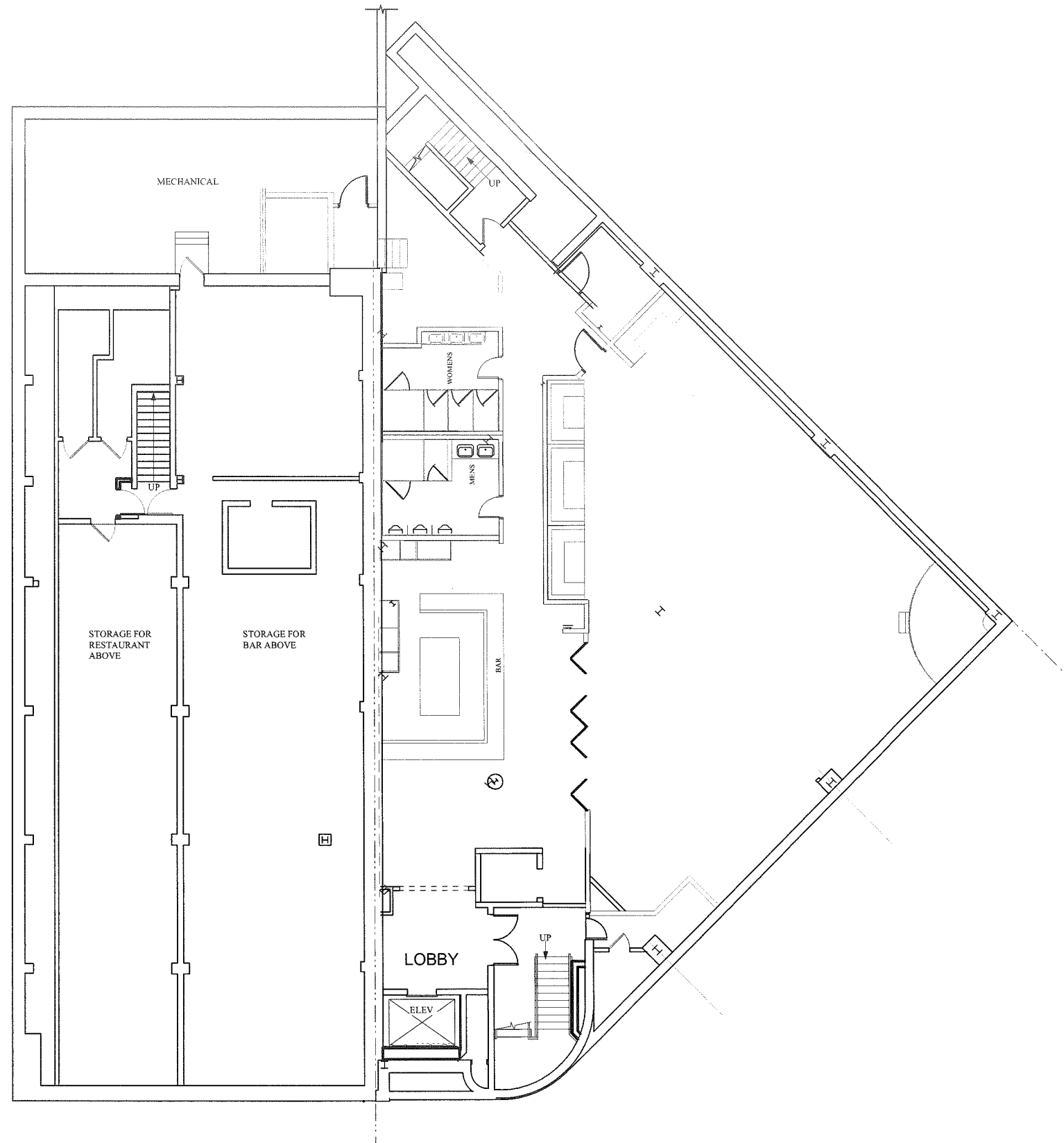
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Revisions:

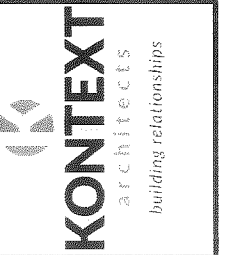
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Graphic Scale	
Project Number	1813
Set Type	PD
Date Issued	06/26/2018
Sheet Number	SP100





1 BASEMENT FLOOR PLAN
 A100 Scale: 1/16" = 1'-0"



Consultant:

202 STATE STREET LLC
 2605 MIDDLETON BEACH RD
 MIDDLETON, WI 53562

202-204-206 STATE STREET
 MADISON, WI 53703

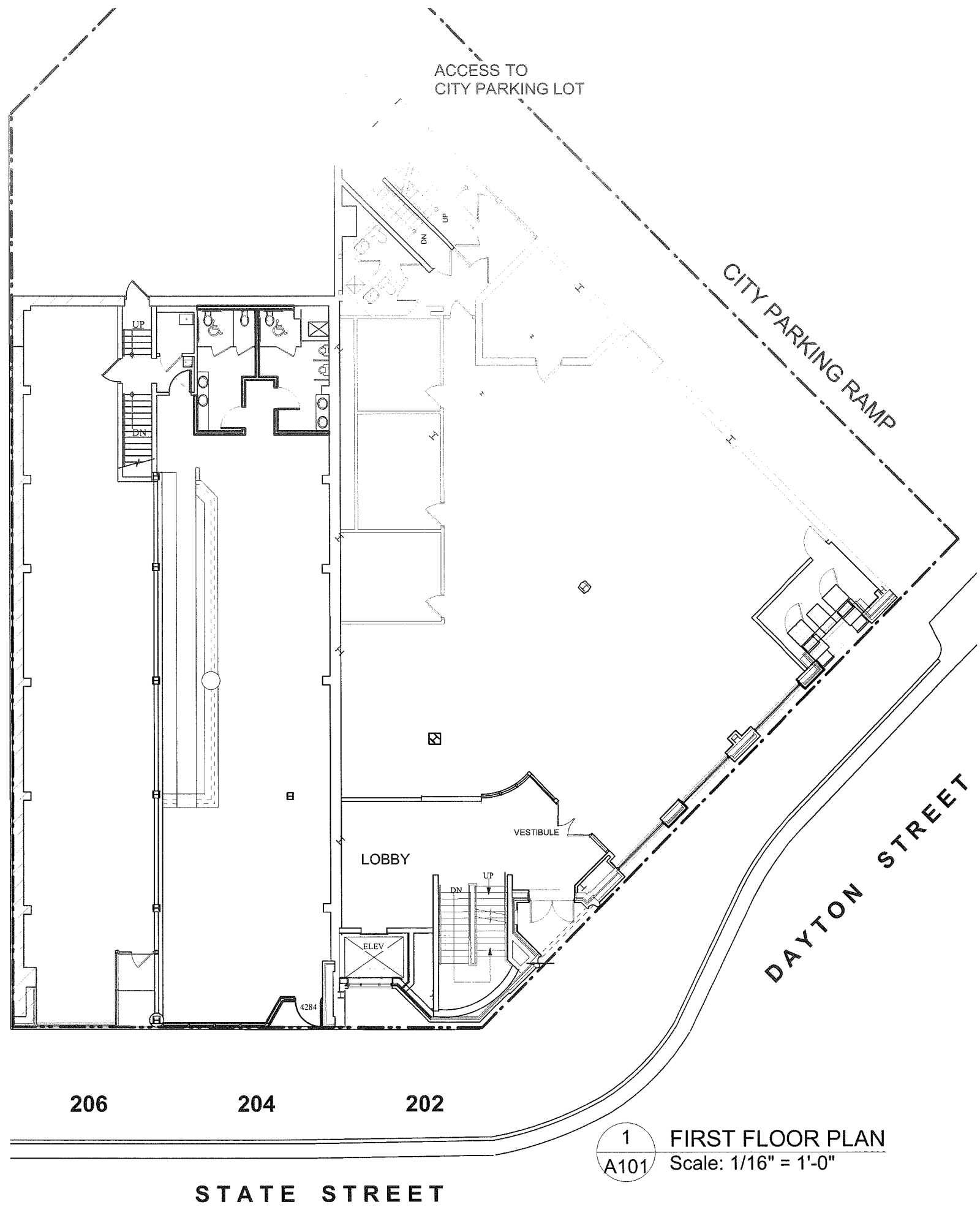
202-204-206 STATE STREET
 VARIANCE

Sheet Title:
 BASEMENT FLOOR PLAN

Revisions:

No.	Date:	Description:

Graphic Scale	
Project Number	1813
Set Type	PD
Date Issued	06/26/2018
Sheet Number	A100



1 FIRST FLOOR PLAN
 A101 Scale: 1/16" = 1'-0"



Consultant:

202 STATE STREET LLC
 2605 MIDDLETON BEACH RD
 MIDDLETON, WI 53562

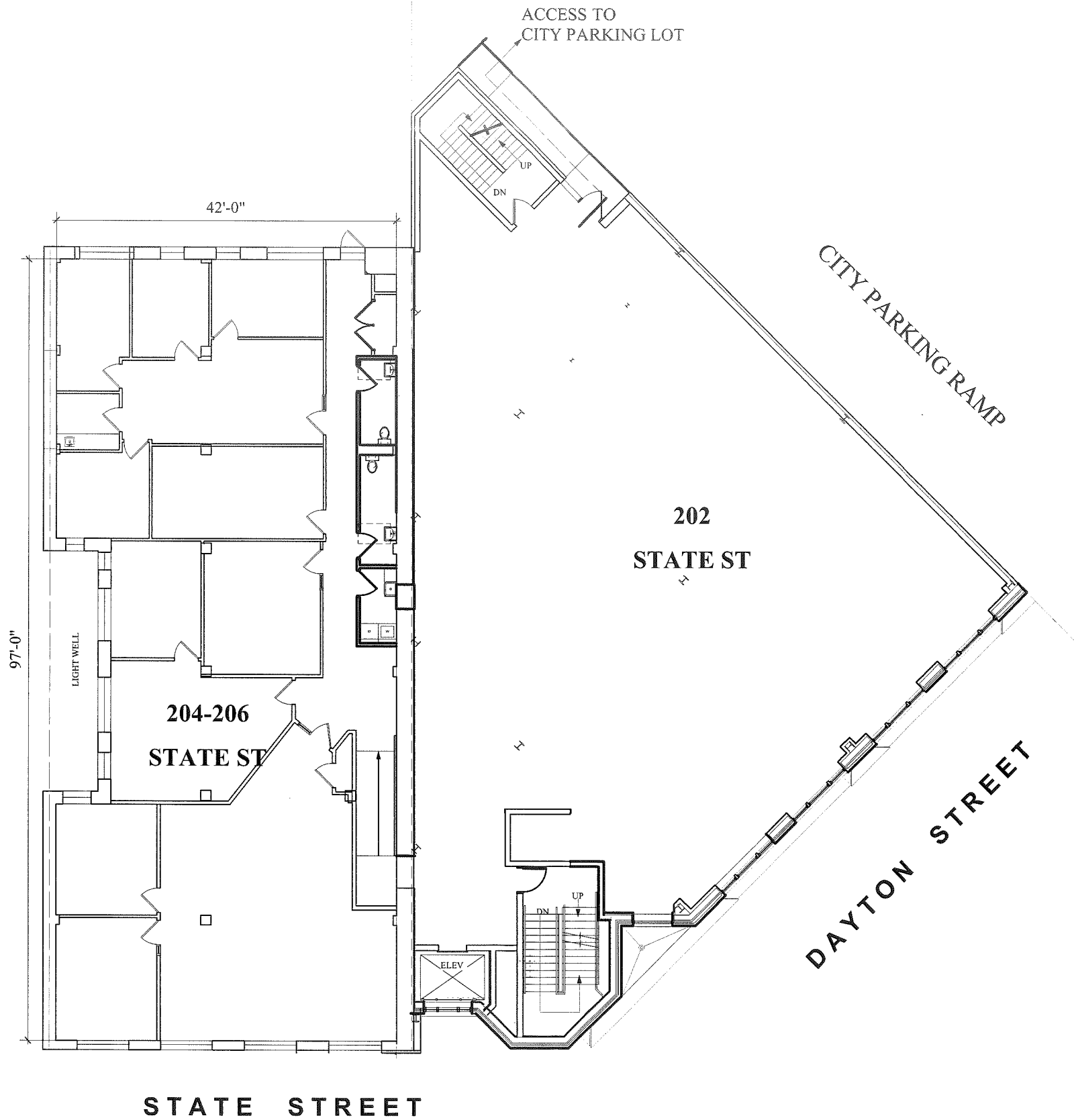
202-204-206 STATE STREET
 MADISON, WI 53703

202-204-206 STATE STREET
 VARIANCE

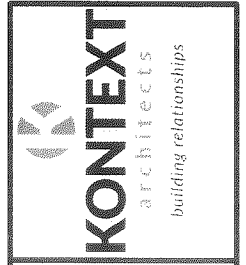
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No.	Date:	Description:

Graphic Scale	
Project Number	1813
Set Type	PD
Date Issued	06/26/2018
Sheet Number	A101



1 SECOND FLOOR PLAN
 A102 Scale: 1/16" = 1'-0"



Consultant:

202 STATE STREET LLC
 2605 MIDDLETON BEACH RD
 MIDDLETON, WI 53562

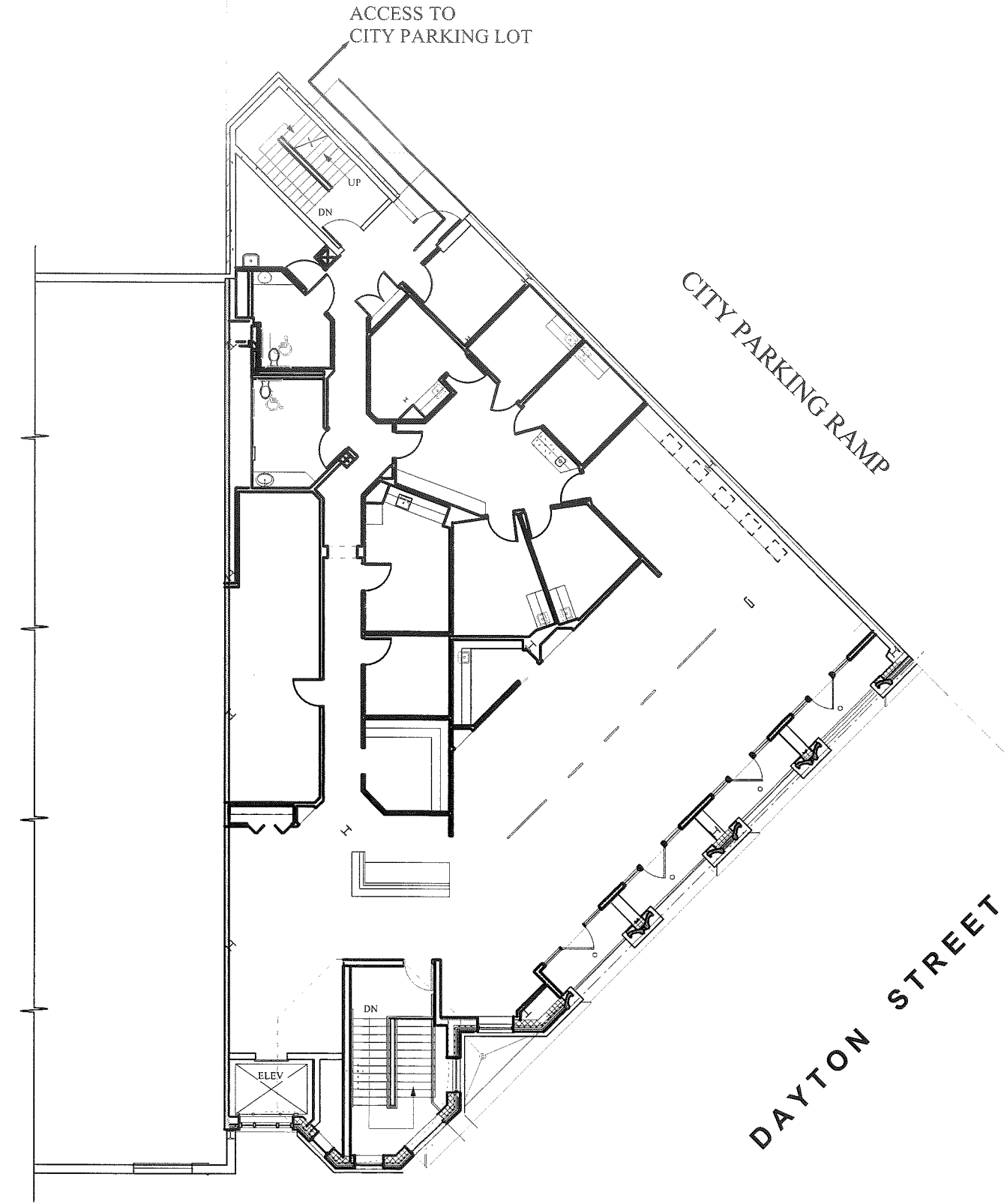
202-204-206 STATE STREET
 MADISON, WI 53703

202-204-206 STATE STREET
 VARIANCE

Sheet Title:
 SECOND FLOOR PLAN

Revisions:		
No.	Date	Description

Graphic Scale	
Project Number	1813
Set Type	PD
Date Issued	06/26/2018
Sheet Number	A102



STATE STREET

1 FOURTH FLOOR PLAN
 A104 Scale: 1/16" = 1'-0"



Consultant:

202 STATE STREET LLC
 2605 MIDDLETON BEACH RD
 MIDDLETON, WI 53562

202-204-206 STATE STREET
 MADISON, WI 53703

202-204-206 STATE STREET
 VARIANCE

Sheet Title:
 FOURTH FLOOR PLAN

Revisions:		
No.	Date	Description

Graphic Scale	
Project Number	1813
Set Type	PD
Date issued	06/26/2018
Sheet Number	A104