

**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~~ 4-1-14 *MT*

Name of Owner <b>RICHARD GEHRKE</b>	Project Description <b>WOOD PERGOLA ALONG PROPERTY LINE</b>	Agent, architect, or engineering firm <b>MARK SCHMIDT ARCHITECT</b>
Company (if applies)		No. & Street <b>PO BOX 762</b>
No. & Street <b>7917 NW POTOMAC</b>	Tenant name (if any)	City, State, Zip Code <b>WATOMA WI 54982</b>
City, State, Zip Code <b>WEATHERBY LAKE, MO 64152</b>	Building Address <b>2040 WINNEBAGO</b>	Phone <b>800-236-0140</b>
Phone <b>608-206-6289</b>		Name of Contact Person <b>MARK SCHMIDT</b>
e-mail		e-mail <b>design@ksarch.net</b>

1. The rule being petitioned reads as follows: (Cite the specific rule number and language. Also, indicate the nonconforming conditions for your project.)  
PERGOLAS WERE BUILT AS FENCE, NOW DEEMED AS PART OF BUILDING,

SEE ATTACHED

2. The rule being petitioned cannot be entirely satisfied because:  
LESS THAN 10 FT FROM PROPERTY LINE

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:  
NONE

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

**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.

RICHARD A. GEHRKE, 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>[Signature]</i>	Subscribed and sworn to before me this date: <b>3/27/14</b>
Notary public <i>[Signature]</i>	My commission expires: <b>8/15/2017</b>

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



Question 1.

IBC 705.2 Cornices, eave overhangs, exterior balconies and other similar projections extending beyond the exterior wall shall conform to the requirements of this section. Projections shall not extend beyond the distance determined by the methods of this section whichever results in the least projection. Per method 1 the minimum setback is 1'-8". Per method 2 the minimum setback is 5 feet. Per method 3 the minimum setback is 4 feet. Therefore, the minimum setback is 5 feet from the property line. The pergolas for this project extend to the property line.

## City of Madison Fire Department Position Statement

Owner: Rich Gehrke	Project Name:	Contact: Mark Schmidt Mark Schmidt Architect
Address: 7917 NW Potomac Weatherby Lake, MO 64152	Building Location: 2040 Winnebago Street Madison, WI	Address: PO Box 762 Wautoma, WI 54982
Owner Phone: 608-206-6288 Email:	Building Occupancy or Use: B-Business & R-2 Residential	Phone: 800-236-0140 Email: design@ksarch.net

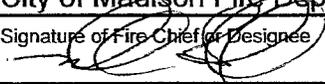
**Rule Being Petitioned: IBC 602**

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

Approval       **Conditional Approval**       Denial       No Comment

Due to the fact that this is not a significant structure in so far as that it can readily be removed in the future, MFD conditionally approves that the pergolas within 10-ft of the property line may remain provided the following conditions are met:

- The pergolas be removed if any structures are erected on the adjacent property within 5-ft of the property line.
- The pergolas shall be constructed of dimensional lumber.
- The pergolas shall not have a roof.

Name of Fire Chief or Designee (type or print) <b>Bill Sullivan, Fire Protection Engineer</b>	
City of Madison Fire Department	Telephone Number <b>608-261-9658</b>
Signature of Fire Chief or Designee 	Date Signed <b>April 1, 2014</b>

March 27, 2014

S05002

City of Madison Building Department  
Madison, WI 53703



Re; **Building Code Variance Requests for;**  
**2040 Winnebago St**

Harry Sulzer,

Per our conversation a few weeks ago, enclosed is an application form, fee payment, fire department position statement, and drawings for a building code variance request for 2040 Winnebago St

Several years ago, treated wood pergolas were constructed as sun-screens over sidewalks alongside the existing buildings. At the time of construction, the owner understood there were no permits required for fences, and these pergolas were constructed assuming they were part of the fence. The building department has classified the pergolas as part of the building construction. Combustible materials are not allowed within 10 feet of the property line. We do not think these pergolas, which are adjacent to a brick wall are a fire hazard to buildings on either side of the property line, and therefore we are requesting approval of the existing pergolas as constructed, and approval for a similar pergola over the new rear courtyard. Note that the drawings show some pergolas that are more than 10 feet from the property boundary. Those do not require a variance, but will need a building permit..

We look forward to hearing your comments.

IBC TABUB 602

Thank you,

A handwritten signature in black ink, appearing to read 'Mark Schmidt', with a long horizontal flourish extending to the right.

Mark Schmidt Architect  
Richard Gehrke Owner

March 27, 2014

S05002

Madison Fire Department  
Madison, WI 53703



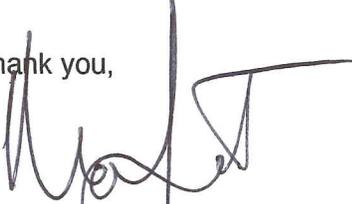
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Mark Schmidt Architect  
Richard Gehrke Owner